

Oregon Drug Evaluation & Classification Program

Policies & Procedures Manual



Updated: 07/22/2015



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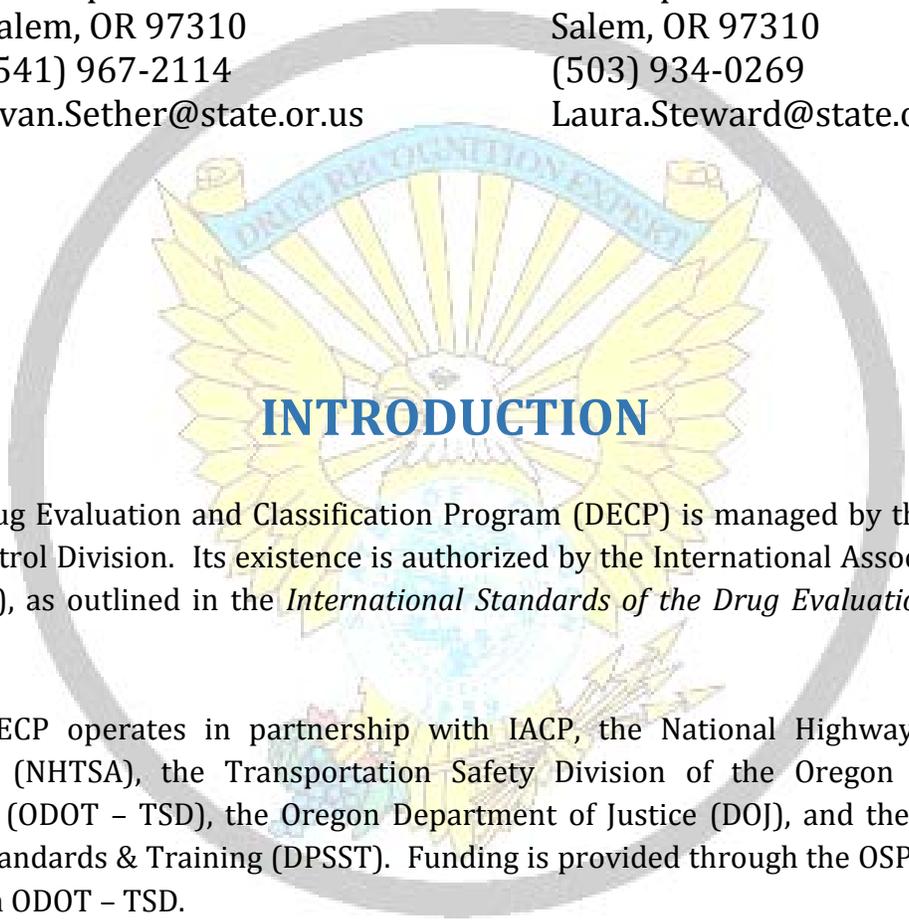
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INTRODUCTION

The Oregon Drug Evaluation and Classification Program (DECP) is managed by the Oregon State Police (OSP) Patrol Division. Its existence is authorized by the International Association of Chiefs of Police (IACP), as outlined in the *International Standards of the Drug Evaluation Classification Program*.

The Oregon DECP operates in partnership with IACP, the National Highway Traffic Safety Administration (NHTSA), the Transportation Safety Division of the Oregon Department of Transportation (ODOT – TSD), the Oregon Department of Justice (DOJ), and the Department of Public Safety Standards & Training (DPSST). Funding is provided through the OSP Patrol Division and grants from ODOT – TSD.

This document will be reviewed regularly by the DECP State Coordinator and Oregon DECP Regional Coordinators. IACP, ODOT – TSD and Oregon DOJ will be consulted to ensure compliance with the *International Standards of the Drug Evaluation Classification Program*, Oregon State laws and administrative rules, current practices, and agency needs.



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STATEMENT OF AUTHORITY

This document was designed to support the IACP *International Standards of the Drug Evaluation Classification Program* produced by the impaired driving Technical Advisory Panel (TAP). This document represents Oregon DECP minimum standards, which may supersede some IACP standards. This document does not supersede any individual agency policy that is more restrictive, nor does it supersede applicable federal law, Oregon state law, or Oregon Administrative Rules. Where Oregon DECP policies and procedures conflict with *International Standards of the Drug Evaluation Classification Program*, the more restrictive of the two policies shall be enforced.

The following certifications fall under Oregon DECP Policies & Procedures:

- Drug Recognition Expert
- Drug Recognition Expert Instructor
- Standardized Field Sobriety Test Instructor (OSP)

The following curricula fall under Oregon DECP Policies & Procedures:

- Drug Recognition Expert Pre-School
- Drug Recognition Expert School
- Drug Recognition Field Certifications
- Drug Recognition Expert Instructor Development Course
- Drug Recognition Expert Course Manager Training
- Advanced Roadside Impairment Driving Enforcement
- Drug Impairment Training for Educational Professionals
- Drugs that Impair Driving (Oregon)
- Standardized Field Sobriety Test Refresher (OSP)
- Standardized Field Sobriety Test Instructor Development Course (OSP)

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



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1. ORGANIZATION & ADMINISTRATION OF OREGON DEC PROGRAM

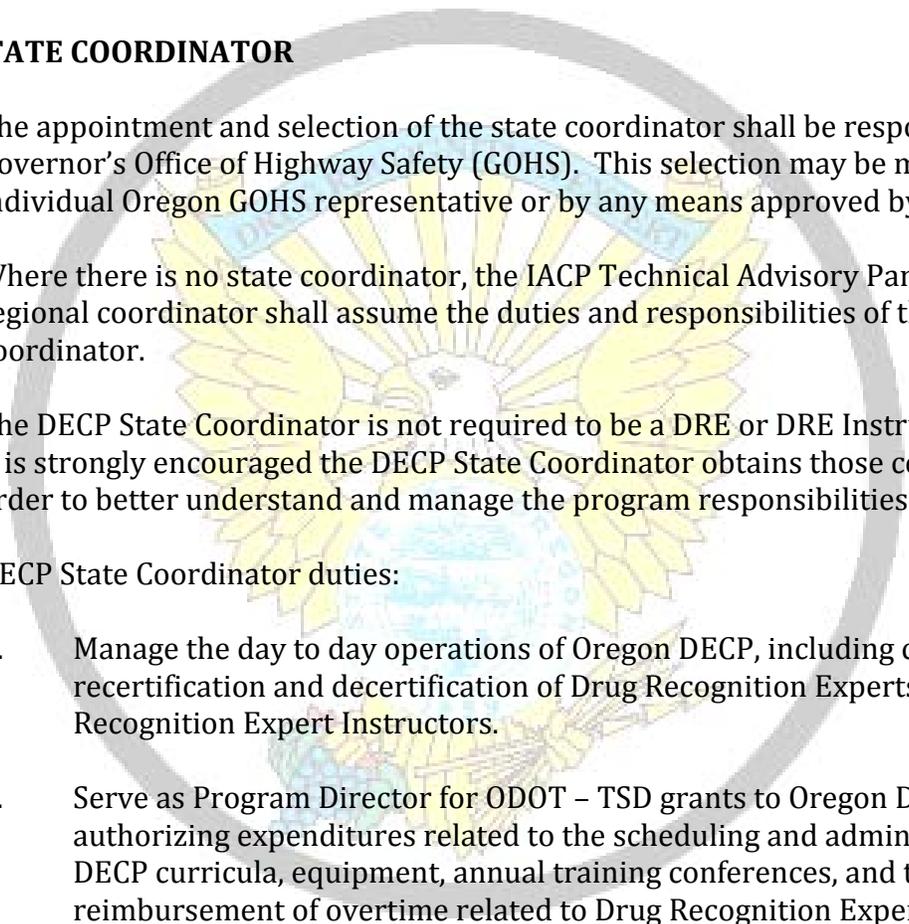
ORIGINAL: 06/2010

REVISED: 05/2015

DISCUSSION

This policy outlines the organizational structure of the Oregon Drug Evaluation and Classification Program, selection of leadership positions, and the duties of those positions.

1.1 DECP STATE COORDINATOR

- 
- 1.11 The appointment and selection of the state coordinator shall be responsibility of the Governor's Office of Highway Safety (GOHS). This selection may be made by the individual Oregon GOHS representative or by any means approved by the GOHS.
- 1.12 Where there is no state coordinator, the IACP Technical Advisory Panel (TAP) regional coordinator shall assume the duties and responsibilities of the state coordinator.
- 1.13 The DECP State Coordinator is not required to be a DRE or DRE Instructor, however it is strongly encouraged the DECP State Coordinator obtains those certifications in order to better understand and manage the program responsibilities.
- 1.14 DECP State Coordinator duties:
- A. Manage the day to day operations of Oregon DECP, including certification, recertification and decertification of Drug Recognition Experts and Drug Recognition Expert Instructors.
 - B. Serve as Program Director for ODOT – TSD grants to Oregon DECP, authorizing expenditures related to the scheduling and administration of DECP curricula, equipment, annual training conferences, and the reimbursement of overtime related to Drug Recognition Expert callouts.
 - C. Provide technical assistance related to drug impairment to DREs, law enforcement agencies, prosecutors, and the public.
 - D. Promote and improve utilization of DREs as a resource in impaired driving enforcement efforts.
 - E. Review and approve DRE reports, Course Manager Reports following a scheduled DECP training, and other documents as required.

- F. Establish and periodically revise Oregon DECP policies and procedures.
- G. Define geographical regions within the state and select Oregon DECP Regional Coordinators to provide leadership and represent those regions.
- H. Chair the Oregon DECP Advisory Committee and select members.
- I. Schedule and attend meetings involving the Oregon DECP Advisory Committee and/or Oregon DECP Regional Coordinators.
- J. Attend meetings with other state coordinators and IACP leadership.
- K. Prepare annual reports of Oregon DECP activities at the request of IACP.
- L. Collect and analyze data pertaining to impaired driving and the program.

1.2 OREGON DECP REGIONAL COORDINATORS

1.21 The DECP State Coordinator shall appoint DRE Regional Coordinators based on geographical and program needs. Established regions within the state should generally have one to three DRE Regional Coordinators each, and where feasible, should be both OSP and county or municipal DREs.

1.22 To be eligible for this voluntary assignment, the candidate must:

- A. Be a certified DRE Instructor in good standing.
- B. Have agency approval to devote 10-20% of on-duty time to Oregon DECP activities and responsibilities.
- C. Be willing and able to schedule and/or attend DRE leadership meetings.
- D. Be willing and able to fulfill the duties of the position, as outlined below.

1.23 DECP Regional Coordinators duties:

- A. Communicate with the DECP State Coordinator regularly regarding issues related to the DEC Program and DREs within their region.
- B. Review DRE reports within the region assigned by the DECP State Coordinator and forward those reports to the DECP Office at OSP General Headquarters in a timely manner.
- C. Review and initial overtime reimbursement forms for final signature by the DECP State Coordinator.

- D. Provide guidance to DREs within their region which is consistent with current standards and training curricula.
- E. Schedule, organize and/or provide training related to the mission of the Oregon DECP.
- F. Act as a local resource to all law enforcement agencies, prosecutors and related partners within the realm of impaired driving enforcement.
- G. Promote and improve utilization of DREs as resources in impaired driving enforcement efforts.
- H. Where feasible, coordinate special events and saturation patrols requiring or benefiting from DRE participation.
- I. Schedule and attend annual meetings with DREs within their assigned region. This may be accomplished through “Region Breakout” meetings during annual DRE training conferences.

1.3 OREGON DECP ADVISORY COMMITTEE

- 1.31 The DECP State Coordinator shall chair the committee and select members.
- 1.32 Committee members may be representatives from any area related to impaired driving enforcement, including but not limited to, prosecutors, toxicologists, physicians, ODOT TSD representatives, and Oregon DECP leadership representatives. While there is no minimum or maximum number of committee members, the committee should be representative of the various entities connected to impaired driving investigations.
- 1.33 Oregon DECP Advisory Committee duties:
 - A. Convene, at least twice annually, via electronic means, teleconference, or in person meetings.
 - B. Provide assistance to the DECP State Coordinator in the coordination and implementation of annual DRE training conferences.
 - C. Provide “subject matter expert” guidance in matters related to Oregon DECP administration.
 - D. Select the recipient of the annual “Kenneth Snook DRE Award of Excellence” and any other awards deemed appropriate by the committee.



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2. CERTIFICATION FOR DRUG RECOGNITION EXPERT

ORIGINAL: 06/2010

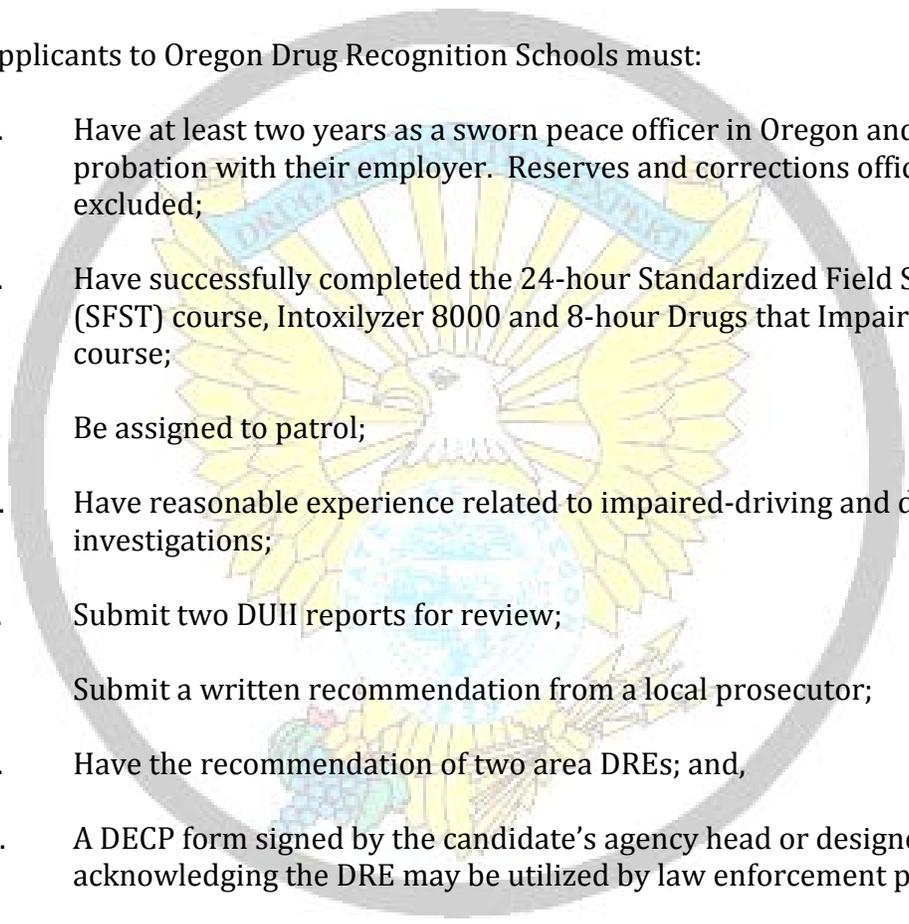
REVISED: 07/2015

DISCUSSION

This policy outlines the selection process and certification procedures required for Drug Recognition Experts. Detailed curriculum procedures are outlined in Chapter 7.

2.1 CRITERIA FOR SELECTION

2.11 Applicants to Oregon Drug Recognition Schools must:

- 
- A. Have at least two years as a sworn peace officer in Oregon and be off probation with their employer. Reserves and corrections officers are excluded;
 - B. Have successfully completed the 24-hour Standardized Field Sobriety Testing (SFST) course, Intoxilyzer 8000 and 8-hour Drugs that Impair Driving (DID) course;
 - C. Be assigned to patrol;
 - D. Have reasonable experience related to impaired-driving and drug-related investigations;
 - E. Submit two DUII reports for review;
 - F. Submit a written recommendation from a local prosecutor;
 - G. Have the recommendation of two area DREs; and,
 - H. A DECP form signed by the candidate's agency head or designee, acknowledging the DRE may be utilized by law enforcement partners.

2.12 Applications shall be reviewed by the DECP State Coordinator and the DECP Regional Coordinators. DECP leadership shall consider the quality of the submitted reports, recommendations, and geographical need when making selections. Incomplete applications shall not be considered.

2.13 Selected candidates must successfully complete four phases of training and receive final approval from the DECP State Coordinator prior to certification:

- A. DRE Pre-School;

- B. DRE School;
- C. DRE Field Certifications; and
- D. Comprehensive Final Knowledge Examination.

2.2 DRE TRANSFERS FROM OTHER STATES

2.21 Drug Recognition Experts, previously certified by other states and now employed as sworn peace officers in Oregon, may transfer into the Oregon DECP. Each candidate shall submit the following documentation to the DECP Office **and** receive written approval prior to performing any training or enforcement evaluations:

- A. A copy of the current IACP certification card or letter;
- B. A copy of an updated rolling log;
- C. A copy of an updated curriculum vitae;
- D. Proof of successful completion of the 24-hour SFST course, Intoxilyzer 8000 and Oregon's 8-hour DID course; and,
- E. A DECP form signed by the candidate's agency head or designee, acknowledging the DRE may be utilized by law enforcement partners.

2.22 The DECP State Coordinator will request additional supporting documentation from the originating state DECP Office, if necessary.

2.23 Candidates with identified concerns involving competence and/or truthfulness shall not be accepted into the Oregon DECP program.

2.24 Candidates shall review and acknowledge the Oregon DECP Policies & Procedures Manual, Oregon DECP forms and reporting requirements with a DRE Instructor.

2.3 RECORDS REQUIREMENTS

2.31 Drug Recognition Experts shall keep and maintain the following records:

- A. Original certification progress log;
- B. DRE certification cards and/or letters generated by IACP;
- C. Copies of all drug evaluations, narratives and toxicology reports, in compliance with state and agency records retention requirements;

- D. Rolling log of all evaluations performed as a DRE candidate and DRE. This log shall include at a minimum, the subject's name, date of evaluation, DRE opinion, toxicology results, and related case numbers; and
- E. An updated curriculum vitae (CV), detailing relevant work experience, education, training, instruction, recognitions and specialized readings. Training and instruction documentation should, at a minimum, include the dates, locations, class title and hours.





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3. CERTIFICATION FOR DRUG RECOGNITION EXPERT INSTRUCTOR

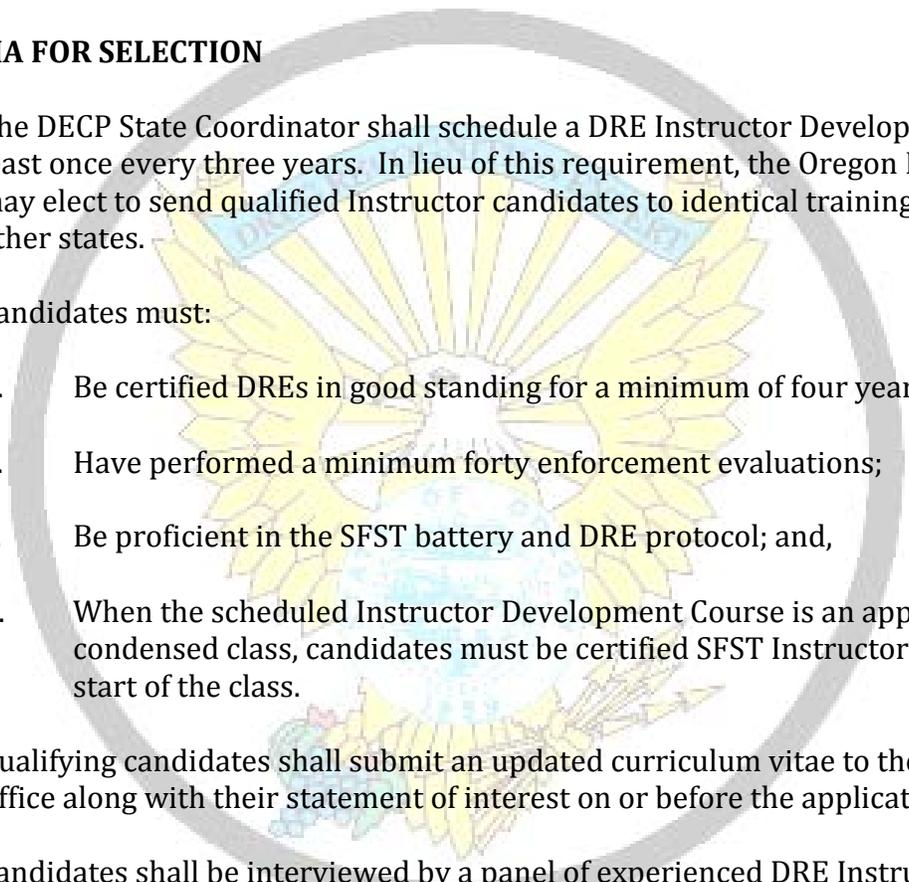
ORIGINAL: 06/2010

REVISED: 05/2015

DISCUSSION

This policy outlines the selection process and certification procedures for Drug Recognition Expert Instructors. Specific curriculum requirements and procedures are found in 7.1-7.4.

3.1 CRITERIA FOR SELECTION

- 
- 3.11 The DECP State Coordinator shall schedule a DRE Instructor Development Course at least once every three years. In lieu of this requirement, the Oregon DECP Office may elect to send qualified Instructor candidates to identical training being held in other states.
- 3.12 Candidates must:
- A. Be certified DREs in good standing for a minimum of four years;
 - B. Have performed a minimum forty enforcement evaluations;
 - C. Be proficient in the SFST battery and DRE protocol; and,
 - D. When the scheduled Instructor Development Course is an approved two-day condensed class, candidates must be certified SFST Instructors prior to the start of the class.
- 3.13 Qualifying candidates shall submit an updated curriculum vitae to the Oregon DECP Office along with their statement of interest on or before the application deadline.
- 3.14 Candidates shall be interviewed by a panel of experienced DRE Instructors and present on a topic selected by the panel. Successful candidates shall be selected based on qualifications, interview scores and presentation skills.
- 3.15 Selected candidates must complete three phases of training and receive final approval by the DECP State Coordinator prior to certification:
- A. Complete a 40-hour SFST/DRE Instructor Development Course. If a candidate is already a SFST Instructor, a 16-hour condensed course must be completed in lieu of the 40-hour course requirement.

- B. Instruct a minimum of two hours during a DRE Pre-School or DRE School, in the presence of a certified DRE Instructor.
- C. Observe a minimum of two evaluations at DRE Field Certifications, in the presence of a certified DRE Instructor.

3.2 DRE INSTRUCTOR TRANSFERS FROM OTHER STATES

3.21 Drug Recognition Expert Instructors, previously certified by other states and now employed as sworn peace officers in Oregon, may transfer into the Oregon DECP. Each candidate shall submit the following documentation to the DECP Office **and** receive written approval prior to performing enforcement evaluations or instruction:

- A. A copy of the current IACP certification card or letter;
- B. A copy of an updated rolling log;
- C. A copy of an updated curriculum vitae;
- D. Proof of successful completion of the 24-hour SFST course, Intoxilyzer 8000 and Oregon's 8-hour DID course; and,
- E. A DECP form signed by the candidate's agency head or designee, acknowledging the DRE may be utilized by partnering agencies for evaluations or instruction.

3.22 The DECP State Coordinator will request additional supporting documentation from the originating state DECP Office, if necessary.

3.23 Candidates with identified concerns involving competence and/or truthfulness shall not be accepted into the Oregon DECP program.

3.24 Candidates shall review and acknowledge the Oregon DECP Policies & Procedures Manual, Oregon DECP forms and reporting requirements with a DRE Instructor.

3.25 DRE Instructor candidates shall instruct a minimum of two hours of DRE Pre-School or DRE School curriculum under the supervision of the DECP State Coordinator before final approval.

3.3 RECORDS REQUIREMENTS

3.31 **Effective January 1st, 2016:** In addition to the records requirements for Drug Recognition Experts outlined in 2.3, Drug Recognition Expert Instructors shall also maintain an accurate record of teaching hours in their curriculum vitae, including podium hours and number of students in each class.

3.4 DECP ADJUNCT INSTRUCTORS

- 3.41 The DECP State Coordinator may designate other professionals as DECP Adjunct Instructors, provided they have specialized training and experience relevant to DECP curricula and have demonstrated the ability to instruct.
- 3.42 This title is limited to selected prosecutors, toxicologists, and medical physicians, but does not provide certification as a Drug Recognition Expert or Drug Recognition Expert Instructor.
- 3.43 The Oregon DECP Office shall have a current curriculum vitae on file for every DECP Adjunct Instructor.
- 3.44 DRE Adjunct Instructors shall acknowledge and abide by Oregon DECP Policies & Procedures when providing instruction or representing Oregon DECP.





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4. RECERTIFICATION

ORIGINAL: 06/2010

REVISED: 07/2015

DISCUSSION

This policy outlines the requirements and procedures for recertification as a Drug Recognition Expert and Drug Recognition Expert Instructor.

4.1 DRUG RECOGNITION EXPERT RECERTIFICATION REQUIREMENTS

- 4.11 Following initial certification, a DRE is required to recertify every two years to maintain certification and credentials through the International Association of Chiefs of Police. Oregon DECP recertification standards are outlined below.
- 4.12 DREs must be employed as sworn peace officers in the State of Oregon, in either a paid or volunteer capacity. Exceptions to this rule are paid employees of the IACP Drug Evaluation & Classification Program.
- 4.13 DREs must perform a minimum of four enforcement evaluations during their two year certification period. Training or “mock” evaluations do not count toward this requirement.
- A. At least one evaluation must be eye-witnessed by a certified DRE Instructor. This evaluation may be an enforcement or training evaluation, but training evaluations must be conducted on a live subject under the influence of alcohol and/or drugs.
 - B. All enforcement and training evaluations shall have complete and detailed reports submitted to the Oregon DECP Office.
 - C. The DRE should have an acceptable level of toxicology confirmation, based on the calculation stipulated in 7.46. The DECP State Coordinator shall consider the limitations of forensic testing when assessing confirmation rates.
- 4.14 DREs must submit a current rolling log which includes updated toxicology and case dispositions for prior evaluations, when such information is available.
- 4.15 DREs must submit an updated curriculum vitae.
- A. The curriculum vitae shall show at least eight (8) hours of DECP-approved continuing education within the most recent two-year certification period. Recertification courses or training conferences sponsored by the Oregon DECP Office shall count toward this requirement.

- B. Other courses must have the approval of the DECP State Coordinator. The State Coordinator may request the following information to assist in approving or denying the training: proof of attendance, a course outline and, when issued, a certificate of completion. DREs shall be notified in writing if submitted training hours are denied.
- C. The curriculum vitae shall also update other required information, as stipulated in 2.3 (E), and where applicable, 3.31.

4.16 Recertification documents should be reviewed and approved by an Oregon DECP Regional Coordinator prior to submission to the Oregon DECP.

4.2 DRUG RECOGNITION EXPERT INSTRUCTOR RECERTIFICATION REQUIREMENTS

4.21 Following initial certification, a DRE Instructor is required to recertify every two years to maintain certification and credentials through the International Association of Chiefs of Police. Oregon DECP recertification standards are outlined below.

4.22 **Effective January 1st, 2016:** In addition to recertification requirements outlined in 4.1, DRE Instructors shall instruct a minimum of twenty-four hours of DECP curricula **annually**.

- A. At least eight hours shall be “podium time,” commonly thought to be presenting alone or with a second Instructor in a classroom environment.
- B. Remaining hours may come from any other DECP curriculum environment, including DRE Field Certifications, DRE School alcohol workshops, ARIDE, DITEP and/or DID. The 40-hour SFST IDC, 24-hour SFST course and Oregon 4-hour SFST Refresher may be applied toward minimum instruction hours; however Instructors are encouraged to remain proficient in DECP curricula.

4.3 EXPIRATION

4.31 DREs not providing the required information to the Oregon DECP Office by their IACP expiration date shall immediately be deemed “Expired,” and may not conduct enforcement evaluations or instruct DECP curricula. Expiration occurs at 12:01 AM on the IACP expiration date.

4.32 The Oregon DECP Office shall notify DREs in writing or electronically when they are six months from their expiration date and when they are expired.

4.33 Where feasible, DREs voluntarily expiring should notify the Oregon DECP Office ahead of their expiration date, so DRE equipment and material return can be coordinated by the Oregon DECP Office or their designee.

4.4 ADMINISTRATIVE EXTENSION

- 4.41 The DECP State Coordinator has the sole authority to approve or deny administrative extension requests.
- 4.42 DREs and DRE Instructors who are unable to comply with 4.1 and 4.2, respectively, prior to their expiration date, shall submit a written request to the Oregon DECP Office for an administrative extension. The request must explain the reasons for the extension and outline the steps being taken to complete the recertification requirements.
- 4.43 If granted, administrative extensions expire six calendar months after the DRE's IACP expiration date. The DRE's status will move to "Inactive", and they may not perform enforcement evaluations or instruct DECP curricula until their administrative extension requirements are fulfilled and they receive direct approval from the DECP State Coordinator.
- 4.44 In order to be considered, missing recertification requirements must be submitted to the Oregon DECP Office before the expiration date. If the DRE fails to submit the required documentation before the expiration of the administrative extension, the DRE will revert to "Expired" status and must comply with requirements outlined in 4.5 or 4.6.

4.5 RECERTIFICATION OF DRUG RECOGNITION EXPERTS - EXPIRED LESS THAN FIVE YEARS

- 4.51 Previously certified DREs, expired less than five years, may recertify with Oregon DECP by completing the following steps:
- A. Pass the DRE School 100-question final examination with a minimum score of 80%, proctored by a certified DRE Instructor. If the expired DRE fails the examination, they have one opportunity to retest between 15 and 30 days. If the expired DRE fails the remedial exam, they will be decertified and must reapply for DRE School.
 - B. Perform four training evaluations on drug- and/or alcohol-impaired subjects, in the presence of a certified DRE Instructor. A breath test shall be obtained on all subjects, and urine samples shall be obtained on at least 75% of all subjects deemed to be drug-impaired. Opinions should be corroborated in 75% of cases.
 - C. Receive DRE curriculum and policy updates from a certified DRE Instructor.
 - D. Submit an updated DRE rolling log and curriculum vitae.
 - E. Obtain written approval from the DECP State Coordinator.

- 4.52 Previously certified DRE Instructors expired less than five years, may recertify with Oregon DECP by completing the following steps:
- A. Complete the steps for DRE recertification outlined in 4.51.
 - B. Instruct a minimum of two hours at DRE Pre-School or DRE School, in the presence of a certified DRE Instructor.
 - C. Observe a minimum of two training evaluations at DRE Field Certifications, in the presence of a certified DRE Instructor.
 - D. Obtain written approval from the DECP State Coordinator.

4.6 RECERTIFICATION OF DRUG RECOGNITION EXPERTS – EXPIRED MORE THAN FIVE YEARS

- 4.61 Any DRE wishing to recertify, who has been expired for more than five years, must apply for admission as outlined in 2.1 and complete all normal DRE certification phases.
- 4.62 Any DRE Instructor wishing to recertify, who has been expired for more than five years, must apply for admission as outlined in 2.1 and complete all normal DRE certification phases. Following recertification, they must be certified for a minimum of two years before reapplying for DRE Instructor certification. The DECP State Coordinator may, at their discretion, require or waive the completion of a DRE Instructor Development Course; however the remainder of the normal Instructor certification process shall be completed by the candidate prior to final approval.

5. DECERTIFICATION & APPEAL PROCESS

ORIGINAL: 06/2010

REVISED: 05/2015

DISCUSSION

This policy outlines the criteria and procedures for decertification of a Drug Recognition Expert or Drug Recognition Expert Instructor, including the appeal process.

5.1 CRITERIA FOR DECERTIFICATION OF A DRUG RECOGNITION EXPERT

- 5.11 **Effective June 1st, 2015:** DREs and DRE Instructors shall immediately decertify when they are no longer employed as a paid or volunteer sworn peace officers in the State of Oregon, or are no longer employed by the IACP Drug Evaluation & Classification Program. Exceptions to this are instances where a DRE transfers from one approved agency to another (i.e. lateral hire), however the DRE or DRE Instructor will be “inactive” and unable to instruct or perform DRE evaluations during any brief periods when not employed in a qualified capacity. DREs and DRE Instructors immediately revert to active status upon their new employment, provided they are still within their certification period.
- 5.12 If any student, DRE or DRE Instructor is placed on administrative leave by their agency during an investigation, their certification will revert to “Inactive” until their police authority is returned. During this period, they may not perform enforcement evaluations, or, in the case of DRE Instructors, observe certification/recertification evaluations or instruct DECP curricula. If a DRE or DRE Instructor is terminated by their agency for cause, the DECP State Coordinator shall decertify them.
- 5.13 DREs and DRE Instructors are subject to decertification for cause. This includes evidence of poor performance, incomplete or inaccurate report writing, inconsistent findings, failure to respond to remedial efforts, serious violations of the DECP student or instructor code of conduct policies, or other acts on the part of the DRE or DRE Instructor that reflect discredit upon Oregon DECP.
- 5.14 Concerns regarding a DRE or DRE Instructor’s competency and/or proficiency may be reported by members of the public, members of Oregon DECP, or agency partners. Allegations must be addressed in written form to the DECP State Coordinator, listing specific facts, cases and/or incidents.
- 5.15 The DECP State Coordinator shall investigate all concerns and document the results of those investigations. Those investigations shall remain on file at the Oregon DECP Office, in accordance with records retention schedules.

- 5.16 The DECP State Coordinator shall consider the seriousness of the offense, the repetitive nature of the offense, and the probability of successful remediation, when making a decision to decertify a DRE or DRE Instructor.
- 5.17 In all cases, a letter with the findings will be sent to the involved DRE and their agency head. The letter will state the specific reasons for decertification or the plan for remedial training.
- 5.18 If there are open criminal cases pending, the DECP State Coordinator shall contact the appropriate prosecutor and notify them of the decertification.

5.2 CRITERIA FOR DECERTIFICATION OF A DRUG RECOGNITION EXPERT INSTRUCTOR

- 5.21 A DRE Instructor may be decertified but retain their underlying DRE certification, if:
- A. The sustained allegations are limited to their proficiency and competency as an Instructor; or,
 - B. Failure to maintain minimum DRE Instructor recertification standards.
- 5.22 The DECP State Coordinator shall follow all investigatory and notification procedures outlined in 5.1.

5.3 DECERTIFICATION APPEAL PROCESS

- 5.31 Following the decertification of a Drug Recognition Expert or Drug Recognition Expert Instructor, the involved DRE may appeal the decision.
- A. Appeals must be made in writing and received by the Oregon DECP Office within thirty days of the postmarked date of written decertification notice.
 - B. Appeals, including all submitted evidence and documentation, shall be reviewed by an ad hoc committee composed of an Oregon DECP Regional Coordinator, a representative of ODOT – TSD, and a prosecutor with experience in DRE cases. No member of the ad hoc committee may have been party to the original decertification process, including but not limited to: reporting of complaints, investigation and documentation of complaints, and/or remedial training.
 - C. The committee shall convene and render a decision within sixty calendar days of the receipt of the appeal by the Oregon DECP Office. The decision by the committee is final and binding.
 - D. Upon receipt of the committee’s decision, the DECP State Coordinator shall immediately notify IACP and the involved DRE of the decision in writing.

E. During the appeal process, the involved DRE will be considered “Inactive” and may not perform enforcement evaluations, or, in the case of DRE Instructors, observe certification/recertification evaluations or instruct DECP curricula.

5.32 All records related to the decertification and appeal process shall be retained by the Oregon DECP Office, in accordance with records retention schedules.

5.4 CONFLICT RESOLUTION

5.41 For any matter not directly addressed in Oregon DECP policies or *International Standards of the Drug Evaluation Classification Program*, resolutions/decisions will be made by a consensus of the following individuals: the DECP State Coordinator, the regional TAP representative, and the IACP DECP manager or their designee from the IACP TAP.

5.42 All decisions made by this body are binding.





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6. DECP CODE OF CONDUCT

ORIGINAL: 06/2010

REVISED: 05/2015

DISCUSSION

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

6.1 CRIMINAL CONDUCT

- 6.10 Any student or Instructor engaging in conduct considered criminal under Oregon or federal law will be immediately dismissed from the course and their agency will be immediately notified by the DECP State Coordinator. The DECP State Coordinator will write a report as part of such investigations, or request the report be completed by the Course Manager, Assistant Course Manager and/or Lead Instructor within 48 hours.

6.2 STUDENT CODE OF CONDUCT

- 6.21 Students shall complete and submit the DECP Policies & Procedures Acknowledgement form indicating their understanding and compliance with the requirements set forth herein.
- 6.22 Classroom Environments
- A. Misrepresentation of information or falsification of test results is prohibited. This includes, but is not limited to, cheating on written or proficiency tests in any manner, claiming work completed by others as your own, or claiming a fabricated work product knowing the information obtained was fictitious.
 - B. Students shall not have any amount of alcohol or impairing drugs in their system during any portion of any DECP course.
 - C. Students shall attend no less than 90 percent of DECP courses, with the exception that DRE Pre-School and DRE School students must attend 100 percent of the course. All sessions, practical exercises, quizzes, phases, and tests must be successfully completed by each student in order to receive credit. If a student misses more than eight hours of class, they are not eligible to make-up missed sessions and will be dismissed from class. Students are not permitted to “test out” of any section of a course. Make-ups sessions with Instructors will be approved by the Course Manager on a case-by-case basis.

- D. Students shall adhere to the Instructor's directives during all phases of the course, except where such directives violate Oregon law or Oregon DECP Policies & Procedures. Conflicts shall be reported to the Course Manager immediately.
- E. Students shall not subject Instructors or volunteers participating in a course to any form of discrimination or favoritism based on age, gender, ethnicity, religious, or sexual orientation.
- F. Sexual harassment, including physical, verbal or of a gesture-laden nature, is prohibited.
- G. Agency uniform or business attire shall be worn by students unless otherwise directed by the Course Manager or Lead Instructor.
- H. It is the responsibility of the student to maintain a copy of their certificate of training and any other required course documentation.

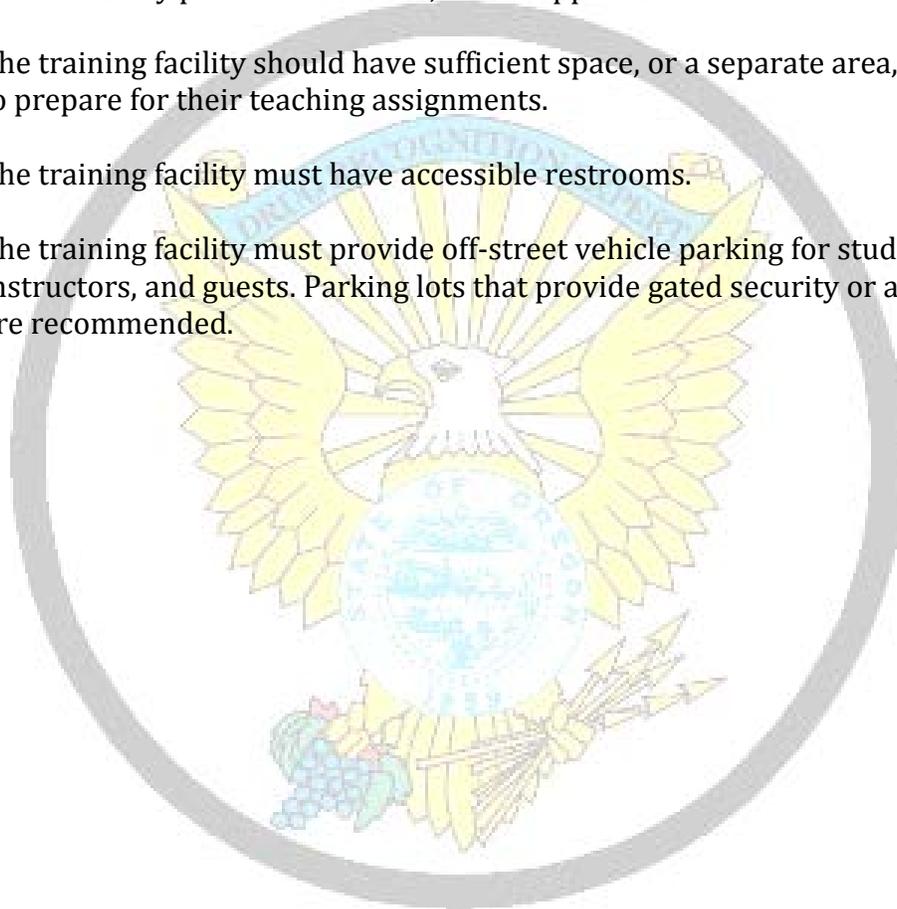
6.3 INSTRUCTOR CODE OF CONDUCT

- 6.31 Instructors shall complete and submit the DECP Policies & Procedures Acknowledgement form, indicating their understanding and compliance with the requirements set forth herein.
 - A. Instructors shall not subject students or volunteers participating in a course to any form of discrimination or favoritism based on age, gender, ethnicity, religious, or sexual orientation.
 - B. Sexual harassment, including physical, verbal or of a gesture-laden nature, is prohibited.
 - C. Misrepresentation of information or falsification of test results is prohibited. This includes, but is not limited to, falsified test results and providing students with answers for written or proficiency tests knowing that the students will take credit for the answers as their own.
 - D. Instructors shall conduct themselves in a professional manner at all times and shall not discredit the integrity of IACP or Oregon DECP.
 - E. Instructors shall not have any amount of alcohol or impairing drugs in their system during any portion of any DECP course.
 - F. Instructors will be dressed in agency uniform or business attire. The DECP State Coordinator, Course Manager, and/or lead Instructor may make exceptions.

- G. Instructors shall arrive on time for the training session and shall not depart prior to the last student's departure at the end of the training day. Exceptions may be granted by the DECP State Coordinator or Course Manager on a case-by-case basis.
 - H. Instructors shall not criticize the credibility or professional standing of other Instructors in the presence of students or volunteers.
 - I. Relationships between Instructors and students or volunteers shall remain on a professional basis during the course of training.
 - J. If an incident occurs during any course that requires any medical or law enforcement agency to generate a report of any type, the Instructor will contact, by phone, the appropriate supervisors at their agency and the DECP State Coordinator as soon as possible. The Instructor shall write a report with details including, the individuals involved, narrative of the incident, disposition, and actions by the Instructor to resolve the incident. The report shall be postmarked to the Oregon DECP Office within two business days.
 - K. It shall be the responsibility of the Instructor to maintain a copy of their certificate of training and any other required documentation once received from the DECP Office.
 - L. These training courses are funded by state and federal funds. All Instructors shall abide by the direction of the DECP State Coordinator, who authorizes the use such funds.
 - M. It is the responsibility of all Instructors to adequately prepare for their assigned portion of the lesson plan. Failure to prepare may result in the Instructor being dismissed from the course by the Course Manager or DECP State Coordinator.
 - N. Only certified Instructors will grade any quizzes or proficiency tests.
 - O. Instructors shall abide by directives issued by the DECP State Coordinator or Course Manager.
- 6.32 Any individual who provides technical assistance, information, consulting, or instructional services to individuals or organizations whose intent and actions are known to be counter to the goals and objectives of the DECP **will not be used** as an Instructor in the program. The DECP State Coordinator shall be notified and consulted when such services are requested.
- 6.33 All training courses are subject to unannounced auditing by Oregon DECP, NHTSA, and/or IACP representatives to ensure compliance. Failure to open courses for monitoring will result in the immediate suspension of the Instructor's certification.

6.4 FACILITY REQUIREMENTS

- 6.41 The classroom must have sufficient space to accommodate training. The classroom shall provide a desk or table space for each student.
- 6.42 The classroom setting must have access to multimedia projector and screen, videotape or DVD player, monitors, a dry erase board, and organizational charts to aid with instructional methods.
- 6.43 The training facility must have a room large enough to conduct an alcohol workshop and necessary practical exercises, where applicable.
- 6.44 The training facility should have sufficient space, or a separate area, for Instructors to prepare for their teaching assignments.
- 6.45 The training facility must have accessible restrooms.
- 6.46 The training facility must provide off-street vehicle parking for students, Instructors, and guests. Parking lots that provide gated security or a security detail are recommended.



7. DECP CURRICULUM GUIDELINES & PROCEDURES

ORIGINAL: 06/2010

REVISED: 07/2015

DISCUSSION

This policy describes each DECP curriculum; it outlines the requirements for attendance, management, instruction, curriculum and other related topics. Attendance requirements for DRE Pre-School, DRE School and DRE Instructor Development Course are outlined in 2.1 and 3.1.

7.1 SCHEDULING AND MANAGING COURSES

- 7.11 DECP courses may be scheduled by the DECP State Coordinator, or by Regional Coordinators with the approval of the DECP State Coordinator. It is recommended the course date(s) and location be confirmed at least 60 days prior to the start of the class, in order to allow for student registration and instructor preparation. Registration deadlines should be established approximately ten days prior to the start of the class, so sufficient materials can be prepared by the DECP Office.
- 7.12 Training announcements will be prepared by the DECP Office and submitted to DPSST for listing on the training calendar. The DECP Regional Coordinator or DRE Instructor responsible for managing the course shall provide the following information to the DECP Office, in order to complete the announcement:
- A. Course date(s);
 - B. Course location and address;
 - C. Maximum class size; and,
 - D. At least two area lodging options, including address and government billing rate.
- 7.13 The DECP State Coordinator shall, where applicable, appoint a Course Manager to administer the course. An Assistant Course Manager may also be appointed, based on need and opportunities to gain experience. In order to be eligible, they must be DRE Instructors in good standing and have previously completed DECP Course Manager Training (7.6). The Course Manager's responsibilities include:
- A. Ensuring consistency and compliance with IACP and/or DECP curriculum.
 - B. Scheduling Instructors and teaching assignments, including the appointment of Lead Instructor(s) and Alcohol Workshop Coordinators as needed.
 - C. Resolving and documenting conflicts involving students and/or Instructors.

- D. Recruiting and scheduling participants for the Alcohol Workshop(s), unless this duty is assigned to the Alcohol Workshop Coordinator(s).
- E. Preparing a Course Manager's Report within 30 days after the course.

7.14 Course Manager's Reports shall include a detailed outline of:

- A. Descriptions of student demographics and facilities;
- B. Copies of any out-of-state Instructor's curriculum vitae;
- C. Daily notes, consisting of successes, deficiencies, exceptions and suggestions;
- D. Instructor critiques, based on ratings from students and the Course Manager; and,
- E. Originals of all examinations, daily critiques, course critiques, and handouts.

7.15 Instructors will make every attempt to instruct while on-duty, on straight time. Overtime expenditures for DECP courses must be approved prior to the start of class by the DECP State Coordinator, unless the Instructor's agency does not request reimbursement by the DECP Office.

7.16 Instructors are responsible for the distribution of course materials, including, but not limited to, handouts, videos, CD-ROMs and student manuals. These materials shall only be given to eligible students enrolled in any of the DECP-sponsored courses. Any unused materials must be returned to the DECP Office or DECP Regional Coordinator within 30 days, unless other arrangements are made.

7.2 DRUG RECOGNITION EXPERT PRE-SCHOOL

This 16-hour course is intended to prepare students for the 56-hour Drug Recognition Expert School. The course lays a foundation of knowledge and procedures for the DRE program. The course includes an alcohol workshop, where students are required to demonstrate 100% proficiency in the administration of Standardized Field Sobriety Tests (SFSTs).

7.21 General selection requirements are outlined in 2.1.

7.22 Oregon State Police Forensic Division toxicologists and municipal or county prosecutors may request permission to audit Oregon DECP curricula. Those requests will be considered by the DECP State Coordinator on a case by case basis. Accepted attendees shall not be present for any written examination, receive credit for completion, or later purport to have related credentials or certification.

- 7.23 A Course Manager shall be appointed and comply with requirements outlined in 7.13-7.14.
- 7.24 Only certified DRE Instructors in good standing shall provide instruction. Exceptions to this policy are outlined below and must have the approval of the DECP State Coordinator prior to the class.
- A. DRE Instructor candidates may instruct any session, provided they are paired with a certified DRE Instructor in good standing.
 - B. DRE Adjunct Instructors with related expertise may instruct the following sessions, with the approval of the DECP State Coordinator: *Session VIII: Alcohol as a Drug.*
- 7.25 DRE Pre-School Curriculum Requirements:
- A. DRE Pre-School will be conducted in compliance with the Administrative Guide provided by NHTSA and IACP. Training opportunities for DRE Pre-School are scheduled by the DECP State Coordinator.
 - B. Each student must pass the SFST proficiency test. If a student fails to pass within two separate attempts, they will be dismissed from the class with a failing score and may reapply for the next selection process.
 - C. Each student must successfully complete the final written examination with a minimum score of 80%. If the student fails to pass the first attempt, remedial training will be provided by a DRE Instructor and a second attempt will be provided on site. If the student fails the second attempt, the student will be dismissed from the class with a failing score and may reapply for the next selection process.
 - D. There shall be at least four DRE Instructors scheduled per class. If the class size exceeds 20 students, there shall be a minimum of five DRE Instructors.
 - E. There shall be a minimum of one DRE Instructor or DRE Instructor Candidate for every three students during the alcohol workshop.
 - F. There shall be a minimum of one DRE Instructor or DRE Instructor Candidate for every three volunteers during the alcohol workshop.
- 7.26 Student Dismissal or Withdrawal Penalty
- A. If a student is dismissed from the course for any reason, including voluntary withdrawal, violation of student conduct policies, or examination failure, their agency **will not be responsible** for reimbursing the Oregon DECP for

any expenses accrued. The DECP State Coordinator shall notify the agency in writing of the reason for the dismissal.

- B. If a student leaves the training program for any reason prior to completion, all issued equipment must be returned. If returned equipment is found to be unserviceable by the DECP State Coordinator, the student's agency may be asked to replace it or pay the cost of replacement. The agency can challenge any charges by writing a letter to the DECP State Coordinator, who will coordinate with an agency representative to reach a final resolution.

7.3 DRUG RECOGNITION EXPERT SCHOOL

This 56-hour course consists of detailed instruction in recognizing and determining drug influence, physiology, evaluation procedures, legal procedures and documentation. An alcohol workshop is also included.

- 7.31 To be eligible to attend this course, students must have successfully completed DRE Pre-School within the preceding six months.
- 7.32 Oregon State Police Forensic Division toxicologists and municipal or county prosecutors may request permission to audit Oregon DECP curricula. Those requests will be considered by the DECP State Coordinator on a case by case basis. Accepted attendees shall not be present for any written examination, receive credit for completion, or later purport to have related credentials or certification.
- 7.33 A Course Manager shall be appointed and comply with requirements outlined in 7.13-7.14.
- 7.34 Only certified DRE Instructors in good standing shall provide instruction. Exceptions to this policy are outlined below and must have the approval of the DECP State Coordinator prior to the class.
 - A. DRE Instructors candidates may instruct any session, provided they are paired with a certified DRE Instructor in good standing.
 - B. DRE Adjunct Instructors with related expertise may instruct the following sessions, with the approval of the DECP State Coordinator: *Session V: Eye Examinations, Session VI: Physiology & Drugs: An Overview, Session VII: Examination of Vital Signs, Session XIII: Physician's Desk Reference and Other Reference Sources, and Session XXVIII: Case Preparation and Testimony.*
- 7.35 DRE School Curriculum Requirements:
 - A. DRE School will be conducted in compliance with the Administrative Guide provided by NHTSA and IACP. Training opportunities for DRE School are scheduled by the DECP State Coordinator.

- B. Each student must successfully complete five written quizzes with a minimum average score of 80%. The student may remediate up to two quizzes in order to raise their average to at least 80%. Students failing to achieve the minimum average score will be dismissed from class with a failing score and may reapply for the next selection process.
- C. Each student must successfully complete the final written examination with a minimum score of 80%. If the student fails to pass the first attempt, remedial training will be provided by a DRE Instructor and a second attempt will be provided between 15 and 30 days following the first examination failure. If the student fails to pass the second time, the student will be dismissed from the course with a failing score and may reapply for the next selection process.
- D. There shall be at least four DRE Instructors scheduled per class. If the class size exceeds 20 students, there shall be a minimum of five DRE Instructors.
- E. There shall be a minimum of one DRE Instructor or DRE Instructor Candidate for every three students during the alcohol workshop.
- F. There shall be a minimum of one DRE Instructor or DRE Instructor Candidate for every three volunteers during the alcohol workshop.

7.36 Student Dismissal or Withdrawal Penalty

- A. If a student voluntarily withdraws from the course, their agency **will not be responsible** for reimbursing the Oregon DECP for any expenses accrued. Voluntary withdrawal includes instances such as family emergency, illness or injury, or an agency's responsibility to respond to state or local emergencies.
- B. If a student is dismissed from the course for violation of student conduct policies or academic failure, their agency **will be responsible** for reimbursing the Oregon DECP for all expenses accrued. The DECP State Coordinator shall notify the agency in writing of the reason for the dismissal. A sponsoring agency can challenge any charges by writing a letter to the DECP State Coordinator who will coordinate with an agency representative to reach a final resolution.
- C. If the DRE student leaves the training program for any reason prior to completion, all issued equipment must be returned. If returned equipment is found to be unserviceable by the DECP State Coordinator, the student's sponsoring agency may be asked to replace it or pay the cost of replacement. A sponsoring agency can challenge any charges by writing a letter to the DECP State Coordinator who will coordinate with an agency representative to reach a final resolution.

7.4 DRUG RECOGNITION EXPERT FIELD CERTIFICATIONS

DRE Field Certifications will be conducted after the completion of DRE Pre-School and DRE School. DRE students will be required to conduct DRE evaluations on subjects who may be impaired. The DRE student will determine if impairment is present at the time of the evaluation and identify the drug category or categories. The student will then submit the subject's urine sample for toxicological screening and write a detailed report on all evaluations conducted. At the conclusion of DRE Field Certifications, students will take the Comprehensive Final Knowledge Examination.

- 7.41 To be eligible to attend this course, students must have successfully completed DRE Pre-School and DRE School.
- 7.42 Oregon State Police Forensic Division toxicologists and municipal or county prosecutors may request permission to observe DRE Field Certifications. Those requests will be considered by the DECP State Coordinator on a case by case basis. Accepted attendees shall not be present for any written examination, perform evaluations, receive credit for completion, or later purport to have related credentials or certification.
- 7.43 DRE Field Certifications will be scheduled to maximize DRE student exposure and minimize impact to participating agencies. DRE Field Certifications will be conducted at pre-assigned locations until completed course requirements are met unless some other mutually agreeable alternative can be reached between the agency administrator, the student and the DECP State Coordinator.
- 7.44 Training Guidelines:
 - A. A site coordinator and OSP supervisor are mandatory during field certification training and will be designated by the DECP State Coordinator. Both shall be present at all times when training is being conducted.
 - B. No firearms are authorized *inside* the training facility, which is defined as the area where students administer evaluations. Firearms are permitted in other areas, including intake, for security purposes.
 - C. Field certifications will be conducted in an environment conducive to the type of training taking place.
 - D. DRE students conducting evaluations as part of their certification process will not conduct a DRE evaluation on an individual who may be charged with Driving under the Influence of Intoxicants (DUII) or any criminal offense relating to DUII. Only certified DREs shall conduct enforcement evaluations.
 - E. DRE students will wear his or her agency uniform. Exceptions may be made by the DECP State Coordinator or their designee.

- F. DRE Instructors will wear his or her agency uniform when locating volunteer subjects. If the Instructor's pre-determined location will be ***inside*** the training facility then a modified agency uniform may be worn (i.e. BDU-style pants, agency or DRE polo shirts, etc.).
 - G. Volunteer subjects being evaluated **will not** be coerced into submitting to an evaluation, and shall sign a written consent form explaining the process.
 - H. Volunteer subjects will not be left unattended at any time while in the facility.
 - I. If the volunteer subject needs medical attention, it is the duty of the DRE student and/or DRE Instructor to provide medical aid or assistance, and request EMS assistance. The involved DREs shall generate a report and postmark it to the DECP State Coordinator within 48 hours.
 - J. Under **no circumstances** shall volunteer subjects known to be under the age of 18 be evaluated.
 - K. For safety purposes, DRE or DRE Instructors locating volunteers for certification training must work in at least pairs.
- 7.45 During this phase the DRE student will participate in a minimum of twelve evaluations. Only certified DRE Instructors shall observe student evaluations and approve reports. The lone exception to this rule is DRE Instructor Candidates, who must be also observed by a certified DRE Instructor.
- A. Of the twelve evaluations, the DRE student must have performed at least **six** evaluations as the evaluator. The remaining six may be scribe evaluations or a maximum of three witness evaluations combined with scribe evaluations. A minimum of **three** different drug categories must be identified during the twelve evaluations.
 - B. DRE students must be present for the entire evaluation in order to receive credit.
 - C. Each DRE student must be evaluated by a minimum of two DRE Instructors during field certification training.
 - D. Written reports must be completed for each evaluation in which a DRE student participates and shall be approved by the certified DRE Instructor who supervised the evaluation.
 - E. Upon completion of each field certification evaluation, including the approval of the report, the certified DRE Instructor who supervised the evaluation will sign the DRE student's "IACP certification progress log."

7.46 Biological samples shall be submitted for analysis for at least ten of the twelve evaluations required for certification, to confirm the presence of a drug category or categories. The DRE student will not be certified without their opinion being confirmed by toxicology results in a minimum of 80% of samples. If this is not attained in the first twelve evaluations, additional evaluations shall be done until 80% is achieved, though no more than twenty evaluations are permitted. Toxicological confirmation accuracy is established when laboratory analysis discloses the presence of the drug identified by the DRE student, as follows:

- A For one drug category, the category called must come back positive.
- B For two drug categories, at least one category called must come back positive.
- C For three drug categories, at least two categories called must come back positive.
- D For four drug categories, at least three categories called must come back positive.
- E The calculation continues in this progression.
- F For the purpose of calculating confirmation rates, Alcohol is not included.
- G In the event the volunteer is unwilling or unable to provide a urine sample, two certified DRE Instructors may review the evaluation and confirm the opinion of the DRE student.

7.47 Comprehensive Final Knowledge Examination

- A This IACP-approved exam shall be administered by a current and certified DRE Instructor within six calendar months of the completion of DRE School.
- B The student must complete at least seven of the required twelve evaluations during DRE Field Certifications, and have approval from the DECP State Coordinator, before they are eligible to take the Comprehensive Final Knowledge Examination.
- C The Comprehensive Final Knowledge Exam shall consist of five sequential sections, each of which must be completed before beginning the next section:
 - 1. Fill In the blank questions;
 - 2. Drug Matrix Chart;
 - 3. The Four Effects and Explanation of Effects;

4. Drug Combinations; and,
5. Face Sheet Interpretation and Narrative Report.

D. Should the DRE student not pass the Comprehensive Final Knowledge Examination, no remedial exam will be allowed. The student will be dismissed from training with a failing score and may reapply for the next selection process.

7.48 Students must satisfactorily complete all certification phases outlined in 2.13 within one calendar year following the commencement of the DRE Pre-School. Students must submit written documentation for each completed phase, and a completed "IACP certification progress log," to the DECP State Coordinator for final approval. Until that time, the student is a DRE Candidate and not certified. If the student does not complete all phases within one year, they will be dismissed and must reapply for DRE training. An extension may be granted by the DECP State Coordinator if requested in writing by an agency's administrator due to unforeseen circumstances.

7.49 Student Dismissal or Withdrawal Penalty

- A. If a student voluntarily withdraws from the course, their agency **will not be responsible** for reimbursing the Oregon DECP for any expenses accrued. Voluntary withdrawal includes instances such as of family emergency, illness or injury, or an agency's responsibility to respond to state or local emergencies. All reasonable efforts to reschedule shall be undertaken.
- B. If a student is dismissed from DRE Field Certifications for violation of student conduct policies or academic failure, their agency **will be responsible** for reimbursing the Oregon DECP for all expenses accrued. The DECP State Coordinator shall notify the agency in writing of the reason for the dismissal. A sponsoring agency can challenge any charges by writing a letter to the DECP Coordinator who will then meet with the agency representative to reach a final resolution.
- C. If the DRE student leaves the training program for any reason prior to completion, all issued equipment must be returned. If returned equipment is found to be unserviceable by the DECP Coordinator, the student's sponsoring agency may be asked to replace it or pay the cost of replacement. A sponsoring agency can challenge any charges by writing a letter to the DECP Coordinator who will then meet with the agency representative to reach a final resolution.

7.5 DRUG RECOGNITION EXPERT INSTRUCTOR DEVELOPMENT COURSE (DRE IDC)

This 40-hour course prepares DREs to be certified as DRE Instructors. The course includes SFST review and a proficiency examination, a review of teaching principles and learning concepts, and demonstration of instructional ability. DREs who previously completed an SFST Instructor Development Course may attend the condensed 16-hour DRE IDC.

7.51 General selection requirements are outlined in 3.1.

7.52 A Course Manager shall be appointed and comply with requirements outlined in 7.13-7.14.

7.53 Only certified DRE Instructors in good standing shall provide instruction.

7.54 DRE IDC Curriculum Requirements:

- A. DRE IDCs will be conducted in compliance with the Administrative Guide provided by NHTSA and IACP. Training opportunities for DRE IDCs are scheduled by the DECP State Coordinator.
 - B. Each student must pass an SFST proficiency test. If a student fails to pass within two separate attempts, they will be dismissed from the class with a failing score and may reapply for the next selection process.
 - C. Each student must successfully complete the final written examination with a minimum score of 80%. If the student fails to pass the first time, remedial training will be provided by a DRE Instructor and a second attempt will be provided on site. If the student fails on the second attempt, the student will be dismissed from the class and may reapply for the next selection process.
 - D. There shall be at least three DRE Instructors scheduled per class. If the class size exceeds 10 students, there shall be a minimum of four DRE Instructors.
- 7.55 Students must satisfactorily complete all certification phases outlined in 3.15 within one calendar year following the commencement of the DRE IDC. Students must submit written documentation for each completed phase and a completed "IACP certification progress log" to the DECP State Coordinator for final approval. Until that time, the student is a DRE Instructor Candidate and not certified. If the student does not complete all phases within one year, they will be dismissed and may reapply for a future selection process.

7.6 DECP COURSE MANAGER TRAINING

This 4-hour course prepares a DRE Instructor to serve as Course Manager for DECP curricula. The training addresses duties and responsibilities, planning and preparing, managing an event, data collection and reporting responsibilities, and policy and procedure.

- 7.61 Students must be certified DRE Instructors in good standing and have the approval of the DECP State Coordinator.
- 7.62 Instructors must be certified DRE Instructors in good standing, who have previously completed an IACP-sanctioned DRE Course Manager training. A Course Manager's report is not required.
- 7.63 DRE Course Manager Training Curriculum Requirements:
 - A. DECP Course Manager Training will be conducted in compliance with the Administrative Guide provided by NHTSA and IACP. Training opportunities are arranged by the DECP State Coordinator, which may include those scheduled in other states or by IACP at annual conferences.
 - B. Students must attend all four hours to receive credit.
 - C. There shall be at least one DRE Instructor scheduled to instruct the course. If the class size exceeds ten students, there shall be at least two DRE Instructors.

7.7 ADVANCED ROADSIDE IMPAIRED DRIVING ENFORCEMENT (ARIDE)

This 16-hour course is designed as an intermediate course for law enforcement officers. The goal is to expand knowledge related to the prevalence of drugged-driving and indicators of drug impairment, improve techniques and procedures in drug-impaired driving investigations, and gain an understanding of the DRE program and its function in impaired-driving investigations.

- 7.71 General Attendance Requirements:
 - A. Be a sworn peace officer with at least one year of experience.
 - B. Have successfully completed the 24-hour SFST and 8-hour DID courses.
 - C. Have practical knowledge and experience in the administration of the Standardized Field Sobriety Tests (SFSTs).
 - D. Have practical experience in investigating and arresting drug and/or alcohol impaired drivers.

- 7.72 Oregon State Police Forensic Division toxicologists and municipal or county prosecutors may request permission to audit Oregon DECP curricula. Those requests will be considered by the DECP State Coordinator on a case by case basis. Accepted attendees shall not be present for any written examination, receive credit for completion, or later purport to have related credentials or certification.
- 7.73 A Course Manager shall be appointed and comply with requirements outlined in 7.13-7.14.
- 7.74 Only certified DRE Instructors in good standing shall provide instruction. Exceptions to this policy are outlined below and must have the approval of the DECP State Coordinator prior to the class.
- A. SFST Instructors are permitted to instruct curriculum related to SFST review and the proficiency examination.
 - B. A DRE who is also a SFST Instructor may instruct *Session V: Observation of the Eyes and Additional Tests for Drug Impairment*, if accompanied by a DRE Instructor.
 - C. A state, county or municipal prosecutor may instruct *Session VIII: Pre and Post Arrest Procedures*. The prosecutor must be fully conversant in current DUII case law and investigative procedures.
- 7.75 ARIDE Curriculum Requirements:
- A. ARIDE will be conducted in compliance with the Administrative Guide provided by NHTSA and IACP. Training opportunities for ARIDE are scheduled by the DECP State Coordinator.
 - B. Each student must pass an SFST proficiency test with 100% mastery. If a student fails to pass within two separate attempts, they will be dismissed from the class with a failing score.
 - C. Each student must successfully complete the final written examination with a minimum score of 80%. If the student fails to pass the first attempt, remedial training will be provided by a DRE Instructor and a second attempt will be provided on site. If the student fails the second attempt, the student will be dismissed from the class and will receive a failing score.
 - D. There shall be at least two DRE Instructors scheduled per class. If the class size exceeds 20 students, there shall be a minimum of four DRE Instructors.

7.76 NHTSA Online ARIDE training is available for officers as a means of receiving the training when they are unable to attend the recommended classroom training. However, Oregon DECP strongly supports the ARIDE classroom training as the primary means of completing this training.

- A. In order to obtain training credit for Online-ARIDE, the SFST proficiency examination must be proctored by a SFST or DRE Instructor.
- B. Proof of completion, including the signature of the involved SFST or DRE Instructor, must be submitted to the Oregon DECP Office for tracking purposes.

7.8 DRUG IMPAIRMENT TRAINING FOR EDUCATIONAL PROFESSIONALS (DITEP)

The purpose of this 16-hour training is to provide school administrators, teachers, and nurses with a systematic approach to recognizing and evaluating individuals in the academic environment who are using and are impaired by drugs, in order to provide early intervention.

Day One: Eight-hour classroom setting which includes information regarding problems of drugs and alcohol in society, state laws, policy, the seven drug categories, and discussing issues with parents.

Day Two: Eight-hour classroom and practical application which include eye examinations, vital signs, divided attention tests, poly-drug use, and assessment guidelines.

7.81 General Attendance Requirements:

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

7.82 A Course Manager shall be appointed and comply with requirements outlined in 7.13-7.14.

7.83 Only certified DRE Instructors in good standing shall provide instruction. The lone exception to this policy is certified DREs in good standing, provided they have completed a 40-hour Instructor development course and are assisted by a certified DRE Instructor. Approval from the DECP State Coordinator must be obtained prior to the class.

7.84 DITEP Curriculum Requirements:

- A. DITEP will be conducted in compliance with the Administrative Guide provided by NHTSA and IACP. Training opportunities for DITEP are scheduled by the DECP State Coordinator.
- B. In order to receive any training credit, the student must attend the entire day(s) for which they are scheduled.
- C. There shall be at least one DRE Instructor scheduled per class. If the class exceeds 20 students, there shall be at least two DRE Instructors.

7.9 DRUGS THAT IMPAIR DRIVING (DID)

The purpose of this Oregon-developed 8-hour training is to provide law enforcement officers with a basic understanding of drug impairment and procedures as they relate to drugged-driving investigations. This course satisfies the legal requirements of Oregon Revised Statute 813.131, governing the request of urine samples in DUII investigations under the Implied Consent Law.

7.91 General attendance requirements:

- A. Students must be commissioned Oregon peace officers or currently enrolled as a recruit in a DPSST-approved training academy.
- B. Students must have successfully completed the 24-hour SFST course and be able to demonstrate proficiency in the administration of SFSTs.

7.92 Oregon State Police Forensic Division toxicologists and municipal or county prosecutors may request permission to audit Oregon DECP curricula. Those requests will be considered by the DECP State Coordinator on a case by case basis. Accepted attendees shall not be present for any written examination, receive credit for completion, or later purport to have related credentials or certification. Permission to audit Oregon DECP curricula taught as part of a DPSST basic law enforcement academy lies with DPSST.

7.93 A Course Manager is not required for this curriculum, nor is a Course Manager's Report. However, it is the responsibility of the Lead Instructor to report any conflicts, curriculum issues, facility issues or other notable events to the DECP State Coordinator in a timely manner. For DID courses at DPSST, Instructors shall also comply with all reporting requirements stipulated by DPSST.

7.94 Only certified DRE Instructors in good standing shall provide instruction. The lone exception is certified SFST Instructors who are also a certified DRE, provided they are teaching with a certified DRE Instructor.

7.95 DID Curriculum Requirements:

- A. This course will be conducted in compliance with the Administrative Guide provided by the Oregon DECP Office.
- B. There shall be at least two Instructors scheduled per class. If the class size exceeds 50 students, there shall be at least three Instructors.





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8. OTHER CURRICULA

ORIGINAL: 06/2010

REVISED: 05/2015

DISCUSSION

This policy outlines the internal requirements for SFST Refreshers and SFST Instructor Development Courses arranged for only OSP students, as well as maintenance requirements for OSP SFST Instructors. This policy does not apply to non-OSP personnel.

8.1 STANDARDIZED FIELD SOBRIETY TESTING (REFRESHER)

This four-hour course is designed to refresh SFST administrative procedures, update their understanding of the legal environment surrounding impaired driving enforcement. It is recommended officers take a refresher course every two to three years.

8.11 General Attendance Requirements:

- A. Students must be currently commissioned peace officers employed by the Oregon State Police.
- B. Students must have successfully completed the 24-hour SFST course.

8.12 Only certified SFST Instructors or DRE Instructors in good standing may provide instruction, grade written examinations, or grade proficiency examinations.

8.13 General Curriculum Requirements:

- A. An approved SFST Refresher curriculum must be followed. Curriculum may include a review of SFSTs, an introduction to the seven drug categories, poly-drug use, practical examples, legal updates, and a written or SFST proficiency examination.
- B. If a SFST proficiency examination is not offered, students must pass a written examination with a minimum score of 80%. If a student fails the written examination, they must retest with an approved remedial test. If the student fails the remedial written examination, they will be dismissed from the course with a failing score.
- C. If a written examination is not offered, students must pass a SFST proficiency examination with 100% mastery within two separate attempts. If a student fails to pass within two separate attempts, they will be dismissed from the class with a failing score.
- D. There shall be at least one SFST or DRE Instructor for every ten students.

8.2 STANDARDIZED FIELD SOBRIETY TESTING INSTRUCTOR DEVELOPMENT COURSE

This 40-hour course includes SFST review and a proficiency examination, a review of teaching principles and learning concepts, a demonstration of instructional ability.

8.21 General Attendance Requirements:

- A. Students must be sworn peace officers employed by the Oregon State Police.
- B. Students must have successfully completed the 24-hour SFST course and the 8-hour DID.
- C. Be fully proficient in the administration of SFSTs.
- D. Have approval from OSP to attend the course.

8.22 Only certified SFST Instructors or DRE Instructors in good standing may provide instruction, grade written examinations, or grade proficiency examinations. Non-OSP Instructors must have the approval of the DECP State Coordinator.

8.23 General Curriculum Requirements:

- A. SFST IDCs will be conducted in compliance with the Administrative Guide provided by NHTSA. Training opportunities for OSP-only SFST IDCs are scheduled by the DECP State Coordinator.
- B. Each student must pass the final written examination with a minimum score of 80%. If a student failed to pass the first attempt, a SFST or DRE Instructor will provide on-site remediation. If a student fails to pass the second attempt, they will be dismissed from the course and may reapply for the next selection process.
- C. Each student must pass a SFST proficiency examination. If a student fails to pass within two separate attempts, they will be dismissed from the class and may reapply for the next selection process.
- D. The SFST Instructor candidate must successfully complete two practice teaching sessions during the SFST IDC.
- E. There shall be a minimum of two SFST or DRE Instructors scheduled per class. When the class size exceeds 15 students, there shall be at least three SFST or DRE Instructors scheduled.

8.3 STANDARDIZED FIELD SOBRIETY TEST INSTRUCTOR MAINTENANCE REQUIREMENTS

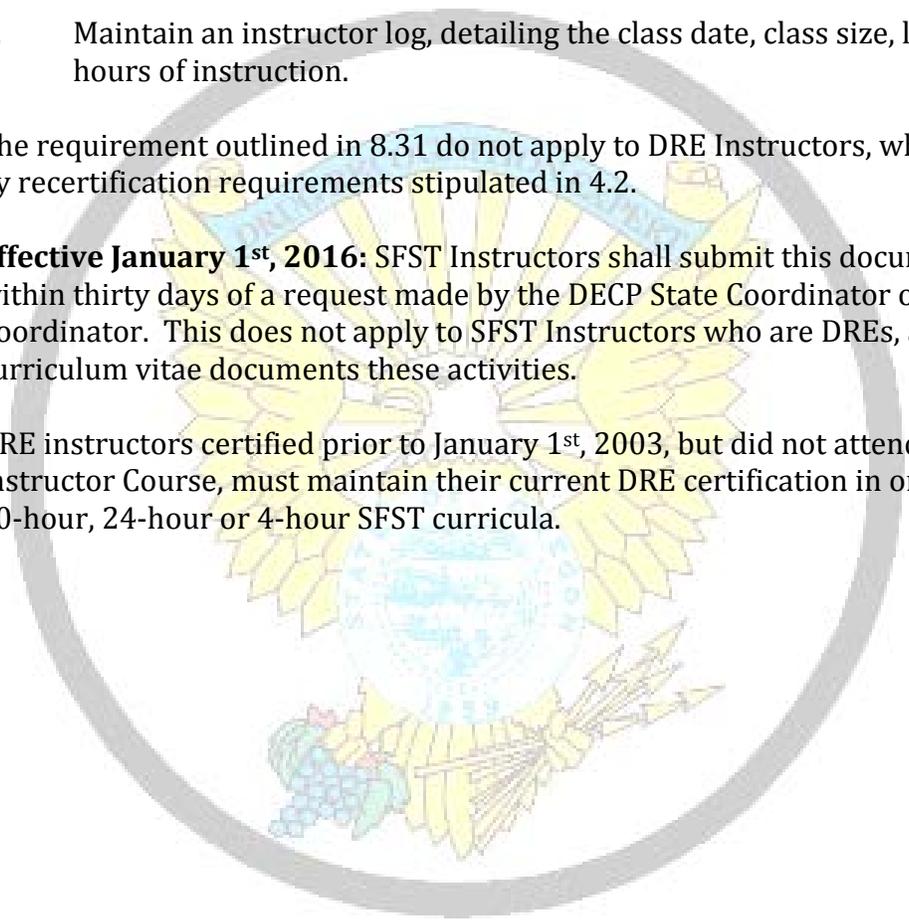
8.31 **Effective January 1st, 2016:** In order to remain proficient in both instructional material and procedures as an OSP SFST Instructor, the following requirements shall be followed:

- A. They must provide a minimum of 10 hours of instruction, which may include alcohol workshops, over a two year period;
- B. They must complete a SFST update by OSP or DPSST every year; and,
- C. Maintain an instructor log, detailing the class date, class size, location and hours of instruction.

8.32 The requirement outlined in 8.31 do not apply to DRE Instructors, who shall abide by recertification requirements stipulated in 4.2.

8.33 **Effective January 1st, 2016:** SFST Instructors shall submit this documentation within thirty days of a request made by the DECP State Coordinator or OSP DUII Coordinator. This does not apply to SFST Instructors who are DREs, as their curriculum vitae documents these activities.

8.34 DRE instructors certified prior to January 1st, 2003, but did not attend a SFST Instructor Course, must maintain their current DRE certification in order to instruct 40-hour, 24-hour or 4-hour SFST curricula.





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9. DRUG RECOGNITION EXPERT CALL-OUT PROCEDURES

ORIGINAL: 06/2010

REVISED: 05/2015

DISCUSSION

This policy provides guidelines for the utilization of Drug Recognition Experts in DUII and other criminal investigations. It outlines DRE call-out procedures and reimbursement of overtime costs associated with those call-outs.

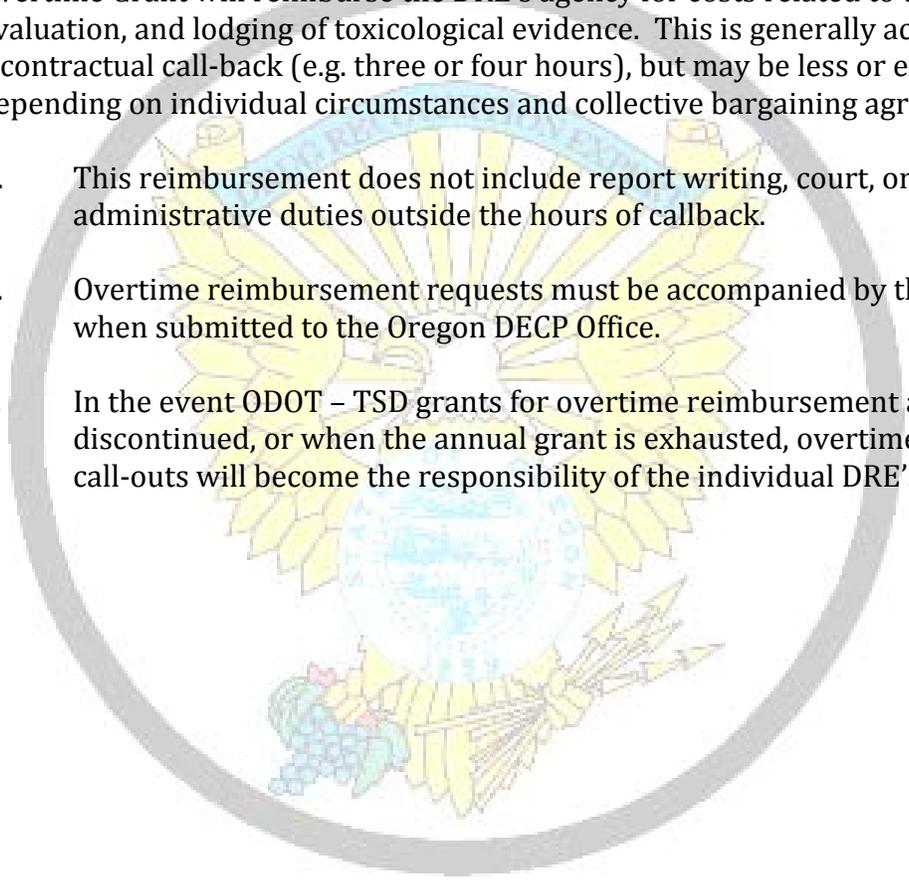
9.1 WHEN DRUG RECOGNITION EXPERTS MAY BE UTILIZED

- 9.11 Drug Recognition Experts (DRE) should be called upon to assist in DUII investigations when a suspect's level of impairment is inconsistent with their blood alcohol content (BAC), i.e. below a .08%.
- 9.12 It is recommended a DRE be contacted to assist in traffic collision investigation cases under the following conditions:
- A. When the driver of a vehicle involved in a traffic crash has been placed under arrest for DUII or related criminal charges, and physical evidence developed during the investigation substantiates drug use as a possible cause of impairment; or
 - B. If the traffic collision results in a fatality or serious physical injury and based upon the opinion of the investigator or supervisor a DRE is needed to determine drug/medical impairment.
- 9.13 DREs may be utilized by their agency or partner agencies in certain other criminal investigations where drug and/or alcohol impairment may be a mitigating or aggravating factor (e.g. assault, homicides, etc.). However, in these cases, the Oregon DECP will not reimburse the agency for overtime accrued in performance of duties related to such investigations.

9.2 DRUG RECOGNITION CALL-OUT PROCEDURES

- 9.21 Whenever feasible, on-duty DREs should be utilized unless their response time is substantially protracted and an off-duty DRE can respond sooner.
- 9.22 If no on-duty DREs are available in the local area, the requesting agency may elect to call-out local off-duty DREs individually, using a current list of DREs provided by the Oregon DECP Office.

- 9.23 In order to expedite response times, DREs are encouraged to obtain pre-approval to respond to DRE callouts without case-by-case supervisor approval.
- 9.24 The requesting agency may also contact the Oregon State Police Northern Command Center (NCC) or Southern Command Center (SCC) and request a call-out page for that area.
- 9.25 NCC/SCC supervisor will notify the DECP State Coordinator via email for follow-up on DRE unavailability issues.
- 9.26 Currently, ODOT – TSD provides funding for DRE call-out expenditures. The DRE Overtime Grant will reimburse the DRE’s agency for costs related to travel, the DRE evaluation, and lodging of toxicological evidence. This is generally accepted to mean a contractual call-back (e.g. three or four hours), but may be less or exceed that depending on individual circumstances and collective bargaining agreements.
- A. This reimbursement does not include report writing, court, or other DRE administrative duties outside the hours of callback.
 - B. Overtime reimbursement requests must be accompanied by the DRE report when submitted to the Oregon DECP Office.
 - C. In the event ODOT – TSD grants for overtime reimbursement are discontinued, or when the annual grant is exhausted, overtime incurred for call-outs will become the responsibility of the individual DRE’s agency.



APPENDIX

International Standards for Drug Evaluation Classification Program

IACP Forms

IACP Recertification & Assurances

IACP DRE Update Form

Oregon DECP Forms

DRE Evaluation Form

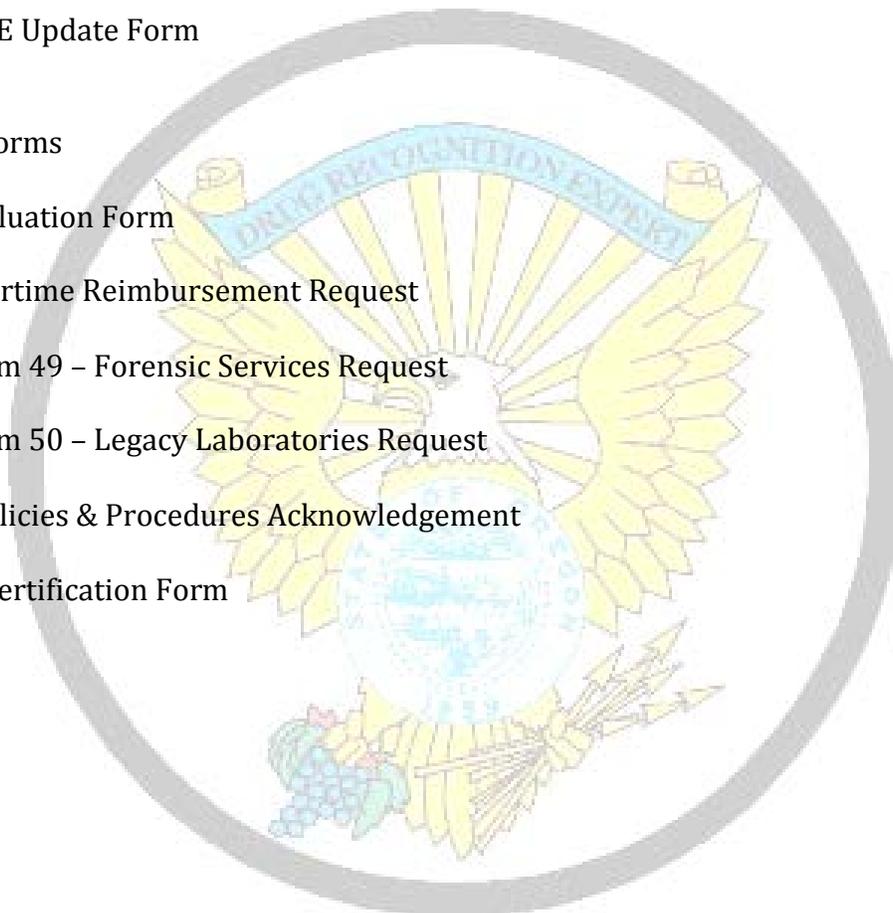
DRE Overtime Reimbursement Request

DRE Form 49 – Forensic Services Request

DRE Form 50 – Legacy Laboratories Request

DECP Policies & Procedures Acknowledgement

DRE Recertification Form



****DRE Instructor and curriculum forms are available at the Oregon DECP Office****