

Fennimore Police Department Injury Accidents and Chemical Tests		
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PURPOSE

The purpose of this policy is to establish clear guidelines for officers investigating traffic accidents involving the death of, great bodily harm, substantial bodily harm, or bodily harm to any person.

POLICY

It is the policy of the Fennimore Police Department to investigate all reportable motor vehicle traffic crashes. The degree of investigation will be commensurate with the seriousness of the crash, injuries and/or the seriousness of any related offense.

DISCUSSION

The public safety responsibilities of law enforcement include responding to traffic crashes, providing aid and assistance, documenting the crash and identifying criminal activity.

DEFINITIONS

- **Bodily Harm:** means physical pain or injury, illness, or any impairment of physical condition, Wis. Stat. §939.22(4).
- **Great Bodily Harm:** means bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury, Wis. Stat. §939.22(14).
- **Substantial Bodily Harm:** means bodily injury that causes a laceration that requires stitches, staples, or a tissue adhesive; any fracture of a bone; a broken nose; a burn; a petechia; a temporary loss of consciousness, sight or hearing; a concussion; or a loss or fracture of a tooth, Wis. Stat. §939.22(38).

PROCEDURES

If a person is the operator of a vehicle that is involved in an accident that causes **bodily harm, substantial bodily harm, great bodily harm or death** to any person, and a law enforcement officer has probable cause to believe the person operated a motor vehicle under the influence of an intoxicant, a controlled substance, a controlled substance analog, any drug or a combination thereof to a degree which renders him or her incapable of safely driving or the person has a detectable amount of a restricted controlled substance in his or her blood or the person has a prohibited alcohol concentration, the law enforcement officer may arrest the driver for an impaired driving offense and read the Informing the Accused form to the operator to obtain one or more samples of his or her breath, blood, or urine for the purpose of determining the presence or quantity of alcohol, controlled substances, controlled substance analog or other drug in his or her blood, breath or urine.

Compliance with a request for one type of sample does not bar a subsequent request for a different type of sample. If a person **refuses** to take a requested test the officer may apply for a search warrant for the purpose of obtaining the requested test.

If a person is **unconscious** or otherwise not capable of withdrawing consent the officer may apply for a search warrant for the purpose of obtaining the requested test. **The Informing the Accused form should never be read to an unconscious driver.**

If the officer **does not have probable cause** to arrest a driver for an impaired driving offense, the officer may still ask for consent from the driver to obtain a breath, blood or urine sample. If an officer relies on consent to obtain a sample, **the Informing the Accused form should not be read to the driver.**

An officer may obtain a blood sample from the driver without consent or a warrant if **exigent circumstances** apply. Exigent circumstances include circumstances where the 3-hour period of time since last operation of a motor vehicle is approaching or has been reached due to delays not caused by the officer (fleeing/resisting by driver, medical procedures, shortage of available officers, etc.)

DISCLAIMER

This policy is for department use only and does not apply in any criminal or civil proceeding. Department policy should not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violation of this policy will only form the basis for departmental administrative sanctions and is not intended for use in courts of civil or criminal jurisdiction.

/s/ Christopher J. French

03/28/2025

Christopher J. French

Date

Chief of Police