2025-01

THE NATIONAL SHERIFFS' ASSOCIATION SUPPORTS ROADSIDE PRELIMINARY ORAL FLUID TESTING BY PEACE OFFICERS TO DETECT THE RECENT USE OF DRUGS AND TO ESTABLISH PROBABLE CAUSE FOR ARREST

WHEREAS, the National Sheriffs' Association (NSA) is dedicated to promoting and protecting the safety and security of the communities we serve; and

WHEREAS, roadway and public safety is adversely impacted by drivers operating motor vehicles on the nation's roadways while impaired by drugs; and

WHEREAS, an analysis of impaired driving laws indicates there is a lack of uniformity or consistency in how jurisdictions/political subdivisions deal with drugged drivers[1]; and

WHEREAS, there is a need for national leadership in the U.S. to encourage jurisdictions to modify their laws to be more effective when dealing with impairing substances and/or drugs; and

WHEREAS, incidents of impaired driving involving impairing drugs combined with alcohol are up to 200 times and more likely to cause a crash,[2] and should therefore, result in additional sanctions; and

WHEREAS, an alarming number of drivers report driving under the influence of drugs, alcohol, or a combination thereof (over 30 million in the 2018 National Survey on Drug Use and Health); and

WHEREAS, drugged driving and drug-related crashes, deaths, and injuries continue to occur at an alarming rate; and

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[1] National Highway Traffic Safety Administration. (2024, April). Drug-impaired driving data collection: Report to Congress (Report No. DOT HS 813 574 https://rosap.ntl.bts.gov/view/dot/74245

[2] Lacey, J. H., Kelley-Baker, T., Berning, A., Romano, E., Ramirez, A., Yao, J., & Compton, R. (2016, December). Drug and alcohol crash risk: A case-control study (Report No. DOT HS 812 355). Washington, DC: National Highway Traffic Safety Administration.
https://www.nhtsa.gov/sites/nhtsa.gov/files/documents/812355_drugalcoholcrashrisk.pdf

WHEREAS, the use of drugs other than alcohol and in combination with alcohol is also widespread. In 2022, about 25% of the population in the United States (70.3 million people) aged 12 or older reported the use of illicit drugs in the past year on the National Survey on Drug Use and Health (NSDUH);[3] and

WHEREAS, the National Highway Traffic Safety Administration (NHTSA) estimates 40,990 people died in motor vehicle crashes in 2023;[4] and

WHEREAS, NHTSA's study of trauma centers in a 2022 report, showed 56% of drivers involved in serious injury and fatal crashes tested positive for at least one drug and nearly 20% tested positive for two or more drugs;[5] and

WHEREAS, the National Transportation Safety Board (NTSB) found that oral fluid is a valuable but underutilized biological specimen for the detection of drug use by drivers and can support the enforcement of impaired driving laws;[6] and

WHEREAS, impaired driving data should differentiate between drugged driving and alcohol-impaired driving to better understand the impact of drugged driving;[7] and

WHEREAS, increases in drug and multi-substance impaired driving call for expanded roadside oral fluid screening for drugs; and

WHEREAS, oral fluid roadside screening technology has been developed to provide law enforcement officers with a rapid, non-invasive, and reliable means of detecting recent drug use by drivers; and

WHEREAS, oral fluid test devices screen for specific drugs or drug classes that represent the largest representation of drugs among impaired drivers (cannabis, cocaine, methamphetamine, amphetamine, opioids, and benzodiazepines); and

WHEREAS, the implementation of oral fluid roadside screening can act as a deterrent to drug-impaired driving, thereby contributing to overall road safety and reducing the burden on the judicial system by providing immediate preliminary evidence of drug use; and

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[3] Center for Behavioral Health Statistics and Quality. (2023, November). The 2022 National Survey on Drug Use and Health. SAMHSA. https://www.samhsa.gov/data/sites/default/files/reports/rpt42731/2022-nsduh-nnr.pdf

[4] National Center for Statistics and Analysis. (2024, April). Early estimate of motor vehicle traffic fatalities in 2023 (Crash•Stats Brief Statistical Summary. Report No. DOT HS 813 561). National Highway Traffic Safety Administration. https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813561

[5] Office of Behavioral Safety Research. (2021, June). Update to special reports on traffic safety during the COVID-19 public health emergency: Fourth quarter data (Report No. DOT HS 813 135). National Highway Traffic Safety Administration. Https://rosap.ntl.bts.gov/view/dot/56125

[6] NTSB (December 2022). Safety Research Report SRR-22-02: *Alcohol, Other Drug, and Multiple Drug Use Among Drivers* (https://www.ntsb.gov/safety/safety-studies/Documents/SRR2202.pdf

[7] National Highway Traffic Safety Administration. (2024, April). Drug-impaired driving data collection: Report to Congress (Report No. DOT HS 813 574). https://rosap.ntl.bts.gov/view/dot/74245

WHEREAS, oral fluid screening devices are preliminary screening tests that can be utilized after the officer has completed the Standard Field Sobriety Tests to help establish probable cause in combination with other evidence; and

WHEREAS, states continue to offer advanced training to officers in drug impairment detection, oral fluid screening can aid in identifying drivers who may have recently consumed drugs and would otherwise escape detection; and

WHEREAS, oral fluid screening having demonstrated accuracy, sensitivity, and specificity as evaluated by multiple state forensic laboratories,[8] offers the following advantages: recent drug use (within 24 hours), gender-neutral and minimally invasive collection, quick identification of drug and multi-substance positive drivers, and provides information that can enhance probable cause for search warrant application and court processes where admissible;

NOW, THEREFORE, BE IT RESOLVED, the NSA strongly supports law enforcement efforts to reduce traffic crashes and fatalities by engaging in proactive traffic enforcement activities;

BE IT FURTHER RESOLVED, the NSA supports public education on roadside oral fluid screening to maximize deterrence of impaired driving;

BE IT FURTHER RESOLVED, the NSA supports law enforcement's use of oral fluid roadside screening as an established technology to quickly identify a driver's recent drug use and help establish probable cause in impaired driving cases;

BE IT FURTHER RESOLVED, the NSA supports roadside oral fluid technology that will help identify drug-impaired individuals, which then can inform arrest, sentencing, supervision, and treatment decisions that take drug use into account.

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[8] Harper CE, Hudson JS, Tidwell K, Boswell R, Yong HL, Maxwell AJ. Implementation of the first comprehensive state oral fluid drug testing program for roadside screening and laboratory testing in DUID cases-A 5-year review. J Anal Toxicol. 2023 Nov 1;47(8):694-702. doi: 10.1093/jat/bkad051. PMID: 37526020. https://pubmed.ncbi.nlm.nih.gov/37526020

Savage T, Sanders T, Pieters R, Miles A, Barkholtz H. Suitability of SoToxa® Oral Fluid Screening Over Time: Re-Examination of Drugged Driving in Wisconsin. J Anal Toxicol. 2022 Oct 14;46(8):825-834. doi: 10.1093/jat/bkac047. PMID: 35767245. https://pubmed.ncbi.nlm.nih.gov/35767245