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Drivers on drugs climb back behind wheel

O.C. police agencies are short on officers who can detect drug impairment.

By **KIMBERLY EDDS**

The Orange County Register

FULLERTON – It was a sunny April afternoon when Amanda Strong tried black tar heroin for the first time. She was 23, her short hair pulled back in pigtails. A 47-year-old tattooed Fullerton Toker Town gang member named "Turtle" slipped it to her in a local park. Because she is afraid of needles, she smoked it.

Hours later, Strong and Michael "Turtle" Sausedo sat in a group of drug addicts, lined up along the walls of the Fullerton Police Station, waiting to be poked and prodded by police officers learning to become experts on how drugs affect the human body – and how to translate that expertise to combat America's drug problem.

Strong cried.

Under California law, driving under the influence

applies to far more than just alcohol. But being able to prove drivers are under the influence of either illegal or legal drugs – both against the law – can be an almost insurmountable challenge unless officers on the street know what to look for and prosecutors can find a certified drug recognition expert to testify to the impairment.

Just 2 percent of law enforcement officers in California – about 1,800 of the roughly 87,000 sworn personnel are certified drug recognition experts, recognized by the courts as experts who can testify about whether someone is under the influence of seven specific categories of drugs. In all of Orange County, there are 96. Many of the county's largest police agencies don't have a single one.

At the same time, drug-only and drug/alcohol DUIs continue to plague the criminal justice system and roads, leaving a costly path of death and destruction with few men and women trained to combat it. Drugs other than alcohol were found in 18 percent of drivers in nearly 2,000 fatal crashes, according to a 1991 study by the National Highway Transportation and Safety Administration. Driving under the influence of drugs is on the rise, and when coupled with alcohol, the results can be tragic.

What started out as a three-step evaluation process at the Los Angeles Police Department in the late 1970s has evolved into a worldwide program. The lack of DREs has drawn complaints from frustrated prosecutors across Orange County, said Senior Assistant District Attorney Mary Anne McCauley. Prosecutors cannot file cases they cannot prove beyond a reasonable doubt, and without the expert testimony of a DRE, proving someone is under the influence of drugs is next to impossible, said Deputy District Attorney Andrew Katz, who regularly uses DREs to prosecute his cases.

Out on the street, countless drivers impaired by

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drugs are allowed to continue on their way because the vast majority of officers are not trained to identify the symptoms of drugs, said Fullerton police Sgt. George Crum, a DRE instructor with more than a decade of experience.

Law enforcement officers are allowed to enroll in the two-week training program only after completing three days of training on field sobriety testing in addition to their drug training in the academy. After passing their final exams, DRE students are required to do 12 field certifications in at least four of the seven drug categories, all under the watchful eye of a DRE instructor. The experts must recertify every year, keeping track of their evaluations and success rates. Last month, 46 students went through the California Highway Patrol's most recent DRE school hosted by the Fullerton Police Department and are now working their way toward becoming full-fledged DREs.

Under the DRE system, the most commonly abused drugs are broken down into seven distinct categories according to how they affect the human body – symptoms that can not be controlled or mitigated. Using a 12-step process, DREs look at blood pressure, pulse, reaction to light and other telltale signs to distinguish categories of drugs.

"There could always be something else on board, but if you haven't had this training, you're not going to know what to look for," said Fullerton police officer Kenny Edgar, who is finishing the DRE training process. "If they're showing some symptoms, but they're blowing a 0.0 (for alcohol), you're going to tell them, 'OK go ahead, get back in the car,' even though they're all over the road."

In December, John East of San Dimas crashed into another car after running a red light in Fullerton and ended up in the hospital. A DRE evaluation said East was under the influence of six prescription drugs. Officers have submitted the case to prosecutors to

file charges.

"Normally, that is a person who would have just walked away," Crum said. "Now, he's going to be held responsible."

A DRE's evaluation is followed up by a blood test, which will eventually show which drugs were in the body. Because drugs affect the body differently depending on factors that include when it was taken, how and how much, only a DRE can testify in court about whether someone was under the influence of the drug or drugs.

"Rarely is an individual under the influence of just one substance," said DRE instructor and Fullerton police officer Eric Franke. "Usually, you find a combination."

Nationally, DREs average more than a 90 percent success rate in identifying the drug categories causing the impairment. DREs can also be used to medically rule people out from being under the influence of drugs, allowing officers to get people in diabetic shock or seizures the medical help they need, Crum said.

With limited number of DREs in Orange County, prosecutors rely heavily on the ones they do have. Crum and Franke are routinely called in to testify in cases that have no connection to their department, pulling them away from their own duties.

"The court is starting to recognize the importance of drug enforcement, but there aren't enough of us to go around," said Crum.

The main focus of DREs is to get impaired drivers off the road, but DREs are increasingly being used to testify in court on non-DUI cases. In December, Sheila Sikat, 28, of Rancho Santa Margarita was convicted of 55 counts of child molestation in the videotaped molestation of her 4-year-old niece.

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Franke's testimony based on reviewing the videotape rebutted Sikat's claims she was under the influence of drugs and wasn't a knowing participant. She was sentenced to 50 years in prison.

Cases against drivers for driving under the influence of marijuana are being filed and won with the help of DRE testimony.

"When these guys are testifying they come across that there is not a doubt in the world that these guys know their stuff inside and out," Katz said. "But unless the officer who pulls them over in the first place knows enough to do some basic tests and record that information, we're not going to be able to win that case."

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