

Oregon Drug Evaluation and Classification Program

Policies & Procedures

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The Oregon Drug Evaluation and Classification Program (DECP) receives funding through grants provided by the Transportation Safety Division of the Oregon Department of Transportation. Administration of these programs is conducted through partnerships between the International Association of Chiefs of Police (IACP), the Transportation Safety Division of the Oregon Department of Transportation (TSD), National Highway Traffic Safety Administration (NHTSA) Region 10, Oregon Department of Justice (DOJ), Department of Public Safety Standards and Training (DPSST), and coordinated through the Oregon State Police Patrol Services Division. These policies and procedures have been established to help guide the direction of Oregon State's DEC Program.

This document was designed to support the IACP International Standards of the Drug Evaluation and Classification Program produced by the impaired driving Technical Advisory Panel (TAP). This document represents Oregon's minimum standards, which supersedes some of IACP's standards. Moreover, this document does not supersede any agency policy that is more restrictive. In any instance where Oregon's policies and procedures conflict with International Standards, the more restrictive of the two policies will be enforced.

This document will be reviewed biennially by the Oregon State Drug Evaluation and Classification Program State Coordinator and one representative of the following entities: The Drug Recognition Expert Steering Committee, Transportation Safety Division of the Oregon Department of Transportation, and the Department of Justice for compliance with the International Standards, Oregon State law, current practices, and agency needs.

Policies and Procedures

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It is the responsibility of the DRE Instructor, DRE, and DRE Student to become familiar with this policy and procedure manual. Oregon State Troopers must also familiarize themselves with Department Policy, Rules, and Procedures Chapter 502.25. Additional information may be found on the internet at <http://www.oregon.gov//ODOT/TS/dre.shtml>

I. General Information

The Drug Evaluation and Classification Program (DECP) coordinated through the Oregon State Police (OSP), partner with the Oregon Department of Transportation Safety Division (TSD), the Department of Public Safety Standards and Training (DPSST), the Department of Justice (DOJ), the National Highway Traffic Safety Administration (NHTSA), and the International Association of Chiefs of Police (IACP). These agencies are dedicated to providing progressive and professional training courses that focus directly on the problem of impaired driving. The following courses and certifications will fall under this policy and procedure:

- Drug Recognition Expert
- Drug Recognition Expert Recertification
- Drug Recognition Expert Instructor
- Drug Recognition Expert Course Manager
- Advanced Roadside Impairment Driving Enforcement Course
- Advanced Roadside Impairment Driving Enforcement Instructor
- Drugs that Impair Driving Course
- Drug Impairment Training for Educational Professionals
- Drug Impairment Training for Educational Professionals Instructor
- Standardized Field Sobriety Test Instructor (OSP)
- Standardized Field Sobriety Test Update/Refresher (OSP)

The curriculums for these standardized training courses were developed by the National Highway Traffic Safety Administration (NHTSA) and the International Association of Chiefs of Police (IACP). These standardized curriculums have been approved for use by the Oregon State Police. Curriculum standardization is critical in the reliability of the material contained therein and its subsequent admissibility in criminal court. These courses along with the Standardized Field Sobriety Training Course are the only impaired driving curriculums approved for instruction to sworn peace officers within Oregon's DECP. Any deviation from these standardized curriculums must be approved by the DECP in writing prior to instruction. To ensure procedures are followed, all courses are subject to unannounced auditing by representatives from NHTSA, IACP, and the Oregon DECP State Coordinator/designee.

All DECP personnel and/or their contract employees must follow the stipulations and guidelines set forth in this document. For the purposes of this document, the term contract employee shall include any individuals providing specialized training pertaining to DECP curriculum. Furthermore, the DECP State Coordinator will acknowledge approval/denial for contract employees in writing 15 days before the class start date.

Under this policy, issues concerning the DRE, DID, DITEP, and ARIDE will fall under the control of the DECP State Coordinator.

The DECP Coordinator will maintain a list of qualified instructors from the disciplines listed on page 4. In addition, the OSP will maintain a current and qualified list of OSP SFST Instructors. It is recommended that DPSST maintain records of SFST training for all police officers not employed by the OSP.

A signed Acknowledgement Form of Understanding and/or Contract Employee Form will be kept on file at the DECP Office in Salem, Oregon.

Once a course has been completed, a class roster and the course manager's report (if applicable) shall be forwarded to the DECP State Coordinator for review and approval.

Every effort will be made to maintain open lines of communication with DPSST, TSD, IACP, NHTSA and DOJ while supporting the common goal of reducing the impaired driving occurrences.

Each sponsoring agency understands that certified DRE's are a limited resource and as such agrees to allow their DRE's to support other agencies in their geographic areas.

Supplanting: A student, DRE or instructor cannot be paid by his/her department or other entity and in addition receive payment from the OSP or the DEC Program office (grant funds) "Double Dipping". Violation of supplanting will result in immediate removal from the Oregon Drug Evaluation and Classification Program and referral to his or her District Attorney's Office for possible criminal charges.

II. General Standards for Students

It is the intent of these policies and procedures to act as a guideline for appropriate conduct while involved in classroom or practical exercises. It is the responsibility of the student to become familiar with all of the policies and procedures governing DECP courses. Violations may result in the student's removal from the course and notification made to the student's representative agency or department.

A. Classroom Environments

- 1) Misrepresentation of information or falsification of test results will not be tolerated. This includes, but is not limited to, cheating on written or proficiency tests in any manner, claiming work completed by others as your own, or claiming a fabricated work product knowing the information obtained was fictitious.
- 2) No student shall attend any training course while having any amount of alcohol/illegal drugs in his/her system while exhibiting the continued affects of alcohol/illegal drugs.
- 3) Students shall attend and complete no less than 90 percent of the course with the exception that DRE School students are required to complete 100 percent of the

course. In all cases this shall include the completion of all assignments, required examinations and field training. Students are not permitted to “test out” of any section of the training program. All sessions, practical exercises, quizzes, phases, and tests must be successfully completed by each student.

- 4) Students shall adhere to the instructor’s directives during all phases of the course.
- 5) Sexual harassment and discrimination against any person will not be tolerated.
- 6) Agency uniform or business attire shall be worn by students unless otherwise directed by the Course Manager or Lead Instructor.
- 7) It is the responsibility of the student to maintain a copy of their certificate of training and any other required course documentation.

B. Practical Environments

- 1) The practical administration of the tasks learned in any DECP training course shall be in accordance with NHTSA/IACP/and DECP curriculum guidelines in place at the time of the original training.
- 2) Students shall not misrepresent any information regarding the administration and evaluation of training.

III. General Standards for Instructors

It is the intent of these policies and procedures to act as a guideline for appropriate instructor conduct while involved in classroom or practical exercises. It is the responsibility of the instructor to become familiar with all policies and procedures governing DECP courses.

- 1) Instructors shall complete and submit the DECP policy and procedure Acknowledgement and/or contract employee form indicating their understanding and compliance with the requirements set forth herein.
- 2) Instructors shall not subject the student(s) or volunteers participating in a course to any form of discrimination or favoritism based on age, gender, ethnicity, religious, or sexual orientation.
- 3) Sexual harassment will not be tolerated. Verbal or gesture laden sexual harassment is unacceptable and has no place in the classroom or practical environment.
- 4) Misrepresentation of information or falsification of test results will not be tolerated. This includes, but is not limited to, falsified test results, providing

student(s) with answers for written or proficiency tests knowing that the student will take credit for the answer(s) as their own.

- 5) Instructors shall conduct themselves in a professional manner at all times and not discredit the integrity of any DECP Program.
- 6) Instructors shall not have any amount of alcohol or impairing drugs in their system during any portion of any DECP course.
- 7) Instructors will be dressed in agency uniform or business attire. The state coordinator, course manager, and/or lead instructor may make exceptions.
- 8) Instructors shall arrive on time for the training session and shall not depart prior to the last student's departure at the end of the training day. Exceptions may be granted by the DECP Coordinator or Course Manager on a case-by-case basis.
- 9) Instructors shall not criticize the credibility or professional standing of other instructors in the presence of students or volunteers.
- 10) Instructor/student/volunteer relationships shall remain on a professional basis during the course of training.
- 11) If an incident occurs during any training course that requires any medical or law enforcement agency to generate a report of any type, the instructor will contact, by phone, the appropriate supervisors at his/her agency and the DECP Coordinator as soon as possible. The instructor shall forward a written report with the details including, the individuals involved, narrative of the incident, disposition, and actions by the instructor to resolve the incident. The written report shall be postmarked within two business days to the DEC office.
- 12) It shall be the responsibility of the instructor to maintain a copy of his/her certificate of training and any other required documentation once received from the DECP or OSP.
- 13) These training courses are funded by state and federal funds. All instructors shall abide by the direction of the DECP State Coordinator who authorizes the use such funds.
- 14) It is the responsibility of all instructors to adequately prepare for their assigned portion of the lesson plan.
- 15) Only current and certified instructors will grade any quizzes or proficiency tests.
- 16) Instructors shall abide by directives issued by the DECP State Coordinator or Course Manager.

- 17) Any individual who provides technical assistance, information, consulting, or instructional services to individuals or organizations whose intent and actions are known to be counter to the goals and objectives of the DECP will not be used as an instructor in the program. The DECP Coordinator shall be notified and consulted when such services are requested.
- 18) All training courses are subject to unannounced auditing by Oregon's DECP, NHTSA, and/or IACP representatives to ensure compliance. Failure to open courses for monitoring will result in the immediate suspension of the instructor's certification.

IV. Course Curriculum Requirements

A. Facility Requirements

- 1) The classroom must have sufficient space to accommodate training. The classroom shall provide a desk/table space for each student.
- 2) The classroom setting must have access to an overhead projector and screen, videotape or DVD player, monitors, a dry erase board, and organizational charts to aid with instructional methods. Multimedia projectors and laptop computers may be substituted if appropriate.
- 3) The training facility must have a room large enough to conduct an alcohol workshop and necessary practical exercises.
- 4) The training facility should have sufficient space to provide a place separate from students for instructors to prepare for their teaching assignments.
- 5) The training facility must have accessible restrooms.
- 6) The training facility must provide off-street vehicle parking for students, instructors, and guests. Parking lots that provide gated security or a security detail are recommended.

B. DRE Course Participation

- 1) Each agency sponsoring an officer for DRE Training should ensure the officer enrolled has adequate time to complete all phases of the course.
- 2) Each sponsoring agency understands and agrees that not completing all phases of DRE Training (excluding PRE-School) results in total reimbursement of grant expenses i.e. lodging, meals, and equipment (more on page 14).

C. Eligibility to attend and instruct

In order to register, attend or receive credit for any of the training courses offered by the Oregon Drug Evaluation and Classification Program, the student must meet each of the prerequisite criteria. For an instructor to be approved to instruct any of the courses offered by the DECP office he or she must also meet each of the prerequisite criteria, be in good standing and current with the appropriate impaired driving programs.

1. Drug Recognition Expert (DRE) Course

DEFINITIONS:

Drug Recognition Expert (DRE):

Is an individual that has successfully completed all phases of the Drug Evaluation and Classification Program's training requirements for certification as established by the International Association of Chiefs of Police (IACP) and the National Highway Traffic Safety Administration (NHTSA).

Good Standing:

The Drug Recognition Expert (DRE) is authorized to perform the necessary duties set forth in the International Association of Chiefs of Police Guidelines and the Oregon Drug Evaluation and Classification Program Policies and Procedures.

Current:

The Drug Recognition Expert (DRE) is within his/her certification dates established by IACP.

Administrative Extension:

The Drug Recognition Expert is outside his/her certification date, is not current, and shall not conduct drug evaluations unless conducted in the presence of a current and certified DRE Instructor. Utilizing a DRE Instructor to observe evaluations is mandatory until all re-certification requirements have been successfully completed. Administrative extensions must be granted by the DECP State Coordinator.

Attendance Requirements:

- 1) Be a commissioned Oregon peace officer with two years of law enforcement service (excludes Police Reserves).
- 2) Be off probation with law enforcement agency.
- 3) Be working in Patrol with law enforcement agency.
- 4) Be SFST, DID (Drugs that Impair Driving), and Intoxilyzer 8000 certified.
- 5) Have a reasonable background and experience level of making DUII arrests.
- 6) Have an endorsement/recommendation from a local prosecutor.

- 7) Submit a minimum of two actual DUI arrest reports for review by the DRE Steering Committee.

Instructor Requirements:

- 1) Must be either a certified DRE Instructor or a DRE Instructor Candidate.
- 2) Must be proficient in the SFST and DRE testing and evaluation process.

Course Managers

It is mandatory that training is facilitated only by trained DRE Course Managers and Assistant Course Managers.

Instructor to Student Ratio

The minimum number of required instructors for classroom (excluding Wet Labs) is as follows:

<u>Number of Students</u>	<u>Number of Instructors Required</u>
01-18 students	Four Instructors
18-21 students	Five Instructors
Each additional 5 students	One additional instructor

Recommendation for wet labs is 1 instructor for every 3 volunteers.

Training Curriculum, Testing, and Recertification Requirements:

A. Phase I (DRE Pre-school)

- i. The student must satisfactorily complete the two-day (16 hour) NHTSA/IACP Pre-School course and complete a written comprehensive examination with a minimum score of 80% and demonstrate 100% proficiency in the Standardized Field Sobriety Tests (SFST's).
- ii. While attending the course, if a student must terminate attendance for any reason, no penalty will be applied to the agency. The student's agency must notify the DECP in writing and explain the circumstances of the student's withdraw.

B. Phase II (DRE Full-School)

- i. The student must satisfactorily complete the NHTSA/IACP seven day school (56-hour) consisting of detailed instructions in recognizing and determining drug influence.

- ii. The student must successfully pass five classroom quizzes with a minimum score of 80%. If the student scores between 70% to 79% he/she may request to take one remedial quiz.
- iii. Upon completion of this section of training the student must successfully pass a written comprehensive examination with a minimum score of 80%. If the student fails to meet the 80% then he/she will need remediation from a DRE Instructor. The student will have not less than 15 days or more than 30 days to retake and successfully pass phase II. The student will not be allowed to continue on to phase III (field certifications) until he/she passes the exam. If the student receives a score of less than 80% a second time, he/she will be dismissed from the program and will need to reapply to attend a subsequent DRE School.

C. Phase III (Field Certifications)

DRE Field Certifications will be conducted after the completion of phase II. DRE students will be required to conduct DRE evaluations on subjects who may be impaired. The DRE student will determine if impairment is present at the time of the evaluation and identify the drug category(s). The candidate will then submit the subject's urine sample for toxicological screening and write a completed report on all evaluations conducted. Completed reports will be submitted to the DRE Instructor who observed the evaluation for review, critique, and sign-off.

- 1) A site coordinator is mandatory during field certification training and will be designated by the State Coordinator.
- 2) No firearms are authorized **inside** the training facility.
- 3) Field certifications will be conducted in the presence of a current and certified DRE instructor with up to four students.
- 4) Field certifications will be conducted in an environment conducive to the type of training taking place.
- 5) DRE students conducting evaluations as part of their certification process will not conduct a DRE evaluation on an individual who may be charged with Driving under the Influence of Intoxicants (DUI) or any criminal offense relating to DUI. Only current and certified DREs shall conduct such criminal DRE evaluations.
- 6) DRE students will wear his or her agency uniform. Exceptions may be made by the state coordinator or his/her designee.
- 7) DRE instructors will wear his or her agency uniform when locating volunteer subjects. If the instructor's pre-determined location will be **inside** the training

facility then a modified agency uniform may be worn i.e. BDU style pants, polo shirts, etc.

- 8) Volunteer subjects being evaluated **will not** be coerced into submitting to an evaluation.
- 9) Volunteer subjects will not be left unattended at any time.
- 10) If the volunteer subject needs medical attention, it is the duty of the DRE student and/or DRE instructor to provide medical aid or assistance, notify EMS, and the DECP State Coordinator or his/her designee.
- 11) Under **no circumstances** shall volunteer subjects known to be under the age of 18 be evaluated for the purposes of certification.
- 12) For safety purposes, DRE trackers or DRE instructors locating volunteers for certification training must work in a group of at least two "trackers".
 - i. These evaluations will be scheduled to maximize DRE student exposure and minimize impact to participating agencies. Field training will be conducted at pre-assigned locations until completed course requirements are met unless some other mutually agreeable alternative can be reached between the agency administrator, the student and the DECP Coordinator.
 - ii. During this phase the DRE student will participate in a minimum of twelve evaluations while directly supervised by a current and certified DRE instructor.
 - iii. Of the twelve evaluations, the DRE student must have performed at least **six** evaluations as the evaluator. The remaining six may be scribe evaluations or a maximum of three witness evaluations combined with scribe evaluations. A minimum of **three** different drug categories must be identified during the twelve evaluations.
 - iv. Written case reports must be completed for each evaluation in which a DRE student participates and shall be reviewed by a current and certified DRE instructor who supervised the evaluation.
 - v. Each DRE student must be evaluated by a minimum of two DRE instructors during field certification training.
 - vi. Upon completion of each field certification evaluation, including the review of the report, the current and certified DRE instructor who supervised the evaluation will sign the DRE student's progress log.

- vii. The DECP staff will not certify a student that cannot satisfactorily complete the required field evaluations within 6 months following the completion of phase II. An extension may be granted by the state coordinator if requested in writing by an agency's administrator or if deemed necessary due to unforeseen circumstances.
- viii. Biological samples shall be submitted for analysis on all twelve (12) evaluations required for certification to confirm the presence of a drug category(s). The DRE student will not be certified without his/her opinion being confirmed by toxicology results in a minimum of 80% of samples.
- ix. Toxicological confirmation accuracy is established when laboratory analysis discloses the presence of the drug identified by the DRE student, as follows:
 - For one drug category; the category called must come back positive.
 - For two drug categories; at least one category called must come back positive
 - For three drug categories; at least two categories called must come back positive
 - For four drug categories; at least three categories called must come back positive
 - Continue in progression

D. Testing

After the successful completion of the three phases of training, the DRE student must successfully pass the final knowledge examination. This exam will be administered by a current and certified DRE instructor. The officer/candidate must complete at least seven of the required twelve evaluations during phase III and have approval from the course manager, assistant course manager, or the state coordinator if he or she requests to take the final knowledge exam before completing the requirements of phase III.

The Final Knowledge Exam shall consist of five sections:

- Fill In the blank questions;
- Drug Matrix Chart;
- The Four Effects and Explanation of Effects;
- Drug Combinations; and
- Face Sheet Interpretation and Narrative Report.

- i. The Final Knowledge Exam will be administered in sections. Should the DRE student not complete any section of the examination in a satisfactory manner, the student **will not** be allowed to progress to the next section.
- ii. Should the DRE student not pass the Final Knowledge Examination, a remedial exam will be allowed. This remedial exam must be conducted within three months from initial test. The remedial exam must be scheduled through and given at the pre-approved location and proctored by a current and certified DRE instructor. To ensure a satisfactory level of competence has been met, the state coordinator and course manager will review all remedial Final Knowledge Examinations.
- iii. Should the DRE Student not pass the remedial Final Knowledge Examination he or she shall be removed from the training process and will need to reapply for DRE training.

E. Academic Requirements and Student Withdraw

- 1). If the DRE student fails to meet the academic requirements, a letter will be sent to his or her respective department heads and he/she will not be allowed to continue with DRE training.
- 2). If the DRE student withdraws from phase II, phase III, and/or does not complete the Final Knowledge Examination for any reason other than those described in section B.ii. or B.iii. of this document then his or her **sponsoring agency will be responsible for reimbursing the Oregon's DECP for all expenses accrued**. A sponsoring agency can challenge any charges by writing a letter to the DECP Coordinator who will then meet with the agency representative to reach a final resolution. Exceptions to the above are as follows: Family emergencies to include sickness, illness, or injury, or a sponsoring department's responsibility to respond to local or state emergency.
- 3). If the DRE student leaves the training program for any reason prior to completion, all issued equipment must be returned. If returned equipment is found to be unserviceable by the DECP Coordinator, the student's sponsoring agency may be asked to replace it or pay the cost of replacement. A sponsoring agency can challenge any charges by writing a letter to the DECP Coordinator who will then meet with the agency representative to reach a final resolution.

F. Certification

Each candidate must submit all required documentation to the DECP office prior to certification. Administrative requirements include:

- i. Pre-School certificate (copy);
- ii. DRE School classroom certificate (copy);
- iii. Final Knowledge Exam (pass);
- iv. Completed progress log (original);
- v. Completed rolling log (copy);
- vi. Approved Curriculum Vitae (copy); and
- vii. Each report conducted during certification with signature affixed (copies).

G. Recertification & DRE Responsibilities

Following initial certification, a DRE is required to re-certify every two years to maintain certification and credentials through the International Association of Chiefs of Police (IACP). Oregon's standards are set forth below:

- i. Training
 - A current and certified DRE officer must attend a minimum of eight (8) hours of continuing education every two years related to DRE material. Any course sponsored by the DECP office will count towards this training requirement.
 - Courses not sponsored by the DECP office may meet the training requirement if approved by the State Coordinator. The submission process consists of a written request outlining the applicability of the training to the DRE; a class outline; and a certificate or acknowledgment of attendance and completion. The State Coordinator will notify the applying DRE in writing whether or not the course was accepted.
- ii. Curriculum Vitae:
 - A copy of updated curriculum vitae must be provided to the DECP in January of every year for the previous year.
- iii. Rolling Log:
 - A copy of an updated rolling log for the previous year must be provided to the DECP by January 31st of every calendar year. The rolling log

must include evaluation number, suspect's name, evaluation date, DRE opinion, lab result, court disposition, and agency case number.

iv. DRE Evaluations:

- Each DRE must conduct four evaluations, completed reports within his or her two-year certification period. The DRE Regional or Allied Coordinator shall review his or her completed reports.
- Each DRE must conduct one evaluation that is directly observed by a certified and current DRE instructor every two years. The instructor observed evaluation may be conducted at field certification training (impaired individuals), but this will not count towards the mandatory four (4) evaluations biennially. DRE students have priority during field certifications.
- If a DRE is unable to conduct the four required evaluations biennially the DRE must write a letter to the State Coordinator explaining the reasons for not meeting the minimum requirements. A DRE's failure to notify his/her agency and State Coordinator prior to the recertification date will result in decertification. When the above notifications have been met and an "Administrative Extension" is granted by the State Coordinator then the DRE's status defaults to *Inactive*. Inactive means you cannot perform drug evaluations without the presence of a certified and current DRE instructor. The administrative extension will expire six months (6) from the due date of original expiration date. The State Coordinator along with the Region/Allied Coordinators will review each situation for proper resolution.
- DREs must submit a copy of all reports for evaluations conducted and noted on the rolling log to the DECP office through the DECP Regional Coordinator for his/her area. This includes those evaluations started but not completed because the DRE formed an opinion that the individual is not impaired or has an underlying medical condition.
- DRE reports should be received by the Regional or Allied Coordinator within 20 days following the date of the evaluation for review.
- DREs will send completed DRE evaluation reports to their respective Region or Allied Coordinator.
- The Form 65 (property report) and DRE Form 49 shall be submitted to the Oregon State Police Crime Laboratory with the biological sample collected for analysis, regardless of the DRE's opinion.
- Overtime reimbursement forms shall be forwarded to the DRE's Regional or Allied Coordinator with a copy of the completed report.

- The DECP Coordinator may decertify DREs for failing to maintain a sufficient level of participation and competence in the program and for cause.

2. DRE Instructor Course

DEFINITIONS:

Good Standing:

The instructor is authorized by the Oregon DECP to instruct courses included in this document.

Current:

The instructor is within his/her certification date.

Certified:

The instructor has successfully completed the courses of instruction necessary to teach the specific course content and able to produce the required certification documentation if and when requested to do so.

Administrative Extension Period:

The Drug Recognition Expert is not current until all re-certification requirements have been successfully completed and shall not be used as an instructor requiring DRE Instructor status.

Attendance Requirements:

- 1) The DRE instructor candidate must have successfully completed the DRE certification course.
- 2) The DRE instructor candidate must be certified as an Oregon DRE for at least twenty-four months, or have a minimum of twenty-four evaluations, **excluding** training evaluations performed during the initial certification. An exception may be made for individuals with other specialized training or education, i.e., extensive medical or toxicological experience.
- 3) The DRE instructor candidate must demonstrate proficiency in the SFST battery and DRE 12 step evaluation process.
- 4) The DRE instructor candidate must submit a current copy of his/her curriculum vitae.
- 5) DRE instructor candidates must have met the above prerequisites no less than 30 calendar days prior to the course start date. All prerequisite documentation must

be on file at the DECP office (including shipping/mailing time) by the application closing time and date.

- 6) The DRE instructor candidate must possess written confirmation from the DECP State Coordinator or DECP assistant confirming enrollment and course prerequisite completion.

Instructor Requirements:

- 1) The instructor must be current and a certified DRE Instructor.
- 2) The DRE instructor must be proficient in the SFST, DRE testing and evaluation process.
- 3) The DRE instructor must be employed as a police officer, deputy sheriff, or state trooper. In addition, IACP and DPSST employees who meet the above qualifications may instruct DEC curriculum as well as adjunct instructors designated by the DECP Coordinator.

Instructor to Student ratio:

The minimum number of required instructors for classroom is as follows:

<u>Number of Students</u>	<u>Number of Instructors Required</u>
01-12 students	One Instructor
12-15 students	Two Instructors
Each additional 5 students	One additional instructor

DRE Instructor Course Curriculum:

- 1) Approved 40-hr classroom instruction. The classroom setting shall include SFST review and proficiency, a review of teaching principles and learning concepts, the demonstration of instructional ability, and the completion of a live/mock alcohol workshop.
- 2) DREs that have completed an SFST instructor training course may be selected and attend the condensed version (2-day) DRE instructor course to obtain DRE instructor certification.
- 3) The DRE must successfully complete a written quiz with a score of no less than 80%. If the DRE instructor candidate fails to pass with an 80% or higher, he or she will be dismissed from the class and will receive a failing score.
- 4) Student teaching – Two hours in an approved course. Approved courses during initial certification are DRE Pre-schools and DRE Full-schools. A current and

certified DRE instructor must monitor this teaching session and the course must be approved by the DECP Coordinator.

5) Evaluation supervision. The student must supervise the administration of at least two DRE evaluations under the direct supervision of another current and certified DRE instructor.

- ✓ DEC program staff will not certify a student instructor that cannot satisfactorily complete 3, 4, and 5.

6) Recertification

- Instructor certification will run concurrent with DRE certification.
- DRE instructors must provide a minimum of twenty-four (24) hours of instruction on impaired driving courses such as Standardized Field Sobriety Testing (SFST), SFST Refresher, Drugs that Impair Driving (DID), Advanced Roadside Impairment Driving Enforcement (ARIDE), Drug Recognition Expert School (DRE) including field certification training annually.

3. DRE Course Manager Course

Attendance Requirements:

- 1) Be a current and certified DRE Instructor;
- 2) Be recommended by Region and/or Allied Coordinators; and
- 3) Have DECP Coordinator approval.

Instructor Requirements:

- 1) Be employed as a full time law enforcement officer or agency employee; and
- 2) Successfully completed the Course Managers Training.

Instructor to student ratio:

The minimum number of required instructors for classroom is as follows:

<u>Number of Students</u>	<u>Number of Instructors Required</u>
01-10 students	One Instructor
11-15 students	Two Instructors

DRE Course Manager Course Curriculum:

DRE Course Manager’s training is an approximate 4-hour block of instruction covering sections that prepare a DRE instructor to serve as a course manager. Training sections will include but are not limited to: Duties and responsibilities, planning and preparing, managing an event, data collection and reporting responsibilities, and policy and procedure.

- 1) The 4-hour approved curriculum guidelines must be followed; and
- 2) The DRE course manager candidate must successfully complete a course manager training session.

4. Drug Impairment Training for Educational Professionals (DITEP) Course

Attendance Requirements:

- 1) Day One - currently commissioned as an Oregon peace officer. For selection purposes, officers working in the schools will have priority. In addition, school staff, administrators, and counselors with approval from the appropriate school district supervisor or administrator will be considered for acceptance.
- 2) Day Two – An Oregon school nurse, counselor, or administrator.

Instructor Requirements:

- 1) Be a certified DITEP Instructor; and
- 2) Be a current and certified DRE.

Instructor to Student ratio:

The minimum number of required instructors for classroom is as follows:

<u>Number of Students</u>	<u>Number of Instructors Required</u>
01-20 students	One Instructor
20-40 students	Two Instructors
Each additional 20 students	One additional instructor

* This instructor/student ratio may be exceeded when a majority of the students are nurses.

DITEP Course Curriculum:

The purpose of this training is to provide school administrators, teachers, and nurses with a systematic approach to recognizing and evaluating individuals in the academic environment who are using and are impaired by drugs, in order to provide early intervention.

- 1) Day One, 8-hr classroom setting which includes information regarding problems of drugs and alcohol in society, state laws, policy, the seven drug categories, and discussing issues with parents.
- 2) Day Two, 8-hr classroom and practical application which include eye examinations, vital signs, divided attention tests, poly-drug use, and assessment guidelines.
- 3) In order to receive any training credit:
 - a. The teacher, administrator, peace officer, or counselor must attend the entire first day.
 - b. The school nurse and/or counselors should attend both days.

5. DITEP Instructor Course

Attendance Requirements:

- 1) Be a current commissioned Oregon peace officer;
- 2) Be a current and certified DRE;
- 3) Be able to demonstrate proficiency in the SFST battery and 12 step DRE process;
- 4) Has previously completed an instructor basic development course or has instructor certification;
- 5) Attending students must have met the above prerequisites no less than 30 calendar days prior to the course start date; and
- 6) Has received written confirmation from the DECP office confirming enrollment and course prerequisite completion.

Instructor Requirements:

- 1) Be a current and certified DITEP Instructor; and
- 2) Be proficient in the SFST battery and DRE evaluation process and interpretation.

Instructor to student ratio:

The minimum number of required instructors for classroom is as follows:

<u>Number of Students</u>	<u>Number of Instructors Required</u>
01-10 students	One Instructor
11-20 students	Two Instructors
Each additional 15 students	One additional instructor

DITEP Instructor Course Curriculum

- 1) The approved IACP curriculum and guidelines shall be followed.
- 2) 4-hr classroom setting will include the teaching-learning principles and concepts, review of the DITEP curriculum package and demonstration of teaching proficiency.

Instructor Recertification Requirements:

- 1) Maintain DRE certification.

6. Advanced Roadside Impaired Driving Enforcement (ARIDE)

Attendance Requirements:

- 1) Be a commissioned Oregon peace officer in good standing;
- 2) Be fully conversant with the mechanics of the HGN, the three clues of HGN, and the interpretation of those clues assessing alcohol impairment;
- 3) Have successfully completed the 24 - hour SFST training course and the 8 – hour, Drugs that Impair Driving Course; and
- 4) Because this is an intermediate level training course, have practical experience arresting impaired drivers.

Instructor Requirements:

- 1) Be a certified Course Manager or Course Administrator to facilitate and oversee the quality of instruction. Course Manager's report is required.
- 2) Be a current and certified DRE Instructor.
- 3) Exceptions for adjunct instructors may be used for specific sessions if their training/ education/experience is beneficial to the training session i.e. physicians and prosecutors. Prior approval from the DECP State Coordinator is required.

ARIDE Course Curriculum:

This course will offer additional information to law enforcement officers on detecting impairment caused by more than just alcohol. In addition to the standardized field sobriety tests, the student will receive broader knowledge of drug impairment indicators. Also, the student will be more familiar with the DRE program and its function.

- 1) ARIDE will be conducted in compliance with the course outline provided by NHTSA and is a sixteen (16) hour course. Training opportunities for ARIDE is scheduled by the DECP State Coordinator in Salem, Oregon.
- 2) The student must pass an SFST proficiency test with 100% mastery in two separate attempts. If the student fails to pass within two separate attempts, he or she will be dismissed from the class with a failing score.
- 3) The student must successfully complete a written test with a minimum score of 80%. If the student fails to pass the first time, remedial training will be provided by a DRE Instructor and a second attempt will be provided on site. If the student fails on the second attempt, the student will be dismissed from the class and will receive a failing score. There are only nine test questions for this final, therefore a student cannot miss more than one question.

Instructor to Student ratio:

The minimum number of required instructors for classroom is as follows:

<u>Number of Students</u>	<u>Number of Instructors Required</u>
01-20 students	Course Manager/Administrator Two Instructors
21-40	Four instructors

7. Drugs that Impair Driving (DID) Course

Attendance Requirements:

- 1) Be a commissioned Oregon peace officer or currently enrolled as a recruit in a state approved training academy;
- 2) Has successfully completed the 24 - hour SFST training/basic course;
- 3) Be able to demonstrate proficiency in the SFST battery; and
- 4) If not taught in conjunction with the sanctioned academy SFST course, students must have met the above prerequisites before class beginning class instruction.

Instructor Requirements:

- 1) Be a commissioned Oregon peace officer or designated as a DPSST adjunct instructor;
- 2) Be a certified and current DRE instructor; or
- 3) Be a certified and current SFST instructor who is also a certified and current DRE who will be teaching with a certified and current DRE instructor.

DID Course Curriculum:

- 1) This course will be conducted in compliance with the course outline provided by NHTSA.

Instructor to student ratio:

The minimum number of required instructors for classroom is as follows:

<u>Number of Students</u>	<u>Number of Instructors Required</u>
01-50 students	Two Instructors
51-60 students	Three Instructors
Each additional 10 students	One additional instructor

8. SFST Update and Refresher Courses (Oregon State Police only)

Attendance Requirements:

- 1) Be a current commissioned Oregon State Police Officer.
- 2) Has successfully completed the 24 - hour SFST Course. Individuals who have not completed the 24 - hour SFST training may audit the refresher training with the understanding that this training is not a substitute for the basic course and does not qualify them as current SFST practitioners.
- 3) The SFST practitioner should attend an SFST Update every two to three years.

Instructor Requirements:

- 1) In order to instruct the SFST Update, the instructor must be:
 - a. A current and certified SFST Instructor or a current and certified DRE instructor and in good standing.
 - b. Be proficient in the SFST administration and interpretation.

SFST Update and Refresher Course Curriculum:

- 1) An approved SFST Update curriculum must be followed. Curriculum may include SFST review, proficiency testing, seven drug categories, poly-drug use, and practical examples, and case law updates.
- 2) If applicable, a written test with a minimum score of 80% is required. If the student failed to pass with an 80% score or higher he or she must retest with an approved remedial test.
- 3) If applicable, pass a proficiency test with 100% mastery within two separate attempts. If the student fails to pass within two separate attempts, he or she will be dismissed from the class with a failing score.

Instructor to student ratio:

The minimum number of required instructors for classroom is as follows:

<u>Number of Students</u>	<u>Number of Instructors Required</u>
01-10 students	One Instructor
11-20 students	Two Instructors
21-30 students	Three Instructors
Each additional 10 students	One additional instructor

9. SFST Instructor Course (Oregon State Police only)

Attendance Requirements:

- 1) Be a commissioned Oregon State Police Officer;
- 2) Have successfully completed the 24 - hour SFST training and the Drugs that Impair Driving courses;
- 3) Be able to demonstrate proficiency in the SFST battery;
- 4) Have written confirmation from OSP confirming enrollment; and
- 5) Each student must have met the above prerequisites no less than 10 calendar days prior to the course start date. All prerequisite documentation must be received by the DECP State Coordinator/Patrol Services Division.

Instructor Requirements:

- 1) Be a current and certified SFST Instructor;
- 2) Be proficient in the SFST battery; and
- 3) Be employed by OSP or an adjunct instructor designated by the OSP and/or the DECP office.

Instructor to student ratio:

The minimum number of required instructors for classroom is as follows:

<u>Number of Students</u>	<u>Number of Instructors Required</u>
01-15 students	Two Instructors
15-25 students	Three Instructors
Each additional 10 students	One additional instructor

SFST Instructor Course Curriculum:

- 1) An approved 40 - hour classroom setting to include SFST review and proficiency, a review of teaching principles and learning concepts, the demonstration of instructional ability, and the completion of a live/mock alcohol workshop.
- 2) Written test with a minimum score of 80%. If the student failed to pass with an 80% or higher they must retest with the approved remedial test. The remedial test must be completed no earlier than 10 calendar days or later than 20 calendar days after the end of the course.
- 3) A proficiency test with 100% mastery within two separate attempts. If the student fails to pass within two separate attempts, he or she will be dismissed from the class with a failing score.
- 4) The SFST Instructor candidate must successfully complete two practice teaching sessions during the SFST Instructor course.

SFST Instructor Recertification

- 1) Once the instructor has completed and passed the SFST Instructor Course he/she must remain proficient.
- 2) The instructor must provide a minimum of 20 hours of instruction (includes wet labs) over a two - year period.
- 3) The instructor will be required to maintain an active role in the SFST program in order to ensure consistency with instructional material and techniques.
- 4) The SFST Instructor must complete an SFST update by OSP or DPSST every two to three years. This will ensure that he/she remains proficient regarding changes associated with the SFST program.
- 5) A DRE instructor who was certified prior to January 1, 2003, but did not attend a SFST Instructor Course, **must** maintain his/her current DRE certification in order to instruct the SFST Student Course.
- 6) The SFST instructor should maintain an HGN log.

- 7) The SFST instructor should maintain a log of SFST classes taught that includes class date, location and size.

V. Records Maintained by the Instructor & Student

Students should retain all copies of certificates, logs, and records pertaining to training received through the DECP, OSP, or DPSST. It is the responsibility of the officer to be familiar with his/her department's policies, practices, and/or procedures pertaining to retention. The copies will serve as a history of training and will be beneficial in court testimony. In addition, it is the responsibility of the DRE or officer to complete discovery requests via agency policy, not the DECP office. DECP records are destroyed in accordance with federal and state requirements. As a result, DECP Office may not have copies of documents after five years. The following provides a listing of records that should be kept by the student.

1. DRE

- a. Original progress log.
- b. DRE certification card.
- c. Copies of all drug evaluations, narratives, and toxicology reports in accordance with individual department policy.
- d. A rolling log including all evaluations.
- e. An up to date curriculum vitae.

2. DRE Instructor

- a. The same records needed for retention as a DRE.
- b. Original instructor progress log.
- c. A log of all courses taught that includes dates, locations, hours, and total number of students.

3. ARIDE

- a. Certificate of completion.

4. ARIDE Instructor

- a. Same records needed for retention as DRE.

5. DID

- a. None

6. DID Instructor

- a. The same records needed for retention as a DRE.

- b. A log of all courses taught that includes dates, locations, hours, and total number of students.
- c. SFST instructors that are DRE's may teach in tandem with DRE instructors in which case they should keep the same records as required as SFST instructors.

7. *DITEP*

- a. Certificate of Completion

8. *DITEP Instructor*

- a. DITEP Instructor Certificate.
- b. Same as DRE Instructor or DRE.

9. *SFST*

- a. The SFST practitioner should maintain a log of all SFST tests conducted or DUII arrests.

10. *SFST Update*

- a. Same as SFST (above).
- b. SFST update certificate (if applicable).

11. *SFST Instructor*

- a. Same as SFST (above).
- b. SFST Instructor Certificate.
- c. DPSST Instructor Certification.
- d. A log of all SFST tests conducted or arrests made.
- e. A log of all courses taught that includes dates, locations, hours, and total number of students.

VI. Conducting Courses

A. Procedures for Scheduling Courses and Course Requirements

- 1) The DECP office must approve all DECP courses scheduled and instructed.
- 2) Instructors will make every attempt to instruct while on-duty, straight time. Overtime expenditures for DECP courses need to be approved prior to the start of class by the DECP State Coordinator unless your agency is paying the overtime.
- 3) All courses scheduled must be requested through the DECP office no less than 30 calendar days prior to the set course date. It is the responsibility of the course lead

instructor to ensure scheduling with the DECP office before solidifying a course date of training with his or her agency, academy, or other training facility.

- 4) All courses cannot be canceled later than 14 calendar days prior to the course start date.
- 5) Regional and Allied Coordinators are permitted to schedule courses, however, the following information must be provided to the DECP office:
 - a. Location of the training;
 - b. Date(s) and Time(s) of the training;
 - c. Instructor names, addresses, and phone numbers;
 - e. Projected number of students that will be attending; and
 - f. Shipping address.
- 6) All required instructors must be present during 100% of the course. The course manager or lead instructor can make exceptions on a case-by-case basis.

B. Instructor Responsibilities

- 1) Instructors are responsible for the distribution of course materials, including, but not limited to handouts, videos, CD-ROMs, student manuals, and instructor manuals. These materials shall only be given to eligible students enrolled in any of the DECP sponsored courses. Any and all unused materials must be returned to the DECP office or area OSP Region/Allied Coordinator within fourteen (14) days following the training course unless other arrangements have been made with the DECP office representative.
- 2) Management of Paperwork
 - a. Only the forms sent to the instructor by the DECP office are approved for use.
 - b. All fields located on the appropriate forms must be completed. Any field left blank should be explained or a dash struck through it. Any incomplete form(s) will be returned to the instructor for clarification and/or correction. Failure to correctly complete the paperwork/forms will result in the course being suspended and the instructors/students not receiving credit.
- 3) The required course forms are expected to be completed, collected, and submitted to the DECP office postmarked within seven calendar days following the course conclusion.
- 4) A Course Manager's report must be submitted within fourteen (14) calendar days following the course conclusion (if applicable).
- 5) The following specific instructor responsibilities for individual courses will apply:

a. DRE Instructor Courses

- i. Unless otherwise advised by the Course Manager, all DRE instructors assigned to teach must attend the Course Manager's meeting prior to the beginning of the DRE course and upon conclusion of each training day. The Course Manager or DECP State Coordinator may make exceptions.
- ii. Unless otherwise advised by the Course Manager, all instructors must remain in the classroom and be available to support the needs of the students during any and all instructional presentation unless preparing for their own presentation, making instructional material or preparing for an alcohol lab.

b. DRE Course Manager Responsibilities

- i. The course manager shall act as the course facilitator and monitor for course consistency and standardization.
- ii. The state coordinator may appoint an *assistant* course manager to assist the course manager with his or her duties.
- iii. The course manager may appoint a separate lead instructor(s) for the DRE course.
- iv. The course manager will schedule instructors and teaching assignments.
- v. The course manager will solicit and assign volunteer drinkers to the live alcohol workshops and assign "Wet lab Coordinators" (if necessary).
- vi. The course manager will report any problems encountered during the DRE course to the DECP Coordinator immediately.
- vii. The course manager shall compile a full report of activities during the DRE course. The report shall be bound in a notebook and sent to the DEC office no later than fourteen (14) calendar days from the conclusion of class. It must consist of the following:
 - ◆ Copies of instructor curriculum vitae (out-of-state instructors only);
 - ◆ Copies of all comprehensive examinations;
 - ◆ Copies of all daily critiques;
 - ◆ Copies of all course critiques; and

- ♦ Copy of manager's daily notes, consisting of any and all successes, deficiencies, exceptions, and suggestions.

VII. Drug Recognition Expert and Instructor Decertification Process

Decertification Process:

- 1) All instructors and DRE's are subject to decertification for cause.
- 2) Concern about a DRE's or instructor's proficiency can be raised by other DRE's, police officers, prosecutors, and/or other concerned citizens.
- 3) The allegations must be addressed in written form to the DECP State Coordinator with specific facts, cases, and instances listed.
- 4) The DECP State Coordinator will research and consider the concerns. The State Coordinator will make the decision to decertify the DRE or instructor based on this policy, the international standards and on the following:
 - a. Seriousness of the offense;
 - b. Trainability; and
 - c. Repetitive nature of the offense.
- 5) Regardless of the State Coordinator's finding, a letter with the finding(s) will be sent to the officer and his or her department head. The letter will state the specific reasons for decertification or the plan for re-training.
- 6) If there are open cases pending, the State Coordinator will contact the applicable prosecutor and discuss the case resolutions with the approval of the DRE's agency administrator or supervisor.

Appeal Process:

- 1) The decertified DRE may appeal, in writing, by filing an appeal within 30 calendar days addressed to the DECP State Coordinator from the date of the decertification letter.
- 2) When an appeal process is requested a panel of, one DRE Instructor (DRE Steering Committee), a representative from the Transportation Safety Division of the Oregon Department of Transportation, and a prosecutor will convene.
- 3) This panel will review all documentation and present its finding within 60 calendar days from the date that the DECP office receives the written appeal.
- 4) The decision of the panel is final and binding.

VIII. DRE Regional Coordinators and Allied Coordinators

The Oregon DECP has divided the state into five regions. The DECP will recognize these five regions as individual regions by establishing Regional and Allied Coordinators. The Regional and Allied Coordinators in each region will assume this additional duty on a volunteer basis. It requires additional effort, time, and willingness to accept this responsibility.

The DECP Coordinator will set the geographical boundaries for each region and biennially review program needs and instructor qualification for possible adjustments (see attached addendum).

Interested parties should submit their application in writing through their agency's chain of command.

1. Criteria

- a. Where possible, there will be five Regional Coordinators and five Allied Coordinators representing the DECP. One Regional and at least one Allied Coordinator per geographical region. Regional Coordinators are OSP and Allied Coordinators are either city or county law enforcement officers. The Allied Coordinator and Regional Coordinator will work closely in all aspects of the DECP.
- b. The Regional and Allied Coordinator shall be a current and certified DRE in good standing.
- c. Those individuals selected must be willing and able to schedule, attend, and facilitate training/meetings.
- d. Once selected as a Regional or Allied Coordinator he or she will serve for a minimum of six months and their appointment will be reviewed annually with the DECP State Coordinator.

2. Duties

- a. Regional and Allied Coordinators will review DRE reports within their region as designated by the DECP State Coordinator and forward reports monthly to the DEC Office in Salem.
- b. Regional and Allied Coordinators will review and initial overtime call out requests for final signature from the DECP State Coordinator.
- c. Regional and Allied Coordinators will identify DRE issues or concerns and work to better services.
- d. Regional and Allied Coordinators will provide consistent and correct guidance to DREs.

- e. Regional and Allied Coordinators will work to improve communication between DREs and the DECP office.
- f. Regional and Allied Coordinators will work to improve DRE response to calls for service.
- g. Regional and Allied Coordinators should, if possible, conduct a yearly regional DRE meeting and report the outcome.
- h. Regional and Allied Coordinators will help coordinate special events and emphasize patrols requiring DRE participation. This includes, but is not limited to, the collection and reporting of statistics on national crackdown events.
- i. Regional and Allied Coordinators will assist with providing, scheduling and organizing training.
- j. Regional and Allied Coordinators will ensure other, non-DRE officers are provided information about the DRE program and how to best utilize DREs as a resource in impaired driver enforcement.
- k. Regional and Allied Coordinators will act as a local resource to all law enforcement agencies and other regional partners.
- l. Regional and Allied Coordinators where possible should establish an annual schedule that includes meetings, training and local events.

IX. DRE Call Out Procedures

- 1) A DRE should be contacted when a suspect's level of impairment is not consistent with the blood alcohol content (BAC) i.e. below a 0.08%.
- 2) It is recommended that a DRE be contacted to assist in traffic collision investigation cases under the following conditions:
 - a. When the driver of a vehicle involved in a traffic crash has been placed under arrest for DUII or related criminal charges, and physical evidence developed during the investigation substantiates drug use as a possible cause of impairment; or
 - b. If the traffic collision results 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 impairment.
 - If the requesting agency does not have a DRE or one on duty then the request should come through the Northern

Communication Center (NCC) or the Southern Communication Center (SCC) – Oregon State Police Dispatch.

- If the NCC or SCC does not have a DRE on-duty then the requesting agency's dispatch service should contact the arresting agency's supervisor and request to call one out on overtime. The NCC/SCC should facilitate this request by providing a current list of DREs within any respective county in Oregon.
- If a DRE is still not available then the NCC/SCC will call-out a trooper (DRE) to assist with the DRE request.
- NCC/SCC supervisor will notify the DECP State Coordinator via email for follow up on DRE unavailability.

Currently, the Transportation Safety Division of the Oregon Department of Transportation (TSD) provides funding for callout expenditures. The DRE overtime grant will reimburse agency cost up to the contractual cost of the call-out for the Officer/Deputy/Trooper i.e. three or four hour callback. This does not include report writing or other DRE administrative duties outside the hours of callback.