

Drug Evaluation and Classification Program

"I know the guy was on something. He was all over the road and could barely perform the field sobriety tests. But he only blew a 0.02." How many times have you heard law enforcement describe this scenario? In the past, unless suspects were legally impaired by alcohol, officers and prosecutors had a difficult time proving impairment. Often the impairment an officer detects is due to the person taking a drug other than alcohol, or a combination of alcohol and other drugs. But how do you prove that in court?

Thirty-four states and the District of Columbia have implemented the Drug Evaluation and Classification Program that trains officers to become Drug Recognition Experts (DREs). The training program is a standardized and systematic method for law enforcement to determine whether observed impairment is due to drug use or a medical condition.

The DRE evaluation involves 12 steps that include examining the person's eyes and muscle tone, checking pulse and blood pressure, assessing performance on 5 field sobriety tests, making observations of other signs and symptoms of drug impairment, documenting information regarding when the suspect last ate and slept, etc. The final step involves obtaining a blood or urine sample for toxicological analysis.

Research studies conducted during the initial development of the DRE program in the 1980s, as well as more current studies, have repeatedly found the DRE evaluation to be a valid and reliable method to detect impairment due to drugs other than alcohol.

As the number of trained DREs increases, prosecutors will undoubtedly see more cases involving charges for driving under the influence of drugs. NTLC has developed an informational packet that includes materials on the history of the Drug Evaluation and Classification Program, a description of the 12 steps, articles addressing prosecution and toxicology issues, a summary of cases regarding the admissibility of DRE testimony, and an index of research studies and related articles. For a copy of the Drug Recognition Evaluation Information Packet, please fax NTLC at 703-836-3195.

Police-Prosecutor Teams: Working Together to Convict

The importance of thoroughly collecting evidence at a crash scene cannot be overstated. The few precious hours spent on the scene can make or break a case. The time to realize that more evidence needs to be captured is at the scene and not months later at trial. How can prosecutors become involved at the time of the crash to ensure all pertinent evidence is properly documented?

Many jurisdictions are creating police-prosecutor teams to handle vehicular homicide cases and other traffic-related crimes, beginning at the crash site. These specialized teams work together as a unit in responding to fatal crashes. A prosecutor can be assigned full-time or part-time to this team depending on the size of the jurisdiction. His or her job at the scene is to oversee the gathering of evidence. The prosecutor does not become physically involved in the collection of information but rather views the scene with an eye towards trial and can respond to any legal questions police officers may have at the scene.

As the case moves to trial, the same prosecutor and his or her team tracks the evidence and prepares the case for trial. By ensuring proper procedures are followed, a prosecutor will have an easier time presenting the evidence in court.

Steven M. Janosko, an Assistant Prosecutor in Ocean County, New Jersey, established an efficient and successful police-prosecutor team program. Mr. Janosko standardized the formation of a team and developed detailed procedures for the structure, staffing and operation of the team, including securing funding for the project. Mr. Janosko's plan is on file at NTLC and a copy can be obtained by faxing requests to 703-836-3195. In addition, Mr. Janosko welcomes calls from interested individuals and agencies to discuss any aspect of this subject area. He can be reached at 732-793-1997.

Mobile Videotaping Classes Offered

An increasing number of police agencies are utilizing mobile videotaping during roadside arrests. Consequently, it is becoming necessary for prosecutors to understand the legal and procedural applications of this technology. The

Law Enforcement Mobile Videotaping Institute (LEMVI), directed by Jim Kuboviak, County Attorney for Brazos County, TX, is offering mobile videotaping classes that can be audited by prosecutors for free. There are four types of courses offered: Basic Practitioner's Course (8 hours), Advanced Practitioner's Course (8 hours), Combined Practitioner's Course (16 hours), and Instructor's Course (40 hours). For more information, check the website, www.LEMBI.com or call LEMVI at 409-255-1234.

Arresting Developments

Fort Lauderdale, Florida Stanley Cameron, a multi-millionaire, was convicted of manslaughter and sentenced to eighty-five years in prison for crashing his powerboat into a cabin cruiser killing six people on board. Mr. Cameron's boat was traveling approximately sixty miles an hour and his blood alcohol level was three times over Florida's legal limit of .08.

AVAILABLE RESOURCES

Prior Convictions in DUI Prosecutions: A Prosecutor's Guide to Prove Out-of-State DUI/DWI Convictions, 1999 Cumulative Supplement, by APRI's National Traffic Center

This new supplement will provide prosecutors with every DUI/DWI state statute for the past four years, as well as all the contact information they need to locate and obtain certified copies of an individual's prior DUI/DWI conviction(s) from any other state. In addition, the pertinent case law decisions regarding proof of the elements required under every state DUI/DWI statute are included. A sample form from each state that shows what information is contained in its driving record is also provided. When used in conjunction with the initial Prior Convictions publication, a prosecutor will have ready access to the impaired driving statutes for every state for the past ten years. The cost is \$100.00. To order, contact LEXIS Law Publishing at 800-562-1197.

Between the Lines is published quarterly by the **American Prosecutors Research Institute's National Traffic Law Center**. Items may be reprinted if attributed to **APRI's National Traffic Law Center**. Please provide copies to *Between the Lines*. Direct inquiries and news article suggestions to Patricia Gould at 703-549-4253.