

<b>Meeting</b>	<b>Forensic Services Committee</b>
<b>Date</b>	<b>3 February 2021</b>
<b>Location</b>	<b>Via MS Teams</b>
<b>Title of Paper</b>	<b>Drug Driving Update Report</b>
<b>Item number</b>	<b>9</b>
<b>Presented By</b>	<b>Amy McDonald, Programme Manager</b>
<b>Recommendation to Members</b>	<b>For Consultation</b>
<b>Appendix Attached</b>	<b>No</b>

**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. 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.
- 1.3. 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 longer and as such the turnaround time for such cases take more time than the more simple blood alcohol work.
- 1.4. 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. During the service development phase significant planning work was carried out around the required capacity for this new toxicology service which was assessed at 89 cases a month. Demand has been considerably higher than this since the service commenced, over double the laboratory capacity consistently each month. This has led to a significant increase in workload for the S5A team which is not sustainable.
- 2.2. Review work has been carried out over the last quarter with partners Police Scotland and COPFS, observed by Scottish Government. Discussion focused on how capacity can be increased and also on how casework will be managed to normalise demand on the laboratory.
- 2.3. Working with partners has been valuable as actions have been necessary in the short term to agree how casework will be progressed and prioritised.

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- 2.4. Actions from this tripartite group have therefore been taken forward to address this capacity issue across 2 main areas:
  - 2.4.1. Developing a future service delivery plan which increases casework capacity; and
  - 2.4.2. Seeking additional external support to ensure cases are progressed in line with judicial timelines.
- 2.5. During the last month Forensic Services have put in a place a contract with an external Forensic Services provider for toxicology analysis of S5A casework. This contract will remove the casework backlog and allow workload to return to normal levels by the end of March 2021. Additional financial support was received from Scottish Government for this work.
- 2.6. Future service delivery plans are still being developed however initial considerations look to a gradual increase in capacity over the coming 18 months. As case reporting volumes increase it is likely additional staff will be required to support in this increased service delivery capacity.
- 2.7. It is anticipated that following the completion of Drug Driving demand and capacity review there will be a better balance between demand and lab capacity. Furthermore Forensic Services are better placed to grow required capacity following a successful laboratory refurbishment in the Autumn 2020 and procurement of further instrumentation to support this process.
- 2.8. 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. There are not direct financial implications at this stage of the Drug Driving service review.

### **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:

- External support has been put in place to work down the current high level of casework to normal levels by the end of March 2021.
- Development work is being undertaken to grow required capacity over the coming 18 months. This will be subject in part to additional staff necessary to support this process.
- The significantly improved position of the Drug Driving service following this capacity review and subsequent actions taken.