No Refusal Program

Action Steps

The No Refusal program is an enforcement strategy that allows jurisdictions to obtain search warrants for blood samples from suspected impaired drivers who refuse breath tests. Many jurisdictions allow officers to request warrants via phone from on-call judges or magistrates. This enables law enforcement to legally acquire a proper blood sample from drivers who refuse to give a breath sample. During these specified enforcement efforts, prosecutors and judges make themselves available to streamline the warrant acquisition process and help build solid cases that can lead to impaired driving convictions. The No Refusal program should also be highly publicized to let the public know that their chances of being caught, arrested, and convicted increase during these efforts.

The following action steps are offered to provide guidance in setting up a No Refusal program.

Initial Steps:

- Identify stakeholders and local leaders (criminal justice system, law enforcement, health care partners, community leaders, community partners, media partners, safety advocates, etc.)
- Distribute stakeholder letter (see attached sample)
- Follow up to encourage and enlist support and participation from stakeholders

Four Weeks Away:

- Choose dates
- Select host agencies
- Request approval from:
    - District attorney and police
- Notify and invite area law enforcement
- Review data to identify high-visibility locations for BAT-van or command post
- Establish protocol and procedures including warrant requests and blood withdrawal form (see attached samples)
- Conduct training if necessary

Three Weeks Away:

- Contact blood draw personnel (nurse or paramedic, etc.) or medical facility
- Inform judges
- Inform prosecutors for sign-up
- Organize required equipment:
    - Medical, enforcement, signage, etc.

Two Weeks Away:

- Send follow-up e-mails to judges
- Send training materials/instructions to law enforcement and prosecutors
- Ensure videotaping capabilities are available
- Verify that participating agency procedures are met or addressed

One Week Away:

- Obtain cleaning supplies for room
- Obtain restraint chair for forced draws
- Verify computer equipment is sufficient and can interface filing of charges, etc.
- Finalize dates, times, etc., to ensure adequate staffing
- Notify media about press conference
- Prepare pre and post event press releases (see attached sample)

One Day Away:

- Address administrative paperwork (sign-in sheets, payroll, policy requirements, etc.)
- Secure availability of fax machine, laptop, and/or scanner to transmit warrants to judges
- Conduct media event
- Send out pre-event press release (see attached sample)

Day of Event:

- Ensure judge's equipment is working
- Ensure personnel requirements are satisfactory (staffing, procedures, sign-in, administrative paperwork, etc.)
- Ensure all medical supplies are obtained or medical facility is prepared for event
- Ensure video equipment is operational
- Ensure integrity of blood draw room
- Ensure prosecutors/liaisons compile signed affidavits, signed warrants, offense reports, evidence logs, time sheets, etc.
- Post-arrest and booking process

Day After Event:

- Compile data and stats
- Send out post-event press release with results of event

For further information or questions regarding the No Refusal Program enforcement strategy, please contact your State Traffic Safety Resource Prosecutor, State prosecutor coordinator, or NHTSA Regional Office.