Urine Test Refusal

FROM: PATRICK E. MAXWELL, CAPTAIN
NORWALK STATION

TO: ALL PERSONNEL
NORWALK STATION

SUBJECT: NORWALK STATION MANAGEMENT DIRECTIVE #10-01; URINE TEST REFUSALS

PURPOSE:

The purpose of this directive is to establish station policy and procedures when a suspect refuses to provide a urine test. This directive will address the procedures to be followed for those suspects who refuse to provide a urine sample after being arrested for violation of any subsection of 11550 HS. The purpose of this document is to create a unit level policy for urine test refusals, and at the same time enhance the prosecution of suspects arrested by Norwalk Station deputies by allowing for a supervisor to witness the refusal and making every effort to obtain admissible evidence in court.

DIRECTIVE:

The following guidelines have been established for those suspects who fail to provide a urine sample or refuse to provide a urine sample:

It will be Norwalk Station's policy that every opportunity will be given to a suspect who is arrested for being under the influence of a controlled substance to provide a urine sample. A suspect should be given a reasonable amount of time, and some form of beverage, to enhance their ability to provide a urine sample.

When a suspect is arrested for the offense of being under the influence, the supervisor approving the arrest shall make an inquiry as to whether the suspect will be providing a urine sample. If the supervisor is informed by the arresting deputy that a suspect is not be able to provide a urine sample, or is refusing to provide a urine sample, the following should occur:

1. A station supervisor shall witness the admonishment to the suspect for the urine test. The station supervisor shall write their name and employee number on the urine test refusal/consent form when a suspect refuses, or fails to provide, a urine sample. The station supervisor should write a brief comment concurring with the refusal, or failure to provide a urine sample.
2. The suspect should be given some form of beverage to help obtain a sample, and then given a reasonable amount of time to provide a sample. The reasonable amount of time to provide a urine sample shall be determined by a station supervisor and the arresting deputy, when a suspect is clearly unable, or refusing, to provide a sample.

This directive is not intended to dissuade Norwalk Station deputies from making a lawful arrest of a person they suspect of being under the influence of a controlled substance. In all instances, a deputy's training and experience in detecting symptoms of being under the influence should determine that arrest.

However, knowing the key to prosecuting this type of arrest is the evidence provided in a urine sample, positive tests for narcotics, coupled with one's training and experience of detecting these narcotic offenders,

will strengthen your credibility and testimony in future court cases and enhance your expertise in narcotic related offenses.

Therefore, it shall be the directive of this station that all refusals, and or a failure to provide a urine sample for an arrest of a person under the influence of shall be witnessed by a station supervisor and so noted on the refusal form.

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