

STOCKTON POLICE DEPARTMENT

GENERAL ORDER

DRUG RECOGNITION OFFICER
SUBJECT

DATE: January 18, 2007

NO: P-23

FROM: CHIEF ERIC JONES

TO: ALL PERSONNEL

INDEX: Drug Recognition Officer

I. POLICY

- A. Officers contacting subjects believed to be under the influence of a controlled substance and unable to care for themselves or another will have that subject evaluated by a Drug Recognition Officer to determine the cause(s) of impairment.
- B. If a determination is made that a subject is under the influence of a controlled substance, Officers will have that person evaluated by a Drug Recognition Officer. Once a subject has been determined to be under the influence of a controlled substance, that subject will be arrested and processed per department policy.
 - 1. The Watch Commander, Sergeant's Office, and Telecommunications Center will keep an up to date list of officers that are trained Drug Recognition Officers
- C. In the event that a subject cannot be evaluated by a Drug Recognition Officer due to outside circumstances, officers still have a responsibility to provide for the safety of the community and subject they have contacted. In these instances, officers can deliver the person to an authorized medical facility or book them into county jail for Penal Code section 647(f)/849(b) (2).

II. LAWS

- A. Officers shall become familiar with Sections 11550(a) of the Health and Safety Code and 647 (f) of the Penal Code.

III. INVESTIGATION

- A. When officers contact subjects believed to be under the influence of a controlled substance officers will:
 - 1. Evaluate the victim's physical condition to determine if immediate medical care is required due to the impairment
 - 2. Determine if the person's impairment is caused by a controlled substance or medical condition.
 - 3. Determine if in fact a crime has occurred. If a crime has occurred, officers will take into custody persons believed to be under the influence of a controlled substance. Officers will determine that the impairment renders the person incapable of caring for themselves or another's safety. In cases of impairment caused by an illegal substance, the act of being under the influence is sufficient to justify an arrest warrant.
 - 4. Officers shall request a Drug Recognition Officer to assist with the investigation.
 - a. The Drug Recognition Officer may respond to the location to conduct a preliminary examination on the subject.
 - b. Ideally the arresting office shall transport the subject to the Police Department, so the Drug Recognition Officer can conduct a controlled examination on the subject.
 - c. The arresting officer shall be responsible for the processing and booking of the subject. The Drug Recognition Officer shall be responsible for the examination of the subject and DRE Report.

- B. Consideration to be made when investigating a subject for being under the influence:
1. Are there any medical conditions that could be causing the observed symptoms?
 2. Was the person involved in an accident while operating a motor vehicle?
 3. Is there another crime associated with the subject being under the influence?
 4. Is the subject's impairment to the extent that they are unable to care for themselves or another?
 - a. Example: Is the impaired person at home caring for small children?
Is the impaired person involved in activity that they would normally not be involved in?
- C. Persons who should be interviewed during the investigation:
1. Arresting officer.
 2. Friends or family members.
 3. Witnesses or reporting parties.
 4. Suspect.
- D. Drug Recognition Officer Procedure.
1. To assist officers in arrests of subject's under the influence of a controlled substance, Drug Recognition Officers shall conduct examinations when requested to do so.
 - a. The Drug Recognition Officer will interview the original arresting officer to determine the circumstances surrounding the arrest.
 - b. The Drug Recognition Officer shall conduct a thorough standardized examination of the subject to determine the cause of the impairment.
 - c. If the Drug Recognition Officer determines that a subject is under the influence of a controlled substance, a toxicological specimen will be obtained.
 - (1) Drug Recognition Officers will explain to the subject that they must provide a toxicological sample and do not have a right to refuse. The sample is deemed as evidence that can be lost or destroyed therefore the officer has a right to obtain the sample consistent with good judgment and safe medical practices.
 - (2) The preferred toxicological sample will be a urine sample to be booked in accordance with policy.
 - (3) If a subject requests a blood sample, officers shall obtain the sample at San Joaquin County General Hospital.
 - d. If a subject refuses to provide a sample, officers shall explain to the subject they do not have the right to refuse and will try to get the subject to provide the sample willingly. If the subject still refuses the Drug Recognition Officer will not forcibly take the sample.
 - e. When the Drug Recognition Officer is conducting the examination related to a more serious offense and the impairment is a factor in that investigation, the officer shall contact a sergeant to seek approval to take a forced toxicological sample.
 - (1) If a sample has to be taken against the subjects will, it will be done in a manner that is least invasive and shocking to the conscious. Holding a subject's arm down so blood can be drawn is an example.

2. The Drug Recognition Officer shall complete an original arrest report when the only charge for a subject is being under the influence. The officer shall complete their report on Stockton Police Department forms. In cases where a Drug Recognition Officer is conducting the examination for another officer, the Drug Recognition Officer shall complete their report as a subsequent report.
3. The Drug Recognition Officer shall include in their narrative report the factors that determined the subject's impairment so as to establish why an arrest was warranted.