

HONOLULU POLICE DEPARTMENT

POLICY TRAFFIC OPERATIONS

July 27, 2015

Policy Number 6.17

DRUG EVALUATION AND CLASSIFICATION PROGRAM

POLICY

The Honolulu Police Department administers the Drug Evaluation and Classification Program (DECP) in accordance with the national standards approved by the National Highway Traffic Safety Administration (NHTSA) and the International Association of Chiefs of Police (IACP). The guidelines are set forth herein.

PROCEDURE

I. DEFINITIONS

Agency DECP coordinator: The person appointed by the commander of the Traffic Division to assume responsibility for the training, certification, and recertification of officers in the DECP. The coordinator also maintains the records of drug recognition expert (DRE) officers and a database of all Operating a Vehicle Under the Influence of an Intoxicant (OVUII) cases involving drugs.

Drug category: One of the seven drug categories classified in the DECP (central nervous system depressants, central nervous system stimulants, hallucinogens, dissociative anesthetics, narcotic analgesics, inhalants, and cannabis).

Drug Evaluation and Classification Program: A set of procedures designed to train officers on how to detect, apprehend, and evaluate drug-impaired drivers.

DRE: An officer who successfully completes the DECP preschool, seven-day school, and the certification phase of the training.

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, and who has observed at least two student certification evaluations.

State DECP coordinator: The person appointed by the director of the Motor Vehicle Safety Office of the state Department of Transportation to assume responsibility for certifying and recertifying all law enforcement officers in the state who have completed all requirements for certification in the DECP. The coordinator also maintains the integrity of the DECP for participating law enforcement agencies in the state.

II. SELECTION OF DRE CANDIDATES

- A. Officers who wish to be considered for the DECP shall fill out an application provided by the Traffic Division and forward it, via chain of command, to the agency DECP coordinator in the Traffic Division.
- B. The agency coordinator shall evaluate all applications and inform qualifying officers, through their chain of command, of their acceptance.

III. TRAINING

Training is offered using the latest NHTSA- and IACP-approved curriculum. Officers selected for the DECP must first complete training in a two-day DRE preschool. Upon successful completion of the preschool, the officers advance to the seven-day DRE school.

IV. CERTIFICATION AND EXAMINATION

- A. The certification phase should be completed within six months after completion of the seven-day school. However, the state DECP coordinator may grant an extension of up to six months.
- B. No officer shall be certified as a DRE until two instructors attest to the qualification for certification.
- C. National DECP standards shall govern how the certification phase is conducted.

- D. An officer who has administered at least three evaluations may then take the Knowledge Examination, which consists of two parts.
- E. The officer shall complete and submit a professional resume highlighting drug-related training.
- F. The officer shall submit a completed progress log. In addition, two instructors and the agency coordinator must recommend certification, and the state DECP coordinator must indicate approval.
- G. A DRE certification is valid for two years from the date of the state DECP coordinator's approval.

V. RESPONSIBILITIES OF THE AGENCY DECP COORDINATOR

A. Maintenance of DRE Records

- 1. The agency DECP coordinator shall maintain the individual files. The records shall be kept at a designated site in the DRE office.
- 2. The coordinator shall provide the officers' proof of training and certification to the Training Division to update the officers' training records.

B. Statistical Data Keeping

- 1. The coordinator shall input the arrest information into the national DRE database. The information provided shall be basic, for statistical purposes only, and shall not violate any privacy laws or civil rights.
- 2. Access to the arrest records shall be limited to the agency and the state DECP coordinators.

VI. PROCEDURES FOR REQUESTING A DRE

- A. A DRE may be requested for, but not limited to, the following situations:
 - 1. An OVUII arrest where the breath alcohol concentration does not match the level of impairment observed;

2. A subject is arrested for OVUII and evidence of drugs or medication is present;
 3. A motor vehicle collision involving injuries or death where there is reasonable suspicion that drug impairment may be a factor; and
 4. To assist investigative units in determining whether a suspect is under the influence of drugs prior to an interview.
- B. The Communications Division shall make a request in the arresting officer's district for a DRE officer. If none is available, calls shall be made on other radio frequencies.
- C. If no on-duty DRE is available, the arresting officer shall notify the Traffic Division and request a DRE. Traffic Division personnel shall notify the sergeant in charge of the Selective Enforcement Unit or the agency DECP coordinator or a designee.

VII. RECERTIFICATION

- A. A DRE officer must be recertified every two years from the date of initial certification with the following requirements:
1. 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;
 2. A DRE officer shall complete an approved eight-hour, in-service training that must be related to the DRE field and approved by the agency DECP coordinator; and
 3. The DRE officer shall submit an updated resume and rolling log to the agency DECP coordinator.
- B. When a DRE officer fulfills the above requirements, the agency DECP coordinator shall recommend his or her recertification to the state DECP coordinator.
- C. Recertification shall be completed no later than one year following the expiration of the DRE certification.

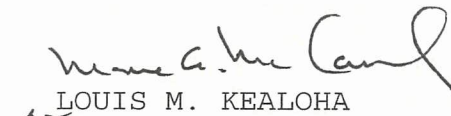
July 27, 2015

Policy Number 6.17
Page 5

VIII. DECERTIFICATION

The agency DECP coordinator may decertify a DRE officer based on, but not limited to, the following:

- A. The DRE officer fails to meet the recertification requirements within the prescribed time;
- B. The DRE officer 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 officer voluntarily requests to be decertified;
- D. The DRE officer fails to perform or conduct evaluations proficiently; or
- E. The DRE officer resigns, retires, or is terminated from the department. However, if the DRE officer is relocating to another law enforcement agency or department outside of the state of Hawaii, the officer may take steps to have his or her certification reinstated. The DRE officer may contact the state DECP coordinator for the location and ask that the certification be reinstated according to the national DECP standards.


LOUIS M. KEALOHA
Chief of Police

Attachments

Post on bulletin
board for one week

Policy first issued
November 18, 200

12-STEP EVALUATION FOR USE BY DRUG RECOGNITION EXPERTS (DRES)

1. Breath test of the subject
2. Interview of the arresting officer
3. Preliminary examination
 - a. Inform the subject of his or her constitutional rights (Warning Persons Being Interrogated of Their Constitutional Rights, form HPD-81; or Warning Juveniles Being Interrogated of Their Constitutional Rights, form HPD-11) prior to asking any questions.
 - b. If the subject invokes his or her constitutional rights, do not ask any questions. However, you may still proceed with the drug evaluation.
4. Eye examination
5. Divided attention tests
6. Check for vital signs
7. Darkroom examination

There should be at least one other officer with the DRE while conducting the darkroom examination.

8. Check of muscle tone
 - a. There shall be at least one other officer present when the DRE conducts a check of the person's muscle tone.
 - b. When available, one of the officers should be of the same gender as the arrestee.
9. Injection sites
 - a. There shall be at least one other officer present when the DRE conducts a check for injection sites.
 - b. When available, one of the officers should be of the same gender as the arrestee.
10. Suspect interview

The suspect must have been read his or her constitutional rights during Step 3 and agreed to answer questions.

11. Opinion

The DRE shall render his or her opinion based upon Steps 1 through 10 above and one or more of the drug categories. The DRE's opinion shall be based on one or more of the seven drug categories rather than a specific drug.

12. After an opinion is rendered by the DRE that a subject is under the influence of a drug category or categories, the subject shall be given the option of submitting blood, urine, or both for testing by an authorized vendor.

OBTAINING BLOOD SAMPLES FOR DRUG TESTING

Obtaining blood samples for drug testing shall be in accordance with the statutory authority provided in Chapter 291E, Hawaii Revised Statutes, and with established departmental procedures. Some procedures apply in all cases; others will differ depending on whether the sample is taken with the subject's consent, with the subject being incapable of consenting under the mandatory sampling rule, or from a decedent. The following procedures shall be followed:

1. Whenever possible, blood samples should be withdrawn within three hours after the time of the violation;
2. If possible, four gray-topped stopper vials (10 ml) of blood should be drawn. The arresting or investigating officer should witness the collection process;
3. The officer shall receive the sample(s) directly from the person making the blood withdrawal and ensure that the vial(s) are labeled with the report number, date and time of the blood withdrawal, subject's name, and the name and title of the person withdrawing the blood;
4. The officer shall ensure that the vial(s) are sealed to prevent tampering, damage, or contamination. Whenever possible, evidence tape shall be used to protect the blood sample(s);
5. The drug recognition expert officer shall complete the applicable portion of the Request for Laboratory Examination, HPD-492 form, attaching the original with the specimen(s) collected and a copy with the officer's report. The officer shall ensure that the portion of this report for the chain of custody is maintained;
6. The officer shall, without unnecessary delay, have the blood sample(s) recovered and, together with the documentation, placed into an evidence storage refrigerator at a designated station for collection by an authorized vendor (Clinical Laboratories of Hawaii) for testing;
7. The officer shall notify the booking supervisor at the designated station for the storage of the blood evidence; and
8. The booking supervisors at the designated stations shall conduct daily inspections of their evidence refrigerator and, when necessary, contact the authorized vendor to recover the sample(s) for testing.

OBTAINING URINE SAMPLES FOR DRUG TESTING

Obtaining urine samples for drug testing shall be in accordance with the statutory authority provided in Chapter 291E, Hawaii Revised Statutes, and with established departmental procedures. The following procedures shall be followed:

1. Whenever possible, urine samples should be collected within three hours after the time of the violation;
2. The subject shall wash his or her hands prior to giving a sample;
3. The subject shall randomly select one urine collection package from several offered;
4. The subject shall open the selected package in the presence of the drug recognition expert (DRE) to find:
 - a. One sealed urine collection container with the tamperproof seal still attached to the cover and container;
 - b. A label on which to affix the subject's name, date, and time;
 - c. A temperature strip to be affixed (or already affixed) to the lower portion of the container;
 - d. A tamperproof evidence bag;
 - e. A strip of red evidence tape to be affixed over the cover of the urine container after the sample has been obtained and sealed; and
 - f. A strip of red evidence tape to be affixed over the sealed evidence bag after the urine collection container and documents have been placed therein;
5. The officer shall write on the label the subject's name and the date and time the urine sample was collected. The officer shall affix the label or place it around the container so as not to block the measuring units on the container;
6. The subject shall write his or her initials on the two red evidence tapes;
7. The subject shall open the urine collection container, making sure that there is no foreign substance in the container;
8. The subject shall then be escorted to a bathroom facility where an officer of the same gender (not necessarily a DRE officer) will observe the collection of the urine sample;
9. After the subject has given a sufficient sample (30 – 60 ml) and the temperature of the sample is within the normal range as indicated on the temperature strip, the subject shall tightly secure the cover on the urine collection container.
 - a. If there is an insufficient sample or the temperature of the sample is outside the acceptable range, a new sample shall be requested and the previous steps repeated. A reasonable amount of time shall be afforded the subject.
 - b. The subject shall be offered the blood test if he or she is unable or unwilling to provide a sufficient sample.

OBTAINING URINE SAMPLES FOR DRUG TESTING (cont.)

10. The officer shall place the shorter of the red evidence tapes evenly across the top of the cover and down onto the collection container so as not to block the information on the affixed label;
11. When an acceptable sample has been obtained and properly sealed, the officer shall place the sample into the evidence bag under the witness of the subject;
12. The officer shall complete sections 1 and 3 of the Request for Laboratory Examination, HPD-492 form, and affix the form to the evidence bag under the witness of the subject;
13. The officer shall then seal the bag by folding the top portion (sticky end) of the bag over and onto the opening of the smaller pocket. The remaining red evidence tape shall be placed over the sealed portion of the smaller pocket;
14. The officer shall place the urine sample in a locked evidence refrigerator (see section VIII A above). If there is no approved refrigerator at the station where the sample was obtained, the officer shall ensure that the sample is sent to the authorized testing facility as soon as possible.
 - a. When depositing the urine sample into the locked evidence refrigerator, the officer shall fill out the inventory log that is kept inside the refrigerator.
 - b. After depositing the sample into the locked evidence refrigerator, the officer shall notify the authorized vendor for sample pickup and analysis. The officer shall also notify the desk commander or designee; and
15. Whenever possible, a DRE officer or an officer trained in urine collection shall oversee the urine collection process. If an officer other than a certified DRE officer is used to assist in the collection, that officer shall submit a follow-up report concerning his or her actions and include the sworn statement at the end of the report.