

COMMENTARY

Application of a protocol “alcohol and drugs” with the Prefecture of La Spezia, Italy

Results for the year 2011 following the application of the Protocol, alcohol and drugs (Sections 186/187 CDS) shared between the Prefecture of La Spezia and the ASL 5 Liguria

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Abstract. This article deals with the need – which is becoming urgent considering that the crime of road murder will soon be introduced – for the health authorities to correctly and fully apply the proposed “alcohol and drugs” protocol of the highway code, in order to obtain toxicological obviousness to be used as evidence of the offence.

Key words: alcohol, drug, highway code.

Currently, the Government of premier Mario Monti, specifically the Minister of Economic Development, Infrastructure and Transports Corrado Passera is preparing the introduction of a new and autonomous crime, called road murder, occurring when a driver commits murder while driving with a BAC (blood alcohol content) greater than 1.5 g/l or under conditions altered by consumption of psychotropic drugs or narcotics. Such a crime may be punished by a prison sentence of not less than eight years, to a maximum of eighteen years, with arrest in case of *flagrante delicto*, and permanent driving disqualification. We are therefore posing once again a question as has already been done many times over the years: whether the analysis laboratories and other health care facilities charged with toxicological investigations will be able to provide the appropriate answers on which will depend, without any rhetoric, the future of accused drivers when this law will come into effect.

Unfortunately, it appears evident that, up until now, the application of alcohol-drug protocols has been very uneven and often partial, with such obvious shortcomings, both formal and substantive, when implementing correct

toxicological investigations, that the laboratory report cannot be sustained in court.

The single urine matrix, that provides a time window but never provides the certainty of current consumption, is often used and accepted. Certainty of current consumption, indispensable for the purposes of judgment of guiltiness, can be provided only by processing the blood matrix or, alternatively, the salivary fluid.

In 2010, prompted by the Prefecture of La Spezia, to meet these needs, we studied, shared and made operational a “Highway code toxicological protocol”, in order to regulate and streamline the service in question, remaining absolutely adherent to the requirements laid down by the law.

This allowed us to follow all the expected procedures: from the activation of the “chain of custody” until the confirmation of results with “second level” surveys in order to produce a final report consistent and sustainable in administrative and/or judicial courts.

This is exactly the most critical and qualifying point: going beyond the evidential value of urine screening tests (I level), to reach the value of proof with confirmation on blood (II level).

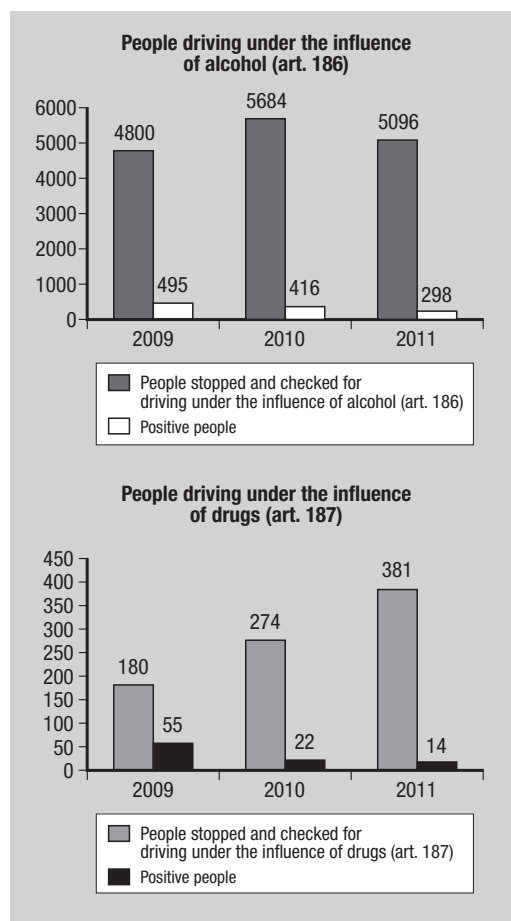


Fig. 1 | Data of observatory for the monitoring and the analysis of the phenomenon in road accident (art.186-187 highway code).

The aim of our retrospective study is to demonstrate how the virtuous cycle, that begins with the formal aspects of “informed consent” and “chain of custody” and reaches the certainty of driving under the influence of drugs and/or alcohol having taken place, has resulted in a significant decrease of positive results compared with an increase of the controls taken, after application of the agreement with the Prefecture (July 2010).

Figure 1 and Table 1 show the results from the retrospective study.

The data observed in our study brings to light the need to make the working proce-

Table 1 | Data from laboratory investigation in the year 2011. People stopped and checked for driving under the influence of drugs

Total received samples	381	%
Negative sample	321	84
Positive urine	46	12
Positive blood	12	4
Positive urine samples	46	%
Positive cocaine	14	30
Positive opioid	11	24
Positive cannabinoids	18	39
Positive amphetamines	0	0
Positive methadone	3	7
Positive buprenorphine	0	0
Positive blood samples	14	%
Positive cocaine	5	37
Positive opioid	3	21
Positive cannabinoids	3	21
Positive amphetamines	0	0
Positive methadone	3	21
Positive buprenorphine	0	0

dures which the law requires us to follow uniform and correct.

This is required not only from laboratories like ours, recognized by the Region of Liguria with special regional resolution of 2007 as a “diagnostic level II center”, but from any health/care entity, according to its specific role, in order to provide an adequate response to the police authorities.

In other words, no one can escape the obligations which the law imposes. Therefore it is necessary to implement a procedural process that adheres to current regulations, with two essential purposes: to provide the authorities with the evidence of unlawful driving behavior, and at the same time, ensure no punishment for drivers who have not committed the crime.

Cooperation with the Prefecture, the Police authorities and the Judiciary, is considered a valuable experience and has produced a significant improvement in terms of effectiveness and efficiency in road safety.

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