

MEDINA POLICE DEPARTMENT GENERAL ORDER

ORDER NO: 2017-028

SUBJECT: Drug Recognition Expert (DRE)

EFFECTIVE DATE: 11, October, 2017

RESCINDS ORDER NO:

DISTRIBUTION: All Department Personnel

PURPOSE: The purpose of this policy is to define the procedures of the Medina Police Department relative to the utilization of a Drug Recognition Expert or DRE in gathering evidence as necessary to substantiate charges of impairment by drugs in DWAI/drug cases.

I. POLICY

- A. Only officers who have completed the required training mandated by the National Highway Traffic Safety Administration (NHTSA) and the International Association of Chiefs of Police (IACP) with certification may perform DRE evaluations.

II. DRE FUNCTIONS

- A. DRE's are required to keep issued DRE kits available and in good working condition at all times.
- B. DRE's are trained to articulate impairment and the category of drug(s) causing the impairment through the use of a standardized and systematic twelve (12) step evaluation.
- C. Based upon these evaluations and other articulated evidence that may emerge during contact with the individual, a DRE can reach reasonable accurate conclusions concerning the general kind or kinds of drugs or medical condition(s) causing the impairment observed in the individual.
- D. Based upon II sub. C with the DRE's informed conclusion he or she can request the collection and analysis of an appropriate chemical sample (urine and/or blood) to obtain corroborative, scientific evidence of the individual's drug use.

III. ARRESTING OFFICER FUNCTIONS

- A. Should contact a DRE when an individual's level of impairment is not consistent with a BAC, or when the individual has unexplained impairment, or when there is evidence of ingestion of drugs and they are impaired.
- B. A DRE will be contacted to assist in motor vehicle accidents investigations under the following circumstances: When the operator of the vehicle involved has been placed under arrest for DWI and physical evidence developed during the investigation does not substantiate alcohol intoxication as the exclusive cause of impairment; either the
 - 1. Accident resulted in a fatality; or
 - 2. Accident resulted in serious physical injury; or
 - 3. The Supervisor/Officer in Charge determines it is necessary to have the DRE assist.
- C. Will not arrest for DWAI drugs simply because the individual is in possession while driving or has admitted to ingesting drugs and is driving. Standardized Field Sobriety Tests should be administered if general indicators are present and must be documented.
- D. Will request a DRE if the individual's BAC reading is inconsistent with the person's level of impairment request a DRE.
- E. If only drug impairment is suspected obtain a blood and/or urine sample as soon as possible. Some drugs dissipate in the body rapidly.
- F. A suspect may be taken to the hospital to have a blood and/or urine sample taken if their BAC is greater than .12% and it is suspected they are under the influence of something else rather than alcohol.
- G. Are responsible for transportation to and from hospital for the purpose of blood/urine samples. If obtaining a urine sample a DRE may take said sample. Said sample would be turned over to the arresting officer and processed according to department policy on evidence.
- H. Shall provide the DRE with copies of all charges and ticket information regarding the arrest of the defendant.
- I. The DRE will receive copies of all chemical test results if that DRE administered the evaluation.
- J. If arresting officer requests a DRE they should ascertain the seriousness of the case and the possibility of criminal charges being aware that a timely response is critical, as the effects of some drugs dissipate rapidly.

- i. *****Note***** positive toxicology analysis is not always sufficient to correlate impairment observed to the specific drug found without the inclusion of a DRE evaluation. Depending on the drug ingested, there may be no impairment found in the evaluation done by the DRE. Observation and documentation of ANY impairment on the part of the arresting officer is important.
- ii. At the conclusion of the evaluation and testing – insure the DRE is given time to complete the evaluation report so it can be attached to the case file.

IV. CONTACTING A DRE FOR AN EVALUATION- FOLLOWING ORDER

- A. On duty Medina Police Officer certified DRE
- B. On duty certified DRE within Orleans County
- C. Off duty Medina Police Officer certified DRE
- D. Outside Orleans County agency certified DRE

By Order Of:

Chad Kenward
Chief of Police