



HOWARD COUNTY DEPARTMENT OF POLICE

GENERAL ORDER OPS-41 DRUG RECOGNITION EXPERT

EFFECTIVE AUGUST 16, 2021

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.¹

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.
 - 1. The Watch Commander may waive this limit with extenuating circumstances.
 - 2. Under no circumstances will an evaluation be conducted for a subject with a BAC of .08 or above
- D. If the circumstances of the arrest indicate the possible use of a controlled dangerous substance, a DRE may be utilized.

III. RESPONSIBILITIES

- A. Officer Responsibilities²
 - 1. When an officer arrests a subject for DUI and his level of impairment appears inconsistent with his BAC, a DRE 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 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.

¹ CALEA 61.1.9

² CALEA 61.1.10 & 61.2.1d

4. Blood Tests
 - a. 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.
 - b. If the arrestee has been transported to the hospital due to injuries and only drug/CDS impairment is suspected, a DRE will be requested for consultation prior to a blood kit being requested.

- B. Drug Recognition Expert Responsibilities³
 1. All evaluations will be conducted by a certified DRE or one in training under the direct supervision of a certified DRE instructor. All DREs will be certified by the Chief of Police, in accordance with Maryland State Law (TA §16-205.1).⁴
 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;
 - b. Notify the area supervisor and Watch Commander;
 - 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. When requested to consult with the arresting officer at the hospital due to the arrestee's injuries or other medical condition, the DRE will respond in person if on-duty and available.
 - a. The DRE will complete a supplement to the incident and, if Reasonable Articulable Suspicion is present, request a blood kit for drug testing.
 - b. If the arrestee refuses to provide a blood sample, the DR-15A is utilized and marked as an alcohol refusal as no other alcohol test was performed.
 7. When requested to consult with the arresting officer at the hospital due to the arrestee's injuries or other medical condition, and no DRE is on-duty or available, a telephone consultation may take place between the DRE and arresting officer prior to any blood kit being requested. Telephone consultation with an on-duty but otherwise unavailable DRE is preferred whenever possible. An off-duty DRE may be contacted for consultation if necessary.

³ CALEA 61.1.10 & 61.2.1d

⁴ CALEA 33.6.1

8. Upon completion of a Drug Influence Evaluation the DRE shall:
 - a. Submit the original DRE Face Sheet, HCPD Form 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 Form 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 Form 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.
 - e. If the DRE responds for an in-person consultation and observation of an arrestee transported for injuries or other medical condition, the DRE shall complete a DRE Face Sheet, HCPD Form 1214, and Narrative detailing the request for response and documenting any signs of impairment the DRE observes.
 - f. If the DRE performs a telephone consultation with the arresting officer of an arrestee who was transported for injuries or other medical condition, the arresting officer will document the conversation in their narrative, as well as whether the DRE requested the arresting officer obtain a blood kit for drug/CDS testing.
 - g. If a DRE is consulted due to drug/CDS impairment, a note will also be placed in the completed blood kit box stating, "Testing for drugs/CDS requested by DRE Name and DRE ID #."

C. Area Supervisor Responsibilities

1. The area supervisor may request an on-call DRE if:
 - a. There is no HCPD DRE on duty; and
 - b. The requirements of Section II have been satisfied; OR
 - c. The arrestee was transported to the hospital due to injuries or another medical condition; and
 - d. Only drug/CDS impairment is suspected; and
 - e. No on-duty DRE is available for telephone consultation with the arresting officer
2. If an on-duty DRE cannot be located, the area supervisor will confirm whether the arresting officer needs a DRE for evaluation or a telephone consultation.
 - a. If the request is for a telephone consultation only, Communications will contact the on-call DRE and have them call the arresting officer

- b. If the request is for an evaluation, the TES Supervisor will be notified to call out a DRE.
- 3. If a DRE cannot be located, the DRE Coordinator and the TES Supervisor will be contacted.
- D. 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. 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 NHTSA.⁵
 - 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 DREs and the on-call DRE list.

IV. CANCELLATION

This General Order will cancel and replace General Order OPS-41, Drug Recognition Expert, June 5, 2015.

AUTHORITY:



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⁵ CALEA 33.6.1