

# La Plata Police Department – General Order

	Title: <b>Drug Recognition Experts</b>		Order #: <b>717</b>	
	Effective Date: June 30, 2015	Review Date:		
	Original Issue:		<input checked="" type="radio"/> New <input type="radio"/> Amends <input type="radio"/> Rescinds	
Approved by: <b>Chief Carl Schinner</b>			CALEA 5 <sup>th</sup> Edition	
CALEA Standard: 61.1.10, 61.1.11, 61.2.1.d			Pages: 3	

**01 POLICY:** The La Plata Police Department (LPPD) shall utilize certified Drug Recognition Experts when the level of impairment of an arrestee for Driving under the Influence (DUI) appears inconsistent with the Breath Alcohol Concentration (CALEA 61.1.10)

**02 CRITERIA:** In order for a Drug Recognition Expert (DRE) to be utilized, the following conditions **MUST** be met:

- A. The subject agrees to a certified breath test; and,
- B. The subject’s level of impairment appears inconsistent with his Blood Alcohol Concentration (BAC); and
- C. The subject’s BAC is found to be below .07 (the on-duty shift supervisor may waive this limit with extenuating circumstances) or, the circumstances of the arrest indicate the possible use of a controlled dangerous substance. Under no circumstances will an evaluation be conducted for a subject with a BAC of .08 or above.

**03 RESPONSIBILITIES:**

**A. Officer Responsibilities:** (CALEA 61.1.11 & 61.2.1.d)

- 1. When an officer arrests a subject for DUI and his level of impairment appears inconsistent with his BAC, a Drug Recognition Expert evaluation may be requested. This request must be made through the area supervisor.
- 2. The arresting officer will advise the subject of his DR-15 (alcohol breathalyzer) rights. If the subject refuses to submit to a breath test, then no DRE evaluation will be conducted.
- 3. The arresting officer will assist the DRE throughout the course of the entire process. The arresting officer will assist with prisoner security and will have the subject handcuffed during the darkroom examination, if requested to do so by the DRE.
- 4. If a blood test is ordered and agreed to by the subject, the arresting officer will transport the subject to the hospital for the withdrawal of a blood sample. The DRE will handle the sample in accordance with the Medical Examiner’s procedures for blood samples.

# La Plata Police Department – General Order

## **B. Drug Recognition Expert Responsibilities:** (CALEA 61.1.11 & 61.2.1.d)

1. All evaluations will be conducted by a certified Drug Recognition Expert, or one in training, under the direct supervision of a certified DRE instructor. All Drug Recognition Experts will be certified by the Chief of Police, in accordance with Maryland State Law (TA §16-205.1).
2. The DRE will conduct the evaluation in accordance with the National Highway Traffic Safety Administration (NHTSA) guidelines for conducting DRE evaluations.
3. If, at any time during the evaluation, the DRE observes a medical condition that requires immediate medical treatment, he will:
  - a. Summon emergency medical personnel; and,
  - b. Notify the area supervisor, and
  - c. Document the incident and forward a report to the Office of the Chief of Police,
  - d. Ensure that the arresting officer accompanies the subject to a medical facility.
4. The DRE will enter the evaluation in his personal DRE log.
5. When requested to conduct an evaluation for an allied agency, the LPPD DRE will initiate an incident number for a police assist and document the incident. The evaluation will be entered in the DRE's personal log.
6. Upon completion of a Drug Influence Evaluation the DRE Shall:
  - a. Submit the original DRE Face Sheet and the State DRE Data Sheet to the DRE Coordinator by the end of shift.
  - b. If the DRE is off-duty and called out for a Drug Influence Examination, the DRE will submit the original DRE Face Sheet and the State DRE Data Sheet to the DRE Coordinator by the beginning of their next shift.
  - c. Submit original DRE narrative and any supporting paperwork (i.e. Miranda form, MVA DR-23 form, Statement forms, etc.) to the DRE Coordinator within ten (10) days from the date of when the Drug Influence Examination was administered.
  - d. If the subject invokes Miranda or refuses to complete a Drug Influence Examination, the DRE shall still complete a DRE Face Sheet and narrative detailing the reason for the refusal and document any signs of impairment the DRE observes. Then the DRE should forward the report as referenced above.

# La Plata Police Department – General Order

## **C. Area Supervisor Responsibilities:**

1. The area supervisor may request an on-call Drug Recognition Expert if:
  - a. There is no LPPD DRE on duty; and,
  - b. The requirements of Section 02 have been satisfied.
2. If an on-duty DRE cannot be located, the Communications will be notified to call out a DRE.

## **D. DRE Supervisor Responsibilities:** The DRE Supervisor, or his designee, will:

1. Coordinate all certification and recertification of the LPPD DREs in accordance with the guidelines established by the National Highway Traffic Safety Administration.
2. Act as a liaison between the LPPD and both the State Drug Recognition Expert Coordinator and the NHTSA.
3. Review all DRE reports.
4. Provide the Communications Division with a current list of the DRE's and the on-call DRE list.