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General Offense Information

Operational status: EXCEPTIONALLY CLEARED
Reported on: Jul-26-2017 (Wed.) 1736
Occurred on: Jul-26-2017 (Wed.) 1736
Approved on: Jul-28-2017 (Fri.) by: I27 - Ross, Michelle
Report submitted by: H63 - Payne, Jeff L
Org unit: Property Crimes (East)
Address: 50 N MEDICAL DR
   Place: UMC (UNIVERSITY HOSP)
  Municipality: SALT LAKE CITY County: SLC Cncl Dist 6
     District: 2  Beat: Z4  Grid: 213
Bias: None (no bias)
Family violence: NO

Offenses (Completed/Attempted)

Offense: # 1  7399-99 PUB ORD-POLICE ASSISTANCE - COMPLETED
Location: Drug Store/Dr Office/Hospital
Offender suspected of using: Not Applicable
Related Attachment(s) - Other Misc. Documents

Attachment Description: BLOOD SAMPLE DOCUMENT

Reference Number:

Obtaining blood samples for police enforcement from patients suspected to be under the influence of drugs and/or alcohol

| Nurse Name |  |
| Nurse Unit |  |
| Nurse Contact Information |  |
| Officer name |  |
| Law enforcement agency |  |
| Badge number |  |
| Phone number |  |
| Name of patient |  |
| Statement of authority for why blood draw requested | Choose one: |
| 1. Electronic Warrant |  |
| 2. Patient consent |  |
| 3. Patient under arrest |  |
| Case number |  |
| Officer signature |  |

04/2016

University of Utah Hospital

v 0.2
Related Event(s)
CP         SL2017-136242

Complaint Information

Incident location
Address: 50 N MEDICAL DR
Place: U525 UNIVERSITY MEDICAL CTR UMC
District: 2   Beat: Z4   Grid: 213

General information
Case type: AGENCY ASSIST Priority: 9
Dispatched time: 17:41:50 En Route time: 17:41:50 At scene time: 18:04:36 Cleared time: 23:57:21
How call was received: TELEPHONE
Unit IDs: H63 - B217 - 34

Complainant information
Name: LT TRACY
Sex: DOB:
Home telephone: (801) 799-3596
Remarks: BD FOR LOGAN PD ON FATAL TA -- LOGAN PD 17-L13502 -- LOGAN OFC: OFC SOELBERG
801-513-0038 -- VICTIM: WILLIAM GREY

Clearance information
Final case type: PUB ORD - POLICE ASSISTANCE
Report expected: NO Founded: YES
Cleared by: INVESTIGATION CONTINUING
Cleared by: INVESTIGATION CONTINUING

Related Person(s)

1. Involved # 1 - WUBBELS, ALEXANDRA LUISE

(Case Specific Information)
Sex: FEMALE
Race: Caucasian/White
Date of birth:
Address: [redacted]
Municipality:
Phone Numbers
Cellular: [redacted]

Particulars

Master Name Index Reference
Name: SHAFFER, ALEXANDRA LUISE
Sex: FEMALE
Race: Caucasian/White
Date of birth: [Redacted]
Ethnicity: Not of Hispanic Origin
Address: [Redacted]
  Municipality: [Redacted]

Phone numbers
Cellular: [Redacted]

Linkage factors
  Resident status: Non-Resident
  Age range: 30-49 Years
Related Text Page(s)

Document: INITIAL R/O
Author: H63 - Payne, Jeff L
Subject: AGENCY ASSIST/BLOOD DRAW
Related date/time: Jul-26-2017 (Wed.) 2230

Synopsis: Agency assist for Logan PD. The victim of a traffic accident where the other driver was killed was flown to the University of Utah Hospital. Logan PD requested that SLCPD conduct a blood draw on the victim due to the fatality. Problems at the hospital resulted in no blood being drawn and the charge nurse being detained for obstruction of justice.

On 7-26-2017, at 17:40, I received a request to respond to the University of Utah Hospital to conduct a blood draw on William Grey who was a semi-driver involved in a traffic accident. The other driver was fleeing from law enforcement and collided with the semi resulting in the death of the fleeing driver. Logan PD case number L13502. The requesting officer was Officer Soelberg.

I responded to the University of Utah Hospital and found that Grey had been moved to the burn unit. I responded to the burn unit and contacted charge nurse Alexandra Wubbels. I requested to obtain blood samples from Grey so that it could be determined if he had any chemical substances in his system at the time of the crash. Wubbels told me that I would have to wait until she contacted her administration to obtain permission for me to obtain the blood.

I contacted Lt Tracey who was the watch commander at the time. I advised him of the situation and he told me to explain to the nurse the exigent circumstances and the implied consent law. He said if she didn't allow me to conduct a blood draw to arrest her. He also said that if she refused to let him talk to her. Wubbels came back and said that it would be a few minutes and to wait in the waiting room.

After about an hour and a half I asked to speak with Wubbels. She came to the waiting room and told me that she had spoken with her superiors and she was not going to allow me to conduct the blood draw. I tried to explain the exigent circumstances and the implied consent law and she said that her policies won't allow me to obtain the blood sample without a warrant.

Wubbels said she was sorry for making me wait so long and I said "no your not" and walked away. She began following me and asked for my business card. I checked my wallet and realized that I had given my last one away and told her that I had more in my car and she would have to come to my car and I would give her one. We got onto the elevator and I called Lt Tracey and handed to phone to Wubbels. As we walked to my car I could hear her explaining their ruled to Lt Tracey and based on some of the comments I could tell that Lt Tracey was advising her of the laws and that she was interfering and if she would not allow me to get the blood samples he was instructing me to arrest her. After they talked for several minutes by my car she handed the phone back to me. I requested to have more SLCPD officers to respond. Lt Tracey told me that if she refuses to allow me to get the blood sample that I was to arrest her for interfering with a police investigation.

While Wubbels was talking on the phone with Lt Tracey I realized that this situation was possibly going to get worse so I activated my body camera.

We went back into the ER where she told the staff that I was going to arrest her and requested that they call security. She and other employees began calling members of their administration. I was shown a piece of paper that they had regarding obtaining a blood sample. They pointed out to me that based on this paper in order to get
the blood sample I would need an electronic warrant, patient consent or the patient be under arrest. They, being Wubbels and other admin staff, asked me numerous times if any of these three items applied. I told them that I didn't have a warrant, I was told the patient was not conscious and the patient was not under arrest because he was the victim, not the suspect. I told them we wanted to blood sample to protect him, not punish him. Wubbels continued that without one of those she would not allow me to get a blood sample.

Officer S Worona from the U of U PD and a few hospital security officers arrived. After the situation was explained to them Officer Worona told Wubbels that I could arrest her and he wasn't going to interfere. She looked at the security officers and they said this was a police matter and they weren't going to get involved.

Officer Denton Harper arrived to assist me. I briefly explained the circumstances to him. We stood by for several minutes while Wubbels and other hospital staff were calling their admin trying to figure out was was going to happen. Wubbels indicated that due to their policies I couldn't get the blood sample that I requested. I looked at her and asked if she was going to allow me to get the blood sample and she responded that I couldn't get it. I advised her that she was under arrest and I reached for her right wrist so that she could be placed into handcuffs. She pulled away and as I tried harder to control her she continued to try to get away. Due to us still being in the ER I didn't want to have a scene at that location. I was able to get a grasp on her right wrist with my right hand and twisted her so she was facing the ER doors. I then used my left hand to hold onto her shoulder and I pushed her out of the ER through the doors so we were outside and not causing problems in the ER. I was then able to hold her against at wall and place handcuffs on her. Then I walked her to my police vehicle where I double locked the cuffs and had her sit in the front passenger seat and I put the seat belt on her.

I was contacted by Lt Tracey who stated he was at the front of the hospital and looking for me. I explained that I was outside the ER and he said he would come to me. He arrived and I stood by while he talked to Wubbels and several other hospital staff. Lt Tracey then spoke to me and stated that he was able to ascertain that the hospital ER staff probably had obtained blood samples for testing when Grey was first brought into the ER. He said it would be possible for Logan PD to get a subpoena for the hospital records and get the blood test results that way. He also said that he had determined that Wubbels was following directions from her superiors and decided that maybe we would release her and not take her to jail tonight and possibly screen the case for any criminal charges.

Wubbels was removed from my car by Officer Harper and the cuffs were removed. The decision to release her was explained to her by Lt Tracey. She was then released and we departed from the hospital. When I got back into my car I found a copy of the paper that I was shown regarding what was needed to obtain a blood sample from a patient. I scanned the paper and attached it to this report.

Most of the incident was recorded with my body worn camera. NFD.
While working as Watch Command I received a call from an officer Soelberg of the Logan Police Department. He informed me that they were investigating a fatal car accident involving a driver who fled from UHP and then ran headlong into a truck. The fleeing driver was killed and the victim driver was life flighted to the U of U hospital. Officer Soelber requested that we respond to the hospital to draw blood on the driver of the truck. I had dispatch create a log and Detective Paine responded to do the draw.

Detective Paine a short time later called and explained that the hospital did not want to allow him to draw the blood, as it was against their policy and HIPPA without a warrant. I told Detective Paine to explain that we were legally within our rights to get a sample and if they continued to insist that they could talk to me. I didn't hear from Detective Paine for a long time so I assumed that the problem had corrected itself.

I then received a call from Detective Paine who requested that I talk to the charge nurse. She got on the phone and informed me that her policy and Hippa and their guidelines would not allow them to give access to Detective Paine without a warrant. I attempted to inform her that it was my opinion that with the exigency and the fact that it was a fatal accident, and that my information was that the person was a truck driver that I had implied consent and could get the sample. She cut me off and said she wasn't going to allow us to get the sample without a warrant. I told her that it was my intention to order detective Paine to get the sample and if she attempted to interfere she would be arrested. She informed me that she was going to call security to prevent Detective Paine from getting the blood. (It should be noted that I was under the impression at this time that the person who we needed to draw blood from was close to where this was occurring, upon arrival at the hospital, I found out the the person might have been on another floor entirely.) I then responded to the Hospital.

When I arrived, Detective Paine had placed the charge nurse in custody (see his reports for details). I talked with her and tried to explain why she was in custody and the fact that her policy and civil laws do not supersede State Criminal law. She cut me off a number of times and appeared to not want to hear my explanation.

I talked with Detective Paine and got further information. I was told that the person we were looking for was not in the ER but was in the burn unit. I also found out at this time that the hospital pulls blood and tests it automatically, and that the Accident Investigators often just get a warrant to access the record on the hospital's blood draw. With these new facts and the time that had passed due to our not being allowed to access the patient by the charge nurse, and after discussing it with Detective Paine, I was determined that we would release the nurse and write our reports and detectives could decide if charges were appropriate or not for this case.

During this time I also had several conversations with administers of the hospital. The last one was with the CEO. None of these conversations were productive in my opinion.
On 7-26-17 Detective Payne asked dispatch to send him a patrol officer to the Emergency Room at the University Medical Center to assist him. When I arrived at the hospital, I made contact with Payne inside the Emergency Room. Payne informed me he was there to perform a blood draw on a patient that had been airlifted there after being involved in a traffic accident in Logan. Payne also informed me a female nurse was preventing him from doing his job and he would be arresting her if she continued to interfere with his investigation.

While speaking with Detective Payne, I asked him why he didn't look into drafting a search warrant for the patient's blood. Payne told me Logan Police Department said they didn't have enough probable cause to do so. Payne told me he would be obtaining the patient's blood based on the Implied Consent Law. I noticed the female nurse was on the phone with the hospital administration.

After waiting around for a few more minutes, I heard Detective Payne tell the nurse he was done waiting and she was under arrest. The nurse began to run away from Payne's attempts to take her into custody. I watched as Payne ran after the nurse inside the Emergency Room. Payne eventually grabbed the nurse's arm and a small struggle ensued. That struggle spilled through the exit doors and into the parking lot. The nurse was screaming very loudly and a number of other hospital staff ran towards her to see what was going on. Payne placed the nurse into handcuffs and sat her inside his department vehicle. I never assisted with the physical arrest.

Lieutenant Tracy arrived on scene and spoke with the nurse and other members of the hospital staff. It was decided to release the nurse and have the charges screened at a later time.

Axon body camera used.

NFD Q26
Clearance Information

Agency: Salt Lake City Proper
Cleared status: Cleared Exceptionally - Prosecution Declined
Cleared on: Jul-28-2017 (Fri.)
Cleared by Officer 1: I27 - Ross, Michelle
Org Unit: PRPCE - Property Crimes (East)
Approved by: I27 - Ross, Michelle
Org Unit: PRPCE - Property Crimes (East)
Complainant/Victim notified: NO