

Bowie Police Department - General Orders



TITLE: DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS		NUMBER: 513
EFFECTIVE DATE: 8/23/16	REVIEW DATE:	
<input checked="" type="checkbox"/> NEW <input type="checkbox"/> AMENDS <input type="checkbox"/> RESCINDS	DATE:	

AUTHORITY Chief John K. Nesky	ACCREDITATIONS STANDARDS CALEA STANDARDS: 61.1.5, 61.1.10, 61.1.11	TOTAL PAGES 14
---------------------------------------------	------------------------------------------------------------------------------	-----------------------

I. PURPOSE

The purpose of this order is to establish procedures for the arrest of individuals for driving or attempting to drive a motor vehicle while impaired or under the influence of alcohol and/or drugs.

II. POLICY

The City of Bowie Police Department recognizes that drivers impaired by alcohol and/or other intoxicants represent a serious threat to the safety of others, and the seriousness of this problem, the policy of this Department is to maintain a driving while impaired enforcement program which includes provisions for public education and enforcement.

III. DEFINITIONS

D.U.I. - is defined as Driving Under the Influence, a blood alcohol concentration of 0.08% or higher

D.W.I. - is defined as Driving While Impaired, a blood alcohol concentration of 0.07% but less than 0.08%.

IV. DRIVING WHILE IMPAIRED COUNTERMEASURES (CALEA 61.1.10)

A. Training: Officers receive formal training in Impaired Driving enforcement in the entrance level police training academy which is further reinforced during the field training program. The training includes, but is not limited to:

1. Identification of impaired motorist by characteristic driving behavior;
 - a. When preparing to stop a motor vehicle. Officers shall consider the following:

- i. A stop location that maximizes the safety of the officer and the violator
 - ii. Positioning the police vehicle in such a manner that alerts other motorists of the officer's presence
 - iii. A suitable area where roadside sobriety tests can be administered.
2. Identification of the behavioral signs of intoxication;
3. The proper administration of field sobriety test; and,
4. Completion of the required alcohol influence reports and citation.

B. Chemical Analysts:

1. Only instruments approved by the State Toxicologist will be used for the analysis of breath samples as a measure of alcohol concentration of a person's blood.
2. Intoximeter Operators receive specialized training in the administration of intoximeter equipment and are certified in its operation by the State of Maryland, State Toxicologist.
3. Technical/Maintenance persons receive detailed instruction in the administration and maintenance of a chemical test for alcohol program and are certified by the State of Maryland, State Toxicologist to perform preventive maintenance on utilized breath testing equipment.
4. Departmental Preliminary Breath Test (PBT) operators receive detailed instruction in the administration of PBT tests and are certified by Departmental instructors.

C. Alcohol Education:

The Department's Traffic Enforcement Officer is responsible for making educational material about impaired driving available to the public.

D. Alcohol Enforcement:

Efforts in the area of selective enforcement pertaining to Impaired Driving violations will include:

1. Selective assignments of personnel to locations where and when analysis indicate that a significantly high ratio of accidents and alcohol related violations occur.
2. Selective surveillance of those roadways and locations where analysis indicate an unusually high incidence of accidents involving alcohol/drug impaired drivers.

V. ARREST PROCEDURES

In accordance with Maryland Vehicle Law, the following procedures will be used when making an arrest for alcohol/drug related traffic offenses: (CALEA 61.1.11)

A. Initial Contact:

1. Apprehend the defendant at the earliest possible time after probable cause has been established.
2. The advisement of Miranda Rights is not necessary unless an interrogation beyond identification requirements will be asked.
3. When a medical difficulty becomes apparent or the defendant requires lifesaving medication, have the defendant transported to the nearest hospital emergency room where medical personnel can assess the problem.

B. DISPOSITION OF ARRESTEE

The officer may release an arrestee, providing all citations are issued and MVA forms. Otherwise, they shall be presented, without unnecessary delay, before a District Court Commissioner. If the officer releases the arrestee, they shall take reasonable steps to ensure the arrestee has transportation away from the police facility.

C. SUMMONING WITNESSES

1. Arresting officers shall subpoena essential witnesses by checking the witness block and completing the back of the #1 copy of the citation. If additional space is necessary, a Request for Witness Summons will be completed.
2. The OSA transmits subpoenas for breath testing operators and chemists analyzing blood samples.

D. LICENSE RESTRICTIONS

1. Persons suspected of driving in violation of an alcohol restriction are processed similarly to persons driving under the influence of alcohol. Instead of using the Officer's Certification and Order of Suspension, if a person consents to a breath test, officers shall use:
 - i. Certificate of Police Officer, Violation of Alcohol Restriction.
 - ii. Certificate of Police Officer, Test Results of 0.04 or More, Commercial Motor Vehicle
 - iii. Alcohol restrictions on Maryland Driver's License may take the following forms:
 - a. Licensees less than 21 years of age are prohibited from having a BAC of 0.02 or greater.
 - b. Licensees with designated alcohol restriction are prohibited from having any alcohol in their blood.
 - c. Arrests for either of these violations are handled in the same manner as a DWI violation including chemical testing and charging of the arrestee. Officers shall complete and submit the Certification of Police Officer, Violation of Alcohol Restriction, as the MVA documentation needed

after an arrestee submits to a chemical test. Chemical test refusal shall be handled as a regular refusal to submit to a chemical test.

E. COMMERCIAL DRIVER'S LICENSE

1. Commercial drivers (when exercising their privilege as commercial licensees) are prohibited from having any alcohol in their system. Officers who encounter any commercial driver with the odor of an alcoholic beverage on their breath, shall request the driver submit to a chemical breath test. DWI regulations concerning chemical testing and charging apply in these types of arrest. The officer shall complete and submit the certification of Police Officers, test Result of 0.04% or More, Commercial Motor Vehicle for MVA documentation.
2. A truck inspector shall place commercial drivers (when exercising their privilege as commercial licensees) who have any alcohol concentration in their system, or refuse the breath test, out of service. The truck inspector will advise them that they cannot drive a commercial vehicle for at least 24 hours.

F. ALL OTHER TRAFFIC VIOLATION ARRESTS

1. In addition to DUI arrests, all other traffic arrests will be made pursuant to the provisions of Section 26-202 of the Maryland Transportation Article. For example, an officer may arrest without a warrant a motorist operating a vehicle on a cancelled, suspended, refused, or revoked license in violation of Section 16-303, due to a failure of the motorist to appear for court.
2. The officer needs to complete the traffic citations and a Statement of Probable Cause Arrest on Traffic Charges, form DC/CR 1, when the violator is to be presented before a District Court Commissioner.
3. When making a traffic arrest, officers will use only the force necessary to accomplish lawful objectives.
4. If an arrest is made with a citation, the issued CCN will be placed in the right margin of the citation. Witness information is placed on the reverse of the court copy.

VI. DEFENDANT'S VEHICLE: (CALEA 61.1.11)

- A. If the defendant is alone and stops the vehicle in an unsafe or illegal location or the vehicle is impeding or will impede traffic for an upcoming rush hour, the officer may impound the vehicle.
- B. If the defendant stops the vehicle in a safe and legal location, the officer should insure the vehicle is locked and left at the scene. The keys may be turned over to a sober adult possessing a valid driver's license who responds to take custody of the defendant.
- C. If the vehicle is occupied by passengers when the defendant is taken into custody, officers may release the vehicle to them under the following conditions:
 1. The defendant has an ownership interest in the vehicle and grants permission to a sober licensed adult passenger to operate the vehicle.
 2. One of the passengers has an ownership interest in the vehicle and is licensed and sober; or this person grants permission to another licensed and sober operator to operate the vehicle.

D. If the passengers do not meet the above criteria, the vehicle and the keys will not be released. The vehicle will then be impounded. The officer should take reasonable steps to arrange alternative transportation for the passengers. Factors such as time of day, adverse weather conditions, location of arrest, age, sex, and the physical conditions of the passengers should be used as guidelines when weighing alternatives for the disposition of the passengers.

VII. ADVICE OF RIGHTS TO CHEMICAL TEST: (CALEA 61.1.11)

A. In all arrests for the following offenses: 1) DUI/Impaired Driving, 2) Driving in violation of an alcohol restriction (including the restriction of persons under the age of 21), 3) Driving in violation of Maryland Traffic Law Section 16-813 (commercial motor vehicle), **except fatal or critical injury**, the DR-15 "Advice of Rights to Chemical Test" will be executed. All blanks must be filled in and the completed form read to the defendant, who will be given the opportunity to sign the form acknowledging they have been given the opportunity to either consent to or refuse the test. If the defendant refuses to sign, write "refused" in the space designated "Operator's Signature." The original will be retained by the arresting officer and a copy given to the defendant.

NOTE: Article 24 of the Maryland Declaration of Rights requires that a person detained for Impaired Driving must, on request, be permitted a reasonable opportunity to communicate with counsel before submitting to an intoximeter test.

B. The reasonable grounds field on the DR-15A must be filled in. "See attached" may be used only if the defendant is provided with the attachments at the time of arrest. The grounds for stopping the vehicle must be comprehensive and observation such as vehicular actions, locations observed, and the condition of the operator must be included. The sentence "the above stated facts are true and accurate to the best of my knowledge, information and belief" must be inserted at the end of the attachment.

"Alcoholic Beverage" is the only description permitted to describe the odor of a fermented liquid in the narrative of the reasonable grounds section. In addition, the fact that the person listed on the form was operating the vehicle and had an odor of an alcoholic beverage on their breath must be indicated.

In the reasonable grounds section, describe the circumstances that led to the submission or refusal of a chemical test.

C. For violations where death occurs, officers shall:

1. Contact a member of the Collision Reconstruction Unit if it involves a crash/collision to investigate otherwise
2. Inform the arrestee that by law, they must submit to a chemical test and read the arrestee the DR-15 Advice of Rights form. Officers must be able to articulate that there is reasonable suspicion to believe that alcohol is present
3. Not advise the arrestee of Miranda rights unless questioning the arrestee, or as instructed by the Office of the State's Attorney (OSA)

- D. Arresting officers have no responsibility to affirmatively suggest a detained person contact counsel at this point in processing the defendant. If a request is made by the defendant prior to conducting the chemical test:
1. Note the time of the request;
 2. Allow ample use of telephone to the detained person;
 3. Note number of calls attempted; and,
 4. Provide Public Defender's phone number if defendant so requests.
- E. Officers will not allow this request to interfere with the mandated two (2) hour time limit for conducting the chemical test. If it appears that notification of counsel will exceed the two hour limit, advise the detained person of the administrative penalties imposed on the DR-15 for exceeding the time limit to take a chemical test, initiate a DR-15A form (if appropriate) noting a refusal and continue to process. (The two hour time limitation begins at the moment of arrest). Expiration of the time limit does not preclude an officer from administering a test, even though the State has lost its prima facie evidence.
- F. Remain with the defendant during the twenty minute waiting period prior to the test and witness the administration of the test to provide corroborating testimony if necessary. **Do not allow the defendant to put or keep anything in his/her mouth from the time of the arrest and note the time you inspected the suspect's mouth.**
- G. If the defendant agrees to submit to a test, the intoximeter test will be conducted. If the defendant refuses the test, the DR-15A is a necessary condition for the Exercise of Administrative Jurisdiction by the Motor Vehicle Administration under the Implied Consent Law.
- H. Disposition of copies:
1. The officer will submit copies of all paperwork to records;
 2. The defendant will be given a copy; and,
 3. Fold, seal and mail the hard copy to MVA following the instructions on the back of the form. This mailing must be completed by the end of the arresting officer's tour of duty.

VIII. CHARGING

- A. The defendant will be charged in Delta Plus for the applicable charge: (CALEA 61.1.11)
1. Blood Alcohol Content (BAC) .08 or higher, 21-902(a).
 2. BAC .05-.07, 21-902(b).
 3. Alcohol and Drugs, 21-902(c).
 4. Drugs, 21-902(d).
 5. If the defendant refuses the Intoximeter test, then two citations, one for 21-902(a) and one for 21-902(b), should be issued. These charges will be amended by the State's Attorney at the time of trial.

6. The defendant need not be taken before a District Court Commissioner when Impaired Driving is the most serious charge and/or “there are no associated charges which require appearance unless there is concern regarding the defendant’s appearance in court.

B. DOCUMENTATION

The following documents are required for all DUI arrests:

1. Alcohol/Drug Influence Report
2. Advice of Rights (DR-15)
3. Officer’s Certification and order of Suspension- (DR-15A) used to:
 - i. Confiscate a Maryland Driver’s License
 - ii. Issue a temporary License
 - iii. Order a suspension
 - iv. Request a driver’s hearing
 - v. Record the officer’s statement of reasonable grounds
 - vi. Record results of a test for alcohol concentration
 - vii. Provide evidence of refusal
4. State of Maryland Preliminary Breath Test Log- if PBT used
State of Maryland Alcohol Program Testing Log

IX. CHEMICAL TEST FOR ALCOHOL: (CALEA 61.1.11)

A. SOBRIETY TEST

1. Individuals suspected of DUI/DWI shall be requested to perform roadside sobriety tests, unless they physically unable. If possible, tests should administered in a well-lighted and level area. Prior to administering any tests, officers will briefly explain and demonstrate them.
2. When attempting to determine impairment, only officers trained to administer the Standardized Field Sobriety Tests (SFST) will attempt to administer them and shall follow all procedures and scoring criteria established by the National Highway Traffic Administration (NHTSA) when doing so. The SFST include:
 - i. Horizontal Gaze Nystagmus (HGN)
 - ii. Walk and Turn
 - iii. One leg Stand
3. An officer not SFST-trained, shall not attempt to administer the tests, but they shall request the assistance of an officer who is SFST-trained to administer the tests.

B. PRELIMINARY BREATH TEST (PBT)

1. PBT may be used to develop additional probable cause to detain an individual. The PBT does not replace conventional roadside sobriety tests or chemical tests.
2. Only officers that have been trained and approved by the State Toxicologist shall administer a PBT.
3. A PBT may be administered after an operator has been advised of the rights outlined in the Preliminary Breath Test Advice of Rights form. The operator does not have the right to speak with an attorney before deciding whether to submit to a PBT. PBT results may not be used as evidence, but the results should be included in the reasonable grounds section of the DR-15A form.
4. The use of PBTs shall conform to the regulations of the State Toxicologist. PBT operators shall record PBT test results in the State of Maryland Preliminary Breath Test Log.
5. A PBT may be used to test any principal of a crime that is suspected to be under the influence of alcohol.

C. INTOXIMETER

1. The type of test administered to a defendant will be the intoximeter test. The blood test may be used in any of the following circumstances:
 - a. If the defendant is unconscious or otherwise incapable of refusing the intoximeter test.
 - b. Injuries to the defendant require removal to a medical facility.
 - c. An intoximeter is not available.
2. A .05% blood/alcohol level is prima facie evidence of driving under the influence of alcohol. A .08% blood/alcohol test is prima facie evidence of driving while intoxicated.
3. If the results are above .30%, the defendant will be transported to the nearest hospital emergency room for examination.
4. The breath or blood specimen shall be taken within two hours following the time the arrestee was apprehended. Circumstances may complicate the consent procedures. An arrestee may:
 - a. Repeatedly change their mind about submitting to a chemical test.
 - b. Submit to a chemical test only after conferring with an attorney. Officers shall allow the arrestee a reasonable period of time to contact and consult with an attorney.
 - c. Officers shall advise arrestees that failure to take a chemical test due to evasive behavior will be treated as a refusal.
 - d. If the two-hour time limit passes without a chemical test being administered, the officer shall document a test refusal.
5. An officer requesting a breath test for an arrestee shall:
 - a. Request a breath testing operator after the arrestee has agreed to take a chemical test

- b. Observe the arrestee for 20 minutes before testing, ensuring that the arrestee does not smoke or ingest any substances until the test is complete
 - c. Officers shall not administer breath tests to their own arrestees
 - d. When the result of test for alcohol concentration is completed, the breath test operator shall provide the arrestee with a copy of the results. The arresting officer shall retain the original and turn a copy in with their report.
 - e. Officers will differ to participating agencies when logging breath tests results or refusals.
6. Test Refusal or Test Result of 0.08% or Higher the officer shall:
- a. Confiscate the Maryland driver's license
 - b. Within 72 hours, send the confiscated driver's license, copies of MVA forms, and any results of the test for alcohol concentration to the MVA
 - c. Complete the Officer's Certification and give a copy to the arrestee
 - d. Advise the arrestee that he or she has 10 days in which to mail the hearing request form to request a hearing to show cause why their license should not be suspended.
 - e. Give the arrestee the "Driver's Copy" of the officer's Certification and Order of Suspension to use as a temporary driver's license, provided the arrestee has a valid Maryland driver's license and signs the Officer's Certification and Order of Suspension
 - f. An arrestee already in possession of a temporary license is treated the same as if he or she had a regular license.

D. BLOOD TEST

1. If one of the criteria for a blood test has been met:
- a. The arresting officer will obtain a self-addressed, pre-stamped blood alcohol kit and transport the defendant and the kit to the hospital in accordance with the following:
 - i. Prior to having medical personnel draw blood utilizing the two test tubes found in the State Toxicologist-approved blood collection kit, the arresting officer should ensure the kit's expiration date, usually found on the front of the kit, is still current.
 - ii. The officer will report to the emergency room, request the test, and advise the receptionist of the time remaining before the test becomes invalid due to the expiration of the two (2) hour limit.
 - iii. Only the blood alcohol collection kit approved by the State Toxicologist will be used for the withdrawal of blood. The forms contained in the blood kit will be filled out as follows:
 - 1. The consent form is to be signed by the accused and retained by the officer.

2. Complete the blood collection report (MSP34) and include it with the samples. (Must include time and date of arrest. MSP will not process the sample without this information.)
3. Complete all four seals; attach two seals to the blood tubes (one on each) and the remaining two will be used to seal the kit inside the mailing container.
4. The MSP 34 form will only be completed in the section titled, "Arrest Information." All areas are self-explanatory except the following:

Time: Use arrest time.

Installation Commander: Disregard

Send results to: Use arresting officer's name and BPD station address.

- iv. The entire kit will be properly sealed and mailed immediately only from a mailbox where a daily pickup is made. (Registered mail is not necessary.)
- b. The arresting officer will witness the withdrawal of blood and immediately take possession of the containers so that the medical personnel will not have to appear in court (unless subpoenaed by defense).
 - i. Ensure the test tubes are filled completely
 - ii. Immediately after the blood is collected, mix the blood with the anticoagulant powder by slowly and completely inverting the test tube five times (do not shake vigorously)
 - iii. Complete the four evidence seals contained in the kit
 - iv. Seal each of the test tubes with an evidence seal
 - v. Place the sealed test tubes in the original box and seal the ends of the box
 - c. Officers shall not have blood samples drawn by military personnel.
 - d. Officer shall avoid having blood samples drawn within the District of Columbia, as these may be inadmissible as evidence.
 - e. As test results are not immediately available, officers will place the appropriate charges against arrestees based upon known facts.
 - f. Blood specimens along with copies of #1 through #4 of the MSP Form #34 must be forwarded to MSP for analysis at Chemical Test for Alcohol Unit (CTAU), MSP Pikesville, MD 21208. The arresting officer shall ensure that all forms are properly completed.

- g. The MSP Chemical Test for Alcohol Unit will notify the arresting officer by mail to test results based upon submitted information for MSP #34. The arresting officer will notify the defendant of the blood results by providing the defendant with a copy of the letter.

2. Follow up Procedures

Following analysis of blood samples, MSP shall forward the Department's copy of the result of test for Alcohol Concentration form and #34 to the Department's designee to distribute to the arresting officer.

- a. For test results .07 or below, the arresting officer shall:
 - i. Complete a follow up report detailing the results of the test
 - ii. Complete the copies of the result of Test for Alcohol Concentration form, furnish salutation, citation number, and officer's signature
 - iii. Immediately forward defendant copy of the Result of Test For Alcohol Concentration to the arrestee via certified mail through the Department
 - iv. Immediately forward the OSA's copy of the Result of Test for Alcohol Concentration and other required documentation via mail to the DWI Case Coordinator, OSA District Court Division Courthouse, Upper Marlboro
- b. For test results .08% or higher, the arresting officer shall:
 - i. Complete the DR-15A, except for the following:
 - 1. Order of suspension-issue date
 - 2. Surrender of Driver's License
 - 3. Drivers Certified Statement
 - 4. Temporary License Block
 - ii. Submit the DR-15A and MVA copy of the result of Test for Alcohol Concentration form to the MVA
 - iii. In cases where blood test were given, the arresting officer shall complete the Disposition of Alcohol Chemical Test when the court case and appellate process are concluded to facilitate the disposal of blood samples. Officers shall mail the form to the CTAU.

X. UNCONSCIOUS PERSONS: (CALEA 61.1.11)

- A. When an operator of a motor vehicle is unconscious or otherwise incapable of refusing to make a chemical test for alcohol and probable cause exists to make an arrest the officer will:
 - 1. Obtain prompt medical attention for the individual and, if necessary, arrange for transportation via ambulance if possible to the nearest medical facility.
 - 2. If a chemical test for alcohol will jeopardize the individual's health or well-being, the officer will direct a qualified medical person, using a blood alcohol collection kit approved by the State Toxicologist, to withdraw blood samples. The consent form will

be completed and the word “unconscious” written where the defendant’s signature would normally be placed.

3. If the individual regains consciousness or otherwise becomes capable of refusing the test prior to the withdrawal of blood, the investigating officer will proceed with processing as indicated in 04 of this directive.
4. The investigating officer will witness the withdrawal of blood and immediately take possession of the containers so that medical personnel will not have to appear in court (unless subpoenaed by defense).

B. Blood samples obtained under this procedure will be forwarded as indicated in Section 08 of this directive.

XI. DRIVERS INVOLVED IN FATAL COLLISIONS: (CALEA 61.1.11)

- A. If a person is involved in a motor vehicle collision that results in the death or life threatening injury to another person and the person is detained by a police officer who has reasonable grounds to believe that the person has been driving or attempting to drive, while intoxicated or while under the influence of alcohol, the person shall be required to submit to a chemical test, as directed by the officer, of the person’s blood or breath to determine the alcohol content of the person’s blood. Any medical personnel who perform any test required by this section are not liable for any civil damages as the result of any act or omission related to such test, not amounting to gross negligence. (Maryland Transportation Article).
- B. **Do not complete the DR-15.** When involved in a fatal or life threatening motor vehicle collision the detained person is required by law to submit to a chemical test as directed by the officer.
- C. If the intoximeter test is selected, the officer will follow the procedures previously set forth in this directive. Refusal of the detained person to cooperate will require transport to the appropriate hospital for a blood test.
- D. If the blood test is selected, the officer will witness the withdrawal of blood (using approved kit) and immediately take possession of the containers so that the medical personnel will not have to appear in court (unless subpoenaed by defense). Blood samples obtained under this procedure will be forwarded to the State Toxicologist as indicated in Section 08 of this directive.

XII. DECEASED PERSONS: (CALEA 61.1.11)

- A. When the operator of a motor vehicle dies as a result of injuries sustained in an automobile collision, the Deputy Medical Examiner will take charge of the body.
- B. The Deputy Medical Examiner will, as a matter of policy, take a blood sample from the deceased and have it analyzed for blood alcohol content by the State Toxicologist Laboratory. The results of the blood analysis will be made available to the investigating officer.

XIII. DRUG RECOGNITION EXPERT PROGRAM (DRE):

A Drug Recognition Expert (DRE) can provide an evaluation of suspects arrested for driving while under the influence of drugs. The DRE can determine with a high degree of accuracy the type of drug the suspect is impaired by. (CALEA 61.1.11)

- A. If an officer stops a subject who appears to be impaired, and there is no evidence of alcohol present (odor, PBT reading, etc.) the officer shall process them in the same manner as persons driving under the influence of alcohol.:
1. Administer Standardized Field Sobriety Tests;
 2. Advise the subject to their right to submit to a chemical test (DR-15); and,
 3. If the rights are waived, have the subject submit to a breath test.
- B. If the subject submits to the breath test and the results are inconsistent with the impairment shown, the officer shall request a DRE respond for an evaluation. If the subject refuses the breath test, the officer may request a DRE for consultation.
1. If the arrestee submits to a chemical test, the test can be used to determine the extent of alcohol influence. A low test result, especially a result 0.0%, together with the officer's observation, may support the probability of drug use.
- C. The DRE will conduct an evaluation and make the formal request for blood from the subject if necessary. If an evaluation is conducted, the DRE will handle all of the necessary paperwork relating to the blood evidence. The arresting officer shall include, in the narrative, the fact that the subject appeared to be impaired and his/her impairment was not consistent with their Breath Alcohol Content (BrAC). Further, the officer shall include the fact that a DRE was requested, responded and completed an evaluation. Officers shall take detailed notes of the subject's actions prior to the arrival of the DRE. These notes are to be reviewed with the DRE upon his/her arrival. The DRE has up to 4 hours after the arrest to request blood from the subject. Due to this fact, the arresting officer shall make every attempt to notify a DRE, as soon as possible.
- D. An officer shall not confiscate an arrestee's driver's license for driving under the influence of drugs, unless the officer is a certified Drug Recognition Expert (DRE). DREs are officers specially trained to detect drivers under the influence of illegal drugs, prescription and over-the-counter medications, and inhaled products. They may be contacted through Communications or the Department's DRE may be contacted through Department cell phone. (See Department's SOP for DRE use)
- E. Drugs found on the arrestee or in their vehicle shall be submitted to a laboratory for analysis by the arresting officer. The results of the analysis may be used as corroborative evidence.
- F. If arrestee was injured and transported to a hospital, the arresting officer will contact a member of the Department's Collision Reconstruction Unit for assistance with requesting the OSA to subpoena the hospital's blood test results.
- G. Taking prescription medication is no defense against a charge of driving while under the influence of drugs.