

**UNIT:** \_\_\_\_\_

**Unit Strength:** \_\_\_\_\_

MEMORANDUM FOR OBSERVER(S):

SUBJECT: Responsibilities of Observer(s) During Military Drug Testing Collection Procedure

**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 Observer(s).
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.
  - a. **Article 92:** Knowingly failing to obey a lawful general order or regulation by not maintaining direct line of sight of the urine into the bottle.
  - b. **Article 107:** Making a false official statement in signing the UPL's urinalysis ledger acknowledging the urination process was directly observed and no tampering occurred.
  - c. **Article 134:** False swearing by authenticating that no substitution or tampering of the urine sample occurred.

**Criteria for Observer(s):**

1. Be an officer, warrant officer, NCO (E-5 or above), civilian corps member (GS-05) or pay grade equivalent.
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 ASAP Rehabilitation Program 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. The observer(s) control the urine collection process at all times.
2. Maintain visual contact with the bottle at all times.
3. Ensures the Soldier washes his/her hands with water only, no soap, prior to providing a specimen.
4. Ensures that the specimen provided is not contaminated or altered.

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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. Ensure the Soldier provides at a minimum of 30mls or urine; however, 45mls is preferred.
8. Ensures the Soldier tightens the specimen bottle cap and bottle is dried.
9. Ensures the bottle is not reopened after the cap is tightened.
10. Ensure the Soldier washes and dries hands (Soldier can use soap).
11. Escort the Soldier back to the UPL station/table with the bottle in full view.

**12. In full view of the Soldier and the UPL, ensures the specimen bottle cap is tight prior to the UPL placing tamper-evident tape over the top of the bottle. The specimen bottle will remain on the table while the UPL is holding the specimen bottle.**

13. Observes the UPL placing tamper-evident tape over the top of the bottle, and across the label.

14. Observes the UPL place the specimen in the collection box.

15. The observer will print and sign name on the testing register in front of the UPL and the Soldier verifying the collection process and direct and direct observation was conducted.

**16. Your Signature on the Testing Register, verifies you have completed steps 1-15.**

**OBSERVER'S 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.**

_____	_____	_____	_____
Rank	Observer's Printed Name	Observer's Signature	Date

_____	_____	_____	_____
Rank	Observer's Printed Name	Observer's Signature	Date

_____	_____	_____	_____
Rank	Observer's Printed Name	Observer's Signature	Date

_____	_____	_____
UPL's Printed Name	UPL's Signature	Date

**UPL Card Expiration Date:** \_\_\_\_\_