



FREEDOM OF INFORMATION REQUEST



Request Number: F-2011-02453

Keyword: Road Policing

Subject: Procedures for driving under the influence of drink /drugs

Request and 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.

Question

Subsequent to an arrest for drink driving and/or driving under the influence of drugs has the Police Service of Northern Ireland or Royal Ulster Constabulary ever permitted and/or accepted a second urine sample outside the one hour time period.

Answer

The period of one hour is provided for in law, simply to impose a finite limit upon how long police should have to wait for the sample to be provided. As this time limit is enshrined in legislation, we adhere to this in delivery of our training and in the configuration of our drink drive computer software which logs the time of the request and the time of the provision of the samples. However, it is not possible to determine whether PSNI / RUC has EVER accepted a sample outside the 1 hour limit as there were no computer records prior to 2004, and in addition to this, paper records will have been destroyed after 7 years. A search of the computer records held from 1st January 2004 to 28th July 2011 has identified 137 records where the detained person produced urine samples. Of these 137 cases there were 13 occasions where the urine sample was provided to police after the 1 hour provided for in legislation.

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 PSNI replies under Freedom of Information may be released 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.