





POLICIES AND PROCEDURES MANUAL

	DRUG RECOGNITION EXPERT	
	POLICY NUMBER: 61-3	ISSUING AUTHORITY 
	EFFECTIVE DATE: January 1, 2025	Christine A. Elow Police Commissioner

I. GENERAL CONSIDERATIONS AND GUIDELINES

Traffic laws and enforcement strategies related to impaired driving from alcohol or drugs are intended to reduce the number and severity of injuries and deaths in motor vehicle crashes induced by such consumption.

In an ideal world, all community members would voluntarily comply with the rules of the road. They may do so out of respect for the social contract that allows communities to function in an orderly fashion; with regard for their own safety and the safety of others around them; or out of fear of punishment for breaking the rules.

Regardless of the reasons compelling people to comply with traffic laws, it is incumbent on police departments to do what they can to gain the highest level possible of voluntary compliance so that the frequency with which impaired driving causes serious or fatal crashes is reduced.

II. POLICY

It is the policy of the Cambridge Police Department to:

- A. employ community education strategies with regard to responsible driving habits;
- B. analyze crash data in relation to impaired driving and deploy resources accordingly;
- C. follow strict guidelines when arrest is appropriate; and
- D. ensure that impaired drivers do not continue to drive after being stopped.

III. DEFINITIONS

- A. *Categories of Drugs*: As defined by the program, include: (1) central nervous system depressants, (2) central nervous system stimulants, (3) hallucinogens, (4) dissociative anesthetics, (5) narcotic analgesics, (6) inhalants, and (7) cannabis.

- B. *Drug*: As defined by the program, a drug is any substance that, when taken into the human body, can impair the ability of the person to operate a vehicle safely.
- C. *Drug Recognition Expert*: Officers who have successfully completed the National Highway Traffic Safety Administration (NHTSA)/International Association of Chiefs of Police (IACP)-approved Drug Evaluation and Classification (DEC) Program. DREs are qualified to conduct a standardized and systematic evaluation of a subject to determine if:
 - 1. the subject exhibits signs of intoxication;
 - 2. those signs are caused by drug(s) or another source, such as an illness or injury; and
 - 3. the subject is intoxicated by the introduction of drug(s) into the body; and if so,
 - 4. the DRE can tentatively identify the broad category(s) of drug(s) that is likely to have caused such intoxication.
- D. *NHTSA*: National Highway Traffic Safety Administration.

IV. PROCEDURES

- A. Circumstances Involving DRE Evaluations
 - 1. A DRE may be called in the event of an arrest for Operating Under the Influence (OUI) of Drugs.
 - 2. A DRE may be called in the event of a fatal and/or serious bodily injury motor vehicle crash, whether the impairment of any operator is readily apparent.
 - 3. A DRE may be called any other time expertise is needed in determining impairment of any person.
 - 4. A DRE may be called to conduct an evaluation if the subject exhibits signs of blood alcohol concentration (BAC), which can be determined using an approved breath testing device (Intoxilyzer 5000, Draeger 7110), approved Preliminary Breath Testing (PBT) device, or if impairment exists, and the subject's BAC is not consistent with the level of impairment.
 - 5. A DRE may be called out any other time their expertise could be of value to the department, such as in drug investigations, overdoses, or child endangerment.
 - 6. DREs should always confer with a supervisor prior to assisting with any investigation and not self-deploy whether on or off duty.
- B. On-Duty DRE
 - 1. If one of the department's DREs is on duty during one of the aforementioned cases, they may be contacted to assist with determining impairment.
 - 2. The Shift Commander should attempt to provide the necessary staffing coverage if an on-duty DRE is deployed for an evaluation.

3. If responding out of jurisdiction while on-duty, the DRE will notify the Emergency Communications Department to create a Computer Aided Dispatch (CAD) entry and, where applicable, an incident number. ECD will utilize a specific DRE response notation.

C. Off-Duty DRE:

1. If none of the department's DREs are working and a DRE is needed, the Shift Commander should attempt to contact one of the department's DREs by telephone and/or Code Red. The department's DREs will ensure that an up-to-date list of certified DREs, with the appropriate contact information, is maintained in the Shift Commander's office.
2. If the Shift Commander is unable to reach one of the department's DREs, they shall attempt to contact a DRE from another department. The department's DREs will ensure that an up-to-date DRE Call Sheet is maintained in the Shift Commander's office.
3. If responding out of jurisdiction while off-duty, the DRE will notify ECD to create a CAD entry and, where applicable, an incident number. ECD will utilize a specific DRE response notation.

D. Process for DRE Evaluation Within the City of Cambridge

1. When a subject has been arrested for Operating Under the Influence (OUI) or another related offense, the subject shall be transported to the Cambridge Police Department booking area.
2. The booking and/or the station relief officer should attempt to obtain a breath specimen from the subject to determine the BAC.
3. If the BAC indicated by the Intoxilyzer 5000, or other approved breath test device, is below .07 or the subject refuses the breath test, and/or the arresting officer reasonably believes the subject to be intoxicated by drug(s) other than alcohol, the following apply.
 - a. The booking officer or any other officer assisting with the investigation may ask the subject to consent to a DRE evaluation. DRE evaluations and, when practicable, the collection of toxicological samples will only be conducted by DREs. Refusal to provide a urine specimen does not constitute a refusal to give a specimen under the implied consent law.
 - b. If the subject consents to a DRE evaluation, the arresting officer may then request that a DRE respond to the police station.
 - c. If the subject refuses to consent to a DRE evaluation, the DRE may still respond to the station to make observations that may assist the department in any investigation relating to the case.
 - d. If a DRE is not available, the booking officer or any other officer assisting with the investigation may still request that the subject provide a toxicological sample.
 - e. If the supervisor believes a DRE call-out is justified, the Shift Commander will contact one of the department's DREs. If a department DRE is not available, the Shift Commander should attempt to contact a DRE from another department utilizing the DRE Call Sheet.

4. If a DRE is called to respond, the arresting officer should be available during the DRE evaluation so that the arresting officer can communicate with the DRE as part of the drug evaluation process.
5. Upon arrival, the DRE will proceed with any procedures that may be necessary for their investigation.
6. Following the Evaluation
 - a. If the DRE determines that the subject is impaired:
 - (1) officers will proceed according to the circumstances and department policy;
 - b. If the DRE determines that the subject is not impaired, the arresting officer will be notified, and a supervisor will be requested to respond.
 - (1) A supervisor may authorize the release of any subject when the evidence fails to support a charge of OUI. However, there may be times when the DRE determines that a subject is not impaired at the time of evaluation, but probable cause exists that the subject was impaired at the time of the arrest. In those cases, the subject may be held and charged with OUI.
7. Toxicology Samples
 - a. As part of the DRE's evaluation, a toxicology sample may be requested from the subject. This includes, but is not limited to, blood and/or urine.
 - b. A toxicology sample is taken strictly on a voluntary basis with the subject giving the police consent to obtain such a sample, unless a bodily fluids warrant has been issued by a judge.
 - c. Toxicology Handling and Chain of Custody
 - (1) Any officer handling any bodily fluids shall take universal precautions. Once a sample has been obtained from the subject, it will be sealed in the proper container(s), along with proper paperwork from the DRE, and placed into evidence. Bodily fluid samples must be stored in a refrigerator until transported to the State Police Crime Lab for testing unless circumstances exist which would make this impracticable. If refrigeration is not available, the sample(s) shall be stored in a cool, secure place in the station. Chain of custody procedures shall be followed.
8. Drug Recognition Expert Forms
 - a. The DRE shall document the case/evaluation according to the standards set by the Commonwealth of Massachusetts DRE Program and any departmental incident reports.
 - b. The arresting officer will complete the evidence report, listing the toxicology specimen as evidence, and maintain the chain of custody of other property to be logged as evidence.
 - c. The arresting officer will complete the OUI arrest report; and the booking officer will attach the required statutory rights forms.

9. Procedures for Blood Specimen Collection

- a. When a defendant is at the hospital for treatment of injuries, a blood sample may be requested.
- b. When consent is given, the DRE will collect a blood sample using the following procedures.
 - (1) Have the defendant sign the department Consent to Toxicology Form.
 - (2) Follow the *Guidelines for Drawing Blood in OUI and Drug Cases* published in the most recent Breath Test Operator Recertification Manual by the Department of State Police Office of Alcohol Testing.
 - (3) Once the DRE/arresting officer has the sample tubes, they shall:
 - (i) indicate on each tube the subject's name and the time and date collected;
 - (ii) place the container in a plastic evidence bag;
 - (iii) return to the Cambridge Police Department;
 - (iv) place the State Police Lab Form and the incident report in the evidence bag with the sample;
 - (v) place the evidence bag and container in the refrigerator;
 - (vi) notify the evidence technicians that toxicological evidence has been placed in the refrigerator to ensure that it is transported in a timely fashion, the next business day, to the state laboratory in Sudbury; and
 - (vii) secure/lock the refrigerator.
- c. If consent is not given, but the arresting officer or DRE believes that there is probable cause that a sample of the defendant's blood will provide evidence of the defendant's impairment for OUI drugs, the arresting officer or DRE, after consultation with a supervisor, shall contact the Middlesex District Attorney's Office Appeals Bureau Search Warrant team or the department's Legal Advisor to assist in drafting the appropriate search warrant. If a sample is obtained pursuant to a search warrant the same collection protocol listed above shall be followed.
- d. Officers should be aware that a blood sample is often taken by hospital personnel in the normal course of patient treatment. If this occurs, officers should document in the appropriate incident or supplemental report that a blood sample was taken by hospital personnel as part of the normal course of treatment. This will provide notice to the District Attorney's Office to obtain these records as part of any investigation and/or prosecution and will provide documentation that the blood was not drawn at the request of law enforcement. The medical records showing the results of blood tests will be admissible during trial for OUI-drugs.

E. Out of Jurisdiction Deployment of DREs and Expert Testimony

1. Given the limited number of certified DREs in the Commonwealth, it is critical to share resources amongst law enforcement agencies. The department is committed, when practical, to deploying DREs to other jurisdictions for DRE evaluations and to allow the department's DREs to testify as expert witnesses in prosecutions arising from arrests in outside jurisdictions.
2. Out of Jurisdiction Deployment for DRE Evaluation
 - a. Through the DRE program, a list of certified DREs is published on a form known as the DRE Call Sheet. The department's DREs are listed on this form, and as such, may be asked to assist an outside agency in a DRE evaluation. These requests may be made directly to the DRE or to the department.
 - b. Regardless of how the request is received, all requests for out of jurisdiction deployment shall be reviewed and approved by the Shift Commander. Given the collaborative nature of the DRE program and limited number of DREs, the department will make every effort to honor another agency's request.
 - c. If a DRE is deployed to another jurisdiction, the DRE is still required to perform all reporting requirements listed above, allowing the department to track the efficiency and demands of the DRE program and to provide a reliable discovery process for any potential prosecution.
3. Expert Testimony for Out of Jurisdiction Cases (Non-percipient Witness)
 - a. In some cases, a DRE will not be deployed to another jurisdiction, but the District Attorney's Office will nonetheless request that one of the department's DREs testify as an expert witness to aid in the prosecution of a case from another jurisdiction. In these cases, DREs can provide valuable background expertise as well as expert opinions based on hypothetical scenarios.
 - b. When a summons is received from the District Attorney's Office in one of these cases, the Court Prosecutor's Office will forward the summons to the DRE's supervisor. The department will make every effort to honor the District Attorney's Office request. The DRE shall notify the Court Prosecutor's Office of whether the summons will be honored. If the summons cannot be honored, either the DRE or the Court Prosecutor will notify the Office of the District Attorney.
 - c. The Court Prosecutor's Office will document all summonses for DRE expert testimony and whether the summons was honored.
 - d. The department's DREs will also document all instances when a DRE was consulted by a local police department and/or Office of the District Attorney in a centralized location on the department's "S" drive.