

# Memorandum

**TO: ALL DEPARTMENT PERSONNEL**      **FROM: Paul Joseph**  
Acting Chief of Police

**SUBJECT: DUTY MANUAL REVISIONS -**      **DATE: May 2, 2024**  
**APPROPRIATE LOCATIONS**  
**FOR CHEMICAL TESTS**

---

APPROVED

Memo# 2024-011

---

## **BACKGROUND**

The San Jose Police Department has recently established a partnership with the Mission Street Recovery Station (MSRS) for placement of misdemeanor Driving Under the Influence (DUI) and low-level narcotics arrestees in lieu of incarceration. As part of the partnership, MSRS will allow officers to use its facility to obtain blood and urine samples from arrestees who are being placed there.

Additionally, officers may now use the Alcohol Investigation Bureau (AIB) facility to obtain both blood and urine samples for any type of arrest requiring a chemical test.

## **ANALYSIS**

The Duty Manual has been revised to reflect changes described below. Additions are shown in *italics and underlined*. Deletions are shown in ~~strike-through~~ form.

### **L 6701      APPROPRIATE LOCATIONS FOR CONSENSUAL BLOOD SEIZURES OF ADULTS AND MINORS:**

*Revised 05-02-24*

Officers must ensure that not only will blood samples be taken in a medically approved manner, but under conditions which will not expose officers, suspects or other persons to contaminated blood (HIV, AIDS, etc.), or invite personal risk of infection or injury. Appropriate locations for the consensual seizure of blood samples would include police facilities, medical hospitals or clinics. Locations such as patrol cars, parking lots or outdoor areas shall not be used for blood seizures. *The following specific locations are appropriate for blood seizures:*

- With the approval of jail personnel, detectives/investigators may use the Santa Clara County Jail for the seizure of blood from adults.
- The Alcohol Investigation Bureau (AIB) may ~~shall only~~ be used for obtaining blood samples from adults and juveniles. ~~DUI-related arrests of adults and minors. For~~

~~non-DUI related arrests, officers must have prior authorization of the on-duty Watch Commander to use AIB.~~

- The San Jose Pre-Processing Center, Holding Cell #2, is specifically equipped with a stainless steel table designed for obtaining nonconsensual blood samples. Holding Cell #2 may also be used for those arrest situations where, prior to booking, a blood sample is required and it is not necessary to process the arrested subject at the Adult or Juvenile Pre-Processing Center.
- Officers placing an arrestee into the Mission Street Recovery Station (MSRS) for misdemeanor DUI and low-level narcotics violations may obtain a blood sample from the arrestee at the MSRS facility prior to admission.

In situations where a blood sample is required from an unconscious individual, officers must first obtain a search warrant, as outlined in Duty Manual section L 6708 - PROCEDURES FOR SEIZING NONCONSENSUAL BLOOD SAMPLES, and ensure the sample is collected while under the supervision of medical personnel at a medical facility. This procedure only pertains to DUI cases. The law does not allow for obtaining search warrants for narcotics influence cases.

**L 6709 : URINE SAMPLES**  
Revised 05-02-24

Persons who refuse to give a blood sample will frequently give a urine sample. Since there is a direct correlation of alcohol or controlled substances in urine as well as in blood, a urine sample is acceptable if a blood sample is unobtainable. Urine samples are the preferred chemical sample in narcotics cases.

Urine samples may be taken ~~specimen bottles are available~~ at Alcohol Investigation Bureau (AIB) and the Department's Pre-Processing Center. ~~for use by officers.~~ If it is necessary to obtain the urine sample at a location that does not have sample bottles available, a laboratory technician will be requested. Officers placing an arrestee into the Mission Street Recovery Station (MSRS) for misdemeanor DUI and low-level narcotics violations may obtain a urine sample from the arrestee at the MSRS facility prior to admission.

Prior to taking a urine sample (except in narcotic cases), the suspect must empty their bladder. The sample will be taken 20 to 30 minutes later. The officer will note on the envelope the time of voiding and the time the sample was taken. The following additional procedures will also be adhered to when administering a urine test:

- The law requires that when a urine sample is taken the subject must be given reasonable privacy consistent with the accuracy of the sample and the dignity of the individual.
- The person obtaining the sample will use a urine sample bottle and a "chain of possession" envelope. Officers will ensure that the envelope is completed and the initials of the person obtaining the sample, the date, the case number and their own initials are indicated on the urine sample bottle.

**ALL DEPARTMENT PERSONNEL**

**SUBJECT: DUTY MANUAL REVISIONS - APPROPRIATE LOCATIONS FOR CHEMICAL TESTS**

May 2, 2024

Page 3

**ORDER**

Effective immediately, all Department personnel shall adhere to the above Duty Manual sections.

A handwritten signature in black ink that reads "Paul Joseph". The signature is written in a cursive style with a large initial "P".

Paul Joseph  
Acting Chief of Police

PJ:PH