

B1 **SUBJECT**

SURNAME

Forename

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).

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.

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**

.....

.....

.....

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

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 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

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

(B6A)

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

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

*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

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 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? ”*

** (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.

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.....

.....

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

.....

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

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 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**

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** 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**

B10 BLOOD SPECIMEN TAKEN

- 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
- Labels to be completed by the doctor or health care professional and officer and attached to the specimens in the presence of the subject
- Obtain Form HO/RT5 from doctor / health care professional
- 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 and the reference to sec 5A if it applies. Not all of the listed analysts may be able to provide an analytical service for drug or lower limit aviation cases
- **In the case of drugs analysis the laboratory will require, with the specimen, the particularly useful information contained within the Drugs Sample Information Form MG DD/E**
- **Where the specimen analysis will include Excess Specified Drugs contrary to Sec 5A RTA, it should be refrigerated as soon as possible**
- 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

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 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.

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

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
 (name) [and taken into my
 possession from *Doctor / Health Care Professional]
 at | | hours on/...../..... (date) and sealed in tamper-
 evident bags, serial number was retained by me until
 | | hours on/...../..... (date) when

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 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.

- (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/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 B16

* Circle or delete as applicable

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

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 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.

* 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/...../..... date

Examination concluded at | | hours on/...../..... date

GO TO B19

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 |
| c) | Excess Specified Drug [sec 5A RTA]
and
Unfit through Drugs (or Drink or Drugs) [sec 4 RTA] | GO TO B21 |

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 | | hours on/...../..... 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/NO**

If YES

GO TO B7

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

***YES/NO**

If YES

GO TO B7

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**

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

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**

B

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