

# Traffic Safety Initiatives: 5 Reasons to Send an Officer to DRE School

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According to the National Highway Traffic Safety Administration (NHTSA), 31,785 people were killed in traffic crashes during the first nine months of 2022. While this is down from the same period in 2021, the decrease is only 0.2 percent.<sup>1</sup>

Further, in a three-month period in 2020, 56 percent of drivers involved in serious injury and fatal crashes tested positive for at least one drug.<sup>2</sup> The legal and social acceptance of cannabis by many states is further contributing to the increase of drug-impaired driving cases. The Drug Evaluation and Classification (DEC) Program, coordinated by the IACP with support from NHTSA, is designated to reduce the number of impaired drivers on roadways. The DEC trains officers as drug recognition experts (DREs) to recognize drug impairment, use standardized testing, and present evidence of drug impairment while testifying.

Unfortunately, since 2020, the number of DREs has been declining, making it more difficult for the program to meet the increase in impaired drivers. This has also been the case for the numbers of law enforcement officers overall, and law enforcement executives throughout the United States have struggled to meet their personnel needs. For various reasons, including staffing, some executives have been hesitant to send their officers to DRE training. Granted, three weeks away from their agency is a significant time investment, but there are many benefits that offset this time investment. The following are five reasons a chief or sheriff should consider sending an officer to the next DRE school:

1. Civil liability for an agency can be reduced by employing a DRE. One of the foremost concerns for any agency head is liability to the agency. Having DRE-trained personnel can lower this when it comes to unjustly

incarcerating a citizen for driving under the influence. DREs using their advanced training can be useful to positively identify impairment or those who are not impaired. Law enforcement strives to make solid arrests justified by probable cause, and when officers arrest a citizen who is not impaired, they undermine this goal. DREs utilize their training to identify drug and alcohol impairment more effectively than the officer who has received basic training in impaired driving enforcement. Historically, there have been instances of officers making mistakes in determining chemical impairment versus medical impairment and incarcerating those experiencing a medical emergency. In the DRE process, trained officers determine medical impairment and have been successful in diverting individuals to where they can obtain medical care instead. Imagine commending an officer for saving a life versus receiving a civil lawsuit for negligence when a person dies in custody.

2. An argument commonly heard is that DREs are not needed since a blood test can be obtained and prove impairment. There are some flaws to this thinking, such as refusal to provide a sample, limitations and delays of lab testing, and limitations on testimony by a toxicologist. Relying on lab testing alone can be problematic because labs normally have limits on the level of drugs necessary to report a positive finding. If a sample contains less than the minimum amount, the lab will report that no drug was detected in order to prevent false positives. Also, to introduce a sample at trial, the prosecution will normally need a toxicologist to testify about testing procedures, characteristics of various drugs, and expected effects. For some jurisdictions, a toxicologist may not be readily available or simply too expensive to bring in if they are from a private lab. Finally, some states require an expert to connect testing results to the impairment signs and symptoms observed to introduce lab results. Toxicologists may not be prepared to testify to this, making the testimony of a trained DRE critical to proving impairment at trial.

3. Cases involving DREs generally require less court time. In a time where budgets are being scrutinized and shifts are difficult to fill, any steps an agency can take to reduce the amount of time an officer spends in court is a positive. Any police executive would agree that it's better to keep an officer on duty rather than sitting in a courthouse. Trained DREs generally spend less time in court on a DUI case than officers who are not trained to

this level. Since DREs have advanced training in identifying impairment from all substances, including alcohol, many defense attorneys are less likely to take a case to trial if they believe the officer will be qualified as an expert witness. They know that the testimony of an expert is likely to carry more weight than a normal officer and put the odds in favor of a successful prosecution.

4. Engagement with the community is often a priority for many agency heads. Police agencies must concentrate on this to connect with their community, inform citizens, and build trust. DREs are often called upon to educate citizens on the dangers of drugs, drug impairment, and other related topics. Public events involving DREs have included illustrating the dangers of driving impaired by using lectures and driving simulations. DRE personnel are also called upon to teach Drug Information Training for Educational Personnel (DITEP). This two-day course is a training for teachers and school staff that entails knowledge of the various drug categories, recognizing impairment in young persons, techniques for testing individuals for indicators of impairment, and speaking with parents about testing results. This program has been around for many years and has been very well received anywhere it's been offered. Positive citizen encounters are something that every agency is seeking these days, and DREs can effectively represent their agencies by sharing their knowledge with communities.

5. The total value of a training investment is an important consideration when deciding whether to send an officer to a course. Time away from the agency, the cost of backfilling an officer's position while they're gone, along with travel and course costs need to be considered. For many agencies, sending an officer for a two- or three-week SWAT school, or a similar class in crime scene investigation is not questioned. While those courses are certainly needed, they are also costly, and the utilization of those skills comes much less frequently than those of trained DREs using their knowledge daily on patrol and in the various ways described above. Most DRE training is completely free for the sponsoring agency. Other than the time of the officer to attend, the costs of sending an officer are often covered by grant funding. This normally includes course fees,

materials, equipment, lodging, travel, and per diem costs. Looking at DRE training through a cost-benefit lens, there is no question that an agency will be receiving more value for the investment than just about any other discipline.

Finally, the benefit to the officer is also great. Training as a DRE brings opportunities to become an instructor and share knowledge with officers, community members, and educators. Most importantly, the trained officers can make a difference by more accurately identifying and arresting drivers impaired by alcohol or drugs. Public safety is what law enforcement strives for, and agencies can better achieve this by employing personnel with additional training in impaired driving enforcement. The next time a request to attend DRE training is received from an officer, encourage and support that officer's attendance.

**Notes:**

<sup>1</sup>National Highway Traffic Safety Administration, "[NHTSA Estimates for First Nine Months of 2022 Suggest Roadway Fatalities Beginning to Level Off After Two Years of Dramatic Increases](#)," new release, January 9, 2023.

<sup>2</sup>National Highway Traffic Safety Administration, "[Drug-Impaired Driving](#)."