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# “Fruit From a Poisonous Tree”? Constituting Logics of Law Enforcement Phlebotomy

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“Fruit from the poisonous tree?”:  
Constituting Logics of Law  
Enforcement Phlebotomy

Anne Johnson

May 8, 2024



# Law Enforcement Phlebotomy

In this dissertation, I conducted:

- 27 in-depth, semi-structured interviews with police phlebotomists and program officials across
- 18 law enforcement agencies in 10 states to learn about
- officers' beliefs, motivations, and actions





# Law Enforcement Phlebotomy

“If you go to the hospital and they say: ‘Hey, look, sorry, we can’t. We have too much going on,’ and you have no other ways of getting their [the suspect’s] blood, you take them to jail and you book them in, and they’re like ‘Ha, ha, I got away with it.’”

– Chad, street-level officer



# Law Enforcement Phlebotomy

“blood is usually the end-all be-all...I’ve seen the Intoxilyzer [breath test machine] get torn apart [in court]. I don’t see blood get torn apart. I see them [defense attorneys] attack phlebotomists and I see them attack how we got the blood, or ask, is this fruit from the poisonous tree? I’ve seen that. But the blood results are never argued.”

– Charlie, supervisory-level officer





Source: <https://strolenylaw.com/florida-police-usually-need-search-warrant-draw-blood-dui-exceptions-rule/>



# Law Enforcement Phlebotomy

“I see this move... to degrade training content and training standards to make it easier and to push more volume of people through... I think it compromises the program. And I think it potentially compromises **people's constitutional rights** because when we're talking about an invasive medical procedure to do a search and seizure--**this is more invasive than going into somebody's home**. But sometimes we tend to not treat it with the same level of due regard.”

– Jon, *Command-Level Officer*



# Law Enforcement Phlebotomy

*What do you want people to know about law enforcement phlebotomy?*

“...it's obviously been around for a while, but it's going to be more common than uncommon. **Just get ready.** This is something that cops have to do.

– *Command-Level Officer*

