An introduction to the 6 Steps in creating a quality Law Enforcement Phlebotomy Program.

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Law Enforcement Phlebotomy

Introduction

Drivers impaired by alcohol and other drugs continue to wreak havoc on our roadways, resulting in immeasurable loss to our communities. Legislators have enacted impaired driving laws to hold offenders accountable and deter others from making this deadly choice. It is law enforcement’s role to collect the evidence necessary to determine innocence or guilt. Blood evidence in impaired driving cases is the most powerful objective proof that can be collected to determine innocence or guilt.

Justice is symbolized as being blindfolded while weighing evidence. There is supposed to be no respecter of persons in justice. It is the facts which are of most importance, and not who the facts relate to, which decide the issues. No advantage is given to the rich or powerful. No disadvantage is placed on the poor and defenseless. Justice does not peep to see who is involved. She simply weighs the evidence and dispenses fair judgment to all. There can be no truth without justice, and no justice without truth.

Law enforcement phlebotomy is a safe and effective method to collect the necessary evidence to dispense fair justice for impaired driving crimes. If blood alcohol evidence is not obtained in a timely fashion, it is lost forever. This is also true of blood testing for other drugs and impairing substances. When a driver refuses to provide a breath, blood, urine or other oral fluid testing, the ability to appropriately weigh evidence is thwarted. When a suspect refuses, law enforcement officers should apply for a search warrant from a judicial officer to obtain a sample of the suspect’s blood. It is important the blood is drawn in a professional and expedient manner in every impaired driving investigation.

In 1995, the Arizona Department of Public Safety Highway Patrol (DPS) had two sergeants trained as phlebotomists to draw blood from impaired driving suspects. Both sergeants were certified paramedics prior to becoming certified phlebotomists. From the success of this initial effort a statewide law enforcement phlebotomy program was developed by Cathee Tankersley, the director of phlebotomy at Phoenix College.

In 2009, Idaho developed a statewide law enforcement phlebotomy program based on the successful Arizona model. Officers obtain their certification after attending a comprehensive 48-hour online course, 30 hours of in-classroom instruction, followed by a 40 hours clinical rotation. During the clinical rotation, officers conduct a minimum of 100 successful venipunctures, under the supervision of a trained phlebotomist. After being professionally trained, law enforcement phlebotomists must adhere to the department’s phlebotomy policies and follow the statewide standards, including ongoing training, testing and proficiency.

This handout supplements a live training outlining the 6 suggested steps to create and maintain a quality law enforcement phlebotomy program in your jurisdiction.
1 The Law

The first step to establishing a program is identifying whether the law allows it. Are there statutes? Administrative rules? Case law? The law will dictate the minimum requirements necessary to establish a program.

2 The Training

The second step is to develop a partnership with the institution(s) that provide the best training for proper phlebotomy procedures. The key to success is developing a program that produces a qualified, professional phlebotomist who understands and follows the standards of care.
The Standards

The third step is developing, adopting and maintaining both statewide standards and department standards specific to the Law Enforcement Phlebotomist. The errant action of a single phlebotomist has the potential of impacting the whole program.

The Liability

Liability is often the biggest hurdle to establishing a law enforcement phlebotomy program. This is where the first 3 steps are critical. In short, liability is not an issue when the phlebotomist follows their training and standards.
5 The Hurdles

Developing a strategic plan helps clear other potential hurdles in creating and maintaining a quality program. This planning includes such topics as local government, media, community support, and so forth.

6 The Benefits

No quality program should continue unless the benefits outweigh the costs. The benefits of a law enforcement phlebotomy program must be understood by all those involved.
Conclusion

The importance of dispensing fair justice cannot be overstated. I believe it is the duty of law enforcement to collect all the evidence. Even when a suspected impaired driver refuses, the blood evidence could potentially prove the suspect’s innocence. Therefore, it is important the blood is drawn in a professional and expedient manner in every impaired driving investigation.

The use of a search warrant to obtain blood evidence from impaired suspects by phlebotomists eliminates the refusal from almost all impaired driving investigations. Consequently, a blood alcohol level (or presence of other drugs) is obtained, and is available for weighing in court. Collecting this objective evidence reduces court and overtime costs. This is a cost savings to the law enforcement agency, the court system, the defendant and the community.

Since the implementation of this program, it has been found that suspected impaired drivers are more likely to consent to the required evidentiary test if they know blood will still be obtained via search warrant. Therefore, regardless of whether it is a law enforcement phlebotomist or a civilian phlebotomist, there are great benefits in collecting the evidence.

There are additional advantages in using a law enforcement phlebotomist. First, civilian phlebotomists are often hesitant to draw blood, even with a search warrant, based on unfounded legal concerns. Second, law enforcement phlebotomists are more knowledgeable and comfortable with the court process. They make better witnesses. Third, the chain of custody is simplified. Fourth, the evidence is secured more quickly, making the evidence more competent and relevant. The process significantly reduces booking times, allowing officers to return to their duties in protecting the community. Fifth, there is a significant cost savings when comparing the law enforcement phlebotomist to contracting with a civilian phlebotomist. Finally, law enforcement phlebotomists have been found valuable in other areas outside of impaired driving investigations. They are called to assist with sexual assault, assault, and homicide cases when DNA evidence is needed. These blood draws simplify the chain of custody and build relationships between other law enforcement agencies and the community.

In short, the law enforcement phlebotomy program has been highly successful. Law Enforcement Phlebotomists are highly trained and their skills have been accepted in the courts. Law Enforcement Phlebotomists provide a safe, secure means to collecting critical evidence in impaired driving investigations. It is a tool to be considered!

Thank you for attending this training and exploring this program. If you are interested in additional information or materials, please do not hesitate contacting me by email at jared.olson@post.idaho.gov.