



## **OREGON STATE POLICE OFFICERS' ASSOCIATION**

3905 River Road N  
Suite B  
Keizer, Oregon 97303  
(503) 393-6535 or  
1-800-503-2327  
FAX (503) 393-6542  
[www.ospoa.com](http://www.ospoa.com)

Date: March 5, 2015  
To: House Judiciary Committee  
Subject: *House Bill 2371*

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**Daryl Garrettson**  
Attorney at Law

The Oregon State Police Officers' Association strongly supports HB 2371.


For the offense of Driving While Under the Influence of Intoxicants (DUII) there is not a better tool than the Drug Recognition Expert (DRE). These specially trained men and women are tasked with determining if impairment exists whether it be alcohol, drugs, a combination of alcohol and drugs, or some other medical condition. Without question, the DUII process is a collaborative effort between patrol officers, DREs, and toxicologists. The ultimate goal of any criminal investigation is to present evidence to the trier of fact to make the ultimate decision of whether a person is impaired by intoxicants when they drove a car.

All over the country, this type of evidence is admitted into court regardless of whether all 12 steps are completed. In fact several states identify the 12-step DRE protocol as nonscientific evidence. For instance, Minnesota, Florida, Nevada, and Utah have all determined that the DRE protocols are not scientific.

With the passage of Measure 91, we will expect to see an increase in drugged driving cases, assuming we see the same trends that have occurred in Washington and Colorado. In Oregon, we are unique in that we take urine as the toxicology sample. Marijuana can be detected in the urine long after consumption and its presence in the urine does not necessarily mean impairment. It will be more important than ever to have the well trained DRE be able to present ALL the evidence they gather to the jury so that they can make an informed decision.

House Bill 2371 will discontinue the inconsistent courtroom application of partial drug evaluations and only allow consideration of the evidence when the officer is properly trained and the results of the tests or observations were recorded accurately. The evidence will then be used by all parties to prove ultimately if a person is or is not impaired.

Respectfully,

  
Michael S. Iwai, Vice President  
Oregon State Police Officers' Association