



# GENERAL ORDER OPS-41 DRUG RECOGNITION EXPERT

EFFECTIVE JUNE 5, 2015

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This General Order contains the following numbered sections:

- I. POLICY
- II. CRITERIA
- III. RESPONSIBILITIES
- IV. CANCELLATION

## **I. POLICY**

The Howard County Department of Police (HCPD) shall 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.<sup>1</sup>

## **II. CRITERIA**

In order for a Drug Recognition Expert (DRE) to be utilized, the following conditions MUST be met:

- A. The subject agrees to a certified breath test; and,
- B. The subject's level of impairment appears inconsistent with his Blood Alcohol Concentration (BAC); and
- C. The subject's BAC is found to be below .07 (the Watch Commander may waive this limit with extenuating circumstances) or, the circumstances of the arrest indicate the possible use of a controlled dangerous substance. Under no circumstances will an evaluation be conducted for a subject with a BAC of .08 or above.

## **III. RESPONSIBILITIES**

- A. Officer Responsibilities<sup>2</sup>
  - 1. When an officer arrests a subject for DUI and his level of impairment appears inconsistent with his BAC, a Drug Recognition Expert evaluation may be requested. This request must be made through the area supervisor.
  - 2. The arresting officer will advise the subject of his DR-15 (alcohol breathalyzer) rights. If the subject refuses to submit to a breath test, then no DRE evaluation will be conducted.
  - 3. The arresting officer will assist the DRE throughout the course of the entire process. The arresting officer will assist with prisoner security and will have the subject handcuffed during the darkroom examination, if requested to do so by the DRE.
  - 4. If a blood test is ordered and agreed to by the subject, the arresting officer will transport the subject to the hospital for the withdrawal of a blood sample. The DRE will handle the sample in accordance with the Medical Examiner's procedures for blood samples.

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<sup>1</sup> CALEA 61.1.10

<sup>2</sup> CALEA 61.1.11 & 61.2.1d

B. Drug Recognition Expert Responsibilities<sup>3</sup>

1. All evaluations will be conducted by a certified Drug Recognition Expert, or one in training, under the direct supervision of a certified DRE instructor. All Drug Recognition Experts will be certified by the Chief of Police, in accordance with Maryland State Law (TA §16-205.1).
2. The DRE will conduct the evaluation in accordance with the National Highway Traffic Safety Administration (NHTSA) guidelines for conducting DRE evaluations.
3. 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; and,
  - b. Notify the area supervisor and Watch Commander; and,
  - c. Document the incident and forward a report to the Traffic Enforcement Section (TES) Supervisor and DRE Coordinator; and,
  - d. Ensure that the arresting officer accompanies the subject to a medical facility.
4. The DRE will enter the evaluation in his personal DRE log.
5. When requested to conduct an evaluation for an allied agency, the HCPD DRE will initiate an incident number for a police assist and document the incident. The evaluation will be entered in the DRE's personal log.
6. Upon completion of a Drug Influence Evaluation the DRE Shall:
  - a. Submit the original DRE Face Sheet (HCPD #1214) and the State DRE Data Sheet to the DRE Coordinator by the end of shift.
  - b. If the DRE is off-duty and called out for a Drug Influence Examination, the DRE will submit the original DRE Face Sheet (HCPD #1214) and the State DRE Data Sheet to the DRE Coordinator by the beginning of their next shift.
  - c. Submit original DRE narrative and any supporting paperwork (i.e. Miranda form, MVA DR-23 form, Statement forms, etc.) to the DRE Coordinator within ten (10) days from the date of when the Drug Influence Examination was administered.
  - d. If the subject invokes Miranda or refuses to complete a Drug Influence Examination, the DRE shall still complete a DRE Face Sheet (HCPD #1214) and Narrative detailing the reason for the refusal and document any signs of impairment the DRE observes. Then the DRE should forward the report as referenced above.

C. Area Supervisor Responsibilities

1. The area supervisor may request an on-call Drug Recognition Expert if:
  - a. There is no HCPD DRE on duty; and,
  - b. The requirements of Section II have been satisfied.

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<sup>3</sup> CALEA 61.1.11 & 61.2.1d

2. If an on-duty DRE cannot be located, the TES Supervisor will be notified to call out a DRE.
3. If a DRE cannot be located, the DRE Coordinator, along with the TES Supervisor, will be contacted.

D. Communications Division Responsibilities

When a request is made by a supervisor to contact an on-call DRE, the Communications Division will contact the on-call TES Supervisor.

E. TES Supervisor Responsibilities

The TES Supervisor, or his designee, will:

1. Coordinate all certification and recertification of the HCPD DREs in accordance with the guidelines established by the Nation Highway Traffic Safety Administration.
2. Act as a liaison between the HCPD and both the State Drug Recognition Expert Coordinator and the NHTSA.
3. Review all DRE reports.
4. Provide the Communications Division with a current list of the certified Drug Recognition Experts and the on-call Drug Recognition Expert list.

IV. **CANCELLATION**

This General Order will cancel and replace General Order OPS-41, Drug Recognition Expert, dated February 15, 2006.

AUTHORITY:



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