



Taking Your Impaired Driving Cases to a HIGHER Level: Making Stronger Cases and the Road to DRE

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Picture This Scenario



Officers see and stop a vehicle for being operated in an erratic manner.

They find the driver has bloodshot eyes, speech slurred, acts confused and disoriented.

Picture This Scenario



Field sobriety tests are administered and clues to impairment are found.

But a breath test detects little or no alcohol in the driver's body.



How do you handle this Situation?

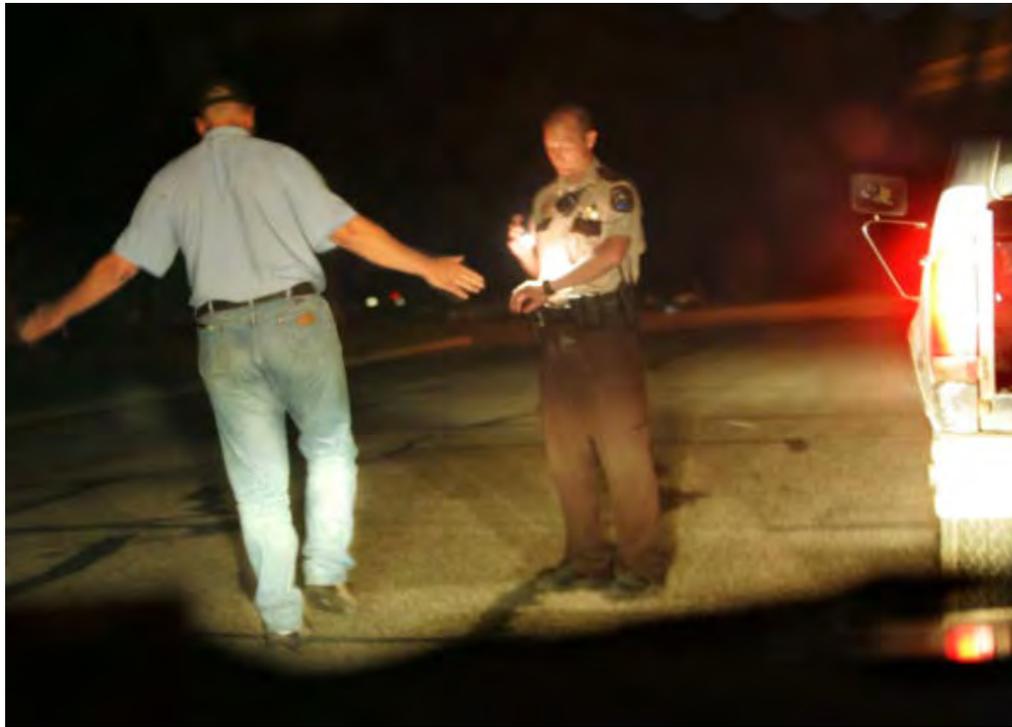


The result of an improper investigation/decision can affect many others!

This became a
**PUBLIC SAFETY AND
TRAFFIC
ENFORCEMENT**

Issue in detecting
stopping, and
arresting
Impaired Drivers

This is what led to
the creation of the
the Drug
Recognition
Program



Crash rates jump in wake of marijuana legalization, new studies show

June 17, 2021



Related

[Changes in traffic crash rates after legalization of marijuana: results by crash severity](#)

Research paper

[Recreational marijuana and collision claim frequencies](#)

HLDI Bulletin Vol. 37, No. 20: December 2020

[Cannabis presentations to the emergency department after motor vehicle crashes in the era of legalization for recreational use](#)

Research paper

Marijuana Workforce Drug Test Positivity Continues Double-Digit Increases to Keep Overall Drug Positivity Rates at Historically High Levels, Finds Latest Quest Diagnostics Drug Testing Index™ Analysis

First Large-Scale National Analysis of Workforce Drug Testing During the COVID-19 Pandemic, Based on More Than 9 Million Drug Tests in 2020
Stark Differences in Positivity Between States that Permit Recreational Marijuana Use with Either Medical Use and No Legal Marijuana States
Marijuana Positivity Rate of Post-Accident Test Results Grew Faster Than Rate for Pre-Employment Testing



 Photos (3)

**2021 QUEST
ANNUAL REPORT**

SECAUCUS, N.J., May 26, 2021 /PRNewswire/ -- The COVID-19 pandemic did not dampen workforce drug testing positivity for marijuana, which continued to increase last year in the general U.S. workforce, according to a new analysis released today by Quest Diagnostics (NYSE: DGX), the world's leading provider of diagnostic information services. This study is thought to be the first large-scale analysis of de-identified results of laboratory workforce drug tests performed during the COVID-19 pandemic.



Drugs Impair Drivers' Abilities

A report prepared by the [Office of National Drug Control Policy](#) highlights the following facts about fatal accidents in which drivers were tested for drugs:

- 18 percent of all fatally injured drivers tested positive for drugs.
- 57 percent of all drug-positive driver crashes were single-vehicle accidents.
- 48 percent of drivers who tested positive for any drug also tested positive for alcohol.
- Narcotics and cannabinoids (the compound found in marijuana) accounted for almost half of all drug-positive results.
- Cannabinoids were found in 43 percent of all fatalities under the age of 24 who tested positive for drugs.
- A higher rate of narcotics and depressants were found in fatally injured drivers over the age of 45.

Impaired Driving Countermeasures



Drug Recognition Expert (DRE)

Advanced Roadside Impaired Driving Enforcement

Standardized Field Sobriety Testing (SFST)

Standardized Field Sobriety Testing (SFST) Training



SFST

Training for officers:

- Three Phases of DWI Detection
- Proper Administration of the three SFSTs
- Brief Overview of Drugged Driving



SFST

- Academy or Post-academy
- Provides foundation for identifying impairment



SFST

Standardized Field Sobriety Tests:

Horizontal Gaze Nystagmus



Walk and Turn



One Leg Stand

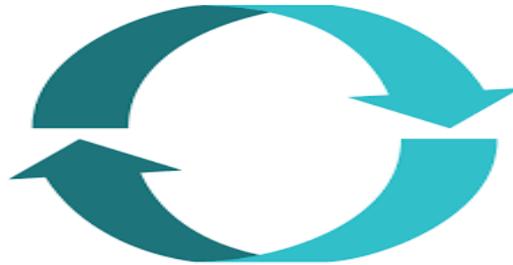


ARIDE

Implemented in 2009

Intended to bridge the gap between:

SFST trained officers - DRE trained officers



ARIDE

Training for officers:

- Ensures proficiency in the SFST
- Observe, identify, and articulate signs of drug impairment
- Introduction to drug combinations
 - Alcohol with other drugs
 - Poly drug use



ARIDE

Additional Psychophysical tests:

- Modified Romberg Balance



- Finger-to-Nose



ARIDE

Additional eye examinations:

- Lack of Convergence
- Pupil Size Observations



DRE



Drug Recognition Expert (DRE)

**Advanced Roadside Impaired
Driving Enforcement**

Standardized Field Sobriety Testing

Drug Recognition Expert (DRE)



Drug Recognition Experts (DRE)

- The premier drugged driving detection and enforcement program
- Over 8,100 DREs nationally (12/31/2021)
- Over 800 international DREs (Canada, UK, Guam, American Samoa)
- Approximately 2,600 law enforcement agencies with nationally

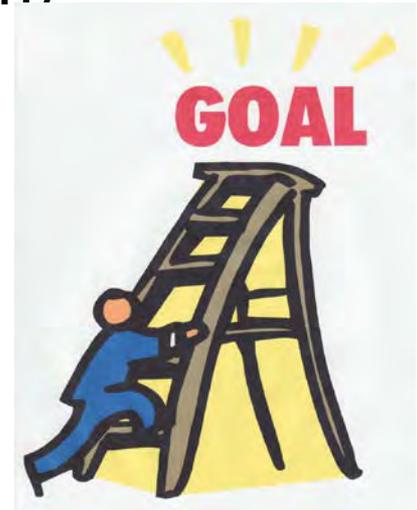


DRE Training Process



DRE Training Process

- ✓ Proficient in SFST
- ✓ ARIDE (Not mandatory, but recommended)
- ✓ DRE Pre-School (16-hours)
- ✓ DRE School (56-hours)
- ✓ DRE Final Exam (80% minimum)
- ✓ Field Certification (12 evaluations minimum)
- ✓ DRE Final Knowledge Exam
- ✓ Approved C.V. and Rolling Log
- ✓ Recommended by 2 DRE instructors
- ✓ Certified by DRE State Coordinator
- ✓ Credentialed by the IACP



DRE Enforcement Programs

- ✓ Holiday impaired driving Crackdown events
- ✓ DUI Taskforce events
- ✓ Checkpoint operations
- ✓ Emphasis / Saturation patrols
- ✓ Crash Teams
- ✓ Commercial Motor Vehicle inspections
(Operation Trucker Check)



Origin Of The DRE Program



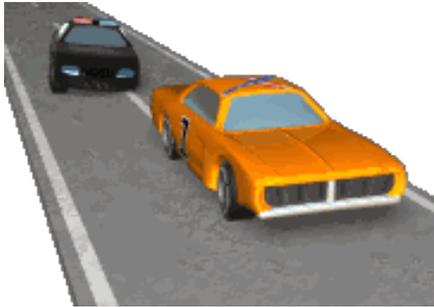
Officers from the Los Angeles Police Department (LAPD) began to develop their own expertise on the effects of impairing drugs other than alcohol.

They consulted with doctors, psychologists, and drug abusers to educate themselves about the effects of drugs.



Origin Of DRE Program

Realized there was difference between;

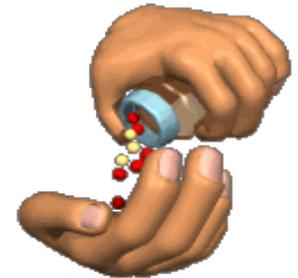


DUI (Driving Under the Influence) vs.

DWI (Driving while Impaired).

Does DUI of a drug mean you are Impaired?

Nearly 70 percent of Americans are on at least one prescription drug, and more than 50 Percent take two,



Evolution of the DRE Program?

The DRE program evolved into a Standardized and Systematic 12 Step Process to determine the following:

1. Whether or not the suspect is **IMPAIRED**; if so,
2. Whether the impairment relates to a **MEDICAL CONDITION AND/OR DRUGS**; and if drugs,
3. What category or combination of **CATEGORIES OF DRUGS** are the likely cause of the impairment.

IACP National DEC Program

Technical Advisory Panel

Subcommittees:

Scientific Workgroup

Standards

Curriculum

Three regional reps, two representatives from the medical field, toxicologist, prosecutor, POST, NHTSA, DRE State Coordinator, four DRE-at large

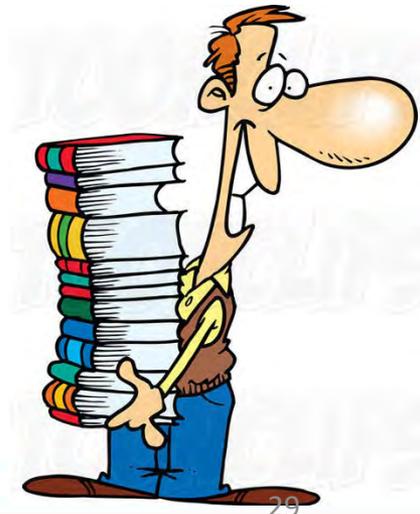


**Drug Recognition Expert
Section (DRE)**

www.decp.org

Impaired Driving Curricula

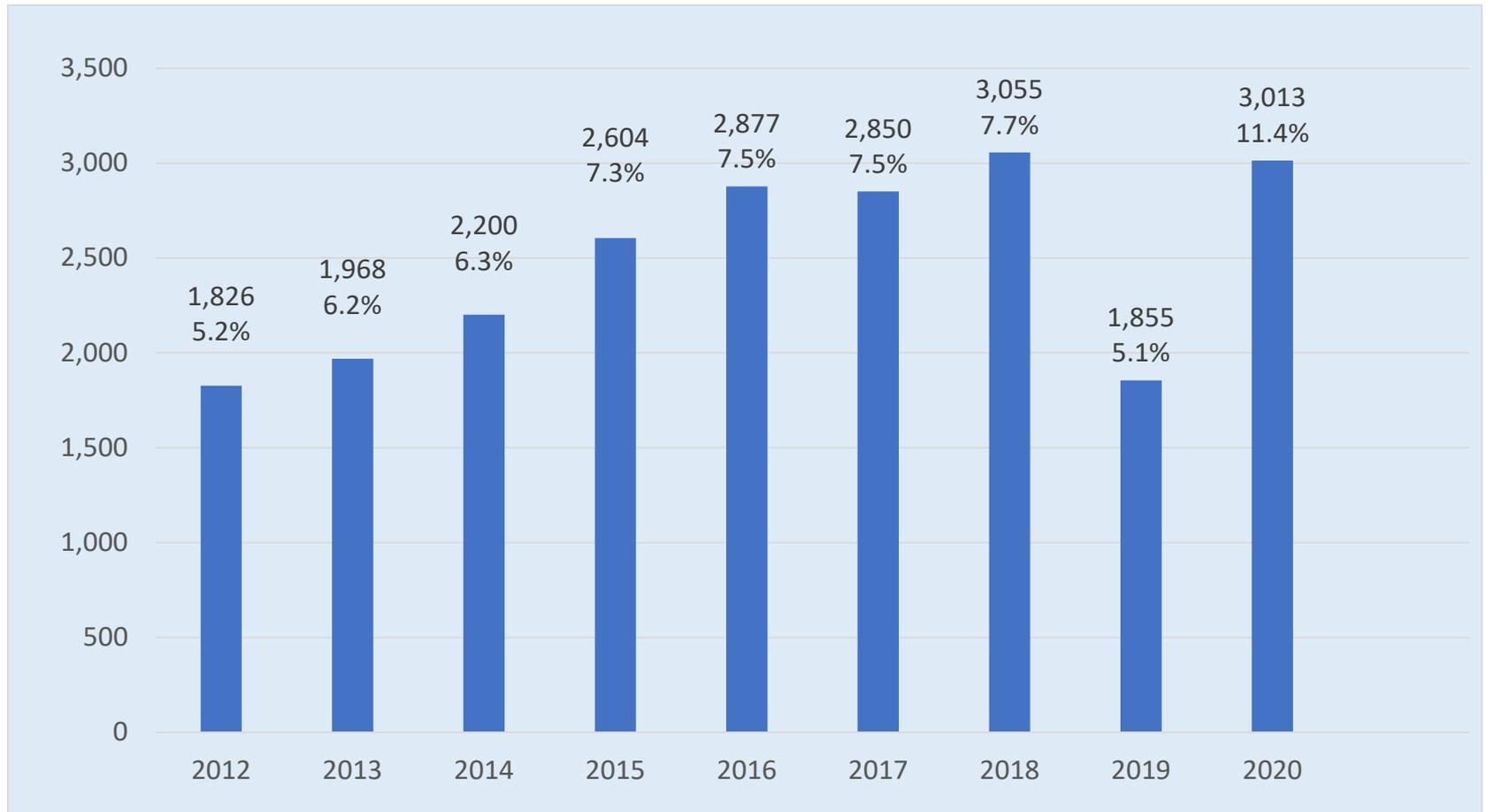
- February 2018 NHTSA/IACP Impaired Driving Curricula latest release
- Included: SFST, SFST Refresher, SFST Instructor Development Course (Train-the-Trainer), ARIDE, DRE Pre-School, DRE 7-Day School and DRE Instructor
- Next update – under way!
Late Spring/Early Summer 2022 release.



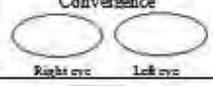
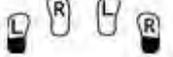
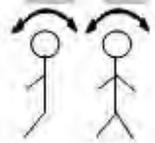
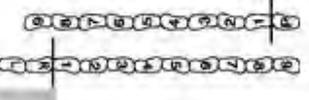
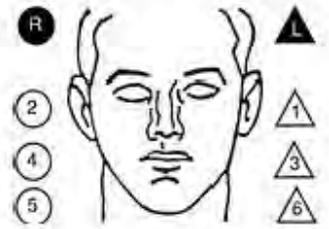
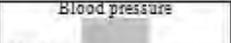
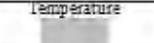
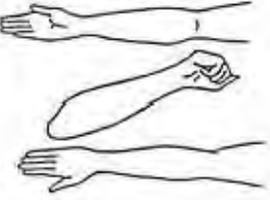
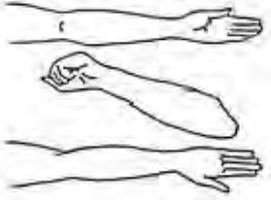
Benefits of Involving a DRE.....

- Specialist in DUI investigations, equivalent of Detective/Crash Reconstructionist
- Higher level of training and experience
- Better trained to recognize and and collect additional evidence of impairment
- Opinion Testimony
- More likely to be accepted by a Judge as an expert than most officers
- Better prepared to address defense challenges

DRE Toxicology Refusals



SFST's and Clinical Indicators

Pulse and time 1.  2.  3. 	HGN Lack of Smooth Pursuit Maximum Deviation Angle of Onset	Right Eye 	Left Eye 	Convergence 	ONE LEG STAND 										
Romberg Balance 	Walk and turn test 	Cannot keep balance Steps too soon Steps walking Misses heel/ toe Steps off line Raises arms Actual steps taken	1* Nine 2* Nine <table border="1"> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> </table>											L R <input type="checkbox"/> <input type="checkbox"/> Sways while balancing <input type="checkbox"/> <input type="checkbox"/> Uses arms to balance <input type="checkbox"/> <input type="checkbox"/> Hopping <input type="checkbox"/> <input type="checkbox"/> Puts foot down	
Internal clock estimated as 30 seconds	Describe Turn	Cannot do test (explain)		Type of footwear:											
Draw lines to spots touched 	PUPIL SIZE Room light 2.5 - 5.0 Darkness 5.0 - 8.5 Direct 2.0 - 4.5	Left Eye 	Right Eye 	Nasal area: 	Oral cavity: 										
	REBOUND DILATION <input type="checkbox"/> Yes <input type="checkbox"/> No	REACTION TO LIGHT:													
	Blood pressure 	Temperature 	RIGHT ARM 	LEFT ARM 											
Muscle tone: <input type="checkbox"/> Near Normal <input type="checkbox"/> Flaccid <input type="checkbox"/> Rigid	Comments:														

Impaired Driving Cases

- ▶ Thinking BEYOND “checking the boxes”
- ▶ Going through the motions vs seizing the moment
- ▶ Opportunities to gather information/question the subject
- ▶ Suspect’s statements
 - Spoken
 - Unspoken
 - body language
 - other “statements”
- ▶ Follow up questions
- ▶ Making or breaking your case

IACP DEC Program Website

www.decp.org



“What’s New”/DRE Resources/Training Information



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