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CALIFORNIA DEPARTMENT OF JUSTICE

BUREAU OF FORENSIC SERVICES

PHYSICAL EVIDENCE BULLETIN

UNIFORM STANDARDS FOR WITHDRAWAL, HANDLING, AND PRESERVATION OF BLOOD SAMPLES FOR FORENSIC ALCOHOL ANALYSIS

In accordance with Vehicle Code Section 23158, the California Department of Highway Patrol, in cooperation with the Department of Health and the Department of Justice, has adopted uniform standards for withdrawal, handling and preservation of **blood** samples prior to analysis. The standards are outlined below:

A. **Blood** samples obtained from persons involved in traffic accidents or traffic violations shall be collected, handled and preserved as required by Section 1219 and 1219.1 of Title 17 of the California Code of Regulations.

Blood samples are collected by venipuncture from living individuals as soon as feasible after the alleged offense and only by persons authorized by Section 23158 of the California Vehicle Code (licensed physician and surgeon, registered nurse, licensed vocational nurse, duly licensed clinical laboratory technologist or clinical laboratory bioanalyst, unlicensed laboratory personnel regulated pursuant to Sections 1242, 1242.5, and 1246 of the Business and Professions Code, or certified paramedic acting at the request of a peace officer). **Alcohol** or other volatile organic disinfectants are **NOT USED** to clean the skin where a specimen is to be collected. Only aqueous benzalkonium chloride ("Zephiran"), aqueous merthiolate, aqueous mercuric chloride or povidone-iodine ("Betadine") disinfectants are used to disinfect the skin before venipuncture.

Sterile dry hypodermic needles and syringes or clean dry vacuum-type containers with sterile needles are used. No reusable equipment is used. The **blood** sample drawn is deposited into a clean, dry container (commercially prepared **blood collection** tube) which is closed with an inert stopper. Sample containers are not reused. Tubes for collecting **blood** contain an anticoagulant (such as potassium oxalate or EDTA) and a preservative (such as sodium fluoride).

The **MINIMUM** quantity of **blood** required to perform duplicate determinations by the laboratory and still provide sufficient quantity for referee analysis by the defendant is 3 ml (approximately one teaspoon). The **blood** sample container on which DOJ laboratories performed quality assurance and non-interference testing is:

VACUTAINER[®] Grey Stopper 10mL Contains potassium oxalate, 20 mg;
 sodium fluoride, 100 mg.

DOJ personnel can provide corroborative testimony as to the contents and non-interference of the listed container. Samples received in other containers will be analyzed but may be subject to a legal challenge.

B. Maintenance of identity and integrity of the sample, required by Section 1219 of Title 17 of the California Code of Regulations, shall include the following procedures:

1. The label for the **blood** vial or tube shall contain at least the following information:
 - a. Full name of subject.
 - b. Date **blood** drawn.
 - c. Initials of person drawing **blood**.
 - d. Initials of witnessing officer.
2. The **blood** sample tube or vial shall be sealed in a **blood alcohol** envelope.
 - a. The **blood** sample envelope label shall include at least the following information:
 - (1) Full name of subject.
 - (2) Subject driver's license number.

- (3) Submitting agency.
- (4) Geographical location where **blood** sample was drawn; i.e., name and/or address of hospital, jail or other facility.
- (5) Name of person drawing **blood** sample.
- (6) Date **blood** sample drawn.
- (7) Time **blood** sample drawn.
- (8) Signature of witnessing officer.
- (9) A form for establishing the chain of possession for all persons handling the evidence.

b. Other information such as agency or laboratory number, offense charged, anatomical location from which **blood** sample was drawn, or any special instructions may be added.

Blood alcohol mailing kits including vials, envelopes and labels are available on request.

C. Procedure for obtaining **blood** samples.

1. The requesting officer should witness the withdrawal of the sample. When the officer witnesses the actual withdrawal of the **blood**, it may preclude the person drawing the **blood** from appearing as a witness at the time of the trial.
2. The person drawing the **blood** (e.g., nurse, doctor, paramedic) shall fill out and initial the label and affix it firmly to the tube or vial. The sample shall then be given to the officer who, in turn, shall initial the label and place the sample in the prescribed envelope. The officer shall immediately complete the required information on the envelope label and seal securely.
3. Appropriate steps to ensure integrity of sample shall be taken:
 - a. Once the envelope or other container is sealed, it must not be opened except for analysis in the laboratory.
 - b. Each person having possession of the sealed samples shall sign his name in the space provided for recording the "chain of possession".

D. Post-mortem **blood** samples collected for non driving offenses only requires employment of all practical precautions to ensure an uncontaminated sample is obtained. For example:

1. Samples shall be obtained PRIOR to the start of any embalming procedure. **Blood** samples shall not be collected from the circulatory system effluent during arterial injection of embalming fluid.
2. Care shall be taken to avoid contamination by **alcohol** from the gastrointestinal tract directly or by diffusion therefrom. The sample shall be taken from a major vein or the heart.

You may wish to consult with crime laboratory personnel in these types of cases.