



## Deficiencias en la regulación normativa en materia de seguridad vial por consumo de drogas: un ensayo aplicado sobre formación a los cuerpos y fuerzas de seguridad [

2022

text (article)

Analítica

The presence of drugs in drivers represents a serious safety problem, according to data from the National Institute of Toxicology and Forensic Sciences, these are found in more than 40% of drivers who die in traffic accidents in our country each year. One of the main obstacles to addressing this problem has been the lack of regulation of effective tests for its detection. The test regime changes drastically with the modification of art. 796.1.7 of the LECrimin 2010. Among the requirements of these tests is the specific training of the officers of the authority in charge of traffic safety and surveillance who carry them out. The objective of this article is to study the justification of said requirement as well as to answer different problematic questions that arise. Among other deficiencies, the lack of consistency with regulation of the tests (road safety, law and general traffic regulation) that does not expressly specify this requirement, the lack of minimum standards on said training can lead to varying interpretation of regulations. The applicable regulations will be studied and revised, both criminal and procedural and administrative, jurisprudence and published works in this regard, as well as the different situations raised in different autonomous communities when specifying this requirement. Finally, the results and conclusions will be offered, the requirement for specific enabling training will be justified for the officials in charge of carrying out said drug detection tests regardless of whether it is a criminal or administrative file, as well as the need for homogenization. Of those training that does not exist as of today specifying competent bodies, with minimum content and duration, methodology, etc

The presence of drugs in drivers represents a serious safety problem, according to data from the National Institute of Toxicology and Forensic Sciences, these are found in more than 40% of drivers who die in traffic accidents in our country each year. One of the main obstacles to addressing this problem has been the lack of regulation of effective tests for its detection. The test regime changes drastically with the modification of art. 796.1.7 of the LECrimin 2010. Among the requirements of these tests is the specific training of the officers of the authority in charge of traffic safety and surveillance who carry them out. The objective of this article is to study the justification of said requirement as well as to answer different problematic questions that arise. Among other deficiencies, the lack of consistency with regulation of the tests (road safety, law and general traffic regulation) that does not expressly specify this requirement, the lack of minimum standards on said training can lead to varying interpretation of regulations. The applicable regulations will be studied and revised,

both criminal and procedural and administrative, jurisprudence and published works in this regard, as well as the different situations raised in different autonomous communities when specifying this requirement. Finally, the results and conclusions will be offered, the requirement for specific enabling training will be justified for the officials in charge of carrying out said drug detection tests regardless of whether it is a criminal or administrative file, as well as the need for homogenization. Of those training that does not exist as of today specifying competent bodies, with minimum content and duration, methodology, etc

<https://rebiunoda.pro.baratznet.cloud:28443/OpacDiscovery/public/catalog/detail/b2FpOmNlbGVicmF0aW9uOmVzLmJhcmF0ei5yZW4vMzEzMzY3OTg>

---

**Título:** Deficiencias en la regulación normativa en materia de seguridad vial por consumo de drogas: un ensayo aplicado sobre formación a los cuerpos y fuerzas de seguridad [electronic resource]

**Editorial:** 2022

**Tipo Audiovisual:** drogas formación conducción pruebas toxicología policía y conductores drugs training driving tests toxicology police drivers

**Documento fuente:** Revista de educación y derecho = Education and law review, ISSN 2013-584X, Nº. 25 (Retos de la educación superior en el siglo XXI), 2022

**Nota general:** application/pdf

**Restricciones de acceso:** Open access content. Open access content star

**Condiciones de uso y reproducción:** LICENCIA DE USO: Los documentos a texto completo incluidos en Dialnet son de acceso libre y propiedad de sus autores y/o editores. Por tanto, cualquier acto de reproducción, distribución, comunicación pública y/o transformación total o parcial requiere el consentimiento expreso y escrito de aquéllos. Cualquier enlace al texto completo de estos documentos deberá hacerse a través de la URL oficial de éstos en Dialnet. Más información: <https://dialnet.unirioja.es/info/derechosOAI> | INTELLECTUAL PROPERTY RIGHTS STATEMENT: Full text documents hosted by Dialnet are protected by copyright and/or related rights. This digital object is accessible without charge, but its use is subject to the licensing conditions set by its authors or editors. Unless expressly stated otherwise in the licensing conditions, you are free to linking, browsing, printing and making a copy for your own personal purposes. All other acts of reproduction and communication to the public are subject to the licensing conditions expressed by editors and authors and require consent from them. Any link to this document should be made using its official URL in Dialnet. More info: <https://dialnet.unirioja.es/info/derechosOAI>

**Lengua:** Spanish

**Enlace a fuente de información:** Revista de educación y derecho = Education and law review, ISSN 2013-584X, Nº. 25 (Retos de la educación superior en el siglo XXI), 2022

---

## Baratz Innovación Documental

- Gran Vía, 59 28013 Madrid
- (+34) 91 456 03 60
- [informa@baratz.es](mailto:informa@baratz.es)