

DATE:	SEPTEMBER 25, 2019
NUMBER:	I.95
SUBJECT:	FORCED BLOOD DRAWS
RELATED SECTIONS:	PC 243.9, H&S 121060, SDCS 6.67; DSB P&P M.37 , M.42 , I.89 , Addendum F

PURPOSE

To establish guidelines for the forcible taking of blood from inmates in the Sheriff's detention facilities.

POLICY

No specimens of blood shall be forcibly obtained, except when authorized by law or pursuant to a court order. The watch commander shall review all involuntary blood draws, prior to obtaining the specimen.

PROCEDURE

I. FORCED BLOOD DRAWS PURSUANT TO A COURT ORDER

- A. When an employee sustains an occupational exposure to an inmate's blood, bodily fluid or human excrement, the inmate will be asked to voluntarily submit to a blood draw. The voluntary informed consent shall be in writing. Refusal to voluntarily submit to a blood draw may result in procuring a court order to obtain the specimens of blood.
- B. All blood samples must be obtained in a medically approved manner by certified contract forensic personnel. Any force used to facilitate a blood draw must be necessary and objectively reasonable for the circumstances at the time, using only that amount of force to overcome resistance and to safely accomplish the task.
- C. If a court order is obtained, it will be reviewed by the watch commander prior to the blood being drawn. The watch commander or designee shall supervise the forced blood draw.
- D. The watch commander will have forced blood draws recorded on a portable digital recording device. The recording should include all efforts to gain compliance from the inmate by custody or forensic staff prior to force being used.

II. FORCED BLOOD DRAWS AFTER A GASSING INCIDENT

- A. Incidents concerning detention facility employees who have been exposed to an inmate's bodily fluid or human excrement, as defined in California Penal Code Section 243.9, will be investigated. If the chief medical officer (Sheriff's Medical Director) or designee (Facility Supervising Registered Nurse or On-call Supervising Registered Nurse) deems it necessary, they can order the inmate be tested for hepatitis and or tuberculosis, as soon as possible. Every effort should be made to obtain a voluntary blood sample from the inmate first. The voluntary informed consent shall be in writing. Refusal to provide a blood sample may result in a forced blood draw.

- B. As defined in California Health and Safety Code Section 121060, an inmate can also be tested for HIV on a voluntary or involuntary basis. The voluntary consent shall be in writing. If the inmate refuses, a court order must be obtained for the HIV testing. The on duty watch commander or designee will contact the Detentions Investigation Unit to obtain the court order. The blood sample will be processed as outlined in Detention Policy and Procedure Section M.42.
- C. Immediately after the event (voluntary, forced or court ordered blood draw) or as soon as practicable, the on duty watch commander or designee shall ensure that the Sheriff's Infection Control Nurse and the Medical Liaison Unit are notified in writing as to the facts and circumstances of the gassing incident .
- D. The watch commander will have forced blood draws recorded on a digital recording device. The recording should include all efforts to gain compliance from the inmate by custody or forensic staff prior to force being used.

III. DOCUMENTATION

A use of force incident report shall be completed in NetRMS as per Addendum F and Detention Policy and Procedure Section I.89. If the incident involves a court order, a copy of the order must be included with the report; the original court order must be filed in the inmate's custody record.

IV. FORCED BLOOD DRAWS FROM ARRESTEES INCIDENT TO ARREST

- A. Law enforcement agencies that wish to take a blood sample must arrange for this service to be provided prior to the prisoner's arrival at the detention facility. Detention facility staff shall not participate in forced blood draws performed by other agencies.
- B. Blood draws incident to an arrest by San Diego Sheriff's Department (SDSD) deputies shall be performed pursuant to Department Policy and Procedure Section 6.67.
- C. The watch commander or designee shall approve the location in which the forced blood draw will be conducted at (e.g., vehicle sallyport, intake area, etc.). Facilities may provide CCTV video recording of forced blood draws to SDSD deputies and as requested by other agencies. The recording should capture all efforts to gain compliance from the inmate by the arresting agency and forensic staff prior to force being used.