

PFCC Decision Report

Report reference number: 130-23

Classification OFFICIAL SENSITIVE

Title of report: Drug Testing on Arrest Grant Agreement 2023/25

Area of county / stakeholders affected: County-wide

Report by: David Stovell – Finance Business Partner

Date of report: 18 July 2023

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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 (DToA) programme of up to £70,000 for the financial year 1 April 2023 to 31 March 2024 and up to at least £50,000 for the financial year 1 April 2024 to 31 March 2025.

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

The Home Office grant agreement document requires that the force Scheme Manager signs to accept the terms of the grant. The recommendation is that the Commissioner approves the signing of the Acceptance of Grant document by Chief Superintendent Anslow as Scheme Manager, as attached within Section 16 of this decision report, thereby allowing said document to be returned, as completed, to the Home Office.

3. Background to the proposal

Following a governmental review, the Home Office generated a plan to increase the use of DToA 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 made £5m available for distribution across police forces in England and Wales, as reflected in decision report 165-22.

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.

This arrangement is an extension of the agreement and funding provided by the Home Office during the 2022/23 financial year, allowing Essex Police to plan how to utilise its resources from 1 April 2023 through to 31 March 2025.

DToA commenced in Essex Police on 01/04/2023. Early results for the 3 months show the following,

- 838 Detainees tested following arrest for a Trigger Offence
- 78 Detainees tested following arrest for a Non Trigger Offence
- 496 Positive Tests, 59% of total tests
- Domestic Violence Offences Tested, 62% Positive
- 474 Referrals for Required Assessment at Service Providers
- 104 Prosecutions for failing to attend their assessment
- 25 Prosecutions for Refusal of Test

4. Proposal and associated benefits

The grant has been awarded to continue to augment Essex Police's response to drug-related crime. Essex Police has been offered up to £70,000 in 2023/24 to increase use of drug testing in custody suites. The proposed grant level reduces in 2024/25 but will still be up to at least £50,000 in that year.

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

- To provide for police staff roles to support the delivery of DToA.
(Cost £30k 2023/2024, £30k 2024/2025)
- Purchase of Tests and Testing Sundries
(Cost £40k 2023/2024, Cost £20k 2024/2025)
- For the continuation of DToA.
- To expand into non-trigger offences through the use of Inspector's Authority.
- To fund police overtime if necessary.

The force may determine the most appropriate way to support DToA within the force area, based on operational decisions and could include costs of appropriate referral or support to those testing positive for drugs, but it must advise the Authority on the details of this expansion if that were the case.

Ongoing 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.

5. Options analysis

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

The Commissioner could choose not to support this recommendation. However, in doing so it would create a budget pressure in that the force would be required to find an alternative source of funding for the areas of eligible expenditure that will continue to be incurred, notably the police staff salary costs. Additionally, the force would have reduced ability to undertake drug testing on arrest thereby lessening or removing the benefits identified in section 4 of this decision report.

6. Consultation and Engagement

This is an extension of the arrangement already in place for the 2022/23 financial year; no further specific consultation and engagement has been undertaken.

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

There are currently no financial implications for the 2023/24 to 2027/28 Medium Term Financial Strategy (MTFS). The total value of the Home Office grant is expected to cover all DToA costs through to the end of the 24/25 financial year. This gives the force the opportunity to evaluate the outcomes and effectiveness of the scheme in advance of the 25/26 budget setting round, where decisions on the medium to long-term funding of DToA can be explored, alongside opportunities to take advantage of other grants and funding streams.

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 ongoing delivery plan for 2023/24 is administered by an appointed member of police staff.

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.

14. Governance Boards

The opportunity to claim for the grant is an extension of the agreement provided as per Decision Report 165-22.

15. Links to Future Plans

This decision report and the recommendation contained therein is intrinsically linked to plans for operational policing and support department activities in 2023/24 and 2024/25.

16. Background Papers and Appendices

[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:D.Horsman.....

Print: ...Darren Horsman - Deputy Monitoring Officer

Date: ...27/7/2023.....

Chief Finance Officer / Treasurer

Sign:.....

Print: Janet Perry.....

Date: 31 July 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.

Redaction

If the report is for publication, is redaction required:

1. Of Decision Sheet? YES
NO

2. Of Appendix? YES
NO

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

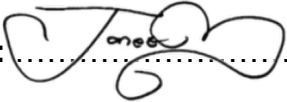
Redact e-mail addresses and personal signatures from the Home Office Drug Testing on Arrest funding letter and the grant agreement document to avoid disclosing personal information.

Links referring to the attached documents should also be redacted.

Date redaction carried out: 16/08/2023

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.

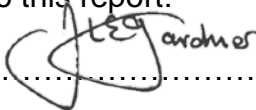
Sign: 

Print: Janet Perry

~~Chief Executive~~/Treasurer

Decision and Final Sign Off

I agree the recommendations to this report:

Sign: 

Print:

PFCC/Deputy PFCC

Date signed: 01/08/2023

I do not agree the recommendations to this report because:

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

Sign:

Print:

PFCC/Deputy PFCC

Date signed: