



DEPARTMENT OF THE NAVY
NAVY RECRUITING DISTRICT, NEW ORLEANS
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10 Mar 2015

NAVCRUITDIST NEW ORLEANS INSTRUCTION 5350.4D

From: Commanding Officer, Navy Recruiting District New Orleans

Subj: COMMAND URINALYSIS PROGRAM

Ref: (a) OPNAVINST 5350.4D
(b) DODI Directive 1010.04
(c) MILPERSMAN 1910-146 & 1910-152

Encl: (1) Observer's Instructions and Acknowledgement
(2) Use of Drug Urinalysis Results

1. Purpose. The purpose of this instruction is to outline clear responsibilities and facilitate compliance with reference (a).

2. Cancellation. NAVCRUITDISTNOLAINST 5350.4B

3. Discussion. Drug and alcohol abuse is a severe detriment to combat readiness in terms of performance, reliability, judgment and time lost. It undermines health, safety, discipline and loyalty. Drug and alcohol abuse is incompatible with the maintenance of high standards of performance, military discipline and readiness, and is destructive of Navy's efforts to instill pride, promote professionalism and enhance personal excellence.

4. Responsibilities.

a. The Commanding Officer (CO) will appoint one urinalysis program coordinator (UPC) and up to eight assistant urinalysis program coordinators (AUPC). The command UPC will be an E7 or above and AUPCs will be E5 or above.

b. The UPC is responsible for the overall success of the command's urinalysis program in accordance with reference (a). The Navy Drug Screening Program (NDSP) software will be centrally located at the command headquarters in New Orleans. The UPC will ensure an up-to-date personnel roster of the whole

command in NDSP. To maximize randomness, the CO will direct the UPC when to conduct a urinalysis. The command will have six personnel pools, Divisions one through six as follows:

Division one: Baton Rouge & Lafayette
Division two: New Orleans Metro area
Division three: Mobile Metro extending and South Mississippi
Division four: West Panhandle of Florida
Division five: Northwest Louisiana & Central Mississippi
Division six: Central Mississippi (I-20 Corr)

The UPC will be responsible for electronically sending all forms and labels generated from NDSP to AUPCs for conducting urinalysis.

c. AUPCs are responsible to UPC for overall Urinalysis Program success and will conduct urinalysis only when directed by the command UPC or CO in the UPC's absence. AUPCs will complete urinalysis program training on NKO and will thoroughly familiarize themselves with reference (a) prior to executing duties as AUPC.

During urinalysis testing days, AUPCs will print the NDSP forms electronically sent to them from the UPC (sample collection bottle identification labels will be copied onto appropriate adhesive label forms). AUPCs will ensure strict adherence to chain-of-custody procedures while conducting urinalysis in their divisions. Once the urinalysis test is completed, the AUPCs must submit the Specimen Custody Document (front and back side), Drug Testing Program Testing Register, and observer briefing forms to the UPC via the Safe Access File Exchange site at <https://safe.amrdec.army.mil/safe/Welcome.aspx>.

AUPCs will be responsible for notifying their Division Officers and Division Leading Chief Petty Officers of all personnel selected to report for urinalysis. AUPCs will collect documentation of authorized absence from the chain of command for all selected personnel who fail to provide a sample. Those who are not on leave, Temporary Assigned Duty, or Sick in Quarters due to an illness must provide a sample unless excused by the Commanding Officer.

d. Urinalysis observers will be E-5 or above. Observers will be briefed according to enclosure (1) and sign the form indicating that they fully understand their responsibilities.

e. AUPC's are responsible for notifying Division Officers (DIVOs) of personnel who are selected to provide urine samples; they will direct them to the appropriate location and will inform them that reporting for urinalysis screening is their primary military duty.

DIVOs must immediately inform the UPC/AUPC of selected personnel, who are not available to provide a urine sample on the day of collection (i.e. special liberty, TAD, leave, etc.), and provide appropriate documentation of their approved absence to the AUPC prior to the close of urinalysis collections.

f. Division Officers (DIVO) will coordinate with the command UPC or their divisional AUPC in providing urinalysis tests on all newly reported personnel in their division within 72 hours of check in.

5. Authorized Use of Urinalysis.

a. Mandatory urinalysis for drugs may be conducted in the following circumstances:

(1) Inspection. During inspections performed under Military Rules of Evidence (M.R.E.).

(2) Search and Seizure. During searches and seizures as governed by Military Rules of Evidence.

(3) Co-incident to one of the following examinations:

(a) A command-directed examination or referral of a specific member to determine the member's competence for duty in accordance with DOD Directive 1300.17 of 3 Feb 88 (with Int. Ch of 25 Apr 97).

(b) An examination regarding a mishap or safety investigation undertaken for the purpose of accident analysis and development of countermeasures.

(4) Any other examination ordered by medical personnel for a valid medical purpose under M.R.E. 312 (f) including emergency medical treatment, periodic physical examination, and such other medical examinations as are necessary for diagnostic or treatment purposes.

b. Urinalysis results from a Navy Drug Screening Lab (NAVDRUGLAB) or other DoD-certified lab will be used to refer a military member for appropriate disciplinary action and to establish the basis for separation and characterization of discharge in separation proceedings per references (b) and (c), chapter 36 for enlisted members and chapter 34 for officers. A matrix delineating the use of the results of urinalysis is provided in enclosure (2).

(1) Results from non-DoD certified labs may not be used.

(2) The use of field-testing urinalysis kits are not authorized unless written authorization is obtained from COMNAVPERSCOM (PERS-6).

6. Types of Urinalysis and Authority to Conduct.

a. Search and Seizure. Results of urinalysis obtained in search and seizure actions may be used for any purpose, including disciplinary action and characterization of service in separation proceedings. Further guidance concerning search and seizure actions is contained in M.R.E. 311 - 312, 314 - 316.

(1) Tests conducted with member's consent (VO). Members suspected of having unlawfully used drugs may be requested to consent to urinalysis. Prior to requesting consent, the command representative should advise the member that he or she may decline to provide the sample. Where practicable, consent should be obtained in writing. Article 31 (b) UCMJ warnings are not normally required in such cases provided that no other questioning of the member takes place. Further guidance concerning consent searches is contained in M.R.E. 314 and its analysis.

(2) Probable cause tests (PO). Urinalysis may be ordered per M.R.E. 312 (d) and 315 whenever there is probable cause to believe that a member has committed a drug offense and that a urinalysis will produce evidence of such offense. If a

member declines to provide a urine sample, and there is probable cause to believe that the member has committed a drug offense and that urinalysis will produce evidence of that offense, the member's CO, or other officer with command authority, should order a probable cause test. The member's declaration of drug use constitutes probable cause to suspect that an offense has been committed.

b. Inspections under Military Rule of Evidence 313. Urinalysis inspections are designed to ensure the security, military fitness, and good order and discipline of a unit. Results of urinalysis inspections may be used for any purpose, including disciplinary action and characterization of service in separation proceedings.

c. Fitness for duty testing. Categories of fitness for duty urinalysis are described below. Results obtained from urinalysis conducted within this category, may NOT be used for disciplinary purposes or as a basis for the characterization of service in separation proceedings. Additionally, such results may not be used as a basis for the vacation of the suspension of execution of punishment imposed per Article 15 UCMJ, or as a result of court-martial. Such results MAY, however, be used as a basis for administrative separation, or for impeachment or rebuttal in any proceeding in which evidence of drug abuse (or lack thereof) has been first introduced by the member.

(1) Command-directed tests (CO). Urinalysis should be ordered whenever a member's behavior, conduct, or involvement in an accident or other incident gives rise to a reasonable suspicion of drug abuse and a urinalysis test has not been conducted on a consensual or probable cause basis. Command-directed tests shall be ordered by a member's commander, CO, OIC, or other officer who has succeeded to command per U.S. Navy Regulations (1990). The authority to authorize a command-directed urinalysis may be delegated to an XO and/or command duty officer. Reasonable suspicion may be generated by a member's involvement in:

(a) A serious accident or incident in which unusually careless acts were performed.

(b) A motor vehicle offense involving excessive speed, loss of control of vehicle, reckless driving, or driving under the influence of alcohol.

(c) Fights, assaults, disorderly conduct, disrespect to superiors, willful disobedience of orders, and similar incidents of misconduct.

(d) Bizarre, unusual, or irregular behavior.

(e) Alcohol treatment.

(2) Mishap investigation tests (AO). A CO or investigating officer may order urinalysis in connection with any formally convened mishap or safety investigation. Results of such tests may not be used for punitive action taken by the DON against the member. Results of such tests that are positive for drug abuse, however, shall be used for administrative separation processing.

d. Medical examination (MO). A physician or other medical personnel may order urinalysis in connection with a competence for duty examination conducted per BUMEDINST 6120.20C or in connection with any other medical examination. This category of test does not include urinalysis ordered by a physician or other medical personnel for medical diagnostic purposes as defined in paragraph 5a (4) above, or urinalysis conducted as a search and seizure.

e. All active duty collegiate (in a pay status) excluding Chaplains and Individual Ready Reservists (IRR) will participate in the command urinalysis program at least once per year.

f. The command will conduct a urinalysis test at minimum once per month. The minimum monthly testing requirement is 15% of assigned personnel - with a maximum of up to 40%.

7. Action Officer. The command UPC will update this instruction as necessary.

/s/
C. A. STOVER

Distribution List:
Electronic only, via
<http://www.cnrc.navy.mil/neworleans/>

OBSERVER'S INSTRUCTIONS AND ACKNOWLEDGEMENT

1. report to Urinalysis Coordinator 15 minutes prior to start of testing.
2. At no time will the observer touch the sample bottle. If the member drops the specimen bottle, any part of it, or places their fingers inside the bottle, have them return to the testing area for a new bottle.
3. If member has gloves, coat or sweater on, have them remove it. If they have long sleeves, have them roll them up.
4. Escort member to the head provided for testing. Ensure that you follow the member at all times and that the sample bottle remains within your view. If needed, have them hold the sample bottle at shoulder height.
5. Have member place sample bottle on sink ledge.
6. Have member wash hands and dry thoroughly.
7. Have member open bottle and set it within easy reach and plain view of observer (but set it in such a way as to prevent it from falling over).
8. Males. Use only the designated urinal, have the member stand back approximately one foot and urinate directly in sample bottle. Ensure that you can observe them urinating into the bottle. If not, have them sop and reposition themselves. Seal the sample bottle prior to flushing the urinal or rearranging clothing.
9. Females. Use only the designated toilet stall, ensure door is open and that direct observation or urinating into wide-mouth or sample bottle can be seen. If wide-mouth bottles are used, the observer shall view the member pouring the sample from the wide-mouth bottle into the sample bottle and seal the bottle. Ensure member does not dry to dip the bottle into the toilet.
10. Have member wipe bottle off with a dry paper towel and check the tightness of the cap.
11. Escort member back to urinalysis office.
12. Once the UPC or AUPC has affixed the tamper proof seal on the specimen bottle, observe that the member signs the ledger and then prints and signs their name to the ledger.

NOTE: The observer must see the bottle from the time the member takes it from the coordinator until the time they hand the completed sample to the coordinator.

OBSERVER'S SIGNATURE: _____ DATE: _____

OBSERVER'S PRINTED NAME AND RATE: _____

UPC SIGNATURE: _____ DATE: _____

USE OF DRUG URINALYSIS RESULTS

	USABLE IN DISCIPLINARY PROCEEDINGS	USABLE AS BASIS FOR SEPARATION	USABLE FOR CHARACTERIZATION OF SERVICE
1. Search or Seizure - Member's consent - Probable Cause	YES YES YES	YES YES YES	YES YES YES
2. Inspection - random sample - unit sweep	YES YES	YES YES	YES YES
3. Medical - general Diagnostic purposes	YES	YES	YES
4. Fitness for duty - command-directed - competence for duty - mishap/safety investigation	NO NO NO	YES YES YES	NO NO NO
5. Service directed - treatment facility staff (military) - alcohol rehab testing - naval brigs - entrance testing - accession training pipeline	YES NO YES NO YES	YES YES YES YES YES	YES NO YES *NO YES

*** YES for reservists recalled to active duty
(except Delayed Entry Program participants)**