

## **GWENT POLICE ROADSIDE BREATH TEST DEVICE PROCEDURE**



### **1.1 Procedure**

1.1.1 The aim of this procedure is to provide a consistent approach in the use of the hand held device across the Force.

1.1.2 The Home Office and Department for Transport (DfT) have led a national change in road side breath testing devices. This change will enable data to be gathered electronically. This procedure will outline how police personnel will operate the devices, retain and submit the data collected.

1.1.3 This procedure has been written to inform police personnel of the operating and maintenance instructions to be complied with when using the Home Office approved device, the device currently used within the Force is the Lion Alcolmeter 500 B.

1.1.4 The hand held device will only be used, downloaded and calibrated by police officers who have received the correct training in line with its use. This procedure outlines the responsibilities placed on police personnel for its use and data collection.

**PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UP  
TO DATE VERSION CAN BE FOUND ON THE INTRANET POLICIES  
SITE**

## **1.2 Background**

1.2.1 The Department for Transport (DfT) have provided the finance for the provision of the new road side breath screening devices to each police force within England and Wales. The device that Gwent will be using is the Lion Alcolmeter 500B.

1.2.2 This device removes the need to record breath tests manually and provides the Government with more detailed and accurate data which is needed to inform policy decisions and changes to legislation.

1.2.3 Precise information about the number of test, time of day and level of alcohol found is essential to any decision made about police powers, procedures and changes in prescribed alcohol levels.

1.2.4 This new information will provide benefits to police forces and government.

1.2.5 The device will record the date, time and breath alcohol result of each test automatically, by a simple menu driver process before the test is conducted. It will record the reason for the test and the age and gender of the subject

## **1.3 Process**

1.3.1 Officers must be familiar with and comply at all times with legal requirements and any subsequent amendments, when operating the device.

1.3.2 Officers are to be trained in accordance with the manufacturers instructions and the instructions outlined in this procedure

1.3.3 No officer is to use, down load or calibrate this device unless they have received the correct training.

1.3.4 The device will record electronically all the data that is required to be captured during a road side procedure.

1.3.5 Whilst there is no requirement for officers to make further written records; officers must make a full pocket book entry outlining the circumstances of the test.

1.3.6 When an officer makes a decision to carry out a breath test, the officer should ensure that they are in a position to do so safely. The formal requirement should be made to the person subject of the test, together with a warning of the consequence of failure or refusal.

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1.3.7 The officer should obtain the personal details required by the device in line with their training prior to the test being conducted.

**1.3.8 In the case of collisions, whether injury or damage only, a breath test will be administered in every case.**

### **1.4 Calibration / Downloading Data**

#### **1.4.1 The device must be down loaded and calibration checked every 30 days.**

*(It will become inoperable after the 35<sup>th</sup> day and cannot be used unless re calibration checked and the data downloaded)*

This downloading and calibration checking is to be carried out in Sections **between the 1<sup>st</sup> and the 5<sup>th</sup> day of each month.**

This procedure can only be carried out by officers and police personnel that have received the training from Lion Laboratories Ltd.

1.4.2 The data held in the device will be downloaded on nominated terminals across the Force; a process has been put in place by Data Entry to collect this data after the 5<sup>th</sup> of each month. Data Entry will process the data and forward it to the Home Office.

1.4.3 Inspectors will be responsible for ensuring that all the calibration checking and download requirements outlined above are complied with within their area of responsibility.

1.4.4 Roads Policing Unit (RPU), Support Group and Dog Section devices will be calibrated and downloaded by officers situated within the Collisions Investigation Department.

1.4.5 The Armed Response Unit (ARU) and Automatic Number Plate Recognition Department devices will be calibrated and downloaded by officers situated within the ARU.

### **1.5 Individual Roles and Responsibilities**

1.5.1 It is the responsibility of Inspectors, including those within the ARU / RPU / Dog Section and Support Group to ensure that arrangements are in place to guarantee that the devices are being used, downloaded and calibration checked in line with the requirements of this procedure.

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1.5.2 All officers are required to have completed the appropriate initial training and any subsequent refresher training course(s) before operating, calibrating or downloading this equipment. Any officer that is not compliant with the manufacturer's recommendations for training and refresher training is not to operate or calibrate the hand held device.

1.5.3 It is the responsibility of the operating officer to ensure that the device has been maintained and is compliant (for example, calibrated) and that their training is up-to-date, where a hand held device is found not to be compliant they are to report it immediately to their Sergeant or Inspector.

1.5.4 Officers are required to wear full uniform and Force issued high visibility clothing when operating this equipment.

1.5.5 Managers responsible for officers using these devices are to have in place the necessary arrangements to ensure that the sundry items (such as gas bottles / tubes) are in place, that accidental damage and maintenance issues are addressed.

### **1.6 Administration**

1.6.1 Stops carried out in accordance with this procedure will not be recorded as per the Force's Management of Stops and Stop Searches Policy and Procedure.

1.6.2 The excel spread sheet used to download the data from the hand held devices will provide an audit trail for the devices' use, download and calibration history. There is no longer a requirement to create paper audit trail.

1.6.3 Service Areas/Departments are to create an audit trial for the processes outlined at 1.5.5.

### **2.0 The Legal Basis and Legitimate Aims**

- Road Traffic Act 1988
- Road Traffic Offender Act 1988
- Freedom of Information Act 2000
- Environmental Information Regulation 2004

All material contained within this document and associated working procedures, may be subject to disclosure under the Freedom of Information Act 2000 or The Environmental Information Regulations 2004, subject to specific exemptions/exceptions as required.

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### **3.0 Human Rights Certification of Compliance**

The procedure has been checked for compliance with the Human Rights Act; with particular reference to the legal basis of its precepts: the legitimacy of its aims; the justification and proportionality of the actions intended by it; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making process's and outcomes of actions.

### **4.0 Compliance with The Welsh Language Scheme**

This procedure aims to comply with the organisations Welsh language Scheme in terms of dealing with the Welsh speaking public, impact upon the public image of the organisation and the implementation of the language scheme.

### **5.0 Risk Assessment and Health and Safety Considerations**

5.1 The Gwent Police Service Dynamic Assessment should be applied as necessary. A training package in the use of risk assessment will be provided to all police personnel if requested or required.

5.2 The only officers to calibrate, download and use the Lion 500B hand held device (here after know as the device) are those that have undertaken the appropriate training and update training courses. This is to ensure that they are fully conversant with the requirements of its use as outlined in this procedure and the manufacturer's instructions, nothing in this procedure should be regarded as over riding the manufacturer's instructions for the device's use.

5.3 Officers are required to make the appropriate risk assessment when operating the hand held device at the roadside.

5.4 Officers are to wear full uniform and Force issued high visibility vest at all times when operating this equipment.

**6.0 Procedure Identification Section**

**Procedure Title: Roadside Breath Testing Device Procedure**

**Reference: 304/2 B ISSUE 2**

**ACPO Lead: ACC**

**Service Area Owner: Operations Superintendent**

**Department Responsible: Roads Policing**

**Links to other Policies/Procedure:** Professional Standards Reporting, Direction and Control Complaints, Health and Safety, Police Vehicle Collision, All stops and stop and search, Data Protection,

**Procedure Implementation Date: 02 December 2008 (by circ. to OPG Members, as Nov. 08 OPG cancelled). June 2011**

**Procedure Review Date: June 2013**