



Policy # Phlebotomy in Law Enforcement	Related Policies:
<i><u>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third-party civil claims against employees. A violation of this policy, if proven, can only form the basis for internal discipline and/or criminal charges.</u></i>	
Applicable State Statutes: KRS 189A.105	
KACP	
Date Implemented: July 1, 2025	Revision Date:

I. PURPOSE

The purpose of this policy is to provide standards and protocols for the law enforcement phlebotomy program

II. POLICY

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.

III. DEFINITIONS

A. "Law Enforcement Phlebotomist" means an individual who has successfully completed the Kentucky Healthcare Law Enforcement Phlebotomy program, or equivalent program as approved by the Kentucky Law Enforcement Phlebotomy Program, and the National Certified Phlebotomy Technician Exam.

B. "Continued Qualification for Law Enforcement Personnel" means an officer who meets the following requirements:

1. Performs a minimum of 6 successful venipunctures per year as witnessed and verified by qualified, licensed medical personnel;
2. Attends a state requalification course in phlebotomy techniques offered by KY Healthcare Training every year; and
3. Attends the national requalification course in phlebotomy every two (2) years.

IV. PROCEDURE

- 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. All venipunctures or attempts to complete a venipuncture should be audio or video recorded and booked into evidence following agency procedures.
- C. Blood will not be drawn without a search warrant or lawful documented exception to a warrant requirement.
- D. 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.
- E. Law Enforcement Phlebotomist may assist other agencies with blood draws pursuant to his or her agency policy.
- F. A law enforcement phlebotomist should have at least one witness to the venipuncture or attempt to venipuncture whenever feasible.
- G. Arresting officers should witness the blood draw or request another officer to witness the blood draw.
- H. 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.
- I. 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. Draw blood from a suspect at the request of an arresting officer in a DUI and/or Criminal Vehicular Operation case; or

3. 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.

J. Motor Vehicle Fatalities:

1. A law enforcement phlebotomist, as the investigating officer, shall draw blood from a suspect involved in a motor vehicle fatality pursuant to KRS 189A.105 (2)(b) or if requested by an investigating officer pursuant to KRS 189A.105 (2)(b).

K. Testing procedures. Law enforcement phlebotomists performing venipuncture should:

1. Ensure the arresting officer witnesses the blood draw when practicable.
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 including obstruction and/or assault. The behavior of the subject should be documented.

L. Documentation. Law enforcement phlebotomists performing venipuncture should:

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.

M. After the blood draw. Law enforcement phlebotomists performing venipuncture should:

1. Turn over the completed kit to the arresting officer or submit the kit directly into evidence.
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.

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

O. 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.

P. Assist Other Agencies:

1. 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 policy 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 an agency employee while acting at the request of another law enforcement agency and must complete any blood draw in compliance with department policy and all applicable statutes and regulations.