



# BRAINTREE POLICE DEPARTMENT

## Policy and Procedure

### DRUG RECOGNITION EXPERT

2018-36

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Chief Paul Shastany

Certification Standards: **61.1.11**

Accreditation Standards:

Optional Accreditation Standards:

#### Policy

The Drug Evaluation Classification Program (DEC) is part of the Braintree Police Department's efforts to reduce drug-impaired driving. The objective of this program is to provide the department with certified Drug Recognition Experts (DRE's) capable of evaluating operators subsequent to arrest in order to substantiate charges of drug influence in OUI cases. Only sworn personnel of the department who have received approved National Highway Traffic Safety (NHTSA) DRE training and International Association of Chiefs of Police (IACP) certification and or re-certification may be considered a department DRE or DRE Instructor.

#### Definitions

**Drug Recognition Expert:** Officers who have successfully completed a NHTSA approved program and are certified by the International Association of Chiefs of Police (IACP) as Drug Recognition Experts.

**Drug:** Any substance which, when taken into the human body, can impair the ability of the person to operate a vehicle safely. This would include but is not limited to controlled substances categorized as;

- Central Nervous System Depressants
- Central Nervous System Stimulants
- Hallucinogens
- Dissociative Anesthetics

- Narcotic Analgesics
- Inhalants
- Cannabis

**DRE Response Considerations**

- DRE should be called in the event of an arrest for Operating Under the Influence (OUI) of Drugs.
- A DRE may be called in the event of a fatal (or near fatal) motor vehicle crash (including pedestrian accidents), whether or not impairment by any operator is readily apparent.
- A DRE may be called any other time their expertise is needed in determining impairment by an individual.
- If a DRE is requested by another agency it shall be at the discretion of the Shift Commander as to whether a BPD DRE will be contacted.
- Per IACP standards, any DRE Evaluation performed will include testing with a chemical breath test to determine inconsistencies between a person’s perceived sobriety and their Blood Alcohol Content. Any chemical breath test utilized must be department-issued and up to date with its certification.
- A DRE may be called out any other time his/her expertise could be of value to the department.

**Arrest Procedures 61.1.11**

The arresting officer, or other responding officers, shall transport the suspect who has been arrested for OUI or a related offense to the Braintree Police Department booking room.

In the booking area, officers shall attempt to obtain a breath sample from the subject to determine their BAC. If the BAC indicated by the approved breath testing device is below a 0.08% or the subject refuses the breath test, and/or officers reasonably believe the suspect to be intoxicated by a drug or drugs other than alcohol a DRE should be called.

**DRE Responsibilities And Reporting**

As part of the DRE evaluation, a preliminary examination of the subject will be performed to determine if the signs of the influence of drugs exist, which justifies a continued evaluation. This step in the evaluation can also indicate whether or not signs that are commonly associated with impairment may actually point to a medical condition that requires immediate medical attention. If such signs are seen in a suspect, the evaluating DRE shall request medical assistance immediately. If safe and warranted, the DRE will conduct the drug

evaluation and inform the Shift Commander and the suspect of the result. Whenever a **Drug Evaluation Classification (DEC) Report** is complete is should be added to the Incident Report. The evaluating DRE shall also forward a copy of the **DEC Report** to the regional DRE coordinator for records keeping purposes. Even if an evaluation is stopped due to uncontrollable circumstances, a **DEC Report** up to that point shall be completed along with the reasons for the interruption/cessation of the evaluation.

Urine Collection  
Specimen

When consent is given, the DRE will collect a urine sample using the following procedures;

- Use a sterilized specimen container.
- Adults will be escorted to a cell with a bathroom.
- The DRE will witness the suspect give the specimen.\*

Once the DRE has the sample in the container, they shall;

- Seal the container.
- Note on the container the suspect's name, the time, and the date.
- Place the container in a plastic evidence bag.
- Place copies of the **DEC Report**, the **Evidence Submission Form (ESF)**, and the incident report in the evidence bag with the sample.
- Produce an evidence number and tag to affix to the plastic evidence bag and container.
- Secure plastic evidence bag with container inside evidence refrigerator.
- Secure/Lock the evidence refrigerator.

**\*Note:** If the DRE is not of the same gender as the suspect, they shall request the assistance of another officer or matron who is of the same gender as the subject in order to obtain the specimen. Any needed guidance or instructions will be given by the DRE. The DRE should still be the one to seal the container and then document the chain of custody.

Blood Specimen  
Collection

When a defendant is at the hospital for treatment of injuries, a blood sample may be requested in lieu of a breath test. When consent is given, the DRE will collect a blood sample using the following procedures;

- Have the defendant sign the consent form.

-The "Guidelines for Drawing Blood in OUI and Drug Cases." published in the most recent Breath Test Operator Re-certification Manual by the Department of State Police-Office of Alcohol Testing shall be followed.

Once the DRE/ Arresting Officer (the officer collecting the samples at the hospital) has the sample tubes, they shall ensure;

- The suspect's name, the time, and date of collection are recorded.
- Place the container in a plastic evidence bag.
- Return to Braintree Police Department.
- Place copies of the **Drug Evaluation Classification Report (DEC)**, the **Evidence Submission Form (ESF)**, and the incident report in the evidence bag with the sample.
- Produce an evidence number and tag.
- Label the evidence bag and secure the sample in the bag inside of the evidence refrigerator.
- Secure/Lock the refrigerator.

Securing Firearms DREs will secure their firearms in a gun locker prior to conducting a Drug Influence Evaluation. No DRE will conduct an Evaluation alone. In the event that another DRE is not available to assist the evaluator, the DRE will request the presence of another police officer. In the case of the suspect not being the same gender as a DRE, the DRE will make an effort to have the other officer assisting with the Evaluation be the same gender as the suspect for urine sample collection. The DRE will also ensure that the backup officer does not have a firearm in his or her possession during the Evaluation.

Drug Recognition State's Expert Re-Certification DRE Officers are required to maintain their certification with the DRE coordinator and notify the training officer of any lapse in their certification. They should also notify the training officer of their dates of re-certification and provide documentation.

DRE Data When the **Drug Influence Evaluation Form** has been completed, the Reporting DRE will make a note in his or her rolling log and forward the Evaluation on to the state coordinator.



**Drug Evaluation Classification (DEC) Report**

Officer \_\_\_\_\_

DRE# \_\_\_\_\_

Braintree Police Department

Rolling Log # \_\_\_\_\_

Braintree Police Department Incident # \_\_\_\_\_

DRE Evaluation of (Suspect's Name) \_\_\_\_\_

1. Location
2. Witness
3. Breath Alcohol Test
4. Notification and Interview of Arresting Officer
5. Initial Observations of Suspect
6. Medical Problems and Treatment
7. Psychophysical Tests
8. Clinical Indicators
9. Signs of Ingestion
10. Suspect's Statements
11. DRE's Opinion
12. Toxicology
13. Miscellaneous

**DRUG INFLUENCE EVALUATION FORM:**



DRE Face Sheet  
2015.pdf

**EVIDENCE SUBMISSION FORM:**



Evidence Submission  
Form.pdf