



2019 Annual Conference

Lake Placid, New York

Drug Impairment and the Role of the DRE

September 17, 2019

Presented by:

NYSP Trooper Joseph K. Germano

NYSP Sergeant Jonathan Cook

Mary Tanner-Richter, Esq.

1.0 MCLE Professional Practice

1.0 CJE

This program has been approved for credit in New York State for all attorneys including those who are Newly Admitted (less than 24 months) and administered by the Onondaga County Bar Association.

Trooper Joseph K. Germano

Trooper, Drug Recognition Expert (DRE) Instructor, Drug Recognition Expert (DRE), Standardized Field Sobriety Test (SFST) Instructor, Breath Test Operator (BTO) Instructor, Speed Enforcement Instructor (Radar and Lidar), Emergency Vehicle Operation and Control (EVOC) Instructor

Technical Sergeant Jonathan D Cook

Technical Sergeant Jonathan David Cook is a six-year veteran of the New York State Police. He is currently assigned to Division Traffic Services where he is assigned as the Impaired Driving Program Coordinator. His responsibilities include programming, coordinating and instructing New York State Police Standardized Field Sobriety Test, Drug Recognition Expert, Advanced Roadside Impaired Driving Enforcement and drug awareness courses and trainings. In addition, he is responsible for managing grant funding for the entirety of his programming. He is an SFST Instructor and a DRE Instructor with a background in education, having worked as a high school teacher for eight years prior to his career in law enforcement. During his education career, he obtained a Bachelor's in English and Education from Colgate University, a Master's degree in Special Education and completed coursework for an advanced certificate in Educational Leadership from Stony Brook University. As a part of his DRE status and his position with the New York State Police, he regularly attends conferences and trainings to keep his knowledge current with regards to trends in his fields of study.

Mary Tanner-Richter


Mary Tanner-Richter has been an Assistant District Attorney in the Office of the Albany County District Attorney since February 2001, and is currently the Chief of the Vehicular Crimes Unit. She has specialized in the area of vehicular crimes prosecution since 2004 and was instrumental in creating the Albany County District Attorney's Vehicular Crimes Unit in 2008. Ms. Tanner-Richter has completed training in At Scene Motor Vehicle Collision Investigation, and is responsible for overseeing the prosecution of all felony alcohol/drug-related vehicular crimes, vehicular assaults and vehicular homicides in Albany County. She has participated in numerous trainings of various law enforcement officials and prosecutors across the State and has spoken on numerous occasions to high school parents and students, and college students. Additionally, Ms. Tanner-Richter has been involved in providing training to Bar and Tavern Owners throughout the Capital Region. Ms. Tanner-Richter is a member of the Albany District Attorney's Office DWI Advisory Board, the Albany County STOP-DWI Program, and currently sits on the NYS GTSC Taskforce on Impaired Driving Enforcement Team.

Ms. Tanner-Richter received a Bachelor of Arts Degree in Political Science from Nazareth College in Rochester, New York, in 1994, and received her JD from Albany Law School in 1998. Prior to coming to the Albany County District Attorney's Office, Ms. Tanner-Richter was an Associate at the Buffalo Law Firm of Jaeckle, Fleischmann, & Mugel, LLP., assigned to the Litigation Department, from 1998-2000.

Ms. Tanner-Richter is the recipient of the 2011 Recognition of Excellence Award presented by NYS STOP DWI, Mothers Against Drunk Driving, in conjunction with the New York State Governor's Traffic Safety Committee. Additionally, Albany County STOP DWI presented Mary with the [Daniel S. Dwyer Memorial Award](#) in December 2012 to honor her commitment to justice for victims of DWI crimes.

In 2015, Mary Tanner-Richter was named the National Traffic Safety Prosecutor of the Year by the National Association of Prosecutor Coordinators (NAPC). Read about this accomplishment [here.](#)

In 2018, Bureau Chief Tanner-Richter was named as one of two [Traffic Safety Resource Prosecutors](#) (TSRP) for the State of New York through the Governor's Traffic Safety Committee's Highway Safety Program. The program is grant funded by the Federal Highway Safety Program under the National Highway Traffic Safety Administration (NHTSA), and addresses roadway safety through education and trainings across the State of New York, as well as nationwide. As a TSRP, Ms. Tanner-Richter is working in conjunction with members of the Governor's Traffic Safety Committee, the National Highway Traffic Safety Administration (NHTSA) and the National Traffic Law Center of the American Prosecutors Research Institute to keep New York prosecutors and police officers apprised of the latest traffic safety issues affecting the entire country.

 **State
Police**

**NYS Magistrate's Association
Annual Conference 2019
The Drug Recognition Expert**

Trooper Joseph Germano
SP Latham IHP

July 16, 2019


**Drug Recognition Expert
(DRE) Certification Phases**


✓ DRE Pre-School
↓
DRE 7-Day School
↓
Field Certification

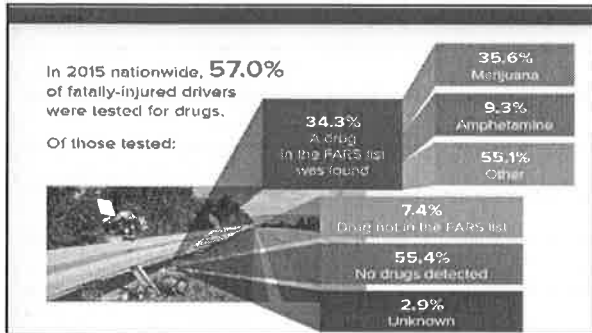
1-2



DRE Program Goal
Prevent crashes, deaths and injuries
caused by drug-impaired drivers









DEC Program

- Based on solid medical and scientific facts
- Laboratory and field research
- Elite international program
- Share information
- Maintain quality




The Definitions of a Drug

- Any chemical substance that influences body function.
- Any substance that, when taken into the human body, can impair the ability of the person to operate a vehicle safely.
- Any substance defined under section 3306 of the NYS Public Health Law.




LAPD and NHTSA

- Developed and validated SFSTs for alcohol-impaired driving
- By early 1980's NHTSA began to assist LAPD in validating DRE program




Reasons for Standardized Procedure


- Articulate suspicion of drug influence
- Subject may refuse testing
- Identify psychoactive impairment
- Reduce testing costs
- Identify need for medical intervention




Two Stages of Validation

Laboratory Validation 





- Johns Hopkins University


Field Validation Study 

- Los Angeles




Laboratory Validation Study

 Diazepam	 Secobarbital
 d-amphetamine	 Marijuana

3-10 


Laboratory Study Results

- DRE officers correctly identified 95% of drug-free subjects as "unimpaired"
- DRE officers classified 98.7% of high-dose subjects as "impaired"
- Correctly identified category of drugs for 91.7% of high-dose subjects

3-11 

Laboratory Study Results


- DRE officers were less successful in classifying low-dose subjects
 - 17.5% of d-amphetamine impaired
 - 32.5% of weak marijuana impaired

3-12 

**Field Validation Study
Los Angeles**

173 drivers arrested for DUI-Drugs


- None involved in crashes
- 28 DREs participated
- Excluded all cases where no blood sample obtained



**Field Validation Study
Los Angeles**

Blood tests confirmed:


- One suspect had no drugs or alcohol
- 10 had alcohol only
- 37 (21%) had one drug other than alcohol
- 82 (47%) had 2 drugs (including alcohol)
- 43 (25%) had 3 or more drugs (including alcohol)



**Field Validation Study
Los Angeles**


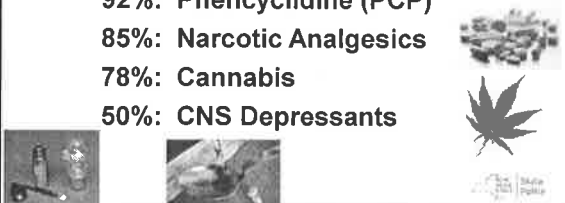


92.5





**Confirmation Rates
for Specific Categories**

- 92%: Phencyclidine (PCP)
- 85%: Narcotic Analgesics
- 78%: Cannabis
- 50%: CNS Depressants




**Confirmation Rates
for Specific Categories**

- 33%: CNS Stimulants



Reasons for Standardization

- Ensures no mistakes are made
- No steps are omitted
- Eliminates unreliable "indicators"
- Promotes professionalism
- Helps secure acceptance in court



Drug Influence Evaluation Steps

1. Breath alcohol test
2. The interview of the arresting officer
3. Preliminary examination
4. Examinations of the eyes
5. Divided attention tests
6. Examination of vital signs



Drug Influence Evaluation Steps


7. Dark room examinations
8. Examination of muscle tone
9. Examination for injection sites
10. Subject's statements observations
11. Opinion of Evaluator
12. Toxicological examination



1. Breath Alcohol Test




2. Interview of the Arresting Officer




State Police

3. Preliminary Examination



State Police

4. Examinations of the Eyes

Eye	Left Eye	Right Eye	Emergency
Color of Iris			
Appearance of Sclera			
Color of Mucosa			

State Police

5. Divided Attention Tests

4.26

New
 Date
 Police

6. Examination of Vital Signs

Pulse and Time

1. _____ / _____

2. _____ / _____

3. _____ / _____

Blood Pressure / Temperature

4.26

New
 Date
 Police

7. Dark Room Examinations


Pupil Size	Room Light	Darkness	Direct	Nasal Area
Left Eye				Oral Cavity
Right Eye				
Rebound Dilation		Reaction to Light		
Yes <input type="checkbox"/> No <input type="checkbox"/>				

4.27

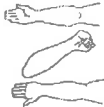

New
 Date
 Police


8. Examination of Muscle Tone

MUSCLETONE:	Normal <input type="checkbox"/>	Flaccid <input type="checkbox"/>	Rigid <input type="checkbox"/>
Comments:			




9. Examination for Injection Sites

RIGHT ARM	LEFT ARM
	
ATTACH PHOTOS OF FRESH PUNCTURE MARKS	





10. Subject's Statements and Other Observations



Name of Subject		Date		Officer's Name	
Room No.		Time		Location	
Type of Case		Nature of Offense		Remarks	
Signature of Subject		Signature of Officer		Signature of Supervisor	
Date		Time		Location	



11. Opinion of Evaluator



12. Toxicological



The DRE Matrix

