


# PINE BLUFF POLICE DEPARTMENT POLICY & PROCEDURES MANUAL

	<b>SUBJECT:</b>	<b>POLICY NUMBER</b> 406
	<b>DRUG RECOGNITION EXPERT CALL-OUT</b>	<b>ISSUE DATE</b> 02/19/2008
	<b>CHAPTER: TRAFFIC</b>	<b>EFFECTIVE DATE</b> 02/19/2008
	<b>ISSUED By:</b> Chief of Police John E. Howell	<b>TOTAL PAGES</b> 3

**I. PURPOSE**

This policy shall establish policy guidelines to aid in the effective recognition, apprehension, and prosecution of persons who are driving under the influence of any drug other than alcohol.

**II. POLICY**

The following criteria must be met prior to the DRE Officer being called out:

- A.** Provision and procedures outlined in the Arkansas Code should be applied without regard to the age of anyone suspected of driving under the influence of any drug other than alcohol.
- B.** If the arresting officer suspects drug use other than alcohol, the Implied Consent Form shall request a BAC test and urine samples.
- C.** Every driver arrested for driving under the influence will be advised of the law requiring a blood or breath test to be taken and the penalty of refusal. (Implied Consent Law)
  - 1.** If a person chooses to submit to a breath test, the person may also be required to submit to a test to determine the drug content of his blood if the law enforcement officer has reasonable cause to believe the person was driving under the influence of any drug or any combination of drugs or the combined influence of alcohol and drugs.
- D.** If the subject agrees to the BAC sample but refuses to submit to the urine sample, for the D.R.E. evaluation, the subject will also be charged with refusal to submit under ACT 106.

- E. To be suitable for a D.R. E. evaluation the subject must be administered a BAC test and register below .08. (If the subject registers .08 or above they will be evaluated under Department Policy 402 – Alcohol Countermeasures Program). A Portable Breathalyzer Test may be substituted for the BAC.
- F. If the impairment is not consistent with the BAC results, there is a strong possibility the subject may be under the influence of some type of drug.
- G. If a DRE Officer is not on duty, an on-duty supervisor shall be contacted and approve the need to call out a DRE Officer.
- H. If approved, either the supervisor or dispatch, under the direction of the supervisor, will notify the on-call DRE Officer.
- I. Officers shall not contact the DRE Officer directly, unless authorization is given by the on-duty supervisor.
- J. If reasonably possible, there shall be two officers present during a DRE Evaluation. Primarily, the arresting officer and the DRE Officer.
  - 1. This is an officer safety issue and supervisors will make every effort possible to have a second officer available during the evaluation due to the unknown and violent behavior that can be demonstrated by persons under the influence of legal as well s illegal substances.

### **III. DUTIES OF THE ARRESTING OFFICER**

- A. The arresting officer is responsible for all paperwork and citations associated with the DWI arrest other than the DRE evaluation and opinion sheet that will be completed by the DRE Officer and attached to the arrest report.
- B. The arresting officer shall complete the affidavit and note in the report a DRE evaluation has been completed.
- C. The arresting officer is also required to be in court if the case goes to trial to explain their initial contact with the subject and the signs of impairment they observed.
- D. If the arresting officer is informed by the DRE Officer that there is no impairment, further actions will be taken at the discretion of the arresting officer.

### **IV. DUTIES OF THE DRE OFFICER**

- A. The DRE Officer is responsible for the completion of the evaluation and opinion sheet and submitting them in a timely manner.
- B. Miranda Warnings shall be read by the D.R. E. Officer as part of the investigatory process.

- C. The DRE Officer will request the violator submit to a urine test to be administered by a certified DRE Officer.
- D. The urine sample shall be taken and sealed in the presence of the DRE Officer to preserve the chain of custody.
  - 1. The urine sample shall be sealed by the DRE Officer and placed into a locked refrigerated storage container until it can be transported to the state crime lab.
- E. If the evaluation is for another agency, the investigating agency shall be responsible for the chain of custody of all tests and samples.
- F. It is the responsibility of the DRE Officer to inform the arresting officer of the results of the evaluation. If there are no signs of impairment the DRE Officer shall indicate so in their report.
- G. The DRE Officer shall keep a log of all evaluations and crime lab submissions as required by the national DRE coordinator.

**V. IF THE DRE OFFICER IS THE ARRESTING OFFICER**

- A. If the DRE officer is also the arresting officer, the DRE Officer shall be responsible for all documentation required as provided for in this policy for the arresting officer as well as the DRE Officer.
- B. Under these circumstances, the DRE Officer must make a determination if they need a second officer to observe the evaluation.