



City of Racine Police Department  
**Policy and Procedure**

**Number: 1933**

Subject: <b>Blood Test Processing of the OVWI Suspect</b>		
Date Issued: <b>08-02-85</b>	Effective Date: <b>05-26-11</b>	Revision Number: <b>4</b>

**POLICY:**

The Racine Police Department has established guidelines for the recovery of blood specimens for the purpose of determining the presence or quantity of alcohol or controlled substances in the blood of an operator of any motor vehicle. The Department places emphasis on the fact that the blood test, as well as any other similar test is supplementary to the actual observations and documentation made by Officers in the OVWI process and that thorough and accurate documentation is necessary for the prosecution of OVWI offenders.

When an operator has been arrested for Operating a Vehicle While Intoxicated (OVWI), the following issues must be considered when determining whether to proceed with a primary test of blood versus breath:

- a. Whether the operator involved in a traffic accident sustained injuries requiring immediate hospital treatment.
- b. Whether the operator has sustained mouth or jaw injuries.
- c. A blood test is required for second offense OVWI or greater.
- d. Whether the operator is believed to be under the influence of drugs.
- e. If this is a requested alternate test in addition to the primary test designated by the Department.
- f. If there are any other conditions where a breath test would be inadequate or not possible.

**PROCEDURE:**

When it has been determined that the recovery of blood is necessary, the following steps shall be taken:

**MEMBER:**

1. Take the operator into physical custody per Procedure #901.
2. Notify Communications and make arrangements for the operator to be transported to the hospital.
3. Upon arrival at the hospital, check the operator in with the emergency room clerk.
  - a. Obtain the OVWI paperwork from the files maintained at the ER for our use.
  - b. Request an OVWI Blood Kit from the stock maintained at the ER for our use.
  - c. Ensure that the operator is monitored in the same manner as any other prisoner that would require medical treatment.
4. Prior to requesting the blood draw, contact Communications and request the following:
  - a. The complaint number
  - b. The operators DL status and prior OVWI's
    - 1) Per a memorandum, The Racine County District Attorney's Office requires, all second or subsequent arrests for OVWI, as well as felony OVWI arrests to be handled using blood as the primary test.
  - c. A warrant check on the operator
5. Before the blood specimen is drawn, prepare a UTC for violation of Statute 346.63(1) or the appropriate local ordinance and provide the operator with their copy of the UTC. First offense OVWI violations are Municipal court violations unless circumstances dictate otherwise (a passenger under 16 Y.O.A. in the vehicle or an accident involving injury). Second offense OVWI violations or greater are T & C court violations.

6. Read the Informing the Accused (SP4197) to the operator and complete each section as appropriate.
  - a. Provide the operator with the pink copy of the form.
    - 1) A person who is unconscious or otherwise not capable of withdrawing consent is presumed not to have withdrawn consent.
7. When an operator refuses the draw of a blood specimen for the purpose of testing:
  - a. Complete a Notice of Intent to Revoke Operating Privilege (MVD3396) form and provide the operator with the pink copy, keeping in mind that:
    - 1) Administrative Suspensions do not apply for refusals.
    - 2) First offense OVWI violations, the UTC and the Notice of Intent to Revoke Operating Privilege forms (MVD3396) are sent to Municipal Court. Second offense OVWI violations or greater, the UTC and the forms (MVD3396) are sent to T & C court.
  - b. If the circumstances of the incident (traffic stop or accident) warrant it, consider if a forced blood draw should be done.
    - 1) Some issues to consider would be:
      - a) Are there sufficient facts to support the OVWI case?
      - b) Does the status of the case (injuries, 2<sup>nd</sup> offense or greater, felony, etc...) demand it?
      - c) Would someone involved in the draw process (officers, hospital staff or the operator) be at risk of serious injury to complete the draw?
    - 2) If it is decided to force the blood draw:
      - a) Notify a Supervisor of the conditions requiring a forced blood draw.
      - b) Ensure that enough Officers are on hand to assist.
      - c) Ensure that the draw process is discontinued if the risk of injury elevates beyond a point of control.
    - 3) If it is decided that a forced blood draw will not occur, make arrangements for his/her release (Step #12) or transport him/her for incarceration (Step #13).
8. When an operator consents to the draw of a blood specimen for the purpose of testing or a forced draw will occur:
  - a. Open the OVWI Kit and provide the phlebotomist with the following:
    - 1) The two tubes
    - 2) The seal strip and tube label
    - 3) The Directions Sheet (S22)
    - 4) The Blood/Urine Analysis Sheet (CS22)
  - b. Monitor the blood draw process being conducted by the phlebotomist ensuring:
    - 1) The safety of the phlebotomist
    - 2) That any actions on the part of the operator can be documented for use in supporting the case in court
  - c. Ensure that the phlebotomist has completed his/her portion of the Blood/Urine Analysis Sheet.
  - d. Accept the sealed tubes from the phlebotomist and place them into the polystyrene mailing container per the Directions Sheet.
9. If an operator has submitted to a draw of his/her blood and requests an alternate test, a urine specimen will be obtained.
  - a. Request a Urine specimen kit from the hospital medical staff.
  - b. During the process to obtain the urine specimen, officers will maintain a view of the operator providing the specimen.
    - 1) Officers will monitor only those subjects of the same sex.
    - 2) Officers will call for additional assistance as needed to monitor the recovery of the specimen.
10. Complete the Notice of Intent to Suspend/Temporary Driving Permit (MVD3519), however keep the document intact to turn in with the related paperwork.
11. When a blood test is obtained for first offense OVWI (municipal court) complete and serve a second citation for prohibited alcohol concentration -346.63(1)(b). The second citation will be voided if the blood test result is below 0.08.
12. Complete the Alcoholic Influence Report (SP4005).

13. If there are no warrants or reasons to incarcerate the operator, he/she may be released to an attorney, spouse or any other responsible adult.
  - a. If there is nobody to release an adult operator to:
    - 1) Transport the operator to the LEC and process him/her into the Jail for incarceration until:
      - a) A responsible adult is located, or
      - b) A period of 12 hours has elapsed, or
      - c) The operator has retested on an Intoximeter and has a new reading of less than 0.04 grams
  - b. If there is nobody available to release a juvenile operator to:
    - 1) Contact Racine County Human Services and request to speak with an Intake Worker.
      - a) Explain the circumstances to the Intake Worker.
      - b) The Intake Worker will most often, have you take the juvenile operator to one of the hospitals to be medically screened.
      - c) Once medically screened, the Intake Worker will take responsibility for the juvenile operator and have him or her placed in a foster home setting for the duration of the time until deemed sober.
14. Once the operator has been either released or incarcerated:
  - a. Return to the Police Department to inventory the blood/urine specimen(s).
    - 1) Complete the department part of the Blood/Urine Sheet ensuring that the "Racine Police Dept. Courts" address information is placed in the "Send Agency Report to" block.
    - 2) Photocopy the Blood/Urine Analysis Sheet
    - 3) Wrap the completed Blood/Urine Analysis Sheet around the two tubes in the polystyrene mailing container to cushion against damage during shipment to the lab.
    - 4) Secure the ends of the tubes to the inside of the mailing container with tape to minimize movement.
    - 5) Wrap each end of the mailing container with tape, ensuring that the container is marked with your initials and payroll number.
  - b. Inventory the item into the BEAST property system.
    - 1) Attach a property sticker to the mailing container and place it in the appropriate refrigerator per department Procedure #1201.
    - 2) Forward all the OVWI related paperwork to your Supervisor.

**SUPERVISOR/  
SHIFT  
COMMANDER**

1. Check all paperwork for completeness and accuracy; distribute as appropriate.
  - a. Upon approval, forward the documents as required.
  - b. If not approved, return it to the member for the necessary changes.

**COMMUNICATIONS:**

1. Provide member with complaint number, operator's license status/record check and warrant check as requested.
2. Forward all OVWI-related TTYs to Courts.
  - a. Record on the TTY:
    - 1) The arresting officer's name
    - 2) The UTC number
    - 3) The complaint number
    - 4) 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> offense, etc

**PUBLIC SERVICE  
COUNTER:**

1. Ensure that the UTCs have been processed in Phoenix.
2. Forward the OVWI-related UTCs and paperwork to Courts.

**COURTS/  
EVIDENCE  
CUSTODIAN:**

1. Distribute the OVWI paperwork per the Courts SOP.

2. Retrieve blood/urine samples from the evidence refrigerator; check for proper packaging and forward to the correct laboratory facility.
3. Record all movements of evidentiary blood or urine specimens in the BEAST evidence program.

**RELATED PROCEDURES:**

[905 – Prisoners Requiring Medical Treatment](#)  
[1201 – Property Inventory Excluding Vehicles](#)  
[1204 – Use of Department Refrigerated Storage](#)  
[Table of Contents](#)

**RELATED STATUTES:**

343.305 – Tests for Intoxication; Procedure for Revocation of Operating Privilege.  
345.24 – Officer’s Action after Arrest for Driving Under Influence of Intoxicant.  
346.63 – Operating Under Influence of Intoxicant or Other Drug.  
885.235 – Chemical Tests for Intoxication.