

**DEPARTMENT TRAFFIC COORDINATOR
COUNTER-TERRORISM AND SPECIAL OPERATIONS BUREAU**

NOTICE
16.2

August 14, 2013

TO: All Commanding Officers

FROM: Department Traffic Coordinator, Counter-Terrorism and Special Operations Bureau

SUBJECT: REQUEST FOR RE-EXAMINATION OF DRIVERS WHO USE NARCOTICS


In 1990, the State of California implemented the immediate driver license suspension law for alcohol impaired drivers, commonly referred to as an Administrative Per Se (APS) or "on-the-spot" license suspension law. The California APS law requires the Department of Motor Vehicles (DMV) to suspend or revoke the driving privilege of a person who has been arrested for driving with a blood alcohol concentration (BAC) of .08% or more or refuses a chemical test upon arrest. Unfortunately, the APS law does not include arrests for those individuals driving under the influence of drugs (DUID). However, the California Vehicle Code does authorize the DMV to investigate and re-examine an individual's ability to operate a motor vehicle safely due to a physical or mental condition.


The purpose of this Notice is to provide guidance when an officer becomes aware of a licensed California driver who is observed driving and claims to have a medical condition that requires the use of narcotics, such as marijuana. When an individual claims a medical condition that requires the use of a narcotic(s), a Request for Re-Examination, DMV Form DS 427, should be completed and mailed to the DMV. In the narrative, officers shall include any narcotic-related conviction(s) in the subject's criminal history, since DMV cannot conduct criminal history inquiries. The priority re-examination box should generally not be checked in these instances.

When an individual has been arrested for DUID, a Request for Re-Examination, DMV Form DS 427, shall be completed and mailed to DMV with a copy of any related report(s). In these instances, officers should generally not check the priority re-examination box, and include any narcotic-related conviction(s) in their criminal history. A DMV Admin Per Se, Form DS 367, shall not be completed for DUID arrests. Until further legislation is enacted, this is the only method available to ensure narcotic users who possess a driver license are safe to operate a motor vehicle.

If you have any questions regarding this Notice, please contact Traffic Coordination Section, Emergency Operations Division, at (213) 486-0690.

APPROVED:


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