

**Testing for specified Class A drugs –
persons aged 18 and over**

DETAINEE Surname..... Forename(s).....
 Date of birth..... Custody ref. no.
 Date and time *arrested / charged.....
 Resident in local DAT area? *Yes / No

Tick the appropriate box to show the offence that indicates why Drug Test Procedure initiated:

1. Theft		9. Fraud Act 2006 (section:1)		16. Begging	
2. Attempted theft		9A. Attempted Fraud		17. Persistent begging	
3. Robbery		10. Fraud Act 2006 (section 6)		18. Production of specified Class A drug	
4. Attempted robbery		11. Fraud Act 2006 (section 7)		19. Supply of specified Class A drug	
5. Burglary		12. Handling stolen goods		20. Possession of specified Class A drug	
6. Attempted burglary		13. Attempted handling stolen goods		21. Possession w/i to supply specified Class A drug	
7. Aggravated burglary		14. TWOC		22. Non-trigger: Inspector's Authority	
8. Aggravated vehicle taking		15. Going equipped			

GUIDANCE

This pro forma is part of the Custody Record. This form is not intended to cater for all eventualities. Any variations should be completed on the Custody Record. This form should be read in conjunction with the Home Office "Operation Process Guidance for Implementation Testing on Arrest, Required Assessment and Restriction on Bail":

If you have any queries, please liaise with your Drug Testing Police Lead

Any deviation from this Procedure Guide MUST be recorded on the Custody Record

1. NON-TRIGGER OFFENCE – INSPECTOR’S AUTHORISATION TO DRUG TEST

(Must be completed by an Inspector or above)

I have considered the circumstances of the detainee who has been arrested / charged* with an offence

of..... and have reasonable grounds, namely.....

.....
 which lead me to suspect that misuse of crack/cocaine or heroin caused or contributed to the commission of this offence. I have therefore authorised the taking of a sample of saliva for analysis.

Time Date

Signature of authorising officer, name, rank, No

2. **REQUESTING A SAMPLE FOR TESTING**

Either section 2A (before charge) or 2B (after charge) should be read to the detainee by a custody officer (whichever is appropriate):

2A Before charge:

“You are 18 years old or older and have been arrested for:

- a) a trigger offence*
- OR

- b) an offence for which the inspector has authorised a drug test on the grounds that* *[explain grounds from section 1 above]*

I (name, rank, number) am now going to ask you to provide a sample of saliva for testing in accordance with the Police and Criminal Evidence Act 1984.

- The purpose of the test is to find out whether you have evidence of the presence of crack/cocaine or heroin in your body.
- If the result of the test is positive, you may be required to attend an initial and follow up assessment with a drugs worker and to remain for its duration. Failure, without good cause, to attend and remain for the duration of either of these assessments, when required to do so may result in prosecution.
- If you are later charged the result will be passed to the Court for use in making decisions on bail.
- If you are found guilty of the offence charged the Court may use the result to help inform your sentence.

I remind you that whilst you are in custody you are entitled to:

- I) the right to have someone informed of your arrest;
- II) free and independent legal advice and have the right to consult privately with a solicitor;
- III) the right to consult a copy of the Codes of Practice

You may also speak to a drugs worker.

These rights and entitlements may be exercised at anytime whilst you are in custody.

Do you wish to exercise any of these entitlements?”

Note any reply.....

Signed by detainee..... Signed by App. Adult *(if applicable)*.....

Time Date.....

Signature of officer, name, rank, No.....

“Do you agree to provide a sample of saliva?”

“You do not have to, but I must warn you that, if you fail to provide a sample of saliva without good cause, you will commit an offence for which you may be imprisoned, fined or both.”

YES* *(note any reply, go to 4)*.....

NO* *(note any reply and go to 3)*.....

Signed by detainee..... Signed by App. Adult *(if applicable)*.....

Time Date.....

Signature of officer, name, rank, No.....

REQUESTING A SAMPLE FOR TESTING

2B After charge:

“You are 18 years of age or older and have been charged with:

- a) a trigger offence***

OR

- b) an offence for which the inspector has authorised a drug test on the grounds that* [explain grounds from section 1 above]**

I (Name, rank, number) am now authorising your detention for up to six hours to enable you to give a sample of saliva.

- a. The purpose of the test is to find out whether you have evidence of the presence of crack/cocaine or heroin in your body.**
- b. If the result of the test is positive, you may be required to attend an initial and follow up assessment with a drugs worker and to remain for its duration. Failure, without good cause, to attend and remain for the duration of either of these assessments, when required to do so, may result in prosecution.**
- c. If you are later charged the result will be passed to the Court for use in making decisions on bail.**
- d. If you are found guilty of the offence charged the Court may use the result to help inform your sentence.**

I remind you that whilst you are in custody you are entitled to:

- I) the right to have someone informed of your arrest and further detention;**
- II) free and independent legal advice and have the right to consult privately with a solicitor;**
- III) the right to consult a copy of the Codes of Practice**

You may also speak to a drugs worker.

These entitlements may be exercised at any time whilst you are in custody.

Do you wish to exercise any of these entitlements?”

Note any reply:

Signed by detainee..... Signed by App. Adult (if applicable).....

Time Date.....

Signature of officer, name, rank, No.....

“I am now going to ask you to provide a sample of saliva for testing in accordance with section 63B of the Police and Criminal Evidence Act 1984. You do not have to provide a sample, but I must warn you that if you fail or refuse without good cause to provide a sample, you will commit an offence for which you may be imprisoned, fined, or both. Do you agree to provide a sample of saliva?”

YES* (note any reply, go to 4).....

NO* (note any reply and go to 3).....

Signed by detainee..... Signed by App. Adult (if applicable).....

Time Date.....

Signature of officer, name, rank, No.....

3. **DETAINEE UNWILLING TO PROVIDE A SAMPLE**

“I must warn you again that, if you fail or refuse to provide a sample of saliva without a good cause, you will commit an offence for which you may be imprisoned, fined or both. Do you now agree to provide a sample?”

YES* (note any reply and go to 4).....

NO* (note any reply, continue below).....

IF STILL NO REPLY OR AGREEMENT

“Is there any medical reason or any other reason why you are unwilling or unable to provide a sample of saliva?”

Note any reply:.....

Signed by detainee

Signature of App. Adult (if applicable)

TimeDate Signature of officer, name, rank, No.....

If detainee refuses to provide a sample, Custody Officer to consider charging

THE FOLLOWING SECTIONS CAN BE READ OUT AND COMPLETED BY A CUSTODY OFFICER OR THE DRUG TESTER

4. **MEDICATION**

“Have you taken any medicine, whether prescribed or not, in the last 24 hours?”

Note any reply.....

.....

.....

(go to 5, or if detainee agreed to give a sample and now refuses/declines, or sample not provided, go back to 3)

1. If the drug test result is POSITIVE, medication HAS been taken but the detainee agrees the screening test reflects their use of crack, cocaine or heroin the sample may be destroyed.

2. If the drug test result is POSITIVE, medication HAS been taken and the detainee DISPUTES or CHALLENGES the screening test result, the sample MUST be sent to the confirmatory test supplier for analysis.

5. ORAL FLUID (SALIVA) TEST PROCEDURE AND RESULT

“The test result indicates that:

COCAINE IS
***POSITIVE / *NEGATIVE**

HEROIN IS
***POSITIVE / *NEGATIVE**

Do you accept that the results of this screening test are an accurate reflection of crack, cocaine or heroin that may be in your body?”

IF ANSWER IS:

YES* (note any reply, read out the text below, get signatures from the detainee and Appropriate Adult (if applicable) and go to 6)

“The drug test procedure is now complete and you have accepted the result. The sample will now be destroyed” The result of this analysis will only be used in accordance with the Police and Criminal Evidence Act 1984.

Signed by detainee Signature of App. Adult (if applicable)

Time.....Date.....Signature of testing officer.....

IF ANSWER IS:

NO* (note any reply, read out the text below, complete bottom of section and go to 6)

“The saliva sample you have provided has tested positive. Part of the saliva sample bearing bar code serial number _____ will be sent to the authorised Confirmatory testing laboratory for analysis. The result of this analysis will only be used in accordance with the Police and Criminal Evidence Act 1984.”

Signed by detainee Signature of App. Adult (if applicable)

TimeDate..... Signature of testing officer.....

Where sample of saliva provided and analysed, please attach copy of printout below showing signature of Detainee and an Appropriate Adult (if applicable).

*delete where appropriate

ATTACH COPY OF PRINTOUT HERE

6. **REQUIREMENT FOR DETAINEE TO ATTEND INITIAL ASSESSMENT IF POSITIVE TEST**

(Must be completed by a police officer)

At any time before being released from police detention a **police officer** may require an individual who has tested positive for a Class A drug to attend an initial assessment and remain for its duration.

AN ASSESSMENT SHOULD ALWAYS BE REQUIRED UNLESS THERE IS GOOD CAUSE NOT TO DO SO.

“You have tested positive for a specified Class A drug. I am therefore requiring you under the Drugs Act 2005 to undergo an initial and a follow-up assessment by a drugs worker and to remain for the duration of those assessments. I must warn you that if you fail without good cause to attend and remain for the duration of these assessments you will be imprisoned, fined or both. If the drugs worker at the initial assessment decides that you do not need to undergo a follow-up assessment, the requirement to attend the follow-up assessment will cease.

Where practical the initial assessment will take place during this period of detention”

Every effort should be made to conduct the assessment before the detainee leaves custody (Note that there is no power to detain for the purposes of assessment only)

“You are required to attend an initial assessment at ____ (time) on __/__/____ (date) at _____ (location).”

The sample must be sent to the authorised Confirmatory laboratory if either:

- *the test is positive and disputed, or*
- *the test is positive and has been disputed on the basis of medication, or*
- *it is a quality assurance sample*

In such cases the appointment should be scheduled for at least 5 days from the date the sample is posted to the authorised confirmatory laboratory or the individual agrees to have the Initial Assessment sooner

Signed by detainee Signature of App. Adult (if applicable).....

Signature of officer, name, rank, No. Date..... Time.....

If assessment has not been required

(Must be completed by Inspector or above)

State reason why assessment has not been required.....

Signature of authorising officer, name, rank, No..... Date..... Time.....

FORM RA1 MUST NOW BE COMPLETED AND THE ORIGINAL GIVEN TO THE DETAINEE