



**Division of State Patrol  
Policy and Procedure**

Number  
**16-9**

Subject <b>CRASH DATA RETRIEVAL</b>	
Author/Originator  Bureau of Field Operations	Approved by  <i>Anthony L. Burrell</i> <b>Superintendent</b>
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**I. POLICY**

It is the policy of the Division of State Patrol (DSP) to provide personnel trained in vehicle crash data retrieval and laws governing the imaging and storing of the information. Furthermore, it is the continued intent of the DSP to provide assistance to local law enforcement in the area of crash data retrieval.

**II. BACKGROUND**

Crash data retrieval services are often required for motor vehicle crashes that are criminal and/or high profile in nature. Crash reconstruction is a process of recreating an incident through factual information. In order to perform reconstructions of crash scenes, vehicle electronic data must be accurately documented and preserved for analytical purposes. The DSP has personnel who are specially trained to perform the duties of crash data retrieval, data preservation, and analytical interpretation of the data. Additionally, limited resources impact DSP’s ability to retrieve data from every vehicle involved in a crash in Wisconsin. Therefore, procedures have been established to limit crash data retrieval services for the more serious and high profile cases.

**III. OBJECTIVE**

The objective of this policy is to provide the DSP with guidelines for conducting crash data retrievals. This policy creates a structure to address uniformity, quality, lawfulness, and efficiency. Procedures related to the collection of data stored in event data recorders are discussed.

#### IV. DEFINITIONS

- A. **Crash Data Retrieval** – The process of imaging crash data from a vehicle’s EDR.
- B. **Crash Reconstruction Case Classification** – A classification system designed to establish case priority for the purpose of personnel resource allocation will be as follows:
- Class 1 – An incident resulting in death, great bodily harm or serious bodily injury to one or more persons where criminal charges are probable.
- Class 2 – An incident resulting in death, great bodily harm or serious bodily injury to one or more persons where criminal charges are possible and where cause analysis cannot be reasonably discerned by a patrol officer.
- Class 3 – Any other incident with high profile implications, or involving another law enforcement agency, or as designated by the respective region-level command staff.
- C. **EDR** – the acronym for Event Data Recorder. EDR is an electronic module within a vehicle that captures information just before and at the time of a crash event, which can be retrieved. Although electronic modules in automobiles and heavy trucks have different parameters and functions, for purposes of this policy EDR will have the same meaning to encompass both of these types of vehicles. It should be noted that each manufacture has a different name designation for EDRs.
- D. **Imaging (EDR Data)** – To use a crash data retrieval hardware and software system to download a copy of the data stored in the EDR component to a computer. Using the system, the investigator takes an image of data stored in the EDR without changing the stored crash data in the accessed module.
- E. **Supported EDR** – An EDR which can be imaged with a hardware and software system. Not all EDRs are supported, especially in older vehicles.
- F. **Technical Reconstruction Unit (TRU)** – a Division of State Patrol work unit comprised of specially trained and qualified reconstruction personnel.

#### V. GENERAL PROVISIONS

- A. Ownership of Data
1. Any data retained by an EDR is the sole property of the owner, or, in the case of a leased vehicle, the lessee of the motor vehicle in which the EDR is installed.

## B. Authorized EDR Imaging

1. Data recorded or transmitted by an EDR shall not be accessed by DSP personnel unless one of the following has been met:
  - a. The court having jurisdiction issues an official order via a search warrant.
  - b. An owner or a lessee of the motor vehicle provides written, electronic, or recorded audio consent to the retrieval of the data for the purpose of a law enforcement investigation.
  - c. The data is retrieved for the purpose of determining the need for, or facilitating, emergency medical response in a motor vehicle crash.
2. Personnel imaging EDR data must have successfully completed DSP authorized training on the subject matter.
3. Personnel analyzing EDR data must have successfully completed DSP authorized training on the subject matter.
4. DSP personnel shall be guided by Policy and Procedure 8-13 when allocating resources for imaging heavy truck EDRs. The case classification of the investigation will serve as a guideline for allocating resources for imaging automobile and light truck EDRs. Reconstruction personnel shall be guided by the following for imaging automobile and light trucks:
  - a. Class 1 & Class 2 Crash Reconstructions – Supported EDRs should be imaged under the provisions of V.B.1. of this policy.
  - b. Class 3 Crash Reconstructions & Other Law Enforcement Investigations – Supported EDRs shall not be imaged unless directed by the Special Operations Section or Motor Carrier Enforcement Section management, or the data is retrieved for the purpose of determining the need for, or facilitating, emergency medical response in a motor vehicle crash. Additionally, imaging EDRs for law enforcement agencies outside of DSP for these types of investigations will require a signed request from the agencies management (Attachment – [CDR Imaging Request](#)).
  - c. Non-law Enforcement Requests – Requests to image EDRs for insurance companies, private parties, private crash reconstruction companies, and other non-law enforcement entities is generally prohibited. Exemptions may only be granted by Special Operations Section management.

- C. Equipment, Software & Maintenance
  - 1. It will be the responsibility of the DSP Technical Reconstruction Unit to set up proper operational protocols of automobile EDR equipment, software, and maintenance.
  - 2. It will be the responsibility of the DSP Motor Carrier Enforcement Section to set up proper operational protocols of heavy truck EDR equipment, software, and maintenance.
  
- D. EDR Imaging Documentation
  - 1. DSP personnel who image any EDR shall complete a narrative report detailing their involvement.
  - 2. DSP personnel shall store EDR imaging reports, consent files (signed, electronic, or audio), tasks, and imaged electronic data in the Traffic and Criminal Software (TraCs) or in the Offense Incident Manager.
  
- F. Evidence Preservation
  - 1. If an EDR is removed from the vehicle, the module shall be held as evidence by the lead investigation agency, by DSP pursuant to P&P 10-5 (Evidence Processing/Seized or Recovered Property), or returned to the vehicle or owner.

**VI. REFERENCES**

DSP Policy and Procedure 16-2, Technical Reconstruction  
DSP Policy and Procedure 10-5, Evidence Processing/Seized or Recovered Property  
DSP Policy and Procedure 8-13, MCSAP Post-Crash Inspections  
United States “Driver Privacy Act” - Title 14, Subtitle C, Part 1, Section 24301-24303  
49 CFR 563.5  
[CDR Imaging Request](#)