

# **Kentucky Law Enforcement Phlebotomy Model Policy**

## **1. Purpose and Scope**

This policy establishes protocol and guidelines for the performance of those officers trained in phlebotomy to ensure a uniform approach is used for all blood draws.

## **2. Definition and Qualifications**

### **A. Definition of Law Enforcement Phlebotomist**

1. Those trained through a recognized phlebotomy program that meets the requirements necessary to award course credits and is comparable with training offered at KY Healthcare Training.

### **B. Continued Qualification for Law Enforcement Personnel**

1. Perform a minimum of 6 successful venipunctures per year as witnessed and verified by qualified, licensed medical personnel.

2. Attend a state requalification course in phlebotomy techniques offered by KY Healthcare Training every year.

3. Attend the national requalification course in phlebotomy every two (2) years.

## **3. Regulations**

A. Law enforcement phlebotomists performing venipuncture shall adhere to the policies of their agency and standards set forth by the Kentucky Law Enforcement Phlebotomy Program.

B. A medical screening shall be conducted prior to every LEPP blood draw

C. All venipunctures or attempts to complete a venipuncture shall be audio or video recorded and booked into evidence following agency procedures.

D. Only law enforcement officers trained in phlebotomy, who have been approved of by the agency/department to perform phlebotomy may conduct blood draws.

E. Blood will not be drawn without a search warrant or lawful documented exception to a warrant requirement.

F. Law enforcement phlebotomists are authorized to draw blood for alcohol/drug content or hazardous substances in accordance with KRS 189A.103(6) and 500 KAR 008:030.

G. Law Enforcement Phlebotomist may assist other agencies with blood draws pursuant to his or her agency policy.

H. A law enforcement phlebotomist should have at least one witness to the venipuncture or attempt to venipuncture whenever feasible.

#### **4. Procedures**

**A.** Arresting officers shall:

1. Contact a supervisor prior to requesting a phlebotomist.
2. Witness the blood draw.

**B.** Law enforcement phlebotomists performing venipuncture are obtaining evidence and should make notes in reference to the suspect's statements and actions which may aid in prosecution.

**C.** Who may draw blood? A law enforcement phlebotomist performing venipuncture may:

1. Draw blood from a suspect he/she has personally arrested for DUI and/or Criminal Vehicular Operation.
2. Summon another Law Enforcement Phlebotomist to collect the specimen, if the officer/phlebotomist feels that it would be in the best interest of the officer, subject, agency, and criminal and civil cases.

**D. Testing procedures.** Law enforcement phlebotomists performing venipuncture shall:

1. Ensure the arresting officer witnesses the blood draw when available.
2. Select an alternative subject site on the subject if a second draw attempt is necessary.
3. Not exceed two attempts (in two separate subject sites) to complete a successful draw.
4. Offer alternative testing after two unsuccessful draw attempts.
5. Only use force that is reasonably necessary, given the nature of the offense and agency policy, to conduct a blood draw. Subjects who physically resist a blood draw may be subject to additional charges which may include obstruction and/or assault. The behavior of the subject should be documented.

**E. Documentation.** Law enforcement phlebotomists performing venipuncture shall:

1. Complete a Blood Draw Report for each subject blood draw.
2. Include a copy of the supplemental report with the case file related to the investigation.
3. Forward a copy of the supplemental report to the Kentucky Law Enforcement Phlebotomy Coordinator.
4. Complete a Law Enforcement Phlebotomist Log of Blood Draws (Log).
5. Submit the Log monthly to the Kentucky Law Enforcement Phlebotomy Coordinator.
6. Complete all pertinent documentation contained in the KSP Lab blood collection kit.

**F. After the blood draw.** Law enforcement phlebotomists performing venipuncture shall:

1. Turn over the completed kit to the arresting officer.
2. Keep blood evidence samples in a refrigerator or a cooler if the kit cannot be given to the arresting officer. The specimen should be delivered to the toxicology lab as soon as possible.
3. Locate a facility in the area where they work where the biohazardous waste can be destroyed. Local hospitals would be the best option for this service. All biological hazardous waste will be properly destroyed.

**G. Equipment** The needle, hub, and other venipuncture supplies shall be disposed of according to recommended OSHA and agency/department guidelines.

**H. Law enforcement phlebotomists should always maintain a professional image.**

1. Lab coats and/or a law enforcement uniform (OSHA requirement) should be worn when collecting blood specimens.
2. Protective exam gloves shall be worn by anyone performing blood draws.

## **5. Assist Other Agencies**

There may be occasions where other law enforcement agencies request the services of a law enforcement agency/department phlebotomist. To assist with such

cases, the phlebotomist must confirm that a valid search warrant, pursuant to **their agency SOP** and DUI and the implied consent statute, has been obtained prior to proceeding with a blood draw. Those requests will be honored **pursuant to agency policy** and when reasonably feasible. However, the officer will be considered to be on duty as a \_\_\_\_\_ law enforcement officer while acting at the request of another law enforcement agency and must complete any blood draw in compliance with Department SOP and all applicable statutes and regulations.