5-08/010.20 - Blood Tests

Persons afflicted with hemophilia and persons who are afflicted with a heart condition and using an anti-coagulant under direction of a physician are exempt from the blood test.

While this Department will not require persons claiming this exemption to provide medical proof, such persons shall be informed that the exemption applies only to blood tests and not to tests of breath or urine.

Blood Sample - Department's Request
When collecting a blood sample, use the blood collection kit supplied by Scientific Services Bureau. Only those medical personnel identified in Section 23158(s) CVC may withdraw blood for the purpose of determining the samples' alcohol concentration. After collection, invert the vial to mix the contents. Label the vial and complete the relevant portions of the envelope. Place the vial inside the envelope and seal the envelope with the evidence seal provided.

Following completion of the test, the sample shall be transported to the station and immediately placed in the locked box provided for this purpose. The sample need not be stored under refrigeration.

Blood Sample by Suspect's Physician
When the physician arrives at the place of confinement and is properly identified, he shall, with the consent of the suspect, be permitted to obtain a blood sample in the presence of the arresting officer or jailer. The physician shall provide the container for the sample.

Observing deputies shall record the following information in the first or in a supplemental report:

- Name, business address, and business phone number of the attending physician;
- Time the phone call was placed to the physician;
- Time of arrival of physician;
- Time the blood was taken;
- Amount of blood taken;
- Names and badge numbers of deputy witnessing the telephone call and the blood withdrawal; and
- Method of withdrawal including sterilization process, etc.

Test Desired, Suspect Refuses Permission
When a deputy feels that the taking of a blood sample is necessary and that physical restraint of the subject would be required to obtain the sample, he shall first obtain the approval of his watch commander. The watch commander shall consider the following in making his decision:

- Has adequate evidence already been obtained;
- Is the incident severe enough to warrant this action;
- Would the degree of force required be excessive;
- Would the use of restraints adversely affect the admissibility of the evidence; and
- Does the on-call deputy district attorney concur with the proposed action.

If approval is granted, medically approved personnel shall withdraw the blood sample.

Suspect Not Arrested or Booked

When a suspect is involved in a traffic accident but is not arrested or booked, a sample of his blood may be obtained for evidentiary purposes without a search warrant upon the suspect's voluntary consent.

When such blood-alcohol specimen is obtained, it must be done in a medically approved manner and must be based upon the reasonable belief that the person is intoxicated.

Blood-alcohol specimens obtained under such circumstances will be submitted to the laboratory and the results of the test may be used in conjunction with other evidence to arrive at a decision as to whether a complaint will be issued.

The district attorney's office shall be contacted to determine the actual need for the testimony of an expert witness and, if the reply is affirmative, crime lab personnel shall be notified of the time and place of the trial as soon as practicable.