

### Drug Recognition Expert Testimony:

Evidence presented by a specially trained police officer who administers an established 12-step protocol developed to determine whether one is under the influence of drugs. Includes observations and interviews; SFSTs –divided attention tests; simple eye exams; blood pressure, vital signs, and blood tests.

Information about DREs from the International Association of Chiefs of Police (IACP):

<https://www.theiacp.org/drug-recognition-experts-dres>

### Seven Drug Categories:

- CNS Depressants
- CNS Stimulants
- Hallucinogens
- Dissociative Anesthetics
- Narcotic Analgesics
- Inhalants
- Cannabis

### Cases that have controlled admissibility of DRE evidence nationally:

The ***Frye standard***, ***Frye test***, or **general acceptance test** is a test used in United States courts to determine the admissibility of scientific evidence. It provides that expert opinion based on a scientific technique is admissible only when the technique is generally accepted as reliable in the relevant scientific community. *Frye v. United States*, 293 F. 1013 (D.C.Cir. 1923)

In *Daubert v. Merrell Dow Pharmaceuticals*, 509 U.S. 579 (1993), the United States Supreme Court held that the Federal Rules of Evidence superseded *Frye* as the standard for admissibility of expert evidence in federal courts. Judges perform a “gatekeeping” function and must satisfy themselves that scientific evidence meets a certain standard of reliability. However, some states, like New York, still adhere to the *Frye* standard.

Additional cases: <http://home.trafficresourcecenter.org/Impaired-Driving/DRE-Testimony.aspx>

### New York State:

New York State Drug Evaluation Classification (DEC) Program:

<http://www.safeny.ny.gov/DRE/default.htm>

DRE Program Forms & Links:

<http://www.safeny.ny.gov/DRE/dre-web/forms-dre.htm>

*An Analysis of the Frye Standard To Determine the Admissibility of Expert Trial Testimony in New York State Courts* by Lauren Aguiar and Sara DiLeo:

<http://www.nysba.org/WorkArea/DownloadAsset.aspx?id=72206>