

## California Highway Patrol

### DRUG RECOGNITION EVALUATOR PROGRAM

1. INTRODUCTION. The use of drug recognition evaluators (DRE) is an effective means of identifying and prosecuting drug-impaired individuals. Use of DREs in police work has gained acceptance and approval throughout the United States primarily due to their accuracy and effectiveness. With DRE training, the field officer is much more likely to detect the drug-impaired individual.
2. HISTORY Since 1983, the California Highway Patrol (CHP) has provided training to both allied agencies and CHP personnel in drug recognition. In 1991, the CHP entered into a contract with the National Highway Traffic Safety Administration (NHTSA) which established the CHP as the statewide Drug Evaluation and Classification Program (DEC) Coordinator with the purpose of expanding the DRE Program nationally. Consequently, the CHP's DRE Program was certified by the International Association of Chiefs of Police (IACP) as meeting NHTSA standards.
3. OBJECTIVES.
  - a. Train officers to identify drug-impaired individuals.
  - b. Supplement the beat officers' belief of drug influence.
  - c. Ensure individuals suspected of being under the influence of drugs are evaluated in a proper and timely manner.
  - d. Provide training regarding the documentation necessary for criminal prosecution.
  - e. Assist inter/intrastate allied agencies by providing DRE training to their personnel.
4. GOAL. To increase the Department's and allied agencies' effectiveness in detecting and removing the drug-impaired driver from the highways which will ultimately minimize the loss of life, personal injury, and property damage. Furthermore, this will ensure safety and service to the public as they utilize the roadways.
5. PROGRAM RESPONSIBILITIES.
  - a. Departmental Training Division (DTD). DTD shall ensure the DRE Program objectives are met by overseeing training, initiating program audits, evaluating reports, and recommending to Assistant Commissioner, Staff necessary corrective action to rectify any problems encountered.
  - b. Academy.
    - (1) The Academy is designated as the Office of Primary Interest for the DRE Program and is responsible for coordinating, monitoring, and auditing the Department's participation. To comply with guidelines established by NHTSA, a departmental statewide coordinator shall be assigned to the Academy.

(2) The Academy shall:

- (a) Provide assistance to Divisions for the purpose of maintaining an effective DRE Program.
- (b) Coordinate DRE classes for CHP and allied agency personnel as needed and ensure the guidelines set forth by NHTSA/ IACP are maintained.
- (c) Make recommendations to DTD, as necessary, to rectify issues or enhance the operation of the DRE Program.
- (d) Coordinate and facilitate DRE Instructor courses as needed.
- (e) Coordinate and facilitate annual Division coordinator's meeting.
- (f) Designate and establish Division DRE Field Certification sites as needed.

c. Field Divisions.

(1) Responsible for ensuring appropriate management and staffing of DREs. As a general rule, the appropriate staffing level of DREs for each Division shall be based on an identified need (i.e., total number of DRE evaluations). To comply with these guidelines, Division commanders shall designate a Division DRE Coordinator who will act as a liaison with the Academy.

(2) Coordinate recertifications for CHP and allied agency personnel, as needed. To ensure compliance with the Commission on Peace Officer Standards and Training (POST), Division Coordinators shall notify the Academy's DRE Unit 45 days prior to the scheduled date of the recertification class. Division Coordinators shall forward the completed POST rosters to the Academy DRE Unit within five business days of the completion of the class.

(3) Maintain a minimum of one field certification site or establish a joint certification site through coordination with an adjacent Division. The Academy DRE Unit shall coordinate establishment of new field certification sites within Divisions. All field certification sites should be staffed with a minimum of two DRE instructors. Refer to page 11 -6, section 11, of this chapter for field certification site management.

(4) Quarterly, compile from each command within the appropriate Division the following information and report to the Academy within 45 days after the last day of the quarter. This information will assist the Academy in determining the effectiveness of the DRE Program.

- (a) Total number of DREs.
- (b) Total number of DRE evaluations.
- (c) Total number of DRE evaluations which resulted in an opinion of the suspect being under the influence of drugs.
- (d) Total number of urine and blood samples collected by DREs.
- (e) Total number of urine and blood samples returned from the laboratory.

- (f) Of the blood and urine samples returned from the laboratory, the total number of DRE opinions which were affirmed by the toxicology report.
- (5) Monitor the effectiveness of the DRE Program within each command.
- d. Areas: Areas shall:
  - (1) Monitor DREs' activities to evaluate their effectiveness and ensure the most effective deployment. To comply with these guidelines, Area commanders shall designate a uniformed member as the command's DRE Coordinator to act as a liaison with the Division. It is recommended the commander choose the person who has the most DRE training (i.e., a DRE instructor or a DRE).
  - (2) Negotiate with the appropriate Division commander(s) regarding the justification of additional DREs.
  - (3) Ensure the DRE staffing level is commensurate with the command's needs.
  - (4) Collect and review all completed Drug Recognition Evaluations, (CHP 202 DRE). The forms should be reviewed by a DRE or a DRE instructor.
  - (5) Retain a copy of each CHP 202 DRE form for four years.
  - (6) Maintain a log of each DRE's evaluations and toxicology results.
  - (7) Develop a standard operating procedure (SOP) to include the following:
    - (a) Identification of facilities conducive for DRE examinations. For example, does the facility have a dark room to conduct eye examinations?
    - (b) Scheduling of DREs.
    - (c) Call out procedures.
    - (d) Requests from adjoining CHP commands or allied agencies for DRE services.
  - (8) Review all DRE evaluations to ensure proper documentation and accuracy of quarterly statistics.
  - (9) On a quarterly basis, report the following information to Division within 30 days after the last day of the quarter:
    - (a) Total number of DREs.
    - (b) Total number of DRE evaluations.
    - (c) Total number of DRE evaluations which resulted in an opinion of the suspect being under the influence of drugs.
    - (d) Total number of urine and blood samples collected by DREs.
    - (e) Total number of urine and blood samples returned from the laboratory.

- (f) Of the blood and urine samples returned from the laboratory, the total number of DRE opinions which were affirmed by the toxicology report.
- (10) Annually review updated resumes and rolling logs (Influence Evaluations, CHP 202C).
- (11) Provide DRE instructors to assist with DRE classes.

6. DRE RESPONSIBILITIES.

- a. Perform DRE evaluations upon the request of CHP and allied agency personnel. The DRE shall complete a full evaluation (i.e., if a DRE evaluation is conducted and it is determined the person is not under the influence of drugs, the DRE shall still complete the CHP 202 DRE). All DRE evaluations shall be entered into the National DRE Tracking System managed by IACP.
- b. Maintain state-issued equipment (blood pressure cuff, stethoscope, penlight, pupilometer cards, digital thermometer, and DRE manuals).
- c. Maintain a current and updated resume and rolling log (Influence Evaluations, CHP 202C). Based on national standards, DREs may be decertified for not having a current resume and rolling log available for review.
- d. It is the responsibility of each individual DRE to maintain his/her certification status pursuant to IACP standards. Refer to the DRE Recertification section, located on page 11-8 of this chapter.
- e. Comply with departmental policy contained within this chapter.

7. DRE SELECTION GUIDELINES.

- a. It is imperative that a stringent DRE selection process be uniformly applied and maintained to ensure the most qualified personnel are chosen. Area commanders have the right to reject/accept any request.
- b. The DRE should normally be selected from the rank of sergeant or officer. The following criteria should be considered in the selection of a DRE:
  - (1) Commitment to serve as a DRE for a minimum of two years.
  - (2) Understands the expectations of the DRE Program.
  - (3) Effectively interacts with CHP, allied agencies, and judicial personnel.
  - (4) Has a minimum of one year road patrol experience. This guideline should not preclude commanders from selecting a candidate deemed to possess the best overall qualifications.
  - (5) Not assigned to a Headquarters, Division, or special duty assignment.
  - (6) Number of driving under the influence/drug arrests the officer/sergeant has completed.
  - (7) Willingness to work various shifts to provide proper staffing of DREs.

(8) Rating of “meets standards” or above in all critical tasks on the last CHP 118/118S, Performance Appraisal–Officer/Sergeant.

8. DRE TRAINING: The Department utilizes the training guidelines set forth by NHTSA and certified by IACP. Each DRE is required to successfully complete the classroom instruction and field certification process within six months. Additionally, the DRE must recertify by attending an eight-hour refresher course biennially.
  
9. DRE FIELD CERTIFICATION.
  - a. Supervisors and officers shall ensure field certifications are conducted in a manner which is consistent with existing laws and complies with departmental policy and procedures. Allied agency personnel shall be briefed as to the expectations of their conduct. All contacts shall be based upon reasonable suspicion or probable cause.
  
  - b. Student DREs shall be directly supervised by a certified DRE instructor during all phases of training. Instructors will ensure that local protocol is followed for arrests, detention, evaluations and booking of subjects. Instructors will supervise the use and maintenance of facilities used for this training.
  
  - c. A lead DRE instructor should be selected by the Academy based upon their training, expertise, maturity and judgment for each field certification event.
    - (1) The lead DRE instructor should function as an event supervisor and is responsible for ensuring all personnel participating in certifications comply with the contents of this chapter.
  
    - (2) The on-duty shift supervisor or officer-in-charge (OIC) should be notified by the DRE instructor regarding the training in the command and should ensure notification is made to the appropriate communications center.
  
    - (3) Any unusual circumstances or occurrences shall be immediately reported by the lead DRE instructor to the on-duty supervisor/OIC or on-call manager.
  
    - (4) Required reports such as CHP 121s, CHP 268s, etc., shall be completed by the lead DRE instructor or affected personnel as appropriate.
  
  - d. The appropriate reports shall be completed on all subjects. Subjects determined not to be in violation of the law shall be released per Penal Code Section 849(b), in accordance with Enforcement Policy Manual, HPM 100.68. Proper documentation shall be completed, including a Certificate of Release From Custody (CHP 103), and DRE instructor concurrence is required.
  
  - e. Officers who are not certified as a DRE may be assigned to assist DRE instructors with the arrests and booking of subjects involved in this training. These designated arrest teams will be directed in their activities by the lead DRE instructor and shall adhere to departmental policy and local procedures.
  
  - f. Immediately following the confirmation of toxicology results, the DRE instructors shall complete and forward the IACP Progress Logs to the Academy DRE Unit (see annexes C and D). The instructor shall attach to the progress log:

- (1) A photocopy of every “Hands On” Drug Recognition Evaluation Form (CHP 202 DRE) and narrative report.
- (2) A photocopy of every toxicology report that corresponds with every Drug Recognition Evaluation Form.
- (3) The DRE student’s completed Certification Knowledge Examination.

g. Upon completion of the DRE classroom and field certifications, the Academy DRE Unit will send copies of the IACP Student Progress Log (Annex C), or IACP Instructor Progress Log (Annex D) to IACP. Within six months, IACP will provide certificates to the Academy DRE Unit and the certificates will be distributed to the DREs/commands. The command DRE Coordinator shall distribute the original certificate to the officer and place a copy in his/her personnel file.

10. DRE INSTRUCTOR RESPONSIBILITIES. The DRE instructor shall provide assistance with classroom instruction, field certifications, Advanced Drug Training (ADT) classes, Standardized Field Sobriety Test (SFST) training classes, and biennial recertifications as requested. In compliance with national standards to maintain DRE instructor certification, a DRE instructor must remain active and shall teach a minimum of eight hours annually in any approved drug recognition training program.
11. DRE INSTRUCTOR SELECTION GUIDELINES. The DRE instructor should normally be selected from the rank of officer or sergeant. The following criteria should be considered in the selection of a departmental DRE instructor:
  - a. Minimum of one year experience as a DRE.
  - b. Desire to perform the duties of a DRE instructor.
  - c. Demonstrated ability to detect people under the influence of drugs.
  - d. Strong interpersonal and communication skills.
  - e. Experience in courtroom testimony as an expert in drug influence cases.
12. DRE RECERTIFICATION. Recertification is necessary to ensure DREs and DRE instructors maintain proficiency by utilizing the standards set forth by NHTSA and certified by IACP.
  - a. DRE certification is valid for a two-year period from the date which is dictated by IACP’s receipt of the student’s completed IACP Certification Progress Log. The expiration of the DRE’s certification will be noted on the IACP Certification Card issued to the DRE.
  - b. Each DRE shall demonstrate every two years continued proficiency by:
    - (1) Performing a minimum of four acceptable evaluations since the last date of expiration noted on the DREs IACP DRE card.
    - (2) Completing a minimum of eight hours of recertification training since the date of the DRE’s most recent certification.

(3) Submitting a photocopy of his/her current resume and rolling log to the DRE instructor providing recertification training, for review and forwarding to the Academy.

c. After completion of a recertification class, the DRE instructor shall forward photocopies of each attending DRE's current resume, rolling log, and a completed DRE Recertification Form (Annex F) for each DRE with the original class roster to the Academy's DRE Unit. The Academy will review, process and forward recertification forms to IACP.

13. TERMINATION DURING DRE TRAINING.

a. The trainee does not successfully complete the final examination which requires a minimum score of 80 percent.

b. The trainee misses more than four hours of classroom training.

c. Field certification training shall be completed within six months of completing the classroom portion of the training. The student must satisfactorily complete a minimum of 12 drug evaluations involving three separate drug categories during the field certification training.

d. The trainee voluntarily withdraws during training.

e. The trainee performs any inappropriate acts that bring discredit upon the Drug Evaluation and Classification Program.

14. DRE INSTRUCTOR TRAINING. The Department utilizes the training guidelines set forth by NHTSA and certified by IACP. The DRE instructor is required to successfully complete the classroom instruction, supervise two drug evaluations performed by candidate DREs during field certification training, and teach a minimum of two hours in the classroom portion of a DRE class.

15. CAUSE FOR TERMINATION DURING INSTRUCTOR TRAINING.

a. The trainee misses more than four hours of classroom training.

b. The trainee does not supervise two field certifications performed by candidate DREs during field certification training within six months of completing the classroom portion of the training.

c. The trainee does not teach a minimum of two hours in the classroom portion of a DRE class within six months of completing the classroom portion of the training.

d. The trainee voluntarily withdraws from training.

e. The trainee performs any inappropriate acts that bring discredit upon the Drug Evaluation and Classification Program.

16. REMOVAL/DECERTIFICATION FROM THE DEC PROGRAM.

a. Voluntary Removal. Upon submitting a memorandum (CHP 51), the DRE may be removed from the DEC Program. A copy of the memorandum shall be placed in his/her personnel file; another copy shall be forwarded to the Academy's DRE Unit. The memorandum shall remain in the DRE's training file. Any DRE who requests to be voluntarily removed prior to completing his/her two-year obligation should not be selected to serve as a DRE for a minimum of three years.

b. Involuntary Removal. A memorandum (CHP 51) shall be issued to the DRE stating the reason(s) he/she is removed and decertified from the DEC Program. A copy of the memorandum shall be placed in his/her personnel file; another copy shall be forwarded to the Academy's DRE Unit. The memorandum shall remain in the former DRE's training file. Any DRE who is involuntarily removed prior to completing his/her two- year obligation should not be selected to serve as a DRE in the future. The following shall be considered sufficient cause for a DRE to be removed and decertified from the DRE Program:

- (1) Substandard performance.
- (2) Improper and inaccurate documentation of DRE evaluations.
- (3) Refusing to perform DRE evaluations.
- (4) Insufficient use of DRE skills.
- (5) Failure to successfully complete the required biennial recertification.
- (6) Any inappropriate acts on the part of the DRE that bring discredit upon the Drug Evaluation and Classification (DEC) Program.

17. REINSTATEMENT OF A DECERTIFIED DRE AND DRE INSTRUCTOR The Department utilizes the training guidelines set forth by NHTSA and certified by IACP. IACP requires a written request for reinstatement to the DRE Program come from the applicant to the appropriate coordinator, through the proper agency channels. All CHP coordinators are cautioned to conduct a thorough check on the cause of the applicant's decertification and his/her reason for application for reinstatement.

a. An individual can be reinstated as a DRE when the following conditions are met:

- (1) The applicant must pass a 100-item exam, witnessed by a certified DRE instructor, with a minimum score of 80 percent.
- (2) The applicant must complete four hands-on drug evaluations within a one-year period from the date of request to be reinstated. The evaluations shall be witnessed by a DRE instructor.
- (3) The DRE instructor shall complete the IACP Reinstatement Form (Annex E) and forward a photocopy of the DRE's resume and rolling log to the Academy DRE Unit
- (4) The applicant's eligibility and reinstatement as a DRE is reviewed and approved by the Department's DRE Coordinator, the State DRE Coordinator and the IACP's Technical Advisory Panel Regional Coordinator, where applicable.

b. An individual can be reinstated as a DRE instructor when the following conditions are met:

- (1) The applicant meets conditions set forth in paragraph 17.a. (1) (2) (3), above, and is reinstated as a DRE.
- (2) The applicant's eligibility and reinstatement as a DRE instructor is reviewed and approved by the Department's DRE Coordinator, the State Coordinator and the IACP's Technical Advisory Panel Regional Coordinator, where applicable.

18. EQUIPMENT.

- a. Each DRE will be issued the following state equipment:
  - (1) Stethoscope.
  - (2) Sphygmomanometer (blood pressure cuff).
  - (3) Digital thermometer and covers.
  - (4) Approved Penlight.
  - (5) Pupilometer Cards (CHP 386B).
  - (6) CHP oxygen kit bag.
- b. The Academy DRE Unit will issue these equipment items with a CHP 81, Receipt of State Property, and a CHP 266, Credit Memo-Equipment, from the Academy to the DRE's command. The Academy shall forward both the CHP 81 and the CHP 266 to the DRE's command and a copy of both will be placed in the DRE's Academy DRE file. Replacement equipment may be ordered through Supply Services Unit, Business Services Section, Administrative Services Division.
- c. In the event the DRE decertifies or separates from the Department, all state-owned DRE equipment shall be returned to the command DRE Coordinator who will forward the equipment directly to Supply Services Unit with a CHP 266, Credit Memo-Equipment. DRE manuals shall be returned to the command DRE Coordinator who will forward them to the Academy.

19. ATTIRE AND VEHICLES.

- a. During classroom training, all CHP personnel shall wear appropriate attire; the Academy Dress Code shall be enforced.
- b. Due to the training required during field certifications, officers' departmental uniforms may become soiled or damaged. Uniformed personnel may wear the two piece blue utility uniform. Personnel unable to acquire the utility uniform shall wear the required departmental uniform. The wearing of civilian attire is not authorized.
- c. Marked law enforcement vehicles shall be utilized during field evaluations. Specialized multi-passenger vehicles may be utilized for prisoner and officer transportation.
- d. Those who are assigned to task forces must adhere to the departmental uniform and grooming standards as outlined in HPM 73.5, Chapter 7-3, unless otherwise indicated.

20. RECORDS MAINTENANCE/DOCUMENTATION.

- a. DREs shall document their DRE time on the CHP 415, Daily Record, by coding “DR” in the beat hour summary box in accordance with HPM 40.71, 415 User’ s Manual. When a DRE evaluation is conducted and a DRE evaluation narrative is generated the DRE shall enter the Headquarters Code “202” in column two, enforcement services count section. This code corresponds with activity time and has been reserved to track enforcement services counts for Headquarters special activities.
- b. Additionally, DREs shall document their DRE evaluations on page two, section C, of the CHP 100, Officer’s Evaluation/Activity Summary.
- c. All DRE evaluations shall be conducted and documented using the NHTSA/IACP 12 step evaluation process and report format. Any deviation could result in decertification or remedial training.