

NORTH DAKOTA IMPAIRED DRIVING Newsletter

from the desk of the **TSRP** Peter Halbach

Last year was an especially eventful year for North Dakota's Impaired Driving Task Force (IDTF), culminating with saying goodbye and happy retirement to Sandy Wilson after an achievement filled career with the North Dakota Department of Transportation. Read more about her achievements as a program manager and learn about her successor, Kelly Aberle, inside this newsletter.

Before taking her leave and after months of development and planning, Sandy saw the IDTF launch four subcommittees, including:

- Prevention and Communications Subcommittee
- Alcohol and Other Drug Misuse Subcommittee
- Criminal Justice System Subcommittee
- Program Evaluation and Data Collection Subcommittee

Sharing Sandy's goal to have a truly comprehensive impaired driving program with strategies and activities aimed at preventing impaired driving motor vehicle crashes, these subcommittees met regularly throughout 2025, sharing ideas and discussing solutions, each using Highway Safety Program Guideline No. 8, found here: [Impaired Driving | NHTSA Guideline No. 8](#)

North Dakota is committed to its Vision Zero mission – that no death on our roadways is acceptable. To further the Vision Zero goal, the Impaired Driving Task Force is a partner with the North Dakota Department of Transportation (NDDOT), Highway Safety Division in developing the North Dakota Impaired Driving Strategic Plan (IDSP). The North Dakota IDSP reflects the priorities, goals, and objectives established through the North Dakota Strategic Highway Safety Plan (SHSP).

The IDSF for 2023-2025 is due for updating. The 2026-2028 triennial plan is being developed with input from the IDTF as a whole and the four subcommittees in particular. Kelly Aberle, as the current program manager, is overseeing the work on the new strategic plan. Meanwhile, starting late last year and intensifying in 2026, members of the IDTF subcommittees have been working with groups aimed at reducing alcohol-associated harms, including those that focus on reducing those on our roadways.

Simultaneously, the Impaired Driving Conference Planning Committee has a developed a strong agenda for this year's conference, to be held in Bismarck on June 9–11. Registration information is found in this newsletter too. We hope to see you there. ■

Volume 5, Issue 1

Welcome to the Quarterly North Dakota Impaired Driving Newsletter.

This resource will provide training information, drug and alcohol trends, legal updates, toxicology, and more to keep you informed.

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Thank You, Sandy Wilson

In October 2025, we celebrated the retirement of Sandy Wilson, marking the conclusion of an exceptional career in public service. Sandy dedicated 34 years to serving the State of North Dakota, including 22 years focused on highway safety, leaving a lasting impact on impaired driving prevention and community safety statewide.

Sandy was known for her steady leadership, collaborative approach, and ability to bring partners together to advance complex initiatives. She consistently supported her colleagues, elevated shared successes, and ensured that meaningful work translated into measurable progress. A strong advocate for Vision Zero, Sandy played a key role in expanding outreach efforts and strengthening statewide engagement.

Highlights of Sandy's contributions include:

- Advancing collaborative partnerships across law enforcement, judicial partners, impaired driving prevention, and community outreach
- Helping develop and lead programs such as the Traffic Safety Resource Prosecutor, Judicial Outreach Liaison Program, Multi-Agency Enforcement Program, SmartSign Driver Behavior Project, Drug Recognition Expert (DRE) Program, SoToxa Oral Fluid Pilot, and the Vision Zero Outreach Program
- Establishing the first DRE/SFSTs Advisory Board, launching the annual Impaired Driving Conference, and creating the Impaired Driving Task Force
- Expanding Vision Zero by adding six outreach coordinators statewide and introducing new technology tools to support the DRE program
- Being recognized as NDDOT Employee of the Year in 2010

Sandy's legacy reflects a commitment to collaboration, innovation, and public service. We are grateful for her many contributions and wish her continued success in this next chapter.

Fortunately, that chapter includes continued efforts to prevent impaired driving and improve highway safety. She will be working part-time with NDSU's Upper Great Plains Transportation Institute where she will apply her considerable expertise and background as she assists in that organization's analysis of statewide highway safety programs and to provide context for data requests from the NDDOT Highway Safety Division. ■



Kelly Aberle and Sandy Wilson, ID Conference

Meet Kelly Aberle: Your New Impaired Driving Program Manager

Kelly Aberle serves as a program manager within the North Dakota Department of Transportation's Highway Safety Division, where she brings a collaborative, people-centered approach to her work and values building strong relationships with partners across the state.

In addition to taking on management of the Impaired Driving program, Kelly will continue to oversee grant funding for federal and state high-visibility enforcement campaigns and serve as the division's law enforcement liaison. She is passionate about advancing evidence-based strategies and solutions, supporting enforcement efforts, and strengthening proactive safety initiatives through collaborations that make a difference in communities statewide.

Kelly is adamant that no one can replace Sandy and is focused on honoring her legacy by building on the strong foundation already in place and continuing to advance impaired driving prevention.

When she's away from the office, Kelly enjoys family time with her husband, son, soon-to-be daughter-in-law, and her spirited 7-year-old daughter.

Fun Fact: Traffic safety runs deep in Kelly's family. Her son, husband, and father-in-law make up the only third-generation family to serve with the North Dakota Highway Patrol. ■

2025 DRE/SFST Instructor In-service Recap

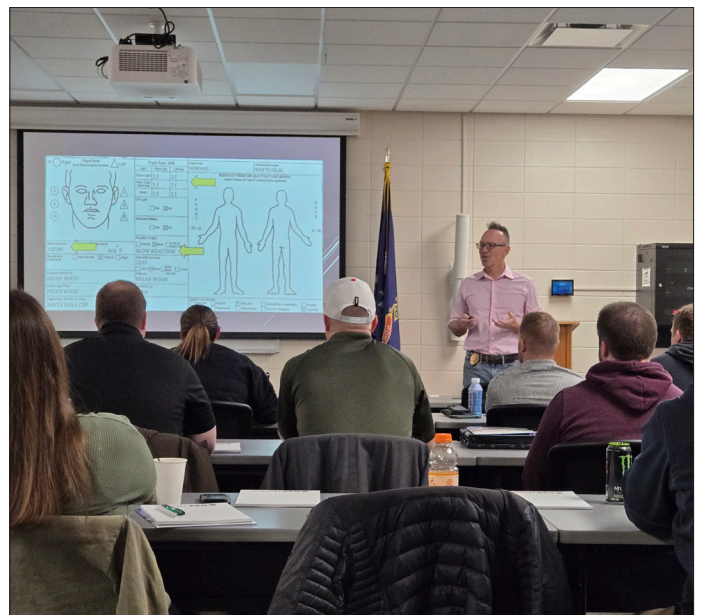
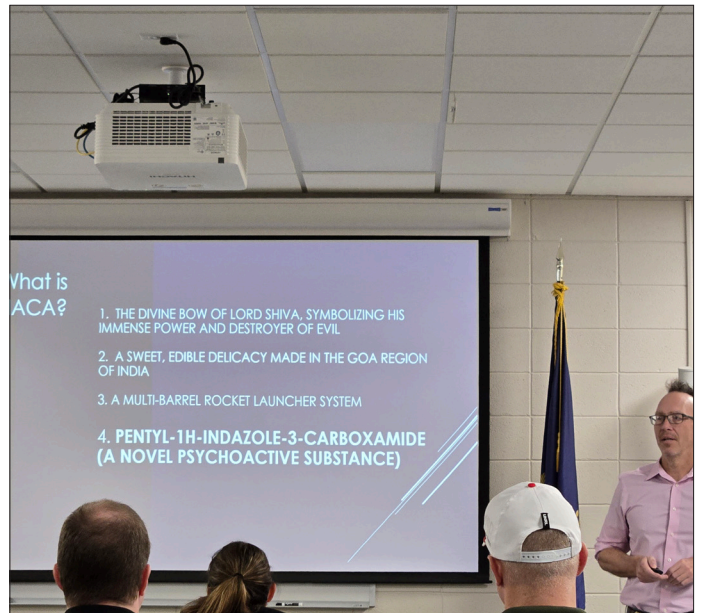
On December 17 and 18 the annual Drug Recognition Expert/Standardized Field Sobriety Test (DRE/SFST) Instructor In-service was held at the Law Enforcement Training Academy in Bismarck. DRE and SFST instructors from different agencies traveled from across North Dakota to take part in this valuable training experience. Sessions at this year's instructor in-service covered a wide variety of topics focused on improving instruction skills in the classroom.

Robert Hayes, currently a Project Manager, DECP Western Region International Association of Chiefs of Police and a prominent figure in public safety leadership, presented on traits and strategies that define effective law enforcement leadership.

Detective Jerry Stein (Bismarck Police Department) presented "Synthetic Cannabinoids in the Prison and on the Streets." Officer Adam Cole (Grand Forks Police) discussed the very recent North Dakota Supreme Court decision in State v. Bell and the lessons learned as to the investigation of crashes resulting in death and serious bodily injury from impaired driving cases. Officer Cole emphasized the importance of proper administration of the three standardized field sobriety tests.

North Dakota's Traffic Safety Resource Prosecutor (TSRP), Peter Halbach, outlined the challenges of completing a Report and Notice in unique circumstances, including refusals of chemical tests when drugs or other substances are involved.

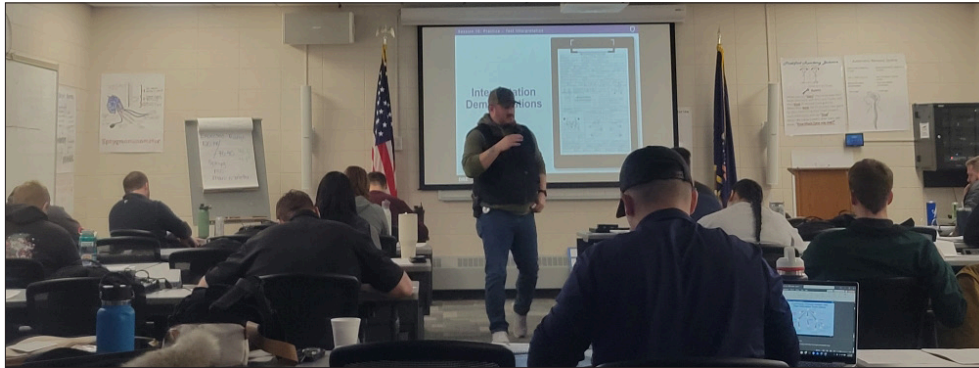
Alison Vetter, strategic communications chief at the North Dakota Department of Emergency Services and Homeland Security, did a deep dive into how to use PowerPoint most effectively to develop presentations that deliver instruction in the most compelling way possible. Trooper Tarek Chase (State DRE/SFST Coordinator) and DRE Advisory Board Chair Officer Shannon Wellen (Watford City Police) tested the skills of attendees with the Kahoot! game-based learning platform. ■



2026 DRE School

In January of 2026, 16 DRE school candidates comprised of officers from 11 different agencies gathered at the Law Enforcement Training Academy in Bismarck to begin their journey to become certified drug recognition experts.

The training began with an intensive two-week classroom phase designed to prepare candidates for the complex task of identifying drug-impaired drivers. During this portion of the program, candidates received in-depth instruction on human physiology, the effects of drugs on the body, and the seven categories of drugs recognized within the Drug Evaluation and Classification Program. Candidates also studied the standardized 12-step DRE drug influence evaluation process, which includes psychophysical tests, vital sign examinations, eye examinations, and the interpretation of clinical indicators associated with drug impairment. The classroom portion emphasizes both scientific understanding and practical application, ensuring candidates are well-prepared for their next step towards certification.



Following the classroom instruction, North Dakota DRE candidates traveled to San Francisco to complete the hands-on training portion of the course, also known as the Field Certification Phase. The effort was made possible through collaboration with the San Francisco Police Department and the California Highway Patrol. Under

the guidance of experienced DRE instructors, the candidates applied the knowledge gained in the classroom by performing full DRE evaluations on individuals suspected of drug impairment. These evaluations require candidates to systematically collect and interpret physiological indicators to determine the likely category or categories of drugs causing the impairment. These practical evaluations are critical in developing the candidates' ability to accurately identify impairment and form defensible opinions supported by observable evidence and clinical indicators.



The collaboration between North Dakota instructors and their partners in California emphasizes the importance of interagency cooperation in addressing the growing challenge of drug-impaired driving. Through its partnership with the San Francisco Police Department and the California Highway Patrol, North Dakota's DRE program benefited from the exchange of knowledge, experience, and training perspectives that help strengthen the program at home.

The successful training of these 16 new candidates represents

another step forward in combating drug-impaired driving and reinforces the importance of ongoing education, mentorship, and cooperation among law enforcement agencies at the local, state, and national levels. ■

Critical Need for Comprehensive Forensic Toxicology

The 2026 North Dakota Impaired Driving Conference is scheduled to be held in Bismarck from June 9–11. You will find registration information in this newsletter. Joining the conference this year is Regional Toxicologist Liaison Amy Miles who will join our very own State Toxicologist Janelle Portscheller to give us an update in this field that is so crucial to combatting impaired driving.

The National Alliance to Stop Impaired Driving (NASID) previously released a report that emphasizes the critical need for comprehensive forensic toxicology in tackling impaired driving. The research aimed to provide comprehensive data on impaired driving due to drugs and alcohol in the United States, which is often limited by inconsistent testing and reporting and practices like stop limit testing. The research included testing samples from five states (Missouri, Montana, Ohio, Wisconsin, and Pennsylvania) that were analyzed using high-resolution mass spectrometry for Tier I and most Tier II substances.

A total of 1,025 samples were analyzed: 2.6% had no drugs or alcohol detected, 69% were ethanol positive, and 71% were drug positive. Forty-five percent of samples were positive for both drugs and alcohol. The most frequently detected drugs were THC (38%), methamphetamine (9.8%), amphetamine (7.8%), and fentanyl (4.5). The most common combinations included cannabinoids with ethanol (35%) and cannabinoids with CNS stimulants (9.6%).

The report highlights the prevalence of both drugs and alcohol in impaired driving cases and underscores the necessity for enhanced testing protocols to improve detection and support effective policy-making and public safety initiatives. You can find the report at:

<https://nasid.org/wp-content/uploads/2024/11/NASID-Forensic-Technology-Doc.pdf>



Beyond Consent: “Exigent Circumstances” Exist

In *State v. Bell*,¹ the North Dakota Supreme Court reversed a district court’s exclusion of chemical breath test results, reasoning that the general implied consent statute and the statute applicable to death and serious bodily injury resulting from impaired driving “must be read in conjunction with each other” rather than by an “either-or” approach. Contrary to the district court’s conclusion, the giving of an accurate implied consent statute is not itself coercion. The case was remanded to the district court for a determination if, under the totality of the circumstances, Bell’s consent to the breath test was voluntary. The district court, in subsequent proceedings, held that the consent was voluntary and the breath test was not to be excluded. Mr. Bell subsequently pleaded guilty pursuant to an agreement.

Rather than merely discussing the consent exception to the warrant requirement as applied in *Bell*, let’s recognize what is easily overlooked. After a thorough analysis of the legislative history of the “interplay between N.D.C.C. § 39-20-01 and N.D.C.C. § 39-20-01.1,” the court recognized that a law enforcement officer shall request a chemical test in cases involving death or serious bodily injury in which there is probable cause the driver is driving or in actual physical control, but the “legislative grace” to refuse the requested test has been modified. If the driver refuses in such a case and “exigent circumstances are not present,” the officer “shall request a search warrant.”

The court in *Bell* pointedly went beyond the question of consent and the assertions in the case, to make clear there remains an alternative to a warrant, one based upon “exigent circumstances.” Finding an additional error in the district court’s analysis, the court explains:

[¶42] The district court further erred in its analysis of N.D.C.C. § 39-20-01.1, concluding it required law enforcement either obtain consent or a search warrant, “and there is no third option.” While the court correctly noted this case does not include an assertion of exigent circumstances, N.D.C.C. § 39-20-01.1 does not preclude law enforcement from compelling a chemical test based on the “exigent circumstances” exception to the warrant requirement.

North Dakota’s statute and the court’s analysis in *Bell* is consistent with U.S. Supreme Court opinions spanning decades. In the *McNeely* case in 2013, the SCOTUS held the dissipation of alcohol alone is not an exigent circumstance justifying a warrantless chemical test.² Returning to the topic in *Mitchell v. Wisconsin* in 2019³, SCOTUS analyzed the circumstances when a warrantless BAC blood test can be given to a motorist who appears to be under the influence of alcohol.

Recognizing a warrantless breath test, but not a blood test, can be conducted as a search incident to an arrest based upon probable cause of drunk driving under its prior decision in *Birchfield v. North Dakota*,⁴ SCOTUS looked again at whether a BAC test can also be conducted if the facts bring it within the exigent circumstances exception to the Fourth Amendment’s general requirement of a warrant.

The “exigent-circumstances rule” almost always permits a blood test without a warrant in the “narrow but important category of cases” in which a driver is unconscious and cannot be given a breath test. With that in mind, the court gave new life to a now 60-year-old case in which it was recognized the dissipation of BAC did justify a blood test of a drunk driver whose accident resulted in the police having other pressing duties. In that case, the further delay caused by a warrant application would have resulted in the possible destruction of evidence.⁵

In *Mitchell*, the driver’s “stupor and eventual unconsciousness” prevented a reasonable opportunity to administer an evidentiary breath test, so a blood test was administered. Comparing the circumstances of three cases, the court reasoned:

Like *Schmerber*, this case sits much higher than *McNeely* on the exigency spectrum. *McNeely* was about the minimum degree of urgency common to all drunk-driving cases. In *Schmerber*, a car accident heightened that urgency. And here *Mitchell*’s medical condition did just the same.

continued on page 7 ►

Exigent Circumstances (continued from Page 6)

For the exigent circumstances exception to the warrant requirement to apply, then, something more than the dissipation of BAC is needed. That “other factor” includes a “pressing health, safety, or law enforcement” need that would take priority over a warrant application. “Both conditions are met when a drunk-driving suspect is unconscious,” so the court in *Mitchell* declared that its decision in 1966 in “*Schmerber controls*” and “a warrantless blood draw is lawful.”

One should also ponder the case in which there is probable cause to believe a drug or substance other than alcohol is the cause of the impairment. Is the need even greater to get a blood test then without the delay of making a warrant application? In this time of rising poly substance use, isn't there a greater need for the application of the exigent-circumstances rule.

At least as to BAC testing, the North Dakota Supreme Court in *Bell*, as SCOTUS did in *Mitchell*, recognized the continuing viability and applicability of the exigent circumstances rule, at least in a narrow though very important category of cases. As the *Mitchell* court declared:

“The bottom line is that BAC tests are needed for enforcing laws that save lives.” ■

¹ 2025 ND 201.

² *Missouri v. McNeely*, 569 U. S. 141 (2013).

³ *Mitchell v. Wisconsin*, 588 U.S. , 139 S.Ct. 2525 (2019).

⁴ *Birchfield v. North Dakota*, 579 U. S. ____ (2016).

⁵ *Schmerber v. California*, 384 U. S. 757 (1966).

Training Resources

TSRP Webpage • www.ndsaa.org
[North Dakota State's Attorneys' Association » Home](#)
User Name: tsrp • Password: tsrp

This website was developed to provide those invested in traffic safety with a warehouse for current information, training opportunities, case law updates, related resources, interesting and relevant news articles, etc., so we can continue to focus on our goal of making North Dakota's roadways safe. Following is a list of items available.

- Impaired Driving Training Materials & Manuals
- Memo Library
- Impaired Driving Training Video Library
- SFST Training Videos
- The Two Beer Manual and latest case law updates
- Webinars

Upcoming Training & Events

ND Impaired Driving Conference
[2026 Impaired Driving Conference | Vision Zero](#)
June 9–11, 2026
Radisson Inn
Bismarck, ND

[RISE26 - RISE26](#)
July 20-23, 2026
Nashville, Tennessee

[IACP Impaired Driving and Traffic Safety \(IDTS\) Conference](#)
August 21-23, 2026
Anaheim, CA

[GHSA 2026 Annual Meeting | Governors Highway Safety Association](#)
Annual Meeting
August 29 – September 2, 2026
Minneapolis, MN

[IACP Conference 2026](#)
October 24-27, 2026
Orlando, Florida

Register **NOW!**

2026 ND IMPAIRED DRIVING CONFERENCE

When: June 9 – 11

- June 9 – Registration begins at noon, Conference 1:00 pm – 5:00 pm
- June 10 – 8:30 am – 5:00 pm
- June 11 – 8:30 am – Noon

Where: Radisson Hotel – Bismarck, ND

Purpose: North Dakota Impaired Driving conference is created with the purpose of providing law enforcement updates and training in the following:

- Physiological and Scientific Foundation Explanations in the SFST Manual
- Toxicology Updates
- Indicators of Impairment
- Recent Supreme Court Case Discussion
- Trending Impairing Substances

Cost: No registration fee for conference and approved travel expenses for law enforcement will be reimbursed by NDDOT.

Guest Speakers:

- Amy Miles – NHTSA Regional Toxicology Liaison
- Jonathan Huber – Seattle Police Department
- Robert Hayes – International Association of Chiefs of Police

POST credits will be available.

Registration: [2026 Impaired Driving Conference | Vision Zero](#)

Hotel Reservations

Attendees are responsible for their own hotel reservations. A block of rooms had been reserved at the Bismarck Radisson under "Impaired Driving Conference." Although the reservation room block has expired, attendees can call the front desk directly at 701-255-6000 and they can assist with lodging accommodations.

Hotel rooms will be paid for by the attendee, and for LE may request to be reimbursed up to the government rate along with other travel expenses.



Photo by Aedrian on Unsplash