DRUG INFLUENCE EVALUATION

Evaluator	DRE #	Rolling Log #	Evaluator's Agency	Case # 17-90883
Sergeant Robert Hayes	6606	17-09-188	Albany Police Department	Session XXI #2

Recorder/Witness	Crash:	Arresting Officer's Agency
Lt. Michael Iwai, Oregon State Police	☐ None ☐ Fatal ☐ Injury ☒ Property	Oregon State Police

Arrestee's Name (Last, First, Middle)	Date of Birth	Sex	Race	Arresting Officer (Name, ID#)
Toker, Bud	2/21/1985	M	W	Trooper Donald Rummer #17144

Date Examined / Time /Location	Breath Test:	Chemical Test:
09/21/17 / 2014 / Linn County Jail	Results: 0.00% Test Refused ☐ Instrument #: 66454	Urine ☒ Blood ☐ Oral Fluid ☐ Test or tests refused ☐

Miranda Warning Given	What have you eaten today?	When?	What have you been drinking?	How much?	Time of last drink?
Given by: Trooper Rummer ☒ Yes ☐ No	"Couple of burgers"	5 pm	Coke	2 cans	N/A

Time now/ Actual	When did you last sleep?	How long?	Are you sick or injured?	Are you diabetic or epileptic?
About 6 pm/ 1950	Last night	About 7 – 8 hours	☐ Yes ☒ No	☐ Yes ☒ No

Do you take insulin?	Do you have any physical defects?	Are you under the care of a doctor or dentist?
☐ Yes ☒ No	☐ Yes ☒ No	☐ Yes ☒ No

Are you taking any medication or drugs?	Attitude:	Coordination:
☒ Yes ☐ No "I smoke pot"	Cooperative, Carefree	Slow, Swaying, Unsteady

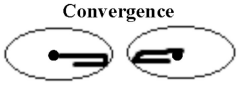
Speech:	Breath odor:	Face:
Slow, Thick	Marijuana	Normal appearance

Corrective Lenses:	Eyes:	Blindness:	Tracking:
☒ None ☐ Glasses ☐ Contacts, if so ☐ Hard ☐ Soft	☐ Normal ☒ Bloodshot ☒ Watery	☒ None ☐ Left ☐ Right	☒ Equal ☐ Unequal

Pupil Size:	Resting Nystagmus	Vertical Nystagmus	Able to follow stimulus	Eyelids
☒ Equal ☐ Unequal (explain)	☐ Yes ☒ No	☐ Yes ☒ No	☒ Yes ☐ No	☐ Normal ☒ Droopy

Pulse and Time	HGN	Left Eye	Right Eye
1. 94 / 1955	Lack of Smooth Pursuit	None	None
2. 92 / 2008	Maximum Deviation	None	None
3. 92 / 2225	Angle of Onset	None	None

Convergence



Right eye Left eye

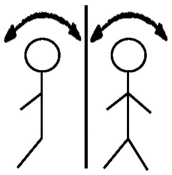
28/30 **One Leg Stand** 24/30

L	R	
✓	✓	Sways while balancing
✓	✓	Uses arms to balance
		Hopping
✓	✓	Puts foot down

Leg tremors

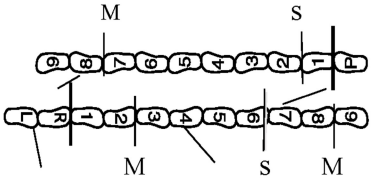
Modified Romberg Balance

Approx 3" Approx 3" 3" 3"



Circular sway, Eyelid tremors

Walk and Turn Test

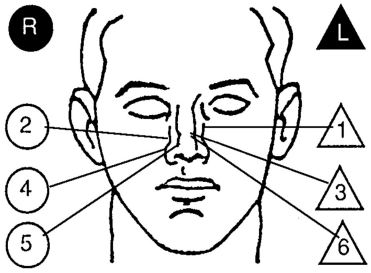


Leg tremors throughout. Walked slow

	1st Nine	2nd Nine
Cannot keep balance	✓	
Starts too soon		
Stops walking	✓	✓
Misses heel-toe	✓✓	✓
Steps off line	✓	✓
Raises arms		
Actual steps taken	9	9

Time Estimation	Describe turn	Cannot do test (explain)	Type of footwear:
18 estimated as 30 seconds	Slow steps. As instructed.	N/A	Lace-up boots

Finger to Nose
(Draw lines to spots touched)



Eyelid tremors

PUPIL SIZE	Room light	Darkness (5.0 – 8.5)	Direct (2.0 – 4.5)
Left Eye	6.5	9.0	6.0 – 7.5
Right Eye	6.5	9.0	6.0 – 7.5

Rebound Dilation: ☒ Yes ☐ No

Nasal area: Clear

Oral cavity: Green coating on tongue. Dry mouth.

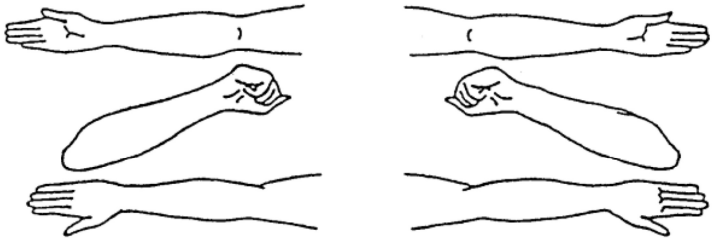
Reaction to Light: Normal

Blood Pressure	Temperature
168 / 100	98.4 °F

Muscle Tone: ☒ Normal ☐ Flaccid ☐ Rigid

Comments:

RIGHT ARM **LEFT ARM**



Nothing observed

What drugs or medications have you been using?	How much?	Time of use?	Where were the drugs used? (Location)
"I smoke pot. I'm not going to lie to you."	"A pretty good sized bowl"	"About 6 pm"	"South of Salem in my car"

Date / Time of arrest:	Time DRE was notified:	Evaluation start time:	Evaluation completion time:	
06/18/17 /	2110	2130	2225	☐ Subject refused entire evaluation ☐ Subject stopped participating during evaluation

Officer's Signature:	Reviewed/approved by / date:	DRE #6606
Robert Hayes		

Opinion of Evaluator: ☐ Not Impaired ☐ Alcohol ☐ CNS Stimulant ☐ Dissociative Anesthetic ☐ Inhalant ☐ Medical ☐ CNS Depressant ☐ Hallucinogen ☐ Narcotic Analgesic ☒ Cannabis

DRUG INFLUENCE EVALUATION NARRATIVE

Suspect: Toker Bud

1. **Location:** The drug evaluation was conducted in the booking area at the Linn County Jail in Albany, Oregon. The darkroom examinations were conducted in the staff restroom. Both areas have adequate lighting for conducting a drug evaluation and both have a smooth concrete floor.

2. **Witnesses:** The evaluation was witnessed and recorded by Lieutenant Michael Iwai of the Oregon State Police. The arresting officer, Trooper Donald Rummer of the Oregon State Police witnessed the psychophysical tests.

3. **Breath Alcohol Concentration:** Trooper Rummer administered the breath test to the suspect prior to my arrival. Using the Intoxilyzer 9000, he obtained a 0.00% BAC.

4. **Notification and Interview of the Arresting Officer**: I was on-duty and requested to contact Trooper Rummer at the Linn County Jail for a drug evaluation. It was determined that the suspect had been reported as a possible DUI driver, and was unable to maintain a single lane of travel on I-5. Trooper Rummer advised that he located the suspect's vehicle at MP 142 on I-5. The vehicle was drifting in and out of the outside lane of I-5 and at times, crossed over the painted fog line. After stopping the suspect's vehicle, he noted that the suspect appeared relaxed and seemed unconcerned about being stopped. Trooper Rummer also noted that the suspect had difficultly retrieving his operator's license, vehicle registration and proof of insurance. According to Trooper Rummer, the suspect had red, bloodshot eyes, and his pupils appeared to be dilated. He also had difficulty with his balance and used the side of his vehicle for support when he exited the vehicle. After determining that the suspect was not injured and had no physical problems, he administered SFSTs. According to Trooper Rummer, the suspect had difficulty performing and completing the SFSTs as directed. Clues of Horizontal Gaze Nystagmus (HGN) were not observed. However, four clues on the Walk and Turn (W&T) test and two clues on the One Leg Stand (OLS) test were observed. Trooper Rummer also had the suspect complete several other tests which also demonstrated poor balance and coordination. Trooper Rummer arrested the suspect for DUI and transported him to the jail for processing. After obtaining a 0.00 BAC, Trooper Rummer requested the assistance of a DRE.

5. **Initial Observation of the Suspect:** I first observed the suspect in the booking area at the County Jail. He appeared to be calm, relaxed and carefree acting. His eyes were red, bloodshot and watery. His pupils appeared to be dilated. When he stood, his movements were slow and deliberate. Several times he used the interview table to steady himself. I noted that the suspect was wearing brown shorts, a black Bob Marley tee-shirt and lace-up black boots. He was also wearing a ballcap with the words "Green Leaf Dispensary" on the front. I introduced myself and advised that I had been requested to conduct a drug influence evaluation. The suspect seemed unconcerned and said, "Sure, whatever."

6. **Medical Problems and Treatment:** The suspect indicated that he was not sick, injured and had no conditions that would interfere with his ability to do the evaluation. He told me he was not under the care of a doctor or dentist. When asked if he was taking any medication or drugs, he replied "I smoke pot. I'm not going to lie." He further related that he was not taking any other medication or drugs and had not been consuming any alcoholic beverages.

7. **Psychophysical Indicators of Impairment:** Prior to administering the psychophysical tests, I gave the suspect verbal instructions and demonstrated each test. I confirmed with the suspect that he understood the instructions prior to having him attempt each test. The following psychophysical tests were administered to the suspect:

Modified Romberg Balance: During this test, the subject had an approximate three-inch circular sway. His time estimation was fast, estimating 30 seconds in 18 seconds. I asked how he estimated the 30 seconds and he stated he "counted in his head." Eyelid tremors were present during the test.

Walk and Turn: For this test, a painted line of the floor was used. The suspect lost his balance once during the instructions and stepped out of position with his right foot. After starting the walking stage, the suspect missed heel to toe between steps two and three. He stepped off the line, to his right, on step four. He stopped walking between steps six and seven, and then stepped off the line to his left on step seven. He also missed touching heel to toe between steps eight and nine. He made a slow, but correct turn. During the second nine steps, the suspect stopped after step one to steady himself. He missed heel to toe between steps seven and eight and stepped off the line to his left on step eight. Leg tremors were observed throughout the test along with a slow, deliberate walk.

One Leg Stand: While standing on his left foot and raising his right foot, the suspect swayed, used his arms to balance, and put his foot down at the count of 1,016. He counted to 1,024 in the 30 second time-period. While standing on his right foot and raising his left foot, he swayed, used his arms to balance, and put his foot down at the count of 1,019. Leg tremors were present during the test.

Finger to Nose: During this test, the suspect missed the tip of his nose with the tip of his index finger on all six attempts. On attempt #1 he touched the bridge of his nose. On attempt #2, he touched the side of his nose. On attempt #3 he again touched his upper nose. He touched the outside of his right nostril on attempt #4. On attempt #5, he touched the outside edge of his right nostril, and on attempt #6, he touched his upper nose area. Eyelid tremors were present during the test.

8. **Clinical Indicators of Impairment:**

   Eye Signs: The suspect had watery, red, bloodshot eyes. A lack of convergence was observed. His pupils were dilated in all three lighting levels estimated at 6.5 mm in both eyes in Room Light, 9.0 mm in both eyes in Near Total Darkness. He had Rebound Dilation in Direct Light, with his pupils dilating from 6.0 mm to 7.5 mm in both eyes. His pupil reaction to light was normal.

   Vital Signs: The suspect's pulse rates where checked three times and were 94 beats per minute (bpm), 92 bpm, and 92 bpm. All were above the DRE average ranges. His blood pressure of 168/100 mm Hg was above the DRE average ranges. His body temperature of 98.4 degrees was within DRE average ranges. His muscle tone was normal.

9. **Signs of Ingestion:** The suspect had a greenish coating on his tongue. When asked about it, the suspect stated it was "Probably from the pot I smoked." No injection indicators were observed.

10. **Suspect's Statements:** The suspect admitted smoking marijuana about 6 pm. When asked how much he had smoked, he stated, "It was a good-sized bowl." When asked if he felt the effects of the marijuana, he said, "Well, it relaxed me. I've been driving most of the day."

11. **DRE's Opinion**: It is my opinion as a certified Drug Recognition Expert that Toker is under the influence of Cannabis and is unable to operate a vehicle safely.

12. **Toxicological Sample:** A urine sample was collected from the suspect by Trooper Rummer and will be forwarded to the Oregon State Police Crime Laboratory for analysis.

13. **Miscellaneous**: The suspect was found to be driving while suspended from a previous DUI arrest. He was cited for DWS. Refer to Trooper Rummer's arrest report for additional information.