



**SPIT SECOND RESULTS:
KENTUCKY'S ROADSIDE ORAL
FLUID PROGRAM.**

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THE PROBLEM:

- Drugged Driving
- McCarthy and Blood Test Refusals
- Polydrug use including alcohol
- Fast Metabolism of Impairing Substances

PROBLEM
SOLVING

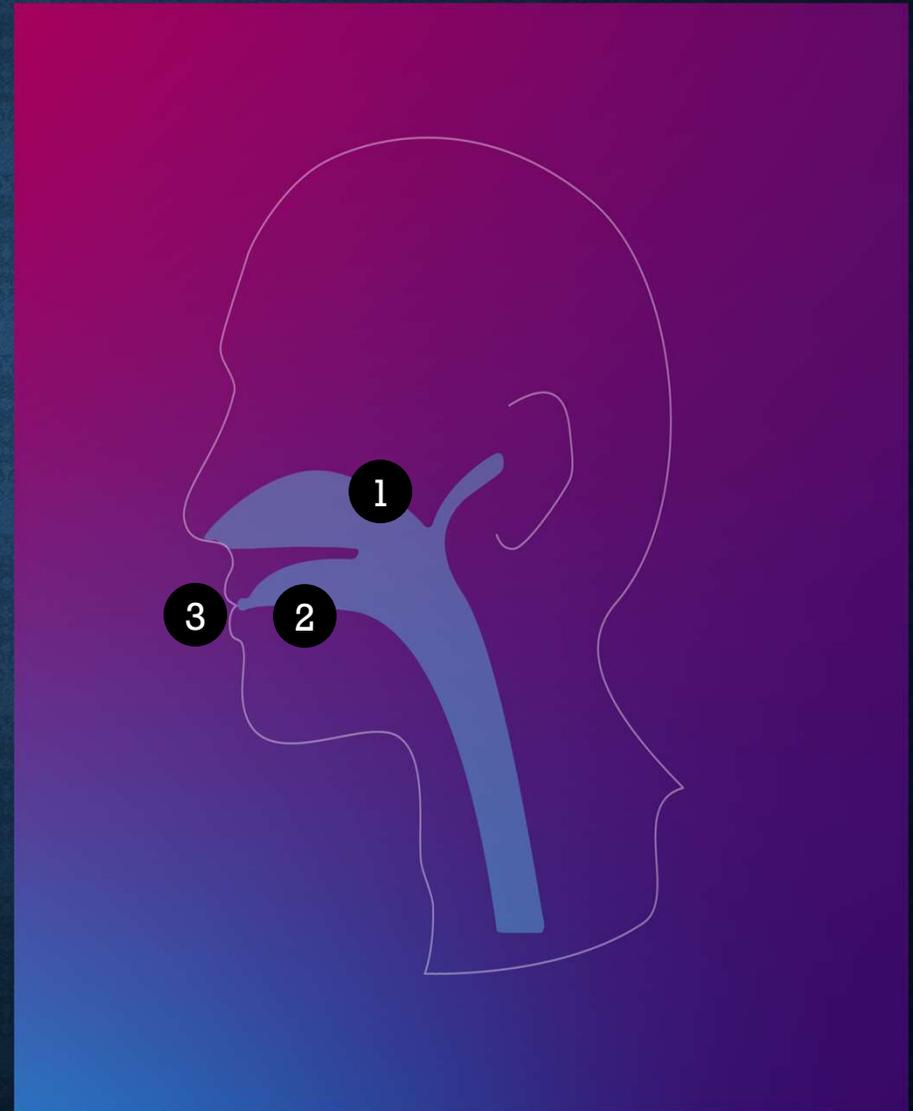


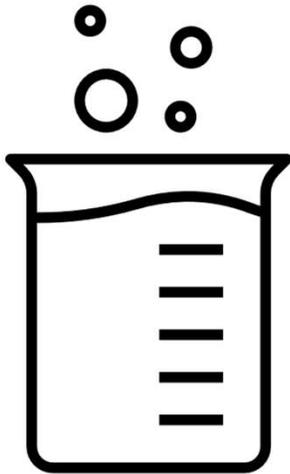
WHAT IS ORAL FLUID?

ORAL FLUID IS COMPOSED OF THE FOLLOWING:

- Saliva
- Bacteria
- Blood
- Gingival fluid
- Epithelial cells
- Food debris

Saliva itself is a clear, odourless and viscous fluid formed in the salivary gland.





WHY ORAL FLUID TESTING?

- Shows recent drug use within 24 hours or less.
- Shows quantity and type of free drugs in the system
- Drugs dissipate from oral fluid first, then blood.
- Can collect roadside
- Minimally intrusive

The SoToxa™ Oral Fluid Mobile Test System is available with a six panel test cartridge.*

*For Canada, current drug panel includes Cannabis (THC) only.

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Drug Class	Cutoff (ng/mL)
Amphetamine	50
Benzodiazepines	20
Cannabis (THC)	25
Cocaine	30
Methamphetamine	50
Opiates	40

WINDOWS OF DETECTION

- **DEPENDENT ON:**
 - Amount of drug and frequency that the drug is taken.
 - The nature of the drug itself.
 - An individual's metabolism and general health.
 - The amount of fluids taken and exercise performed.
 - Genetic variations that affect the response to drugs.

Oral fluid provides the shortest window of detection for drugs.

Drug Group	Detection Window
Amphetamine	Up to 1–2 days
Benzodiazepines	Up to 24 hours
Buprenorphine	Up to 1–2 days
Cannabinoids (THC)	Up to 24 hours
Cocaine	Up to 24 hours
Codeine	Up to 1–2 days
Ketamine	Up to 1–2 days
Methadone	Up to 1–2 days
Methamphetamines	Up to 24 hours
Morphine	Up to 24 hours
Opiates (general)	Up to 1–2 days



WHEN TO USE SOTOXA?



- Similar to a Preliminary Breath Test (PBT).
- When impairment is identified, and reasonable suspicion exists that the driver is impaired on drugs other than alcohol.
- After Standard Field Sobriety Test (SFST).

WHO SHOULD BE USING THE DEVICE?

- 2 Devices at every KSP Post
- Additional Devices at KSP DESI Units
- Data Collection
- Patrol, ARIDE trained, not DRES.





PRINTING RESULTS

IS PRINTING TEST RESULTS REQUIRED?

- Not by the manufacturer, but required for case file.
- The results will be stored in the memory and can be printed out at a later time.

HOW DOES ORAL FLUID TESTING HELP THE CASE FOR THE PROSECUTION?



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Additional fact
to build
probable cause
for a blood draw
search warrant.

AOC-335 Rev. 2-03 Page 1 of 2 Commonwealth of Kentucky Court of Justice www.kycourts.net Ky Const. Section 10; RCr 13.10	Doc. Code: ASW 11/16/2011 09:31 am Ver. 1.01	 AFFIDAVIT FOR SEARCH WARRANT	Case No. _____ <small>leave blank if unknown</small> Court _____ County _____
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Affiant, _____, a peace officer of _____, being first duly sworn, states he/she has, and there is reasonable and probable grounds to believe, and Affiant does believe, there is now on the premises known and numbered as:

and more particularly described as follows:

and/or in a vehicle or vehicles described as:

and/or on the person or persons of:

the following described personal property, to wit:

Affiant believes and states there is probable and reasonable cause to believe said property constitutes:
(check appropriate box or boxes):

- stolen or embezzled property;
- property or things used as means of committing a crime;
- property or things in possession of a person who intends to use it as a means of committing a crime;
- property or things in possession of a person to whom it was delivered for the purpose of concealing it or preventing its discovery and which is intended to be used as a means of committing a crime;
- property or things consisting of evidence which tends to show a crime has been committed or a particular person has committed a crime;
- Other _____

DOCUMENTATION

- Results must be printed for case file.
- Use of device must be documented on citation.



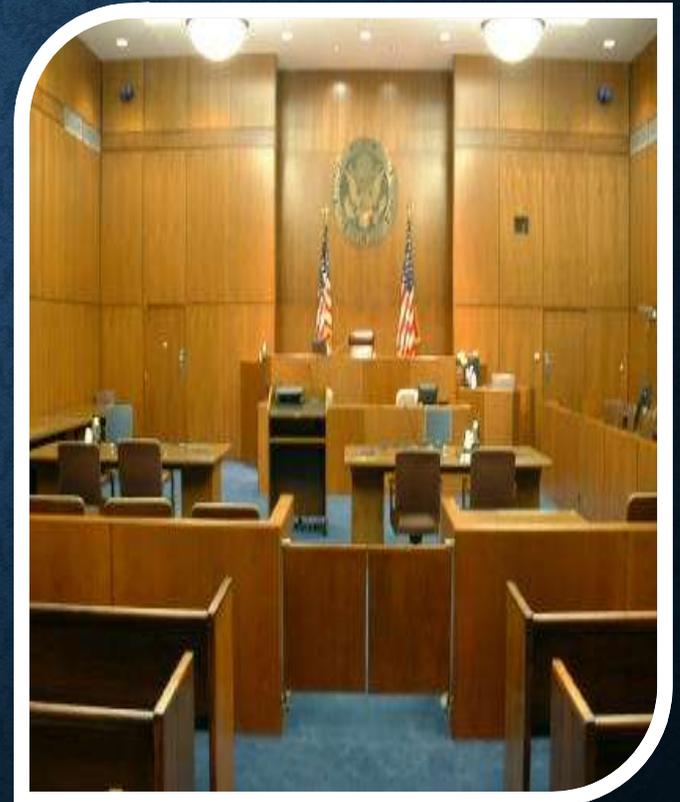


DISCOVERY

- Expert witness
- Exculpatory
- Would it be admissible to impeach?
- Manufacturer's Instructions/Proper Maintenance
- Policies/Procedures for Use
- Training certification

SHOULD TEST RESULTS BE USED IN COURT?

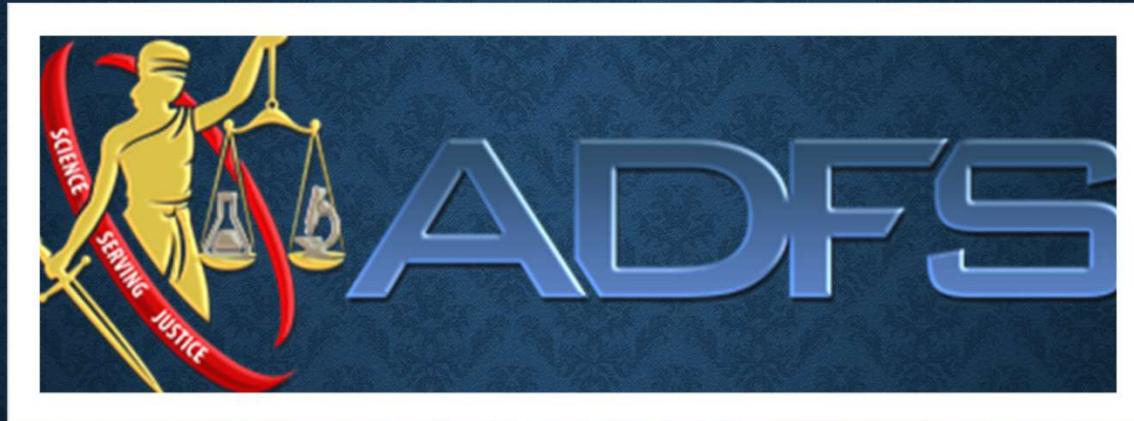
- In court, should be treated as a preliminary breath test.
- This is **not** an evidentiary device.



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IS ORAL FLUID TESTING BEING USED IN OTHER STATES?

- Indiana and Alabama have permanent programs.
- Michigan conducted 2 pilot programs to set the standards for the country.
- 24 total states has the program in one form or another.



CAN THIS BE AN EVIDENTIARY TEST?



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LIMITATIONS?

- Oral fluid results do not equate to blood testing results
- May have a positive for a drug in oral fluid but not in blood test results.
- Benzos – route of administration
- Not admissible at trial



QUESTIONS?

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