

DRUG IMPAIRED DRIVING

1. GENERAL

- A. The purpose of this policy is to ensure that all investigations of drug impaired driving related offenses by Halifax Regional Police are managed in an efficient and accountable manner consistent with law, policy and best practices, and shall define Standardized Field Sobriety Testing (SFST) related offenses within HRP jurisdiction and facilitates the SFST-trained officer's responsibilities when conducting a Standardized Field Sobriety Test.
- B. This policy shall outline standard guidelines for evaluating officer's responsibilities as a drug recognition expert (DRE).

2. POLICY

DRUG IMPAIRED DRIVING

- A. Members shall, when suspecting a person is impaired by alcohol or drug, determine whether or not there are probable grounds to conduct further testing.
- B. Only members who are SFST trained or DRE trained will conduct the SFST/DRE testing.
- C. SFST and DRE-trained officers shall submit all their findings that are supported by their SFST/DRE training.
- D. Case Manager shall assign a follow up task to the evaluating officer to ensure that all proper documentation is submitted throughout the completed investigation.
- E. The investigating officer shall account for all time between the reading of the demand and the completion of the tests and articulate any notable behaviours and observations of the subject.
- F. The officer must make notes of all significant times, events, and observations of subject, as it may corroborate and provide supporting evidence.

STANDARDIZED FIELD SOBRIETY TESTING

- H. Only members who have successfully completed Standardized Field Sobriety Test (SFST) training will conduct the SFST testing.
- I. SFST-trained members shall submit the documented results of the testing conducted.

RE-CERTIFICATION OF DREs/EVALUATING OFFICERS

- J. Evaluating Officers (DREs) are required to re-certify every 2 years as per the International Association of Chiefs of Police DECP Standards. Re-certification is satisfied by the submission to the National DRE Coordinator of an updated Curriculum Vitae and DRE Rolling Log to support that the evaluating officer has, in accordance with the International Association of Chiefs of Police (IACP) standards, since the last date of certification:

- i. Conducted a minimum of 4 drug evaluations
 - ii. Conducted at least one evaluation that was witnessed by a DRE Instructor
 - iii. Attended a minimum of 8-hours of continuing education related to drug impairment
 - iv. Submit supporting documentation to the agency and provincial coordinator

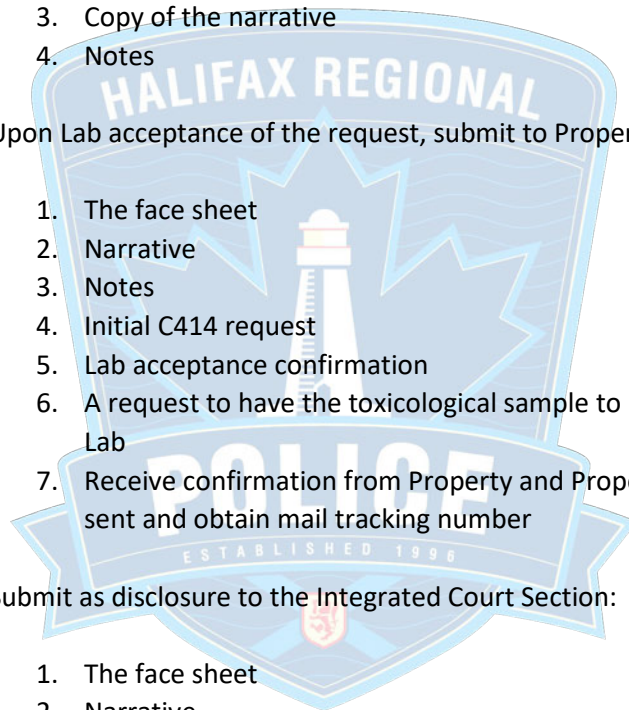
- K. A DRE-trained officer whose 2-year certification has lapsed is no longer an “evaluating officer” as defined in section 320.11 of the Criminal Code. “Expired” evaluating officers are not authorized to conduct evaluations for investigative purposes until such time as they are re-certified.

3. PROCEDURE

DRUG IMPAIRED DRIVING

- L. Evaluating officer responsibilities where criminal charge is laid:
 - i. Conduct a drug evaluation with suspected drug-impaired driver
 - 1. Complete face sheet denoting information obtained during 12-step process
 - 2. Form an opinion related to impairment by drug/what category or categories
 - 3. Make a demand for urine or blood sample
 - 4. Take possession of sample and place into evidence
 - 5. Provide a copy of the face sheet to the investigator to submit to the Service Nova Scotia Driver Compliance to support the Order of Suspension (where there is deemed to be impairment)

6. Complete Versadex supplemental report and Can Say outlining DRE activities and opinion
- ii. Create a DRE Narrative report outlining support for the opinion formed at the conclusion the evaluation
- iii. Submit the face sheet, narrative, and any notes to a DRE Instructor to be reviewed and signed off.
- iv. Once signed off - submit to RCMP National Forensic Laboratory Center:
 1. C414 "Request for Laboratory Analysis"
 2. Copy of the face sheet
 3. Copy of the narrative
 4. Notes
- v. Upon Lab acceptance of the request, submit to Property and Evidence Unit:
 1. The face sheet
 2. Narrative
 3. Notes
 4. Initial C414 request
 5. Lab acceptance confirmation
 6. A request to have the toxicological sample to be mailed to the RCMP Lab
 7. Receive confirmation from Property and Property that sample has been sent and obtain mail tracking number
- vi. Submit as disclosure to the Integrated Court Section:
 1. The face sheet
 2. Narrative
 3. Notes
 4. C414
 5. Copy of DRE Certification
 6. Curriculum Vitae of DRE/evaluating officer
 7. DRE Rolling Log
- vii. Submit to the Departmental DRE Coordinator and Provincial DRE Coordinator:
 1. Copy of the signed-off face sheet
 2. Narrative
 3. Notes



- viii. Submit to the National Coordinator and Provincial Coordinator:
 - 1. The National Reporting Form
- ix. Obtain results of toxicological analysis
- x. Submit supplemental disclosure to Integrated Court Section related to:
 - 1. The Laboratory Report
 - 2. The name and Curriculum Vitae of the Laboratory toxicologist who conducted the analysis
 - 3. Amended witness list with the addition of the toxicologist
 - 4. "Can Say" for the toxicologist
 - 5. Amended/updated "Can Say" of evaluating officer
- M. Evaluating officer responsibilities where criminal charge are not laid:
 - i. Conduct a drug evaluation with suspected drug-impaired driver
 - 1. Complete face sheet denoting information obtained during 12-step process
 - 2. Form opinion related to impairment by drug/what category or categories
 - 3. Provide a copy of the face sheet to the investigator to submit to the Access Nova Scotia Driver Compliance to support an Order of Suspension (where applicable)
 - 4. Complete Versadex supplemental report outlining DRE activities and opinion
 - ii. Create a DRE Narrative report outlining support for the opinion formed at the conclusion the evaluation
 - iii. Submit the face sheet, narrative, and any notes to a DRE Instructor to be reviewed
 - iv. Await review/sign off face sheet and narrative by DRE Instructor
 - v. Submit signed off face sheet, narrative, and notes to Integrated Records Section
 - vi. Submit the National Reporting Form to the National DRE Coordinator and Provincial Coordinator
 - vii. Add details of evaluation to your DRE Rolling Log

N. Evaluating officer responsibilities where drug evaluation initiated but not completed:

- i. Initiate drug evaluation on suspected drug impaired driver
- ii. Do not create a DRE narrative
- iii. Do not send to a DRE Instructor to be signed off
- iv. Do not add incomplete face sheet to Rolling Log (Rolling Log is for completed evaluations only)
- v. Submit Versadex supplemental report and Can Say outlining DRE activities
- vi. Submit copy of partially completed face sheet to investigator
- vii. Retain original partially completed face sheet

O. Case Manager (QA) Responsibilities:

- i. Assign a follow up task to the evaluating officer with a 16-day diary date to have the evaluation signed off by an instructor and, in the case of an impaired by drug charge, send toxicological sample to the Lab for analysis and submit required disclosure to Records and Court files

STANDARDIZED FIELD SOBRIETY

P. SFST Officer responsibilities (Arrest Decision - where trained member is also investigator)

- i. Conduct Standardized Field Sobriety Testing at roadside
- ii. Complete the "SFST Face Sheet"
- iii. Make the "arrest" decision and advise the driver they are under arrest for impaired driving and advise of right to consult with legal counsel
- iv. Read the applicable DRE or breath testing demand to the driver based on the results of the testing.
- v. Transport to the nearest DRE or breath testing facility to satisfy right to legal counsel requirements prior to further testing by DRE or Qualified Breath Technician
- vi. Retain the SFST Face Sheet for the file record and add test to SFST their Rolling Log

- vii. SFST Officer responsibilities (Arrest Decision - where trained member is not the investigator)
- viii. Conduct Standardized Field Sobriety Testing at roadside
- ix. Complete the "SFST Face Sheet"
- x. Make the "arrest" decision and advise the driver they are under arrest for impaired driving and advise of right to consult with legal counsel
- xi. Read the applicable DRE or breath testing demand to the driver based on your grounds/test results
- xii. Advise the investigator to transport to the nearest DRE or breath testing facility to satisfy right to legal counsel requirements prior to further testing by DRE or Qualified Breath Technician
- xiii. Retain the SFST Face Sheet for the file and add test to their SFST Rolling Log
- xiv. Provide a copy of the Face Sheet to the investigating officer
- xv. SFST Officer responsibilities (No Arrest decision)
- xvi. Conduct Standardized Field Sobriety Testing at roadside Complete the "SFST Face Sheet"
- xvii. For the file and add test to SFST Rolling Log
- xviii. Provide a copy of the face sheet to the investigator (if applicable)

RE-CERTIFICATION OF /EVALUATING OFFICERS

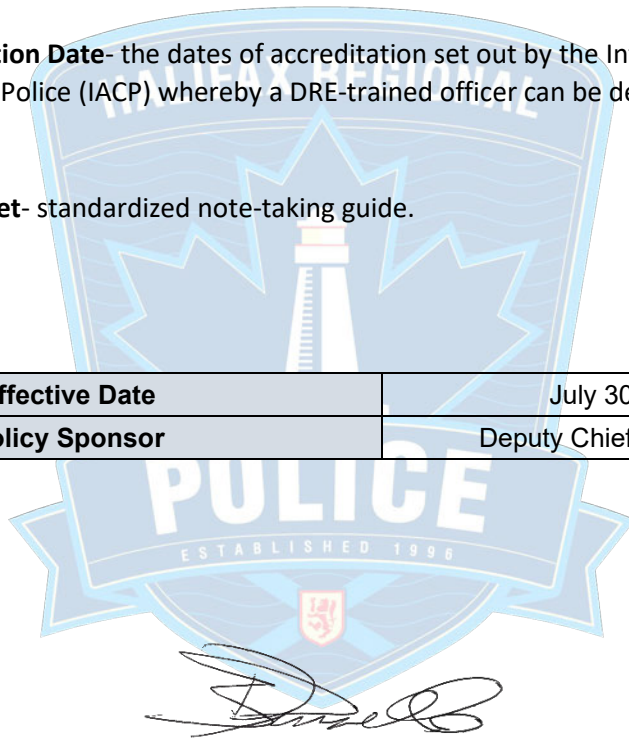
- Q. It is recommended that upon receipt of a pending DRE/Evaluating Officer Expiry by the Halifax Regional Police DRE Coordinator, that a task be assigned to the expiring evaluating officer to submit all the required documentation to re-certify to the coordinator, and that the task be assigned a sixteen (16) day diary date. An extension for another sixteen (16) days can be considered by the QA Sergeant if requested and deemed to be a reasonable request.

4. DEFINITIONS

- A. **Evaluation**- reliable method of determining whether a person’s ability to operate a conveyance is impaired by a drug or by a combination of alcohol and a drug and is conducted by an evaluating officer.
- B. **Drug Recognition Expert (DRE) or “Evaluating Officer”**- a peace officer who has the qualifications prescribed by regulation that are required in order to act as an evaluating officer in conducting drug evaluations (section 320.11 Criminal Code).
- C. **Standardized Field Sobriety Test**- specific physical coordination tests prescribed by regulation used at roadside to expedite the arrest/no arrest decision related to impaired driving.
- D. **Certification Date**- the dates of accreditation set out by the International Association of Chiefs of Police (IACP) whereby a DRE-trained officer can be defined as an “evaluating officer”.
- E. **Face Sheet**- standardized note-taking guide.

Effective Date	July 30, 2021
Policy Sponsor	Deputy Chief, Operations

By Order Of:



Dan Kinsella
Chief of Police