

## Memorandum for Observer

### Observer Briefing

1. Observers are a critical link in the process of collecting urine specimens to be tested for substance misuse. 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. To prevent similar occurrences in the future, the observer will read and sign this Memorandum for Observer(s).

a. You must follow these specific procedures – without exception – when observing the urine sample collection from male Soldiers:

- Stand next to the Soldier at the urinal or toilet at a 45° angle (urinal is preferred).
- Ensure you can see the end of the donor's penis (if the Soldier is not circumcised, ensure the donor pulls their foreskin back to allow direct view). If the Soldier is transgender and opted out of surgery, follow the female collection procedure.
- If the Soldier is using the collection cup, directly observe the Soldier pouring urine from the cup into the specimen bottle, capping the bottle tightly, and wiping it dry.

b. You must follow these specific procedures – without exception – when observing the urine sample collection from female Soldiers:

- Do not allow the Soldier to sit on the toilet seat; she must squat over the toilet. If the Soldier is transgender and opted out of surgery, then follow the male collection procedure.
- Ensure the Soldier keeps her upper body straight; she cannot bend over to block the view with body, hair, or clothing.
- Ensure the Soldier holds the collection cup or specimen bottle in front of her body and above the toilet rim.
- Position yourself as necessary in front of the Soldier to maintain a direct view of urine leaving the Soldier's body and entering the collection cup or specimen bottle.
- If the Soldier is using the collection cup, directly observe the Soldier pouring urine from the cup into the specimen bottle, capping the bottle tightly, and wiping it dry.

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.

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

**Observer’s Briefing (cont’d)**

**The Observer must:**

1. Be an Officer or NCO in the rank of E-5 or above (GS-5 or above can be used as a last resort).
2. Be of the same gender (DEERS gender marker) as the Soldier being tested.
3. Possess sufficient maturity and integrity to preserve the dignity of the Soldier being observed.
4. Not currently enrolled in the SUDCC/Rehabilitation Program or currently under investigation for any substance misuse related offenses.
5. Control the urine collection process once the Soldier leaves the UDL’s desk and during the collection of the specimen in the latrine.
6. Always maintain visual contact with the collection cup/specimen bottle.
7. Ensure the Soldier washes his/her hands with **WATER ONLY** before the collection begins.
8. Ensure that the specimen provided is not contaminated or altered.
9. Directly observe the Soldier (one Soldier at a time per observer) void urine into the collection cup/specimen bottle.
10. Ensure direct observation of urine flow from the Soldier’s body into the bottle/cup.
11. Ensure direct observation of the specimen being transferred by the Soldier from collection cup to specimen bottle.
12. Ensure the Soldier provided a minimum of 30 mL of urine; 45 mL is preferred.
13. Ensure the Soldier tightens the specimen bottle cap, and the bottle is dried.
14. Ensure the bottle is not reopened after the cap is tightened.
15. Ensure the Soldier washes and dries their hands (Soldier can use soap).
16. Escort the Soldier back to the UDL station/table with the bottle in full view.
17. In full view of the Soldier and the UDL, ensure the specimen bottle cap is tight prior to the UDL placing tamper-evident tape over the cap of the bottle. The specimen bottle will remain on the table while the UDL is holding the specimen bottle.
18. Observe the UDL placing tamper-evident tape over the top of the bottle, from label to label, and initial the bottle label.
19. Observe the UDL placing the specimen in the collection box.
20. Print and sign their name on the Testing Register in front of the UDL, and the Soldier will sign their name on the Testing Register verifying the collection process and direct observation was properly conducted.

**\*\* The observer’s signature on the testing register verifies the proper completion of steps 1-20.**

**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 UDL or Commander.**

	Observer’s Printed Name	Observer’s Signature	Date
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	Observer’s Printed Name	Observer’s Signature	Date
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	Observer’s Printed Name	Observer’s Signature	Date
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	UDL’s Printed Name	UDL’s Signature	Date
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