



Open Up and Say Ahh...
**The Use of Oral Fluid Testing to Combat
Drug-Impaired Driving**

Traditional impaired driving enforcement

- **DUI is the *ONLY* crime where the investigation stops after obtaining a minimum amount of evidence.**
- Current protocols prevent drug testing once a suspect registers an illegal BAC.
- Implications:
 - » Hinders the ability to measure the true magnitude of the drug-impaired driving problem.
 - » Many DUI arrests are inaccurately attributed to alcohol alone.



The challenge of polysubstance use



1+1=3



Why does it matter?

- If we fail to identify polysubstance-impaired drivers, they are unlikely to be sentenced, supervised, or treated appropriately.
- It is not surprising that they come back into the system multiple times.

Officers need more tools

- Not all officers receive specialized training.
- Availability of DREs is limited.
- Polysubstance impaired driving is becoming increasingly common.
- Drugs metabolize quickly.
- Warrants take time.



Oral fluid technology



An assessment of oral fluid drug screening devices

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Comparing Drug Detection in Oral Fluid and Blood: Data From a National Sample of Nighttime Drivers

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J Anal Toxicol. 2017 Jul 1;41(6):523-529. doi: 10.1093/jat/bkx051.

Drugged Driving in Wisconsin: Oral Fluid Versus Blood

Edwards LD¹, Smith KL¹, Savage T¹.

Detection and Prevalence of Drug Use in Arrested Drivers Using the Dräger Drug Test 5000 and Affiniton DrugWipe Oral Fluid Drug Screening Devices

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How the technology works

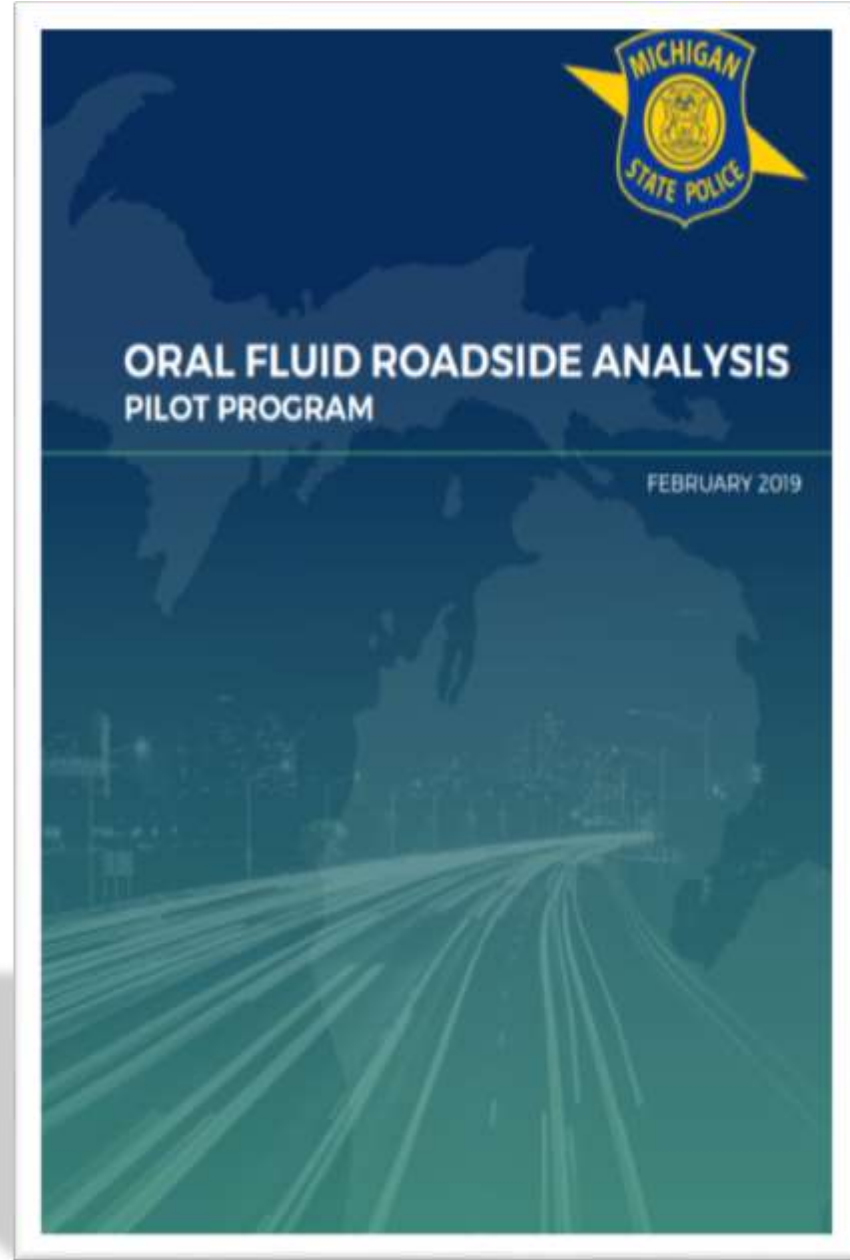


Drug classes and cutoff levels

Drug class	DDT 5000®	DDS2®
Cannabinoids (THC)	5	25
Amphetamines	50	50
Methamphetamines	35	50
Cocaine	20	30
Benzodiazepines	15	20
Opiates	20	40
Methadone	20	-*

Michigan's Oral Fluid Pilot

- Public Act 243 became effective in 2016.
- Authorized the Michigan State Police to establish a one-year pilot in 5 counties:
 - Limited use of devices to DREs.
 - Authorized an officer to make an arrest based on the results of a preliminary oral fluid analysis.
 - Established that a person who refuses to submit to the preliminary oral fluid test incurs a civil infraction.
- Report to legislature released in early 2019; favorable results.
- Pilot has been expanded to 50 counties.





Other important
resources



Public Safety
Canada

Sécurité publique
Canada

Canada

BUILDING A SAFE AND RESILIENT CANADA



Public Safety Canada
Royal Canadian Mounted Police
Canadian Council of Motor Transport Administrators

**Final Report on the Oral Fluid Drug
Screening Device Pilot Project**





Oral fluid policy considerations

- **Implied consent statute – broad enough?**
- **Who gets tested (i.e., what will the testing protocol be)?**
 - Drivers who register a low BAC or no BAC level only
 - Drivers with a BAC above .08
- **When/where is testing done?**
 - At roadside, at the station, both?
 - Prior to or post DRE evaluation (if available)?
- **Who performs the test?**
 - Any law enforcement officer with device training
 - DREs only
- **Resources and training?**

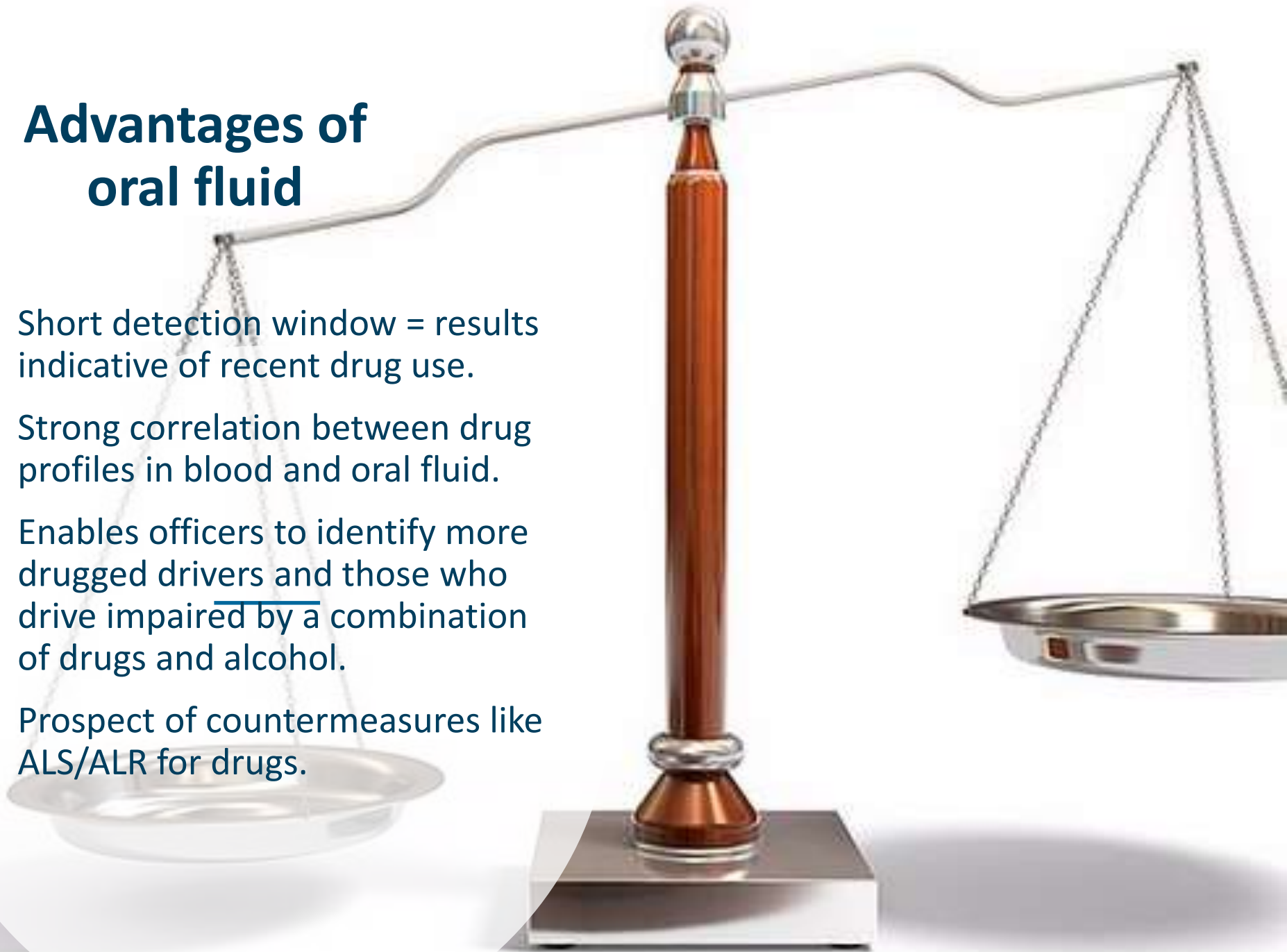


Advantages of oral fluid

- Minimally invasive and easy to use.
- Quick results.
- Tests for most common classes of drugs.
- Eliminates need for a collection facility or same sex observation.
- Lower likelihood of contaminated.
- Test performed close to time of driving which allows for detection of rapidly metabolized drugs.

Advantages of oral fluid

- Short detection window = results indicative of recent drug use.
- Strong correlation between drug profiles in blood and oral fluid.
- Enables officers to identify more drugged drivers and those who drive impaired by a combination of drugs and alcohol.
- Prospect of countermeasures like ALS/ALR for drugs.





4th Amendment issues?



Will not catch everyone but casts a wide net...

Oral fluid is not a silver bullet

- **Oral fluid results in and of themselves CANNOT determine whether a driver is impaired.**
- The best use of oral fluid is as a corroborative test for drug ingestion in situations where a trained officer has observed signs and symptoms of impairment.
- Officers must rely on observations and information obtained from SFSTs, ARIDE training, or DRE evaluations when making determinations about impairment. A positive result can assist in confirming suspicions.
- **Oral fluid is another investigative tool!**





QUESTIONS?

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