

## PFCC Decision Report

**Report reference number:** 165-22

**Classification** OFFICIAL SENSITIVE

**Title of report:** Drug Testing on Arrest Grant Agreement 2022/23

**Area of county / stakeholders affected:** County-wide

**Report by:** David Stovell – Finance Business Partner

**Date of report:** 30 November 2022

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### 1. Executive Summary

The Home Office has approved a grant to the Police, Fire and Crime Commissioner of Essex Police from the Drug Testing on Arrest (DTToA) programme of up to £60,000 for the financial year 1<sup>st</sup> April 2022 to 31<sup>st</sup> March 2023.

This decision report summarises how Essex Police will utilise the grant and seeks agreement from the Commissioner to approve and sign the grant agreement.

### 2. Recommendations

That the Commissioner approves and signs the Acceptance of Grant document attached within Section 16 of this decision report, thereby allowing the force to spend £60,000 on re-introducing Drug Testing on Arrest. These monies will be spent on a police staff administrator and testing equipment to be installed and utilised in all 7 custody areas (as set out in section 4 below).

### 3. Background to the proposal

Following a governmental review, the Home Office generated a plan to increase the use of DTToA by police forces in order to tackle the demand for illegal drugs in our communities and to address the scope of drug use, whether habitual or recreational.

The Home Office commitment resulted in the publication of the Government's Drug Strategy, From Harm to Hope, and in 2022/23 the Home Office has made £5m available for distribution across police forces in England and Wales.

DToA is regarded as a tool to identify those people where drug use may be a contributing factor to their offending and push them into treatment to ensure they receive appropriate support to reduce drug dependency, with the expected associated reduction in crime.

Under the scheme, drug tests are required for any 'trigger offences' (defined in law as predominantly acquisitive offences) such as theft, burglary and robbery, as well as class A drug-related offences such as possession of a class A drug (cocaine or heroin) or possession of a class A drug with intent to supply. The supporting legislation also allows testing for 'non-trigger offences' where an Inspector or above has reasonable grounds to suspect that drugs were a factor in the offending. Essex Police would like to exploit these non-trigger opportunities better in focussing testing on persons arrested for violent crimes, particularly domestic abuse and offences within the night-time economy.

The drug test is requested as part of the custody booking-in procedure. Failure to comply with the test is a chargeable offence. If a detainee agrees to undertake a test which proves positive for opiates or cocaine, they will be referred to a range of follow-up measures including treatment and drug awareness courses. This approach seeks to tackle the problem at its root and reduce the prevalence of drug misuse across society.

The DToA request must be made by a police officer (of any rank) to a detainee, either after arrest and when brought before the custody officer, or post charge.

#### **4. Proposal and associated benefits**

The grant has been awarded to augment Essex Police's response to drug-related crime. Essex Police has been offered £60,000 in 2022/23 to expand capacity for drug testing, increasing the volume of testing undertaken and building DToA into the core capabilities of custody suites.

The grant offer requires that Essex Police utilise the funding in any of the following specific areas:

- The set-up or continued delivery of DToA.
- The expansion into non-trigger offences through the use of Inspector's Authority, within the boundaries of the legislation.
- To provide for police staff roles to support the delivery of DToA.
- To fund police overtime.

Benefits associated with the use of drug testing on arrest include:

- Providing a greater understanding of the role of heroin and cocaine in some types of criminality.
- Providing individual support into a treatment pathway designed to tackle addiction and prevent drug-related re-offending.

- Utilisation of the data collected to build evidence for effective use of drug testing on arrest, in order to support future policy development and operational strategy.

Essex Police intend to use the grant monies for the following:

Description	Unit Cost	Quantity	Cost
Police Staff salary (1mth):	2500	1	£2,500
Opiate/Cocaine test cartridges (100 per Unit)	900	53	£47,700
Confirmation kit (10 Kits per Unit)	45	55	£2,475
SoToxa Mobile Test System (each)	795	8	£6,360
Printer paper roll (each)	1.8	536	£965
<b>Total</b>			<b>£60,000</b>

## 5. Options analysis

The preferred option is that the Commissioner endorses the recommendation contained within this decision report and signs the associated grant agreement.

The Commissioner could choose not to support this recommendation. However, that decision would lose the opportunity to establish the capability or result in operational policing activity and associated support services being undertaken without a direct funding source having been identified, i.e. the proposed activities would need to be funded from existing budget allocations.

## 6. Consultation and Engagement

A consultation process was undertaken by the force lead for drugs and alcohol. Engagement primarily involved colleagues from the Criminal Justice Command, with a report being produced for discussion and approval by the Chief Officer Group.

## 7. Strategic Links

Proposed activities complement the force priority to prevent, respond to and investigate drug and alcohol driven violence. This in turn supports delivery of the priority set out in the Police and Crime Plan to reduce drug driven violence, and the specific commitments to:

- Improve the quality and accessibility of addiction and substance misuse services and ensure we match services to local demand.
- Improve the criminal justice journey of addicted offenders including those given drug treatment by courts and those who receive prison-based treatment, and
- Work together with partners, charities and providers to spot the early signs of addiction or vulnerability and intervene early and consistently.

**8. Police operational implications**

As per Section 3 of this decision report.

**9. Financial implications**

The costs of the proposal will be met in full from the Home Office grant provided for this purpose. The only change to the 2022/23 budget will be an increase in gross expenditure, met by an equal increase in income from the grant. There are currently no implications for the 2023/24 to 2027/28 Medium Term Financial Strategy (MTFS).

**10. Legal implications**

The Home Office is empowered to award the grant funding under the conditions of Section 169 of the Criminal Justice and Public Order Act 1994.

The terms and conditions of the grant agreement are legally binding.

**11. Staffing implications**

The proposed delivery plan for 2022/23 will be administered through the posting of a temporary member of police staff following an internal recruitment process. The DTOA administrator postholder will prepare for and implement the scheme.

There is no intention to utilise overtime for the administration of the scheme, but that option is retained should circumstances determine that it is necessary to use overtime to fulfil force obligations.

**12. Equality, Diversity and Inclusion implications**

There will be no impact on equality, diversity and inclusion implications associated with the request to endorse the recommendation contained within this decision report. There will be no disadvantages to people with protected characteristics.

**13. Risks and Mitigations**

As with any such agreement, there is a risk of disputes between the parties to the agreement arising from its interpretation. The process for dealing with such disputes is set out within Section 24 of the agreement.

The risk associated with recruiting for the short-term to the DTOA administrator post has been mitigated through negotiation with Essex County Council for ongoing financial support. The council has agreed to underwrite the salary costs of the post for the full 2023/24 financial year in the unlikely event that a similar amount of DTOA grant is not made available by the Home Office. This will ensure that continuity of the administrative service can be provided at least until 31<sup>st</sup> March 2024.

**14. Governance Boards**

The opportunity to claim for the grant is an extension of the Essex Police Position Statement on the National Drugs Strategy (see background paper at Section 16), presented to the Chief Officer Group on 13<sup>th</sup> July 2022. This approach was formally agreed at the subsequent Chief Officer Group meeting of 24<sup>th</sup> August 2022 and presented to the Strategic Board on December 15<sup>th</sup> December 2022.

**15. Links to Future Plans**

This decision report and the recommendation contained therein are intrinsically linked to plans for operational policing and support department activities in 2022/23.

**16. Background Papers and Appendices**

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

**Report Approval**

The report will be signed off by the OPFCC Chief Executive and Treasurer prior to review and sign off by the PFCC / DPFCC.



Chief Executive / M.O.

Sign: .....

Pippa Brent-Isherwood

Print: .....

14 December 2022

Date: .....

Chief Finance Officer / Treasurer

Sign: 

Print: Janet Perry

Date: 29 January 2023

**Publication**

Is the report for publication?

YES

NO

**If 'NO', please give reasons for non-publication** *(Where relevant, cite the security classification of the document(s). State 'None' if applicable)*

If the report is not for publication, the Chief Executive will decide if and how the public can be informed of the decision.

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**Redaction**

If the report is for publication, is redaction required:

1. Of Decision Sheet?	YES	<input type="checkbox"/>	2. Of Appendix?	YES	<input checked="" type="checkbox"/>
	NO	<input checked="" type="checkbox"/>		NO	<input type="checkbox"/>

If 'YES', please provide details of required redaction:


Redact appendix item 1 to avoid disclosing personal information.

Redact appendix item 2 on the basis of operational policing confidentiality –  
OFFICIAL SENSITIVE.

Date redaction carried out: 10 March 2023.....

**Treasurer / Chief Executive Sign Off – for Redactions only**

If redaction is required, the Treasurer or Chief Executive is to sign off that redaction has been completed.

Sign:  .....

Print: Janet Perry.....

~~Chief Executive~~/Treasurer

**Decision and Final Sign Off**

I agree the recommendations to this report:

**Sign:** .....  
*Roger Hirst*

**Print:** ... Roger Hirst .....

**PFCC/~~Deputy PFCC~~**

**Date signed:** 3 February 2023 .....

I do not agree the recommendations to this report because:

.....  
.....  
.....

**Sign:** .....

**Print:** .....

**PFCC/Deputy PFCC**

**Date signed:** .....