

**CITY OF OCONOMOWOC POLICE DEPARTMENT  
POLICIES & PROCEDURES**

DATE: February 3, 2021

HISTORY: October 14, 2017  
November 28, 2001

SUBJECT: Drug Evaluation and Classification

POLICY NUMBER: 01-088

**I. PURPOSE**

The purpose of this policy is to provide officers, supervisors, and dispatchers with guidelines to be used when a Drug Recognition Expert (DRE) is to be utilized.

The Drug Evaluation and Classification Program (DEC) is part of the Oconomowoc Police Department's efforts to reduce drug-impaired driving. The objective of the program is to provide the Department with certified Drug Recognition Experts (DRE's) capable of gathering evidence as necessary to substantiate charges of drug influence in Operating While Intoxicated cases.

**II. POLICY**

It is the policy of the Oconomowoc Police Department that only officers who have received approved National Highway Traffic Safety Administration (NHTSA) DRE training and International Association of Chiefs of Police (IACP) certification and / or recertification may be considered a department DRE.

**III. DEFINITIONS**

A. Drug Evaluation and Classification (DEC)

1. A systematic, standardized method of examining a subject to determine whether the person is under the influence of one or more categories of drugs.

B. Drug Recognition Expert (DRE)

1. A law enforcement officer who has successfully completed the National Highway Traffic Safety Administration (NHTSA) approved curriculum for the Drug Evaluation and Classification Process (DECP) and certified by NHTSA and the International Association of Chiefs of Police (IACP).

**IV. PROCEDURE**

A. Function

1. Members certified as DREs are trained to articulate impairment and the category of drug(s) causing impairment through the use of the standardized and systematic DRE 12-step evaluation process.
2. Based on the examination of the DRE and other articulable evidence that may emerge during contact with the subject, a trained DRE can reach reasonable, accurate conclusions concerning the drug category(s) or medical condition causing the impairment.

B. DRE Utilization

1. A DRE may be utilized for instances when a subject who has been arrested for OWI or another crime related to alcohol or drug impairment has a level of impairment which is not

consistent with the breath alcohol concentration (BrAC) obtained or when there is evidence or an admission of ingestion of drugs.

2. A DRE will be contacted to assist in investigating cases under the following circumstances:
    - a. When the driver of a vehicle has been placed under arrest for OWI, or criminally related charges, and physical evidence developed during the investigation reveals drug use as a possible cause of impairment or there is an admission of drug use.
    - b. If a crash result in a fatality or serious physical injury and based upon the opinion of the investigator or supervisor, a DRE is needed to determine drug/medical condition.
    - c. During the investigation of a serious crime, the investigator or a supervisor determines a DRE is needed to establish possible impairment based on drug use by a subject.
  3. Subjects arrested for driving under the influence of intoxicants suspected of drug impairment may be evaluated by a DRE whenever the BrAC is below 0.08% BrAC or the observed impairment is not consistent with the BrAC results. Consistent with Department protocol, a blood draw of the suspect should be completed ASAP.
  4. The decision to call for a DRE is not mandatory, but it is highly recommended due to the technical nature and differences that exist between alcohol impaired individuals and individuals impaired by drugs other than alcohol. The Shift Supervisor will decide whether to call in a DRE on overtime.
  5. If the Shift Supervisor determines that a DRE is required, dispatch shall seek a DRE response in the following order (per the NHTSA recommendations):
    - a. An Oconomowoc Police Department DRE, on-duty.
    - b. A DRE employed by another agency, on-duty, utilizing the Waukesha County Communications DRE Contact List.
    - c. An Oconomowoc Police Department DRE, off-duty, utilizing the DRE call-in schedule.
    - d. A DRE employed by another agency, off-duty, utilizing the Waukesha County Communications DRE Contact List.
  6. If this department receives a request for a DRE from another agency, and a DRE is on-duty, the on-duty patrol supervisor may authorize a response. The patrol supervisor should authorize a response only if there is enough manpower available.
  7. If this department receives a request for a DRE from another agency, and no DRE is on-duty, dispatch will obtain a contact number for the requesting agency and attempt contact with the DRE.
    - a. Overtime costs incurred by assisting an outside agency are fully reimbursed by the Wisconsin Department of Transportation, Bureau of Transportation Safety (BOTS).
    - b. A DRE responding to assist another agency while off-duty shall notify the on-duty patrol supervisor of his/her response.
    - c. Additionally, a DRE responding to assist another agency while off-duty shall notify the DRE Agency Coordinator via e-mail upon completion of the evaluation.
- C. DRE Drug Evaluation
1. The investigating officer will conduct the preliminary investigation, perform the Standardized Field Sobriety Tests (SFST) and make the arrest, if probable cause exists. The arresting officer will provide the DRE with a description of the results of the Standardized Field Sobriety Tests (SFST) tasks performed and any other observations and/or evidence collected which would indicate impairment.

2. Drug evaluations will be conducted by a minimum of two (2) officers, if possible, of whom at least one will be a certified DRE. The DRE will be in charge of the evaluation and may direct an officer to record information related to the Drug Evaluation Checklist.

**V. CALL OUT DOCUMENTATION**

- A. The DRE shall submit all callout related paperwork to the Captain of Police for review prior to submission to the Department of Transportation.
- B. Paperwork shall be submitted in a timely manner.

**VI. DRE CERTIFICATION**

- A. Each department DRE shall maintain their department DRE certification as specified in the National DEC Guidelines formulated by NHTSA and the IACP. It is the responsibility of the DRE to notify the Chief of upcoming training seminars, which are required to maintain certification.

**VII. DRE ANNUAL REPORT**

- A. On an annual basis, each DRE is required to submit an interoffice memo to the Chief that identifies the number of acceptable evaluations completed, training seminars attended, current status of certification and a copy of the DRE rolling log.

**VIII. EXCEPTIONS TO THIS POLICY MAY BE AUTHORIZED ONLY BY THE CHIEF OF POLICE**

This policy is effective immediately  
and will supersede any directives or understandings in conflict