

Oral Fluids

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Objectives

- Devices being used
- Rules and guidelines
- How samples are collected
- Police reports
- Reporting

Instruments Being Tested

Abbott SoToxa™
Dräger Drugtest 5000

Abbott SoToxa™



Dräger Drugtest 5000



Rules and Guidelines

Voluntary
Non-evidentiary
For research only

The Process

- 1. Trooper Observation
- 2. Traffic Stop
- 3. Investigation-Field Sobriety, PBT
- 4. Arrest
- 5/6. Legal Sample/DRE Eval (Categories)
- 7. Oral Fluid Sample
- 8. Booking
- 9. Arresting Officer's Report
- 10. DRE can now share the results of the Oral sample with arresting officer
- 11. DRE Reports Results

Legislation

- Blood/Urine collected and confirmed by BCA
- Oral fluid cannot be used for arrest decision
- Statewide multiagency project
- Checking the reliability of the instruments
- Committee members will analyze findings

Process

- Request sample
- The subject handles the collection swab
- Once the swab turns blue, there is enough saliva collected
- Directed where to collect from
- Takes about 2 minutes



Language in Reports

- Boiler plate language to put in the police report (Standardized)
- To be included in all reports where a sample was collected
- Drafted by several attorneys

Sample Was Collected

- After the decision to arrest [Subject's Name] was made, I asked them if they would participate in Minnesota's pilot project for roadside testing by providing a sample of oral fluid for testing. [Subject's name] consented to roadside oral fluid testing for drugs and they swabbed the inside of their mouth as instructed. The sample was analyzed by the [Drug Test 5000 / Intoximeters SoToxa] device, which [has/have] been approved for the pilot project. I did not learn the results of the test until after [Subject's Name] was arrested and the arrest process was completed. None of the information gathered by the oral fluid device was used to form probable cause to arrest or used to obtain a search warrant for a blood or urine test.

Sample Was Not Collected

- After the decision to arrest [Subject's Name] was made, I asked them if they would voluntarily participate in Minnesota's pilot project for roadside oral fluid testing. [Subject's name] declined to provide an oral fluid sample. [Subject's Name]'s choice to not participate in the pilot project did not factor into my decision to arrest them and was not used in the formation of probable cause to apply for a search warrant for a blood or urine test.

Reporting

Online Portal
Legal Draw Kit Number
DRE Name, Agency, Email
Date of Legal Sample
Instrument Used

Dates

- Project completion is the end of August
- Report due to legislation February 2025
- Small group is responsible for the report

Tests Completed

- As of April 2024
 - 220 requests for samples
 - 37 refusals
 - 54 Dräger Tests
 - 129 SoToxa Tests

