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HOSPITAL PROCEDURE DRINK/DRUGS

Form MG DD/C
Ver 8.4 Sept 2017

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.

C1 SUBJECT

SURNAME

Forename(s)

Address.....
.....

Date of Birth/...../..... Ethnicity Code

Occupation (TWA 1992 & R&TSA 2003 only. See note (v) below)

Custody No.(if applicable) Hospital

Time and date of arrest (if applicable)

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

C2 PROCEDURE COMMENCED

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

C3 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) 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.
- (iii) Advice on the MGDD process can be obtained through the NPCC National Police Liaison Officer at DfT
- (iv) This form cannot cater for all eventualities. Circumstances which are not covered should be recorded at **C51** together with any additional particulars or notes.
- (v) 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
- (vi) If a 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 **C51** 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).
- (vii) 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.

*YES/NO

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- (viii) 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 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.
- (ix) 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.
- (x) 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'.
- (xi) 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 C53 on definitions of Alcohol Technical Defence Enquiries and Back Calculations).**
- (xii) **Excess Alcohol (sec 5) Excess Specified Drugs (sec 5A) & Driving etc. Whilst Unfit (sec 4) cases**
Proceedings for excess alcohol (sec 5) & excess specified drugs (sec5A) 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.
- (xiii) Whilst the police are under no obligation to offer this option, if the subject makes representation that their own doctor be present during the conduct of any medical examination or taking of laboratory specimens, this 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.
- (xiv) 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. officers who have required blood only to find that a doctor or health care professional cannot be obtained, may change their minds and require specimens of urine. Officers deciding such a course will need to note Form MG DD/C as appropriate and in Additional Notes at C51 and then re-enter the process at the appropriate place.
- (xv) 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 the decision. 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 cont' to sec 5A RTA.**

C4 VALID CONSENT

ABLE TO GIVE VALID CONSENT

GO TO C5

**INCAPABLE OF GIVING VALID CONSENT FOR
MEDICAL REASONS e.g. UNCONSCIOUSNESS**

GO TO C37

*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.

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If contemplating proceedings for IMPAIRMENT, consider note below and if appropriate, also say to hospital doctor:

Where an investigation into a drug driving offence is being conducted at a police station, a specimen of blood or urine may only be required if a medical practitioner or registered health care professional has advised that the person has a condition which might be due to some drug or the person has provided a positive preliminary drug test (sec 7(3)(bc) & (c) RTA). This constraint does not apply to investigations being conducted at a hospital and an officer may therefore require specimens without any such consideration. Nevertheless, where the evidence of impairment is not overwhelming, an officer may consider whether an examination by a doctor or HCP (a doctor is strongly recommended) would be useful to determine whether there is any other condition present which might give rise to the behaviour / driving observed.. Where it is considered that such an examination would be useful the officer should first ascertain from the hospital doctor whether there are any objections to such an examination taking place as below.

“I propose to call a doctor (or health care professional but see above) to examine this person on behalf of the police. Do you have any objection to this examination taking place?” (see note above)

HOSPITAL DOCTOR’S DECISION

Breath: Doctor objects to provision, requirements or warning ***YES/NO**

Saliva: Doctor objects to provision, requirements or warning ***YES/NO**

Blood: Doctor objects to provision, requirements or warning ***YES/NO**

Urine: Doctor objects to provision, requirements or warning ***YES/NO**

Preliminary Impairment Test:

Doctor objects to test or warning ***YES/NO**

IMPAIRMENT (see note above):

Doctor objects to examination ***YES/NO**

Record any reason for objection in Additional Notes at C51 and

- a) If the doctor objects to the provision of blood and if investigating Excess Specified Drugs ONLY contrary to sec 5A RTA

NO FURTHER ACTION GO TO C36

- b) In all other cases continue as required and as appropriate

GO TO C7 (optional) or C8

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C7 OPTIONAL - PRELIMINARY BREATH TEST / PRELIMINARY DRUG TEST / PRELIMINARY IMPAIRMENT TEST

Positive breath tests or saliva tests are not a prerequisite for the obtaining of laboratory specimens. A breath test may nevertheless be particularly useful in cases of back calculation. Likewise, whilst a Preliminary Impairment Test may provide useful additional evidence, it is not an essential element in the investigation of impairment through drink or drugs.

BREATH ALCOHOL TEST

Serial No. Time of test

Result *ZERO / PASS / WARN / FAIL / Reading

SALIVA DRUG TEST

Serial No. Time of test

Collection Kit Batch No.

Expiry Date/...../..... Officer

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

PRELIMINARY IMPAIRMENT TEST

*Given(Officer) / Not Given / FTP

- a) If the subject has unreasonably failed to provide a specimen for a preliminary breath or saliva test or has failed to co operate with a Preliminary Impairment Test and the officer remains in the investigation of a relevant offence, GO TO C8 and continue as appropriate to obtain specimens of blood or urine (when procedure complete also **consider report for offence(s) of failing to provide / cooperate with a preliminary test at C36**) **GO TO C8**
- b) If you do not propose, or are unable, to require blood and/or urine specimens **AND** you do not suspect impairment **NO FURTHER ACTION** **GO TO C36**
- c) In all other circumstances **GO TO C8**

C8 INITIAL PROCEDURE

Where a subject 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. C13.

Road Traffic Offences

Contrary to the Road Traffic Act 1988 **GO TO C9**

Guided Transport Offences (Railways and Trams)

Contrary to the Transport and Works Act 1992 **GO TO C10**

Aviation Offences

Contrary to Railways and Transport Safety Act 2003 **GO TO C11**

Shipping and Marine Offences

Contrary to Railways and Transport Safety Act 2003 **GO TO C12**

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C9 ROAD TRAFFIC OFFENCES Tick relevant boxes and read out relevant text

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.**

"You are under investigation because you are suspected of

<input type="checkbox"/>	<i>driving</i>
<input type="checkbox"/>	<i>attempting to drive</i>
<input type="checkbox"/>	<i>being in charge of</i>

<input type="checkbox"/>	<i>a motor vehicle on a road or public place whilst over the prescribed alcohol limit</i> [Sections 5 or 3A(1)(b)&(c) RTA 1988] (Excess Alcohol)
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and / or

<input type="checkbox"/>	<i>a motor vehicle on a road or public place whilst over a specified drug limit</i> [Sections 5A or 3A(1)(ba) & (c) RTA 1988] (Excess Specified Drugs)
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and / or

<input type="checkbox"/>	<i>a mechanically propelled vehicle on a road or public place whilst unfit to do so through drink or drugs</i> [Sections 4 or 3A(1)(a) RTA 1988] (Impairment)
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GO TO C13

C10 GUIDED TRANSPORT (Railways & Trams) Tick relevant boxes & read out text

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

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

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on a transport system, namely

<input type="checkbox"/>	<i>a railway</i>
<input type="checkbox"/>	<i>a tramway</i>
<input type="checkbox"/>	<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

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

GO TO C13

C11 AVIATION

Tick relevant boxes and read out relevant text

"You are under investigation because you are suspected of

<input type="checkbox"/>	<i>performing an aviation function</i>
<input type="checkbox"/>	<i>carrying out an activity which is ancillary to an aviation function</i>

namely, acting as

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

or,
attending the flight deck of an aircraft during flight

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

when

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

GO TO C13

C12 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

<input type="checkbox"/>	<i>a professional master of a ship</i>
<input type="checkbox"/>	<i>a professional pilot of a ship</i>
<input type="checkbox"/>	<i>a professional seaman in a ship who was on duty</i>
<input type="checkbox"/>	<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>

when

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

GO TO C13

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* Circle or delete as applicable

C13 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 process, when fit to do so to complete Form MGDD/D (see C53).

REFER TO THE HOSPITAL DOCTOR’S DECISIONS AT C6

A If you are able to require blood and or urine [unless you are investigating only drug related offence(s)] say to the subject

“Breath specimens for analysis cannot be taken from you as a reliable breath testing device is not available for use.”

and in all cases

- a) If you are able to require blood AND urine specimens and investigating**
 - (i) Alcohol Only **GO TO C14**
 - (ii) Alcohol and/or Drug Impairment and/or Excess Drugs **GO TO C31**
- b) If you are able to require blood specimens only and investigating**
 - (i) Alcohol only **GO TO C15**
 - (ii) Alcohol and/or Drug Impairment and/or Excess Drugs **GO TO C31**
- c) If you are able to require urine specimens only and investigating**
 - (i) Alcohol only **GO TO C20**
 - (ii) Alcohol and Impairment through drugs **GO TO C31**
 - (iii) Impairment through drugs only **GO TO C31**
 - (iv) Excess Drugs only **NO FURTHER ACTION** **GO TO C36**

B If you are unable to obtain blood or urine NFA GO TO C36

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C14 BLOOD OR URINE SPECIMENS

*“Dr who is in charge of your case has no objection to me requiring you to provide a specimen of blood or urine for a laboratory test. I will therefore 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 the doctor or healthcare professional , 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 C21**

If YES

Could the reasons given amount to medical reasons?

*YES/NO

If NO **GO TO C21**

If YES **GO TO C22**

C15 BLOOD SPECIMENS ONLY

“Dr who is in charge of your case objects to me requiring you to provide a specimen of urine but has no objection to me requiring you to provide a specimen of blood for a laboratory test. I therefore require you to provide me with a specimen of blood which will be taken by a doctor or health care professional. Your only right to object to giving blood is for medical reasons to be determined by a doctor or health care professional and you may inform the doctor or health care professional of any such reasons. You will be supplied with part of the

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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. 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 C16**

If YES,
Could the reasons given amount to medical reasons? *YES/NO

If NO **GO TO C16**

IF YES **GO TO C18**

C16 BLOOD Requirement for alcohol and/or drugs (See note at C3(xiv) 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 [excess specified drugs and/or impairment]*

**(iii) alcohol and drug analysis. [excess specified drugs and/or impairment]*

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

If YES call a doctor or health care professional unless already called and **GO TO C17**

If NO

(C16A) *" 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 unless already called and **GO TO C17**

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, procedure ends

NO FURTHER ACTION GO TO C36

- b) If there **are** grounds to doubt the medical reasons now given, call a doctor unless already called and

GO TO C19

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

REPORT 'Failure to Provide' (noteC3(x)) GO TO C36

C17 CONFIRMATION OF BLOOD CONSENT

Time

--	--	--	--

 hours on/...../..... 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 [excess specified drugs and/or impairment]*

** (iii) alcohol and drug analysis. [excess specified drugs and/or impairment]*

REPLY.....

***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 C16A** 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 C51 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 accused is fit to provide a specimen of blood **GO TO C28**

- b) If the doctor or health care professional is of the opinion that for medical reasons the accused cannot or should not provide a specimen of blood **(see note C31(iii) excess specified drugs)**

For Excess Alcohol / Unfit through Drugs (or Drink or Drugs) **GO TO C27**

For Excess Specified Drug **NO FURTHER ACTION GO TO C36**

C18 IF MEDICAL REASONS (Blood Only)

- a) If there are **no** grounds to doubt the medical reasons given, procedure ends.
NO FURTHER ACTION **GO TO C36**
- b) If there **are** grounds to doubt the medical reasons call a doctor or health care professional unless already called and **GO TO C19**

C19 DOCTOR'S OR HCP DECISION (Blood Only)

- a) If a doctor or health care professional decides medical reasons **are** justified, procedure ends.
NO FURTHER ACTION **GO TO C36**
- b) If a doctor or health care professional decides medical reasons are **not** justified and the subject is fit to provide a specimen of blood

*“As the *doctor / health care professional has decided there are no medical reasons why you cannot provide blood, I again require you to provide a specimen of blood. 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 / health care professional ?”*

REPLY ***YES/NO**

Time of requirement | | | hrs on/...../..... (date)

- If **YES** **GO TO C28**
- If **NO** **REPORT ‘Failure to Provide’ (noteC3(x))** **GO TO C36**

C20 URINE SPECIMENS ONLY

Time of requirement | | | hours on/...../..... date

“Dr who is in charge of your case objects to me requiring you to provide a specimen of blood but has no objection to me requiring you to provide a specimen of urine for a laboratory test. I therefore require you to provide me with two specimens of urine within one hour for

- *(i) alcohol analysis*
- *(ii) drug analysis [impairment through drugs only]*
- *(iii) alcohol and drug analysis. [impairment through drugs only]*

The first of those specimens will be discarded and the second used for analysis. You will be supplied with part of the second specimen if you so require. The other part will

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be sent to a forensic laboratory 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 C29**

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

If **YES** **GO TO C29**

- If **NO**
- a) If the subject is failing to provide without reasonable excuse
REPORT 'Failure to Provide' See Note C3(x) **GO TO C36**
 - b) If the subject fails to provide and there is no doubt this is **with a**
reasonable excuse **NO FURTHER ACTION** **GO TO C36**

C21 **IF NO MEDICAL REASONS**

It is for the officer to decide whether the specimen shall be of blood or urine (see note at C31(iii) excess specified drugs)

- a) If blood **GO TO C24**
- b) If urine **GO TO C25**

C22 **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 (see note C31(iii) excess specified drugs)

For Excess Alcohol / Unfit through Drugs (or Drink or Drugs) **GO TO C25**

For Excess Specified Drugs **NO FURTHER ACTION** **GO TO C36**

- 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 C23**

*YES/NO

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C23 DOCTOR'S OR HCP'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 urine. (see note C31(iii))

For Excess Alcohol / Unfit through Drugs (or Drink or Drugs) **GO TO C27**

For Excess Specified Drugs **NO FURTHER ACTION GO TO C36**

b) If the doctor or health care professional agrees with the officer's opinion that reasons are not justified, it is for the officer to decide whether the specimen will be blood or urine (see note at C31(iii) excess specified drugs)

(i) If blood **GO TO C24**

(ii) If urine **GO TO C25**

C24 BLOOD Requirement for alcohol and/or drugs (See note at C3(xv) 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 [excess specified drugs and/or impairment]*

**(iii) alcohol and drug analysis. [excess specified drugs and/or impairment]*

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**

If **YES** call a doctor or health care professional and **GO TO C26**

If **NO**

(C24A) *" 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 unless already called and **GO TO C26**

***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.

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 (see note C31(iii) excess specified drugs)
OR

If some other non-medical reason has been given and the officer wishes to require specimens of urine instead (see note C31(iii) excess specified drugs)

GO TO C25

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

REPORT 'Failure to Provide' (note C3(x)) **GO TO C36**

C25 URINE requirement for alcohol and/or drugs (See note at C3(xiv) 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 [impairment through drugs only]*

**(iii) alcohol and drug analysis [impairment through drugs only]*

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

.....

If YES **GO TO C29**

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

.....

If YES **GO TO C29**

* Circle or delete as applicable

If NO

- a) If the subject is failing to provide without reasonable excuse

REPORT 'Failure to Provide' (see note C3(x)) **GO TO C36**

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

NO FURTHER ACTION **GO TO C36**

C26 CONFIRMATION OF BLOOD CONSENT

Time | | | hours on/...../..... 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 [excess specified drugs and/or impairment]*

**(iii) alcohol and drug analysis. [excess specified drugs and/or impairment]*

REPLY.....

.....

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 C24A** 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 C51 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 C28**

- 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 **(see note C31(iii) excess specified drugs)**

For Excess Alcohol / Unfit through Drugs (or Drink or Drugs) **GO TO C27**

For Excess Specified Drugs **NO FURTHER ACTION** **GO TO C36**

C27 **URINE - Requirement for alcohol and/or drugs - (following receipt of medical opinion)** (See note at C3(xv) 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 [impairment through drugs only]*

**(iii) alcohol and drug analysis. [impairment through drugs only]*

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 C29

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 C29

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

REPORT ‘Failure to Provide’ (See note C3(x)) GO TO C36

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

NO FURTHER ACTION

GO TO C36

***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.

C28 BLOOD SPECIMEN TAKEN

- (i) **Warning**—The handling of body fluids constitutes a health hazard. Normal precautions must be **strictly** adhered to for the obtaining and handling of biological materials
- (ii) Shake containers for at least 30 seconds and until the white preservatives adhering to the side of the vial dissolve. This prevents coagulation/bacterial action which could interfere with any alcohol analysis
- (iii) Labels to be completed by the doctor or health care professional and officer and attached to the specimens in the presence of the subject
- (iv) Obtain Form HO/RT5 from doctor or health care professional
- (v) 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
- (vi) 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
- (vii) Supply subject with list of analysts and point out the printed warning on the tamper evident bag regarding storage and the reference to sec 5A if it applies. Not all of the listed analysts may be able to provide an analytical service for lower limit aviation cases or drug cases
- (viii) **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**
- (ix) **Where the specimen analysis will include Excess Specified Drugs contrary to Sec 5A RTA, it should be refrigerated as soon as possible**
- (x) In Aviation cases, the outside of the tamper evident bag submitted for analysis should be clearly marked 'AVIATION CASE'

Specimen provided at hours on/...../..... (date)

Part of specimen offered to subject by

at hours on/...../..... (date)

Specimen 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 specimen accepted by subject *YES / NO

at hours on/...../..... (date)

GO TO C30

C29 URINE SPECIMEN TAKEN

- (i) **Warning**—The handling of body fluids constitutes a health hazard. Normal precautions must be **strictly** adhered to for the obtaining and handling of biological materials
- (ii) 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
- (iii) Labels to be completed by the officer and attached to the specimens in the presence of the subject
- (iv) 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
- (v) 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.
- (vi) 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 a service for lower limit aviation cases
- (vii) **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**
- (viii) In Aviation cases, the outside of the tamper evident bag submitted for analysis should be clearly marked 'AVIATION CASE'
- (ix) **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 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 the specimen has been shaken by for the required time

Part of second specimen accepted by subject *YES / NO

at hours on/...../..... (date)

GO TO C30

C30 BLOOD or URINE SPECIMENS

- a) **Specimen(s) Provided** **GO TO C35**
- b) **Specimen(s) NOT Provided**
- (i) **If subject unable to provide blood for medical reasons and
Specimens of urine to be required** **GO TO C27**
- (ii) **If without reasonable excuse REPORT 'FTP'**(note C3(x)) **GO TO C36**
- (iii) **If with reasonable excuse** (record reason at C51) **NFA** **GO TO C36**

C31 EXCESS SPECIFIED DRUGS / UNFIT DRINK/DRUGS (IMPAIRMENT)

- (i) The procedures set out in this form allow for cases of excess alcohol, excess specified drugs (Road Traffic only) and 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.
- (ii) Whilst there is a single statutory prescribed limit for excess alcohol, there are many and varied statutory specified limits for drugs. It 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 hospital, it is not necessary for the officer to conduct a preliminary drug test with a positive result or obtain the opinion of a medical practitioner or registered health care professional that the person has a condition which might be due to some drug before requiring the subject to provide a specimen of blood or urine for drug analysis. It should be noted that such a step is however necessary if the investigation is being conducted at a police station,

Nevertheless, in cases where the evidence of impairment is not overwhelming, the officer may consider whether an examination (as at C33) by a doctor or HCP (a doctor is strongly recommended) to establish that the impairment is not due to some other condition, will be beneficial to the investigation.

Officers should note that it is not a part of this process to ask a doctor or health care professional 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 recorded.
- (v) 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 C32. 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 C3(vi) concerning PACE.

Refer to C9. Ensure that the subject has been correctly informed of which offences are being investigated. If necessary inform the subject of any change note C9 etc and as appropriate C51

OFFENCES TO BE INVESTIGATED (THIS MAY OR MAY NOT INCLUDE ALCOHOL)

- (a) **EXCESS SPECIFIED DRUGS ONLY** (sec 5A RTA) **GO TO C32**
(Motor vehicle only see note at C3(xii))
- (b) **EXCESS SPECIFIED DRUGS** (sec 5A RTA)
AND
DRIVING ETC WHILST UNFIT THROUGH DRUGS (sec 4 RTA)
(Motor Vehicle only see note at C3(xii)) **GO TO C32**
- (c) **DRIVING WHILST UNFIT THROUGH DRUGS ONLY** (sec 4 RTA)
(MPV that is **not** a Motor Vehicle (note C3(xii))) **GO TO C33 OR C33A**

*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.

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C32 MEDICAL DEFENCE (See note C31(v))

“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/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))

GO TO C33A (or C33 if the optional medical examination below is wanted)

C33 MEDICAL EXAMINATION (OPTIONAL)

If a doctor (or HCP but see note C31(iv)) is called to establish whether there might be any other medical reason for the impairment displayed, and the hospital doctor in immediate charge of the patient has no objection as recorded at C6.

Say to the doctor (or HCP) called on behalf of police **in presence of the subject:**

“It is suspected that this person has

**(a) *driven/attempted to drive/been in charge of a 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) when unfit through drink or drugs. I would like you to examine this person to ascertain whether in your opinion they have any condition other than drink or drugs which might account for their impairment?”

Say to SUBJECT **before doctor (or HCP) commences examination:**

“Dr. who is in charge of your case has no objection to a doctor (or health care professional) examining you on behalf of the police. That

***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

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Doctor (or health care professional) will now examine you and in the course of the examination will ask you questions. Before the examination commences you should note that any conversation with the doctor (or health care professional) may not be treated confidentially. Do you agree to be examined?"

REPLY

***YES/NO**

If YES

GO TO C34

If NO

GO TO C33A

C33A REFER TO THE HOSPITAL DOCTOR'S DECISIONS AT C6

- a) **If you are able to require blood or urine specimens** **GO TO C14**
(and complete drugs and or alcohol process as necessary)
- b) **If you able to require blood specimens only** **GO TO C15**
(and complete drugs and or alcohol process as necessary)
- c) **If you are able to require urine specimens only** **GO TO C20**
(and complete drugs and or alcohol process as necessary)

C34 TIMES AND RESULT OF EXAMINATION

Examination commenced at

--	--	--	--

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

Examination concluded at

--	--	--	--

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

a) If the doctor (or HCP) is of the opinion that the subject's condition DOES NOT have any other cause

OR

If the doctor (or HCP) is of the opinion that the subject's condition DOES have some other cause but the officer nevertheless considers the subject to be unfit to drive through drugs

REFER TO THE HOSPITAL DOCTOR'S DECISIONS AT C6 and

If you are able to require blood or urine specimens **GO TO C14**
(and complete drugs and or alcohol process as necessary)

If you able to require blood specimens only **GO TO C15**
(and complete drugs and or alcohol process as necessary)

If you are able to require urine specimens only **GO TO C20**
(and complete drugs and or alcohol process as necessary)

b) If as a result of the examination the officer no longer suspects a drug offence but an alcohol investigation remains outstanding— **Continue overleaf**

***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.

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REFER TO THE HOSPITAL DOCTOR'S DECISION AT C6 and

If you are able to require blood or urine specimens **GO TO C14**
(and complete alcohol process)

If you able to require blood specimens only **GO TO C15**
(and complete alcohol process)

If you are able to require urine specimens only **GO TO C20**
(and complete alcohol process)

c) If as a result of the examination the officer no longer suspects a drug offence
and there is no alcohol investigation outstanding **NFA GO TO C36**

C35 SPECIMEN CONTINUITY

The specimen of *blood/urine obtained from the subject for analysis, marked

..... (name) [*and taken into my

possession from *Doctor / Health Care Professional]

at | | hours on/...../..... (date) and sealed in tamper-

evident bag, serial numberwas retained by me until

| | hours on/...../..... (date) when

.....
GO TO C36

C36 CASE DISPOSAL

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

***(i) Report for offence of -**

Failure to Cooperate with a Preliminary Breath Test

Failure to Cooperate with a Preliminary Drug Test

Failure to Cooperate with a Preliminary Impairment Test

Failure to Provide Laboratory Specimen (blood/urine)

Failure to give permission for the analysis of a specimen taken from a
patient at hospital who for medical reasons was unable to give valid
consent

***(ii) No Further Action Pending Analysis / Investigation**

***(iii) No Further Action**

GO TO C52

*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.

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**PROCEDURE FOR PERSONS INCAPABLE OF GIVING VALID
CONSENT FOR MEDICAL REASONS (e.g. Unconsciousness) ONLY**

Investigations under
Sec 7A RTA may
ONLY be carried out
in circumstances
where an Accident has
occurred

C37 **HOSPITAL DOCTOR (Right of objection)**

The only grounds on which the hospital doctor may object to a specimen of blood being taken is that it would be prejudicial to the proper care and treatment of the patient.

Name of hospital doctor.....

date...../...../..... | | hours

Explain to the hospital doctor in immediate charge of the patient the powers under which you are proposing to operate and then say:

“I propose to ask a police doctor or health care professional or another doctor or health care professional if I am unable to obtain the services of a police doctor or health care professional, to take a specimen of blood from this person. The specimen will be retained by police for subsequent analysis only when the person is able to give valid consent and agrees. Have you any objection to a specimen of blood being taken from this person?”

Hospital doctor objects

***YES/NO**

If **YES** state reasons and end procedure **NO FURTHER ACTION**

(It may be appropriate and possible to re put this question at a later time)

.....

..... **GO TO C36**

If **NO** call police doctor or health care professional unless already called (see note below) and **GO TO C38**

Date and time called date...../...../..... | | hours

- (i) The doctor or health care professional asked to take blood from a patient who for medical reasons is incapable of giving valid consent must be a police medical practitioner or HCP unless it is not reasonably practicable for the request to be made to a police medical practitioner or HCP or it is not reasonably practicable for a police medical practitioner or HCP (assuming willingness to do so) to take the specimen.
- (ii) A Police Medical Practitioner (Police Surgeon / FME / Police HCP) is a ‘a medical practitioner or registered health care practitioner [registered nurse or registered paramedic] who is engaged under any agreement to provide medical or health care services for purposes connected with the activities of a police force.’
- (iii) If a doctor or health care professional other than a police medical practitioner or a police health care professional is asked to take the specimen the reasons must be fully set out in additional particulars at C51

***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.

- (iv) IN NO CIRCUMSTANCES MAY ANY DOCTOR OR HEALTH CARE PROFESSIONAL, WHO FOR THE TIME BEING HAS ANY RESPONSIBILITY FOR THE CLINICAL CARE OF THE PATIENT, BE ASKED TO TAKE THE SPECIMEN.
- (v) If the doctor or health care professional who is asked to take the specimen, declines on ethical grounds, it will be permissible to ask another medical practitioner or HCP to take the specimen, who should, as in Note (i) above, be a police medical practitioner or HCP in the first instance. This will be avoided if, when a police medical practitioner or HCP is first called, they are informed of the nature of the service required and asked if they have any ethical objection.

C38 Name of Dr or health care professional called by police.....

Say to doctor or health care professional called by police

*“The hospital medical practitioner in immediate charge of this person has no objection to another medical practitioner or health care professional taking a specimen of blood from them for laboratory analysis. Will you please take a specimen of blood from this person who is being investigated for a Drink or Drug related offence contrary to the *Road Traffic Act 1988 / Transport and Works Act 1992 / Railways and Transport Safety Act 2003. The specimen will be retained by police until the person is able to give valid consent, when their consent to have the specimen analysed will be sought?”*

GO TO C39

C39 BLOOD SPECIMEN TAKEN

- (i) Shake containers for at least 30 seconds and until the white preservatives adhering to the side of the vial dissolve. This prevents coagulation/bacterial action which could interfere with any alcohol analysis.
- (ii) Labels to be completed by the doctor or health care professional and officer and attached to the specimens.
- (iii) Complete certificate of analysis contained in blood kit.
- (iv) Obtain HO/RT5 from doctor or health care professional
- (v) **In the case of drug impairment the laboratory will require, with the specimen, the particularly useful information contained within the Drugs Sample Information Form MG DD/E**
- (vi) In Aviation cases, the outside of the tamper evident bag submitted for analysis should be clearly marked ‘AVIATION CASE’

Specimen taken at | | | hours on/...../..... (date)

Specimen sealed in presence of doctor or health care professional *YES/NO

at | | | hours on/...../..... (date)

by (officer sealing), having ensured that the specimen has been shaken by for the required time

..... (name of witnessing doctor / HCP)

NO FURTHER ACTION UNTIL SUBJECT REGAINS CONCIIOUSNESS AND IS ABLE TO GIVE VALID CONSENT **GO TO C40**

Name of hospital doctor

date...../...../.....

--	--	--

 hours

Explain to the hospital doctor the powers under which you are proposing to operate and then say:

*“I propose to require this person to give their permission for a laboratory test of a specimen of blood which was taken earlier as part of an investigation into a drink or drug related offence contrary to the *Road Traffic Act 1988 / Transport and Works Act 1992 / Railways and Transport Safety Act 2003, and to warn them that failure to give permission may render them liable to prosecution. Have you any objection to the requirement being made or to the warning being given?”*

Doctor objects to requirement or warning

*YES/NO

If YES

State reasons and take No Further Action until another request or visit is appropriate.

(Record of each request or visit made in Additional Particulars at C51)

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

If NO

GO TO C42

C42 PERSON’S CONSENT TO ANALYSIS

If the person requests that the meeting be postponed, (or declines to be seen, or to give or not give permission to the analysis of the specimen), until they have consulted a solicitor or some other person, this should be acceded to. Reasonable arrangements should then be made for a further meeting, which could be in the presence of the person’s solicitor, when the question should once again be put.

Identify the relevant Act and offence and go to the appropriate paragraph

Road Traffic Offences

Contrary to the Road Traffic Act 1988 **GO TO C43**

Guided Transport Offences (Railways and Trams)

Contrary to the Transport and Works Act 1992 **GO TO C44**

Aviation Offences

Contrary to Railways and Transport Safety Act 2003 **GO TO C45**

Shipping and Marine Offences

Contrary to Railways and Transport Safety Act 2003 **GO TO C46**

*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.

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C43 ROAD TRAFFIC OFFENCES Tick relevant boxes and read out relevant text

"You are under investigation because it is suspected that ondate,

at

--	--	--	--

 time, at place,

you were:

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

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.

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

and / or

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

and / or

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

GO TO C47

C44 RAILWAYS AND TRAMS Tick relevant boxes and read out relevant text

"You are under investigation because it is suspected that ondate,

at

--	--	--	--

 time, at place,

you were:

	<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>

***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.

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on a transport system, namely

<input type="checkbox"/>	<i>a railway</i>
<input type="checkbox"/>	<i>a tramway</i>
<input type="checkbox"/>	<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

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

GO TO C47

C45 AVIATION

Tick relevant boxes and read out relevant text

"You are under investigation because it is suspected that ondate,
at

--	--	--	--

 time, at place,
you were:

<input type="checkbox"/>	<i>performing an aviation function</i>
<input type="checkbox"/>	<i>carrying out an activity which is ancillary to an aviation function</i>

namely,
acting as

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

or,

attending the flight deck of an aircraft during flight

***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.

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

when

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

GO TO C47

C46

SHIPPING (which includes most types of marine craft)

Tick relevant boxes and read out relevant text

“You are under investigation because it is suspected that ondate,

at

--	--	--	--

 time, at place,

you were:

<input type="checkbox"/>	<i>a professional master of a ship</i>
<input type="checkbox"/>	<i>a professional pilot of a ship</i>
<input type="checkbox"/>	<i>a professional seaman in a ship who was on duty</i>
<input type="checkbox"/>	<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>

when

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

GO TO C47

***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.

31

* Circle or delete as applicable

C47 Time of requirement | | hours on/...../..... (date)

*As part of this investigation, a blood specimen was taken from you at hospital by a *medical practitioner / health care professional. I require you to give your permission to the analysis of this specimen for*

- *(i) alcohol analysis*
- *(ii) drug analysis*
- *(iii) alcohol and drug analysis.*

You will be supplied with part of the specimen if you so require. The other part will be analysed at a forensic laboratory. I warn you that failure to give your permission to the analysis of the specimen will render you liable to prosecution. Do you give your permission to the analysis of the specimen of blood?"

REPLY

..... *YES/NO

If YES **GO TO C48**

If NO
"I warn you again that failure to give your permission to the analysis of the specimen of blood will render you liable to prosecution. Do you now consent to the analysis of the specimen of blood?"

REPLY *YES/ NO

If YES **GO TO C48**

If NO Report **'failure to give permission for analysis'** (see note C3(x)) **GO TO C36**

C48 SUBJECT'S RIGHT TO PART OF THE SPECIMENS

- (i) The subject must be provided with a part of the specimen taken from them if they so request. It is not necessary for them to be given a choice as to which part.
- (ii) Arrangements should be made for the **personal** supply of part of the specimen. The date and time provided should be recorded.
- (iii) It will be best if firm and recorded arrangements for supply are agreed with the subject when the request is made. If it proves impossible to 'provide' the subject with a part of the specimen, it is recommended that a notice be served at the subject's address, giving the name of the police station and the officer with whom contact should be made to arrange 'provision'. A copy of the Notice and details of the attempts should be recorded in Additional Particulars at C51
- (iv) When supplied, the specimen should be accompanied by the copy of the booklet published by the Royal Society of Chemistry which lists the details of forensic analysts who may be willing to undertake analysis and which has a printed warning about storage. Not all of the listed analysts are able to provide an analytical service for lower limit aviation cases or for offences of excess specified drugs
- (v) Supply will be most easily achieved while the subject is still a patient at hospital.

*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.

C

HOSPITAL PROCEDURE
DRINK/DRUGS

Form MG DD/C
Ver 8.4 Sept 2017

Say to the subject:

“Do you wish to have a part of the specimen of blood that was taken from you?”

REPLY

.....

*YES/NO

If **NO** **GO TO C50**

If **YES** arrange for the supply of one part of the specimen **GO TO C49**

Specimen offered at

--	--	--	--

 hrs on/...../..... (date)

C49 SUPPLY OF PART OF SPECIMEN

Part of specimen provided to the subject

Specimen provided

--	--	--	--

 hrs on/...../..... (date)

C50 INSTRUCTIONS TO LABORATORY

- (i) If the subject gives permission for the analysis of part of the specimen, the OFFICER IN THE CASE will submit one part of the specimen to the laboratory for analysis in cases where the specimens has been retained by police OR instruct the laboratory to analyse one part of the specimen being stored by them on behalf of police. This request MUST be confirmed in writing (fax/email) before the laboratory will commence work.
- (ii) If the subject has requested to be provided with a part of the specimen and both parts are being held by a laboratory on behalf of police, the laboratory are to be asked to return one part of the specimen to the OFFICER IN THE CASE by a continuity recorded delivery service, for subsequent provision to the accused.

Date and time that the laboratory holding the police part of the specimen is instructed to analyse it, or

Date and time that the police part of the specimen is sent to laboratory for analysis.

Date...../...../.....

--	--	--	--

 hours

.....Officer

NO FURTHER ACTION PENDING ANALYSIS **GO TO C36**

**(AND THEN TO C52 TO SIGN (AGAIN) FOR THOSE PARTS OF THE
PROCEDURE NOW COMPLETED)**

C53

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 or later at C3 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 C3 or at any other time will be recorded and the procedure to obtain specimens completed. When the completed process results in 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 MGDD/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 below the statutory limit, and where such a back calculation is being considered, the officer is directed to complete Form MGDD/D. Completion of this form will be undertaken in accordance with the PACE Act when the subject is fit to be interviewed. Subject to Force directions, the completed Form MGDD/D, the laboratory blood or urine report 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.

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.

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