

How can Emergency Medical Personnel help prevent serious injury and fatality crashes?



By conducting a proper blood draw for DWI investigations, criminal courts can be more successful with DWI prosecutions and therefore reduce the number of patients that are admitted to your ERs because of impaired driving.

DWI and Sexual Assault kits are the only two types of evidence that cannot be collected by forensic analysts or law enforcement due to specialized training like phlebotomy. That is why we must rely on **YOU!**



The service you provide in a DWI investigation is one of the most important links in the chain to reduce the number of impaired drivers on Louisiana roadways. These are the roadways that you and your loved ones travel every day.

Questions or concerns:

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Blood Kit Information: www.tritechforensics.com

Information on RS codes: www.legis.la.gov

FACT OR FICTION: DWI EVIDENCE COLLECTION BY MEDICAL PERSONNEL

- * *DWI blood cannot be collected by law enforcement and/or crime scene technicians.* **FACT-** only qualified medical personnel can collect blood evidence for DWI L.R.S. 32:664(A)
- * *Any driver shall be deemed to have given consent to a blood draw if they are involved in a motor vehicle crash that results in serious injury or death.* **FACT-** this is Implied Consent L.R.S. 32:666A.(1)(a)(i) defines serious injury
- * *When a driver refuses a chemical test (other than serious injury or fatal crashes), law enforcement can do nothing about this.* **FICTION-** Law Enforcement can get a warrant to collect blood; this is the No Refusal Initiative: LA CCRP Article 163.1(B)
- * *Urine is a good indicator of impairment.* **FICTION-** urine is the past history of drug use; blood is what is flowing through the brain at the time of the blood draw therefore can indicate impairment
- * *Getting the blood draw is more important than patient care.* **FICTION-** Patient care is first and foremost, blood draws need to be timely but should not compromise patient care. If the patient has been administered any meds from EMS or the ER, the officer should be made aware of this.
- * *The only blood/urine collection kits that can be used for DWI evidence collection are the ones provided by LSP.* **FACT-** any and all other tubes, syringes, containers, etc. will make the evidence that is collected not admissible in the civil and criminal courts. ONLY use the kits and their contents to draw blood for DWI collection that are provided by law enforcement (BU-OLA). **THIS WILL REQUIRE A SEPARATE STICK**
- * *The results of the hospital drug/alcohol screen can be used as evidence in court.* **FICTION-** the only labs that can provide toxicology results in civil or criminal court are permitted forensic laboratories; hospital screens are not admissible in criminal trials.
- * *The law protects medical personnel from criminal or civil liability for conducting a blood draw at the direction of law enforcement.* **FACT-** L.R.S. 32:664(C) protects the medical staff from any responsibility of drawing blood from a suspected impaired driver
- * *I am obligated to draw blood from a patient (suspect) once instructed to do so by a law enforcement official.* **FACT-** L.R.S. 32:666A.(1)(a)(i)
- * *3-5 mL of blood is enough for a toxicology analysis.* **FICTION-** 20mL of blood is needed; get two full tubes of blood.
- * *Improper blood draws or a break in the chain of custody of evidence can lead to the charges being dropped.* **FACT-** When charges are dropped, the patient doesn't receive the jail time or mandatory treatment needed to address the problem. This can lead to further injury or a fatality from additional crashes involving impairment which impact your emergency rooms.
- * *If I draw the blood, I will need to go to court.* **FICTION-** Medical personnel are subpoenaed for less than 1% of their blood draws because most offenders will plea if all regulations have been followed. Administrative hearings for the repeal of driver's licenses privileges do not require medical personnel to attend due to this now being a completely paper process.