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Sheriff

HARFORD COUNTY SHERIFF'S OFFICE OPERATIONS POLICY

Drug Recognition Expert

Distribution:	All Employees	Policy Number:	OPS 1005		
Responsible Unit:	Special Operations Division	Rescinds:	SOP P01-4 DRE		
Original Issued Date:	05/19/23	Revision #:	N/A	Latest Revision Date:	05/19/23
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1. Purpose

To provide guidelines for the call out and use of the Drug Recognition Expert (DRE).

2. Policy

The Harford County Sheriff's Office (HCSO) will 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 (BrAC). This policy applies to all HCSO deputies.

3. Definitions

Agency DRE Coordinator: A DRE Instructor appointed by the Police Services Bureau Commander who is responsible for maintaining program records, ensuring maintenance of program standards, and conducting training and certification sessions within the agency.

DRE: Deputies who are trained to recognize impairment in drivers under the influence of drugs other than, or in addition to, alcohol. Must have successfully completed a National Highway Traffic Safety Administration (NHTSA) approved Drug Evaluation & Classification Program (DECP) preschool, seven-day school, the certification phase of the training program, and are certified by the International Association of Chiefs of Police (IACP) as Drug Recognition Experts.

DRE Instructor: A certified DRE who has shown proficiency in the 12-step drug evaluation process for at least one year, successfully completed the IACP and the NHTSA approved DRE instructor course, taught at least a two-hour session at a DRE preschool or seven-day school, observed at least two student certification evaluations, and who has received a favorable recommendation by the agency and state DRE coordinators.

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

Drug Influence Evaluation: A process of systematically examining a person suspected of being under the influence of a drug, for the purpose of ascertaining what category of drugs (or combination of categories) is causing that person's impairment. A trained DRE can identify, with a high degree of reliability, the distinguishing signs and symptoms of seven broad categories of drugs.

Impairment: One of the several terms used to describe the degradation of mental and/or physical abilities necessary for safely operating a vehicle.

NHTSA: The National Highway Traffic Safety Administration, within the United States Agency of Transportation that exercises primary responsibility for coordinating federal efforts to ensure the safe design and operation of motor vehicles.

Standardized Field Sobriety Tests (SFSTs): A battery of three tests developed and validated through a series of controlled experiments supported by research grants from NHTSA. The three tests include: Horizontal Gaze Nystagmus (HGN); Walk and Turn (WAT); and One Leg Stand (OLS).

4. Procedures

A. DRE Use

1. DRE's are to be called on the following conditions:
 - a. Defendant is arrested for operating a vehicle and is impaired;
 - b. Defendant's evidentiary breath test result is .06 or below;
 - c. Defendant exhibits impairment inconsistent with this BrAC level; and
 - d. Defendant exhibits obvious impairment by drugs other than alcohol.
2. Drug evaluations may be conducted in cases other than driving while impaired, after consulting with the Agency DRE Coordinator.

B. Blood Specimens

1. Must be drawn within four hours of the arrest of the defendant.
2. Must be drawn by certified and qualified medical personnel at a medical facility or interview room at a Detention Center.

C. Arresting Responsibilities

1. When a deputy arrests a subject for DUI and their level of impairment appears inconsistent with their BrAC, a Drug Recognition Expert (DRE) evaluation may be requested. This request must be made through a supervisor.
2. If the arresting deputy believes that a drug other than alcohol impairs the defendant, **and** the defendant consents to an evidentiary breath test, **and** the breath test is .06 or below, a DRE is to be called:
 - a. If the defendant refuses to submit to a breath test, then no DRE evaluation will be conducted.

- b. At no point will a deputy ask the defendant if they want a DRE to respond.
 - c. Obtain a breath sample prior to calling for DRE.
 - d. Exception: if a defendant is being transported to a medical facility for treatment and the arresting deputy suspects drug impairment, the arresting deputy is to notify a DRE prior to requesting the defendant submit to a blood test for controlled dangerous substances (CDS).
3. Have a supervisor contact an on-duty HCSO DRE or if unavailable, contact allied agencies to determine availability of an on-duty DRE. If none are available, contact the Agency on-call DRE.
 - a. If unable to contact any DRE, contact the Maryland State Police Headquarters to conduct a statewide page for a DRE at 800-525-5555 or 410-653-4200.
 4. During the Drug Evaluation, the arresting deputy will act as a witness to the evaluation.
 5. The arresting deputy will transport the defendant to a local medical facility or Harford County Detention Center for all blood tests.

D. Drug Recognition Expert Responsibilities

1. All contact and evaluations will be recorded utilizing the DRE's body worn camera (BWC) pursuant to [OPS 0103](#).
2. The DRE will ensure Miranda Rights are read to the defendant prior to starting the DRE evaluation.
3. DREs will conduct systematic and standardized evaluations of drug impaired subjects and determine the category or categories of drug used by the defendant in accordance with NHTSA guidelines.
4. No DRE will conduct an evaluation alone. In the event that the arresting deputy is not available to assist the evaluator, the DRE will request the presence of another police deputy.
5. DREs will secure their firearms in a gun locker prior to conducting a Drug Influence Evaluation. The DRE will also ensure that the backup deputy does not have a firearm in his or her possession during the evaluation.
6. DREs have the authority to terminate an evaluation at any time for safety reasons. Drug Evaluations will NOT be performed if the subject is combative or violent.
7. 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;
 - b. Notify the area supervisor and Watch Commander;
 - c. Document the incident and forward the report to the DRE Coordinator; and
 - d. Ensure the arresting deputy accompanies the subject to a medical facility.

8. During the evaluation, if the DRE suspects drug impairment, the DRE will advise the defendant of their obligation to submit to a blood test as explained on the advice of rights [MVA form DR-15](#).
 - a. If the suspect consents to the blood test, provide the arresting deputy with a blood kit and provide assistance on blood withdrawal procedures.
 - i. The DRE will mark the blood kit box with the following, as appropriate:
 - a) DRE Evaluation: DRE;
 - b) Repeat Offender: (R);
 - c) Fatal: (F); or
 - d) Serious Personal Injury: (PI).
 - b. If the blood test is refused, the DRE will provide the arresting deputy and defendant with a completed Drug Recognition Expert's Certification [Form DR-23](#).
 9. DREs will maintain personal test logs and all other records required by NHTSA and the Agency DRE Coordinator.
 10. The DRE will prepare a HCSO Drug Influence Evaluation Report and narrative pertaining to each incident and each evaluation.
 - a. The DRE will take a digital photo of the defendant during the evaluation and [upload it to evidence.com](#).
 - b. Upon completion of the Drug Influence Evaluation Report, the report will be submitted to the Agency DRE Coordinator via the report management system (RMS) within a timely manner.
 11. The DRE will conduct drug evaluations for neighboring agencies that follow this policy's guidelines.
 - a. For neighboring jurisdictions, the DRE will open an incident with Department of Emergency Services and obtain a HCSO incident report in RMS. A report will be written detailing the call out of the DRE.
 - b. A copy of the Drug Influence Evaluation face sheet and narrative will be given to the arresting deputy and arresting jurisdiction. A copy will also be attached to the HCSO report.
 12. If the defendant invokes Miranda or refuses to complete a Drug Influence Examination, the DRE will still complete a DRE Face Sheet and narrative in RMS detailing the reason for the refusal and document any signs of impairment the DRE observes.
- E. Drug Recognition Expert Certification
1. DREs will maintain their certification and attend mandatory in-service as required by NHTSA.
 2. A DRE must be recertified every two years from the date of initial certification with the following requirements:

- a. At least four DRE evaluations must be done every two years. At least one of these evaluations must be witnessed by a DRE instructor, and copies of the remaining three evaluations must be reviewed by an instructor;
 - b. A DRE will complete an approved eight-hour in-service training that must be related to the DRE field and approved by the Agency DRE Coordinator; and
 - c. The DRE will submit an updated resume and rolling log to the Agency DRE Coordinator.
3. When a DRE fulfills the above requirements, the Agency DRE Coordinator will recommend his or her recertification to the State DRE Coordinator.
 4. Recertification will be completed no later than one year following the expiration of the DRE certification.

F. Drug Recognition Expert Decertification

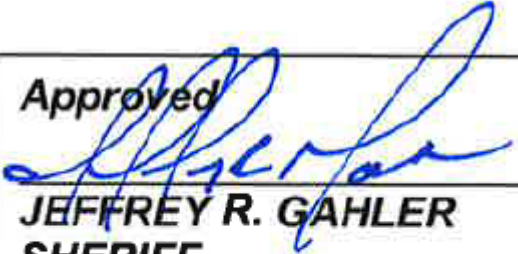
1. The Agency DRE Coordinator may decertify a DRE based on, but not limited to, the following:
 - a. The DRE deputy fails to meet the recertification requirements within the prescribed time;
 - b. The DRE deputy fails to respond to a request for reasons other than a staffing shortage in the field, responding to or actively investigating a case, or a lawful or direct order from his or her supervisor;
 - c. The DRE deputy voluntarily requests to be decertified;
 - d. The DRE deputy fails to perform or conduct evaluations proficiently; or
 - e. The DRE deputy resigns, retires, or is terminated from the Agency. If the DRE deputy is relocating to another law enforcement agency or agency outside of the state of Hawaii, the deputy may take steps to have his or her certification reinstated. The DRE may contact the State DRE Coordinator for the location and ask that the certification be reinstated according to the national DECP standards.

G. Agency DRE Coordinator

1. Arranges training for personnel, including prospective DREs, instructors, recertification, and in-service.
2. Supervises the DRE Program.
3. Acts as liaison with NHTSA, State DRE Coordinator, and other agencies related to the program.
4. Provides public information and education about the program.
5. Ensure all DRE reports are reviewed in the RMS.

6. Summary of Changes

A. 4/1/23 this new policy rescinds SOP P01-4 DRE

Approved


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SHERIFF

DATE 5-19-23