

	<b>KENOSHA POLICE DEPARTMENT</b>				
	<b>POLICY AND PROCEDURE</b>				
	<b>41.15 Drug Recognition Expert</b>				
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**I. PURPOSE**

To provide guidelines for the utilization of Drug Recognition Experts (DRE) in an effort to reduce impaired driving within the city of Kenosha. Certified DRE's are trained to articulate impairment and the category of drug(s) causing impairment through the use of a standardized and systematic evaluation process. Based on the examination done by the DRE and other articulable evidence that may emerge during the contact with a subject; the DRE can reach reasonable, accurate conclusions concerning the drug category(s) or medical condition causing the impairment. Based upon these informed conclusions, the DRE can request the collection and analysis of an appropriate chemical sample to obtain corroborative, scientific evidence of the subject's drug use.

**II. POLICY**

It is the policy of this department that only officers who have received approved National Highway Traffic Safety Administration (NHTSA) Drug Recognition Expert (DRE) training and maintains an International Association of Chiefs of Police (IACP) certification may be considered a department DRE.

**III. DEFINITIONS**

A. Drug Recognition Expert (DRE)

An officer that has successfully completed the NHTSA Drug Recognition Expert training and maintains a current certification as a DRE with the IACP.

**IV. PROCEDURE**

A. DRE should be utilized when a subject's level of impairment is not consistent with the Breath Alcohol Concentration (BAC) obtained or when there is evidence of ingestion of drugs. It is recommended that a DRE be utilized when investigating cases under the following circumstances;

1. When an officer has made an arrest for an OWI-related offense and the alcohol content is not consistent with the level of observed impairment.

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2. When an officer is investigating a crime where evidence of impairment would be beneficial to the investigation.
  3. In the event of a crash involving fatalities and/or serious injuries, where there is a suggestion of illicit or prescription drug use.
- B. When called upon, the DRE will conduct examinations of suspected drug-impaired subjects. This examination shall take place in a controlled environment. Based upon the information obtained, the DRE will form an expert opinion as to whether the person is impaired, whether the impairment is due to drugs, and which category or combination of categories of drugs is the most likely source of the impairment. The DRE will complete a Drug Evaluation Report to include with the case file.

### V. DRE Response

- A. Contact a supervisor to get approval for DRE assistance. Approval to call a DRE into duty shall be the responsibility of the shift commander.
- B. DRE meets at the scene, hospital, or sally port. A secure location is needed to do the evaluation.
- C. The arresting officer will provide the DRE with the results of the SFST's performed, and any other observations and or evidence collected which would indicate impairment. If alcohol is present and known BAC should be under a 0.08 for a DRE evaluation to be done.
- D. The officer makes the arrest (DRE can assist on scene with additional tests if needed to help with establishing probable cause for arrest).
- E. Obtain a blood sample in compliance with policy to confirm the presence of drugs (If a DRE evaluation is done, mark drug panel on Blood Alcohol Form in blood kit and write "DRE evaluation")
- F. If blood is refused (1<sup>st</sup> offense OWI), a DRE evaluation can still be done and will strengthen the OWI case.
- G. If a DRE evaluation is done, the DRE can complete the Alcohol/Drug Influence Report and advise the subject of the Miranda Warning.
- H. DRE does 12 step evaluation to determine 3 things:
  1. Is the subject impaired?
  2. Is the impairment due to a medical issue, a drug, or drug combination?
  3. If impairment is due to drugs, what category or categories of drugs are causing the impairment?
- I. Officer transports the subject to jail or releases him/her based on department policy and logs the blood into evidence.
- J. DRE submits report of expert opinion to the State Lab of Hygiene where the blood will be sent to and a report will be completed and attached to the case as a scanned document. When a DRE evaluation is done, the City/County does not pay for the blood test; the State will pay for the testing. When a DRE evaluation is done, the DRE notifies the State Lab of Hygiene concerning what category/categories of drugs the subject is suspected of being under the influence of based on expert opinion.

**VI. DRE Reporting/Certification/Equipment**

- A. The DRE is responsible for maintaining appropriate records related to DRE activities and submitting them to either the Regional or State coordinator as required.
- B. The DRE shall maintain a rolling activity log and present that log to the training supervisor annually for review.
- C. In the event that an off duty DRE is requested by another agency, overtime wages can be reimbursed by the Wisconsin Department of Transportation (DOT)/Bureau of Transportation Safety (BOTS). A call out invoice will be completed by the DRE and forwarded to DOTS/BOTS for department reimbursement. A copy of the invoice shall be maintained by the Captain of Training.
- D. Each DRE shall maintain their certification as specified in the NTHSA and IACP guidelines. It is the responsibility of the DRE to notify the Sergeant of Training of upcoming training seminars, which are required to maintain certification.
- E. Each department DRE shall keep their DRE equipment available and in good condition at all times.