

2026 • Issue 2

# from the desk of the **SJOL**

JUDGE JOHN W. GRINSTEINER (RETIRED)



## Welcome to the JOL Newsletter for North Dakota 2026, Issue 2:

The JOL Newsletter is a labor of love, a way for me to stay connected to my judges across the state and region. I do my best to bring you useful information without overfilling your email inboxes. A balance that may get tipped from time to time. I apologize for my exuberance with some topics. With that said, toxicology is an important topic, not often covered in judicial education. It's more like an elective, buried deep in the course catalog. An elective that we all should take but often miss because we are busy taking the required courses, like procedure, torts, contracts and evidence. But wait, toxicology is evidence!

When I decided to dedicate this issue to toxicology, I wasn't convinced it should be done. Frankly, I seriously doubted the very little knowledge I actually possess on the subject. It was going to be a steep learning curve for me and I questioned how I would be able to convey a confident and useful message to you, the reader. After several hours of research, the obvious finally occurred to me, I should look to an expert. Since I am not one, their voice (or writing) would carry more significance and likely help us all learn more quickly. I came across an article by one of the experts in the field, Amy Miles and immediately knew I wanted to include it. Amy is a program project manager at the Wisconsin State Laboratory of Hygiene (WSLH) and serves as a Regional Toxicology Liaison for the Midwest. Amy has more than 25 years of experience in forensic toxicology. A link to the Toxicology Liaison Program can be found in the resources section of the newsletter.

As a brief aside, Amy will be in North Dakota in June, leading a Regional Toxicology Liaison Program Testimony Training for our state crime laboratory staff and others. She will also be a featured presenter at the North Dakota Impaired Driving Conference to be held June 9-11, in Bismarck. A registration link can be found in the training section of the newsletter.

I did my best to narrow down the topic to what judges should know about toxicology, and I look forward to your feedback. As always, should you want or need additional information don't be afraid to ask. Also, inside this issue of the newsletter are the most recent 2026 North Dakota crash statistics along with the usual case law and resource/training sections. Finally, the wellness corner has a couple of new suggestions from readers that can help maintain and/or enhance your well-being. ■

### About the JOL Program (Judicial Outreach Liaison and Fellows Program)

The Program provides peer-to-peer judicial education, court case interpretations, guidance, and liaisons between the judiciary and highway safety community. Our educational efforts focus on evidence-based sentencing practices, criminal justice reform, and reducing impaired driving recidivism, among others. The Program consists of three National Fellows, as well as Regional and State Judicial Outreach Liaisons (JOLs).

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# What Should Judges Know About DUI Toxicology?

Judge John Grinsteiner (retired), SJOL for North Dakota

Toxicology is the scientific study of the harmful effects of chemical, biological, and physical agents on living organisms and the environment.<sup>1</sup> Toxicology's scope focuses on understanding how various substances, including chemicals, pollutants, and biological agents, can adversely affect health and the environment. It encompasses the study of the dose-response relationship, which examines how the amount of exposure to a substance correlates with its effects on an organism. Toxicologists investigate the mechanisms of toxicity, the factors influencing toxic responses, and the potential risks associated with exposure to various agents.<sup>2</sup>


Judges presiding over DUI cases should then understand that forensic toxicology is a scientific discipline that can provide critical objective evidence of substance presence and concentration in a driver's system, which can be used to determine impairment.<sup>3</sup> Toxicology relies on established science, including pharmacokinetics, pharmacodynamics, and impairment thresholds.<sup>4</sup>

Toxicologists analyze biological samples (blood, urine, breath) to detect and quantify alcohol, drugs, and other substances, and interpret their potential effects on the human body and in DUI cases, a person's driving ability. Judges should recognize that a positive test result alone does not prove impairment; interpretation depends on timing, dosage, metabolism, and individual factors.<sup>5</sup> In short, a substance in the system does not automatically mean impairment. Judges should be aware of the difference between presence and effect, for example, THC metabolites may be detectable long after impairment has ceased.<sup>6</sup>



Breathalyzers, blood, and urine tests measure blood alcohol concentration (BAC) or presence; and most courts are familiar with per se standards (e.g., 0.08% BAC for drivers over 21); and the science behind them or at least that there is science behind them. Alcohol has the longest history of toxicological study and standardized legal limits. Per se BAC limits are set at levels where alcohol consumption is scientifically proven to impair driving performance, and where the risk of a crash rises sharply.<sup>7</sup> While the current U.S. standard is 0.08% BAC, many experts and international bodies recommend lowering it to 0.05%, where impairment is already occurring for most people, with the State of Utah being the first and only state to follow such recommendation at this time.

While we have set standards for alcohol, there is no BAC for THC or other drugs. Other drugs require updated testing protocols and interpretation. Gas chromatography-mass spectrometry (GC-MS) is the gold standard for drug detection. GC-MS combines gas chromatography (GC), which separates complex mixtures into individual components, with mass spectrometry (MS), which identifies each compound by its unique molecular "fingerprint".<sup>8</sup> This two-step process identifies exact compounds rather than just broad categories, reducing false positives and detecting drugs and metabolites at very low concentrations.<sup>9</sup> It is the gold standard because it provides definitive identification, producing a 100% specific test result. It is used in criminal investigations, postmortem drug analysis, and DUI cases to confirm illicit substances, prescription drugs, and novel or new psychoactive substances, which are created almost daily in a criminal effort to circumvent legal prohibitions.

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Whether we are testing for alcohol or drugs, blood is widely regarded as the most reliable type of sample for measuring the most accurate concentration levels in the body, providing a direct, real-time snapshot of what is currently present in a person's bloodstream. Blood samples are often used to confirm breathalyzer results and to detect drugs not measured by breath or urine.<sup>10</sup> Breath testing is used for rapid alcohol screening and is calibrated to BAC via established formulas.<sup>11</sup> Urine testing is less precise for showing recent impairment, but can detect use over time.<sup>12</sup> Regardless of the substance tested, interpretation is an important factor for courts to be aware of.

Interpretation should account for metabolism rates, time since last use, and individual factors like body size and density. Age, gender, and even hydration status can have an effect on test results. Test results should be interpreted alongside the purpose of the test (e.g., employment screening, medical diagnosis, legal compliance) and the expected detection window for a specific drug, along with the cut-off levels for detection. Every toxicology investigation should use a case-by-case approach that integrates pharmacokinetic data, individual physiology, and the specific drug's properties. This reduces the risk of false positives/negatives and ensures fair, accurate conclusions. Note that a positive report does not automatically prove impairment. Expert testimony can be essential to interpretation and to explain how levels and concentrations relate to impairment thresholds and legal standards. Judges should be cautious about accepting testimony that overreaches into unproven impairment links.<sup>13</sup> Novel psychoactive substances (NPS) and synthetic substances are less studied, so expert testimony should be based on available research and not speculative extrapolation.<sup>14</sup>

At this point, you may be feeling like the character Penny on the show *The Big Bang Theory* when Sheldon or Leonard talk about physics. If that went right past you, try an episode or two. I think it runs in syndication on several cable channels.

In conclusion, what are the top judicial considerations from this little science lesson? Judges should treat DUI toxicology as a specialized science, respect expert testimony within its bounds, and guard against overreliance on unproven impairment links. Doing so will ensure fair trials and accurate application of DUI laws. How do you do that? Ensure toxicological evidence meets Daubert/Frye standards, that means relevance, reliability, and proper expert qualification (Frye in North Dakota<sup>15</sup>). Judges should allow defense challenges to methodology, calibration, and overstatements of impairment likelihood. You may want to even remind the fact finder, which is you in a bench trial or a jury, that toxicology can prove exposure but not necessarily that the substance caused the driving incident. Other factors may be relevant and should also be proven. This makes police work and investigation highly important factors that can make or break a case, with or without the toxicology test result. These factors include driving behavior, interaction at the window and outside the vehicle, outward physical signs and clues, field sobriety testing and DRE evaluations.

Prosecuting impaired driving cases requires weaving multiple strands of evidence into a cohesive narrative. Toxicology results show what substances were present—but that's only one piece. The strongest cases include the following:

1. Detailed officer observations of driving behavior and violations
2. Comprehensive documentation of all impairment signs
3. Properly administered SFSTs and DRE evaluations
4. Corroborating witness or medical observations
5. Toxicology results confirming substance presence and concentrations

A 0.04 BAC and therapeutic alprazolam concentration mean little in isolation. But when paired with poor SFST performance, DRE findings, and documented unsafe driving, the case becomes compelling. Thorough documentation remains the cornerstone of successful prosecution.<sup>16</sup>

It's on us as judges to hold the state to its burden of proof, about what we as judges should expect from officer and expert witness testimony and prosecutors on their presentation of the facts, particularly where toxicology results will be in evidence. It's not up to us as judges to lower the bar or compensate for law enforcement or prosecutorial inexperience or gaps. This responsibility reminds me of an old courthouse adage that goes: if you can take a DUI case to trial and win, you can take a murder case to trial and win. Both have a certain level of nuance, detail, and preparation needed. With toxicology evidence and poly-substance use creeping into DUI cases more and more, that old saying has never been more accurate. ■

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1 Toxicology Education Foundation ([What is Toxicology? – Toxicology Education Foundation](#))

2 Id.

3 Number Analytics ([Toxicology in DUI: A Comprehensive Guide](#))

4 Id.

5 US Law Explained ([Toxicology in Law: The Ultimate Guide to How Science Proves a Case \[US Law Explained\]](#))

6 National Library of Medicine ([A Judicial Perspective on Expert Testimony in Marijuana Driving Cases – PMC](#))

7 James C. Fell, Principle Research Scientist – NORC at the University of Chicago ([Rationale Behind a .05 BAC Limit for Driving Fell 2023.pdf](#))

8 Science Insights ([What Is a GC-MS Test? The Gold Standard for Drug Testing – ScienceInsights](#))

9 Id.

10 Id.

11 Id.

12 Id.

13 National Library of Medicine ([A Judicial Perspective on Expert Testimony in Marijuana Driving Cases – PMC](#))

14 ([National Alliance to Stop Impaired Driving \(NASID\)](#)).

15 North Dakota is a Frye State. Recognized by the ND Supreme Court decision in *City of Fargo v. McLaughlin*, 512 N.W.2d 700 (N.D. 1994). See also *State v. Hernandez*, 707 N.W. 2d 449, 453 (N.D. 2005) (stating that “this Court has never explicitly adopted Daubert”).

16 *Between the Lines* Newsletter / Volume 34 Issue 4 (([April 2026](#)) [Traffic Safety Initiatives: The Evolving Challenge of Poly-Drug Impaired Driving](#))



# Forensic Toxicology: A Primer


Amy Miles, Sabra Jones, Chris Heartsill, and Kristen Burke

## Summary

- The National Safety Council’s Alcohol, Drugs, and Impairment Division published the “Recommendations for Toxicological Investigation of Drug-Impaired Driving and Motor Vehicle Fatalities-2021 Update” to guide what drugs should be tested for in impaired driving cases.
- Toxicology laboratories may be funded by a variety of government or private entities.
- Understanding the role alcohol and other drugs may play in impairment cases involves comprehensive toxicological testing, appropriate interpretation, and collaboration with traffic safety partners.

Toxicological testing has been used in the United States criminal justice system since the early twentieth century. The early application of scientific knowledge of alcohol and its effects was focused on impaired driving due to the widespread use of both alcohol and automobiles. Alcohol is not only the longest-studied drug but also has the longest history of testing and scientific toxicological evidence used in the courtroom. With the invention of instruments capable of detecting and measuring alcohol in breath (i.e., Drunkometer, Breathalyzer, etc.), we have gained the ability to quantify alcohol in drivers for approximately 70 years. With research on the relationship between the concentration of alcohol and levels of impairment, legal limits have been established across the United States.

The 2022 National Survey on Drug Use and Health (NSDUH) found that 15.6 million people (5.9%) reported driving under the influence of alcohol, a statistically significant increase from 13.4 million people (5.1%) in 2021.

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In addition to alcohol, forensic toxicologists face an ever-changing landscape of drugs in casework. The 2022 NSDUH survey also revealed that 13.6 million people (5.2%) in the United States reported driving under the influence of illicit drugs in the past year, a statistically significant increase from 11.9 million people (4.6%) in the 2021 survey.

Numerous impairing substances have been identified in toxicological casework with the opportunity to expand the scope. To guide what drugs should be tested for in impaired driving cases, the National Safety Council's Alcohol, Drugs, and Impairment Division published the "Recommendations for Toxicological Investigation of Drug-Impaired Driving and Motor Vehicle Fatalities-2021 Update".

Even with the guidance and the American National Standards Institute (ANSI) Academy Standards Board (ASB) document "Standard for the Analytical Scope and Sensitivity of Forensic Toxicological Testing of Blood in Impaired Driving Investigations" based on those recommendations, numerous challenges exist to providing comprehensive toxicological testing.

Toxicology laboratories may be funded by a variety of government (i.e., federal, state, county, city, regional, etc.) or private entities. The variability in funding has led to differences in staffing, equipment, testing, and reporting capabilities within the organizations conducting analysis in impaired driving cases. The lack of standardization coupled with stop-testing practices has led to incomplete data on drug impaired driving.


The insufficient data can impact our national and local traffic safety partners in various ways, including substance abuse treatment, driver education on impairing substances, and the development of appropriate countermeasures.

As a primer to assist in understanding the terms that forensic toxicologists and our traffic safety partners may use in their reports, supporting documentation, research, and courtroom testimony, consider the following:

- Forensic Toxicology: Application of toxicology for the law
- Human Performance Toxicological Testing: Analysis of specimens for driving while impaired cases, drug-facilitated crimes, and other impairment cases to determine the presence (or absence) of chemical substances and their effects on the average individual

- Biological Specimen/Matrix: Specific biological fluid or tissue (e.g., blood, plasma, serum, urine, vitreous fluid, hair, and tissue) to be tested
- Court-ordered Toxicological Testing: Analysis of specimens from subjects involved in probation and parole, drug courts, or child protective services to determine the presence (or absence) of chemical substances and their effects on the average individual
- Analyte (Drug/Chemical Substance): Chemical substance to be identified and/or measured
- Analytical Scope: Selection of drugs, drug metabolites, and other chemicals covered in an analytical testing scheme
- Pharmacokinetics: The study of how the body interacts with drugs, including alcohol, and includes the movement of the drug into (absorption), through (distribution and metabolism), and out (elimination) of the body
- Pharmacodynamics: The study of how drugs affect the human body and their mechanisms of action
- Identification: Assignment to the most specific drug class attainable
- Interpretation: Explanations for the observations, data, and calculations
- Opinion: View, judgment, or belief that takes into consideration other information in addition to observations, data, calculations, and interpretations
- Qualitative method: Assay designed to determine the presence of an analyte within a sample relative to an established threshold
- Quantitative method: Assay designed to measure the concentration of an analyte within a sample
- Stop Testing: If the concentration of alcohol in a biological sample is above a set threshold (i.e., 0.08 g/dL), no further toxicological testing is conducted

Understanding the role alcohol and other drugs may play in impairment cases involves comprehensive toxicological testing, appropriate interpretation, and collaboration with traffic safety partners. How comprehensive each of these facets reaches will contribute to the ability to effectively and appropriately communicate this information, assist our traffic safety partners in appropriate countermeasures, and effectively combat the public health threat posed by impaired driving.

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Unlike alcohol, the ability to correlate the concentration of any drug or its metabolite(s) to a specific level of impairment is not possible. Therefore, through the standards development process, the scientific community has provided guidance to forensic toxicologists and users of their data on what is scientifically appropriate to address in expert opinions and testimony.

Per the ANSI/ASB Best Practices Recommendation 037 "Guidelines for Opinions and Testimony," when asked to provide an opinion on the toxicological findings, a toxicologist:

- may discuss the toxicological impact of the presence, absence, and/or stability of drugs or other chemicals
- may address impairment for the average individual to the extent that effects are consistent with documented pharmacodynamic and toxicodynamic properties of the substance and within the context of a given case
- should not address behavioral intent based solely upon a drug concentration
- should not opine as to a specific individual's degree of impairment based solely on a quantitative result
- should not imply impairment of an individual based on analytical findings from urine, hair, or other matrices unless supported by the literature
- should not perform extrapolation calculations for drugs other than ethanol

Toxicological testing and testimony on the data that toxicologists generate stand as essential elements in the impairment investigation. Equally important, the data must accurately identify all drugs found in a motorist suspected of impaired driving. Further, when challenges related to data collection exist in toxicology laboratories, the information should be communicated to our traffic safety partners. The integrity of the process lies in open lines of communication between all traffic safety partners and that we remain engaged in continuous interactions.

This article serves as an initial primer on forensic toxicology, the challenges that toxicologists and government-funded laboratories face, and the obstacles preventing many of our labs from providing comprehensive data and represents the first in a series of articles designed to provide judges, court staff and practitioners with greater understanding of the interplay between forensic toxicology and impaired driving cases.

**Learn more about the Regional Toxicology Liaison program. ■**

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- 1 Alcohol Policy Information System, National Institute on Alcohol Abuse and Alcoholism, available at [https://alcoholpolicy.niaaa.nih.gov/?\\_gl=1\\*7a0d71\\*\\_ga\\*OTc3MjAzNzYxLjE3MTY0ODYzOTY.\\*\\_ga\\_E2D8B2PVE9\\*MTcxNjQ4NjM5NS4xLjAuMTcxNjQ4NjM5OC41Ny4wLjA](https://alcoholpolicy.niaaa.nih.gov/?_gl=1*7a0d71*_ga*OTc3MjAzNzYxLjE3MTY0ODYzOTY.*_ga_E2D8B2PVE9*MTcxNjQ4NjM5NS4xLjAuMTcxNjQ4NjM5OC41Ny4wLjA).
  - 2 2022 National Survey on Drug Use and Health (NSDUH), Substance Abuse and Mental Health Services Administration available at <https://www.samhsa.gov/data/release/2022-national-survey-drug-use-and-health-nsdu-releases#annual-national-report>.
  - 3 Id.
  - 4 A.L. D'Orazio, A.L.A. Mohr, A. Chan-Hosokawa, C. Harper, M.A. Huestis, J.F. Limoges, A.K. Miles, C.E. Scarneo, S. Kerrigan, L.J. Liddicoat, K.S. Scott, and B.K. Logan, Recommendations for Toxicological Investigation of Drug-Impaired Driving and Motor Vehicle Fatalities-2021 Update, 45 J Anal Toxicol. 529-536 (2021).
  - 5 R.G. Atkins, T. Jodon, J.D. Conlon, and A. Schick, Drug-Impaired Driving Data Collection: Report to Congress, Department of Transportation. National Highway Traffic Safety Administration. Office of Behavioral Safety Research DOT HS 813 574, available at <https://rosap.ntl.bts.gov/view/dot/74245>.
  - 6 ANSI/ASB Best Practice Recommendation 037 Guidelines for Opinions and Testimony in Forensic Toxicology, First Edition 2019, available at [https://www.aafs.org/sites/default/files/media/documents/037\\_BPR\\_e1.pdf](https://www.aafs.org/sites/default/files/media/documents/037_BPR_e1.pdf).

\*This article was originally published in the Summer 2024 issue of the Highway to Justice newsletter. It is reprinted here with the permission of the ABA Judicial Division and the author(s).

# Wellness Corner



In a previous issue of the newsletter we did some work in the area of judicial wellness and I included some thoughts and resources in the articles and listed additional resources at the end of that issue that could help if you were experiencing secondary trauma or feeling isolated. A link can be found here: [SJOL Newsletter | 2025 Issue No2](#). One of the articles was picked up for publication by the Judicial Division of the ABA, it can be found here: [How Judges Can Respond to Secondary Traumatization](#).

After asking for things that work well for you, I continue to receive responses. I am sharing one or two each quarter here in the “Wellness Corner” of the newsletter. Maybe one of these coping mechanisms can help maintain and/or enhance your well-being. I appreciate the trust you have placed in the JOL and your willingness to help each other through your individual judicial careers!

1. “I take long walks with the dog. She is one of the best listeners I have ever conversed with.”
2. “I recently sat down with an out of state colleague at a national meeting. He looked me in the eye and said, “Being a judge is hard and some weeks are harder than others. You are a great judicial officer, never forget that.” His willingness to pass along an encouraging compliment made my month. I now make it a point to do the same for others as often as possible.”



## FATALITIES: 23

Crashes: 21

Operators Tested Positive BAC: 2

Operators Tested Negative BAC: 5

Operators Not Tested: 0

Fatalities from Alcohol Crashes: 2

No Seat belt (for seat belt eligible vehicles) 9

Speed-related fatalities: 1

Pedestrian fatalities: 3

Motorcycle fatalities: 0

Fatal Crash Involved Lane Departure: 12

Fatal Crash Involved a Younger Driver(s) 14-20 years old: 1

Fatal Crash Involved an Older Driver(s) 65+ years old: 5

Fatal Crash Involved a Train: 0

Fatal Crash Involved a Commercial Motor Vehicle(s): 8

Holiday Fatalities: 0

\*Please note that there are crashes still under investigation and not yet categorized. North Dakota has a new Vision Zero page, please visit here for updated statistics: [Home | Vision Zero](#). You can find a link to the 2024 North Dakota Crash Summary here: [2024 North Dakota Crash Summary](#).

# Recent Court Opinions of Note

("A little late-night reading") — Alexander J. Bott, UND School of Law

The court opinions are a special contribution of my friend and colleague Earl G. Penrod, Senior Judge, Indiana Judicial Outreach Liaison, and Judge in Residence, National Judicial College

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## **An Officer's Suspicion that a Driver was Under the Influence**

The North Dakota Supreme Court, in a detailed opinion on probable cause, custodial interrogation and the permissible extension of a traffic stop, affirmed the district court's findings denying suppression.

On June 19, 2024, a North Dakota Highway Patrol trooper was on routine patrol on Highway 20, south of Devils Lake in Ramsey County. At approximately 4 p.m., the trooper observed a 1993 Chevrolet Silverado driving on the center line, almost coming into the southbound lane. The trooper initiated a traffic stop of the vehicle. Cooper had two children in the vehicle—a 10-year-old female in the front passenger seat and a 7-year-old male in the back seat. While at the vehicle, the trooper observed Cooper was shaking and could not seem to sit still. The trooper ran a status check and learned Cooper's license was suspended.

While talking to her, the trooper observed Cooper could not stand still, she kept pacing, and her eyes were "really constricted," watery, and bloodshot. The trooper asked her if she was under the influence of anything, and Cooper admitted she had smoked a marijuana joint a few hours earlier. The trooper then asked if he could search the vehicle, and she said no. At that moment, Cooper went back to her vehicle and grabbed her phone. The trooper testified he told her to put the phone down and go back to his car, but "[s]he didn't want to," so he grabbed the phone and put it down. The trooper placed her in handcuffs and told her she was being detained, suspecting she was under the influence. Phone calls to parents of the children and release of the children to a parent, field sobriety tests (outside of the vehicle and without handcuffs, which Cooper passed), a K-9 search, and an arrest followed.

Cooper sought suppression of the evidence arguing that she was subjected to unlawful custodial interrogation, that law enforcement impermissibly extended the traffic stop to allow a K-9 unit to arrive, and the officer lacked probable cause to search her vehicle. Cooper appeals from a criminal judgment after the district court denied her motion to suppress and she entered a conditional guilty plea, preserving her right to appeal. Cooper argues on appeal that the court erred in denying her motion.

An officer must administer the Miranda warning when a person is subject to custodial interrogation. A suspect is in custody when there is a formal arrest or restraint on the suspect's freedom of movement to the degree associated with a formal arrest. The "automobile exception" to the Fourth Amendment's warrant requirement allows law enforcement officers to search a vehicle for illegal contraband without a warrant upon establishing probable cause the vehicle contains contraband.

Allowing a drug-sniffing dog to sniff a vehicle is not a search within the meaning of the Fourth Amendment. A drug-sniffing dog indicating the presence of a controlled substance establishes probable cause. Unrelated inquiries are permitted during a stop as long as they do not prolong the stop and extend the time the individual is detained. A stop may be prolonged only if the officer has reasonable suspicion to justify detaining the individual for inquiries unrelated to the stop.

The ND Supreme Court concluded Cooper was not subjected to unlawful custodial interrogation when she admitted to smoking marijuana a few hours earlier, law enforcement did not impermissibly extend the stop of her vehicle to allow a K-9 unit to arrive, and probable cause supported the search of her vehicle.

***State v. Cooper*, 2026 ND 68 (March 12, 2026)**

# Useful Resources and Links

## 1. American Academy of Forensic Sciences

Promoting justice for all and integrity through forensic science.

Click here: [American Academy of Forensic Sciences](#)

## 2. Regional Toxicology Liaisons

About the Regional Toxicology Liaisons Program: In September 2021, the Society of Forensic Toxicologists, Inc. (SOFT) was awarded the Regional Toxicology Liaison (RTL) Demonstration Project grant by the National Highway Traffic Safety Administration (NHTSA). This cooperative agreement aims to benefit state toxicology programs through increased support, communications, resources, criminal justice system coordination, decreased processing time of toxicology samples, and better data reporting. Click below for more information.

Click here: [Regional Toxicology Liaisons](#)

## 3. North Dakota State Crime Laboratory

The Crime Laboratory Division is a multi-disciplinary forensic laboratory which provides scientific services to all law enforcement agencies in the state, including federal and tribal agencies. The laboratory provides services in Forensic Biology, DNA, Latent Prints, Firearms and Tool marks, Forensic Chemistry (Seized drugs and Fire debris), and Toxicology (Biological specimens and Breath Alcohol testing). The Crime Laboratory Division is an ANAB accredited Forensic Testing Laboratory which strives to maintain the highest standards of quality assurance in every scientific work product. The laboratory provides quality forensic science testing, written reports of results, and expert testimony on matters related to criminal court proceedings for the state of North Dakota.

Click here: [Crime Laboratory General Information – North Dakota Attorney General](#)

## 4. North Dakota Rule of Evidence. 702. TESTIMONY BY EXPERT WITNESSES

A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue.

Click here: [North Dakota Court System – RULE 702. TESTIMONY BY EXPERT WITNESSES](#)

\*Note that North Dakota is a Frye State as recognized by the ND Supreme Court decision in *City of Fargo v. McLaughlin*, 512 N.W.2d 700 (N.D. 1994). See also *State v. Hernandez*, 707 N.W. 2d 449, 453 (N.D. 2005) (stating that "this Court has never explicitly adopted Daubert").

# Upcoming Trainings/Events/Webinars

\*This is not an exhaustive list and is geared toward impaired driving

## North Dakota Impaired Driving Conference

June 9–11, 2026 Bismarck Radisson. **Registration:** [2026 Impaired Driving Conference | Vision Zero](#)

This year's conference features updates and training in the following:

- Physiological and Scientific Foundation Explanations in the SFST Manual
- Toxicology Updates (Amy Miles, Regional Toxicology Liaison and Janelle Portscheller, ND State Toxicologist)
- Indicators of Impairment
- Recent Supreme Court Case Discussion (State v. Bell)
- Trending Impairing Substances

## RISE Conference – Current and Future Dates

RISE26. July 20–23, 2026 (Mon.–Thur.), Nashville, Tennessee.  
Gaylord Opryland Resort & Convention Center. **Registration:** [RISE26](#)

\*\*If attending, come see the following session:

**Session Title: Hit Me With Your Best Shot! Tackling Tough Cases and Common Issues**

**Date: Monday, July 20, 2026**

**Time: 2:15 PM-4:45 PM**

**Location: Davidson A/E**

RISE27. July 19–22, 2027 (Mon.–Thur.), National Harbor, Maryland.  
Gaylord National Resort & Convention Center.

## ABA JOL Program's Webinar

Title: Oral Fluid Testing: Why Some Indigenous Communities Decided to Skip Blood Draws Altogether

When: **August 20, 2026 01:00 PM Eastern Time (90 mins.)**

Register in advance for this webinar: [https://americanbar.zoom.us/webinar/register/WN\\_X10VdgT-SAi8hpExpZEwWw](https://americanbar.zoom.us/webinar/register/WN_X10VdgT-SAi8hpExpZEwWw)


After registering, you will receive a confirmation containing info about joining the webinar.

## Governors Highway Safety Association (GHSA)

The GHSA 2026 Annual Meeting provides access to the nation's top roadway safety, government, business, nonprofit and community leaders across a range of educational events.

When: **August 29-September 2, 2026 (Sat.–Wed.) Minneapolis, MN**

Registration is now OPEN: <https://www.ghsameeting.org/register>

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## Upcoming Trainings/Events/Webinars (cont.)

### ABA JOL Webinars

#### ► ON-DEMAND

Title: "The Importance of Tribal Courts in Building Recovery Capital"

Speakers: Hon. J. Matthew Martin (moderator) Danielle Finn, Nisha Wilson, and Hon. Adam Eisenberg

Link: [The Importance of Tribal Courts in Building Recovery Capital | American Bar Association](#)

Title: "Veterans Treatment Courts: Serving Those Who Serve"

Speakers: Tara Osborn (moderator) Casey Clevenger, Karen Khalil, Mary Jane Knisely

Link: [Veterans Treatment Courts: Serving Those Who Serve | American Bar Association](#)

Title: "Determining Impairment in Drug Impaired Driving Cases"

Speaker: Hon. Alan Blankenship

Link: [Determining Impairment in Drug Impaired Driving Cases | American Bar Association](#)



I stand as a resource for each of you, so don't hesitate to reach out. If you have an issue that is somehow connected to impaired driving (think seven degrees of Kevin Bacon), I'll do my best to help. If it's not, I'm still happy to listen and help if I can. I know how isolating the position can be, so you have a friend in me! Until next time, peace on your heart and strength for your fight no matter how big or small!

*As the State's JOL, John brings you access to current and evidence-based practices that will assist you in your work and help promote more effective outcomes in impaired driving and other traffic related cases. With the help of the ABA's Judicial Division and its partnerships with various organizations (NHTSA, National Judicial College, NCSC, AllRise), John works to provide education, training, and technical assistance to judges and court staff throughout ND.*

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