



# ORANGE POLICE DEPARTMENT

## LAW ENFORCEMENT TRAINING BULLETIN

Dan Adams, Chief of Police

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TB# 24-01

### Restraint Chair for Blood Draws

Effective immediately, the Restraint Chair shall **not** be used to obtain a blood sample from a subject under arrest for HS 11550. This is a direct result of the Orange County District Attorney's Office declining to prosecute HS 11550 cases involving non-consensual blood draws. They do not believe legal authority exists to forcibly obtain blood evidence for this type of law violation. Officers should continue to arrest subjects for violations of HS 11550, but can only obtain blood samples when the arrestee consents to an evidential blood draw. This consent should be recorded on BWC, and clearly documented in the report. Subjects who refuse to provide a consensual blood sample can still be booked at Orange County Jail or released via citation.

Refusal to consent to a blood draw does not impact the probable cause for making a lawful arrest, and is not grounds for releasing a subject per PC 849(b)(1).

If an evidential blood sample is not collected from a suspect, attempt to have a Drug Recognition Expert (DRE) complete an evaluation and opine whether or not the suspect is under the influence. Detailed and thorough reports that include the arresting officer's training and experience pertaining to under the influence investigations will increase the likelihood of criminal charges being filed when a blood sample cannot be obtained.

Policy 347.3 has been recently modified to remove an arrest for HS 11550 from the list of authorized conditions for using the Restraint Chair.

#### **Bottom Line:**

**The Restraint Chair can no longer be used to obtain a blood sample from a subject arrested for HS 11550. When possible, officers should have a DRE Evaluation conducted on subjects who refuse to consensually provide a blood sample. Subjects arrested for HS 11550 can still be booked at Orange County Jail or released on a citation regardless of whether or not an evidential blood sample was obtained.**