



WESTERN AUSTRALIA POLICE
BREATH & DRUG OPERATIONS
 ADMINISTRATION
 2 CLAYTON STREET, MIDLAND
 WESTERN AUSTRALIA 6056

TELEPHONE: (08) 6274 8550

[Redacted]
Officer in Charge
Major Crash

Attention: Senior Constable [Redacted]

RE: BLOOD SAMPLE ANALYSIS RESULTS

As a result of the analysis conducted on the blood sample of [Redacted] drugs and/or alcohol has been detected.

There are several different charges that WA Police can prefer against a driver dependant on the level and number of drugs identified in the blood sample. Those charges are as follows;

- **Section 63 Road Traffic Act 1974**
 Driving under the influence of alcohol or drugs or alcohol and drugs to such an extent as to be incapable of having proper control of the vehicle.
- **Section 64 Road Traffic Act 1974**
 Driving with a blood alcohol content of or above 0.08g of alcohol per 100ml of blood.
- **Section 64C Road Traffic Act 1974**
 Certain persons driving with any blood alcohol content with prescribed illicit drug present in a person's oral fluid or blood
- **Section 64AA Road Traffic Act 1974**
 Driving with a blood alcohol content of or above 0.05g of alcohol per 100ml of blood.
- **Section 64A Road Traffic Act 1974**
 Certain persons driving with a blood alcohol content of or above 0.02 g of alcohol per 100ml of blood.
- **Section 64AAA Road Traffic Act 1974**
 Certain persons driving with any blood alcohol content.
- **Section 64AB Road Traffic Act 1974**
 Driving while impaired by drugs.
- **Section 64AC Road Traffic Act 1974**
 Driving with a prescribed illicit drug present in a person's oral fluid or blood.
- **Section 64B (1) Road Traffic Act 1974**
 Driving with blood alcohol content of or above 0.05 prescribed illicit drug present in a person's oral fluid or blood.
- **Section 64B (3) Road Traffic Act 1974**
 Driving with blood alcohol content of or above 0.08 with prescribed illicit drug present in a person's oral fluid or blood.

Whilst any charge relating to driving with blood alcohol content is self-explanatory dependant on the level of alcohol detected in the driver's blood sample, charges relating to the number

and the level of drugs require more consideration when preferring the appropriate charge. Therefore, the below information is a guidance;

➤ **Section 63 Road Traffic Act 1974**

Driving under the influence of alcohol or drugs or alcohol and drugs to such an extent as to be incapable of having proper control of the vehicle.

- ✓ Levels of drugs alone do not prove the charge and must be supported with some other evidence e.g. Sobriety test papers.

Recommendation is to request a Pharmacological Opinion Report to confirm driving under the influence of drugs.

➤ **Section 64AB Road Traffic Act 1974**

Driving while impaired by drugs.

- ✓ Form 4 – assessment of drivers conduct, condition and appearance

Recommendation is to request a Pharmacological Opinion Report to confirm impairment.

➤ **Section 64AC Road Traffic Act 1974**

Driving with a prescribed illicit drug present in a person's oral fluid or blood.

Any amount of one of the following drugs is enough to prefer this charge:

- ✓ Tetrahydrocannabinol
- ✓ Methylamphetamine
- ✓ MDMA

As **Section 64AC Road Traffic Act 1974 (Driving with a prescribed illicit drug present in a person's oral fluid or blood)** is the easiest offence to prove as it does not require an expert opinion or further evidence, officers involved still need to consider if a more relevant and serious charge of **Section 64AB Road Traffic Act 1974 (Driving while impaired by drugs)** is applicable.

In some cases, the level of drugs concerned may be sufficient enough to support a charge of **Section 63 Road Traffic Act 1974 (Driving under the influence of drugs)**, however the levels alone do not prove the charge. The combined effects of both drugs and alcohol may be sufficient if they are strongly supported with some other evidence. In general, this evidence consists of visual observation of the apprehending officer or independent witnesses. This evidence should be of such nature that it establishes reasonable grounds to believe that the driver was affected to such an extent as to be incapable of having proper control of a motor vehicle (Visual DUI). Other types of supporting evidence are outlined above.

If you believe that you have sufficient evidence to support a charge of either driving whilst impaired or DUI drugs/alcohol, it is recommended that you prefer the most appropriate charge and only request a Pharmacological Opinion Report at a plea of 'not guilty'. If you are unsure that you have sufficient evidence to support either of these charges then you can obtain a pharmacologist's report by approval. The Pharmacologists report will detail the effects of the drugs concerned and give an expert opinion as to whether or not the driver was impaired or under the influence of a combination of alcohol and drugs.

When requesting a Pharmacologist Opinion Report you will need to include as much information as possible in the request. Consideration will need to be given to including the following items if they are available:

- ✚ Chem Centre analysis results (for both blood and urine).
- ✚ Form 4 – “Assessment of drivers conduct, condition and appearance”.
- ✚ Statement or detailed report from apprehending officer.
- ✚ Statements from any independent witnesses.
- ✚ Sobriety test papers.
- ✚ Breath Papers, P158/a.
- ✚ Accident report/IMS REPORT IF APPLICABLE.
- ✚ IMS running sheet (if applicable).
- ✚ Investigative Action Register (if applicable).

It should be noted that the pharmacologist's report will cost a minimum of \$3,000 inclusive of GST, depending on the complexity of the case. For both crash files and road-side stops, this cost is borne by Breath and Drug Operations. **Costs should be requested from the offender when submitting the brief.**

Where possible, “**only photocopies**” should be attached to the request.

PROCESS TO REQUEST PHARMACOLOGICAL REPORT

A detailed memo outlining the reasons for requesting a Pharmacological Report should be forwarded via the Investigating Officer's Chain of Command. The Investigating Officer's Officer in Charge must endorse approval of the request prior to forwarding to:

**Officer in Charge
Breath & Drug Operations
2 Clayton Street,
Midland WA 6056**

Staff in this section will liaise with the Department of Pharmacology and return the Opinion Report to the requesting officer once it is completed so that the appropriate charge can be preferred.

If you have any queries regarding this procedure, please phone the Administration Officer at Breath and Drug Operations on 6274 8530.

**West Australian Police Service****Breath Section****ANALYTICAL SAMPLE ADVICE SHEET****OIC
MAJOR CRASH INVESTIGATION**For attention by: Subject: DOB: Age: Sex: Apprehended By: Date: Time: Time L/D:

N/A

Time of B/T: Time of U/T:

N/A

N/A

Reason For Test:

Probation: No

Suburb Stopped:

Last Drink Location: UNKNOWN

Suburb: UNKNOWN

Doctor/Nurse: To Analyst: Escort Officer: Returned: Lab Number:

Alcohol Reading: 0.000

Calculation: 0.000

Drugs Detected: Yes

◦ TETRAHYDROCANNABINOL : = 28 UG/L

RECEIVED BY ON AT

SID

 SEND RESULTS TO

AT MCIS

Charge: *OIC, PLEASE TEAR OFF ACKNOWLEDGEMENT RECEIPT & RETURN TO -***OIC****BREATH & DRUG OPERATIONS****STATE TRAFFIC****2 CLAYTON STREET****MIDLAND W.A. 6056**I acknowledge receipt of Blood/Urine result from Blood Kit

Urine Kit No N/A,

Oral Kit No N/A account

Signed _____ Rank _____ Reg No _____ Date _____

FORM 1
WESTERN AUSTRALIA
ROAD TRAFFIC ACT 1974

(r. 10(1))

Road Traffic (Drug Driving) Regulations 2007 r. 10(1)
Road Traffic (Blood Sampling and Analysis) Regulations 1975 r. 10(2)
Road Traffic (Urine Sampling and Analysis) Regulations 1983 r. 11(2)

CERTIFICATE OF DRUGS ANALYST

Laboratory reference no.

Police reference no.

I, being a drugs analyst within the meaning of the Road Traffic Act 1974 Part V Division 2, certify that -

- (a) The Chemistry Centre (WA), Perth received for analysis the following quantity
one sample of BLOOD (PRESERVED) in a sealed container
marked
from officer
on
and

- (b) The thing referred to in paragraph (a) of this certificate was analysed by
immunoassay, gas chromatography, high performance liquid chromatography,
mass spectrometry
and

- (c) The following is the result of the analysis:

ALCOHOL

0.000 percent

GAMMA HYDROXYBUTYRIC ACID (GHB)

Not Detected

TETRAHYDROCANNABINOL

28 ug/L

COMMON BASIC DRUGS

Not Detected

and

- (d) The following other matters relating to my analysis should be noted :
The results apply to the sample as received.

.....
Certified on November 16, 2023 at the Forensic Science Laboratory

Chemistry Centre (WA)

Building 500, Resources & Chemistry Precinct
Manning Rd, Bentley, WA 6102

.....
Address of drugs analyst

.....
Signature of drugs analyst

Analysis Fee: \$1,109



WA Police - Traffic Crash Bloods
2 Clayton Street, Cnr Centennial Place
Midland
Perth , 6056

RE: ROAD TRAFFIC ACT, 1974 - BLOOD ANALYSIS Your Ref.

Herewith is the package and form C for the sample of blood,

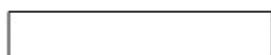
Lab.

From

Note : The results apply to the sample as received.



Chemist
FORENSIC SCIENCE LABORATORY



Analysis Fee : See Analyst's Drug Report

Chemistry Centre (WA)

Building 500, Resources & Chemistry Precinct, Manning Rd, Bentley, Western Australia 6102
Phone (08) 9422 9800 Facsimile (08) 9422 9831 E Mail: chemistry@chemcentre.wa.gov.au

**WESTERN AUSTRALIA
ROAD TRAFFIC ACT, 1974**

Regulation 10: Road Traffic (Blood Sampling and Analysis) Regulations, 1975.

FORM C

I,

of the Chemistry Centre (WA), Perth, an analyst within the meaning
of section 65 of the Road Traffic Act, 1974, hereby certify that:

1.

the Chemistry Centre (WA), Perth received a sealed package then intact from

BREATH ANALYSIS SECTION TRAFFIC PATROL

containing a sample of blood in a container numbered

2. The information appearing on the cover of the said package was endorsed (among
other things) as follows:-

Name of subject

Prescribed sample taker

Time and date of taking blood sample

3. The sample was analysed in accordance with the Road Traffic
(Blood Sampling and Analysis) Regulations, 1975 and was found to contain
0.000 grams of alcohol per 100 mL of blood.

Analyst