

DUI DRUG EVIDENCE

1. **PURPOSE:** To establish guidelines for collecting, storing and analyzing body fluids to be used as evidence in Driving Under the Influence (DUI) cases.
2. **POLICY:** The Department will follow all current medical practices and judicial procedures concerning the processing of body fluids in DUI cases.
3. **SCOPE:** This directive is applicable to all personnel.
4. **RESPONSIBILITY:** It is the responsibility of all personnel to comply with this directive.
5. **PROCEDURES:** In DUI cases where reasonable suspicion exists to believe that a person is under the influence of a drug or other chemical substance a member of the DUI Task Force, a Drug Recognition Expert (DRE), or a Traffic Homicide Investigator (THI) should be contacted to facilitate the taking and processing of body fluids. If none are available, with the approval of a supervisor, the following steps will be taken to collect, store and process the fluid as evidence after an arrest is made:
 - A. **CONSENSUAL TOXICOLOGY:** If the suspect consents to a legal blood draw, then the officer will complete the Voluntary Consent for Blood and/or Oral Fluid Sample form. This form must be completed prior to the collection of body fluids.

NOTE: If an arrestee consents to toxicology and requests an independent test, he or she will be given a reasonable opportunity to take one, but only at his or her own expense. The arrestee will also be responsible for care and handling of the sample.
 - B. **NON-CONSENSUAL TOXICOLOGY:** If the suspect does not consent to a legal blood draw, and with supervisor approval, the Officer will notify a THI officer for assistance securing a search warrant. The THI officers will have the primary responsibility if they are working. DUI Task Force officers will share that responsibility if they are working. If neither are available, the THI on call will be called out with supervisor approval.
 - C. After gaining consent or a search warrant, the Officer will request a legal blood draw from a qualified medical person in writing using the REQUEST FOR TAKING OF SAMPLED OF BLOOD AND/OR ORAL FLUID form.

- D. When the legal blood draw is completed, the qualified medical person will sign the CERTIFICATE OF COMPLIANCE IN TAKING OF BLOOD form. After the blood is drawn by a qualified medical person, the samples will have seals affixed to the tubes of blood.
- E. Officers will also attempt to have the suspect to provide an oral fluid sample with the supplied Quantisal Oral Fluid Collection Device.
- F. STORAGE OF FLUIDS: If body fluids need to be stored in order for the Officer to process the paperwork, the arresting officer will store the evidence and appropriate copies of documentation in the After Hours Large Evidence Storage Room refrigerator until the sample can be taken to the Alabama Department of Forensic Science (ADFS) Office. The arresting officer will be responsible for completing the ADFS Toxicology Submission Form and delivering the evidence in a timely manner to the City of Huntsville Mail Room for shipment to the Alabama Department of Forensic Sciences. Temporary storage of body fluids and samples will comply with existing Departmental directives governing temporary storage of evidence.
 - 1. SECURITY PROCEDURE: The officer transporting the evidence shall obtain a lockbox key from Records and shall enter the appropriate information on the sign-in/sign-out log. After securing the evidence in the lockbox, the officer shall return the key to Records and complete the sign-out sheet.
- 6. DOCUMENTATION: In the event of an arrest involving this procedure, the arresting Officer will document the collection and submission of the sample on the arrest report. This will allow the City Attorney's office to schedule the case to allow for processing by the lab. The City Attorney's Office or the Madison County District Attorney's Office will be responsible for contacting the Alabama Department of Forensic Sciences for testimony in any court action. All paperwork generated (Consent Form, Search Warrant, Certificates, and paperwork from ADFS) must be forwarded to the City Attorney's Office or the Madison County District Attorney's Office.