

MEMORANDUM FOR OBSERVERS

SUBJECT: Responsibilities of Observers During Drug Testing

General:

1. Observers are a critical link in the process of collecting urine specimens to be tested for substance abuse. Instances have occurred in the past where observers did not follow proper collection procedures and positive drug tests were not usable in legal and/or administrative actions. In order to prevent similar occurrences in the future, the observer will read and sign this Memorandum for Record.

2. The testing procedures do not violate a soldier’s Fourth or Fifth Amendment rights, nor does the observation procedure violate the right to privacy. A refusal to produce a specimen is a violation of a direct order and may result in the soldier being processed for separation.

3. The results of tests may be used in legal proceedings and consequently the urine sample may be considered as evidence. A valid chain of custody is mandatory for a successful prosecution. As an observer, you may be asked to provide testimony at legal or administrative proceedings. You may be subject to UCMJ or administrative action if it is discovered that the specimen was altered in any way while it was under your control.

Criteria for Observers:

- 1. Be an Officer or NCO in the rank of E-5 or above.
- 2. Be of the same gender as the soldier being tested.
- 3. Possess sufficient maturity and integrity to preserve the dignity of the soldier being observed.
- 4. Not be currently enrolled within the Substance Abuse Rehabilitation Services (SARS) or currently be under investigation for any substance abuse related offenses.*

Responsibilities: As outlined in AR 600-85, an observer must follow protocol during urinalysis collection procedures.

Once assigned to a specific soldier:

- 1. Observer controls the urine collection process at all times.
- 2. Maintains visual contact with the bottle at all times.
- 3. Ensures the soldier washes his/her hands with water only.
- 4. Ensures that the specimen provided is not contaminated or altered.
- 5. Directly observes the soldier (one soldier at a time per observer) voiding urine into the specimen bottle.
- 6. Ensures direct observation of the flow of urine from the soldier’s body into the bottle.
- 7. Supervises the soldier tightly capping the bottle.
- 8. Ensures the bottle is not reopened after the cap is tightened.
- 9. Escorts the soldier back to the UPL station/table with bottle in full view.
- 10. Observes the UPL placing tamper evident tape over the top of the bottle, and across the label. Not to cover printed information.
- 11. Observes the UPL place the specimen in the collection box.
- 12. The observer will sign the unit ledger in front of the UPL and soldier verifying the collection process and direct observation was conducted.*

OBSERVER AFFIDAVIT: I have read and understand this document. I will comply with the responsibilities as stated above and will report anything out of the ordinary immediately to the UPL or Commander.

Observer’s Printed Name

Observer’s Signature

Date

UPL’s Printed Name

UPL’s Signature

Date