

Meeting	Forensic Services Committee
Date	26th July 2021
Location	Via MS Teams
Title of Paper	Drug Driving Update Report
Item number	9
Presented By	Vicki Morton, 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 Government's Programme for Government in 2019/20.
- 1.2 The response to the new Drug Driving legislation was developed in partnership with Police Scotland and COPFS with oversight by Scottish Government. A working group enabled co-ordinated planning across all bodies to the new legislation.
- 1.3 Forensic Services support the delivery of the drug blood limit testing requirement for this Act prompted by a positive roadside test. This process is accredited to the recognised laboratory standard ISO 17025 by UKAS – the UK Accreditation Service.
- 1.4 Forensic Services analyse blood samples from those who have been accused of Drug Driving, having tested positive for a banned drug at the roadside.
- 1.5 The examination process to detect and quantify drugs subject to the S5A legislation has a high degree of complexity when compared with the more traditional drink driving samples. In drink-driving cases blood is examined for alcohol only. Examination times are longer for S5A drugs driving cases and as such the turnaround times are longer than more simple blood alcohol work.
- 1.6 Since the legislation was introduced in Scotland there has been a significantly higher demand for the service than initially forecast by Police Scotland. Initial casework was anticipated at circa 1,000 cases per year, however, the actual demand is currently in the region of 2,500 cases per annum and expected to continue to increase.
- 1.7 The Scottish Government provided additional £180k capital funding to help enable this growing Forensic Services laboratory capacity with for the one-off procurement of additional instrumentation necessary to increase service capacity.
- 1.8 As a consequence of the high level of demand Forensic Services worked with PS and COPFS to increase casework capacity in the lab to around 2,500 cases annually on a temporary basis.

1.9 Further development work is ongoing to provide a higher level of permanent casework capacity.

1.10 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.

2 FURTHER DETAIL ON THE REPORT TOPIC

2.1 Demand for S5A drug driving analysis remain significantly higher than the Forensic Services capacity, with caseloads increasing.

2.2 Internal funding for the outsourcing of a further 200 cases has been identified and this will commence in September (1,200 cases in total over the periods 2020/21 and 2021/22). There is no further internal funding available within Forensic Services for outsourcing.

2.3 Marginal gains, with small capacity increases have been implemented/are being taken forward, but these initiatives will not solve the issue.

2.4 Engagement is ongoing between Forensic Services, COPFS, Police Scotland and Scottish Government as we continue the work to develop this new drug-driving toxicology service.

2.5 Discussions are at an early stage between all parties to scope what options are available for the provision of a long-term sustainable solution, however, this requires resource to develop a business case for consideration through partner governance processes. This resource is not available within Forensic Services.

2.6 The FS2026 Operating Model project includes an increase in capacity for Toxicology services, however, there remains a significant shortfall in capacity based on initial forecasting work undertaken by Police Scotland and Forensic Services.

3 FINANCIAL IMPLICATIONS

3.1 There are no direct financial implications at this stage of the Drug Driving service, however it is clear that there will be significant financial support required to deliver a sustainable service going forward.

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 sustainably 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 current position where marginal gains have been made / are being taken forward, but there is a fundamental imbalance between demand and capacity
- No further funding for outsourcing is available within Forensic Services
- The recognition this is collaborative challenge requiring a partnership solution.

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