

JACKSONVILLE POLICE DEPARTMENT

DRUG RECOGNITION EXPERT

Policy: 5-21

Effective: 03-15-12

Revised:01-13-21

PURPOSE: To establish guidelines to utilize the training and expertise of the Department's Drug Recognition Expert (DRE).

POLICY: The Jacksonville Police Department, in cooperation with the National Highway Traffic Safety Administration (NHTSA), the International Association of Chiefs of Police (IACP), and the Criminal Justice Institute (CJI) has established a Drug Evaluation and Classification Program. DRE trained officers possess exclusive training, knowledge, and expertise that are an asset to a DWI investigation that will promote traffic safety within the City through the successful arrest and prosecution of subjects found to be driving while intoxicated (DWI) by drug(s) other than alcohol or a combination of both. As such, a DRE officer should be requested to assist the arresting officer with processing the suspect whenever drugs, toxic vapors, or any combination is suspected and/or the level of impairment observed is not consistent with the breath test reading.

The program's objective is to provide officers with certified experts capable of gathering evidence necessary to substantiate charges of being under the influence of drugs in DWI cases. Only officers who have received approved NHTSA DRE training and IACP certification/recertification may be considered a Department Drug Recognition Expert.

DEFINITIONS:

- I. DRUG EVALUATION AND CLASSIFICATION (DEC) PROGRAM: The nationally recognized and regulated drug influence training program established by the IACP and the NHTSA.
- II. DRUG RECOGNITION EXPERT: An officer who has successfully completed a CJI approved course for certification as established by the IACP and the NHTSA.
- III. STANDARDIZED FIELD SOBRIETY TEST (SFST): The standardized field sobriety tests include three tests that were developed and validated through a series of controlled experiments supported by research grants from NHTSA. The three (3) tests include the Horizontal Gaze Nystagmus Test (HGN), The Walk and Turn (WAT), and the One (1) Leg Stand (OLS).
- IV. BLOOD/BREATH ALCOHOL CONCENTRATION (BAC): The concentration of alcohol in a person as measured by blood or breath.
- V. DRUG: NHTSA defines a drug as: Any substance that, when taken into the human body, can impair the ability of the person to operate a vehicle safely.
- VI. RULE OUT: A determination made by a DRE that an individual's impairment is other than drug related (i.e. medical).
- VII. DARK ROOM: A room that has very low light or no light that is used by the DRE to perform an eye examination on the arrested person that is part of the DRE's standardized and systematic evaluation.

PROCEDURES:

I. DRUG IMPAIRMENT

- A. When conducting DWI investigations, officers should be aware that impairment can be caused by drugs as well as alcohol. In addition to signs of alcohol ingestion, officers should look for other cues that the person may be under the influence of a substance other than alcohol.
- B. Cues that may be present:
 - 1. Odor of substance (i.e. burnt marijuana)
 - 2. Drug paraphernalia
 - 3. Being in possession of a substance
 - 4. Pill bottles

II. CALL OUT PROCEDURES

- A. The investigating officer will conduct a SFST battery and, if available, a preliminary -breath test (PBT).
- B. If the results of the SFST battery and the observed impairment are not consistent with the results of the PBT, and the results of the breath test are below .08, or any signs or cues of ingestion are visible, the investigating officer should make an arrest.
- C. The investigating officer will transport the arrested person to the Police Department, where the officer will advise the arrested person of their Miranda Rights and of the Arkansas Implied Consent Law by form.
- D. A breath test for evidentiary purposes using the BAC machine will be conducted at the Police Department. Provided a result of less than .08 BAC is obtained, and the officer believes that the impairment may be due to drug use, the arresting officer will contact the on duty Supervisor and request that a DRE officer respond. The arresting officer will not contact the DRE officer.
- E. If the arrested person refuses the breath test, the arresting officer should charge the suspect with Refusal of Chemical Test and DWI. No DRE response is needed when the suspect refuses the breath test.
- F. After the request is made by the arresting officer, the on-duty Supervisor will contact the DRE Officer and advise him of the request. The on-duty Supervisor should take into consideration the normal shift of the DRE, as well as any vacation or time off concerns.
- G. After notification from the on-duty Supervisor, provided no other time off considerations prevent the DRE from responding, the DRE Officer will respond in a timely manner.
- H. The same considerations and efforts shall be made for any other law enforcement agency that requests a DRE to assist in an investigation, so long as the request is made through the on-duty Supervisor.
- I. A DRE may be requested for any other purpose or investigation that may be considered necessary to establish whether drug influence is present, such as in a possession case where the DRE's opinion may help establish an affirmative link. The call-out of an off-duty DRE in such cases shall be at the discretion of the Supervisor on-duty.

III. EVALUATION PROCEDURES

Subjects under the influence of drugs are often unpredictable and volatile. During the DRE's evaluation of the subject, the subject remains unrestrained. As such, the following procedures will be taken to ensure the safety of the DRE and the arrested person:

- A. Firearms will be secured prior to conducting the evaluation.