DAVIS POLICE DEPARTMENT

BLOOD TESTS
Policy and Procedure 2.21-C

DEPARTMENT MANUAL

Index as:
Blood Tests
Driving Under the Influence, Blood Tests
Alcohol Blood Tests
Drugs, Blood Tests
AMR, Blood Tests
Blood Tests, AMR

I. POLICY

Occasionally suspects arrested for various offenses refuse to consent to a chemical test to determine the alcohol and/or drug content in their system. The following procedure shall be followed for drawing blood.

II. PROCEDURE

A. Blood Draws, Driving Under the Influence Cases

1. The implied consent laws are in place in an effort to avoid conflict in obtaining a lawful chemical sample following the arrest of a person arrested for driving under the influence. When a person is unable to withdraw consent (e.g., the person is dead or unconscious), officers should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

2. Officers are to comply with a suspect’s choice of test, even if they change their mind from the initial refusal to provide a breath sample or urine sample. (If the urine sample is legally appropriate. See VC § 23612 for when a urine test may be administered in lieu of blood or breath test.) However, suspects who refuse to provide a breath or urine sample, or are unable to complete either test, after having once changed their mind, should not be given a second chance to reconsider, if the process would be significantly delayed and cause a change in the ultimate alcohol/drug content measurement. In that case, the officer should seek a search warrant to secure the blood, unless there are exigent circumstances that would allow a warrantless search to occur.

3. Unless exigent circumstances exist, a search warrant is required to conduct a non-consensual blood test. (Mere dissipation of alcohol and/or drugs in the blood because of passage of time, alone, is not sufficient exigent circumstances to justify a non-consensual or warrantless search.)

4. For felony DUI arrests, if exigent circumstances exist, and securing a search warrant is not feasible under the circumstances, with supervisor approval, arrestees who refuse to submit to a lawfully available chemical test may have their blood drawn without their consent.

5. Blood may only be drawn in a medically approved manner, and only by a person who is authorized to withdraw blood. (See VC § 23158 for those who are authorized to draw blood.) A person who suffers from hemophilia, or from a heart condition and is using an
anticoagulant under the direction of a licensed physician, or from any medical condition and qualified medical personnel recommend that their blood not be drawn, is exempt from having to provide a blood test.

6. Only that degree of force that is reasonable and necessary under the circumstances may be used to facilitate the withdrawal of the blood. It may be reasonable to hold a person down, place them in handcuffs, or place them in the “Wrap” or similar restraints in order to facilitate the withdrawal. Further restraints or force shall not be used to facilitate the blood draw.

B. Blood Draws, Other Offenses

1. In all cases, the arrested person’s consent should be sought prior to a blood test. Absent consent or search warrant, a blood sample may be taken from an arrested person when all of the following exist:
   a. The person is under arrest for a felony offense.
   b. When being under the influence of alcohol and/or drugs is relevant to the offense or offenses charged. (In all other cases, a search warrant is needed.)
   c. When there are exigent circumstances and there is insufficient time to secure a search warrant. (Mere dissipation of alcohol and/or drugs in the blood because of passage of time, alone, is not sufficient exigent circumstances to justify a non-consensual or warrantless search.)
   d. There is probable cause to believe the blood will contain the evidence.

2. Blood may only be drawn in a medically approved manner and only by a person who is authorized to withdraw blood. A person who suffers from hemophilia, or from a heart condition and is using an anticoagulant under the direction of a licensed physician, or any medical condition and qualified medical personnel recommend that their blood not be drawn, is exempt from having to provide a blood test.

3. Only that degree of force that is reasonable and necessary under the circumstances may be used to facilitate the drawing of blood. It may be reasonable to hold a person down, place them in handcuffs, or place them in the “Wrap” or similar restraints in order to facilitate the blood draw. Further restraints or force shall not be used to facilitate the blood draw.

C. Additional Considerations

1. As a general rule, a suspect should be transported to Sutter Davis Hospital if a blood draw is needed. However, if the person is in need of acute medical care, they shall be transported to the appropriate medical facility, as directed by qualified medical personnel. Acute medical care takes precedence over executing an evidentiary blood draw.

2. Currently, Woodland Memorial Hospital and the UC Davis Medical Center will not do non-consensual blood draws.

3. If Sutter Davis Hospital is not able to draw the blood in a timely manner, a supervisor may authorize American Medical Response (AMR) to respond to draw the blood. The following procedure is used for AMR:
   a. Requests for blood draw services are to be made to the AMR Sacramento Valley Dispatch Center.
   b. AMR Paramedics will draw legal, venous blood samples from suspects who are in custody and at the direction of a peace officer.
c. A resisting person must be adequately restrained. (see section II A and B above.)
d. This service will be performed in the holding cell area of the Davis Police Department in the presence of a Davis Police Officer. Should the person not be able to be safely placed in the holding area, the authorizing Davis Police supervisor, with concurrence of the AMR Paramedic, may perform the blood draw in another safe location. The AMR Paramedic may, at their discretion, decline to perform the blood draw.
e. Davis PD will provide all blood sample collection vials and will instruct the AMR Paramedic on which vial to use. The approved vials are supplied by DOJ and will be maintained in the evidence preparation area at Davis PD.
f. AMR will provide all other materials necessary to perform the blood draw and will dispose of all associated bio-hazard waste.
g. Once the blood sample is obtained, the AMR Paramedic will give the sample to the requesting Davis Police Officer.
h. The AMR Paramedic will complete a blood draw request form. The requesting Davis Police Officer must sign the form.
i. AMR charges on a per use basis. Therefore, supervisors should consider whether the blood draw is able to be conducted at an appropriate medical facility prior to authorizing the use of AMR.

Darren Pytel
Police Chief

10/99

Revised
12/07. Clarifications made to sections A and B. Section C added.
4/13. Warrant or exigent circumstances needed for non-consensual blood tests
7/19 consent revoked added

Reviewed
12/00
01/03
04/08
04/10
10/11
05/17
12/17
5/19