



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2008-04637

Keyword: Organisational Information/Governance

Subject: STATIONS IN DOWN DCU AND LOCATIONS OF BREATHALYSER MACHINES

Request:

Question 1 - The names of the Police Stations encompassed by the heading Down (District Command Unit) DCU.

Question 2 - Details regarding the location of breathalyser machines in the stations attached to Down DCU.

Question 3 - Details regarding the number of officers who are trained to use the breathalyser machines in the Down DCU area.

Question 4 - Details regarding the number of officers who are trained to use the breathalyser machines in the Down DCU area and were on duty on Wednesday 17th May 2006 between the hours of 1.00am and 12.00pm.

Question 5 - Details regarding the practice to be followed when the only Police Officer on duty trained to use the breathalyser machine is on duty in Down DCU but at a police station other than the station at which a detained person needs to be breathalysed.

Question 6 - Details regarding the Drink Driving Procedures followed by the Police Stations connected with Down DCU. AND

Question 7 - Details regarding the procedures to be followed if in a police station there is no Police Officer trained to use the breathalyser machine.

Question 8 - Details regarding the recalling of an on duty officer trained to use the breathalyser machine from patrol when

(a) A person who is suspected of drink driving is brought into a station and

(b) When it is apparent a person who is suspected of drink driving is going to be brought into a station.

Question 9 - Details regarding the completion of Drink Driving Procedures within the police stations attached to Down DCU.

Question 10 - Details regarding the qualifications required to complete the Drink Driving Procedures referred to in point 8.

Answer:

This is to inform you that the Police Service of Northern Ireland has now completed its search for the information you requested. The decision has been taken to disclose the located information to you in full.

Answer 1 - Downpatrick, Newcastle, Ballynahinch, Crossgar, Saintfield and Killyleagh Stations

Answer 2 - Lion / Libis Intoxilyser machines are placed in Downpatrick and Newcastle Stations.

Answer 3 - At present there are 17 officers trained in the Lion / Libis Intoxilyser in Down DCU with further officers having been allocated training places.

Answer 4 - There were a total of 6 officers who were trained in the Lion / Libis Intoxilyser on duty in Down DCU on 17th May 2006 between the hours of 1am and 12 mid-day. It should be borne in mind that not every officer in the PSNI is trained in the Lion / Libis Intoxilyser machine.

Answer 5 - As in any District Command Unit, the officer would be contacted and asked to attend the station that the detained person has been brought to for purpose of carrying out the procedure.

Answer 6 & 7 - All procedures are contained in the Road Traffic (NI) Order 1995 and any additional amendments contained therein. Upon arrival at the designated station, the person would be processed and evidential samples, whether breathe, blood or urine, would be obtained. The procedures are contained in the section **Provision of Specimens for Analysis**

18. —(1) In the course of an investigation into whether a person has committed an offence under Article 14, 15 or 16 a constable may, subject to the following provisions of this Article and Article 20, require him—
- (a) To provide 2 specimens of breath for analysis by means of a device of a type approved by the Head of the Department, or
 - (b) To provide a specimen of blood or urine for a laboratory test.
- (2) A requirement under paragraph (1)(a) may be made to provide the specimens of breath—
- (a) At or in the vicinity of the place where the requirement is made if facilities for the specimens to be taken are available and it is practicable to take them there, or
 - (b) At a police station.
- (3) A requirement under paragraph (1)(a) may be made only by a constable who is especially authorised by the Chief Constable to make such requirements.
- (4) A requirement under paragraph (1)(b) to provide a specimen of blood or urine can only be made at a police station or at a hospital; and it cannot be made at a police station unless—
- (a) The constable making the requirement has reasonable cause to believe that a specimen of breath cannot be provided or should not be required, or
 - (b) At the time the requirement is made a device or a reliable device of the type mentioned in paragraph (1)(a) is not available at the police station or it is then for any other reason not practicable to use such a device there, or
 - (c) The suspected offence is one under Article 14 or 15 and the constable making the requirement has been advised by a medical practitioner that the condition of the person required to provide the specimen might be due to some drug, but may then be made notwithstanding that the person required to provide the specimen has already provided or been required to provide 2 specimens of breath.
- (5) If the provision of a specimen other than a specimen of breath may be required in pursuance of this Article the question whether it is to be a specimen of blood or a specimen of urine shall be decided by the constable making the requirement, but if a medical practitioner is of the opinion that for medical reasons a specimen of blood cannot or should not be taken the specimen shall be a specimen of urine.
- (6) A specimen or urine shall be provided within one hour of the requirement for its provision being made and after the provision of a previous specimen of urine.
- (7) A person who, without reasonable excuse, fails to provide a specimen when required to do so in pursuance of this Article is guilty of an offence.
- (8) A constable must, on requiring any person to provide a specimen in pursuance of this Article, warn him that a failure to provide it may render him liable to prosecution.
- (9) For the purposes of paragraph (1)(a) a device shall be treated as of a type approved by the Head of the Department where a statement that the Head of the Department has approved a device of that type

is included in the Belfast Gazette.

Choice of specimens of breath

19. —(1) Subject to paragraph (2), of any 2 specimens of breath provided by any person in pursuance of Article 18, that with the lower proportion of alcohol in the breath shall be used and the other shall be disregarded.

(2) If the specimen with the lower proportion of alcohol contains no more than 50 microgram's of alcohol in 100 millilitres of breath, the person who provided it may claim that it should be replaced by such specimen as may be required under Article 18(5) and, if he then provides such a specimen, neither specimen of breath shall be used.

(3) The Department may by regulations substitute another proportion of alcohol in the breath for that specified in paragraph (2).

Detention of persons affected by alcohol or a drug

21. —(1) Subject to paragraphs (2) and (3), a person required to provide a specimen of breath, blood or urine may afterwards be detained at a police station until it appears to the constable that, were the person then driving or attempting to drive a mechanically propelled vehicle on a road, he would not be committing an offence under Article 15 or 16.

(2) A person shall not be detained in pursuance of this Article if it appears to a constable that there is no likelihood of his driving or attempting to drive a mechanically propelled vehicle whilst his ability to drive properly is impaired or whilst the proportion of alcohol in his breath, blood or urine exceeds the prescribed limit.

(3) A constable must consult a medical practitioner on any question arising under this Article whether a person's ability to drive properly is or might be impaired through drugs and must act on the medical practitioner's advice.

Answer 8 - A trained intoxilyser operator who is on duty/patrol within his / her District Command Unit can be tasked to attend his / her Custody Suite at anytime to carry out the evidential procedure unless they are unavailable due to other duty commitments.

Answer 9- All details of a detained person involved in giving samples for analysis are stored on computer records, namely the custody record and intoxilyser machine which generates a printout of the procedure, Forms PSNI DD/A and DD/B: The completed documents being available under the terms of disclosure. The intoxilyser also provides a print out of the breath test reading, a copy of which is given to the detained person. If blood or urine samples were obtained the investigating officer would complete further handwritten forms as dependent on the circumstances of each case (i.e.) suspect drugs.

Answer 10 - The Intoxilyser operator is required to attend and pass a one week training course to gain access to and operate this system.

Other hand written forms used by Investigating Officers in relation to blood/urine samples can be covered through a variety of means, initial training at Garnerville, usual district training classes, through assistance by an officers tutor constable during their 10 week tutorship or through assistance of an experienced colleague, no qualifications are required for this part of the process.

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible, or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.pnn.police.uk.

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that all PSNI replies under Freedom of Information will be released simultaneously into the public domain via our website @ www.psni.police.uk.

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.