



**State
Police**

Oral Fluid Roadside Screening Guidelines

Title 2

October 25, 2023

Important Reminders:

- Time is critical
- **Evidential testing not a replacement for documenting:**
 - Observed behaviors
 - Signs of impairment
- **Roadside screening has limitations:**
 - Number of drugs is limited
 - If impairment is evident and screening is negative, consult a DRE
- **This is a guideline and may vary based on:**
 - Case specific events
 - Officer training
 - Agency protocols
- **Follow the DWI Detection Process:**

Phase 1

- Task 1 – Observe vehicle in operation
 - Decision to stop car
- Task 2 – Observe stopping sequence

Phase 2

- **Task 1 – Observe and interview the driver**
 - **Possibly ask to exit**
 - **Additional tests?**
- **Task 2 – Observation of exit**

Phase 3

- Task 1 – SFSTs
 - HGN
 - Walk and Turn
 - One Leg Stand
 - Other FSTs
 - FTN, LOC, MR

Phase 3 cont'd...

- **Task 2 – Preliminary Field Tests**
 - **PBT**
 - **Roadside Oral Fluid**
 - **If non-DRE, consider prior to DRE contact**
 - **If DRE, conduct themselves**

Phase 3 cont'd...

- Task 2 cont'd...
 - Decision to call DRE
 - Decision made per agency protocols
 - Every attempt to call DRE

Toxicology

- **Collect evidential sample for toxicology**
 - **Obtain a blood sample ASAP**
 - **Consider Oral Fluid sample**

Roadside Oral Fluid Questionnaire Results

- **130 Total Responses from:**
 - **45 Counties (4 currently using instruments)**
- **How many agencies would participate if instrument provided?**
 - **121**
- **Biggest challenges to a roadside oral fluid program?**
 - **77 – lack of information about instruments and how to use them**
 - **45 – too expensive**
- **Would maintenance cause issues for your agency?**
 - **29 – yes**
 - **93 – no**
- **Majority stated they would prefer an instruction card be provided**
- **Lack of authorization under 1194(1)(b)?**
 - **63 – would be a stumbling block**
 - **56 – would not be a stumbling block**

Potential Solutions

- **Too Expensive**
 - **Grant funding may possibly be available for the 2025 grant year from:**
 - **GTSC**
 - **OCM**
 - **Or, during the 2024 grant year if already written into proposals**

Potential Solutions

- **Lack of information**
 - **Covered at the beginning of this section**
 - **Training videos available through manufacturers**
 - **Please reach out to the NYS Oral Fluid Committee if additional questions**

Potential Solutions

- **Maintenance issues**
 - **Instruments are proving to be rugged**
 - **Annual maintenance requirements may be removed (ex: Intox)**
 - **Maintenance only required if instrument is malfunctioning (not common)**

Potential Solutions

- **Lack of authorization under 1194(1)(b)**
 - **Roadside is voluntary only at this time**
 - **Refusal possible, especially given all of the other tests requested**
 - **Pilot studies have not showed high rate of refusal**
 - **Remember to use your verbal judo!**

Conclusion

- Provides another tool in a patrol officer's toolbox
- Added confidence to make arrest
 - Remember, negative results with impairment, call a DRE and...
 - Trust your SFSTs / FSTs
 - If you don't feel safe letting them drive away, don't!