

URN:
44BB0228824



Initial Details Pros Case

02/09/2024

V1

Rex
v
Saleem AZIZ

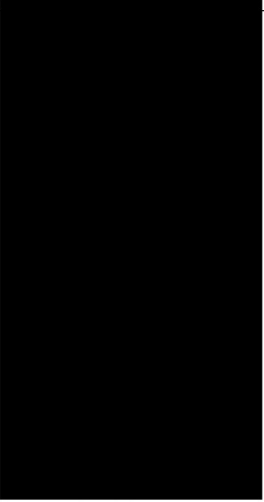
CROWN PROSECUTION SERVICE

Rex
v
Saleem AZIZ

Charges

Notice of Criminal Charge

Mr SALEEM AZIZ



Notice of Criminal Charge

This notice is for

Date notice sent
27/08/2024

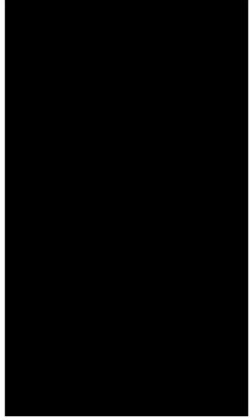
Name

SALEEM AZIZ

Date of birth

25/06/1999

Address



You must come to court



At

09:30

on

10/09/2024

Address

BASINGSTOKE Magistrates court
MAGISTRATES COURT, LONDON ROAD,
BASINGSTOKE, HAMPSHIRE, UK, RG21 4AA

Your case reference number is

44BB0228824

Always give this case reference number if you contact the court or the prosecutor.

Why have you been sent this notice?



You have been sent this notice because you are charged with:

(1) On 31/03/2024 at Andover in Hampshire you drove a mechanically propelled vehicle, namely a renault Clio DE05YZK, on a road, namely the Avenue in Andover, whilst unfit to drive through drugs.

Notice of Criminal Charge

-- LEGISLATION: 'Contrary to section 4(1) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.'

-- CCCJS CODE: 'RT88340'

-- ACPO: '12.15.23.2'

-- PNLD CODE: 'H42'

(2) On 31/03/2024 at Andover in Hampshire you drove a motor vehicle, namely a renault clio DE05YZK, on a road, namely The avenue in Andover, when the proportion of a controlled drug, namely Delta- 9 - Tetrahydrocannabinol, in your blood, namely 3.6ug/l, exceeded the specified limit

-- LEGISLATION: 'Contrary to section 5A(1)(a) and (2) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.'

-- CCCJS CODE: 'RT88584'

-- ACPO: '12.15.53.1'

-- PNLD CODE: 'H10926'

If you do not understand the charges, get legal advice.

Notice of Criminal Charge

Legal advice



If you need advice you should get help from a solicitor or an advice agency **now**. **Do not wait** until you come to court to get advice.

A solicitor is nothing to do with the police or the prosecutor. They can help and advise you about the law and represent you in court. Asking to speak to a solicitor does not make it look like you have done anything wrong.

If you cannot afford a solicitor, you may be able to get free legal advice.

You may be able to find a solicitor on the Law Society website: www.solicitors.lawsociety.org.uk. Or you can phone the Law Society on 020 7320 5650.

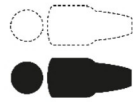
Information about the case against you



The case details will be given to you at court.

If you or your solicitor want the details in advance you must contact the prosecutor.

It is important that you come to court. What happens if you do not?



You may be arrested. If that happens, then you may be kept in custody until you are brought to court.

Or the court may deal with the case even though you are not there. If that happens, then you will not be able to tell the court about your case before it makes a decision about you.

Notice of Criminal Charge

Police Bail



If the police arrested you and then released you on bail to go back to the police station, this notice means that you do not have to go. **You must come to court instead.**

How to contact the prosecutor



Address

Crown Prosecution Service
Crown House
Winston Churchill Avenue
Portsmouth
Hampshire PO1 2PJ

Telephone

02392 856210

Email

FirstHearingMags.Wessex
@cps.gov.uk

Always give the **case reference number** which is on the front of this notice.

How to contact the court



Contact the court through the court office. The court office may not be at the same address as the court.

Court
office
address

BASINGSTOKE Magistrates court
MAGISTRATES COURT, LONDON ROAD,
BASINGSTOKE, HAMPSHIRE, UK, RG21 4AA

Telephon
e

0125236600
0

Email

HA.BASMAGS@JUSTICE.GOV.
UK

Always give the **case reference number** which is on the front of this notice.

Notice of Criminal Charge

Who issued this notice?



Name of
issuer

The Chief Constable Hampshire & Isle of Wight
Constabulary

Date of
issue

27/08/2024

This notice is a 'written charge and requisition'. It has been issued under sections 29 and 30 of the Criminal Justice Act 2003 and rules 7.3 and 7.4 of the Criminal Procedure Rules.

Reduced punishment for guilty plea



If you plead **guilty** the witnesses will not give evidence because you have admitted the charge. The punishment the court gives you and any order for you to pay costs may be reduced. The earlier you tell the court you are going to plead guilty the more the punishment is likely to be reduced.

If you plead **not guilty** there will be a trial to decide the case. If the court finds you guilty then it will decide how to punish you.

This is for your information. It is not meant to tell you to plead guilty if you are not guilty of the charge. Take legal advice.

Information about your finances



If you plead guilty or the court finds you guilty then the court may decide to fine you or order you to make some other payment. You may be ordered to pay a fine straight away.

Notice of Criminal Charge

Before the court decides what you must pay it will want information from you about your finances.

Data Protection Act 2018



The prosecutor has given the court information about you. The information will be shared and kept only as the law requires or allows. Criminal cases are heard in public.

Help and support

- Law Society – 020 7320 5650 – www.solicitors.lawsociety.org.uk.
- Citizens Advice – 03444 111 444 – www.citizensadvice.org.uk
- Alcoholics Anonymous – 0800 9177 650 – www.alcoholics-anonymous.org.uk
- Samaritans – 116 123 – www.samaritans.org
- MIND (mental health advice) – 0300 123 3393 – www.mind.org.uk
- National Debtline – 0808 808 4000 – www.nationaldebtline.org
- Shelter Housing – 0808 800 4444 – <https://england.shelter.org.uk>
- SSFA (the Armed Forces charity) – 0800 731 4880 – www.ssafa.org.uk
- Women's Aid – 0808 2000 247 – www.womensaid.org.uk

Hampshire and Isle of Wight Constabulary

Certificate of Service – Postal

Magistrates’ Courts (Miscellaneous amendments) Rules 1992)

URN: 44BB0228824

I, Helen Searing of Hampshire Constabulary hereby certify that I served Aziz, Saleem with the Requisition / evidence* as prescribed by the Magistrates’ Courts Act 1980, Section 1 (1) and 3 and 3 / Criminal Justice Act 1967, Section 9 / Road Traffic Offenders Act 1988, Section 13 or 16(6)* of which this is a true copy / these are true copies* by sending them by 1st class post to him / her, posted by me on 27/08/2024 and addressed to [REDACTED] being his / her last (or usual) place of abode.

Dated: 27/08/2024

Signed: Helen Searing
(*delete where applicable)

Rank / Position: Police staff 18197

CROWN PROSECUTION SERVICE

Rex
v
Saleem AZIZ

Case Summary

POLICE REPORT URN		44	BB	02288	24
a) AZIZ, SALEEM		Anticipated Plea		Guilty	

1. **Summary of the Key Evidence** - 'Key evidence' establishes every element of the offence and that the defendant committed the offence with the necessary criminal intent.

- ◆ Set out the facts in chronological order, telling the story and covering the 'points to prove'
- ◆ The summary must be balanced and fair

Key evidence: A male Saleem AZIZ was stopped and dealt with on suspicion of driving with a proportion of a specified controlled drug in excess of the specified limit and driving whilst being unfit though drink or drugs.

On Sunday, 31 March 2024 at around 14:00 hrs a vehicle, a Renault Clio in black displaying registration DE05YZK was stopped leaving an illegal rave on the A303 in Andover

At 14:00 hrs, AZIZ was required to cooperate with a preliminary breath and drug test, pursuant to Section 6 of the Road Traffic Act 1988.

AZIZ provided a preliminary drug test which indicated a positive result for cannabis and as such he was arrested for driving with a proportion of a specified controlled drug in excess of the specified limit. Due to his demeanour and behaviour as well as the suspicion, he was driving whilst unfit though drink or drugs he was required to carry out a field impairment test. The results are shown below.

This test is a series of exercises that give an indication as to the level a driver may be impaired to drive.

Weather conditions were fine and dry with a flat tarmac area suitable for the test and AZIZ was wearing shoes.

He appeared nervous when stopped and his hands were shaking. The first test is a pupil exam. A gauge is held to the side of the face of the subject and a comparison on the pupil size is taken. Both of AZIZ' pupils measured 2mm and his eyes were watery.

I then conducted a field impairment test with Tomlinson between the approximate times of 14:07 and 14:23 hours. The results of this showed a level of impairment.

The tests were conducted and all the results were recorded on the MGGDD/F form at the time. The results were as follows:

PUPILLARY EXAMINATION

The left eye was 2 mm and the right eye was 2 mm. The normal accepted range is 3.0 to 6.5mm.

AZIZ had watery eye. His pupils were constricted now, the opposite of when initially stopped but very small and pinpoint in description. Although daylight the area is not very bright and I would not expect his pupils to be so small, unless under the influence.

MODIFIED ROMBERG BALANCE TEST

During this test the subject is required to stand still with his hands by his sides. The subject has to tilt his head back and close his eyes, then tell the officer when they feel that 30 seconds has passed. The subject is asked not to start the test until told to do so. The normal accepted range for this test is 25 – 35 seconds.

AZIZ believed that 30 seconds had passed after 24.2 seconds, and when asked “How long was that?” replied “30 SECONDS”.

The signs of impairment displayed by Tomlinson were that he was overly quick at 24.2 seconds and also eyelid tremors were present during the test when his head was tilted back and his eyes closed.

WALK AND TURN TEST

During this test the subject is asked to walk heel to toe along a line for nine steps, perform a 180 degree turn then walk back a further nine steps. The subject must keep their arms by their sides and look down at their feet throughout, counting each step out loud.

AZIZ was unable to balance easily and swayed whilst being given

His initial step count was wrong. He wobbled and stepped on his first and second steps and was very unsteady though out the test raising his arms at steps 4 and 5 and again on the return leg after his turn. He also did not manage to get his heel and toes together when stepping. He then wobbled off the line from steps 3-8 after the turn. The turn was carried out in one step spin and his foot wasn't straight and was unsteady on his foot despite being given instructions and shown the test.

There were clear signs of impairment due to his poor balance and inability to listen to and carry out the instructions given.

ONE LEG STAND TEST

During this test the subject is required to stand on one leg with the other raised 6-8” off the ground. The subject must look at the raised foot and count in the following manner, “One thousand and one, one thousand and two.... and so on”. The subject then repeats the test on the other foot.

AZIZ counted incorrectly during this test counting one one thousand etc. He had very shaky legs throughout the test and his foot was not held steady or horizontal to the ground and he did not raise either foot high enough and it was only around 3inches off of the ground on both occasions.
Again he has failed to listen to and comply with the instructions given

Finger to Nose Test

During this test the subject is required to stand still, with his feet together and his hands and index finger outstretched in front of him, palm up. The subject is requested to close his

eyes, tilt his head back and at the officers' direction raise the correct index finger to his nose and return it back to the rest position.

AZIZ was able to balance during the instructions with a slight wobble. He managed to use the correct hand for each test but did not manage to use the tip of his finger on any of the tests and was swaying throughout. On the 3rd attempt he used his whole finger across his nose totally missing the tip. This again showed a level of impairment.

He was further arrested suspicion of driving whilst over unfit though drink or drugs. I cautioned him to which he made no reply. In his possession he had a pot which was labelled as medicinal cannabis Flos by a company Big Narstie Medical. The pot had expired on the 13th March 2024 which obviously was before this stop check. This had been issued originally on the 29th January 2024 by a pharmacy at KT82QZ. This is shown as having a THC of less than 1% AZIZ was transported to the Northern Police Investigation Centre custody where the evidential blood procedure pursuant to Section 7 of the Road Traffic Act 1988 was completed by PC WOOD.

It is obviously for AZIZ to show he has complied with and has a prescription that would allow him to use the cannabis and the items used were the same as prescribed. He however was shown to be impaired by his manner and the Field impairment tests carried out contrary to section 4.

Key witness(es) and their role (e.g. eye witness, person providing identity) Please list your witnesses in the order you want them to appear on the MG09 Witness List (which will be created by CJU): PC Loynes - FIT test, drug wipe and arrest

PC Wood - Blood procedure and seizing cannabis pot

State value of property stolen or damaged (or recovered). See Sec 9 for recording compensation details):

2. Defendant Interview

- ◆ Set out the explanation given by defendant as to **how/why offence happened**: include any **mitigation/remorse** put forward.
- ◆ Note any **Special Warnings** given.
- ◆ State if no comment made.
- ◆ Attach copy of CCTV if shown in the interview **(to file)**.

a) Defendant: AZIZ, SALEEM

Date: .././20.. Start time: End time:

Interviewing officer: [Insert name]

Other person(s) present: [Insert name(s) and role(s)]

Summary of defendant explanation: [Insert text]

Defendant's response/reaction to CCTV (if 'key evidence' and shown in I/V): [Insert text]

Relevant admissions and their start/finish counter reference times: [Insert text]

- 3. Non Key Evidence** – list witnesses present but not ‘key’. State what evidence they contribute e.g. additional eye witness, arresting officer, charging officer; officer seizing CCTV. Record dates to avoid on MG10.

Name of non-key witness(es) and their role:

- 4. Visually Recorded Evidence** – BWV, CCTV, photos, mobile phone(s). Attach a copy (*identify playback format*). Custody suite CCTV should be included as unused material unless ‘key evidence’.

Is there VRE? Yes If ‘Yes’, does it provide ‘key evidence? Yes

Give details of what it shows (whether ‘key’ or not) and include relevant times for key sections (*i.e. defendant punching victim/kicking window*) BWV of proceedings both bloods and FIT test.

- 5. Injuries** – a medical statement is **NOT** required unless needed to interpret x-rays or describe injuries not visible to the naked eye. Victim(s)/eye witness/police officer should **describe any visible injuries**, photos should be taken and attached (if not taken. attached, state why).

Description of injuries:

- 6. Forensic Evidence** – fingerprints, drugs evidence (weight, number of wraps, etc.). Include details such as street value and purity as this is essential for sentencing information. State if drugs field tested and by whom. State timescales for a full forensic statement (if required).

- 7. DIP TESTING** – Attach DT2 for prosecutor

Defendant: AZIZ, SALEEM

Tested? --Select-- Trigger off.: ☐ Result: (pos/neg) - select - Drug: - select -

- 8. Application for Order(s) on Conviction** – consider applying for an order on conviction, e.g. compensation, forfeiture/destruction (see order list).
Full requirements of the order(s) to be detailed and submitted on MG06 at section 10.

Defendant: AZIZ, SALEEM

Order(s) applied for:

Application for Compensation – state if an estimate. Attach quotes/receipts if available. An address for compensation **must** be provided on MG6. (*If more than one victim/defendant, list one after the other and give details in the description box*).

Defendant:

Victim:

Description of injury/loss and or damage:

Amount of compensation applied for:

Has an MG19 been sent to victim?:

9. Other: MG18(TICs)?

Pre-cons/cautions attached?

MG6?

10. Common Law Disclosure Requirement:

☐ SDC completed in NGAP Summary case

☒ In accordance with Common Law I certify to the best of my knowledge and belief that there is no relevant unused material that might reasonably assist the defence with the early preparation of their case or at a bail hearing.

☐ I have anticipated a guilty plea in this case, but have the following non-sensitive material which needs to be brought to the prosecutor's attention as I believe it may assist the defence with the early preparation of their case or at a bail hearing. (list below describing material and why you believe it needs revealing to the defence)

Signed by name: Chris Loynes

Rank and Collar no: PC27518

Date and time: 24/08/2024 00:00

11. Supervisor's certification: The information in parts 1 – 9 is an accurate summary of the available evidence and complies with the DPP's guidance for a Streamlined Process. The file has been built to the required standard.

Signed by name: PS Tom WALLER

Rank and Collar no: PS 27081

Date and time: 24/08/2024 16:58

YOU MUST ALWAYS COMPLETE CONDITIONAL CAUTIONING SECTION BELOW
YOU MAY NEED TO SCROLL DOWN



Defendant: **AZIZ, SALEEM** *(if more than one defendant, use additional page)*

Not suitable for conditional caution because Offence not in Annex A (see DPP guidance)
OR
Suitable for conditional caution because custody officer is satisfied:

- ♦ There is sufficient evidence to charge the offence and defendant has not denied the offence or raised a defence, and
- ♦ Conditions are capable of rehabilitating the offender or for making reparations for the offence, and
- ♦ Both the circumstances of the offence and the offender make it appropriate to offer a conditional caution, and

The offence is one for which a conditional caution can be offered (see Annex A, DPP's Guidance)

Proposed conditions:		
Condition	Compliance requirements including completion/progress check dates	Supporting evidence
1.		
2.		
3.		
4.		

CROWN PROSECUTION SERVICE

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Key Witness Statements

STATEMENT/EVIDENCE LIST

URN: 44BB0228824

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No	Statement(s), deposition(s) and document(s) (other than exhibits)	Statement Date	Page
1	Chris LOYNES	24/08/2024	1-3

1 individual witnesses have been identified from the list above.

Official-Sensitive general handling guidance	
Additional handling instructions (if any):	

MG11 WITNESS STATEMENT			
Occurrence Number:	44240135906	URN:	
Statement of:	LOYNES, CHRIS		
Age:		Occupation:	
This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.			
To find out more about how Hampshire and Isle of Wight Constabulary uses your personal data and how to exercise your data rights, see our privacy notice at https://www.hampshire.police.uk/hyg/fpnhc/privacy-notice/ or request a copy by calling 101.			

This statement is in relation to an incident where I arrested Saleem AZIZ on suspicion of driving with a proportion of a specified controlled drug in excess of the specified limit and driving whilst being unfit through drink or drugs.

On Sunday, 31 March 2024, I was on duty in full uniform in, a marked Police car parked at a static site. At around 14:00 hrs a vehicle, a Renault Clio in black displaying registration DE05YZK was stopped leaving an illegal rave on the A303 in Andover

At 14:00 hrs, I required AZIZ to cooperate with a preliminary breath and drug test, pursuant to Section 6 of the Road Traffic Act 1988.

AZIZ provided a preliminary drug test which indicated a positive result for cannabis/ cocaine and as such at 16:29, I arrested him on suspicion of driving with a proportion of a specified controlled drug in excess of the specified limit. Due to his demeanour and behaviour as well as the suspicion, he was driving whilst unfit through drink or drugs I required AZIZ to carry out a field impairment test.

This test is a series of exercises that give an indication as to the level a driver may be impaired to drive. Weather conditions were fine and dry with a flat tarmac area suitable for the test and AZIZ was wearing shoes.

He appeared nervous when stopped and his hands were shaking. The first test is a pupil exam. A gauge is held to the side of the face of the subject and a comparison on the pupil size is taken. Both of AZIZ' pupils measured 2mm and his eyes were watery.

I then conducted a field impairment test with Tomlinson between the approximate times of 14:07 and 14:23 hours. The results of this showed a level of impairment.

The tests were conducted and all the results were recorded on the MGDD/F form at the time. The results were as follows:

PUPILLARY EXAMINATION

The left eye was 2 mm and the right eye was 2 mm. The normal accepted range is 3.0 to 6.5mm.

AZIZ had watery eye. His pupils were constricted now, the opposite of when initially stopped but very small and pinpoint in description. Although daylight the area is not very bright and I would not expect his pupils to be so small, unless under the influence.

MODIFIED ROMBERG BALANCE TEST

During this test the subject is required to stand still with his hands by his sides. The subject has to tilt his head back and close his eyes, then tell the officer when they feel that 30 seconds has passed. The subject is asked not to start the test until told to do so. The normal accepted range for this test is 25 – 35 seconds.

AZIZ believed that 30 seconds had passed after 24.2 seconds, and when asked "How long was that?" replied "30 SECONDS".

The signs of impairment displayed by Tomlinson were that he was overly quick at 24.2 seconds and also eyelid tremors were present during the test when his head was tilted back and his eyes closed.

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There were clear signs of impairment due to his poor balance and inability to listen to and carry out the instructions given.

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Finger to Nose Test

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AZIZ was able to balance during the instructions with a slight wobble. He managed to use the correct hand for each test but did not manage to use the tip of his finger on any of the tests and was swaying throughout. On the 3rd attempt he used his whole finger across his nose totally missing the tip. This again showed a level of impairment.

He was further arrested suspicion of driving whilst over unfit though drink or drugs. I cautioned him to which he made no reply. I told AZIZ his arrest was necessary under a preserved power.

In his possession he had a pot which was labelled as medicinal cannabis Flos by a company Big Narstie Medical. The pot had expired on the 13th March 2024 which obviously was before this stop check. This had been issued originally on the 29th January 2024 by a pharmacy at KT82QZ. This is shown as having a THC of less then 1%. This was initially put in his property to be taken with him and later seized by PC WOOD.

AZIZ was transported to the Northern Police Investigation Centre custody where his detention was authorised by the Sergeant.

Whilst at custody the evidential blood procedure pursuant to Section 7 of the Road Traffic Act 1988 was completed by PC WOOD.

Signature of Witness		Signature Witnessed By	
Name: Signed Time:	#27518 LOYNES, C. 24/08/2024 09:47	Name: Signed Time:	

CROWN PROSECUTION SERVICE

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Key Exhibits

LIST OF EXHIBITS

URN: 44BB0228824

Rex
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No	Exhibit Ref No	Description	Page
1		Police MGDD A BOOKLET AZIZ.PDF 31/08/2024 12:21	1-24
2		Police MGDD B BOOKLET AZIZ.PDF 31/08/2024 12:21	25-44
3		MGDD E BOOKLET	45-48
4		MGDD F BOOKLET	49-56
5		CFS-103067-24 SFR	57-59

A

MG DD/A

Version 8.5 November 2017

44240135906

A212



DRINK / DRUGS

STATION PROCEDURE
GENERAL

DRINK / DRUGS
PROCEDURE GENERAL - PART A
(FOR HOSPITAL CASES—USE FORM MG DD/C)

A

STATUS OF FORM These forms are a 'plain man's guide' to the operation of the drink and drug drive laws (DPP v Smith [Robert James] 2000). Failure to comply is not fatal provided the law is complied with.

A1

SUBJECT SURNAME AZIZ
Forename(s) SALEEM
Address.....
.....

Date of Birth 25/06/1999 Ethnicity Code MB

Occupation NHS *YES/NO
(TWA 1992 & R&TSA 2003 only. See note A5(vi))

Time and date of arrest 14|2|3 hours 31/03/2000 date

A2

PROCEDURE COMMENCED 16|4|5 hours 5/2/ date

AT (location)

OR at 88 Police Station / Custody No. C224000
10969

A3

RECORD OF PRELIMINARY TESTS - if required

BREATH ALCOHOL TEST Serial No. AZLM068 Time 14|0|0

Result *ZERO / PASS / WARN / FAIL / FTP Reading 0
(0-3) (4-30) (31-35) (>35)

SALIVA DRUG TEST Serial No. Time 14|0|5

Collection Kit Batch No. 84641-23474

Expiry Date XX/12/24 Officer 27518 X

Result *DRUG DETECTED (Lab test req) / NO-DRUG-DETECTED / FTP

PRELIMINARY IMPAIRMENT TEST *Given 27518 (Officer) / Not Given / FTP

A4

MANNER OF THE SUBJECT

It is useful to note the subject's manner including speech, demeanour, intoxication / drunkenness etc. and changes in condition while being investigated. This is useful in back calculations and technical defence cases. See note A30.

*YES / NO

These boxes are not provided to record the subject's reply but to assist the investigating officer to navigate the form. A separate place is provided to record the actual reply made.

* Circle or delete as applicable

DRINK / DRUGS
PROCEDURE GENERAL - PART A
(FOR HOSPITAL CASES—USE FORM MG DD/C)

A

A5 GENERAL NOTES

- (i) Unless directed elsewhere the sections of this form should be followed sequentially. Each question put to the subject is provided with a place for recording the answer given. The ☐ YES / ☐ NO boxes are not provided to record the subject's reply but to assist the investigating officer to navigate the form.
- (ii) Form MGDD A may be used to conduct an evidential procedure at a police station or, with the exception of a hospital (use Form MGDD C), elsewhere (but only on next generation devices). Where a procedure begins elsewhere and the process directs the officer to Form MGDD B, the investigation will be continued at a police station where the process of obtaining blood or urine will be conducted since blood and or urine can only be required at a police station (or hospital).
- (iii) Italicised text should be read out verbatim, however, the forms are only a 'plain man's guide' (DPP v Smith [Robert James] 2000). Failure to comply is not fatal, provided the law has been complied with.
- (iv) Advice on the MG DD process can be obtained through the NPCC National Police Liaison Officer at DfT.
- (v) This form cannot cater for all eventualities. Circumstances that are not covered should be recorded at A24 together with any additional particulars or notes.
- (vi) Throughout this form the following abbreviations apply:
- | | |
|---|---|
| TWA - Transport and Works Act 1992 | PACE - Police and Criminal Evidence Act 1984 |
| RTA - Road Traffic Act 1988 | R&TSA - Railway and Transport Safety Act 2003 |
| RTOA - Road Traffic Offenders Act 1988 | EBTI - Evidential Breath Testing Instrument |
| HCP - (Registered) Health Care Professional | Dr or Doctor - Medical Practitioner |
- (vii) If the subject makes any solicited or unsolicited comments **outside the framework of this document** which might be relevant to the offence, they must be recorded at A24 by the person witnessing them and the entry timed and signed. Where practicable the subject shall be given the opportunity to read that record and to sign it as correct or to indicate the respects in which the person considers it inaccurate. When subjects agree to do so, they should be asked to endorse the record with words such as 'I agree that this is a correct record of what was said' and add their signature. When a subject does not agree with the record, the officer should record the details of any disagreement and then ask the subject to read these details and then sign them to the effect that they accurately reflect the disagreement. Any refusal to sign shall also be recorded (PACE CoP C11.13 and Note for Guidance C11E).
- (viii) When considering interview, account should be taken of the provisions of PACE Code of Practice C12.3 regarding the interview of those under the influence of drink / drugs.
- (ix) In cases involving a person aged 17 years or under, the young person may consent to the provision of breath, blood or urine specimens without the need for parental or other approval. The officer must be satisfied, as they would with any consent, that the young person has the necessary mental capacity. The prosecution need not be delayed until an Appropriate Adult attends since the procedure does not constitute an interview for the purposes of PACE.
- (x) Where there are changes in the offences being investigated, i.e. a change from excess alcohol (sec 5) to driving whilst unfit through drink or drugs (sec 4) care should be taken to ensure that the subject is informed of the change. Failure to inform the subject of the change may cause proceedings to fail.
- (xi) Where a subject fails to provide a specimen for analysis without reasonable excuse but is clearly 'impaired', a charge contrary to sec 4 could be considered in addition to that of failure to provide. This would enable the full facts to be presented to the court which might otherwise be prevented in a simple case of 'failure'.
- (xii) If considering an alcohol or drug Technical Defence Enquiry (Post Incident Consumption allegation) the subject should be interviewed, at the end of the specimen process, when fit to do so in accordance with PACE. Alcohol investigations - complete Form MG DD/D and submit to force forensic provider. Drugs - record any interview, the purpose of which is to ascertain the veracity of the consumption claimed. (See Note at A30 on definitions of alcohol Technical Defence Enquiries and Back Calculations)
- (xiii) **Excess Alcohol (sec 5) Excess Specified Drugs (sec 5A) & Driving etc. Whilst Unfit (sec 4) cases**
Proceedings for excess alcohol contrary to sec 5 and excess specified drugs sec 5A may only be undertaken if the vehicle is a 'motor vehicle' and the alcohol or drug concentration is in excess of the statutory limit. Proceedings for Driving Whilst Impaired through Drink or Drugs may be undertaken if the vehicle concerned is any mechanically propelled vehicle (which includes any 'motor vehicle') and the impairment is caused by some drug and/or by alcohol, irrespective of whether the alcohol or drug concentration is above or below the statutory limit. It is therefore essential to note that if the vehicle concerned is a mechanically propelled vehicle that is NOT also a motor vehicle, the appropriate charge will be one of driving etc. whilst unfit through drink or drugs contrary to section 4 provided that, in addition to the evidence of alcohol or drug, there is also sufficient evidence of impairment to drive.

*** YES / NO**

These boxes are not provided to record the subject's reply but to assist the investigating officer to navigate the form. A separate place is provided to record the actual reply made.

* Circle or delete as applicable

DRINK / DRUGS
PROCEDURE GENERAL - PART A
(FOR HOSPITAL CASES—USE FORM MG DD/C)

A**A6****INITIAL PROCEDURE**

Where a person is to be investigated for offences contrary to more than one of the Acts below, each Paragraph, as appropriate, will be read before moving to Para. A7.

Road Traffic Offences Contrary to the Road Traffic Act 1988	GO TO A7
Guided Transport Offences (Railways and Trams) Contrary to the Transport and Works Act 1992	GO TO A26
Shipping and Marine Offences Contrary to Railways and Transport Safety Act 2003	GO TO A27
Aviation Offences Contrary to Railways and Transport Safety Act 2003	GO TO A28

A7**ROAD TRAFFIC OFFENCES**

If investigating an 'in charge' offence consider interview under PACE at the end when the subject is fit to be interviewed, to negate the statutory defence that there was no likelihood of driving.

Where the subject is being investigated for any or all offences contrary to sec 4 and/or sec 5 and/or sec 5A of the Act, ensure all relevant elements are read.

Tick relevant boxes and read out relevant text:

"You are under investigation because you are suspected of

☒	<i>driving</i>
☐	<i>attempting to drive</i>
☐	<i>being in charge of</i>

a motor vehicle on a road or public place whilst over the prescribed alcohol limit
 [Sections 5 or 3A(1)(b)&(c) RTA 1988] (Excess Alcohol)

and / or

☒ *a motor vehicle on a road or public place whilst over a specified drug limit*
 [Sections 5A or 3A(1)(ba) & (c) RTA 1988] (Excess Specified Drugs)

and / or

☒ *a mechanically propelled vehicle on a road or public place whilst unfit to do so through drink or drugs*
 [Sections 4 or 3A(1)(a) RTA 1988] (Impairment)

~~GO TO~~ **A8*****YES / NO**

These boxes are not provided to record the subject's reply but to assist the investigating officer to navigate the form. A separate place is provided to record the actual reply made. 3

* Circle or delete as applicable

DRINK / DRUGS
PROCEDURE GENERAL - PART A
(FOR HOSPITAL CASES—USE FORM MG DD/C)**A****A8****POST INCIDENT CONSUMPTION**

Read titles, tick ✓ to note that it has been read and note any answer: (Leave answer box blank if nothing is said or write 'No Reply')

“Have you, since the time of the alleged offence, consumed or used any of the following things, and if so what?”

<i>alcohol or other drink?</i>	✓
<i>mouth spray?</i>	✓
<i>mouthwash?</i>	✓
<i>any drug or medication?</i>	✓
<i>eaten anything?</i>	✓
<i>inhaled anything?</i>	✓
<i>taken anything?</i>	✓

If any answer reveals consumption which may affect the procedure, questioning should only be in accordance with the PACE. If considering an alcohol or drug Technical Defence Enquiry (Post Incident Consumption) the subject should be interviewed, at the end of the specimen process, when fit to do so to complete Form MG DD/D (See A30).

A9**CHOICE OF ROUTE****GO TO A9**

- a) If the subject is being investigated for an offence concerning drink only or concerning drink and drugs under Section 3A, 4, 5 or 5A of the RTA 1988 (or other relevant Acts for other modes of transport).

GO TO A10

NB Where an offence of driving whilst unfit (Sec 4 or 3A RTA) through drink only is being investigated, the evidence of alcohol will in all cases be obtained via the route at a) above (there is no entitlement to go direct to blood or urine in impairment cases involving alcohol) and there is no statutory reason for a Dr or HCP to be involved in the investigation, apart from the possibility of taking a blood specimen should that become necessary. Nevertheless it will be for investigating officers to consider, especially in cases where the evidence of impairment is not over-whelming, whether the attendance of a doctor or Healthcare Professional (a doctor is strongly recommended), to establish if the observed impairment could have any other medical explanation, will be of benefit. Where this is considered to be the case the Dr or HCP should be called, the facts recorded in additional notes at A24 and any opinion expressed by the Dr or HCP taken into account when considering possible charges. It might also be useful to record any comment or observation the Dr or HCP may have concerning the person's condition to drive.

Where drink and or drugs is being investigated, evidence of alcohol will be obtained as above and at the conclusion of the alcohol investigation the officer should go to form MG DD/B to commence the drugs investigation as indicated.

- b) If the subject is being investigated for Excess Specified Drugs (sec 5A RTA 1988 or impairment through drugs only (sec 4 RTA 1988) [or other relevant Acts for other modes of transport], and a breath specimen to determine the presence of alcohol is not to be required, GO TO MG DD/B1(b) to B14 and conduct a preliminary drug test at B16 if not already conducted, or call a doctor or health care professional if not already in attendance.

(Selecting this route will prevent any alcohol investigation. - unless for some reason at the completion of the Drug Investigation the officer re-enters the breath procedure at A10)

GO TO MG DD/B1(b)***YES / NO**

These boxes are not provided to record the subject's reply but to assist the investigating officer to navigate the form. A separate place is provided to record the actual reply made.

* Circle or delete as applicable

DRINK / DRUGS
PROCEDURE GENERAL - PART A
(FOR HOSPITAL CASES—USE FORM MG DD/C)

A

A10

BREATH TESTING DEVICE

Only the next generation of EBTIs will be useable at the 9µg and 25µg limits required for most Aviation and all R&TSA shipping provisions. Otherwise (and unless the person is, for aviation purposes, a 'Licensed Maintenance Engineer' where the higher breath limit of 35µg applies) an officer having access only to currant devices (Intoximeter EC/IR, Lion Intoxilyzer 6000 or CAMIC Datamaster) and dealing with an aviation or shipping case should go to Form MG DD/B2(a) as no device is available for use.

Breath testing device available and practicable to use
(but see note above for Aviation and Shipping cases)

*YES/NO

If YES

GO TO A11

DEVICE MAKE SERIAL No.

If NO give details

GO TO MG DD/B (B2(a))

A11

BREATH SPECIMEN PROCEDURE

Read titles, tick ✓ to note that it has been
read and note any answer: (If nothing is said, leave blank or write 'No Reply')

Note time and say

"Have you, in the last twenty minutes, -
✓

<i>consumed any alcohol?</i>	
<i>used any mouth spray?</i>	
<i>used any mouthwash?</i>	
<i>used any drug or medication?</i>	
<i>eaten or drunk anything?</i>	
<i>inhaled anything?</i>	
<i>taken anything?</i>	
<i>brought anything up from your stomach?</i>	

*Have you smoked, or have you
used an electronic cigarette in
the last 5 minutes?*

--

If the subject has consumed alcohol or other drink or used a mouth spray, mouthwash, drug or medication or has eaten, inhaled or taken anything, or has brought anything

*YES / NO

These boxes are not provided to record the subject's reply but to assist the investigating officer to navigate the form. A separate place is provided to record the actual reply made. 5

* Circle or delete as applicable

DRINK / DRUGS
PROCEDURE GENERAL - PART A
(FOR HOSPITAL CASES—USE FORM MG DD/C)

A

back from the stomach, wait for 20 minutes before test. If the subject has smoked (including the use of an electronic cigarette) in the last 5 minutes wait 5 minutes before test.

If the subject makes a claim which the officer knows to be untrue, then whilst it must be recorded, the officer is entitled to ignore it, record the details at A24 and continue through the process without waiting.

CS, PEPPER and other INCAPACITATING SPRAYS

Has the subject been exposed to CS, Pepper, or some other incapacitating spray?

***YES / NO**

(If YES note when and wait 30 minutes since exposure before commencing test)

GO TO A12

A12

BREATH TEST REQUIREMENT

Time hours on/...../..... (date)

“I require you to provide two specimens of breath for analysis by means of an approved device. The specimen with the lower proportion of alcohol may be used as evidence and the other will be disregarded. I warn you that failure to provide either of these specimens will render you liable to prosecution.”

“Do you agree to provide two specimens of breath for analysis?”

REPLY

***YES / NO**

If YES

GO TO A14

If NO *“I warn you again that failure to provide either of these specimens will render you liable to prosecution. Do you now agree to provide two specimens of breath for analysis?”*

REPLY

***YES / NO**

If YES

GO TO A14

If NO

GO TO A13

***YES / NO**

These boxes are not provided to record the subject's reply but to assist the investigating officer to navigate the form. A separate place is provided to record the actual reply made.

* Circle or delete as applicable

DRINK / DRUGS
PROCEDURE GENERAL - PART A
(FOR HOSPITAL CASES—USE FORM MG DD/C)

A

A13

FAILURE TO PROVIDE

Those genuinely unable to provide a specimen of breath should not be prosecuted for failing to provide. Account should be taken of any grounds which give rise to a reason to believe there is a medical condition, whether claimed or not. Failing to Provide must always be without reasonable excuse. Where a medical reason is claimed it may constitute reasonable excuse. If the officer considers it doesn't, reasons should be recorded at A24.

“Are there any medical or other reasons why you cannot or should not provide two specimens of breath?”

REPLY

a) If, from what the subject has said, and/or for any other reason, you consider that there is ‘reasonable cause to believe that for medical reasons a specimen of breath cannot or should not be provided’

GO TO MG DD/B (B1(a) / B2(b))

b) If **NO** medical reason is claimed and there are no other reasons for you to consider that there is ‘reasonable cause to believe that for medical reasons a specimen of breath cannot or should not be provided’

OR

despite any claim by the subject you **DO NOT** consider there is ‘reasonable cause to believe that for medical reasons a specimen of breath cannot or should not be provided’

Consider Note above and record reasons fully at A24

CHARGE / REPORT ‘Failure to provide’ (note A5(xi)) and GO TO A21

A14

INSTRUMENT OPERATION AND SAMPLE RELIABILITY

- (i) There is no evidence or reason to suggest that EBTIs are affected by radios or mobile telephones. However, to avoid having to rebut claims of interference it will be wise to switch off such sets where an EBTI is in use.
- (ii) When removing a mouthpiece from its packaging care should be taken to follow any manufacturer’s advice and to ensure that plastic film is not allowed to enter either end.
- (iii) Where a test sequence has been commenced but cannot be completed, for example:
- when, in the case of the INTOXIMETER EC/IR, the device displays a simulator connect error message (insufficient gas reaching analytical part of the system) or
 - on all instruments, when one of the simulator checks is outside the accepted range 32-37 µg it will not be possible to continue to use the instrument and it will be usual to proceed to a requirement for blood or urine under Section 7(3)(b). (MG DD/B1(a)/B2a).
- (iv) Where a device produces an instrument message of:
- High Blank (INTOXIMETER EC/IR only)**
Ambient Fail (LIION Intoxilyzer only)
System Won’t Zero (CAMIC Datamaster only)
- this may indicate alcohol or some other substance in the environment. Whilst the instrument may be operating correctly it will not allow the test to continue. In these circumstances it will be usual to proceed to a requirement for blood or urine under section 7(3)(b) RTA. (MG DD/B1(a)/B2a).
- (v) More Than One Instrument Cycle.
- Exceptionally, where for genuine non-medical reasons, the accused has been unable to supply two specimens of breath within a machine cycle, the operator has discretion to restart the device and permit

***YES / NO**

These boxes are not provided to record the subject’s reply but to assist the investigating officer to navigate the form. A separate place is provided to record the actual reply made.

* Circle or delete as applicable

A

DRINK / DRUGS
PROCEDURE GENERAL - PART A
(FOR HOSPITAL CASES—USE FORM MG DD/C)

further attempts until a **total** of two specimens have been obtained. Such action should be recorded A24. Once two valid specimens have been obtained, further specimens (to complete an EBTJ cycle) should not be required and the EBTJ should be allowed to "time out".

- All printouts (including those with no breath readings) should be retained / attached at A23. The certificate on each printout containing a breath alcohol reading should be manually amended to reflect the order the specimens were obtained and be signed by the officer.

(vi) In cases of **Failing to Provide** where an attempt was made to use the EBTJ, the mouthpiece should be retained and be available for forensic examination.

(vii) Where:

a)	a device produces an instrument message of:				
	<table border="0"><tr><td>Breath difference</td><td>Interfering substance</td></tr><tr><td>Out of range</td><td>Mouth alcohol</td></tr></table>	Breath difference	Interfering substance	Out of range	Mouth alcohol
Breath difference	Interfering substance				
Out of range	Mouth alcohol				
b)	the two breath specimens are taken from different cycles and a comparison of the readings at A29 reveals a breath difference.				

then whilst the EBTJ may be operating reliably, a reliable indication of the proportion of alcohol in a person's breath may not have been obtained, and it will be usual to proceed to a requirement for blood or urine under section 7(3)(bb) RTA. (MG DD/B1a/B2c).

Ensure that any time lapse arising from A11 has elapsed. Show the subject the breath testing instrument, explain procedure and requirements, start the instrument process and obtain the two specimens required.

“When I tell you to do so, relax, take a deep breath, place the mouthpiece in your mouth and make a good seal around it with your lips. Then blow steadily and evenly until I tell you to stop. Do not hesitate as you blow and do not blow as hard as you can, just blow evenly and naturally until I tell you to stop.”

If the subject does not understand, repeat the instructions until understood, making any relevant notes in Additional Notes at A24.

A15

INSTRUMENT RESULTS

Record any immediate reaction or comment made by the subject including NO reaction

.....

.....

- a) **If 2 reliable breath specimens obtained, record printout details at A16, attach printout at A23 and** **GO TO A16**
- b) **If unreliable specimen(s) or only one or no specimen obtained, record any printout details at A16, attach any printout at A23, do not serve a copy on the accused, consider the notes at A14 and** **GO TO A18**

A16

BREATH ANALYSIS READINGS (ug/100ml)

1 st	<u>ug</u>	at	<table border="1"><tr><td> </td><td> </td><td> </td></tr></table>				hours	/...../.....	date
2 nd	<u>ug</u>	at	<table border="1"><tr><td> </td><td> </td><td> </td></tr></table>				hours	/...../.....	date

GO TO A17

***YES / NO**

These boxes are not provided to record the subject's reply but to assist the investigating officer to navigate the form. A separate place is provided to record the actual reply made.

* Circle or delete as applicable

DRINK / DRUGS
PROCEDURE GENERAL - PART A
(FOR HOSPITAL CASES—USE FORM MG DD/C)

A

A17

BREATH ANALYSIS STATEMENT/PRINT-OUT

- (i) A copy of the EBTI printout must be served on the subject in all cases where it is intended to use it to provide evidence of the proportion of alcohol in a person's breath. If a copy has **not** been served, such evidence will only be admissible if served on the accused no later than seven days before the trial.
- (ii) The Printout Certificate must be signed by a police officer. Normally this will be the operator. If not, ensure that the signature on the certificate is that of a police officer. (sec 16(1)(a) RTOA). All requirements made of subject and decisions leading to requirements must be made by a police officer.

Serve a copy of printout(s) on the subject. (see notes above)

“This is a copy of the record of your use of the instrument which is being provided for your information. The readings and details on the record will be entered into evidence”

Copy of printout(s) accepted by the subject? ***YES / NO**

Record any comment made by the subject including no comment or reaction

.....
.....
.....

Attach copies of printout(s) at A23

GO TO A20

A18

BREATH ANALYSIS PROCEDURE NOT COMPLETED SATISFACTORILY

Give reason for incomplete procedure (see notes at A14)

.....
.....

- a) If the breath testing device stops operating, is not operating reliably, will not complete the test cycle OR the device has produced a breath reading which can not be relied upon
GO TO A19
- b) If the breath testing device **is** operating reliably:

“Are there any medical or other reasons why you have not provided two specimens of breath?”

REPLY

.....

***YES / NO** These boxes are not provided to record the subject's reply but to assist the investigating officer to navigate the form. A separate place is provided to record the actual reply made. **9**

* Circle or delete as applicable

A

DRINK / DRUGS
PROCEDURE GENERAL - PART A
(FOR HOSPITAL CASES—USE FORM MG DD/C)

Form MG DD/A
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- (i) If, from what the subject has said, and/or for any other reason you consider that you have ‘reasonable cause to believe that for medical reasons two specimens of breath have not been provided’
- See notes at A13 and A14(v) GO TO MG DD/B (B1(a)/B2(b))**
If the subject is being dealt with ‘elsewhere’ (See Note A5(ii)) and note that blood or urine may only be required at a police station (or hospital).
- (ii) If **NO** medical reason is claimed and there are no other reasons for you to consider that you have ‘reasonable cause to believe that for medical reasons two specimens of breath have not been provided’
- OR
- despite any claim by the subject you **DO NOT** consider that you have ‘reasonable cause to believe that for medical reasons two specimens of breath have not been provided’ **Consider Notes at A14 and record reasons fully at A24 and the note at A13 about failing to provide.**

CHARGE / REPORT ‘Failure to provide’ and GO TO A21

- (iii) If a reason is given which alerts the officer to the possibility that the instrument or the mouthpiece may not have been operating reliably.

GO TO A19

A19

UNRELIABLE DEVICE OR INDICATION.

OR DEVICE STOPS WORKING

OR WILL NOT COMPLETE CYCLE (see notes at A14)

If specimens have been provided but no reliable indication of the proportion of alcohol in the person’s breath has been obtained, or if the instrument has stopped working, is believed to be unreliable or will not complete the analytical test cycle give details

.....
.....
.....

Do you wish to require a laboratory specimen?

If the subject is being dealt with ‘elsewhere’ (See Note A5(ii)) that blood or urine may only be required at a police station (or hospital).

If YES

GO TO MG DD/B (B1(a))

If NO - NO FURTHER ACTION

GO TO A21

***YES / NO**

These boxes are not provided to record the subject’s reply but to assist the investigating officer to navigate the form. A separate place is provided to record the actual reply made.

10

* Circle or delete as applicable

DRINK / DRUGS
PROCEDURE GENERAL - PART A
(FOR HOSPITAL CASES—USE FORM MG DD/C)

A

A20

LOWER BREATH RESULT and APPROPRIATE ROUTE

- (i) The statutory option was repealed by the Deregulation Act 2015 and no longer applies to section 3A, 4 or 5 RTA investigations or to similar provisions for rail, aviation or shipping.
- (ii) Consider back calculation in serious cases. Refer to the Alcohol Technical Defence Form **MG DD/D (D1)** Notes and the note at A30. Submit completed form to the laboratory/expert if a decision to proceed is taken.

LOWER READING If the lower of the two readings is:

a) **40 µg/100ml or higher**

- (i) If investigating alcohol offences only (see note at A5(xiii))

CHARGE / REPORT 'Excess Alcohol' and/or 'Driving etc.

whilst Unfit' and

GO TO A21

- (ii) If investigating alcohol and drug offences

GO TO MG DD/B (B1(b))

AND

at the conclusion of the drug investigation (see note at A5(xiii))

Go to A21 and CHARGE / REPORT 'Excess Alcohol' and/or

'Excess Specified Drugs and/or 'Driving etc. whilst Unfit'

If the subject is being dealt with 'elsewhere' (See Note A5(ii)) it will be necessary to take the driver to a police station for Form MGDD/B procedures

b) **39 µg/100ml or lower**

- (i) **IF NO FURTHER ACTION** is to be taken

GO TO A21

- (ii) If investigating alcohol and drug offences

GO TO MG DD/B (B1(b))

AND

at the conclusion of the drug investigation (see note at A5(xiii))

Go to A21 & CHARGE/REPORT 'Drive Unfit through Drink as in

(v) and/or 'Excess Spec Drugs' and/or 'Drive Unfit thro' Drugs'

If the subject is being dealt with 'elsewhere' (See Note A5(ii)) it will be necessary to take the driver to a police station for Form MGDD/B procedures

- (iii) If a Back Calculation is to be considered and if investigating alcohol offences only (see definitions at A5(xiii))

Complete Form MG DD/D for consideration of a Back Calculation

using the alcohol readings already provided and

GO TO A21(a)(ii)

- (iv) If a Back Calculation is to be considered and if investigating alcohol and drug offences

GO TO MG DD/B (B1(b))

AND

At the conclusion of the drug impairment investigation (see note

A5(xiii)). **Complete Form MG DD/D** for consideration of a Back

Calculation using Breath readings provided and GO TO A21(a)(ii).

If the subject is being dealt with 'elsewhere' (See Note A5(ii)) it will be necessary to take the driver to a police station for Form MGDD/B procedures

- (v) If the reading of 39 µg/100ml or lower is to be used to support a sec 4 impairment investigation without Back Calculation.

CHARGE / REPORT 'Driving etc whilst Unfit' and GO TO A21

***YES / NO**

These boxes are not provided to record the subject's reply but to assist the investigating officer to navigate the form. A separate place is provided to record the actual reply made.

* Circle or delete as applicable

DRINK / DRUGS
PROCEDURE GENERAL - PART A
(FOR HOSPITAL CASES—USE FORM MG DD/C)

A

A21

CASE DISPOSAL

Case disposal should only be considered once all procedures, inc. drugs and impairment have been considered.

a) If all procedures complete as appropriate - (see b) below)

***(i) Charge / Report - *Excess Alcohol / Excess Specified Drugs / Driving etc. Whilst Unfit (Impairment) / Failure To Provide**

***(ii) Bail / Release under investigation not on bail**

***(iii) No Further Action**

GO TO ~~A25~~

b) If, on completion of all parts of the alcohol investigation, drug driving offences remain to be investigated, the officer should GO TO B14 and complete the drug investigation before returning to the alcohol investigation as directed.

GO TO MG DD/B14

OR

If, in the rare circumstances referred to in the note at MG DD/B19(a), the subject has already been examined by the doctor or health care professional for the purposes of sec 4 RTA or has provided a positive preliminary drug test, and it was then necessary to begin and complete an alcohol investigation before investigating any drug offences.

Ensure offence pointed out and **GO TO A10**

A22

DETENTION

Where a subject has been required to provide a specimen (under the RTA or TWA or R&TSA) the subject may be further detained (or arrested and detained if the breath procedure was conducted elsewhere than a police station or hospital) until it appears to a constable that, were that subject then engaged in the same or an allied activity as when they were arrested, they would not be committing a further similar offence contrary to the same Act. These powers do not exist where there is no reasonable suspicion of such offences being committed or where the suspicion no longer remains.¹

If there is any question of a subject's ability to drive being affected through drugs, a doctor (**not a HCP**) must be consulted and that advice acted upon.¹

¹ Section 10 RTA 1988

***YES / NO**

These boxes are not provided to record the subject's reply but to assist the investigating officer to navigate the form. A separate place is provided to record the actual reply made.

* Circle or delete as applicable

DRINK / DRUGS
PROCEDURE GENERAL - PART A
(FOR HOSPITAL CASES—USE FORM MG DD/C)

A

A23

BREATH ANALYSIS PRINT-OUT

--

***YES / NO**

These boxes are not provided to record the subject's reply but to assist the investigating officer to navigate the form. A separate place is provided to record the actual reply made.

13

* Circle or delete as applicable

DRINK / DRUGS
PROCEDURE GENERAL - PART A
(FOR HOSPITAL CASES—USE FORM MG DD/C)

A

A24 ADDITIONAL NOTES

Tag#: P24037300
Occurrence #: 44240135906
Occurrence time: 31/03/2024 14:50
Occurrence Type: Impairment
Medical samples: Blood
- (Blood Sample - Section 5a RTA - Standard Drugs - WAP
Officer:
Stores keeper: #22779 WOOD, JONATHAN
Hampshire & Isle of Wight Constabulary

***YES / NO**

These boxes are not provided to record the subject's reply but to assist the investigating officer to navigate the form. A separate place is provided to record the actual reply made.

*** Circle or delete as applicable**

A

[illegible]

A25

NAMES AND SIGNATURES OF OFFICERS AND OPERATORS
WITNESSING / COMPLETING

[illegible]

¹ Indicate 'W' for witnessing or 'C' for completing.

² State 'All', or if only engaged in, or present for, part of procedure, specify relevant sections.

END OF PROCEDURE

***YES / NO**

These boxes are not provided to record the subject's reply but to assist the investigating officer to navigate the form. A separate place is provided to record the actual reply made.

* Circle or delete as applicable

A

DRINK / DRUGS
PROCEDURE GENERAL - PART A
(FOR HOSPITAL CASES—USE FORM MG DD/C)

Form MG DD/A
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A26

GUIDED TRANSPORT (Railways & Trams)

Tick relevant boxes & read out text

“You are under investigation because you are suspected of working as

☐	<i>a driver</i>
☐	<i>a guard</i>
☐	<i>a conductor</i>
☐	<i>a signalman</i>
☐	<i>a person in the capacity in which you could control or affect the movement of a vehicle</i>
☐	<i>a person in a maintenance capacity</i>
☐	<i>a supervisor of persons working in a maintenance capacity</i>
☐	<i>a person who was a lookout for persons working in a maintenance capacity</i>

on a transport system, namely

☐	<i>a railway</i>
☐	<i>a tramway</i>
☐	<i>a guided transport system specified by an Order made by the Secretary of State [Docklands Light Railway, Birmingham, Gatwick and Stansted Airports’ “People Movers”]</i>

when

☐	<i>you were unfit to carry out that work through drink or drugs</i>
☐	<i>you had consumed so much alcohol that you exceeded the prescribed limit</i>

GO TO A8

A27

SHIPPING (which includes most types of marine craft)

Tick relevant boxes and read out relevant text

“You are under investigation because you are suspected of being

☐	<i>a professional master of a ship</i>
☐	<i>a professional pilot of a ship</i>
☐	<i>a professional seaman in a ship who was on duty</i>
☐	<i>a professional seaman who was not on duty but who, in the event of an emergency would or might have been required by the nature or terms of your engagement or employment to take action to protect the safety of passengers</i>

***YES / NO**

These boxes are not provided to record the subject’s reply but to assist the investigating officer to navigate the form. A separate place is provided to record the actual reply made.

* Circle or delete as applicable

DRINK / DRUGS
PROCEDURE GENERAL - PART A
(FOR HOSPITAL CASES—USE FORM MG DD/C)

A

when

	<i>the proportion of alcohol in your breath, blood or urine exceeded the prescribed limit</i>
	<i>your ability to perform that function was impaired through drink or drugs</i>

GO TO A8

A28

AVIATION

Tick relevant boxes and read out relevant text

“You are under investigation because you are suspected of

	<i>performing an aviation function</i>
	<i>carrying out an activity which is ancillary to an aviation function</i>

namely, acting as

	<i>a pilot of an aircraft during flight</i>
	<i>a flight navigator of an aircraft during flight</i>
	<i>a flight engineer of an aircraft during flight</i>
	<i>a flight radio telephony operator of an aircraft during flight</i>
	<i>a member of the cabin crew of an aircraft during flight</i>
	<i>an air traffic controller</i>
	<i>a licensed aircraft maintenance engineer</i>

or, attending the flight deck of an aircraft during flight

	<i>to give or supervise training</i>
	<i>to administer a test</i>
	<i>to observe a period of practice</i>
	<i>to monitor or record the gaining of experience</i>

when

	<i>the proportion of alcohol in your breath, blood or urine exceeded the prescribed limit</i>
	<i>your ability to perform the function was impaired through drink or drugs</i>

GO TO A8

***YES / NO** These boxes are not provided to record the subject's reply but to assist the investigating officer to navigate the form. A separate place is provided to record the actual reply made. 17

* Circle or delete as applicable

DRINK / DRUGS
PROCEDURE GENERAL - PART A
(FOR HOSPITAL CASES—USE FORM MG DD/C)

A

A29

TABLE OF BREATH DIFFERENCE RANGES - 15%

From the printout(s) take the lower breath alcohol result. Find this value in one of the rows marked “Lower”. Now take the value below (in the row marked “Max”) and compare it with the other breath alcohol result from your printout(s). If the other breath alcohol result is greater than the value in the “Max” row the breath alcohol analysis is unreliable.

Lower	10	11	12	13	14	15	16	17	18	19
Max	15	16	17	18	19	20	21	22	23	24
Lower	20	21	22	23	24	25	26	27	28	29
Max	25	26	27	28	29	30	31	32	33	34
Lower	30	31	32	33	34	35	36	37	38	39
Max	35	36	37	38	39	40	41	42	43	44
Lower	40	41	42	43	44	45	46	47	48	49
Max	46	47	48	49	50	51	52	54	55	56
Lower	50	51	52	53	54	55	56	57	58	59
Max	57	58	59	60	62	63	64	65	66	67
Lower	60	61	62	63	64	65	66	67	68	69
Max	69	70	71	72	73	74	75	77	78	79
Lower	70	71	72	73	74	75	76	77	78	79
Max	80	81	82	83	84	85	86	87	88	89
Lower	80	81	82	83	84	85	86	87	88	89
Max	92	93	94	95	96	97	98	100	101	102
Lower	90	91	92	93	94	95	96	97	98	99
Max	103	104	105	106	108	109	110	111	112	113
Lower	100	101	102	103	104	105	106	107	108	109
Max	115	116	117	118	119	120	121	123	124	125
Lower	110	111	112	113	114	115	116	117	118	119
Max	126	127	128	129	131	132	133	134	135	136
Lower	120	121	122	123	124	125	126	127	128	129
Max	138	139	140	141	142	143	144	146	147	148
Lower	130	131	132	133	134	135	136	137	138	139
Max	149	150	151	152	154	155	156	157	158	159
Lower	140	141	142	143	144	145	146	147	148	149
Max	161	162	163	164	165	166	167	169	170	171
Lower	150	151	152	153	154	155	156	157	158	159
Max	172	173	174	175	177	178	179	180	181	182
Lower	160	161	162	163	164	165	166	167	168	169
Max	184	185	186	187	188	189	190	192	193	194
Lower	170	171	172	173	174	175	176	177	178	179
Max	195	196	197	198	200	201	202	203	204	205
Lower	180	181	182	183	184	185	186	187	188	189
Max	207	208	209	210	211	212	213	215	216	217
Lower	190	191	192	193	194	195	196	197	198	199
Max	218	219	220	221	223	224	225	226	227	228

All instruments indicate 0 for all readings below 5µg / 100ml. The breath difference cannot therefore be calculated where a reading of 0 is obtained. In such a case the officer must decide whether a reliable indication of the proportion of alcohol in a person’s breath has been obtained.

***YES / NO**

These boxes are not provided to record the subject’s reply but to assist the investigating officer to navigate the form. A separate place is provided to record the actual reply made.

* Circle or delete as applicable

A30

ADVICE NOTE ON BACK CALCULATIONS AND TECHNICAL DEFENCE ENQUIRIES

Many types of technical calculations and enquiries are often referred to as ‘back calculations’. This is incorrect and can lead to considerable confusion, investigative mistakes and procedural errors. Reminders to consider this note have been placed at relevant points in the process.

Technical Defence Enquiries

A Technical Defence Enquiry, be it in relation to excess alcohol or excess specified drugs, arises most commonly when either at the time of arrest or later at A8 of this process a subject alleges that alcohol or drugs have been consumed between the time of the incident or collision and the time of the evidential test. Where such an allegation is made it will be essential for the investigating officer to enquire into the circumstances in an attempt to rebut any spurious claim, and indeed help confirm a claim that is true. Allegations made at A8 or at any other time will be recorded and the procedure to obtain specimens completed. When the completed process results in a breath reading which is above the prescribed limit or the securing of a blood or urine specimen for alcohol and/or for drugs the suspect should be interviewed, when fit to do so, in accordance with the PACE Act. In the case of alcohol investigations use should be made of Form MG DD/D which, subject to any Force directions, can then be submitted to a forensic expert who will attempt to determine the concentration of alcohol at the time of driving. Spurious allegations of such alcohol or drug consumption are very often best rebutted by thoroughly investigating the circumstances and the credibility of the allegation.

Back Calculations (Technical Prosecutions)

Back Calculation is a process employed by a forensic expert in serious or unusual cases where a subject has provided an alcohol reading below the charging threshold but where the prosecution wishes to show, by establishing the subject’s alcohol elimination rate, that the reading would have been above the prescribed limit at the time of driving. In serious cases where the reading is 39 micrograms or lower, and where such a back calculation is being considered paragraph A20(b) directs the officer to complete Form MG DD/D. Completion will be undertaken in accordance with the PACE Act when the subject is fit to be interviewed. Subject to Force directions, the completed Form MG DD/D, the instrument printout and any other relevant documentation will be forwarded to a forensic expert. Occasionally, back calculation may be considered where a delayed test reading, though above the limit, is suspected to be much lower than at the time of driving. Back Calculations cannot be undertaken to determine drug concentrations. Note that the ‘statutory option’ was repealed by the Deregulation Act 2015 and there is now no right of a driver to request that specimens of breath be replaced by one of blood or urine and this must not occur.

Summary

In short, a Technical Defence Enquiry is where a subject has provided a reading above the prescribed or specified limit but then alleges this is due or partly due to post incident consumption and a Back Calculation enquiry is where a subject has provided an alcohol reading below the charging threshold but where in serious cases the prosecution attempts to show that the subject would have been above the prescribed limit at the time of driving.

***YES / NO**

These boxes are not provided to record the subject’s reply but to assist the investigating officer to navigate the form. A separate place is provided to record the actual reply made.

* Circle or delete as applicable

95642

B

MG DD/B

Version 8.5 November 2017

44214 0135 906

A212



**DRINK / DRUGS
STATION PROCEDURE**

**SPECIMENS / IMPAIRMENT
SUPPLEMENT**

B

DRINK / DRUGS
PROCEDURE GENERAL (**POLICE STATION ONLY**) PART B
USE WITH FORM MG DD/A

Form MG DD/B
Ver 8.5 Nov 2017

B1**SUBJECT****SURNAME****A212**

Forename

JALEEM**PROCEDURES AVAILABLE**

These procedures may **ONLY** be
conducted at a police station (or at
a hospital using Form MGDD C)

The following procedures are available:

(a) Excess Alcohol / Impairment through drink / drink or drugs

Breath testing device not used / not operating reliably

GO TO B2(a)

Medical reason believed

GO TO B2(b)

Unreliable indication obtained

GO TO B2(c)**(b) Excess Specified Drugs / Impairment through Drugs (only)****~~GO TO B14~~**

(i) Throughout this form the following abbreviations apply:

PACE - Police and Criminal Evidence Act 1984 RTA - Road Traffic Act 1988

RTOA - Road Traffic Offenders Act 1988 EBTI - Evidential Breath Testing Instrument

HCP - (Registered) Health Care Professional Dr or Doctor - Medical Practitioner

(ii) Officers should remember that throughout the Blood Urine process they have a very wide discretion as to whether to require a specimen of blood or specimens of urine (DPP v Joseph 2003). Whilst it will be usual, unless there are medical reasons, to require blood, officers must be seen to be acting reasonably in making their decisions. If subjects give a reasonable explanation as to why they should not provide blood (for example a religious conviction that blood should not be taken), the officer should consider whether a requirement for specimens of urine instead is appropriate. **NB For analytical reasons the choice of urine is not available where the offence being investigated is Excess Specified Drugs contrary to sec 5A RTA.**

(iii) The Police Reform Act 2002 and the Deregulation Act 2015 make provision for blood specimens taken under sec 7 and 7A RTA, to be taken by HCPs (Registered Nurses and Registered Paramedics). Like medical practitioners, HCPs must consider the subject to be fit to provide the specimen AND they must not be aware of any contrary opinion from a medical practitioner.

(iv) Sec 7 RTA provides the statutory reasons for moving from one type of specimen to another and these are strictly set down. However, it may be useful to note that in respect of blood specifically, an officer having required blood may have a change of mind and require specimens of urine instead, e.g. an officer who has required blood only to find that a doctor or HCP cannot be obtained, may change his mind and require specimens of urine. An officer deciding such a course will need to note Form MG DD/B as appropriate and in Additional Notes at A24 and then re-enter the process at the appropriate place.

(v) Whilst the police are under no statutory obligation to do so, if subjects asks for their own doctor to be present during any medical examination or the taking of laboratory specimens, this request should be acceded to. However, it should be made clear that the procedures will not be delayed and that the subject's doctor will not be involved in the actual taking of any specimens or examination unless they and the doctor called by police happen to be one and the same. It should be made clear that the subject is responsible for the payment of any fees involved if their own doctor is called.

(vi) The procedures set out in Forms MG DD/A and B allow for cases of excess alcohol, excess specified drugs (Road Traffic only) and/or impairment through drink or drugs to be simultaneously investigated with, in most cases, a single specimen being obtained with the necessary consents for both provision and analysis.

(vii) In most impairment cases the prosecution evidence will include:

a) evidence of witnesses (including police officers) about the driving / work behaviour of the defendant which may include the observations of a Preliminary Impairment Test administered by an authorised officer and a completed Form MG DD/F

b) evidence from an EBTI (in drink cases) or from a forensic laboratory (in drug cases) that drink or a drug was present in the defendant's body. (In the case of a drug, this may be further supported by a forensic laboratory report that the drug was capable of affecting driving / work performance).

***YES / NO**

These boxes are **not** provided to record the subject's reply **but** to assist the investigating officer to navigate the form. A separate place is provided to record the actual reply made.

* Circle or delete as applicable

1

B

B2

**BREATH TESTING DEVICE NOT USED / NOT OPERATING RELIABLY /
UNRELIABLE INDICATION OBTAINED / MEDICAL REASONS**

See Notes
at A13/14

“As:

**(a) a reliable breath testing device is not available for use;*

OR

it is not practicable to use a breath testing device;

**(b) I have reasonable cause to believe that for medical reasons a specimen of breath cannot be provided or should not be required;*

**(c) I have reasonable cause to believe that the device used has not produced a reliable indication of the proportion of alcohol in your breath;*

I will require you to provide me with a specimen of blood or urine which, in the case of blood, will be taken by a doctor or health care professional. It is for me to decide which it will be unless a doctor or health care professional is of the opinion that for medical reasons a specimen of blood cannot or should not be taken, in which case it will be of urine. You may inform the doctor or health care professional of medical reasons why a specimen of blood cannot be taken by them, but the matter will be for the doctor or health care professional to determine. You will be supplied with part of the specimen if you so require. The other part will be sent to a forensic laboratory for analysis. I warn you that failure to provide a specimen will render you liable to prosecution. Before I decide whether the specimen shall be of blood or urine, are there any medical or other reasons why a specimen of blood cannot or should not be taken by a doctor or health care professional? ”

REPLY
.....
.....

***YES / NO**

If **NO**

GO TO B3

If **YES** record any reasons given

Could the reasons given amount to medical reasons?

***YES / NO**

If **NO**

GO TO B3

If **YES**

GO TO B4

***YES / NO**

These boxes are not provided to record the subject's reply but to assist the investigating officer to navigate the form. A separate place is provided to record the actual reply made.

2

* Circle or delete as applicable

B

DRINK / DRUGS
PROCEDURE GENERAL (POLICE STATION ONLY) PART B
USE WITH FORM MG DD/A

Form MG DD/B
Ver 8.5 Nov 2017

B3

IF NO MEDICAL REASONS

It is for the officer to decide whether the specimen shall be of blood or urine - **but see all notes at B1 particularly about excess specified drugs** (note (ii))

- a) If blood
 - (i) If investigating alcohol only **GO TO B6**
 - (ii) If investigating drugs only or drink and drugs
GO TO B14 and complete drug investigation before returning to the alcohol investigation as directed
- b) If urine
 - (i) If investigating alcohol only **GO TO B8**
 - (ii) If investigating drugs only or drink and drugs
GO TO B14 and complete drug investigation before returning to the alcohol investigation as directed

B4

IF MEDICAL REASONS CLAIMED

- a) If there are **no** grounds to doubt the medical reasons given, (the specimen **must** be of urine)
OR
If there are grounds to doubt the medical reasons given, but the officer nevertheless decides to require urine
 - (i) If investigating alcohol only **GO TO B8**
 - (ii) If investigating drugs only or drink and drugs
GO TO B14 and complete drug investigation before returning to the alcohol investigation as directed
- b) If there **are** grounds to doubt the medical reasons **and the officer wishes the specimen to be of blood**, record grounds below, call a doctor or health care professional unless already called and **GO TO B5**

.....

.....

.....

***YES / NO**

These boxes are **not** provided to record the subject's reply **but** to assist the investigating officer to navigate the form. A separate place is provided to record the actual reply made. **3**

* Circle or delete as applicable

B

B5

DOCTOR'S OR HEALTH CARE PROFESSIONAL'S DECISION

- a) If, contrary to the officer's opinion, the doctor or health care professional decides that medical reasons are justified, the specimen must be of urine.

(i) If investigating alcohol only

GO TO B9

(ii) If investigating drugs only or drink and drugs

GO TO B14 and complete drug investigation before returning to the alcohol investigation as directed

- b) If the doctor or health care professional agrees with the officer's opinion that medical reasons are **not** justified, it is for the officer to decide whether the specimen will be of blood or urine (See note at B1(ii)).

(i) If blood

i) If investigating alcohol only

GO TO B6

ii) If investigating drugs only or drink and drugs

GO TO B14 and complete drug investigation before returning to the alcohol investigation as directed

(ii) If urine

i) If investigating alcohol only

GO TO B8

ii) If investigating drugs only or drink and drugs

GO TO B14 and complete drug investigation before returning to the alcohol investigation as directed

B6

BLOOD (See note at B1(iv) re change of mind)

Time of requirement

--	--	--	--

 hours on/...../..... date

"I have decided the specimen shall be of blood and require you to provide a specimen of blood for

**(i) alcohol analysis*

**(ii) drug analysis*

**(iii) alcohol and drug analysis.*

Failure to provide a specimen will render you liable to prosecution. Do you consent to provide a specimen of blood, which will be taken by a doctor or health care professional?"

REPLY
.....
..... ***YES / NO**

***YES / NO**

These boxes are not provided to record the subject's reply but to assist the investigating officer to navigate the form. A separate place is provided to record the actual reply made.

4

* Circle or delete as applicable

B

DRINK / DRUGS
PROCEDURE GENERAL (POLICE STATION ONLY) PART B
USE WITH FORM MG DD/A

Form MG DD/B
Ver 8.5 Nov 2017

If **YES** call a doctor or health care professional and **GO TO B7**

If **NO**

(B6A)

"I warn you again that failure to provide a specimen will render you liable to prosecution. Do you now consent to provide a specimen of blood, which will be taken by a doctor or health care professional?"

REPLY

***YES / NO**

If **YES** call a doctor or health care professional and

GO TO B7

If **NO**

- a) If the subject claims a medical reason having not done so before and there are **no** grounds to doubt the reason given, the specimen **must** be of urine

OR

If there **are** grounds to doubt the medical reasons now given, but the officer decides to require urine nevertheless

OR

If some other non-medical reason has been given and the officer wishes to require specimens of urine instead

GO TO B8

- b) If there are grounds to doubt the medical reason and the officer does not wish to require specimens of urine and the subject is failing to provide without reasonable excuse

OR

In the absence of any other explanation and the subject is failing to provide without reasonable excuse

CHARGE / REPORT 'Failure to Provide' (note A5(xi)) GO TO MG DD/A21

B7

CONFIRMATION OF BLOOD CONSENT

Time 1615 hours on 21 / 03 / 20 date

Say to the **subject** in the presence of the doctor or health care professional:

*"As I have decided that the specimen shall be of blood I am asking the ~~*doctor~~ / health care professional to take the specimen from you. Do you still consent to provide a specimen of blood for*

** (i) alcohol analysis?"*

** ☒ (ii) drug analysis?"*

** (iii) alcohol and drug analysis?"*

***YES / NO**

These boxes are not provided to record the subject's reply but to assist the investigating officer to navigate the form. A separate place is provided to record the actual reply made.

* Circle or delete as applicable

5

B

DRINK / DRUGS
PROCEDURE GENERAL (POLICE STATION ONLY) PART B
USE WITH FORM MG DD/A

Form MG DD/B
Ver 8.5 Nov 2017

REPLY YES

.....

*YES

NO

If NO If at this stage or at any other time during the taking of the specimen (up to the point where the specimen has been obtained), the subject retracts the earlier consent to provide the specimen, **RETURN TO B6A** and continue the process in the presence of the doctor or health care professional.

If YES ask the doctor or health care professional to take the specimen, note at A24 any comment made by the doctor or health care professional and:

- a) If the doctor or health care professional is of the opinion that the subject is fit to provide a specimen of blood **GO TO B10**
- b) If the doctor or health care professional is of the opinion that for medical reasons the subject cannot or should not provide a specimen of blood

If investigating:

- a) Excess Alcohol / Unfit through Drugs (or Drink or Drugs) **GO TO B9**
- b) Excess Specified Drug only

NO FURTHER ACTION GO TO MG DD/A21

B8

URINE (See note at B1(iv) re change of mind)

Time of requirement

--	--	--

 hours on/...../..... date

"I have decided the specimen shall be of urine. I therefore require you to provide two specimens of urine within one hour for

**(i) alcohol analysis*

**(ii) drug analysis*

**(iii) alcohol and drug analysis.*

The first of those specimens will be discarded and the second used for analysis.

Failure to provide either of the specimens will render you liable to prosecution. Do you agree to provide the specimens?"

REPLY

.....

*YES

NO

*YES

NO

These boxes are not provided to record the subject's reply but to assist the investigating officer to navigate the form. A separate place is provided to record the actual reply made.

6

* Circle or delete as applicable

B

DRINK / DRUGS
PROCEDURE GENERAL (POLICE STATION ONLY) PART B
USE WITH FORM MG DD/A

Form MG DD/B
Ver 8.5 Nov 2017

If YES

GO TO B11

If NO

"I warn you again that failure to provide either of these specimens will render you liable to prosecution. Do you now agree to provide the specimens?"

REPLY

*YES / NO

If YES

GO TO B11

If NO a) If the subject is failing to provide without reasonable excuse

CHARGE / REPORT 'Failure to Provide' (Note B1(ii)/A5(xi)) **GO TO A21**

b) If the subject fails to provide and there is no doubt this is **with** a reasonable excuse - No Further Action

GO TO A21

B9

URINE - (following receipt of medical opinion) (See note at B1(iv) re change of mind)

Time of requirement

--	--	--

 hours on/...../..... date

*"As the *doctor / health care professional is of the opinion that for medical reasons a specimen of blood cannot or should not be taken, I require you to provide two specimens of urine within one hour for*

** (i) alcohol analysis*

** (ii) drug analysis*

** (iii) alcohol and drug analysis.*

The first of those specimens will be discarded and the second used for analysis.

Failure to provide either of the specimens will render you liable to prosecution. Do you agree to provide the specimens?"

REPLY

*YES / NO

If YES

GO TO B11

If NO

"I warn you again that failure to provide either of these specimens will render you liable to prosecution. Do you now agree to provide the specimens?"

REPLY

*YES / NO

*YES / NO

These boxes are not provided to record the subject's reply but to assist the investigating officer to navigate the form. A separate place is provided to record the actual reply made.

7

* Circle or delete as applicable

B11**URINE SPECIMENS TAKEN**

- Shake containers for at least 30 seconds and until the preservative tablets / powder begin to dissolve. This prevents bacterial action which could interfere with any alcohol analysis.
- Labels to be completed by the officer and attached to the specimens in the presence of the subject.
- A subject who accepts a specimen should be allowed to make his/her own choice which should then be placed in the container and tamper-evident bag provided and sealed.
- Unless force procedures direct otherwise, where a subject declines to accept a part of the specimen, it will be usual to send both parts, each in its own sealed tamper evident bag, together to the laboratory although only one part will be analysed.
- Supply subject with list of analysts and point out the printed warning on the tamper evident bag regarding storage. Not all of the listed analysts may be able to provide an analytical service for lower limit aviation cases.
- **In the case of drugs impairment the laboratory will require, with the specimen, the particularly useful information contained within the Drugs Sample Information Form MG DD/E.**
- In Aviation or Shipping cases, the outside of the tamper evident bag submitted for analysis should be clearly marked 'AVIATION CASE' or 'SHIPPING CASE' as appropriate.
- Whilst specimens of urine may be used to support investigations of drug impaired driving contrary to sec 4 RTA, specimens of urine cannot be used to establish whether a suspected drug driver is in excess of a specified drug limit contrary to sec 5A RTA.

First specimen obtained and discarded by

at

--	--	--

 hours on/...../..... date

Second specimen obtained, retained and divided by

at

--	--	--

 hours on/...../..... date

Part of second specimen offered to subject by

at

--	--	--

 hours on/...../..... date

Specimen parts sealed in presence of the subject

at

--	--	--

 hours on/...../..... date

by(officer sealing), having ensured that both parts of
 the specimen have been shaken byfor the required time

Part of second specimen accepted by subject

***YES / NO**

at

--	--	--

 hours on/...../..... date

GO TO B12

***YES / NO**

These boxes are not provided to record the subject's reply but to assist the investigating officer to navigate the form. A separate place is provided to record the actual reply made.

9

* Circle or delete as applicable

B**DRINK / DRUGS****PROCEDURE GENERAL (POLICE STATION ONLY) PART B**

USE WITH FORM MG DD/A

Form MG DD/B
Ver 8.5 Nov 2017**B12****BLOOD or URINE SPECIMENS****a) Specimen(s) Provided**~~GO TO B13~~**b) Specimen(s) NOT Provided****(i) If subject unable to provide blood for medical reason and**

specimens of urine are to be required

GO TO B9**(ii) If without reasonable excuse****CHARGE / REPORT 'Failure To Provide****GO TO MG DD/A21****(iii) If with reasonable excuse (give reason at A24)****NO FURTHER ACTION****GO TO MG DD/A21**If at this stage or at any time during the taking of the specimen (up to the point where the specimen has been obtained), the subject retracts consent to provide the specimen **Return as appropriate to B6A.****B13****SPECIMEN CONTINUITY**The specimen of *blood/urine obtained from the subject for analysis, marked A212 SALEEM (name) [and taken into my possession from L. Turner *Doctor / Health Care Professional]at 11/7/2012 hours on 31/03/12 (date) and sealed in tamper-evident bags, serial number was retained by me until11/7/11/12 hours on 31/03/12 (date) when
88 RD-**BAIL WITHOUT CHARGE****GO TO MG DD/A21****B14****EXCESS SPECIFIED DRUGS / UNFIT DRINK/DRUGS (IMPAIRMENT)**

- (i) **Excess Alcohol (sec 5) Excess Specified Drugs (sec 5A) & Driving etc. Whilst Unfit (sec 4) cases**
As with cases of excess alcohol, excess specified drugs (sec 5A) may only be undertaken if the vehicle is a 'motor vehicle' and the alcohol or drug concentration is in excess of the specified statutory limit.
Proceedings for Driving Whilst Impaired through Drink or Drugs may be undertaken if the vehicle concerned is any mechanically propelled vehicle (which includes any 'motor vehicle') and the impairment is caused by some drug (or by alcohol), irrespective of whether the drug (or alcohol) concentration is above or below the pertinent statutory limit. It is therefore essential to note that if the vehicle concerned is a mechanically propelled vehicle that is NOT also a motor vehicle, the appropriate charge will be one of driving etc. whilst unfit through drink or drugs; contrary to section 4 provided that, in addition to the evidence of drug(s) alcohol or drug, there is also sufficient evidence of impairment to drive.
- (ii) Whilst there is a single statutory prescribed limit for excess alcohol, there are many and varied statutory specified limits for drugs. It is important to ensure that the drug(s) identified by analysis are properly identified as being above or below the relevant specified limit.
- (iii) In drug impairment cases (sec 4), where a choice exists, blood is generally a better medium for analysis than urine. However, Specified Drug Limits for the purpose of sec 5A RTA have only been set in blood. In such cases the forms guide the officer to a requirement for blood only. Where a subject is unable to provide a blood specimen the forms route the officer to a requirement for urine only where Impairment (sec 4) is also being investigated.
- (iv) Where an investigation is being conducted at a police station, a blood or urine specimen may only be required for drug analysis if, either the subject has provided a positive preliminary drug test on a device of a type approved for the purpose, or a doctor or health care professional has formed an opinion that the subject has a condition which might be due to some drug. In deciding, the doctor or HCP is entitled to rely, if necessary entirely, upon relevant information concerning earlier events, such as an admission by the defendant that he had smoked cannabis shortly before being stopped (Angel v Chief Constable South Yorkshire Police 2010).

***YES / NO**

These boxes are not provided to record the subject's reply but to assist the investigating officer to navigate the form. A separate place is provided to record the actual reply made.

10

* Circle or delete as applicable

B

DRINK / DRUGS
PROCEDURE GENERAL (POLICE STATION ONLY) PART B
USE WITH FORM MG DD/A

Form MG DD/B
Ver 8.5 Nov 2017

- (v) Whilst an examination when required, will be carried out whenever possible, the officer and doctor / HCP should bear in mind that the Act does not require an 'examination' and, that in the event that a person refuses to be examined, it may still be possible for the doctor or HCP to form an opinion 'that the person has a condition which might be due to some drug' from observation alone e.g. from smell.
- (vi) It is not a part of this process to ask a doctor or HCP to give an opinion about impairment or 'unfitness to drive', nor is it a legal necessity. However, should a doctor or HCP offer an opinion about the person's condition to drive, it should be noted. Any doctor or HCP examining a person for this purpose should be clear to obtain the person's permission since this is not covered by the request at B18.
- (vii) For both Sec 4 and Sec 5A offences it is for the officer to decide whether to require a preliminary drug test or to ask a doctor or HCP to determine whether the person has a condition which might be due to some drug. An officer requiring a drug test which is then negative may nevertheless then call a doctor or HCP to determine the presence of a condition due to a drug or vice versa.
- (viii) Officers should note that Sec 5A(3)(4) and (5) RTA provide a statutory defence to any offence of excess specified drugs contrary to Sec 5A(1) and (2) RTA. It is for the subject to raise the defence and, if not raised elsewhere, opportunity to do so is provided at MG DD/B15. Such a defence is not available to the subject where the offence is one of driving etc whilst unfit through drugs contrary to Sec 4 RTA. Consequently, evidence of impairment should always be recorded and where this is the case and a claim to the statutory defence to a Sec 5A charge is made, it will be for the officer to decide which offence to pursue and to what degree to investigate the claim being made. Where there is no evidence of impairment and the charge can only be one of excess specified drugs, it will be essential to thoroughly enquire into the circumstances and accuracy of the claim. See note at B15 concerning PACE.

Refer to A7. Ensure that the subject has been correctly informed of which offences are being investigated. If necessary inform the subject of any change, note A7 and, as appropriate, A24.

OFFENCES TO BE INVESTIGATED

- a) **EXCESS SPECIFIED DRUGS ONLY** (sec 5A RTA) GO TO B15
(Motor vehicle only see note at B14(i))

(b) **EXCESS SPECIFIED DRUGS** (sec 5A RTA)

AND

DRIVING ETC WHILST UNFIT THROUGH DRUGS (sec 4 RTA)

(Motor Vehicle only see note at B14(i))

GO TO B15

- c) **DRIVING WHILST UNFIT THROUGH DRUGS ONLY** (sec 4 RTA)
(Mechanically Propelled Veh that is not a motor vehicle (note B14(i))) GO TO B18

B15

MEDICAL DEFENCE (See B14 note (viii) above)

"You are being investigated for the offence of driving, attempting to drive, being in charge of a motor vehicle with a specified drug concentration in excess of the specified limit. Are you currently taking or using any drugs or medication prescribed or supplied to you for medicinal or dental purposes?"*

REPLY YES - CANABIS *YES / NO

If the answer alleges drug consumption which may provide a statutory defence to Excess Specified Drugs, no further questioning should be undertaken other than in accordance with the PACE. It will, however, be wise to interview the subject and investigate the claim thoroughly before any decision is made about charge / prosecution. The statutory defence is for the subject to raise and applies where a drug is being used in accordance the prescriber's, supplier's or manufacturer's directions (sec 5A(3)(4)&(5)).

***YES / NO**

These boxes are not provided to record the subject's reply but to assist the investigating officer to navigate the form. A separate place is provided to record the actual reply made.

* Circle or delete as applicable

GO TO B16

11

DRINK / DRUGS
PROCEDURE GENERAL (POLICE STATION ONLY) PART B
USE WITH FORM MG DD/A

Form MG DD/B
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B16

PRELIMINARY DRUG TEST OR MEDICAL EXAMINATION (See notes at B15)

It is for the officer to decide whether to require a Preliminary Drug Test (if not already provided) or whether to seek the opinion of a doctor or health care professional that the person has a condition which might be due to some drug. NB A **PRELIMINARY DRUG TEST MAY ONLY BE REQUIRED OF A DRIVER OF A MOTOR VEHICLE. IF THE VEHICLE IS MECHANICALLY PROPELLED VEHICLE THAT IS NOT A MOTOR VEHICLE THE OFFICER MAY ONLY PROCEED TO A MEDICAL EXAMINATION AT B18.**

- a) If Preliminary Drug Test already administered with a positive result **GO TO B20**
- b) If Preliminary Drug Test **GO TO B17**
- c) If Medical Examination **GO TO B18**

B17

PRELIMINARY DRUG TEST

Only a device of a Type Approved for the purpose under the Road Traffic Act 1988 may be used to conduct a Preliminary Drug Test. NOTE - DDS devices which identify opiates and cocaine and which are used in custody areas under the Testing on Arrest (PACE) Drug Intervention Scheme may NOT be used for a Road Traffic Act test and any result obtained by so doing will not be valid for the purposes of sec 7(3)(bc) RTA.

Ensure that the subject has been told at A7, or subsequently (and recorded at A7 or in Additional Notes at A24), that he or she is under investigation for Excess Specified Drugs and / or for being Unfit to Drive through Drugs or through Drink or Drugs.

CONDUCT TEST IN ACCORDANCE WITH MANUFACTURERS INSTRUCTIONS, MAKING USE OF THE FIELDS BELOW AND ADDITIONAL NOTES AT A24 TO RECORD ANY EVIDENCE AND DETAIL.

TEST CONDUCTED BYofficer

at

--	--	--

 hours on/...../..... Date

Atlocation

(NB. SOME DRUG TESTING DEVICES MAY ONLY BE USED AT A POLICE STN)

Device Serial No. (if applicable)

Collection Kit Batch No. Expiry Date/...../.....

RESULT: Drug detected (Lab test required) / No Drug Detected*

If Drug Detected

GO TO B20

If No Drug Detected

(i) Seek medical opinion - call doctor or HCP and

GO TO B18

(ii) **NO FURTHER ACTION**

GO TO MG DD/A21

***YES / NO**

These boxes are not provided to record the subject's reply but to assist the investigating officer to navigate the form. A separate place is provided to record the actual reply made.

12

* Circle or delete as applicable

B18

MEDICAL EXAMINATION / OBSERVATION (see notes at B14)To doctor / health care professional **in presence of the subject:**

“It is suspected that this person has

*(a) **driven / attempted to drive / been in charge of a *motor vehicle /**mechanically propelled vehicle on a road or public place*

AND / OR

*(b) *been a relevant worker on a transport system (e.g. Railways and Trams)*

AND / OR

*(c) *performed an aviation function*

AND / OR

*(d) *exercised a relevant marine function*

at

--	--	--

 hours (time of incident) on/...../..... (date of incident) *with a specified drug concentration above the specified limit / when unfit through drugs. I would like you to examine this person to ascertain whether in your opinion he/she has a condition which might be due to some drug. If, in your opinion, the condition might be due to some drug, it will be my intention to require the person to provide a specimen of blood or urine for analysis. When you have concluded your examination, will you please advise me if this person's condition might be due to some drug.”

Say to the subject **before the examination:**

“The doctor / health care professional * will now examine you and in the course of that examination will ask you questions. Before the examination commences you should note that any conversation with the doctor / health care professional* may not be treated confidentially.”

Note any comment made by the subject

Examination commenced at

--	--	--

 hours on/...../..... dateExamination concluded at

--	--	--

 hours on/...../..... date**GO TO B19*****YES / NO**

These boxes are not provided to record the subject's reply but to assist the investigating officer to navigate the form. A separate place is provided to record the actual reply made.

* Circle or delete as applicable

DRINK / DRUGS
PROCEDURE GENERAL (POLICE STATION ONLY) PART B
USE WITH FORM MG DD/A

Form MG DD/B
Ver 8.5 Nov 2017

B19

RESULT OF EXAMINATION

See Notes at B14. If the Doctor / Health Care Professional is unable to advise that the person has a condition which might be due to some drug and a Preliminary Drug Test is either negative or not available and drugs only offence(s) are suspected, unless exceptionally there is sufficient evidence to prove the offence without specimen evidence, the procedure will almost certainly end since the officer has no specimen for drug analysis and will be unable to require one. However, if the cause of the impairment is now suspected to be alcohol and alcohol has not been previously investigated or specimens obtained, ensure that the person has been informed about the offence at A7 and GO TO MG DDA/A10 to commence an alcohol investigation.

- a) If the doctor or health care professional is of the opinion that the person has a condition which might be due to a drug
(In the very rare circumstance that the doctor or health care professional identifies alcohol as well as drugs, where alcohol has not already been identified by the officer and appropriate action taken and where the officer now wishes to investigate alcohol, the officer should ensure that the subject has been informed about the offence at A7 and go to MG DDA/A10 to begin an alcohol investigation before returning to this paragraph for whatever action is then necessary)
GO TO B20
- b) If the doctor or health care professional is **not** of the opinion that the person has a condition which might be due to some drug, any drugs investigation probably ends (see note above) because it will not be possible to require a blood or urine specimen for DRUG analysis.
- (i) If impairment through alcohol only or excess alcohol is now to be investigated (ensure note above is complied with) and
GO TO MG DD/A10
- (ii) In all other cases

NO FURTHER ACTION for drug impairment
(If Charge or Bail processes are outstanding in respect of any incomplete alcohol investigation, complete process before going to MG DD/A21)

GO TO MG DD/A21

B20

POSITIVE PRELIMINARY DRUG TEST OR MEDICAL OPINION

If investigating:

- a) Excess Specified Drug [sec 5A RTA] **GO TO B21**
- b) Unfit through Drugs (or Drink or Drugs) [sec 4 RTA] **GO TO B22**
-  Excess Specified Drug [sec 5A RTA]
and
Unfit through Drugs (or Drink or Drugs) [sec 4 RTA] **GO TO ~~B21~~**

***YES / NO**

These boxes are not provided to record the subject's reply but to assist the investigating officer to navigate the form. A separate place is provided to record the actual reply made.

14

* Circle or delete as applicable

DRINK / DRUGS
PROCEDURE GENERAL (POLICE STATION ONLY) PART B
USE WITH FORM MG DD/A

Form MG DD/B
Ver 8.5 Nov 2017

B

B21

EXCESS SPECIFIED DRUGS ONLY (sec 5A RTA)

OR

EXCESS SPECIFIED DRUGS (sec 5A RTA) AND UNFIT
THROUGH DRUGS (or Drink or Drugs) (sec 4 RTA)

Time of requirement 16 4 7 hours on 31/8/20 date

“As

(i) you have provided a positive preliminary drug test

OR

(ii) the doctor / health care professional is of the opinion that you have a condition which might be due to some drug.

I require you to provide a specimen of blood which will be taken by a doctor or health care professional. You may inform the doctor or health care professional of medical reasons why a specimen of blood cannot be taken by them but the matter will be for the doctor or health care professional to determine. You will be supplied with part of the specimen if you so require. The other part will be sent to a forensic laboratory for analysis. I warn you that failure to provide a specimen will render you liable to prosecution.

Do you consent to provide a specimen?”

REPLY YES

.....

If YES

If NO

“I warn you again that failure to provide a specimen will render you liable to prosecution. Do you now consent to provide a specimen of blood, which will be taken by a doctor or health care professional?”

REPLY

If YES

If NO

“Are there any medical or other reasons why you cannot or should not provide a specimen of blood for analysis?”

REPLY

.....

***YES / NO**

These boxes are not provided to record the subject's reply but to assist the investigating officer to navigate the form. A separate place is provided to record the actual reply made.

15

* Circle or delete as applicable

***YES / NO**

***YES / NO**

GO TO B7

***YES / NO**

GO TO B7

DRINK / DRUGS
PROCEDURE GENERAL (POLICE STATION ONLY) PART B
USE WITH FORM MG DD/A

Form MG DD/B
Ver 8.5 Nov 2017

Where a subject is unable to provide a specimen of blood for medical reasons and is being investigated for both excess specified drugs (sec 5A RTA) and impairment through drugs (sec 4 RTA), it will be usual to pursue the impairment through drugs and require specimens of urine and abandon any investigation into the excess specified drugs. Where the subject fails to provide a specimen of blood without reasonable excuse it will be usual to consider a charge of failure to provide. The reasons for failing to provide should be thoroughly investigated and the subject interviewed in accordance with PACE when fit to do so. Where the subject has a reasonable excuse for not providing, the investigation into excess specified drugs contrary to sec 5A RTA will have to be abandoned as NFA but the officer may have a change of mind and require specimens of urine for impairment through drugs contrary to sec 4 RTA.

If YES

GO TO B24

If NO

a) If failing to provide blood without a reasonable excuse

CHARGE / REPORT Fail to provide

GO TO MG DD/A21

b) If failing to provide WITH a reasonable excuse

(i) Excess Specified Drugs sec 5A

NO FURTHER ACTION

GO TO MG DD/A21

(ii) Impairment Through Drugs sec 4 -

The officer may have a change of mind

and require specimens of urine (see note above)

GO TO B8

B22

UNFIT THROUGH DRUGS (or Drink or Drugs) ONLY

“As

**(i) you have provided a positive preliminary drug test*

OR

**(ii) the doctor or health care professional is of the opinion that you have a condition which might be due to some drug,*

I will require you to provide a specimen of blood or urine which in the case of blood will be taken by a doctor or health care professional. It is for me to decide which it will be unless a doctor or health care professional is of the opinion that for medical reasons a specimen of blood cannot or should not be taken in which case it may be of urine. You may inform the doctor or health care professional of medical reasons why a specimen of blood cannot be taken by them but the matter will be for the doctor or health care professional to determine. You will be supplied with part of the specimen if you so require. The other part will be sent to a forensic laboratory for analysis. I warn you that failure to provide a specimen will render you liable to prosecution. Before I decide whether the specimen shall be of blood or urine, are there any medical or other reasons why a specimen of blood cannot or should not be taken by a doctor or health care professional?”

REPLY

***YES / NO**

***YES / NO**

These boxes are not provided to record the subject's reply but to assist the investigating officer to navigate the form. A separate place is provided to record the actual reply made.

16

* Circle or delete as applicable

B

If NO GO TO B23

If YES record any reasons given

..... *YES / NO

Could the reasons given amount to medical reasons?

If NO

GO TO B23

If YES

GO TO B24

B23 IF NO MEDICAL REASONS

It is for the officer to decide whether the specimen shall be of blood or urine

a) If blood

GO TO B6

b) If urine

GO TO B8

B24 IF MEDICAL REASONS CLAIMED

Limits for Excess Specified Drugs (sec 5A RTA) have only been set in blood. If a blood specimen cannot be obtained for a legitimate reason the investigation will have to be NFA.

a) If there are **no** grounds to doubt the medical reasons given,

(i) If investigating excess specified drugs (sec 5A) - **NFA**

GO TO A21

(ii) If investigating drug impairment (sec 4) - Require Urine

GO TO B8

b) Drug impairment (sec 4) only - If there are grounds to doubt the reasons given,
but the officer nevertheless decides to require urine

GO TO B8

c) If there are grounds to doubt the medical reasons **and the officer wishes the specimen to be of blood**, record grounds below, call a doctor or health care professional unless already called and

GO TO B25

B25 DOCTOR'S OR HEALTH CARE PROFESSIONAL'S DECISION

a) If, contrary to the officer's opinion, the doctor or health care professional decides that medical reasons are justified, the specimen can only be of urine.

(i) If investigating excess specified drugs (sec 5A) - **NFA**

GO TO A21

(ii) If investigating drug impairment (sec 4) - Require Urine

GO TO B9

b) If the doctor or health care professional agrees with the officer's opinion that medical reasons are **not** justified, it is for the officer to decide whether the specimen will be of blood or urine (See notes at B1(ii) and B14).

(i) If blood

GO TO B6

(ii) If urine

GO TO B8

*YES / NO

These boxes are not provided to record the subject's reply but to assist the investigating officer to navigate the form. A separate place is provided to record the actual reply made.

17

* Circle or delete as applicable

E

DRUG SPECIMEN
INFORMATION FORM

E1	REFERENCES Police Reference44240135906 Laboratory Use Only Blood/Urine Kit Bar CodeWAP08757974 Label
E2	ANALYSIS REQUIRED & CASE DETAILS TICK ALL BOXES REQUIRED Sec 5A Excess Drugs (See note (i))☒ Sec 4 Impairment Standard Drugs(See note (ii))☐ Sec 4 Impairment Other Drugs(See note (iii))☐ Alcohol (See note (iv))☐ FATAL or POSS FATALNo DATE SUBJECT BAILED TO / /
E3	RELEVANT DETAILS Name of SubjectSaleem AZIZ Age: 23GenderMale Investigating Officer: PC 27518 Loynes Force: Hampshire ConstabularyStation: HAVANT email address: [REDACTED] Doctor or Health Care Professional: TURNBULL Time and date of incident1 4 2 3 hours31 03 24 .date Time and date sample taken1 6 5 9 hours31 03 24 .date

* Delete as Applicable

DRUG SPECIMEN
INFORMATION FORM

E4

GENERAL GUIDANCE

- (i) Any interview of a suspect to obtain information for the completion of this form must be conducted in accordance with the provisions of the Police and Criminal Evidence Act 1984.
- (ii) Because of the large number of drugs affecting behaviour or driving performance, their low concentration in body fluids and the limited volume of the specimen obtained from a living subject, it is important that as much information as possible is provided to the laboratory concerning symptoms, behaviour and case circumstances.
- (iii) If the offer of part of a specimen is declined by the accused, **both** parts should be forwarded to the laboratory.
- (iv) Solvent abuse cases, e.g. toluene or butane, should be treated similar to those taken for sec 5A purposes and be refrigerated as soon as possible and transported in a chilled condition.
- (v) In aviation cases, the outside of the tamper-evident bag submitted for analysis should be clearly marked 'AVIATION CASE'.

E5

LABORATORY INFORMATION

This submission is:		URGENT	☐	CRITICAL	☐	STANDARD	☒
Authorising Signature		Print Name and Position					
Leave Blank - for Forensic Submissions Completion		Leave Blank - for Forensic Submissions Completion					
Reason if urgent or critical to a particular date							
Date statement required in Urgent and Critical cases only							
Tamper-evident bag No.		Method of delivery—By Hand / Post / Courier etc.					
		Forensic Service Provider Courier					
If delivered by hand - Delivered by:		If delivered by hand - Received at laboratory by:					
Signature		Signature					
Print Name		Print Name					
If there have been previous submissions give Lab Ref:		Date					

E6

INFORMATION REQUIRED IN DRUG DRIVING CASES

BREATH ALCOHOL TEST	Reading	0	* Not Conducted	Time			
EVIDENTIAL BREATH ANALYSIS	Reading						
SALIVA DRUG TEST	Time	1	4	0	5		

Result Cannabis

Before the specimen was required (at a police station), did a doctor / HCP state that the person has a condition which might be due to some drug? Not req

PRELIM' IMPAIRMENT TEST Yes Form MG DD F attached Yes

* Delete as Applicable

DRUG SPECIMEN
INFORMATION FORM

E7

FURTHER INFORMATION REQUIRED

Evidence that the subject might have been impaired by drugs?

Yes

Are drugs/medicines taken for medical or dental treatment?

Yes

If YES give details Cannabis taken medicinally

Has the subject taken any drugs or alcohol in the last 24 hours?

Yes

If YES please give details Cannabis

Has the subject taken any drugs or alcohol AFTER the incident?

No

If YES please give details

Were any drugs found in the subject's possession (or vehicle)?

Yes

If YES please give details Medicinal Cannabis

Is the subject

(i) a known drugs user or solvent sniffer?

No

(ii) a registered drug addict?

No

If YES please give details

Please tick any of the following symptoms that apply:

☐ Diarrhoea	☐ Convulsions	☐ Hallucinations
☐ Vomiting	☐ Shivering	Pupil size Small
☐ Delirium	☐ Constipation	2 mm
☐ Jaundice	☒ Drowsiness	☐ Bloodshot Eyes
☐ Thirst	☐ Sweating	☐ Violence
☐ Sweating	☒ Unsteady on feet	
☐ Hyperactivity	☐ Blue Tinge to the Skin (Cyanosis)	

F

PRELIMINARY IMPAIRMENT TEST

Sections 4 & 6B RTA 1988

Form MG DD/F
Ver 6.0 March 2016

CASE REFERENCE

F1 INTRODUCTION AND GENERAL GUIDANCE

This form is for use by authorised police officers during the application of a Preliminary Impairment Test on a subject who has been required to cooperate. Where a test is abandoned the reasons should be recorded. If the questions are read from a card, the wording must be identical to those used in this form and the card must remain available for production at court. A record of any medical condition or disability claimed at any time during the tests, and a record of any response or gesture made to any question or at any other time, must be recorded. Any ancillary pupil gauge used must be retained for production at court if required.

F2 RELEVANT DETAILS OF PRELIMINARY IMPAIRMENT TEST

DATE	31/03/24	TIME TEST COMMENCED	1407
LOCATION OF TEST	Anderg.		
WEATHER CONDITIONS	*FINE / RAIN / SNOW / WIND	TYPE OF SURFACE USED (Indicate Wet/Dry)	Tarmac
TYPE of FOOT-WEAR WORN	Shoes	LIGHT CONDITIONS	Daylight
NAME	AZIZ, Saleem		
ADDRESS			
DATE OF BIRTH	25/06/99.	MALE / FEMALE	OFFICER DEFINED ID CODE
ARRESTING OFFICER	PC 27518 LOMNES	ID CODE 16 +1	MW
PIT OFFICER	PC 27518 LOMNES		

F3 REASON FOR TEST and Demeanour

COLLISION / MOVING TRAFFIC OFFENCE / SUSPICION OF ALCOHOL / DRUGS IN BODY *
DEMEANOUR Very Nervous shaking hands

* Delete as applicable

F4 PUPILARY EXAMINATION

"I am going to examine the size of your pupils, comparing them to this gauge, which I will hold up to the side of your face. All I require you to do is look straight ahead and keep your eyes open wide".

"Do you understand?" *YES / ~~NO~~ "Are you wearing Contact Lenses?" *YES / NO
PUPIL SIZE LEFT 2 mm WATERY *YES / ~~NO~~
PUPIL SIZE RIGHT 2 mm REDDENING *YES / NO

Additional Comments

F5 MODIFIED ROMBERG BALANCE TEST

"Stand up straight with your heels and toes together and your arms down by your sides. Maintain that position while I give you the remaining instructions. Do not begin until I tell you. When I tell you, tilt your head back slightly, close your eyes (**demonstrate but do not close your eyes**). When you think 30 seconds has passed, bring your head forward, open your eyes and say 'Stop'".

"Do you understand?" *YES / ~~NO~~

"Do you have any disability or medical condition that prevents you from participating in this test?"

REPLY

ABLE TO BALANCE DURING INSTRUCTIONS Yes *YES / NO

IF NO STEPS SWAYS RAISES ARMS

"Tilt your head back, close your eyes and start" (begin timing on start)

"How long was that?" REPLY 30 sec ESTIMATES 30 SECONDS AT 24.2 SECONDS

EYES OPEN	HEAD FORWARD	STEPS	SWAYS	RAISED ARMS

F6 WALK AND TURN TEST (Identify a real or imaginary line. Do not use a kerb or anywhere the subject may fall)

"Place your left foot on the line. Place your right foot on the line in front of your left touching heel to toe (**demonstrate**) Put your arms down at your sides and keep them there throughout the test. Maintain that position while I give you the remaining instructions".

"Do you understand?" *YES / ~~NO~~

"When I say start, you must take nine heel to toe steps along the line. On each step the heel of the foot must be placed against the toe of the other foot (**demonstrate**). When the ninth step has been taken, you must leave the front foot on the line and turn around using a series of small steps with the other foot which I will demonstrate. After turning you must take another nine heel to toe steps along the line. During the test you must watch your feet at all times and count each step out loud. Once you start walking do not stop until you have completed the test". (**demonstrate complete test**)

"Do you understand?" *YES / ~~NO~~

"Do you have any disability or medical condition that prevents you from participating in this test?"

REPLY No Just exactly *YES / ~~NO~~

* Delete as applicable

f

ρ

F

ABLE TO BALANCE DURING INSTRUCTIONS *Yes, but shdy* *YES / NO

IF NO: STEPS ☐ SWAYS ☐ RAISES ARMS ☐ STARTS TOO SOON ☐

COMPLIED WITH INSTRUCTIONS *YES / NO

IF NO:

Any deviation from the instructions should be indicated as below and on the diagram above

STOPS WALKING	S	MISS HEEL/TOE	M	RAISES ARMS	A	STEPS OFF LINE	↑

CORRECT TURN *YES / NO IF NO: STATE REASON *Quick one step spin end...*
Unsteady on feet. Chug out walk and turn feet not straight

CORRECT STEP COUNT *YES / NO COUNTS OUT LOUD *YES / NO

IF NO: TO TURN ☐ FROM TURN ☐

Additional Comments:
Carried out one quick step turn and unsteady might walk and turn test feet not properly heel to toe

F7 ONE LEG STAND TEST

"Stand with your feet together and your arms down by your sides (**demonstrate**). Maintain that position while I give you the remaining instructions. Do not begin until I tell you."

"Do you understand?" *I understand* *YES / NO

"When I tell you to you must raise your right foot 6 to 8 inches (or 15 to 20 cms) off the ground, keeping your leg straight and your toes pointing forward, with your foot parallel to the ground (**demonstrate**). You must keep your arms down by your sides and keep looking at your raised foot while counting out loud in the following manner, 'one thousand and one, one thousand and two, one thousand and three' and so on until I tell you to stop."

"Do you understand?" *YES / NO

"Do you have any disability or medical condition that prevents you from participating in this test?"

REPLY *other than anxiety*

Repeat procedure with each foot Before allowing the subject to move onto the left foot, check that the instructions are still understood. If not, repeat the instructions and record that they were re-given.

* Delete as applicable

F

ABLE TO BALANCE DURING INSTRUCTIONS <i>Yes</i> *YES / NO					
IF NO:	STEPS		SWAYS		RAISES ARMS
COMPLIES WITH INSTRUCTIONS *YES / NO					
IF NO:					
LEFT LEG	SWAYS		HOPS		PUTS FOOT DOWN
Number of times					RAISES ARMS
RIGHT LEG	SWAYS		HOPS		PUTS FOOT DOWN
Number of times					RAISES ARMS
COUNTED CORRECTLY <i>One case checked etc</i> *YES / NO					
Additional Comments: <i>Shaky legs and feet not horizontal to the ground</i>					
.....					
.....					

F8 FINGER AND NOSE TEST

"Stand with your feet together and your arms in this position. (demonstrate arms down by your sides in front of the body, palms facing forward and closed with the index finger of both hands extended). Maintain that position while I give you the remaining instructions. Do not begin until I tell you. When I tell you, you must tilt your head back slightly and close your eyes. (demonstrate) When I tell you which hand to move, you must touch the tip of your nose with the tip of that finger and lower your hand once you have done so (demonstrate).

"Do you understand?" *YES / ~~NO~~

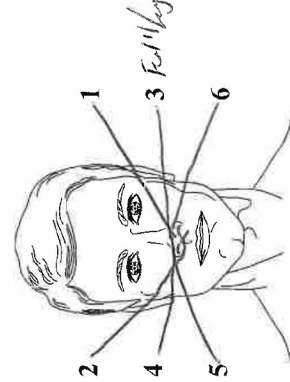
"Do you have any disability or medical condition that prevents you from participating in this test?"

REPLY *Other (anxiety*

"Tilt your head back and close your eyes"

Call out the commands in the following order, "left, right, left, right, left, right, left".

	1	2	3	
	*YES/NO	*YES/NO	*YES/NO	
CORRECT HAND USE	4	5	6	
	*YES/NO	*YES/NO	*YES/NO	



ABLE TO BALANCE DURING TEST *YES / NO			
IF NO:	STEPS		SWAYS
		<i>Yes</i>	RAISES ARMS

Missed hop of nose on every occasion

F9 SIGNATURES
..... Authorised Officer Conducting Test
..... Officer Completing Form (If different)

F10 OVERALL ASSESSMENT: SUBJECT - *IMPAIRED / **NOT IMPAIRED**
* Delete as applicable TIME TEST COMPLETED *1423*

Streamlined Forensic Reporting (SFR)		MG 22 B (SFR1)	
FORENSIC RESULT REPORT - TOXICOLOGY			
Relates to (person):	AZIZ, Saleem	Crime/Occ. No:	
Location:		Force Forensic Ref:	44240135906
Date of Offence/Incident:	31 March 2024; 14:23 hours	Forensic Provider Ref:	CFS/103067/24
Other Ref 1:		Other Ref 2:	

Report provided by:	Reporting Scientist	Organisation:	Cellmark Forensic Services
Date of report:	20 August 2024	Annexes included with this report:	None
Examined			
08757974 Blood	Results/Findings		
	Results for the purposes of Section 4 or 5A of the Road Traffic Act 1988 – Driving with excess drugs		
	Controlled Drug	Specified Limit (µg/L) ¹	Result (µg/L) ¹ Not less than
	Delta-9-Tetrahydrocannabinol ¹ micrograms of drug per litre of blood	2	3.6 ABOVE
	None of the other drugs pursuant to Section 5A of the Road Traffic Act 1988 (within the scope of testing) were detected.		
08757974 Blood	Results for the purposes of Section 4 of the Road Traffic Act 1988 – Driving whilst impaired by drugs		
	Result(s) in this section of the report cannot be used for making decisions or providing evidence in Section 5A cases.		
	In addition to the above in the result(s) for the purposes of S5A of the Road Traffic Act 1988 the following drug(s) were also detected:		
	Analyte	Result (µg/L) ¹	
	Cannabidiol	10	
	Cannabinol	<1.0	
	Carboxy-THC	43	
	Hydroxy-THC	<10	
	¹ micrograms of drug per litre of blood		

Evidence Type Supporting / Technical Information DRUGS The sample was analysed using method TOX0051 for 6-MAM (6-monoacetylmorphine), amphetamine, benzoylecgonine, clonazepam, cocaine, diazepam, flunitrazepam, ketamine, lorazepam, LSD (lysergic acid diethylamide), MDMA (methylenedioxymethamphetamine), methamphetamine (N-methylamphetamine), methadone, morphine, oxazepam and temazepam. The sample was analysed using method TOX0024 for cannabinoids (delta-9-tetrahydrocannabinol (THC, the main active constituent of cannabis), carboxy-THC, hydroxy-THC, cannabidiol and cannabidiol). All listed analytes were validated in the method/s using certified reference material (CRM) as named; however, the possibility of closely related substances being present in the sample cannot be completely excluded. All drug results reported in pursuance of Section 5A include an allowance for analytical variation according to direction from the Forensic Science Regulator contained in the Code of Practice (version 1). Range of Opinion Declaration The analytical findings reported in this Streamlined Forensic Report are statements of fact. The comments are based on the interpretation of these analytical findings and are matters of opinion. However, evaluation of forensic evidence such as this is supported by study and experience, applying specialist knowledge and skills to forge reliable opinions and interpretations, which are subjected to peer review (as defined within the organisation's Quality Management System) before final reporting. The decision-making process may be supported and evidenced through the use of working notes.	Accreditation Declaration Cellmark is a UKAS accredited laboratory - ISO 17025 accreditation [testing laboratory number 2045]. All results are UKAS accredited. Declaration of Compliance with the Code of Practice published by the Statutory Forensic Science Regulator This report includes reference to the following Forensic Science Activities (FSA) as defined by the statutory Forensic Science Regulator's Code of Practice: FSA-DTN 101 – Toxicology: analysis for drugs and/or alcohol under the Road Traffic Act 1988, Transport and Works Act 1992, and Railways and Transport Safety Act 2003 and FSA-DTN 102 – Toxicology: analysis for drugs in relation to s5A of the Road Traffic Act 1988. I confirm that, to the best of my knowledge and belief, I have complied with the Code of Practice (version 1) published by the statutory Forensic Science Regulator. SFR Further Information Please refer to the supplementary technical notes for Road Traffic Toxicology located at the following link: https://www.fcn.police.uk/sfr-technical-notes-and-guidance - document number FCN-SP-MGT-GUI-0011. This document should be consulted in the first instance if the MG22B is rejected, as this may provide generic information sought by the defence without the need to produce an MG22C. Case management – To the court and to the defence The prosecution propose to rely on the forensic evidence contained in this SFR and if there is a trial, to adduce it by way of a s10 CJA 1967 admission to the general effect that the exhibit(s) listed were forensically examined and the examination produced the result(s) described. Therefore should there be a real issue in relation to this forensic evidence, such that the admission cannot be made, the prosecution ask that the defence identify the issue (Crim.PR.3.3 and Crim.PR 19.3(2)). If this report contains expert evidence, then, in accordance with CPR 19.3(2), the defence is required to serve a response to this report as soon as practicable, and in any event not more than 10 business days after service of the report setting out which, if any of the conclusions in this report are admitted as fact, and where a conclusion is not admitted what are the disputed issues concerning that conclusion. This SFR is not a witness statement to which the provisions of s9 CJA 1967 and Crim.PR 16 apply, nor is it an expert's report to which the provisions of Crim. PR 19.4 apply, its purpose being to introduce any expert evidence contained therein as admitted fact. If this SFR contains expert opinion, it is a summary of that opinion served pursuant to Crim. PR 19.3(1). SFRs assist courts to fulfil their duty to actively manage the case (Crim.PR 3.1) by ensuring that evidence is presented in the shortest and clearest way and by facilitating the early identification of the real issues. (Crim.PR 3.2). Each party must actively assist the court in fulfilling its duty (Crim.PR 3.3).
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Streamlined Forensic Reporting (SFR)		MG 22 B(SFR1)	
STATUS OF TOXICOLOGY RELATED EXHIBITS			
Relates to (person):	AZIZ, Saleem	Crime/Occ. No:	
Location:		Force Forensic Ref:	44240135906
Date of Offence/Incident:	31 March 2024; 14:23 hours	Forensic Provider Ref:	CFS/103067/24
Other Ref 1:		Other Ref 2:	

Report provided by:	Reporting Scientist	Organisation:	Cellmark Forensic Services
Date of report:	20 August 2024	Annexes included with this report:	None
Exhibits	Status		
NONE	N/A		
NB – the Reporting Scientist does not accept responsibility for the sensitivity or otherwise of this material.			
Additional information / Evidence Type Technical Information: Please note the above list of exhibits relates only to exhibits submitted for examination and are relevant to my area of expertise and / or to the findings set out in the Results/Findings section of this report. The list was accurate at the time this report was generated. All exhibits will not necessarily be listed here. Should a comprehensive list of exhibits be required, please contact the Investigating Officer. The prosecution will not ordinarily undertake further forensic analysis unless and until the exact issue that such analysis needs to address has been identified; and only if, in light of that issue, it is appropriate that the next stage of analysis should be undertaken by a prosecution rather than a defence expert. If appropriate a direction under Crim.PR 3.5(2)(h) as to the order in which the expert issues should be determined may be sought. Important: Where real issue(s) are identified and if additional forensic work is necessary, please notify the agreed Force contact in writing, listing the issue(s) to be further addressed. Delivery dates for additional forensic work to be agreed on a case by case basis.			
		Forensic Contact Details:	Hampshire and Isle of Wight Constabulary Submissions Unit

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