1. About this Procedure

1.1. This document explains the procedure that is followed by Hampshire Constabulary when requiring and conducting a preliminary impairment test in the course of an investigation into an offence under section 3A or 4 of the Road Traffic Act 1988.

1.2. A preliminary impairment test will be carried out in accordance with sections 6 and 6B of the Road Traffic Act 1988 and the Code of Practice for Preliminary Impairment Tests.

2. Risk Assessments / Health & Safety Considerations

2.1. All officers conducting impairment checks will be trained by Home Office approved Trainers and authorised by the Chief Constable. The approved training course deals with Health and Safety risks relevant to the conducting of tests.

3. The Procedure

3.1. Where an officer suspects a person to have been driving, attempting to drive, in charge of a vehicle whilst impaired through drink or drugs that officers first course of action will be to require that person to co-operate with a preliminary breath test (see Procedure 02502 – Preliminary Breath Test).

3.2. In the event of a positive preliminary breath test the procedure relating to section 5 of the Road Traffic Act 1988 (excess alcohol) will be followed (see Procedure 02502 – Preliminary Breath Test and Procedure 02504 – Evidential Breath Specimens: Station Procedure) and consideration will be given to requiring the person to co-operate with a preliminary impairment test.

3.3. In the event of a negative preliminary breath test where the officer still suspects the person to be impaired the officer will require the person to co-operate with a preliminary impairment test.

3.4. A preliminary impairment test may only be administered by a police officer who has been fully trained and subsequently approved to carry out such tests by the Chief Constable (a Drugs Recognition Officer – DRO). Most Roads Policing Unit (RPU) officers are so approved.
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3.5. The officer administering a preliminary impairment test must be in uniform unless the requirement to co-operate with the test is made of a person the constable reasonably believes was driving, attempting to drive or in charge of the vehicle at the time of an accident.

3.6. A person suspected of committing an offence under section 4 of the Road Traffic Act 1988 (unfit through drink or drugs) must be required to co-operate with a preliminary impairment test as soon as is reasonably practicable. The test must be carried out at or near the place where the requirement was made or, if the constable making the requirement thinks it expedient, at a police station specified by that constable.

3.7. Persons who are legitimately required to co-operate with a preliminary impairment test must do so. Failure to co-operate is an offence and in such cases the person will be arrested if the officer requiring the test believes the person is under the influence of drugs. The only exception to this is where the suspect is a patient at a hospital (see Procedure 02507 – Hospital Procedure: Conscious Suspects).

3.8. Where a person co-operates with a preliminary impairment test and the result indicates to the officer that the persons ability to drive properly may be impaired that person will be arrested. The only exception to this is where the suspect is a patient at a hospital (see Procedure 02507 – Hospital Procedure: Conscious Suspects).

3.9. If a person fails to co-operate, when required, with preliminary impairment test but subsequently provides an evidential specimen of breath, blood or urine, there is no need to pursue the original failure to co-operate. If however it is considered that there are special reasons for proceeding with this offence it may be charged along with other offences.

3.10. Where a DRO arrests a person in accordance with 3.8 or 3.9 above he/she should:

   a) Inform Control Room, from the roadside, and request a ‘Person Detained’ message be created;
   b) Make a note of the Altaris log number:
   c) Ring Care and Custody Call Centre on 08080 034508, requesting the services of a Health Care Professional (HCP), quoting the Altaris number and providing details as required;
   d) After being advised by Care and Custody of the location of the nearest HCP, inform of the preferred custody centre for the HCP to attend.

3.11. In circumstances where there is no DRO available to administer a preliminary impairment test officers must remember that they may arrest a person, without the need to administer a preliminary impairment test,
where there is evidence to cause them to suspect an offence under section 4 of the Road Traffic Act 1988.

3.12. Entry to Private Property

3.12.1 Section 17 of the Police and Criminal Evidence Act 1984 provides a constable power to enter any place (if necessary by force) to arrest a person for an offence under section 4 of the Road Traffic Act 1988. Officers must ensure that they have a clear understanding of these powers.

3.12.2 These powers must be exercised with caution, and under no circumstances will unnecessary force be used. Wherever possible a supervisory officer must be consulted before such an entry is made. In any event where damage is caused a supervisory officer must be informed and must attend the scene to inspect the damage. (See also Policy 02100 - Professional Standards).

4. Roles and Responsibilities

4.1 The responsibilities of operational officers are detailed in 3.1 to 3.12 above.

4.2 The Roads Policing Unit has the responsibility to:

   a) Co-ordinate and deliver the training of DROs.

   b) Provide operational assistance and guidance to officers where practicable on any matter relating to ‘impaired driving’ offences.

5. Administration

5.1 The administrative requirements of this procedure are contained in 3.7 and 3.10 above.

6. Monitoring / Evaluation

6.1 The Force Intoximeter Liaison Officer, on behalf of the Central Custody Team, is responsible for monitoring and evaluating the effectiveness of this procedure across the Constabulary. This work will be carried out in conjunction with staff from the Roads Policing Unit.
7. Review

7.1. The Central Custody Team will annually review this procedure.

8. Related Policies, Procedures and Information Sources

8.1. Related Policies:

- Policy 02500 – Drink/Drugs Driving
- Policy 02100 – Professional Standards

8.2. Related Procedures:

- Procedure 02501 - Breath Test Devices
- Procedure 02502 – Preliminary Breath Test
- Procedure 02504 – Evidential Breath Specimens: Station Procedure
- Procedure 02505 – Audio Visual Recording of Breath Test Procedure
- Procedure 02506 – Impairment: Station Procedure
- Procedure 02507 – Hospital Procedure: Conscious Suspects
- Procedure 02508 – Hospital Procedure: Unconscious Suspects
- Procedure 02509 – Submission of Road Traffic Act Specimens for Analysis
- Procedure 02510 – Drink/Drug Driving - Back Calculations
- Procedure 02511 – Hip Flask Defence
- Procedure 02512 - Drink/Drug Driving - Technical Assistance for Court
- Procedure 02513 – Drink/Drugs: Railways
- Procedure 02514 – Drink/Drugs: Maritime
- Procedure 02515 – Drink /Drugs: Aviation

8.3. Information Sources

- AD203 Equality Impact Assessment