

Meeting	Forensic Services Committee
Date	20th April 2020
Location	Teleconference
Title of Paper	Drug Driving Update
Item number	14
Presented By	Gary Holcroft, Forensic Services
Recommendation to Members	For Discussion
Appendix Attached	No

PURPOSE

To provide members with:

- An update on the new Drug Driving Toxicology Service

1. BACKGROUND

- 1.1. Changes to the Road Traffic Act 1988 were enacted in Scotland on 21 October 2019. This legislation set specific drug driving limits for 17 specified drugs. This legislative change is part of Scottish Governments Programme for Government.
- 1.2. This brings Scotland into line with England and Wales where Drug Driving limits are already in force.

2. FURTHER DETAIL ON THE REPORT TOPIC

- 2.1. Forensic Services have developed a scientific process to test for the presence of these drugs. This process was subject to a UKAS accreditation audit.
- 2.2. Forensic Services received a recommendation for accreditation for the drug driving service from UKAS in December 2019 and at the end of March received a formal grant of Extension to Scope (EtS) for the Identifications and Quantification of the 17 listed Drugs for the offence of Drug Driving under Section 5A of the Road Traffic Act 1988.
- 2.3. The drug analysis processes on casework for this new service has commenced with cases now being reported to COPFS.
- 2.4. A significant amount of work has been carried out between all partners; Police Scotland, COPFS and Scottish Government during the development of this process which has enabled a smooth transition into service delivery.
- 2.5. The service use by Police Scotland follows an agreed drug driving impairment test route. Of the samples analysed from those accused of Drug Driving around 85% have yielded a result where the drug content of at least one drug is above the stated limit which illustrates the value of the service being provided.

3. SERVICE DEMAND

- 3.1. Prior to the Coronavirus outbreak and government lockdown the demand for the Drug Driving toxicology service was approximately 50% higher than forecast during the service planning stages. It appears from the data available up to the 9th April, that the demand shows no sign of decreasing despite the Coronavirus outbreak.
- 3.2. When the new service was launched the level of demand was not known. Estimates had been made based on the test usage in England and Wales

and these were revised upwards in the summer of 2019. These estimates however have not reflected the actual use of the service.

- 3.3. Additional service support has been used to address this unforeseen demand and the Forensic Services staff have been working additional hours to ensure no reporting dates have been missed.
- 3.4. An increase in service capacity has been planned with funding being provide by Forensic Services and Scottish Government. Forensic Services have already procured a further two pieces of equipment to the value of £60k which will increase the capacity of the current process. Funding of £180k has also been made available by Scottish Government, as part of the service start up costs, to the purchase further instrumentation - this will provide additional capacity to ensure required service levels can be maintained.
- 3.5. Forensic Services have started the procurement exercise to purchase this new instrument which it is hoped will be delivered in early summer of 2020.
- 3.6. Forensic Services are engaging with COPFS to ascertain what the impact of the 'time bar' changes contained within the new Coronavirus (Scotland) Bill means for the target dates of existing and future work in this area.

4. FINANCIAL IMPLICATIONS

- 4.1. £180k of funding has been provided by Scottish Government for the one-off procurement of additional instrumentation necessary to increase service capacity.

5. PERSONNEL IMPLICATIONS

- 5.1. There are no direct personnel implications associated with this paper.

6. LEGAL IMPLICATIONS

- 6.1. There are no legal implications associated with this paper.

7. REPUTATIONAL IMPLICATIONS

- 7.1. There are no direct reputational implications associated with this paper.

8. SOCIAL IMPLICATIONS

- 8.1. There are no direct social implications associated with this paper.

9. COMMUNITY IMPACT

9.1. There are no direct community impact implications associated with this paper.

10. EQUALITIES IMPLICATIONS

10.1. There are no equality implications associated with this paper.

11. ENVIRONMENT IMPLICATIONS

11.1. There are no environmental implications associated with this paper

RECOMMENDATIONS

Members are requested to note:

- Value of the new service to date.
- The additional funding received to support instrumentation purchase and expand service capacity.