

The International Standards of the Drug Evaluation and Classification Program



A Product of

**The DEC Program Technical Advisory Panel
of the IACP Highway Safety Committee**

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Use of the Masculine Pronoun in this Document

“He”, “him” and “his” are used throughout this document wherever a singular pronoun is required to refer to either the male or female gender. This is to avoid awkward phrasing such as “he/she” or the inaccurate use of the plural pronoun “they” or “them” when used with a singular verb.

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Executive Summary

Since 1984, the National Highway Traffic Safety Administration (NHTSA) has supported the Drug Evaluation and Classification (DEC) Program, often referred to as the Drug Recognition Expert (DRE) Training Program. Initially developed by the Los Angeles, California, Police Department, DRE training has been validated through both laboratory and field studies conducted by Johns Hopkins University.

In 1987, the Highway Safety Committee of the International Association of Chiefs of Police (IACP) was requested by NHTSA to participate in the development and national expansion of the DEC Program, as well as to oversee the credentialing of certified DREs.

As the program grew, it became apparent that in order to ensure continued success, nationally accepted standards needed to be established. These standards, which establish criteria for the selection, training, and certification of DREs, helped to ensure the continued high level of performance of the DEC Program. In 1988, NHTSA asked the IACP and its Highway Safety Committee to develop this system of nationally accepted standards.

In March 1989, the IACP and NHTSA sponsored a meeting at the Transportation Safety Institute in Oklahoma City, Oklahoma. Persons invited to this meeting included experienced DREs, DRE instructors, curriculum specialists, toxicologists, prosecutors, and training administrators. The participants met in working groups to reach consensus concerning the many issues relating to the DEC Program and to develop recommended minimum standards to the Highway Safety Committee. The standards were drafted and presented to the committee for review at its midyear meeting in June 1989.

In addition, the Highway Safety Committee agreed to name a Drug Evaluation and Classification Technical Advisory Panel (TAP) to assist and advise the committee concerning technical aspects relating to the operation of the program.

The Highway Safety Committee, by resolution, adopted the *Interim National Standards of the Drug Evaluation and Classification Program*. The standards were subsequently approved by the voting membership of the IACP. The standards were adopted on an interim basis pending the outcome of an evaluation of the effectiveness of the program to be performed by NHTSA. In October 1992 the standards were officially approved and adopted. Revisions and updates are periodically made to the standards. Unless otherwise indicated in the specific revision, these revisions are prospective only and shall not apply retroactively.

Presented in this document are minimum standards specifying the requirements for certification and recertification of DREs and DRE instructors; standards for decertification and reinstatement; and standards for agency participation. Also, for those agencies participating in the program, a set of administrative guidelines is provided.

Nothing in this document shall restrict or preclude a participating state from adopting or implementing reasonable standards which are more stringent standards. The more stringent standards should be implemented by the State DEC Program Coordinator as directed and approved by that state's Governor's Highway Safety Office and with review of the TAP Standards Committee.

Before a state implements more stringent standards notification shall be provided to the TAP Standards Committee to allow for review and if needed discussion by the TAP Standards Committee. This is necessary to ensure that any more stringent standards which are utilized are reasonable, in-line with, and support overall goals and objectives of the DEC Program. After reviewing the more stringent standards the TAP Standards Committee will acknowledge the use of the more stringent standard or can recommend discussion, comment, or action by TAP as a whole if necessary.

In addition, in January of each year, any state utilizing any more stringent standards than the IACP International Standards shall report a list outlining each more stringent standard which is being utilized in that state. This is necessary so that a record can be maintained of the more stringent standards being utilized by any states.

These standards, when adopted by other countries, will be administered pursuant to their political structure.

Definitions

ADJUNCT INSTRUCTOR:

A person not certified as a DRE but who possess knowledge, expertise, or credentials deemed valuable to the program and is thereby designated as an adjunct instructor for the Drug Evaluation and Classification (DEC) Program.

ADMINISTRATIVE EXTENSION:

A pre-approved recertification extension given to a DRE by the DEC Program state coordinator, not to exceed the limits established in Rule 5.1. Replaces the term “grace period” used in previous versions of the standards.

BLOOD OR BREATH ALCOHOL CONCENTRATION (BAC):

A measurement that indicates the grams of alcohol per 100 milliliters of a person’s blood or 210 liters of his breath. For example, a BAC of 0.08% means that there are 80 milligrams of alcohol in 100 milliliters of the person’s blood.

CANDIDATE DRE:

An individual in the process of achieving certification, through the state coordinator, as a DRE. To achieve certification, a person must successfully complete a training program consisting of the following:

- An NHTSA/IACP approved SFST training course
- A two-day NHTSA/IACP approved DRE Pre-School or equivalent
- A seven-day NHTSA/IACP approved DRE School
- On-the-job field certification

CANDIDATE DRE INSTRUCTOR:

An individual in the process of achieving certification, through the state coordinator, as a DRE instructor. To achieve certification, a DRE must successfully complete the NHTSA/IACP approved DRE Instructor Development Course (IDC), conduct a minimum of two hours of DRE training, and witness two drug evaluations.

CERTIFICATION:

The only courses receiving credentialing under the auspices of IACP are the training requirements for DRE and for DRE instructor. The remaining NHTSA/IACP impaired driving curriculum courses (i.e. Standardized Field Sobriety Testing, Advanced Roadside Impaired Driving Enforcement) have approved curriculum but the attendees receive no certification or credentials from NHTSA or the IACP upon completion. DRE’s are certified by the DRE state coordinator.

COURSE MANAGER:

An individual who ensures that each training event follows the standardized curriculum and evaluates the training event. The course manager represents the IACP and resolves issues with the content and/or delivery of the training.

CREDENTIALING:

The IACP maintains an international credentialing registry for DREs who have been certified by their state coordinators. The IACP also provides credentialing documents that verify the DRE's certification.

CRIMINAL JUSTICE AGENCY:

For purposes of these standards, a criminal justice agency is any organization, funded by public monies, that is involved in the apprehension, prosecution, and adjudication of public miscreants; or in the incarceration, detention, supervision, or control of said miscreants following apprehension, prosecution, and/or adjudication.

DEACTIVATION:

An action initiated by a DRE or DRE instructor requesting deactivation from the DEC Program. To be deactivated, the individual needs to be actively certified at that time.

DECERTIFICATION:

Decertification shall be initiated by the state coordinator when a DRE or DRE instructor fails to meet minimum standards and requirements for certification or recertification, or demonstrates evidence of poor performance, inconsistent findings, or other substantiated acts on the part of the DRE that reflect discredit upon the DEC Program.

DEC PROGRAM COORDINATORS:

A **state coordinator** is selected by a state's Governor's Highway Safety Office, or the equivalent, and designated to act as the statewide coordinator for the DEC Program. The duties and the responsibilities of the position are listed in Section VII ("Standards for the State DEC Program Coordinator") and in the "Guidelines for State Coordinators." If a state coordinator is not designated within a particular state, the IACP Technical Advisory Panel (TAP) regional DEC Program coordinator shall serve as that state's coordinator.

An **agency coordinator** may be designated within his department or agency and be responsible for maintaining program records, ensuring maintenance of program standards, and conducting training and certification sessions within the agency. Responsibility for this function may rest with one individual, in the case of a small or closely coordinated effort, or may be decentralized among several people throughout the agency. If an agency coordinator is not designated, the state DEC Program coordinator shall serve as that agency's DEC Program coordinator.

A **regional coordinator** - one DRE from each of the three regions, as established by the IACP Drug Recognition Expert Section, is appointed by the chair of the IACP Technical Advisory Panel to provide assistance to the state coordinators.

DRE INSTRUCTOR:

A trained and certified DRE who has received further training and experience instructing within the DEC Program and who has successfully completed the NHTSA/IACP DRE Instructor Development Course (IDC) or an approved equivalent.

DRUG:

Any substance that, when taken into the human body, can impair the ability of the person to operate a vehicle safely.

DRUG INFLUENCE EVALUATION:

A process of systematically examining a person suspected of being under the influence of a drug, for the purpose of ascertaining what category of drugs (or combination of categories) is causing that person's impairment. A trained DRE can identify, with a high degree of reliability, the distinguishing signs and symptoms of seven broad categories of drugs.

DRUG EVALUATION AND CLASSIFICATION PROGRAM (DECP) TECHNICAL ADVISORY PANEL (TAP):

A group formed to assist the Highway Safety Committee of the IACP on specific matters relating to the DEC Program. These matters include, but are not limited to, the revision of the approved training curriculum, review and approval of proposed alternative training programs, and other matters relating to the technical aspects of the DEC Program, which include Standardized Field Sobriety Testing (SFST), Advanced Roadside Impaired Driving Enforcement (ARIDE), Drug Impairment Training for Education Professionals (DITEP) and the DEC Program.

DRUG RECOGNITION EXPERT (DRE):

An individual who has successfully completed all phases of the DRE training requirements for certification established by the IACP and NHTSA and who has been approved for certification by the state coordinator for the state wherein they have law enforcement jurisdiction or within their primary state of employment. The word "evaluator", "technician", or similar words may be used as a substitute for "expert", depending upon locale or jurisdiction.

FORENSIC TESTING

Forensic testing, as used within the DEC Program, refers to the use of approved methods of collecting and testing various biological specimens for the presence of drugs. The methods can include, but are not limited to, blood, urine, and oral testing instruments and devices. The testing methods and devices used must be approved by the laboratory(s) and should be capable of identifying a wide range of impairment causing drugs. Point-of-collection testing methods will only be approved for field certifications, and must be approved by the state laboratory for that purpose.

GOVERNOR'S HIGHWAY SAFETY OFFICE:

A state agency, or the equivalent, that appoints the state DEC Program coordinator.

HIGHWAY SAFETY COMMITTEE:

A standing committee of the IACP that addresses highway safety issues. One of its subcommittees, the Technical Advisory Panel (TAP), makes recommendations specifically on impaired driving issues.

HORIZONTAL GAZE NYSTAGMUS (HGN):

An involuntary jerking of the eyes, occurring as the eyes gaze towards the side.

IMPAIRMENT:

One of the several terms used to describe the degradation of mental and/or physical abilities necessary for safely operating a vehicle.

INSTITUTION:

An entity receiving funding from federal agencies, IACP, or the State Office of Traffic or Highway Safety, for instruction or research of the DEC curriculum; or state P.O.S.T.-recognized training academy.

IMPLIED CONSENT:

Every state has enacted a version of an Implied Consent Law, which serves to encourage persons arrested for DWI to submit to a chemical test to determine blood alcohol content. Many states also allow for the testing of blood, breath, or urine for the presence of drugs and/or alcohol. The concept of implied consent is that the state views the suspect as already having agreed to take the test as a condition of operating a vehicle in the state. The law further provides that if the arrestee refuses the test, his driver's license will be suspended or revoked.

INACTIVE (EXPIRED) DRE CERTIFICATION:

A DRE's certification is in an expired status when the DRE has not completed requirements for recertification by the expiration date issued by the IACP. There may be circumstances in which a DRE's certification has expired and all requirements for recertification have not been completed. If the inactive status is within one year past the expiration date as credentialed by the IACP, the word "evaluator", "technician", or similar word may be used as a substitute for "expert", depending upon locale or jurisdiction.

IACP STAFF:

With grant assistance from NHTSA, the IACP has agreed to develop standards and assist in managing the certification process for the DEC Program. As part of this agreement, the IACP performs necessary staff and coordination functions for the program, such as maintaining the DEC Program certification registry and issuing certification credentials.

INSTRUCTOR TRAINER:

An experienced DRE instructor who conducts instructor training courses. The trainer must be knowledgeable of and have audited all phases of the training within the DEC Program; and must be fully conversant with the participant and instructor manuals.

INTOXICATION:

One of the several terms used to describe the degradation of mental and/or motor skills and other faculties due to use of alcohol or other drugs.

NHTSA:

The National Highway Traffic Safety Administration, within the United States Department of Transportation that exercises primary responsibility for coordinating federal efforts to ensure the safe design and operation of motor vehicles.

ON-SITE TESTING DEVICE:

Any device used for testing of bodily fluids such as blood, urine or saliva for the purpose of determining the category or categories of drug/s affecting the subject being evaluated. Any devices used should be supported by the state coordinator and reviewed and endorsed by the state testing lab.

STANDARDIZED FIELD SOBRIETY TESTING INSTRUCTOR:

An individual who has successfully completed the NHTSA/IACP approved Standardized Field

Sobriety Testing (SFST) Instructor Development Course (IDC) or an approved equivalent.

STANDARDIZED FIELD SOBRIETY TESTS (SFSTs):

A battery of three tests developed and validated through a series of controlled experiments supported by research grants from NHTSA. The three tests include: Horizontal Gaze Nystagmus (HGN); Walk and Turn (WAT); and One Leg Stand (OLS).

STATE:

In addition to the designated states within the United States, this term is used to indicate other recognized jurisdictions including U.S. Territories and other approved jurisdictions outside the United States. In jurisdictions outside of the United States, the applicable geographic title may be substituted throughout this document as needed and as directed by that country's national DRE Coordinator. (e.g. The Royal Canadian Mounted Police, the TAP-recognized coordinator for Canada, can choose to apply the title "Province" for jurisdictions in Canada).

I. Standards for Certification as a Drug Recognition Expert

The standards in this section specify the criteria that must be met prior to an individual's being certified as a drug recognition expert (DRE). These criteria outline the knowledge and skills required to be considered for training, as well as the knowledge and proficiencies required for final certification. The currently approved curriculum involves a three-phase training process. Prior to beginning the training program, participants are required to be trained in, and demonstrate proficiency in, the use of the NHTSA/IACP-approved Standardized Field Sobriety Tests (SFST), including the horizontal gaze nystagmus (HGN) test. Phase I of the DRE training consists of the two-day (16-hour) Pre-School.

During this training phase, participants are taught the definition of the term "drug" as it is used in the Drug Evaluation and Classification (DEC) Program and become familiar with the techniques of the drug influence evaluation. Participants also begin to learn the techniques and procedures for evaluating persons suspected of drug impairment. Phase II of the training is a seven-day (56-hour) classroom program during which participants receive detailed instruction in the techniques of the drug influence evaluation examination as well as in physiology, the effects of drugs, and legal considerations. Upon completion of this phase of training, the participant must pass a comprehensive written examination before proceeding to Phase III of training, the field certification.

The field certification portion of training follows completion of the classroom training and is conducted within the next 60 to 90 days. During this portion of the training, participants, under the direction of certified DRE instructors, evaluate subjects suspected of being impaired by drugs other than alcohol. After participating in and documenting the results of at least 12 drug evaluations (being an evaluator for a minimum of six) and completing a comprehensive final knowledge examination, the participant may be recommended for certification as a DRE. The 60-to-90-day period may be expanded to six months with approval of the state coordinator

- (2) In order to be considered for certification as a DRE, a person shall be in the employ, including part-time and unpaid positions, and under the direct control of (1) a public criminal justice agency involved in the enforcement of criminal or traffic safety laws as a credentialed law enforcement officer/employee or an institution involved in providing training services to officers of law enforcement agencies.

Commentary: Persons who hold the status of DRE Emeritus or DRE Ambassador may not be certified as a DRE. Because of their recognized experience, skills or credentials they are encouraged to participate in the DEC Program as an adjunct instructor or in other ways which support the mission of the DRE Section and the DEC Program.

At the discretion of the agency head or administrator, and with the consent of the training body, other persons may audit or observe any or all portions of the DRE training. Persons attending the course as auditors or observers shall not be eligible for certification.

Persons pursuing certification for the purpose of instructing in the DEC Program must meet all requirements for certification and recertification in order to maintain their standing as DREs or DRE instructors.

1.1 The candidate DRE must have experience in preparing comprehensive investigative reports and in providing detailed court testimony.

Commentary: The technical nature of the drug evaluation process and the need to provide detailed and accurate documentation of findings and conclusions requires proficiency in preparing reports. Candidate DREs should have demonstrated the ability to investigate, document, and prepare detailed reports of incidents such as major traffic crashes or criminal violations. In addition, DREs must be able to provide court testimony concerning their methods and results, as well as their training and qualifications.

(1.1 C) Any DRE Training school in Colorado must be approved by the Colorado State DRE Coordinator.

1.2 All DRE candidates must attend and successfully complete the NHTSA/IACP-approved course of instruction in Standardized Field Sobriety Testing (SFST), or an equivalent curriculum approved by the IACP Highway Safety Committee and its Technical Advisory Panel. They shall demonstrate proficiency in the use of SFST, to the satisfaction of a DRE instructor, by the conclusion of the DRE Pre-School or a school meeting Standard 1.2 above.

Commentary: The drug influence evaluation process requires that the contribution of alcohol to observed impairment be determined. NHTSA has developed, and the IACP has adopted, the SFST procedure in conjunction with immediate breath testing, as a means of identifying the alcohol-impaired driver. If the effects of alcohol are determined not to be the sole cause of impairment, the officer can begin the evaluation process to determine what other causes may be responsible.

In order to conform to the NHTSA/IACP model curriculum, SFST training must contain the specified number of hours and include at least two approved alcohol workshops. In addition, the training must instruct students in the administration of the horizontal gaze nystagmus (HGN), the walk and turn, and the one leg stand tests.

Each agency should ensure that candidates submitted for DRE training has had adequate time prior to beginning the training program to develop and to demonstrate proficiency in the use of SFST's or allow for refresher training in these techniques as necessary.

1.3 All DRE candidates must attend and complete the NHTSA/IACP DRE Pre-School or an IACP-recognized equivalent prior to progressing to Phase II, the DRE School.

(1.3 C) DRE candidates must have successfully completed the 24 hour SFST training course, be compliant with Colorado SFST recertification standards and attended an in classroom IACP/NHTSA Advanced Roadside Impairment Driving Enforcement (ARIDE).

1.4 Prior to attending Phase II of the DRE training, the candidate shall have met the learning objectives for Phase I of the training program, the NHTSA/IACP-approved DRE Pre-School. The candidate shall be able to:

1. define the term "drug" as it is used in the DRE training program;
2. name the seven drug categories identified in the DRE training program;
3. measure vital signs including blood pressure, pulse, and body temperature;
4. demonstrate proficiency with the 12-step drug influence evaluation process;
5. demonstrate proficiency in the administration of the SFSTs, including HGN;
6. demonstrate proficiency with the administration of the eye examinations, including pupil size, vertical gaze nystagmus, and lack of convergence.

These learning objectives are generally met through completion of Phase I, the DRE Pre-School. However, agencies have the latitude to determine the best means of ensuring that candidate DREs meet the prerequisites. The agency must verify, through the application process to the instructor responsible for delivering the training, that a candidate meets all requirements. Each candidate DRE will be required to demonstrate the knowledge and skills outlined. Administrative guidelines and suggested application forms containing the necessary information will be provided by IACP staff to agencies and training institutions upon request.

(1.4 C) DRE Candidates must obtain a score of eighty percent (80%) or higher on the Pre-School Final Exam to continue DRE training, specifically Phase II.

1.5 The candidate DRE shall complete an approved classroom training course that, at minimum, achieves the learning objectives as stated in the NHTSA/IACP-approved training curriculum.

Commentary: NHTSA and the IACP have developed a classroom training course that, when completed, qualifies the participant to proceed to the field certification portion of the training program. Because of differences in the type and level of training for officers in the detection of impaired subjects, agencies should determine the most effective means of providing classroom training in drug recognition. However, in order to maintain the credibility and integrity of the certification phase, agencies that use a training program other than that currently approved by the IACP, must have the alternative curriculum approved by the IACP Technical Advisory Panel (TAP) as meeting learning objectives. In addition, the TAP will be responsible for providing periodic updates and modifications to the NHTSA/IACP training curriculum.

1.6 All candidate DREs shall attend and complete the classroom portions of an approved DRE curriculum prior to progressing to Phase III (the field certification phase) of the training. This shall include satisfactorily completing all assignments and required examinations. A candidate missing classroom instruction shall be required to complete the missed portion under the guidance and approval of the course manager. Candidates who miss more than eight—not necessarily consecutive—hours of instruction shall repeat the course. Candidates shall not be permitted to “test out” of portions of the training, nor shall they be permitted to attend only those classes that they have not previously completed.

Commentary: Class sessions missed must be made up prior to the final exam.

(1.6 C) Any classroom sessions missed or not completed for a Colorado DRE school must be made up before the end of the 56-hour main school.

1.8 In order to satisfactorily complete the classroom portion of the training and proceed to field certification, the candidate DRE must complete an IACP-approved final examination with a score of not less than 80%.

A candidate scoring less than 80% on the final examination may, if utilized by the state, be retested one time, under the supervision of a certified DRE instructor. The retest shall be completed not less than 15 or more than 30 days following the completion of the classroom training. If the candidate was originally given Test Form A they should receive Test Form B for the retest.

Commentary: The examination used to retest the candidate shall be an IACP-approved examination and shall not have been administered to the candidate previously. If the candidate does not achieve a passing score on reexamination, the candidate must retake the classroom portion of the training and pass the final

examination before proceeding further in the certification process. Upon satisfactory completion of the examination, the candidate may then proceed to field certification.

(1.8 C) A final examination retest will be given by a DRE Instructor who is not from the same agency as the student.

1.9 Upon completion of the field certification phase of training, the candidate must demonstrate the ability to correctly conduct a complete drug evaluation and appropriately document and interpret the results. The candidate must also be able to document the findings of the evaluation.

Commentary: One of the primary factors in the success of the DEC Program has been the emphasis upon a standardized approach to the drug influence evaluation process. The training stresses the importance of a systematic, structured approach to performing the drug influence evaluation. Upon conclusion of an evaluation the DRE reviews the results of all tests, examinations and observations, documents the findings, and draws a conclusion based on the totality of the evidence.

1.10 To be considered for certification as a DRE, the candidate DRE must satisfactorily complete a minimum of 12 drug influence evaluations, during which the candidate must encounter and identify subjects under the influence of at least three of the drug categories as described in the DRE training. Of the evaluations required for certification, the candidate shall administer a minimum of six evaluations. The candidate may observe the remaining evaluations. The opinion of the candidate regarding drug categories must be supported by forensic testing and/or toxicology. In the case of influence from a drug where the forensic testing cannot or does not test for a specific drug, it is not possible to acquire confirming toxicology. In these situations, for the evaluation to be considered acceptable for inclusion in the certification process, the concurrence from a certified DRE instructor regarding the drug category will be required. Certification training evaluations will be conducted in accordance with the current procedures and guidelines established in the DEC Program training curricula. All evaluations administered or observed, and documented for certification purposes, shall be observed, supervised, and reviewed by at least one certified DRE instructor, and shall be performed on subjects suspected of drug impairment.

Commentary: For a candidate DRE to receive credit for an administered or observed evaluation, the candidate shall independently write his own narrative based on his observations. The evaluation must also be recorded on the candidate's Rolling Log and Progress Log. The evaluation shall include the Face Sheet and a complete narrative identifying the category(ies) of the drug(s) affecting the subject. If the DRE instructor who observed and supervised the candidate's evaluation is not available in person to review and approve the Face Sheet and narrative, the candidate should prepare a copy or scan of the completed Face Sheet and narrative and send it to the DRE instructor who observed the evaluation for review and approval. After the DRE instructor reviews and approves the candidate's evaluation, the DRE instructor should return any documentation, feedback and/or comments to the candidate. (The recommended way will be by e-mail so that a date and time is recorded on the correspondence.) If the DRE instructor will not be available in person to sign the candidate's progress log, they should indicate in their correspondence to the candidate that they authorize another DRE instructor to sign the candidate's progress log on their behalf. The candidate should keep any returned correspondence with the original evaluation in case any future review is necessary for certification purposes.

(1.10 C) DRE students shall administer a minimum of eight (8) evaluations. Each DRE students, whether serving as an evaluator, observer, or recorder, shall independently complete the narrative portion of the evaluation and

shall independently identify the category(s) of drugs affecting the subject to a DRE Instructor. All Narratives should be completed by the end of the certification event, unless authorized by an onsite DRE Instructor, and shall be signed off by the instructor(s) who observed the complete evaluation process.

1.10.01 Based upon rigorous training practices unique to the Province of Quebec, Canada and considering language barrier issues relating to limited numbers of English-speaking officers, a lack of sufficient numbers of impaired subjects available for observational testing, and international scheduling issues hampering attendance at field certification sites in the United States, an alternate certification process was proposed to the Technical Advisory Panel (TAP). After thorough review of scientific data gleaned from trial studies and site visits by TAP members, the Province of Quebec, Canada, will be allowed to conduct certification training using a modified field certification process. The approved process will be: 1) each candidate DRE will complete a minimum of twelve certification evaluations which will include no less than nine hands-on evaluations, 2) no more than five of the nine evaluations may be conducted by utilizing professional actors, 3) the other four hands-on certification evaluations will be conducted on actual drug impaired subjects, 4) the remaining three evaluations may be in the role as an observer. The simulated evaluations conducted using the professional actors will follow the same guidelines that were utilized in the research and trial studies.

1.11 Prior to completing the certification phase of training, the candidate DRE must demonstrate the ability to draw correct conclusions consistent with observed physiological signs and symptoms. In addition, the conclusions must be supported by forensic testing. No candidate DRE shall be certified as a DRE unless blood, urine, or other appropriate biological samples are obtained and tested from at least nine (9) subjects whom the candidate has examined for certification purposes. These may include subjects for whom the candidate served as the examination recorder or observer as well as those subjects directly evaluated by the candidate DRE. Further, the candidate cannot be certified unless the opinion concerning the drug category or categories affecting the subject is supported by forensic testing analysis 75 percent of the time, or in at least seven (7) of the nine (9) samples submitted for certification purposes. For purposes of this standard, a candidate's opinion is supported if the forensic testing analysis discloses the presence of at least one drug category named by the candidate. In the event the candidate has concluded that three or more categories of drugs are involved, at least two categories must be supported by forensic testing.

Commentary: Successful and uniform application of this standard places important forensic toxicological requirements on the program. Whenever possible, the DRE instructor should obtain a biological sample to confirm the candidate's opinion during the field certification process. Although the candidate must complete a minimum of 12 drug influence evaluations (Standard 1.10), Standard 1.11 requires only 75 percent of those to include a biological sample. This allows for those cases in which a biological sample is unavailable, such as when a subject refuses or cannot provide one. In those cases when an evaluation is not supported by forensic testing, a certified DRE instructor should ensure that the candidate's opinion was based on observable signs and symptoms consistent with the opinion. In evaluations where no forensic testing is available but there is concurrence from a certified DRE instructor regarding the drug category involved, that evaluation will not be included to satisfy 75 percent requirement for evaluations supported by forensic testing or in the seven (7) of the required nine (9) evaluations with submitted toxicology. However, the evaluation may be included in the requirement in 1.10 to encounter and identify subjects under the influence of at least three of the drug categories.

For certification purposes only, alcohol will not be considered as an independent category or be included within the CNS Depressant category for assessing confirmation rates. For example, if a DRE calls Alcohol (and has a breath test showing the presence of alcohol, such as 0.05%) and also Cannabis

because of the signs and symptoms observed during the evaluation, if the toxicology results do not confirm the Cannabis, it would be considered an incorrect opinion. In this same example, if the only confirmatory toxicology test result is the breath test for alcohol and no separate toxicology test was performed to determine the presence of other drugs, then it would be considered the same as if no toxicology results were available.

For the alternate certification process approved for the Province of Quebec, Canada, the same standard for conclusions supported by forensic testing will be utilized. The candidate cannot be certified unless the opinion concerning the drug category or categories affecting the drug impaired subjects evaluated are supported by forensic testing analysis 75 percent of the time, or in at least three of the four samples submitted for certification purposes. If additional certification evaluations on actual impaired subjects are needed for the candidate to demonstrate the required 75 percent confirmation, additional evaluations will be conducted on drug impaired subjects. Actors will not be utilized for these evaluations.

(1.11C) Toxicology confirmations are required on at least three (3) separate and distinct drug categories. The three distinct (3) drug categories must also be identified by the DRE candidate in their written opinions.

1.12 Prior to concluding field certification training, the candidate DRE shall satisfactorily complete an approved Certification Knowledge Examination. The examination shall be administered, and the results reviewed by at least two certified DRE instructors. The examination shall only be administered after the candidate has completed not less than six drug influence evaluations with not less than three of the drug influence evaluations being performed by the candidate.

There is no remedial test for the Certification Knowledge Examination. If the candidate DRE cannot successfully demonstrate their ability to perform as a DRE to two DRE instructors during the administration of the Certification Knowledge Examination, then the candidate should be removed from the DRE training process.

Commentary: The Certification Knowledge Examination includes a comprehensive written examination section. As previously described, certification is based on the evaluation by the DRE instructors of the skills and abilities of the candidate DRE rather than on the completion of a specified set of tasks. There is no specific scoring of the Certification Knowledge Examination. The purpose of the Certification Knowledge Examination is to aid the instructors in evaluating the candidate's qualifications, performance, and general abilities to perform as a DRE.

Since this is the final step in the certification process, it is important that the candidate DRE be prepared to take the Certification Knowledge Examination. It should be administered when, in the judgment of the reviewing instructor(s), the candidate has demonstrated proficiency in conducting, evaluating, and documenting results of the drug influence evaluation process. After the candidate has completed the Certification Knowledge Examination, the candidate's responses will be reviewed by at least two DRE instructors. The review will be within seven days of the administration of the Certification Knowledge Examination if two DRE instructors are not present during the administration of the examination. The use of two DRE instructors to evaluate the candidate may overcome any bias either for or against a candidate. If the opinions of the initial two DRE Instructors are not comparable in their opinion of the candidate's approval or rejection of the Certification Knowledge Examination, a third DRE instructor (which may be the DEC Program state coordinator) will be utilized to review the Certification Knowledge Examination. The majority opinion between the three DRE instructors should be the final opinion of the candidate's approval or rejection of the Certification Knowledge Examination. However, the DEC Program state coordinator will have final review and approval or rejection of the Certification

Knowledge Examination.

The Certification Knowledge Examination should be an evaluation step near the end of the candidate's certification process after the candidate has had sufficient training time to have a comprehensive understanding of the DRE process, procedures and material.

The Certification Knowledge Examination is to be administered and proctored by a DRE instructor or the DEC Program state coordinator. The Certification Knowledge Examination is not to be administered as a take-home or unsupervised examination.

It is difficult to develop a standard due to the different jurisdictions that are involved. The following listed procedures are provided as a suggested guideline or best practice for the administration of the Certification Knowledge Examination. It is understood that testing dates, time and locations may vary from state to state, so the following procedures are not written as strict policy. However, with each state following these guidelines as closely as possible for the administration and review of the Certification Knowledge Examination, the guidelines will support standardization in the administration of the examination in all jurisdictions.

The Certification Knowledge Examination should be considered as one examination and all parts should be administered on the same testing day, whenever possible. The Certification Knowledge Examination should be treated and reviewed as a single knowledge examination. It is preferred that the Certification Knowledge Examination be taken in sequence and administered in an area with adequate space for the candidate DRE to take the examination. It is preferred that the location be a secure location, such as an institution or facility used for learning, conducting classes, or testing.

Recommendations for the actual administration process are: The Certification Knowledge Examination may be administered in one full part or in two separate parts on the day of testing. Sections 1 and 2 may be administered together to ensure the candidate knows and understands the basic parts of the DRE evaluation and the DRE matrix. After the candidate has completed these two sections, they should be reviewed by monitoring DRE instructors, and if there are any questions about the responses, the DRE instructors may ask the candidate for clarification of a response or to explain items in more detail or depth. After successfully completing those two sections, the candidate may then proceed to examination sections 3, 4, and 5. If the candidate cannot successfully complete sections 1 and/or 2 they should be dismissed from the DRE training.

When the candidate has completed all five sections of the Certification Knowledge Examination, either as a single examination or administered in two parts as described above, the candidate's full Certification Knowledge Examination should be reviewed as a whole. The reviewing DRE instructors should review the examination as a totality of the candidate's knowledge and understanding when developing their opinion as to their approval or rejection of the Certification Knowledge Examination. If there are questions about any of the candidate's responses, the DRE instructors may ask the candidate for clarification or to explain items in more detail or depth. This is necessary so that the reviewing DRE instructors fully evaluate the candidate's qualifications, performance, and general abilities to perform as a DRE.

Acceptance or Rejection of the Certification Knowledge Examination:

If two DRE instructors approve the candidate's Certification Knowledge Examination, then those two DRE instructions should sign the candidate's Progress Log on the appropriate lines.

If two DRE instructors reject the candidate's Certification Knowledge Examination, then the candidate

should be dismissed from the DRE training. In cases of rejection, the lead DRE instructor, the DRE School course manager and the DEC Program state coordinator should be notified of the potential rejection. This will allow them to address subsequent questions and concerns from the candidate or sponsoring department. The DEC Program state coordinator should then proactively inform the candidate's department of the rejection.

(1.12 C) A candidate DRE is eligible to take the final examination when they have completed a minimum of ten (10) drug evaluations, presented their up-to-date progress log and had their curriculum vitae reviewed and approved.

1.13 The candidate DRE shall complete the field certification phase of training as soon as possible following completion of the classroom training. This phase shall take place within the next 60 to 90 days and may be extended to six months with the approval of the state coordinator.

Commentary: Under normal circumstances a candidate not completing field certification within the prescribed time period will be dropped from the DRE certification process; however, a reevaluation of the candidate's qualifications and the reasons for non-completion may be conducted by the appropriate state coordinator to determine if circumstances exist that indicate that the candidate should continue in the certification process.

1.14 By the time the candidate DRE has completed field certification training, he shall have prepared a curriculum vitae, which shall reflect his training and experience. The curriculum vitae shall include a complete log of all evaluations in which the candidate has conducted or observed.

Commentary: In order to be accepted as a credible witness, the DRE must be able to document and articulate a body of information concerning training, qualifications, and experience in the field of drug evaluation and classification. Toward this end, candidates are instructed in the importance and proper preparation of a curriculum vitae.

1.15 When the candidate DRE has satisfactorily completed all requirements of the classroom and field certification portions of training, at least two certified DRE instructors who have observed and approved the candidate during field certification evaluations will verify that the candidate meets all requirements for certification as a DRE.

Commentary: The certification process relies in large part on the judgment of the instructor(s) as to the abilities and performance of the candidate. Experience has shown that in many cases, particularly those in which a candidate's qualifications may be in question, the opinion of a second instructor as to readiness for certification is of value. In addition, the use of a second instructor to evaluate the candidate may overcome any bias, either for or against a candidate. For these reasons, each candidate must be evaluated by at least two instructors prior to becoming certified as a DRE.

1.16 Following completion of certification requirements, copies of all relevant documents required, including test results, evaluation logs, and drug evaluation reports, shall be forwarded to the agency coordinator who shall forward all documents to the state coordinator. The state coordinator shall forward to the IACP the names and copies of the certification progress logs of the DREs certified as having successfully completed all phases of the DRE training program. The IACP will then credential and register each applicant as a certified DRE.

Commentary: The IACP staff shall maintain current listings of persons certified as DREs. Upon notification that a person has met all requirements, the staff shall complete and forward to the state coordinator

documentation indicating that the candidate meets all requirements of the DEC Program as a DRE. The state coordinator shall forward these documents to the agency which, in turn, will present them to the DRE. The IACP does not certify; that is the responsibility of the state coordinator. The IACP is the credentialing agency.

In order to accommodate the need for candidate DREs to have a valid account to practice entering evaluations into the national DRE database, the DRE number that will ultimately indicate credentialing may be issued by the IACP to the state coordinator, upon request, for the sole purpose of use by the candidate DREs during this learning phase. In making the request, the state coordinator shall forward the roster for the school so that the IACP staff can relate a name to each number issued. A valid IACP DRE number is required for creating an account in the data system, and state coordinators shall not use any other numbering system, self-generated number, or any other invalid numeric field in the IACP number field of the system. State coordinators are required to comply with established security and use requirements of the data system as described and provided by NHTSA and the IACP. Pre-issuance of the DRE number will not imply or reflect that a candidate DRE is credentialed by the IACP. If the candidate DRE passes all the requirements for credentialing, this same number will be used throughout that individual's career as a DRE. Should the candidate being assigned a number in advance ***not actually participate in the program*** nor complete the certification process, the state coordinator shall immediately deactivate the candidate's access to the data system and notify the IACP staff within 30 days. The IACP will permanently deactivate this DRE number and indicate that it is inactive and no longer available to be reissued to anyone else.

II. Standards for Certification as a Drug Recognition Expert Instructor

Because of the highly technical nature of the functions performed by the DRE, only persons experienced in the techniques of drug influence evaluation should instruct in the DEC Program. In general, these instructors will be certified DREs with experience in performing drug influence evaluations and in providing testimony in court in the area of drug recognition; however, persons who possess specialized skills or credentials may be utilized to teach certain parts of the training course as adjunct instructors. Dedicated, qualified instructors are critical to the continued success of the DEC Program.

Certified instructors are responsible for observing, evaluating, and verifying the performance of candidate DREs throughout the training and certification process. In addition, certified instructors must provide periodic update training to DREs already certified.

Also addressed in this section are standards for the use of instructor trainers in the program. These individuals are responsible for the training of DRE instructors.

2.1 Only persons certified as DREs may be certified as DRE instructors.

Commentary: Persons not certified as DREs but who possess knowledge, expertise, or credentials deemed valuable to the program may be designated as adjunct instructors for the DEC Program. Persons who might be considered for this designation may include medical professionals, toxicologists, attorneys, former DRE instructors, and others who possess knowledge in a designated field of expertise. Adjunct instructors must be familiar with the DEC Program and fully conversant with the most current curricula for their assigned blocks of instruction. Classes taught by adjunct instructors shall be taught in cooperation with certified DRE instructors to ensure accuracy and consistency.

Each adjunct instructor should provide to the state coordinator a biographical sketch to be included in the file of approved instructional staff. The biographical sketch shall include those segments of the training curricula that the adjunct instructor is qualified to teach. Some courts place more credibility on the DRE's expertise when portions of the curriculum are instructed by licensed medical professionals, toxicologists, etc.

2.2 A DRE desiring to become an instructor in the DEC Program shall make written application to the agency coordinator. The agency coordinator will ensure that the candidate meets all requirements to become an instructor and will refer the application to the state coordinator.

Commentary: The agency head shall verify to the training provider that a candidate DRE instructor meets all prerequisites to enter DRE instructor training. Prerequisites may also include any state, local, or agency requirements specified for instructors within the jurisdiction. The state coordinator shall provide to requesting agencies the administrative guide and sample application forms for candidate instructors.

(2.2 C) DRE Instructor Candidates shall meet the following requirements: be a certified Colorado DRE for a minimum of one (1) year and be recommended by two (2) Colorado DRE Instructors. The agency coordinator will verify to the Colorado State DRE Coordinator that the candidate meets all requirements. The Colorado State DRE Coordinator will announce DRE Instructor Schools and solicit candidates. The Colorado State DRE Coordinator shall make the final determination as to whether the candidate shall be accepted into training as a DRE Instructor.

2.3 The candidate shall satisfactorily complete the NHTSA/IACP-approved DRE Instructor Development Course, or an approved equivalent, which shall include both a knowledge and practical examination of candidate instructors.

Commentary: This requirement does not preclude states or local jurisdictions from placing additional requirements on persons wishing to teach in the local law enforcement community.

2.4 Upon satisfactory completion of the NHTSA/IACP-approved classroom portion of training or completion of an equivalent program, the candidate shall be designated as a candidate instructor for purposes of completing instructor certification. To complete instructor certification, the candidate instructor must 1) teach for a minimum of two hours in the classroom portion of an approved drug recognition training program; and 2) supervise the administration of not less than two drug influence evaluations performed by candidate DREs during certification training.

The candidate instructor's progress shall be monitored and evaluated by at least one certified DRE instructor.

Commentary: NHTSA and the IACP have developed an Instructor Development Course (IDC) curriculum for instructors in the DEC Program. The learning objectives for this program emphasize specific techniques for teaching the specialized information contained in the DRE curricula.

The TAP shall be responsible for reviewing and evaluating alternative training programs submitted by agencies. Those programs meeting or exceeding the approved learning objectives for instructor training shall be deemed "equivalent." This does not preclude agencies or states from adopting more stringent standards.

2.5 Upon satisfactory completion of instructor training, copies of all documentation, including instructor progress logs, examination scores, and instructor evaluations, shall be forwarded to the appropriate DRE coordinator. The agency coordinator will forward these documents to the state coordinator who shall certify that the candidate has successfully completed all phases of DRE instructor training. The IACP will then credential and register each applicant as a certified DRE instructor.

Commentary: The IACP staff will maintain a current register of persons certified as instructors in the DEC Program. Upon notification that a person has met all requirements, the staff shall complete and forward to the state coordinator appropriate documentation indicating that the person meets all requirements as a DRE instructor. The state coordinator shall forward these documents to the agency who, in turn, will present them to the DRE instructor.

The administrative guidelines shall provide sample forms for necessary progress logs and certification documents.

2.6 To ensure the proper conduct and delivery of the approved DRE curriculum, all training sessions conducted as part of the DEC Program shall be coordinated by a certified DRE instructor who has previously instructed. All classes taught by adjunct or candidate instructors shall be supervised directly by a certified DRE instructor.

Commentary: To ensure that all training classes are conducted in accordance with applicable standards, it is recommended that the instructor coordinating the training program have a minimum of one year's experience as a DRE instructor.

2.7 An instructor trainer shall have demonstrated proficiency as an instructor.

2.8 A DRE instructor trainer must be knowledgeable of and have audited all phases of the DEC Program and must be fully conversant with the participant and instructor manuals.

Commentary: An instructor trainer must present evidence of the satisfactory completion of the NHTSA/IACP DRE Instructor Development Course or equivalent. Instructor trainers must be familiar with the DEC Program and fully conversant with the curricula for their assigned blocks of instruction. To ensure consistency, classes taught by instructor trainers shall be taught in cooperation with certified DRE instructors.

Each instructor trainer shall provide to the appropriate DEC Program coordinator a biographical sketch to be included in the file of approved instructional staff. The biographical sketch shall include those segments of the training curricula that the instructor trainer is qualified to teach. The state coordinator should maintain a record of persons qualified as instructor trainers in the DEC Program.

2.9 It is recommended that each DRE Pre-School and DRE School have a course manager. The course manager primarily performs four duties: (1) planning and preparation, (2) on-scene course management, (3) data collection, and (4) reporting. Other responsibilities include:

- assigning instructors, and verifying in advance that the training is conducted in the standardized manner and is properly evaluated;
- ensuring each DRE instructor is certified and properly credentialed by IACP;
- ensuring at the training site that all necessary conditions exist to maximize the candidate DREs' ability to learn;
- ensuring all necessary course training materials are procured;
- collecting certain data following every training event and forwarding it to the state DEC Program coordinator; and
- preparing a comprehensive report following every training event and forwarding it to the state DEC Program coordinator.

(2.9 C) The Course manager(s) will be selected by and serve at the pleasure of the Colorado DRE Coordinator who can relieve any course manager of their course manager responsibilities and duties without cause.

III. Standards for Recertification

Recertification is necessary to ensure that DREs and DRE instructors maintain proficiency. Just as the standards in the previous sections have outlined the criteria for initial certification, the standards outlined in this section are required to ensure that professional integrity is maintained throughout the recertification process.

3.1 The following records concerning certification and recertification shall be maintained:

| | |
|--|---|
| Individual DRE/ DRE Instructor | Copies of all drug evaluations Evaluation logs Curriculum Vitae Certification and recertification progress logs Certificates |
| Agency DEC Program Coordinator | Copies of evaluation logs Certification progress logs Copies of certificates Instructor ratings and summaries of candidate DRE critiques Records of classes taught by each instructor |
| State DECP Coordinator and IACP Staff | Copies of evaluation logs (optional) Certification progress logs File of certified DREs and instructors Recertification information |

Commentary: Guidelines for the retention of pertinent records concerning the program operation help to ensure integrity and provide valuable information for purposes of statistics and court verification of training. Other records as deemed appropriate by local agencies or certification commissions may be required of the individual DRE or the appropriate DEC Program coordinator.

3.2 DREs are credentialed for two years by the IACP. They shall be required to renew their certificates of continuing proficiency every two years, except as provided in Sections 5.1, 5.2, and 5.3. On the DRE's expiration date, the DRE status automatically becomes "expired" and the DRE is not credentialed to conduct evaluations until the status becomes "recertified". A one-year administrative time period following the lapse of certification may be allowed by the state coordinator for those not meeting recertification standards, whereby during that time period the DRE may be recertified by the state coordinator after the DRE completes the recertification requirements as outlined in Standard 3.4 without having to repeat the original certification process.

Commentary: The state coordinator may choose not to utilize the administrative time period. In any case, the DRE is not certified during the administrative time period.

If a DRE's certification expires, and later within the one-year administrative time period the DRE meets the recertification standards, the submission of that recertification material will bring the DRE back into an "active" status but will not change the expiration date. The DRE will be required to submit recertification material again before the date which is two (2) years from the last expiration date issued by the IACP.

3.3 The state coordinator shall be notified by the IACP of those DREs in need of recertification six months prior to the expiration of their certificates. The state DEC Program coordinator shall forward to the IACP staff required documentation indicating the completion of recertification requirements. IACP staff will issue new documentation when requirements are met.

Commentary: In the absence of a DEC Program state coordinator, the TAP regional coordinator will perform these functions.

(3.3 C) The Colorado State DRE Coordinator will notify DREs of recertification due dates. The Coordinator will forward IACP required recertification forms to IACP and return certification cards to the DRE.

3.4 A DRE shall demonstrate continuing proficiency by:

- 1) Performing a minimum of four acceptable evaluations which have been reviewed and approved by a certified DRE instructor since the date of last certification. One of which shall be witnessed in person by a certified DRE instructor. These evaluations may be performed on subjects suspected of drug and/or alcohol impairment or during classroom simulations; and
- 2) Completing a minimum of eight hours of DEC Program state coordinator-approved recertification training since the date of the DRE's most recent certification, which may alternatively be presented in two sessions of no less than four hours each and which shall be consistent with any IACP standards for such training; and
- 3) Presenting an updated curriculum vitae and evaluation rolling log to the appropriate coordinator (or his designee) for review.

Commentary: All coordinators are responsible for maintaining the integrity of the DEC Program; the appropriate coordinator, consistent with this responsibility, is encouraged to withhold recertification for, or refer for remediation, any DRE whose rolling log indicates an unacceptable level of accurate evaluations, as indicated by toxicology results. In determining an acceptable level of accurate evaluations, it is recommended that the coordinator reviewing the DRE's evaluations should, at minimum, review evaluations with completed forensic testing. The same criteria utilized in the certification process for the required supporting toxicology results with respect to the categories concluded by the DRE for determining if a "correct" opinion was made by the DRE should be utilized.

If the DRE's opinions are not supported by forensic testing analysis, meeting or exceeding the criteria utilized in the certification process, the coordinator reviewing the DRE's performance and evaluations should ensure a more in-depth review is conducted. The review should include, but not be limited to, review of limitations on testing in the forensic lab testing for the drug categories, the admissions of drugs use by the subject during the evaluation but not found in the toxicology results, review of the DRE's evaluation face sheets and narrative reports and the types of drugs suspected of being used if any were identified during the arrest and/or evaluation of the subject. The purpose of this review is to ensure the DRE is properly performing and is providing DRE opinions supported by the signs and symptoms the DRE observed in the DRE's evaluations before the coordinator approves or recommends the DRE for recertification.

(3.4 C) Colorado State Standards require the following evaluations, which must be completed as a minimum requirement, to maintain certification.

- **One Instructor Observed Evaluation - This must be enforcement, certification night, alcohol only or a mock evaluation.**
- **Certification Night Evaluation – one certification night evaluation is allowed in addition to the instructor observed evaluation**
- **Alcohol only Evaluation – one allowed**
- **Enforcement Evaluation - An enforcement evaluation must be completed on a person who is suspected of impairment other than alcohol.**

Enforcement evaluations are the preferred type of evaluation. Effective January 1, 2019, all evaluations shall be entered into the Sobriety Testing website. These entries must match the records maintained on the DRE Rolling Log.

3.5 When a DRE has completed all requirements for recertification, the DRE’s agency coordinator or a certified DRE instructor shall verify to the appropriate DEC Program coordinator that the minimum recertification requirements have been met by signing the recertification document.

These documents are then forwarded for approval to the agency and DEC Program state coordinator and then submitted to IACP. Once received and approved by IACP, the DRE will receive two years of credentialing from the previous date of expiration listed on the DRE’s credentialing records.

Commentary: In the event that information verifying completion of recertification requirements is not received by the IACP prior to the expiration of certification, the IACP will place that DRE’s record into a database for expired DRE certifications and consider that DRE inactive and, therefore, a decertified status unless notified otherwise by the DEC Program state coordinator. A decertified DRE wishing to be reinstated must provide verification, forwarded through the agency and DEC Program state coordinator, that all certification requirements enumerated in Section V of the International Standards of the Drug Evaluation and Classification Program have been met.

3.6 With the approval of the DEC Program state coordinator, a certified DRE instructor may maintain instructor certification as long as DRE certification is maintained, and the following conditions are met.

To continue certification as a DRE instructor, an instructor shall teach at a minimum level in either or both the classroom or field evaluations, as determined by the DEC Program state coordinator.

Classroom instruction may be at a DRE School or any other related training determined by the state coordinator. Field evaluations may be supervised either during field certification training or observing DREs who are conducting evaluations, such as for recertification.

Should the DRE instructor not complete the above requirements, it is recommended that certification as an instructor shall lapse; however, DRE certification status will continue as long as the requirements for certification are maintained.

The time frame for recertification shall follow that of the DRE recertification standards, as set forth in Section III, 3.2.

Commentary: The suggested number of classroom hours to instruct is eight. The suggested number of supervised evaluations is four. An instructor may be decertified for cause, such as for conducting substandard instructional programs, and still maintain certification as a DRE.

(3.6 C) DRE Instructors who maintain DRE Instructor certification can teach as SFST Instructors.

IV. Standards for Decertification or Deactivation of Drug Recognition Experts and Instructors

The standards in this section outline the circumstances and procedures for decertifying or the deactivation of a DRE instructor or individual DRE. In order to ensure that standards of performance are maintained, a means is needed for removing from the roles of the program those persons unable to meet the criteria of competence and professionalism. The responsibility for maintaining program standards lies with the agency and the appropriate DEC Program coordinator. It shall be incumbent upon all DEC Program coordinators to ensure that certified DREs meet approved standards for conduct and qualifications.

4.1 a Decertification of a DRE may take place if one or more of the following conditions exist:

- The requirements as enumerated in Section III of the *International Standards of the Drug Evaluation and Classification Program* are not met by the individual DRE, thus allowing certification to lapse; or
- There is evidence of poor performance, inconsistent findings, or other acts on the part of the DRE that reflect discredit upon the DEC Program.

4.1b Deactivation of a DRE may take place if a DRE voluntarily requests to be removed from the program.

4.1 c Deactivation of a DRE may also take place if the agency head submits a written request to the DEC Program state coordinator requesting decertification of an agency DRE for agency needs.

Commentary: All DREs are responsible for maintaining and forwarding to the appropriate DEC Program coordinator information regarding required training or experience. If such information is not provided in a timely manner, certification will expire.

A DRE wishing to be decertified or deactivated shall submit a written request through the appropriate agency and state coordinator to the IACP staff. Upon receipt of approval of the request by the DEC Program state coordinator, IACP staff shall remove the name of the individual from the list of certified DREs.

A DRE in good standing that was deactivated under the provision of 4.1c, is eligible for reinstatement by either a request from the head of the agency that initially requested the deactivation, or upon employment with another law enforcement agency, and upon request of that agency head. Reinstatement as a DRE shall be in compliance with Section V of the *International Standards*.

Cases involving inadequate or improper performance or inconsistent findings shall be referred to the appropriate agency or state coordinator for review, recommendation, and action, which could include; remedial training, temporary discontinuing drug influence evaluations, placing on in-active status, etc. Local agencies and licensing/certification bodies may, at their discretion, establish certification and decertification criteria to conform to local laws or rules. Nothing in these standards should be construed to overrule local authority in establishing standards no less stringent for the performance of officers in this area, or to prevent an agency from following internal disciplinary or administrative personnel procedures.

4.2 Decertification or removal shall occur when a DRE instructor fails to meet minimum standards and requirements for certification or recertification (if applicable), or demonstrates evidence of any of the following:

- inadequate or improper performance;
- inconsistent findings; or
- other substantiated acts on the part of the instructor that bring discredit upon the DEC Program.

Commentary: A DRE instructor who has been decertified for cause may still maintain certification as a DRE. If such removal occurs, the agency coordinator, the DEC Program state coordinator, and the IACP staff should be notified.

A DRE instructor who was deactivated under the provisions of 4.1c is also eligible for reinstatement under the same provisions outlined under “Commentary” in Section 4.1.

4.3 Agency coordinators shall monitor the performance of DRE instructors and DREs within their agencies and shall review complaints arising from their activities. When, in the opinion of the agency coordinator, and with the approval of the agency head (or his designee), a DRE’s actions warrant decertification, the agency shall notify the DEC Program state coordinator that the DRE is no longer certified. Nothing in this procedure should be construed as to prevent an agency from following internal disciplinary or administrative personnel procedures.

4.4 Before decertification or removal is finalized, a DRE or DRE instructor will be given written notice by the initiating coordinator of the reasons for decertification. The subject of the action shall have the opportunity for a written or an oral response to the initiating DEC Program coordinator.

4.5 The DEC Program state coordinator, upon the recommendation of the agency coordinator or based on substantiated independent knowledge, shall initiate the decertification process against a DRE or DRE instructor. The state coordinator shall inform the IACP staff of all decertification actions. In instances where these complaints have not been resolved by the appropriate coordinator, these complaints will be referred to the state’s appointing authority for resolution.

The IACP staff will maintain records of all decertified or deactivated DREs and the reason(s) for removal.

(4.5 C) In Colorado, the agency coordinator or training coordinator is responsible for providing any and all information and paperwork to the Colorado State DRE Coordinator.

V. Standards for Reinstatement of Drug Recognition Expert with Expired or Deactivated/Decertified Status

The standards in this section outline the procedures for reinstating a DRE and/or DRE instructor with an expired or previously decertified/deactivated status.

- 51** A DRE whose certification is expired up to one year may be reinstated as a DRE when the requirements of Section 3.4 are met. In addition, the DRE must review all updates/revisions to the curriculum since the DRE's most recent certification.
- 52** A DRE whose certification is expired more than one year, and less than five years, may be reinstated as a DRE when the following conditions are met:
- Completing and passing the DRE 100-item exam (same as that given at the end of the DRE School, or the make-up exam) as witnessed by a certified DRE instructor, with a score of at least 80%.
 - A remedial 100-item exam will not be utilized in the reinstatement process.
 - Performing a minimum of four hands-on evaluations, all of which shall be witnessed by a certified DRE instructor. These evaluations shall be performed on subjects suspected of drug and/or alcohol impairment. Further, the expired DRE cannot be reinstated unless the opinion concerning the drug category or categories affecting the subjects of the evaluations are supported by forensic testing analysis 75 percent of the time, or in at least three (3) of the four (4) samples submitted for reinstatement purposes.
 - A review of all updates/revisions to the curriculum since the DRE's most recent certification presented by a certified DRE instructor.
 - Presenting an updated curriculum vitae and rolling log to the appropriate coordinator (or his designee) for review and approval.
 - All data entry is current.
- 53** A DRE whose certification is expired more than five years must retake all three phases of DRE training.

Commentary: In many instances, a DRE certification lapses through no fault of the DRE due to transfers, promotions, etc., and recertification requirements have not been met. In many cases a DRE may want to reapply DRE skills with a new assignment. IACP suggests that a written request for reinstatement to the DEC Program come from the applicant to the appropriate coordinator through the proper agency channels. A form is provided by the IACP to the state and regional coordinators for the purpose of reinstatement. All coordinators are cautioned to conduct a thorough check on the cause of the applicant's decertification and reason for applying for reinstatement. If there is evidence that the applicant is deficient, the state coordinator has the discretion to require remedial training up to attending all three phases of DRE training.

All reinstatement requirements must be completed within one year from the date of reinstatement request. The applicant's eligibility and reinstatement as a DRE is reviewed and approved by the DRE's state coordinator (or his designee).

VI. Standards for Agency Participation

Since 1986, the NHTSA and the IACP have endeavored to expand the DEC Program. In an effort to contain costs, ensure the most efficient use of resources, and maintain a high probability of program success, NHTSA and the IACP have developed site selection criteria to be used in assessing potential suitability of sites. Factors such as demographics, favorable legislation, agency operations, and system support for the program are considered in evaluating potential sites for the implementation of the DEC Program.

In considering the implementation of new traffic enforcement programs, law enforcement agencies must be aware of both short and long-term costs that are involved. In order for the program to achieve maximum results, the DEC Program requires agencies to commit considerable long-term resources to the detection and apprehension of the drug-impaired driver.

6.1 A DEC Program site should be a state, a political subdivision of a state, or a group of subdivisions.

6.2 A proposed program site should be able to produce enough drug-impaired driving arrests to (1) justify the expense of training the DREs, and (2) provide enough evaluation opportunities for DREs to maintain proficiency.

Commentary: Data indicates that a high percentage of the persons arrested for impaired driving are actually under the influence of drugs, either alone or in combination with alcohol. Thus, a site should produce an adequate number of DUI arrests annually per DRE to provide ample drug evaluation opportunities.

6.3 Prior to implementation of a DEC Program, a site should be located in a state with an implied consent law that:

- explicitly allows the chemical test sample to be analyzed to determine the presence and/or concentration of drugs other than alcohol;
- explicitly indicates that the “consent” applies to multiple tests, i.e., that the person is “deemed to have given consent to a test or tests of blood, breath or urine”; and
- empowers the arresting officer and/or the law enforcement agency to select the types of chemical tests to be taken, rather than giving the suspect the option of choosing the tests. In the absence of an implied consent law, a site must certify that the above three criteria are met and apply to the IACP Technical Advisory Panel for consideration for acceptance to the DEC Program.

Commentary: It is pointless to evaluate drivers for drug-induced impairment unless those found to be impaired can be prosecuted successfully. The requirements for multiple chemical tests are essential because both a breath test and blood or urine tests are integral components of the drug influence evaluation process.

In addition to implied consent, the effectiveness of a DEC Program is greatly enhanced by legislation that:

- allows the fact of a suspect’s refusal to submit to the chemical test to be introduced as evidence in court; and
- makes it an offense to drive under the influence of any drug.

6.4 A participating agency's traffic law enforcement officers must be committed to using the NHTSA/IACP-approved training, and the agency must continue to provide training in the NHTSA/IACP-approved Standardized Field Sobriety Testing course or IACP-approved alternate training curriculum.

6.5 Participating agencies must maintain accurate and timely records of (1) the date of arrest, (2) gender, (3) date of birth or age, (4) the DRE's opinion, (5) the result of the toxicology sample, and (6) the name of the evaluator.

Commentary: In order to evaluate critically the effectiveness of the DEC Program, it is necessary that, at a minimum, the above records be maintained. In addition to evaluation purposes, the records may prove beneficial in establishing program validity for court purposes.

NHTSA and the IACP have endorsed a national data collection program, which DREs and participating agencies/states are encouraged to use.

6.6 When possible, participating agencies should have the capability to establish centralized booking or processing of all DUI arrestees.

6.7 It is recommended that each location where DRE evaluations are conducted have adequate facilities, including the following:

- a room sufficiently large enough to permit unobstructed administration of the psychophysical tests;
- a separate room that can be darkened for the eye examinations;
- access to breath-testing equipment producing on-the-spot results; and
- facilities, materials, and/or staff for collecting blood and/or urine samples.

Commentary: Because of the unique requirements of the DEC Program, it is sometimes more economical for several agencies within a site to share DUI processing facilities. Other desirable characteristics for a DUI processing facility include the following:

- adequate holding cells for arrestees;
- separate interrogation and report-writing areas that provide privacy from the general prisoner population;
- testing facilities that are out of main traffic patterns and allow the drug influence evaluation process to be performed without interruption or distraction; and
- a method of backup assistance response in cases of emergency.

6.8 Participating agencies must have access to laboratories capable of handling biological specimens for the purpose of identifying the presence of the most commonly abused drugs.

Commentary: Screening tests are not sufficient; a jurisdiction must be able to produce a confirmatory analysis.

6.9 To be approved as a DEC Program state, or to receive NHTSA/IACP-approved DRE training, agencies, states, and jurisdictions should have endorsements from the following:

- the state governor's representative for highway safety or equivalent;
- the chief elected official of each political subdivision to be included in the site;
- the commanding officer of each participating law enforcement agency;

- the administrative judge of each court level that tries people arrested for DUI within the jurisdiction;
- the chief prosecuting attorney for each court in the jurisdiction;
- the representatives of any other agencies involved in covering the costs of developing and sustaining the DEC Program; and
- a laboratory that would be processing the samples for the state or jurisdiction.

VII. Standards for a DEC Program State Coordinator

71 Every state approved for the DEC Program must designate and appoint a state coordinator. The appointment and selection of the state coordinator shall be the responsibility of the state's Highway Safety Office (HSO). This selection may be made by the individual HSO representative or by any means approved by the HSO.

Commentary: Each state coordinator will be responsible to ensure that the International Standards for the DEC Program are followed in their state. To ensure a successful DEC Program in their state, each state coordinator will ultimately be responsible for the overall supervision, review and governing of all DREs and DRE agencies performing DRE functions within their state.

If there is no designated DEC Program state coordinator, the IACP Technical Advisory Panel (TAP) regional coordinator shall assume the duties and responsibilities of the state coordinator until a state coordinator is appointed by the HSO.

72 The DEC Program state coordinator may be an individual designated to act as the statewide coordinator for the DEC Program on behalf of an individual who oversees or manages the program.

Commentary: It is not required that the state coordinator be a DRE or a sworn law enforcement officer; however, some states have adopted this standard to ensure that their state coordinators have a working knowledge of the DEC Program and possess the necessary skills and experience in the DRE process.

In some cases, a higher-ranking individual oversees the DEC Program but appoints someone to manage its day-to-day operations.

VIII. Standards for a DEC Program Regional Coordinator

8.1 Selection and appointment of the DEC Program regional coordinator will be made by the chair of the IACP Technical Advisory Panel (TAP) with the approval of the IACP Highway Safety Committee.

8.2 Each regional coordinator shall serve a three-year term with the expiration dates designated by the TAP (refer to TAP by-laws).

8.3 The DEC Program regional coordinators should perform the following roles within their appointed regions:

- assist the TAP with carrying out its mission, goals, and objectives regarding the DEC Program;
- provide assistance to the IACP DEC Project Managers;
- provide, as needed, assistance to state coordinators within their regions;
- assist in the expansion and development of the DEC Program within their regions;
- coordinate and conduct a regional DEC Program state coordinators' meeting each year;
- assist with the collection of yearly DRE information from states within their regions;
- perform any other DEC Program functions agreed upon and approved by NHTSA and the IACP; and
- provide a report of activities within their regions at the regularly scheduled TAP meetings

IX. Standards for Conflict Resolution

9.1 For instances not covered in the aforementioned standards, resolutions/decisions will be made by a consensus of the following individuals:

- the state coordinator,
- the regional Technical Advisory Panel (TAP) representative
- the IACP DEC Project Manager
- the IACP DEC Program manager or designated IACP staff liaison to the IACP Technical Advisory Committee (TAP)

Drug Evaluation and Classification Program Administrative Guidelines from the International Association of Chiefs of Police

With grant assistance from the National Highway Traffic Safety Administration (NHTSA), the International Association of Chiefs of Police (IACP) administers and has developed certification standards for the Drug Evaluation and Classification Program. Under these administrative guidelines, it is the responsibility of the individual and all coordinators to ensure that specific requirements of the standards are met.

The staff at the IACP will be responsible for maintaining records, issuing documents of completion, coordinating certain training-related events, and maintaining and updating training materials as required.

1. Maintenance of Records

The following records concerning certification and recertification shall be maintained:

| | |
|-----------------------------------|---|
| Individual DRE/ DRE Instructor | Copies of all drug evaluations Evaluation logs Curriculum Vitae Certification and recertification progress logs Certificates |
| Agency Coordinator | Copies of evaluation logs Certification progress logs Copies of certificates Instructor ratings and summaries of candidate DRE critiques Records of classes taught by each instructor |
| State Coordinator and IACP Staff | Copies of evaluation logs (optional) Certification progress logs File of certified DREs and instructors Recertification information Decertification Information |

The IACP staff shall maintain records of all certified DREs and DRE instructors. Each record should contain the following information:

1. Name
2. Department/agency
3. Unique identifying number
4. Mailing address
5. Telephone number
6. Dates of all training events specified on the progress log
7. Name(s) of instructors verifying completion of training events
8. Date certificate is awarded
9. Date certification expires
10. For certification as a DRE instructor, all pertinent information relating to experience and credentials

In addition to the above, DEC Program state coordinators should maintain a list of persons designated as adjunct instructors and/or DRE instructor trainers for their state's DEC Program. In order that the list of adjunct instructors be kept current, agencies hosting DRE training events (the Pre-School, DRE training, instructor schools) should provide the state coordinator a list of all instructors and their instruction assignments.

2. Obtaining Certification as a Drug Recognition Expert or Drug Recognition Expert Instructor

The following procedures have been developed by the staff of the International Association of Chiefs of Police for use by agencies participating in the DEC Program and wishing to utilize DRE instructors and certify both DREs and DRE instructors in their employ.

Obtaining certification as a DRE or DRE instructor ensures that an individual meets minimum requirements for training and experience as established by the IACP and the IACP Technical Advisory Panel. The DEC Program Administrative Guidelines accompany the *International Standards of the Drug Evaluation and Classification Program*.

The following forms should be used for documenting various stages of certifications:

- **For Initial DRE Certification:** The IACP Drug Recognition Expert Certification Progress Log
- **For Recertification Every Two Years:** The Drug Recognition Expert Recertification and Assurances Form
- **For Instructor Certification:** The Drug Recognition Expert Instructor Certification Progress Log
- **For Reinstatement (for DREs who have been expired more than one year and less than five years):** Drug Recognition Expert Reinstatement Form
- **For Reinstatement (after Deactivation or Decertification):** Drug Recognition Expert Reinstatement Form

These forms are occasionally updated, and the most current versions are available to all DEC Program state coordinators on <http://www.decp.org>, the official website of the IACP Drug Evaluation and Classification Program.

DEC Program state coordinators shall forward to the IACP staff the above completed certification forms (as applicable) to the IACP by use of electronic email or at the following mailing address:

International Association of Chiefs of Police
DECP Program Manager
44 Canal Center Plaza
Suite 200
Alexandria, VA 22314

All candidates for certification under the IACP Drug Evaluation and Classification Program must demonstrate completion of all requirements specified in Section I, Section II, Section III, or Section IV, as applicable, of the *International Standards of the Drug Evaluation and Classification Program*. Each candidate's progress toward meeting certification requirements shall be documented on the appropriate progress log. Each candidate shall be responsible for maintaining his progress log.

Completion of each step in the certification process shall be verified by the signature of at least one certified DRE instructor. Final recommendation for certification must be verified by the signatures of two certified DRE instructors who have witnessed the candidate's field evaluations. Upon completion of all certification requirements, copies of the applicable progress log shall be forwarded to the DRE candidate's DEC Program agency coordinator (if applicable), who shall verify all information on the progress log and ensure that all entries are correct. The agency coordinator shall forward the candidate's completed progress log to the DEC Program state coordinator, who shall verify all information on the progress log and ensure that all entries are correct. The state coordinator shall then forward to the IACP staff a copy of the candidate's completed certification progress log.

Upon receipt of the completed progress log, the IACP staff shall ensure that all necessary information is complete. Upon verifying that the information is complete, and that the candidate has been certified by the appropriate state coordinator, the IACP staff shall forward to the state coordinator documentation of completion signifying that the candidate has been credentialed. In the event that proper documentation is not provided, notification will be sent to the DEC Program state coordinator indicating the specific reason(s) for non-qualification.

Six months before the two-year date following the date of the DRE's initial certification, the IACP will send a renewal advisory notice to the DRE's state coordinator.

Upon notification that a DRE has met all requirements under Section III of the *International Standards of the Drug Evaluation and Classification Program*, the IACP staff shall issue documentation credentialing the DRE for a period of two more years from the expiration date listed on the DRE's existing records.

In the event that information verifying completion of recertification requirements is not received by the IACP staff prior to the expiration of certification, the IACP staff will notify the DRE's state coordinator that certification has expired. The expired DRE will be placed in a one-year administrative extension period only for the purposes of recertification. In the event that the recertification requirements are not received by the IACP staff prior to the end of the administrative extension, the DRE will be considered decertified. A decertified or deactivated DRE wishing to be reinstated must complete all training and certification requirements enumerated in Section V of the *International Standards of the Drug Evaluation and Classification Program*.

3. Decertification of Drug Recognition Experts

Decertification of a DRE may take place if the requirements as enumerated in Section III of the *International Standards of the Drug Evaluation and Classification Program* are not followed or when cause is shown as enumerated in Section IV. Written notification should be provided to the IACP, the state and agency coordinators, and the individual.

4. Approval of Drug Recognition Expert Training Curricula

The Highway Safety Committee of the IACP oversees the operation and development of the Standardized Field Sobriety Testing and Drug Evaluation and Classification Programs. In order to maintain the high standards of the programs, the committee has established a subcommittee, the Technical Advisory Panel (TAP). Responsibilities of this panel, appointed by the IACP Highway Safety Committee, include the review of proposed alternative training programs to determine whether or not the course content and learning objectives are consistent with approved standards.

The National Highway Traffic Safety Administration (NHTSA) and IACP have developed a course of instruction to train police officers in the techniques of removing impaired drivers from our roadways. These training courses have been adopted by the IACP as the minimum training requirements for certification courses (i.e., for SFST, DRE and DRE instructors).

Organizations wishing to submit proposed training curricula for review and approval as equivalent programs for the purpose of training persons in the detection and removal of the impaired driver shall submit lesson plans, visual aids, and any other required materials to the IACP. The IACP staff will submit the proposed course to the TAP for evaluation. Courses that meet applicable standards and learning objectives shall be termed as equivalent courses.