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Report to the Legislature

January 1, 1997

Prepared by:

Minnesota Board of Peace Officer Standards and Training

Drug Recognition Experts -- Recommendations for State-wide Coverage

1996 Minnesota Laws, ch. 442, § 35 (b) directed the Board of Peace Officer Standards and Training to develop a plan for requiring drug recognition training for peace officers. The POST Board was directed to develop this plan in consultation with the Department of Public Safety, the Minnesota State Patrol, the Minnesota Chiefs of Police Association, the Minnesota Sheriffs' Association, and the National Highway Traffic Safety Administration. The goals of the plan are:

1. to ensure that peace officers employed in traffic patrol activities are educated regarding the need to use a certified expert to evaluate a person whom the officer reasonably suspects has been driving while impaired by drugs;
2. to ensure that a sufficient number of peace officers are certified as drug recognition experts; and
3. to ensure that drug recognition experts are available statewide at all time periods to evaluate suspected drug-impaired drivers.

The plan was also to consider the feasibility of requiring basic level training for all new peace officer candidates and providing training as an in-service option for current peace officers. In addition, the plan was to present, if practicable, alternative training requirements, scenarios and timetables associated with different levels of training resources.

To meet these legislative requirements, the POST Board convened a committee composed of individuals representing the departments and associations required by the legislation, as well as the Minneapolis City Attorney's Office and Police Department, the St. Paul Police Department, the Bureau of Criminal Apprehension, and the State DWI Task force. Members names and associations are listed as an attachment.

The DRE Committee considered the following issues.

1. The feasibility of 24 hour statewide DRE coverage.
2. Pre-service and in-service training requirements for officers and the utilization of the Standard Field Sobriety Test (SFST) with the "Drug Block".
3. Which law enforcement agencies would be responsible for providing coverage.

The 1996 legislation called for a plan which would accomplish 24 hour DRE coverage throughout the state. After the committee met several times, they concluded that this would not be prudent or practical for the following reasons:

1. Training a DRE is extremely expensive. Small agencies in greater MN could not afford to train their officers. (The DRE Certification requires two weeks of classroom instruction and approximately three to six weeks of practicable on the street evaluations. Officers seeking this certification can expect to be away from

their departments for six to eight weeks. In addition, the equipment required for certification costs approximately \$400. The salaries of the instructors are currently covered by a NITSA grant, however these funds are expected to decline and eventually disappear in the next few years.)

2. Officers having received DRE training have to practice their skills frequently or they lose them - therefore, large numbers of DREs in remote areas are not practical since they might only be called to do an evaluation once or twice a year;
3. The expectation that an officer working in a remote part of the state would be able to respond 24 hours a day, all year round, is unreasonable due to their availability as well as issues with union contracts, on call pay, etc.

The committee agreed that the concentration of DREs should be in the metro area. The plan outlined below provides for coverage in greater MN around larger population centers, along major highways and in small cities with colleges, as well as, in areas where high concentrations of drug arrests can be documented. The attached map depicts the locations of current DREs and the locations and jurisdictions where the committee recommends a DRE be in place.

The committee recognized that educating officers throughout the state about when to call a DRE was vital. They concluded that the 3-day course called the "Standard Field Sobriety Test (SFST)" with the "Drug Block" - was the most appropriate training for officers making traffic stops, both in terms of developing their expertise as to when to call a DRE and to enhance their competence in handling DWI stops.

The committee puts forth the following two recommendations regarding SFST training.

1. Beginning fall quarter 1998, all law enforcement licensing programs will require completing SFST + Drug Block training to take the POST licensing exam. This change will coincide with the revised learning objectives implementation. One advantage of including this in the pre-license programs, is that it puts the cost burden on law enforcement students rather than law enforcement agencies. It is also a reasonable requirement in that most new hires begin doing patrol work which includes traffic stops.
2. Within the following time frame all officers in all agencies who are assigned to make traffic stops will have received SFST + Drug Block training.

30% after one year
60 % after two years
100% after three years

Once trained, officers would also be required to attend a 4-hour refresher course every 2 years. All of this training would carry POST credit.

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The following are the committee's recommendations regarding required DRE coverage throughout the state:

1. **Minneapolis and St. Paul Police Departments:** The Minneapolis and St. Paul Police Departments will, after 2 years, be required to have 24 hour DRE coverage for their respective jurisdictions. 50% of the necessary DRE officers would be in place after the first year, the remaining at the end of the second year. These departments will be free to enter into cross jurisdictional agreements with each other, as well as other agencies including the State Patrol, as long as 24 hour coverage is accomplished.

2. **State Patrol - metro coverage:** The State Patrol will provide 24 hour coverage for the 7 county metro area (excluding Mpls. and St. Paul) within two years.

3. **Other Jurisdictions:** In addition, law enforcement agencies employing 35 - 59 officers will be required to have at least 1 officer trained as a DRE after one year. Agencies employing 60 - 500 officers would be required to have two officers trained after two years (one being trained after the first year). This requirement will help to lessen the reliance on the State Patrol in the 7 county metro area as well as in greater Minnesota.

See attached list for specific departments that would be affected by this recommendation.

State Patrol - coverage in greater Minnesota: The State Patrol will be required to have an officer DRE certified within one year in the following counties/cities (some of these DREs are already in place):

- | | |
|-----------------------------|-------------------|
| City of Worthington | Rice County |
| City of Rochester | Blue Earth County |
| City of Marshall | McLeod County |
| City of St. Cloud | Chisago County |
| City of Willmar | Clay County |
| City of Morris | Blue Earth County |
| City of East Grand Forks | |
| City of Thief River Falls | |
| City of Bemidji | |
| City of International Falls | |
| City of Virginia | |
| City of Duluth | |
| City of Moose Lake | |
| City of Wadena | |

See attached map for recommended metro and statewide coverage.

Additional recommendations from the committee include:

1. The Legislature should consider drafting legislation that would make refusal to comply with a DRE evaluation a crime - similar to the current implied consent law. The committee was split regarding this recommendation. Officers serving on the committee agreed that voluntary compliance was not a problem at the present time, however as more evaluations are done and the word gets out about the potential consequences of talking to a DRE, voluntary compliance may decline. There are issues around Miranda that would need to be considered if an administrative revocation is to be successful.
2. Encourage training about the DRE certification program for judges and attorneys throughout the state through their respective associations.
3. Recognizing that police jurisdictions are sensitive to unfunded mandates, the committee suggested the following two ways of generating revenues to pay for future DRE training and possibly a metro area DUI/DRE unit that would spend all of its time enforcing the laws around impaired driving and training officers:
 - tax on liquor (on and/or off sale)
 - streamlined automobile forfeiture procedures

Additional Information:

The following is a summary of the results of 100 randomly selected DRE evaluations completed in Hennepin County by Drug Recognition Experts from the Minnesota State Patrol and the Minneapolis Police Department from 1991 - 1996. To date there have been approximately 890 evaluations statewide. Complete information on the remaining evaluations is not available due to lack of historical data gathering from agencies.

Of the 100 individuals evaluated, 83 were males and 17 were females. The youngest person was 16 and the oldest 51 (average age was 32).

In the evaluation process, the DRE had to rule out alcohol as the cause of impairment. In this sample of 100 evaluations, fifty nine (59) individuals had an alcohol level of .00. Thirty four (34) individuals had alcohol levels of .01 - .09. One (1) individual had an alcohol level over .10. Four individuals refused this test, and two were ruled out for medical reasons.

During the evaluation, the DRE performs several tests to determine the type of drug or drugs influencing the individual. Upon completion of the evaluation, the DRE submits either a blood or urine sample to the Bureau of Criminal Apprehension (BCA) for analysis. **In comparing the DREs' opinions with lab results, the DREs are approximately 85% accurate.**

The BCA evaluation determines how many and what types of drugs were in the individuals system. In this sample, the following numbers of drugs were found.

- 36 - one drug
- 14 - two drugs
- 14 - three drugs
- 6 - four drugs
- 3 - five drugs
- 1 - six drugs
- 1 - seven drugs
- 1 - eight drugs
- 9 no drugs detected
- 10 refused to give a sample
- 3 results are still pending
- 1 gave an insufficient sample to be analyzed
- 1 was declared a rule out (not under the influence)

The following is a summary of how these individuals were handles in the court system.
38% were convicted of DUI alcohol and or controlled substance.

- 2 - convicted of misdemeanor DUI - alcohol
- 2 - convicted of misdemeanor DUI - controlled substance
- 3 - convicted of misdemeanor - combination controlled substance and alcohol
- 2 - convicted of misdemeanor DUI - blood alcohol level .10 or more
- 2 - convicted of gross misdemeanor AGG DUI
- 5 - convicted of gross misdemeanor DUI - controlled substance (second violation in five years)
- 1 - convicted of misdemeanor refusal to test
- 5 individuals have warrants outstanding
- 8 cases are still pending
- 5 cases were dismissed for various reasons, i.e. found incompetent, etc.
- 42 convicted of various traffic and/or drug charges, such as felony theft of motor vehicle, felony drug possession.

Drug Recognition Committee Members

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Minneapolis Police Department

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National Highway Traffic Safety Administration

Andy Richardson
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CITIES AND COUNTIES REQUIRED TO HAVE 1 OR 2 DRE'S

Departments required to have 1 DRE

Airport Police Dept.
Blaine Police Dept.
Brooklyn Center Police Dept.
Coon Rapids Police Dept.
Eagan Police Dept.
Eden Prairie Police Dept.
Edina Police Dept.
Fridley Police Dept.
Mankato Police Dept.
Maple Grove Police Dept.
Maplewood Police Dept.
Minnetonka Police Dept.
Moorhead Police Dept.
Plymouth Polkice Dept.
Richfield Police Dept.
Roseville Police Dept.
Sherburne County
St. Louis Park Police Dept.
Stearns County
U of M Metro
Winona Police Dept.

21 Departments = 21 DRE's

Departments required to have 2 DRE's

Anoka Police Dept.
Bloomington Police Dept.
Brooklyn Park Police Dept.
Burnsville Polkice Dept.
Carver County
Dakota County
Duluth Police Dept.
Hennepin County
Olmstead County
Rochester Police Dept.
Ramsey County
St. Cloud Police Dept.
St. Louis County
Washington County
Wright County

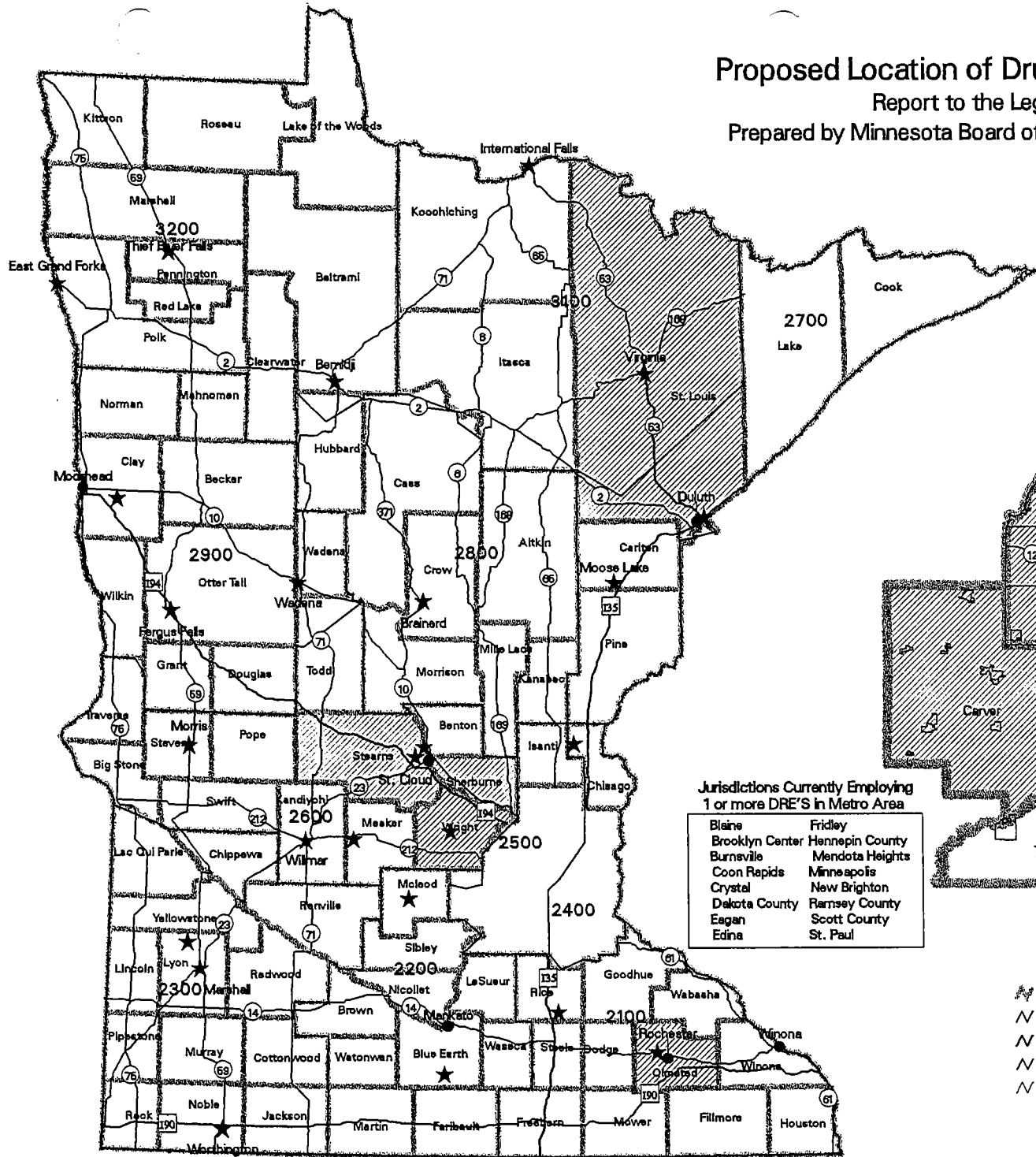
15 Departments = 30 DRE's

Total of 51 DRE's needed without Minneapolis, St. Paul and Patrol

Proposed Location of Drug Recognition Experts (DRE)

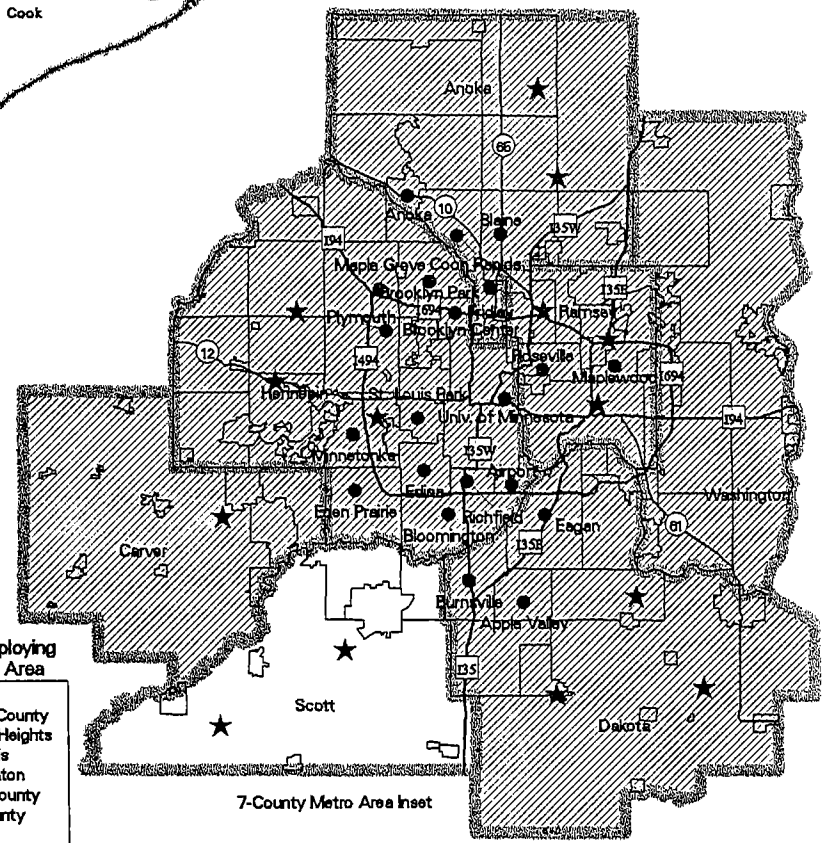
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Proposed 7-County Metro Area DRE Coverage

Minneapolis and St. Paul Police Departments are responsible for 24 hour coverage within their jurisdictions. The State Patrol is responsible for 24 hour coverage within the seven county metro area (excluding Mpls/St. Paul).



- Jurisdictions Currently Employing 1 or more DRE's in Metro Area**
- | | |
|-----------------|-----------------|
| Blaine | Fridley |
| Brooklyn Center | Hennepin County |
| Burnsville | Mendota Heights |
| Coon Rapids | Minneapolis |
| Crystal | New Brighton |
| Dakota County | Ramsey County |
| Eagan | Scott County |
| Edina | St. Paul |

7-County Metro Area Inset

LEGEND

- County Boundaries
- State Patrol Districts
- Interstates
- State Highways
- Metro City Boundaries
- Current State Patrol DRE's
- State Patrol DRE's NEEDED
- Current Deputy DRE's
- Current City DRE's
- Cities with 1 person DRE requirements
- Cities with 2 person DRE requirements
- Counties with 1 person DRE requirements
- Counties with 2 person DRE requirements