

Meeting	Forensic Services Committee
Date	27 July 2020
Location	Video-conference
Title of Paper	Drug Driving Update
Presented By	Gary Holcroft and Amy McDonald, Forensic Services
Recommendation to Members	For Consultation
Appendix Attached	No

PURPOSE

To provide members with:

- An update on the 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 was part of Scottish Governments Programme for Government in 2019/20.
- 1.2. Forensic Services support the delivery of the drug blood limit testing requirement for this Act prompted by a positive roadside test. In order to provide this service to COPFS and Police Scotland a process was developed for the required toxicology analysis over an approximate 18 month period. This process was subject to and passed independent review to the recognised laboratory standard ISO 17025 by UKAS – the UK Accreditation Service.
- 1.3. The 17 Drugs examined for by Forensic Services include those covered by the Misuse of Drugs Act such as cocaine, cannabis, ecstasy and heroin and also Drugs taken as medication that could cause impairment such as diazepam, methadone, and morphine. The process to examine, detect and quantify each of the 17 Drugs has a high degree of complexity when compared to the more traditional drink driving samples where blood is examined for alcohol. Examination times are much longer and as such the turnaround time for such cases take much longer than the more simple blood alcohol work.
- 1.4. The response to the new Drug Driving legislation was developed with all partners; Police Scotland and COPFS with oversight by Scottish Government. The working group enabled co-ordinated planning across all bodies allowing for a smooth and effective response to the new legislation.
- 1.5. The number of drug-driving cases is reported to the Scottish Police Authority Policing Performance Committee as part of the Police Scotland quarterly performance report. The [last report to the meeting](#) on 28 May 2020 said: "Drink / drug driving offences have increased by 12.9% (751 more offences) from last year. The new drug driving legislation and roadside testing, introduced in October 2019, accounts for 616 of this increase in offences." The next meeting of the Police Performance Committee is on 26 August 2020. The number of drug-driving cases submitted to labs for analysis is not within the control of Forensic Services.

2. FURTHER DETAIL ON THE REPORT TOPIC

- 2.1. During the service development phase significant planning work was carried out around the required capacity for this new toxicology service.

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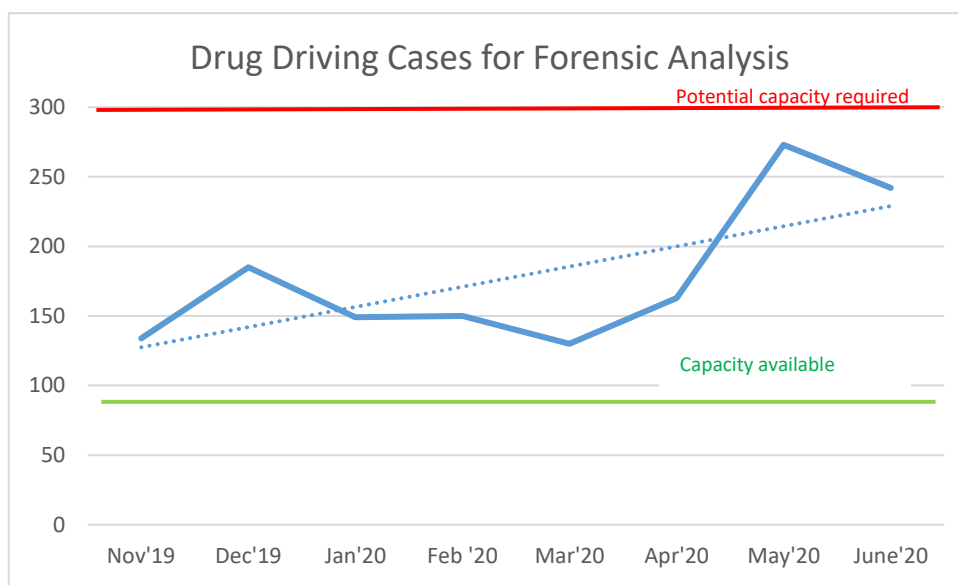
Specifically what level of casework would occur from roadside testing in Scotland and what laboratory capacity would therefore be necessary.

- 2.2. As this was a new service in Scotland prosecutions in England and Wales were reasonably used to estimate future volumes. When Forensic Services started developing the new service in 2017 these volumes were forecast at 800 cases per year.
- 2.3. In the lead up to service delivery in October 2019 Police Scotland began working more closely with police forces in England and Wales – using their overall learning to support the new Scottish legislation. Assessing service use was part of this discussion and during the summer of 2019 required capacity was increased to a forecast 1,000 cases annually. This 25% increase in capacity was accommodated in the existing process Forensic Services had designed but with additional staff support provided.
- 2.4. Whilst all best estimates were used to forecast future casework volumes the actual work being received by Forensic Services has been considerably higher than the service provision in place to the extent that now volumes exceed current capacity by in the region of 200%.
- 2.5. Initial estimates were too low – why was this?
 - 2.5.1. Testing in England and Wales, when new legislation was put in place, was lower than it is today therefore the figures used to forecast future volumes in Scotland were based on an early data set.
 - 2.5.2. This position does look to have changed as prosecutions for Drug Driving in England and Wales now exceed Drink Driving highlighting the scale of the Drug Driving – this fact was not known at the time the capacity was being developed for the Scottish Service and the potential impact this might have.
- 2.6. Forensic Services are required by the Police Fire and Reform (Scotland) Act 2012 to provide Forensic Services on an as required basis for Police Scotland, COPFS and PIRC. The Act conveys the importance of Forensic Services in Scotland and funding is provided as part of the overall SPA budget.
- 2.7. Demand in forensic services can easily exceed available capacity without there being any means of controlling or prioritising services which Forensic Services offer.
- 2.8. This has meant that in some areas the service demands placed on Forensic Services can vastly exceed capacity without there being any

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mechanism to control or manage demand – obviously not a sustainable position for any organisation.

- 2.9. Drug Driving is an example of a service area which has been put under such demands. This new service, which since 'go live', has seen demand steadily grow, particularly during the COVID 19 lockdown period. Whilst at this stage it cannot be reasonably forecast whether these high volumes will continue it is clear that the original planned service capacity was too low. However, the learning from England and Wales does indicate that the volume of Drugs Driving cases is likely to exceed that of Drink Driving in the near future.



- 2.10. How can this be addressed? There are a number of proposals being taken forward to ensure capacity and demand are better matched, this includes growing Forensic Services laboratory capacity. Scottish Government have provided additional capital funding in the current year to help enable this. Forensic Services, COPFS and Police Scotland require to work together to achieve this improved outcome.

- 2.11. It is important to note the benefit this forensic service creates. Of the case 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. This illustrates the value of the service being provided.

3. FINANCIAL IMPLICATIONS

- 3.1. £180k of funding has been provided by Scottish Government for the one-off procurement of additional instrumentation necessary to increase service capacity.
- 3.2. There may be further financial implications, yet to be assessed, if the service capacity is to be increased.

4. PERSONNEL IMPLICATIONS

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

5. LEGAL IMPLICATIONS

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

6. REPUTATIONAL IMPLICATIONS

- 6.1. There are potential reputational implications for Forensic Services, Police Scotland and COPFS if the capacity for the Drug Driving Forensic analysis is not managed to cope with the increased high levels of demand.

7. SOCIAL IMPLICATIONS

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

8. COMMUNITY IMPACT

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

9. EQUALITIES IMPLICATIONS

- 9.1. There are no equality implications associated with this paper.

10. ENVIRONMENT IMPLICATIONS

- 10.1. There are no environmental implications associated with this paper

RECOMMENDATIONS

Members are requested to note:

- The pressure the service is currently under.

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- The requirement to take forward actions to increase service capacity.
- Importance of ownership of stakeholders.