



Training Bulletin

SANTA BARBARA POLICE DEPARTMENT



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Vol. 2026 No. 001

July 27, 2026

Court-Authorized Blood Draw with Search Warrant – DUI

PURPOSE

This Training Bulletin establishes procedures for conducting a court-authorized chemical test sample pursuant to a valid search warrant, otherwise referred to as a nonconsensual blood draw. It provides guidance concerning supervisory oversight, use of force, use of the folding phlebotomy chair, and deployment of the WRAP Restraint Device.

Cooperative and/or voluntary blood samples related to a DUI investigation will still be conducted at Cottage Hospital.

CHANGE IN PROCEDURE

Effective as of the date of this Training Bulletin, officers will no longer transport arrestees to Ventura or South County Jail solely to facilitate conducting a court-authorized chemical test sample pursuant to a valid search warrant, otherwise referred to as a nonconsensual blood draw.

Officers shall transport the arrestee to the Santa Barbara Police Department's DUI Chemical Testing Area and coordinate with the qualified phlebotomist to conduct the blood draw.

The Santa Barbara County District Attorney's Office has finalized an agreement to hire three qualified phlebotomists to be on call to conduct blood draws in DUI refusal cases throughout the county. The phlebotomists are contracted to respond within an hour. If you call one and they don't answer or can't respond, just try the next one. Below is the contact information for the phlebotomists:

- Laura Russell (951) 218 7277 Santa Ynez Valley
- Nicole Carter (805) 264 7072 Santa Maria
- Sunny Hakala (805) 689 6740 Goleta

The DUI Chemical Testing Area is:

- Directly adjacent to the jail loading door;
- Located between the westside driveway and the holding-cell area; and
- Designated for DUI chemical testing and related procedures.
- Otherwise referred to as the "sallyport area".

The phlebotomist will utilize an approved blood collection kit. Officers remain responsible for ensuring the evidence is properly labeled, packaged, secured, documented, and submitted in accordance with Department evidence procedures.

USE OF THE PHLEBOTOMY CHAIR OR WRAP DEVICE AT SBPD

A folding phlebotomy chair is available in the DUI Chemical Testing Supply Area.

Cooperative Arrestee after refusal and search warrant obtained

The folding phlebotomy chair may be used when the arrestee:

- Cooperates with the blood draw;
- Is able to remain seated safely;
- Does not physically resist the procedure; and
- Does not present an articulable risk of assault, escape, or injury.

The folding phlebotomy chair is not a restraint chair and shall not be used as an improvised restraint device.

The chair shall be moved from the supply area and placed along the northside wall in the chemical testing area (sallyport). This area is best situated for the testing due to the camera coverage in the building.

Resistive or Combative Arrestees after refusal and search warrant obtained

When an arrestee physically resists a lawfully authorized nonconsensual blood draw, officers may use the WRAP Restraint Device, and NOT the chair when:

- Its use is objectively reasonable under the circumstances;
- Its use is consistent with Department policy and training;
- An arrestee placed in the WRAP shall be positioned, secured, and monitored in accordance with Department-approved training.
- The officers applying the WRAP have received the required training;
- A supervisor has evaluated and approved the procedure, when reasonably available; and
- The level of resistance and seriousness of the offense justify its use.

The WRAP shall be applied and used only in the manner for which officers have been trained.

The arrestee shall be placed along the northside wall in the chemical testing area (sallyport). This area is best situated for the testing due to the camera coverage in the building.

The WRAP shall not be used merely because an arrestee verbally refuses a chemical test. There must be articulable conduct demonstrating that physical restraint is reasonably necessary to safely complete the blood draw.

In all cases, officers may use force that reasonably appears necessary to overcome resistance and complete the authorized blood draw, subject to supervisory approval, Department policy, and the terms of the search warrant.

Documentation: Any use of the WRAP during a nonconsensual blood draw shall be documented in accordance with Department reporting and use-of-force requirements.

CURRENT POLICY REMINDER

505.5.2 — BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when either of the following conditions exists:

- a. A search warrant has been obtained (Penal Code § 1524).
- b. The officer reasonably determines and documents that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

505.5.3 — FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that the person will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- a. Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- b. Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
- c. Advise the person that a blood sample has been authorized by a search warrant or, when applicable, that officers are proceeding under a recognized exception to the warrant requirement. The supervisor should again request voluntary cooperation and explain that reasonable force may be used if the person continues to resist.
 1. This dialogue should be recorded on audio and/or video if practicable.
- d. Ensure that the blood sample is taken in a medically approved manner.
- e. Ensure the forced blood draw is recorded on audio and/or video when practicable.
- f. Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- g. Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

CHEKCLIST:

OFFICER AND SUPERVISOR RESPONSIBILITIES

Arresting Officer

The arresting officer is responsible for:

- Establishing probable cause;
- Providing required chemical-test advisements;
- Seeking voluntary compliance;
- Obtaining a search warrant when required;
- Requesting supervisory assistance;
- Coordinating with the phlebotomist;
- Ensuring the blood sample is properly handled as evidence;
- Completing the DS 367 or DS 367M when applicable; and
- Completing all required reports.

Sergeant

The supervisor is responsible for:

- Confirming legal authority for the blood draw;
- Evaluating the necessity and reasonableness of force;
- Determining whether the WRAP is appropriate;
- Ensuring sufficient trained personnel are present;
- Ensuring the phlebotomist agrees to proceed;
- Monitoring the arrestee's safety and condition;
- Ordering the procedure discontinued when necessary;
- Ensuring body-worn camera recording when practicable; and
- Reviewing all related reports for completeness and accuracy.

SAFETY REMINDER

The primary objectives during a nonconsensual blood draw are to:

- ✓ Obtain lawfully authorized evidence;
- ✓ Protect the safety and dignity of the arrestee;
- ✓ Protect the phlebotomist and Department personnel;
- ✓ Use only objectively reasonable force;
- ✓ Avoid unnecessary restraint or prolonged use of the WRAP;
- ✓ Recognize and promptly respond to medical distress; and
- ✓ Thoroughly document all decisions and actions.