Blood Specimen Collection Kit

Objectives

- After completing the lesson the Officer will be able to determine when the use of a Blood Alcohol Kit is appropriate.
- After completing the lesson the Officer will be able to complete the documentation that is contained in the Blood Alcohol Kit.
- At the conclusion of the study the Officer will know the procedures for processing the Blood Alcohol Kit.
- After this unit of study the Officer will know the legal references for the use of Blood Kit.

Completing a Blood Specimen Collection Kit

The State of Oklahoma Blood Specimen Collection Kit is used for both blood alcohol and drug-related arrests. Examples of situations where a blood specimen collection kit would be used; when the arrestee is in the hospital due to injury or when there is a physical defect of the arrestee such as Chronic Obstructive Pulmonary Disease (COPD). Another time a blood specimen collection kit may be used is when the officer has evidence of drug involvement or once a breath test is conducted and the results are 0.00 BrAC g/210L of breath and the officer has probable cause to believe the person is impaired.

The Intoxilyzer 8000 has many safeguards in place. Certain safeguards will disable the breath instrument. When the breath instrument is disabled, a blood specimen collection kit may be used.

If there has been a fatality accident a blood specimen collection kit will be taken. According to 47 O.S. § 10-104 B,

“Any driver of any vehicle involved in an accident who could be cited for any traffic offense where said accident resulted in the immediate death or great bodily injury, as defined in subsection B of Section 646 of Title 21 of the Oklahoma Statutes, of any person shall submit to drug and alcohol testing as soon as practicable after such accident occurs. The traffic offense violation shall constitute probable cause for purposes of Section 752 of this title and the procedures found in Section 752 of this title shall be followed to determine the presence of alcohol or controlled dangerous substances within the driver's blood system.”

The fact there is a fatality in of itself does not allow for the use of a blood specimen collection kit to be taken. The investigation must show a citable traffic offense which results in an accident with immediate death or great bodily injury. In Guest v. State 2002 OK CR 5, 42 P.3d 289, the Court states:

“...it is enough that Appellant was the driver of a vehicle involved in an accident, that he could be cited for a traffic offense and that the accident resulted in the immediate death of a person. Appellant’s blood was neither withdrawn in violation of Oklahoma statutes nor in violation of his constitutional rights under the Fourth Amendment. This proposition warrants no relief.”
In many of these investigations one officer may be working at the accident site and another officer will be asked to retrieve the blood specimen collection at a hospital. The officer working the accident may have the information pertaining to the traffic offense or what probable cause may be. The officer witnessing the blood draw may use the information as reason to have the blood drawn under this rule. A good example of this type of collaboration is the officer who is flying the airplane measuring traffic speeds and calling out violations to the officer on the ground that actually makes the stop and writes the ticket. The “Fellow Officer Rule” applies as long as the Officers are communicating with each other.

Based on Title 47 O.S. §10-104B

- You are investigating an accident and the driver in question has seriously injured or killed another person and committed a traffic offense. You do not have evidence of drug or alcohol use or witness any physical impairment of the driver in question.
  - At the hospital you explain the situation to the driver, if you determine probable cause for driving under the influence/actual physical control, 47 O.S.§ 67-751 is applicable and the Officer will comply with 47 O.S.§ 67-752, an arrest of him/her for DUI may be warranted, read Implied Consent, and request a blood test.
  - If the driver is not going to be admitted to the hospital and you do not have any reason to take him/her to jail, advise him/her that they will be released pending the results of the blood test.
  - If the driver submits to the blood test request, conduct the blood test as you would normally for the State’s Blood Test
- If the driver refuses the blood test.
  - You advise the driver of the consequences of the refusal.
  - You do not read Implied Consent
  - You have the authority to draw the blood any way, and do so.
  - Fill out the Blood Test Officer’s Affidavit form, check the appropriate box/boxes, place a copy in the blood kit and mail to OSBI. The blood is for Criminal Prosecution Only since the subject refused.

You will have to execute a Refusal Affidavit, and serve the arrestee Notice of Revocation as soon as practical. There is a Refusal Affidavit you should have on hand, check on the Board of Tests website, [http://www.ok.gov/bot](http://www.ok.gov/bot), for a blank, printable Refusal Affidavit.

DO NOT write on the Refusal affidavit “Criminal Prosecution Only”
Authority to Take Samples in a Fatality Accident:

Rare occasions arise when an Officer will work a fatality accident. When this happens taking a person’s blood to determine cause is confusing at best. Let’s summarize the options. The following chart describes the application of the two statutory authorities for a blood draw in a fatality crash. If there is a fatality and:

<table>
<thead>
<tr>
<th>47 O.S. §10-104B</th>
<th>47 O.S. §67-751</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individual is NOT suspect of impairment</td>
<td>Probable Cause to believe subject is intoxicated</td>
</tr>
<tr>
<td>The person MAY be cited for a traffic offense</td>
<td>Read implied consent</td>
</tr>
<tr>
<td>No need to read Implied Consent</td>
<td>Comply with 47 O.S.§ 67-752</td>
</tr>
<tr>
<td>Take the sample if they refuse, mark this sample as Criminal Prosecution only.</td>
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For example: A fatality accident, officer does not suspect impairment and the person may be cited for a traffic offense, the officer relies on 47 O.S. §10-104B, Implied Consent would not be read. If the individual agrees to the blood draw, obtain the blood and complete the blood kit per directions. If the individual refuses, the sample may be taken, then the kit will be marked as “For Criminal Prosecution Only”. If the blood kit does show evidence of drug or alcohol, the evidence would be for a criminal proceeding.

A fatality accident, officer suspects impairment and probable cause exists to believe subject is intoxicated, the officer relies on 47 O.S. §67-751. Read implied consent, comply with 47 O.S.§ 67-752. If the subject refuses, the sample may be taken under exigent circumstances, mark this sample as, “Criminal Prosecution Only.”
Unconscious Persons

In order to take blood from an unconscious person, probable cause must be established. Since there is usually some confusion on withdrawing blood from an unconscious person, let’s cover some of the facts about this situation. Due to guidelines established in the case of the State of Oklahoma vs. Earl Vernon Wood, (No. 0-77-101), Title 47 O.S. 1997 Suppl., § 751 D was passed by our legislature. The guidelines made by this decision as taken from the records of the Court of Criminal Appeals of Oklahoma, STATE v. WOOD:

“…The decision we render here today, while not unprecedented, is novel. That this is so is evidenced by the course of this litigation. At preliminary hearing, the examining magistrate ordered the blood test suppressed. The State gave notice of its intent to appeal to the District Court, pursuant to 22 O.S. 1971, Ch. 18, App., Rules of the Court of Criminal Appeals, Rule 6, and the preliminary was continued. Subsequently, the District Court reversed the magistrate and ordered the test admitted into evidence. At trial, the court once again excluded evidence of the blood test. We have concluded that under Bailey v. State, supra, the trial court was correct inasmuch as giving blood is "giving evidence" under Art. II, § 21, and defendant, being unconscious, was unable to waive the right. However, we express no opinion as to whether or not it would be proper at this time for another branch of the State government to attempt to suspend defendant's license in view of his objection to the introduction of evidence of his blood test. Be that as it may, in all future cases having the same pertinent facts as this case, The following guidelines are established: (1) officers attempting to take blood or breath from an unconscious defendant must have probable cause to search, as required in Schmerber v. California, 384 U.S. 757, 86 S.Ct. 1826, 16 L.Ed.2d 908 (1966), and as required by 47 O.S.Supp. 1975, § 751; (2) the person sought to be tested must be unconscious, or so near thereto as to be incapable of consent; (3) when the person regains consciousness, at some opportune time, he must be given an opportunity to revoke his consent to the taking of the blood test. This can be done at trial, preliminary, or prior to any hearing. However, the decision, once made, is binding. Thus, where the crime charged is a felony the decision would have to be made at preliminary hearing or prior thereto; (4) it is not necessary that the State provide defendant with the results of the test prior to his decision; (5) if the defendant has already been charged at the time he is asked to make his decision he is entitled to the assistance of counsel.”

After the Court of Criminal Appeals of Oklahoma wrote the opinion, the Oklahoma Legislature passed 47 O.S. §67-751D which states:

“D. Any person who is unconscious or otherwise incapable of refusing to submit to a test of such person’s blood or breath to determine the alcohol concentration thereof, or to a test of such person’s blood, saliva or urine to determine the presence or concentration of any other intoxicating substance therein, shall be deemed not to have withdrawn the consent provided by subsection A of this section, and such test may be administered as provided herein.

An unconscious person who has been issued a citation by a law enforcement officer for one of the offenses listed in subsection A of this section is arrested for purposes of this section. The arresting officer must leave a copy of the citation with the arrested person which may be accomplished by handing it to the arrested person, or by leaving it with the personal effects of the arrested party, so as to inform the unconscious person of the arrest.

Any person who has been arrested for one of the offenses listed in subsection A of this section who is unconscious or injured and who requires immediate medical treatment as determined by a treating physician may be released on the person’s own recognizance for medical reasons by the arresting officer. The arresting officer who releases an arrested person on the person’s own recognizance must indicate
the release on the face of the citation. Any person released on his or her own recognizance for medical reasons shall remain at liberty pending the filing of charges.”

There are some rules you must follow, however, to protect the arrestees rights. The tested subject must be informed that the test has been done. If charges have been filed then he/she has the right to contact an attorney before telling you if the test can be used. In addition, the tested subject must be aware when they awaken that they were placed under arrest. The Court of Criminal Appeals decided another case which must be followed. In State v. Sheperd, 840 P.2d 644 (Okla.Cr.1992), the Court said:

“…it would obviously be futile to verbally inform an unconscious person that he is [840 P.2d 646] under arrest. However, some type of actual restraint is necessary so that when an individual regains consciousness, he may immediately be made aware that he has been arrested and that his liberty has been restricted so that he is not free to go. The means of actual restraint necessary to comply with this statutory requirement may vary according to what is reasonable under the circumstances of each situation. For instance, it may be reasonable in some instances to place a guard outside of an individual’s hospital room and it may be reasonable in other cases for the police to merely inform the hospital officials that the individual has been placed under arrest and is not to be discharged without the consent of the police. Whatever the case, such actual restraints must take place before the individual’s blood is drawn, or he will not have been under arrest and the blood will have been taken in violation of the implied consent statute.”

State v. Sheperd, requires an arrest before the specimen is collected. Section 751 D. has been written to meet this requirement. For purposes of the arrest, an unconscious person must be issued a citation for APC or DUI. You must give a copy to the arrested person or leave it with their personal effects. If the arrested person is to remain hospitalized, note on the citation that the person is released on their own recognizance for medical reasons. You should make a good record as to how the arrest was conducted, before the withdrawal of the sample occurred.

Based on the above cases and statues, each officer should make a good record as to how the arrest procedure was conducted, before the withdrawal of the sample. A suggested way to accomplish the arrest would be to inform either hospital personnel of the arrest with instructions for the arresting officer or his office to be contacted before the arrestee/licensee is released. It would also be feasible to do the same with a responsible member of the immediate family. The officer must ensure that copies of documents/tickets are left with the arrestee/licensee or with their personal effects.

Here are some guidelines when drawing blood from an unconscious person:

- Officers attempting to take blood from an unconscious defendant must have probable cause to search, as required in Schmerber vs. California, 348 US 757,865.CT.1826 16L. ED908 (1966), and as required by Title 47 O.S 1997 Suppl.,§751.
- The person sought to be tested must be unconscious, or so near thereto as to be incapable of consent; document medical opinion of level of consciousness if possible.
- When the person regains consciousness, he must be made aware that he is under arrest. A citation must be issued prior to the blood withdrawal and a copy left with the arrestee.
- Defendant must be made aware that the blood has already been withdrawn at the time of the incident. Leave a copy of the completed Blood Test Officer’s Affidavit form with the defendant when the blood is taken.
• When the person regains consciousness, at some opportune time, he must be given an opportunity to revoke his consent to the taking of the blood test. This can be done at trial, preliminary or prior to any hearing. However, the decision once made is binding. Thus, where the crime charged is a felony, the decision would have to be made at preliminary hearing or prior to.
• It is not necessary that the state provide the defendant with the results of the test prior to his decision.
• If the defendant has already been charged at the time he is asked to make his decision, he is entitled to the assistance of counsel.

Lastly a Blood Specimen Collection Kit may be used when the arrestee requests an additional test for themselves. According to 47 O.S. § 67-751 E.

“In addition to any test designated by the arresting officer, the arrested person may also designate any additional test to be administered to determine the concentration of alcohol, or the presence or concentration of any other intoxicating substance or the combination of alcohol and any other intoxicating substance. The cost of such additional test shall be at the expense of the arrested person.
A sufficient quantity of any specimen obtained at the designation of the arrested person shall be available to the law enforcement agency employing the arresting officer. Such specimens shall be treated in accordance with the rules applicable to the specimens obtained by an arresting officer.”

The cost of this additional test is paid for by the arrested person.

Designation of State’s Test

Agencies in the State of Oklahoma may designate which test the agency will use for a State’s Test. According to Oklahoma Administrative Code 40:20-1-2, Designation by law enforcement agencies of blood or breath to be tested for alcohol content.

(a) Law enforcement agencies may designate either blood or breath as the specimen to be obtained and tested for the alcohol concentration thereof, but such designation shall not affect the validity of an otherwise valid test.
(b) A law enforcement agency designating blood as the specimen to be obtained and tested for the alcohol concentration thereof shall exempt and exclude any person with hemophilia and any person who is taking anticoagulant medication(s) under the direction of a licensed healing arts practitioner from the collection of blood specimen(s) and from submission to test(s) of blood. A test or tests of breath for the alcohol concentration thereof shall be an approved alternate test to be administered to any such person.
(c) for any person physically incapable, by reason of illness or injury or other physical disability or unconsciousness, of submitting to and successfully completing a test or tests of breath for the alcohol concentration thereof, a test or tests of blood for the alcohol concentration thereof shall be an approved alternate test to be administered to such person.
The designation of the States Test should be forwarded to:

State Director of Tests for Alcohol and Drug Influence  
Board of Tests for Alcohol and Drug Influence  
3600 N. Martin Luther King Avenue  
P.O. Box 36307  
Oklahoma City, Oklahoma 73136-2307.

**Oklahoma Administrative Code 40:20-1-3** also covers Collection, transfers, and retention of specimens of blood. OAC 40:20-1-3 states,

“(A) Blood shall be withdrawn in accordance with accepted medical practices, in an appropriate hospital or medical or clinical environment, including the interior of an ambulance, and by persons authorized by Title 47, Chap 67, Section 752 of the Oklahoma Statutes, and these rules, to withdraw blood.

(B) No blood shall be knowingly withdrawn from any person with hemophilia or from any person who is taking anticoagulant medication(s) under the direction of a licensed healing arts practitioner.”

The Oklahoma Administrative Code (OAC) continues by stating what the officer will be watching for when observing the blood draw. The Officer must watch to ensure the puncture site is prepared and skin cleansing is completed without the use of alcohol disinfectants. The Officer must ensure the proper gray top vial (Vacutainer) is used. The gray top vials contain chemicals specific for blood samples for forensic alcohol analysis. The gray top vials are used as they contain an anticoagulant (potassium oxalate) and a preservative (sodium fluoride). The officer will also watch as the blood is collected into the vial. The vials will be inverted to ensure mixing with the chemicals. The officer must then properly complete the Blood Test Officer’s Affidavit, package the samples, properly store or transfer the kit to the O.S.B.I. laboratory for analysis. The use of an Oklahoma Blood Specimen Collection Kit as the States Test for impairment will take some time to get results back from the O.S.B.I. Forensic Laboratory. Since the Officer does not have the results of the blood kit or a refusal, the Arrestees drivers license must be given back to the individual. Lets now look at the Blood Specimen Collection kit.

**State of Oklahoma Blood Specimen Collection Kit**

The Oklahoma State Blood Specimen Collection Kits are designed to assure the Oklahoma State Bureau of Investigations Toxicology Laboratory personnel that they will receive undamaged, properly collected, and clearly identifiable specimens for analysis. They are supplied with a detailed step-by-step instruction sheet which eliminates confusion at the time of specimen collection by clearly defining the steps used for collection.
Each Blood Specimen Collection Kit has printed on the outside of the exterior box, a Lot Number and an Expiration Date. The Lot Number is not used by Law Enforcement. Normally this number is for the O.S.B.I. lab use only. As law enforcement you should not put this number onto the Blood Test Officer’s Affidavit or anywhere else. The Expiration Date is used to ensure all items in the kit are not expired. The use of an expired Blood Specimen Collection Kit is highly discouraged and per some agencies policies not allowed. Per the Board of Tests for Alcohol and Drug Influence Action Number 07-03, You can use a blood kit that has an expiration date that is expired. According to the Action “...An expired date does not render the contents of the tubes, or any of the other contained components of such kits, improper or invalid for withdrawing, storing, shipping, or preserving blood. The results of the analysis of blood drawn utilizing a kit with an expired date shall be given the same effect as if the date were unexpired. Medical personnel authorized to draw blood for analysis for alcohol content may substitute vacuum tubes, provided by their employer medical facility, with appropriate quantities of sodium fluoride and potassium oxalate, if so stated in their own handwriting above their signature on the officer’s affidavit.” Some hospitals may not use the kit if they see that it is expired, the hospital is allowed to use appropriate substitute items if necessary. If substituted items are used, please document all items that were exchanged and indicate any identifying numbers/letters from the item that was replaced and the item that it was replaced with.

For example: The Blood Specimen Collection Kit expired 03/31/2015. You should indicate somewhere in the written report that the three gray top vials from kit # 12345, 10mL ,REF 367001 LOT 3064345 was replaced with three gray top vials from Norman Regional Hospital, or whatever hospital you are using, 10mL REF 901001 LOT 1184777. According to Action No. 07-03 the person replacing the vials should also state in his own handwriting above their signature that the vials he used had the appropriate quantities of sodium fluoride and potassium oxalate.

The reference number and lot number will come from the printed label on the vial itself.

The kits include:

- 1 ea. Kit Box
- 1 ea. Kit Instruction Sheet
- 1 ea. Blood Test Officer’s Affidavit
- 1 ea. Inner Box Blood Tube Holder
- 1 ea. Tamper-evident Evidence Seal for sealing inner box
- 3 ea. 10 ml Blood Collection Tubes (gray-stoppered) containing sodium fluoride and potassium oxalate
- 1 ea. 20 g x 1.5" Mult-sample Needle
• 1 ea. Safety Tube and Needle Holder
• 1 ea. PVP Prep Pad (alcohol-free)
• 1 ea. Ziplock Bag containing a liquid-absorbing sheet
• 3 ea. Tamper-evident Specimen Security/Identification Seals with Blood Kit Number
• 1 ea. Tamper-evident Internal Kit seal

When using the Blood Specimen Kit the officer must ensure that all materials in the kit are used. The authorized person drawing the blood should use the provided PVP Prep pad for cleaning the injection site for the needle puncture. If the arrestee is allergic to iodine then another non-alcohol based antiseptic may be used.

The enclosed needle and guide should be used to draw the blood into the vials. All three vials will be used (withdrawn).

The hospital will dispose of the medical waste such as the needle, needle guide and prep pad.

Processing and Packaging of the Blood Specimen Collection Kit

As stated previously, the Blood Specimen Collection Kits are supplied with a detailed step-by-step instruction sheet which eliminates confusion at the time of specimen collection by clearly defining the steps used for collection. This instruction sheet may be used as a checklist.

The following area will address the individual items in the kits and how the kit is packaged for processing.

Once the officer decides a Blood Specimen Collection is necessary the box of the kit is examined. We are looking at the expiration date to ensure the kit is not expired.

We then look at the box seals and determine that the kit has not been previously opened.

Cut open the seals and open the outer box.

The officer will find the Blood Kit number on the Styrofoam box and on the Blood Specimen Seals. You should take note of this number. The number is written onto the Blood Test Officer’s Affidavit in Section 3.
The Officer should first fill out information requested on the Blood Test Officer’s Affidavit form.

**BOT form 458 09-05**

<table>
<thead>
<tr>
<th>County Number</th>
<th>City Number</th>
<th>Citation Number</th>
</tr>
</thead>
</table>

**Is the person Under the Age of 21?**

**Arrest date/time and Location**

**Arrestee Information**

**Why did you stop the person?**
This must be sufficient to show P.C.

**What is the persons Condition. If SFST certified, how many clues on each task?**

**Did you ask and the person authorize the blood draw?**

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## BLOOD TEST OFFICER’S AFFIDAVIT

<table>
<thead>
<tr>
<th><strong>Section 1</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ARREST DATE</strong></td>
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<tr>
<td><strong>ARREST LOCATION</strong></td>
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<tr>
<td><strong>COUNTY</strong></td>
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<td><strong>DISTRICT</strong></td>
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<td><strong>STATE’S TEST (ARRESTEE AGREED)</strong></td>
</tr>
<tr>
<td><strong>WARRANT</strong></td>
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**NOTE:** DO NOT USE THE PERSON’S DRIVER’S LICENSE BASED UPON CONSENT TO THE STATE’S BLOOD TEST.

In accordance with Title 12 O.S. Section 426, “It states under penalty of perjury under the laws of Oklahoma that the foregoing is true and correct.”

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**THIS FORM DOES NOT HAVE TO BE NOTARIZED.**

1. Give one copy to the person whose blood was withdrawn.
2. Put the original in the blood kit.
3. Give one copy to the Prosecutor.
4. Keep one copy for your records.
Section 3

Section 3 is the area where the information from the actual blood draw is located. The officer will enter the Collection Date (1), the time of collection in Military Time (2).

The Blood Kit Number (3) is found on the front of the Styrofoam box and on the Blood Specimen Seal. The Blood Kit Number must be on the Blood Test Officer’s Affidavit. The kit is a 3 vial kit and all vials should be collected (4). Write in the Hospital’s Name in the “Place of Collection block” (5).

The “Check Test Requested” block (6) has three items that an officer may choose from. These blocks will tell the Laboratory Technician what to check for. If you mark the “Analyze For (Specify)” block, please indicate what you want the laboratory to check for, be as specific as possible.

The person drawing the blood will sign the document and indicate their title (7) then print their name and title next to the signature (8).

In the “County of Offense” block (9) the officer will write in the county that the offense took place.

The “Delivered or Mailed By” block (10) is the name of the officer who delivers the blood kit to the place where it is logged and then mailed by administration, OR is the name of the Officer who mails the blood kit. This is normally the same officer that witnesses the blood draw and is sealing the blood kit in preparation for it to be mailed or delivered to the laboratory.

The “Witnessed By Officer” block (11) is the signature of the Officer that witnessed the actual blood being withdrawn from the subject. In block (12) the Witnessed by Officer will print his name, title and badge number.

Section 4 begins with the statement, “NOTE: DO NOT SEIZE THE PERSON’S DRIVER’S LICENSE BASED UPON CONSENT TO THE STATE’S BLOOD TEST. When DPS receives the test results from an approved laboratory with a result in excess of the legal limit, DPS will send a notice of revocation to the person. (This form and blood specimen collection was done in accordance with OAC 40:20-1-3 COLLECTION, TRANSFERS, AND RETENTION OF BLOOD SPECIMENS.”

Based on doing a blood test you will not seize the person’s drivers license. As officers we do not know the blood alcohol content (BAC) of the driver until the test comes back from the approved laboratory. Once the State knows the person was above the legal limit the revocation will begin. DPS will notify the
individual the license is revoked and flag the drivers license as revoked in the Oklahoma Drivers License database.

In Section 4 the Officer must choose if this test is a State’s Test or an Additional Test (Subject’s Request). Mark one or the other. Mark both if this is a State’s Test and an additional test requested by the arrestee.

The Officer will then select what else applies. The test may be for a subject that was involved in a Fatality and had Injuries, etc…. More than one check box Fatality or Injury may be selected.

For Criminal Prosecution Only is used in those rare occasions when the blood tested will be used for the prosecution of an individual, but not used in a DPS action.

The Officer must witness the blood withdrawal. Open the Styrofoam blood tube holder and allow a qualified blood collector to collect the blood specimens. What are you watching for? OAC 40:20-1-3 states the Officer must ensure the area of the puncture is cleaned ONLY with an iodine solution, preferably the PVP that is supplied with the kit. The officer must ensure the blood is withdrawn by venipuncture. The Officer must watch as the blood goes into the vials, and that all vials are inverted to ensure the mixture of the blood with the anti-coagulant and preservative.

After the vials are filled and inverting of the vials accomplished, the Officer must ensure the Blood Collector has signed the Blood Test Officer’s Affidavit form.

The person who draws the blood states, “I am finished”, they have signed the Blood Test Officer’s Affidavit, it is now time to finish the affidavit and seal the Blood Specimen Collection Kit. To make sealing easier, lay out all the seals, and the Styrofoam Box, fill out all the blank lines. The information looked for is arrestee last name, date and officers initials.

The vials are sealed with the Blood Specimen Seal. Remove the paper backing. Place the gray top in or near the center of the seal. The seal will be
pressed down to adhere to the sides of the vial. Once this is complete the blood kit number should be visible. This helps maintain the integrity of the vials after the blood draw.

The three sealed blood vials will be placed into the stryrofoam vial holder then the lid is placed on top. Once the lid is placed over the vials, the Internal Kit Seal is placed around the stryrofoam box overlapping the seal in the center of the box. The sealed stryrofoam box is then placed into the plastic zip lock bag. Leave the white absorbant material in the bag to soak up blood if a vial happens to break during delivery.

Place the closed plastic bag into the outer box, place the Officers Affidavit on top of the plastic bag and close the box. You will seal the outer cardboard box with the two (2) Kit Seals provided.

With the Kit Seals in place, fill out the front of the box with your return address or as prescribed by your agency’s policy. Deliver the box per your agency policy. Postage for mailing is the responsibility of the agency requesting the blood kit to be processed. Some agencies will provide postage and the officer will mail the blood kit, other agencies, the officer will deliver the kit to their property or administration who will process the evidence and then mail the kit to the Oklahoma State Bureau of Investigations. The chain of evidence goes from the officer to O.S.B.I.

The blood kit is never to be released to the arrestee.

Points of Importance

Just to recap, the following are some items easily missed:

- **DO NOT** use an Expired Blood Specimen Collection Kit unless absolutely necessary and within your agency’s policy’s.
- When a blood test is conducted be sure to get the signature of the person withdrawing the blood on the Blood Test Officer’s Affidavit (form 458 09-05)
- Fill out the Blood Test Officer’s Affidavit form and distribute copies
  - Place the **signed original** in the blood kit and mail to OSBI
  - Give one photocopy, front and back to the Arrestee
  - Give one photocopy to the Prosecutor
- If you have an Affidavit from a previous test on the Intoxilyzer and blood is an additional test for you or the subject, you will provide the arrestee a copy of the Blood Test Officer’s Affidavit form along with the Breath Test Officer’s Affidavit.
- If you do not have an Affidavit from a previous test on the Intoxilyzer and blood is your primary test, you only have to provide the arrestee a copy of the Blood Test officer’s Affidavit form.
- If the States Test is a Blood Test, the arrestee’s driver license is **NOT** seized. The driver license is given back to the arrestee.