

Decision ID:

PCCDJ

000661

2022

Decision title

Drug Testing on Arrest – Pump Priming Funding

Executive summary

[Briefly summarise the key points of the accompanying Decision Request. This Decision Record will be published; therefore, ensure it is clear, compelling and explicit on how the Decision contributes to the Police and Crime Commissioner’s (PCC) priorities.]

This proposal seeks short term funding from the drugs recovery fund to pump prime the forces approach to drug testing on arrest (in custody), providing one resource at inspector level (on a temporary basis) to re-evaluate the forces approach and leverage support available from central government.

The cost will be a maximum of £90,000 over 18 months, but part of the role will be to identify and leverage new funding streams both in order to offset this cost and to provide a sustainable plan for the future.

Drug testing on arrest provides a legal power in relevant cases for the police not only to require a detainee to undergo a drugs test, but if positive to compel them to attend an initial meeting with a drug referral worker. This is in addition to, not instead of, any criminal justice sanction.

Arrest provides a pivotal opportunity to identify vulnerable drug users and intervene, reducing further offending. This is likely to have a particular impact on acquisitive crime – with drug use a highly prevalent factor in shop lifting and other volume theft offending – and antisocial behaviour. These are both priorities for the Police and Crime Commissioner.

It is also in line with the purpose of the fund, in this case to prevent drug related crime.

The constabulary has strong relationships with drugs support organisations, who already provide engagement on voluntary basis with detainees. However whilst the legislation for drug testing on arrest has been available since 2003 Hampshire Constabulary is not one of the 22 forces currently making use of the powers.

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Recommendation(s)

That £90,000 from the drugs confiscation fund, for the temporary funding on an inspector post (18 months).

As outlined above the role will seek additional and alternative funding streams during that time, including consideration of a medium term financial plan bid at an appropriate time. However funding is however sought now, in order to make effective use of £60,000 which the Home Office will make available to forces in June 2022 who have a clear plan to utilise the money for drug testing in custody (but it cannot be used for staff costs). In addition the post will engage with the Home Office to put the constabulary in a position to seek further funding as it becomes available.

Statement on publication

*This Decision Record and supporting Decision Request documentation is suitable for publication.

Police and Crime Commissioner approval

I hereby **approve** the recommendation above.

Comment(s) on the decision taken:

[insert comments]

Signature:



Name:

Donna Jones

Police and Crime Commissioner for Hampshire

Date:

27/05/2022

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Document version history:

Table 1 - Document version history

Version Number	Version date	Requester of change	Summary of changes
1.0	26/05/2022	ACC Robert France	Not applicable – First issue

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Drug Testing on Arrest – Pump Priming Funding

Requester details:

Requester: Robert France

Role title: ACC Crime, Criminal Justice and Intelligence

1 Summary

Introduction

Drug testing on arrest became legislation in 2003. Approximately 7 forces adopted this initially. It was incentivised in 2011 when further forces adopted the process. Following Dame Carol Black’s 2021 report “From Harm to Hope” the Home Office have again pressed upon forces to take up the process. To date 22 forces are currently testing or looking to implementing DToA.

Process

A detainee can be required to undertake a test when they are arrested for a trigger offence or with an Inspector authority for any offence. The detainee must comply with (a) the test – which is conducted by a Detention Officer (powers have been designated to them) (b) following a positive test they must attend a meeting with a drug referral worker (DRW) and remain for the duration, they must attend a 2nd follow up assessment if deemed necessary. The DRW will identify relevant pathways and make

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necessary referrals to treatment providers – GP / health / housing etc. Any refusal / breaches at any stage of the process is an offence.

Funding

The Home Secretary has allocated 15 million over 3 years to re-invigorate DToA. All forces were initially offered £5k which needed spending by April 2022 and could be used for equipment, project implementation or training. A further £60k is expected in June 2022 and is awaiting MPs sign off. Further funding will be offered for 2023/24 however figures are not known at this stage.

There are opportunities to seek external funding through, for example, national drug grant schemes. The Home Office (as above) are delivering incentives for forces however there is scope to request further funding should we show growth in the project and innovation.

Project themes/work streams

Evaluation: The post will seek to establish arrangements to monitor not only compliance with the attendance requirement, but whether the initial meeting leads to ongoing engagement and the extent of any subsequent offending

Embedding Drug Referral Workers in custody centres: Linking with local authorities, third sector and commissioners to develop system of in custody DRWs available to see arrestees.

Training: This will include legislation, process & procedures, use of equipment across different teams, mainstreaming through L&D, breaches and communication strategy.

IT / RMS: Building systems within RMS to support the assessment of cases and referrals.

Equipment: Engage with current tendering process and obtain equipment/supplies.

Breaches: Develop a system for arrest or summoning breaches.

Make recommendations for future structure: In many forces DToA falls under the umbrella of Offender Management, but Custody do play some part in the process and delivery, all teams are run by an Inspector to drive performance and compliance.

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2 Recommendation(s)

That £90,000 from the drugs confiscation fund, for the temporary funding on an inspector post (18 months).

As outlined above the role will seek additional and alternative funding streams during that time, including consideration of a medium term financial plan bid at an appropriate time. However funding is however sought now, in order to make effective use of £60,000 which the Home Office will make available to forces in June 2022 who have a clear plan to utilise the money for drug testing in custody (but it cannot be used for staff costs). In addition the post will engage with the Home Office to put the constabulary in a position to seek further funding as it becomes available.

3 Strategic context

The proposal relates directly to a number of areas in the Police and Crime Plan:

- Tackling Anti-Social Behaviour
- Burglary, Theft and Stealing (in particular volume theft, and some burglary offending)
- Business and Retail Crime (in particular shoplifting)

All of these areas have drug usage as a significant contributing factor. Whilst drugs intervention will not be accepted by, or even if accepted successful, it is a powerful tool in reducing drug use – particularly in the case of more vulnerable and chaotic drugs uses. Reductions in use in these groups can lead to significant reductions in what are higher volume acquisitive crimes as outlined above.

Drug abuse can also be a significant factor in abusive relationships, and whilst such use cannot and should not excuse the offending effective intervention can significant reduce the risk to the victim.

4 Options appraisal

Do Nothing

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If we do nothing there would be no ability to introduce drug testing on arrest in Hampshire, the opportunity to fully explore the benefits and seek to leverage national funding from the Home Office would be difficult or impossible, to the extent that it is unlikely such funding would be obtained (or what was obtained would be far lower than would otherwise be the case).

Do the minimum

The minimum position to make meaningful progress in this area would be to fund a temporary inspector post for a period of time. 18 months, at a cost of £90,000, is proposed based on our understanding of likely Home Office timescales and the national development of this work.

As outlined above the post would both work on proposals for longer term sustainable approaches and seek to reduce the direct cost to the force.

Additional Expenditure

It would be possible to go further, faster, with a request for more significant funding which could purchase more equipment and create additional capacity for testing and intervention. A figure is not put on this option as it is not recommended – scoping is needed to ensure a sensible, effective approach which offers value for money in the long term.

5 Timescales

18 months from the time the identified person starts. There is some urgency in this case because an officer who was on restricted duties has begun this work, but will no longer be in a position to do so without funding as he is due to be posted into a substantive inspector role imminently. This would lead to a loss of knowledge which would hinder the effective delivery of the work outlined.

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6 Financial and resourcing implications

The funding will be used to pay for the temporary creation of an inspector role to perform the functions set out in the paper. It is a one off expense because the work recognises the need to seek alternative permanent sources of funding once the initial scoping and development work has been completed. The work will consider contingencies to maximise the value of the work should such funding streams not be successfully secured.

Total cost	£90,000
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Timeframe funding required for	June 2022 – November 2022
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Table 2 - Funding allocation in each financial year

	2021-22	2022-23	2023-24
Capital	£90,000	£0	£0
Revenue	£0	£0	£0

The request is for the immediate one off allocation of £90,000 from the drugs confiscation fund for the period of the work. Whilst the money will be spent over more than one financial year the nature of the fund is such that it would need to be identified an earmarked in the first financial year to allow the total available funds to be tracked effectively.

Table 3 - Funding source - Capital and Revenue

Funding source requests in the drugs confiscation fund, which relates directly to this area of work.

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	Capital (insert 'Yes' if applicable)	Revenue (insert 'Yes' if applicable)
Transformation reserve		
Commissioner's reserve		
Commissioning budget		
Approved capital programme		
General fund		
Other (<i>please provide details</i>)		

7 Communications and engagement implications

Given the timescales set out above I request that any consultation between the project and the PCCs communications team is allowed to proceed in parallel with the developing work.

8 Legal implications

I can see no legal issues with this request, and have sought no legal advice at this time.

9 Risks and mitigation

There is no direct link to any risk register

The only risk at this time is that the work does not lead to a sustainable and effective delivery model, and that the benefits outlined are therefore not realised. I

10 Strategic policing requirement

There are no implications for the strategic policing requirement.

11 Equalities

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It is possible that this will have an impact on protected characteristics if there is a differential in the use of the power to test, or on the requirement to attend a support meeting.

This will need to be monitored as part of the work, and would form part of any recommendation as to a longer term approach.

12 Data Protection implications

This is a scoping project – information and data sharing issues will need to be considered as part of the development work by the funded resource. No data will be shared outside of either of the legal framework.

13 Publication status

There is no material reason to prevent publication of this report.

14 Personnel consulted

[The table below is a list of the standard consultees for Decision Requests. The Requester should advise the OPCC Programme Office, when submitting a Decision Request, of any suggested additional consultees to be added to the list].

[Completion of the table will be undertaken by the OPCC Programme Office on completion of the formal consultation process].

The following personnel were consulted on the Decision Request.

Table 4 - Personnel consulted

Role	Organisation	Confirmation of consultation (insert 'Yes' if applicable)
Chief Executive	OPCC	

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Role	Organisation	Confirmation of consultation (insert 'Yes' if applicable)
Deputy Chief Executive / Criminal Justice Portfolio Lead	OPCC	
Chief Finance Officer	OPCC (HCC)	
Head of Strategic Commissioning and Partnerships	OPCC	
Head of Communication and Engagement	OPCC	
Head of Performance and Information	OPCC	
Head of Standards and Compliance	OPCC	
Head of Estate, Operations and Support	OPCC	
Programme Office Manager	OPCC	
Accountant	OPCC (HCC)	
Deputy Monitoring Officer	OPCC (HCC)	
Head of Strategic Procurement	HCC	
Commissioning and Partnerships Officer	OPCC	
<i>[others as appropriate]</i>		

OPCC- Office of the Police and Crime Commissioner

HCC – Hampshire County Council

15 Appendices

None

16 Background papers

None – but further information and briefing can be provided if needed