

Driving Under the Influence of Drugs (DUID)

Oral Fluid as a Test Specimen for Roadside Studies: Guidelines for Implementing a Data Collection Program

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Introduction

In terms of specimen collection from drivers in traffic safety situations, blood has been considered the “gold standard” for many years for confirmation of the presence of alcohol and/or drugs. Oral fluid testing has several advantages for DUID cases including:

- Rapid roadside collection and on-site analysis
- Easy collection of confirmation specimen
- Detects recent drug use - specimen collected proximate to the incident
- No medical personnel required for oral fluid collection
- Major drug classes included in roadside test
- Portable, robust test systems

The following guidelines are intended for Drug Recognition Experts (DRE) and Police Officers, and other stakeholders, who are interested in the implementation of a project based on an oral fluid testing protocol within their DUID program.

Statement of Purpose

These guidelines are intended for use in data collection projects regarding the utility of oral fluid in DUID situations. Preliminary tests should not be considered as evidentiary. The guidelines are offered as a framework for the collection of information regarding drug use in drivers.

Objectives

1. To collect information on drug intake from stopped drivers
2. To identify drivers under the influence of drugs in a more efficient and effective manner
3. To use the information to potentially aid prosecution of DUID offenders, if allowable
4. If necessary, to provide data to assist in changing the law to include the analysis of oral fluid as a viable specimen for DUID cases, or to provide data to implement the use of oral fluid
5. To deter drug intake prior to driving by demonstrating reliable drug detection

Any implementation of a test program requires co-operation from key stakeholders, for example:

1. Law Enforcement Agency Heads
2. DRE /DUID officers, traffic safety officers
3. District or City attorneys
4. State Highway Safety Office
5. Collection device and instrument providers
6. State or local toxicology testing laboratory personnel
7. Reference laboratory toxicologists / Consultant toxicologists

Program Management

- A. Organize a training meeting to cover project protocols (4 – 6 hrs):
 - a. Oral fluid collection (screening and confirmation)
 - b. On-site test training and operation of devices
 - i. Instrumented devices will print and/or retain result
 - ii. Non-instrumented (i.e. visually read) devices must have a mechanism by which the result can be retained (e.g. photograph)
 - c. Requisition forms and paperwork for requesting confirmation tests
 - d. Protocol for collection and submission of evidential specimen(s) (e.g. blood) to appropriate laboratory
- B. Ensure all stake holders are present (DRE officers; Legal representatives; State Highway Safety personnel; Device manufacturers; State and Consultant toxicologists etc.)
- C. Ensure personnel understand the legal aspects of the project as well as specimen testing and collection
- D. Ensure contact information is available for all key stakeholders
- E. Identify individual in charge of collating results from the field and laboratory
- F. Discuss and decide how results from the on-site test and subsequent confirmatory procedure will be retained and analyzed
- G. Discuss and decide on dissemination of results and how data can be utilized to achieve objectives
- H. Schedule a final meeting to discuss with stakeholders study results
 - a. Decide whether the performance of oral fluid test devices warrants further expansion of the program; or whether the performance is not adequate for further evaluation

Oral Fluid Program Protocol

- a. Driver is stopped by police officer
- b. Standard procedures followed for alcohol testing
- c. If a DRE is available, the DRE evaluation is performed and the opinion is documented
- d. Consent statement is explained and provided to subject (Appendix 1)
- e. Officer collects oral fluid sample for the on-site test
 - i. Officer completes necessary paperwork/documentation
 - ii. Officer performs test (5 – 8 min)
- f. Confirmation sample is collected
 - i. Officer completes necessary paperwork/documentation (chain-of – custody/requisition form)
 - ii. Sample is properly stored and placed in Fed Ex envelope with paperwork
 - iii. Fed Ex envelope shipped to confirmation laboratory
- g. Blood (or other confirmatory specimen according to local protocol) is taken and submitted to laboratory, labeled as directed by the Laboratory**

Appendix 1.

CONSENT FORM: DUID ORAL FLUID STUDY

The _____ Police Department's Impaired Driving Task Force / Traffic Safety Squad is participating in a research study that will examine the prevalence and/or effects of drugs on impaired drivers.

You are being asked to participate in this study. PARTICIPATION IS ENTIRELY VOLUNTARY. Your participation will neither help nor hurt you with your case. If you decide to participate, you will be asked to provide two oral fluid samples.

THE RESULTS OF THESE TESTS WILL NOT BE USED AGAINST YOU IN A COURT OF LAW AND ARE BEING COLLECTED ENTIRELY FOR EMPIRICAL DATA FOR A RESEARCH STUDY.

_____ YES - I hereby consent to and authorize the collection of two oral fluid samples from me for analysis and use in a research study described above.

_____ NO - I do not wish to participate in this study.

If you agree to participate, you must read and acknowledge the information below by completing the required fields:

I indemnify and hold the researchers conducting this study and _____ its employees, agents and servants harmless for all liability, loss or damage due to my participation in this voluntary research study from any and all acts, including negligent acts or omissions of any officer, employee, agent of _____.

I further agree to waive all rights and claims for damages, legal or equitable, arising out of any negligent act or omission by any officer, employee, agent or servant of _____ and the researchers resulting directly or indirectly from my participation in this study.

Participant's Name

Witness Signature Date

Participant's Signature