

# Impact Assessment, The Home Office

**Title:** Drug Testing on Arrest (DToA) – Expansion of Class A drugs

**Date:** 30th March 2023

**IA No:** HO0444

**RPC Reference No:** N/A

**Stage:** FINAL

**Other departments or agencies:**

**Intervention:** Domestic

**Measure:** Secondary legislation

**Enquiries:**

helena.thompson1@homeoffice.gov.uk

**RPC Opinion:** N/a

**Business Impact Target:** Not a regulatory provision

## Cost of Preferred (or more likely) Option (in 23/24 prices)

**Net Present Social Value NPSV (£m)**

-3.05

**Business Net Present Value BNPV (£m)**

N/A

**Net cost to business per year EANDCB (£m)**

N/A

### What is the problem under consideration? Why is government intervention necessary?

A significant number of criminals use drugs, and their drug use fuels their offending behaviour. Drug Testing on Arrest (DToA) helps identify those whose drug use may be associated with their criminality and directs them towards treatment or other support services. It therefore provides an opportunity to treat and reduce their drug use, and potentially reduce future offending, by helping them to change their behaviour. Individuals can currently be tested on arrest (aged 18 years and over) and after charge (aged 14 years and over) for the presence of cocaine and certain opiates under The Police and Criminal Evidence Act 1984, Section 63B. Legislative change is required to expand the types of Class A drugs tested for and identify a wider cohort of users.

### What is the strategic objective? What are the main policy objectives and intended effects?

The broader strategic objective as per the Outcome Delivery Plan is to reduce crime. A reduction in drug use and crime is also set out as a key objective of the Government's 10-year Drug Strategy published in late 2021. The expansion of DToA to other Class A drugs will help identify a wider cohort of drug users and divert them to treatment or other support services, enabling them to take action to reduce their drug use and future offending. Another expected result is to see increased police recorded data on drug tests by drug and by crime type.

### What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

**Option 1:** Do-nothing: Drug Testing on Arrest continues to only test for cocaine and certain opiates. Testing for other Class A drugs is ignored.

**Option 2:** Expand DToA to test for all Class A drugs listed in the Misuse of Drugs Act 1971, Schedule 2 Part 1. **This is the Government's preferred option** as it may increase the number of individuals diverted to drug treatment and it may deepen the Home Office's understanding of drug related crime.

### Main assumptions/sensitivities and economic/analytical risks

**Discount rate (%)**

3.5%

The main assumption is that the number of offenders drug tested will not increase by expanding drug testing to all Class A drugs. This is because the conditions under which a police officer can currently drug test an individual after arrest will remain the same. The model assumes the number of positive tests is likely to increase. The number of DToA was estimated to account for increased number of forces conducting drug testing. These three assumptions are subject to some degree of uncertainty expressed in the ranges of a low, central, and high.

**Will the policy be reviewed?** It will be reviewed. **If applicable, set review date:** TBC

*I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits, and impact of the leading options.*

Signed by the responsible Minister:

Chris Philp

Date:

10 July 2023

# Summary: Analysis & Evidence

# Policy Option 2

Description: DToA is expanded to test for all Class A drugs listed in the Misuse of Drugs Act 1971.

## FULL ECONOMIC ASSESSMENT

Year(s):	Price Base	2023/24	PV Base	2023/24	Appraisal	10	Transition	1
Estimate of Net Present Social Value NPSV (£m)						Estimate of BNPV (£m)		
Low:	-0.91	High:	-4.1	Best:	-3.05	Best BNPV	N/A	

COSTS, £m	Transition Constant Price	Ongoing Present Value	Total Present Value	Average/year Constant Price	To Business Present Value
Low	0.51	0.4	0.91	0.09	0.0
High	1.47	2.64	4.1	0.41	0.0
Best Estimate	0.98	2.06	3.05	0.3	0.0

### Description and scale of key monetised costs by 'main affected groups'

The biggest monetised costs are the ongoing cost which consists of all Class A drug testing kits, equipment, and police time per test. The total costs range between **£0.91m to £4.1m** with a central estimate of **£3.05m** Set up costs which consist of training police officers, drug equipment, familiarisation costs and prison places set up, range between **£0.51m to £1.47m** with a central estimate of **£0.98m**

### Other key non-monetised costs by 'main affected groups'

There could be additional costs in the form of longer waiting times for people accessing drug treatment services and higher strain on treatment services. Other non-monetised costs include, added equipment that may be required to facilitate the expansion of DToA, extra police time to deal with non-compliance and processing court fines for breaching drug testing conditions.

BENEFITS, £m	Transition Constant Price	Ongoing Present Value	Total Present Value	Average/year Constant Price	To Business Present Value
Low	0.0	0.0	0.0	0.0	0.0
High	0.0	0.0	0.0	0.0	0.0
Best Estimate	0.0	0.0	0.0	0.0	0.0

### Description and scale of key monetised benefits by 'main affected groups'

Due to insufficient data on the outcomes of DToA referrals to treatment and other support services, such benefits could not be quantified, these benefits are listed in the non-monetised section.

### Other key non-monetised benefits by 'main affected groups'

Expanding DToA to all Class A drugs is expected to lead to more individuals referred to treatment, successful treatment could lead to lower reoffending rates and in turn reduce crime. Another significant non-monetised benefit from this legislation is an improved understanding for the Home Office and police forces of drug-related criminality. Other benefits include better understanding for HO of geographical differences of drug and criminality and improved policing practices.

Direct impact on business (Equivalent Annual) £m:										
Cost, £m	n/a		Benefit, £m	n/a		Net, £m	n/a			
Score for Business Impact Target (qualifying provisions only) £m:							n/a			
Is this measure likely to impact on trade and investment?							(N/A)			
Are any of these organisations in scope?			Micro	(N)	Small	(N)	Medium	(N)	Large	(N)
What is the CO <sub>2</sub> equivalent change in greenhouse gas emissions? (Million tonnes CO <sub>2</sub> equivalent)					Traded:	n/a	Non-Traded:	n/a		

## BUSINESS ASSESSMENT (Option 1)

## PEOPLE AND SPECIFIC IMPACTS ASSESSMENT (Option 2)

Are all relevant Specific Impacts included?	Y	Are there any impacts on particular groups?	Y
---	---	---	---

# Evidence Base (for summary sheets)

## A. Strategic objective and overview

### A.1 Strategic objective

1. The use of Drug Testing on Arrest (DToA) for cocaine and opiates is currently being expanded in forces across England and Wales. The further expansion of DToA into a wider range of Class A drugs is considered here.
2. The expansion of DToA into a wider range of Class A drugs will help the delivery of a number of over-arching Home Office strategic objectives, namely:
  - **The Home Office Outcome Delivery Plan (ODP) priority outcome to reduce crime (ODP 1)**<sup>1</sup>. Evidence shows crime has a common set of drivers: drugs, alcohol, opportunity, profit, vulnerability, and the effectiveness of the criminal justice system. Expanding use of DToA will identify more criminals using drugs and divert them to appropriate treatment/ intervention in order to reduce drug use and ultimately reduce offending.
  - **The Government's 10-year Drug Strategy**<sup>2</sup> which was published in December 2021 and set out a whole system approach to tackling drugs misuse. The Strategy set out to achieve a generational shift in demand for drugs and invest £15 million over 3 years in delivering DToA through police forces across England and Wales.
  - **The Government's Anti-Social Behaviour Action Plan**<sup>3</sup>, published on 27 March 2023 which outlines the Government's approach to addressing anti-social behaviour and includes the expansion of DToA to include all Class A drugs, among other measures related to DToA and drug use more broadly.
3. This expansion of DToA has also been proposed in the Home Office's *Swift, Certain, Tough: New Consequences for Drug Possession* White Paper <sup>4</sup>, in addition to a proposed new sanctions regime for drug possession offences. The consultation closed in October 2022, and the Government response is to be published in Spring 2023.
4. In response to Dame Carol Black's independent review of drugs the Home Office also committed to supporting an expansion of police activity to address criminality linked to the use of drugs<sup>5</sup>. The expansion of DToA supports this.

### A.2 Background

5. In 2003 the Drug Interventions Programme was introduced to help address drug related offending. DToA was one of a number of tools available to police to support this initiative, funded by the Home Office. DToA enables police officers to test for the presence of specified Class A drugs (cocaine and certain opiates) on arrest for those aged 18 years and over, or after charge for those aged 14

---

<sup>1</sup> Home Office Outcome Delivery Plan - GOV.UK (www.gov.uk): <https://www.gov.uk/government/publications/home-office-outcome-delivery-plan>

<sup>2</sup> From harm to hope: a 10-year drugs plan to cut crime and save lives (publishing.service.gov.uk): [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1079147/From\\_harm\\_to\\_hope\\_PDF.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1079147/From_harm_to_hope_PDF.pdf)

<sup>3</sup> Anti-social Behaviour Action Plan (publishing.service.gov.uk): [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1145943/Anti-social\\_Behaviour\\_Action\\_Plan\\_March\\_2023.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1145943/Anti-social_Behaviour_Action_Plan_March_2023.pdf)

<sup>4</sup> *Swift, Certain, Tough: New Consequences for Drug Possession* white paper - GOV.UK (www.gov.uk): <https://www.gov.uk/government/consultations/swift-certain-tough-new-consequences-for-drug-possession-white-paper>

<sup>5</sup> Independent review of drugs by Dame Carol Black: government response - GOV.UK (www.gov.uk): <https://www.gov.uk/government/publications/independent-review-of-drugs-by-dame-carol-black-government-response>

6. years or over. A list of prescribed trigger offences<sup>6</sup> exists where an officer can request a test without further restriction. In the instance of a non-trigger offence, there must be reasonable grounds to suspect the use of specified Class A substances has caused or contributed to the offence, and an Inspector or above must provide authority for the test to be conducted. If an individual refuses the drug test, they can be charged with 'Failure to provide a sample', which can be punishable by a prison sentence, fine, or both. If an individual tests positive for a specified Class A substance, they should be referred to an initial assessment with a drug support worker. Where an individual is referred to an assessment, they are required to attend and remain for the duration of the assessment; a failure to do so can result in a charge for 'Failure to attend or stay for the duration of an initial assessment following test for Class A drug', which can be punishable by a prison sentence, fine, or both. They may also be required to attend a follow-up assessment, and non-attendance or failure to stay for the duration is also an offence (Failure to attend or stay for the duration of a follow up assessment following test for Class A drug).
7. In 2011 DToA was operational in 23 police forces areas across England and Wales<sup>7</sup>. At that time, the Home Office removed any requirement for additional authorisation for DToA, making this option available to all police forces without barriers. The Home Office stopped funding for this project shortly after, with expectations that this operational resource would be funded from within police budgets. In the year to March 2020, fewer than half of all police forces in England and Wales were reporting DToA data to the Home Office, suggesting its use across police forces may have declined. Police forces also reported anecdotally, on commencement of Home Office DToA funding in 2021/22, that local delivery of DToA had ceased following the withdrawal of Home Office funding in 2011.
8. In its response to Part II of the Dame Carol Black Review of Drugs, the Home Office committed to supporting an expansion of police activity to target the misuse of drugs<sup>8</sup>. This includes the increase in use (both geographically and by volume) and expansion of DToA. The Home Office aims to support more police forces in delivering DToA and will work with partners to expand the range of offences where cocaine or certain opiates are suspected to have contributed to unlawful behaviour, if appropriate and within the boundaries of the Police and Criminal Evidence Act 1984, Section 63B. This commitment was further underlined within the then Home Secretary's speech at the Conservative Party Conference on the 6<sup>th</sup> October 2021, where the Home Secretary committed to investing £15 million in DToA over the following three financial years. The publication of the Government's Drug Strategy, *From harm to hope: A 10-year drugs plan to cut crime and save lives*<sup>9</sup>, reiterated this commitment within its Reducing Demand section.
9. The DToA project commenced in 2021/22, with a commitment to invest £375,000 as approved by the then Home Secretary. All police forces were offered a baseline fund of £5,000, and an additional £32,000 offered to five police forces to expand and innovate DToA. 30 police forces accepted the grant, including the expansion in five police forces. In 2022/23, further funding of £60,000 was offered to all police forces to support their expansion, and an additional £140,000 (£200,000 in total) was offered to 10 police forces to expand their use of DToA in innovative ways. This funding has been taken up by the majority of forces, who are working to expand their DToA provision under the existing legislation.

---

<sup>6</sup> Trigger offences are defined in Schedule 6 to the Criminal Justice and Court Services Act 2000, as: certain offences under the Theft Act 1968 (theft, robbery, burglary, aggravated burglary, taking a motor vehicle without authority, handling stolen goods, going equipped for stealing etc); certain offences under the Misuse of Drugs Act 1971 in relation to specified Class A drugs (drug possession, drug production and supply, intent to supply drugs), certain offences under the Fraud Act 2006 (fraud, possession etc. of articles for use in frauds, making or supplying articles for use in frauds); offences of attempt under the Criminal Attempts Act 1981 in respect of theft, robbery burglary, handling of stolen goods or fraud.

<sup>7</sup> As Introduced – Drug Interventions Programme: Locally Funded Drug Testing on Arrest Guidance, published in 2011: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/118047/Introducing-Locally-Funded-DTOA.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/118047/Introducing-Locally-Funded-DTOA.pdf)

<sup>8</sup> Government response to the independent review of drugs by Dame Carol Black - GOV.UK (www.gov.uk): <https://www.gov.uk/government/publications/independent-review-of-drugs-by-dame-carol-black-government-response/government-response-to-the-independent-review-of-drugs-by-dame-carol-black>

<sup>9</sup> From harm to hope: a 10-year drugs plan to cut crime and save lives (publishing.service.gov.uk): [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1079147/From\\_harm\\_to\\_hope\\_PDF.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1079147/From_harm_to_hope_PDF.pdf)

10. In July 2022, *Swift, Certain, Tough: New consequences for drug possession* White Paper proposed the following reforms to DToA, to support the identification of a wider cohort of drug users:
  - Expand the types of drugs that can be tested for to include a wider range of Class A drugs.
  - Expand the types of drugs that can be tested for to include drugs in other classifications where relevant.
  - Expand the number of trigger offences that can lead to drug testing on arrest.
11. This impact assessment (IA) deals with the first of the three proposals, to expand the use of DToA for a wider range of Class A drugs.

### **A.3 Groups affected**

12. The main groups affected by the expansion of DToA as set out in this IA will be:
  - Police forces in England and Wales.
  - Individuals arrested who are suspected to be using drugs.
  - Police officers and custody staff.
  - Treatment / intervention providers.

### **A.4 Consultation**

#### **Public consultation**

13. DToA is part of the wider *Swift, Certain, Tough: New Consequences for Drug Possession* White Paper and 10-year Drug Strategy (From harm to hope<sup>10</sup>). The White Paper proposed changes to the way the criminal justice system deals with adult drug possession and the expansion to DToA powers. For the purposes of this IA, only the responses to the White Paper relating to the proposed expansion to DToA powers are considered here.
14. A public consultation was conducted between 18<sup>th</sup> July and 10<sup>th</sup> October 2022 to consider and analyse the views of members of the public and organisations on the proposed changes. The survey received 4,499 responses (4,472 online and 27 via email). Taking into consideration the sampling technique used and analysis conducted on the demographics of the respondents, the sample population was not representative of the UK population. Therefore, the findings from this consultation cannot be generalised and may be reflective of a particular cohort.
15. The White Paper asked both closed and open-ended questions on DToA. The questions covered the expansion, the type of drugs that can be tested for, and the trigger offences. The analysis found that 11 per cent (501) agreed or strongly agreed with the proposal of expanding the range of illicit drugs that can be tested and 79 per cent (3,509) of respondents disagreed or disagreed strongly. When asked about which drugs respondents' thought were important to be able to test for, the most common was heroin (52%, 2,337). The majority of respondents expressed their concern that the drug testing proposal would lead to a negative impact on individuals with protected characteristics (particularly individuals with an ethnic minority background).

#### **Private consultation**

16. An on-going consultation is being conducted with police forces currently delivering DToA. Police forces have been consulted through primary interviews on how they are currently conducting DToA and how the proposed changes and expansion will impact their police force. This has helped with laying out a more realistic model and indicated what the potential risks are to the DToA expansion.
17. Regular meetings will be continued with the police forces to ensure lessons are learnt quickly and that police forces are fully aware of legislative changes and how it impacts drug testing.

---

<sup>10</sup> From harm to hope: a 10-year drugs plan to cut crime and save lives (publishing.service.gov.uk): [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1079147/From\\_harm\\_to\\_hope\\_PDF.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1079147/From_harm_to_hope_PDF.pdf)

## Rationale for intervention

18. The Government commissioned Dame Carol Black to conduct an Independent Reviews of Drugs, and responded to her recommendations as well as publishing a long-term Drug Strategy, *From harm to hope: a 10-year drugs plan to cut crime and save lives*, in December 2021. The Strategy presents the whole of government approach to addressing drug misuse and sets out three core priorities: break drug supply chains, deliver a world-class treatment and recovery system, and achieve a shift in the demand for recreational drugs.
19. The Dame Carol Black Review of drugs clearly highlighted the drug-related harms faced by society today. The social and economic cost of illicit drugs is estimated at £22billion per year (in 2023/24)<sup>11</sup> for England, twice the value of the market itself. Illicit drugs play a key role in driving crime - around half of homicides are thought to be drug related in some way<sup>12</sup>, and nearly half of acquisitive crime is thought to be committed by people who use drugs. The review also found that more than a third of people in prison are there due to crimes related to drug use (mostly acquisitive crime). These prisoners tend to serve short sentences and are likely to re-offend. Illicit drug use is also linked to a range of health and lifestyle harms, and drug deaths are at a historic high.
20. Substance use treatment plays a key role in addressing drug use and related harms and criminality. Research has demonstrated that treatment can reduce offending by almost a quarter, while opiate users who successfully complete treatment reduce their offending by almost 40 per cent<sup>13</sup>. Whilst the number of opiate users accessing treatment has been stable in recent years, there have been recent declines in the number of crack and powder cocaine users accessing treatment<sup>14</sup> and the Dame Carol Black Review highlighted that around 3 per cent of powder cocaine users access treatment in any given year<sup>15</sup>. DToA has been previously identified as a potential means of identifying drug users and diverting them to treatment<sup>16</sup>.
21. Last year, His Majesty's Treasury granted £5 million per year for three years for police forces to carry out DToA, and forces have been using this funding to expand their use of DToA under the existing legislation. This legislation looks at the impact of continuing drug testing but expanding the type of drugs tested for to all Class A drugs.

## B. Policy objective

22. In its response to Part II of the Independent review of drugs by Dame Carol Black, and in the publication of the Government's Drug Strategy: *From Harm to Hope*, the Home Office made a commitment to supporting an expansion of police activity to target the misuse of drugs. This includes

---

<sup>11</sup> The original figure is £19.3 billion in 2017/18 prices and the GDP deflator was used to bring the figure into 2023/24 prices. The GDP deflator source used is: <https://www.gov.uk/government/statistics/gdp-deflators-at-market-prices-and-money-gdp-november-2022-autumn-statement>

<sup>12</sup> Drug related includes cases where the homicide victim and/or suspect was a known drug user or dealer, where the victim and/or suspect was believed to have been using drugs at the time, or where the motive was suspected to be drug-related – for example to acquire illegal drugs.

<sup>13</sup> [Review of Drugs - evidence relating to drug use, supply and effects, including current trends and future risks\(publishing.service.gov.uk\):  
\[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\\_data/file/882953/Review\\\_of\\\_Drugs\\\_Evidence\\\_Pack.pdf\]\(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/882953/Review\_of\_Drugs\_Evidence\_Pack.pdf\)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/882953/Review_of_Drugs_Evidence_Pack.pdf)

<sup>14</sup> [Adult substance misuse treatment statistics 2020 to 2021: report - GOV.UK \(www.gov.uk\):  
<https://www.gov.uk/government/statistics/substance-misuse-treatment-for-adults-statistics-2020-to-2021/adult-substance-misuse-treatment-statistics-2020-to-2021-report>](https://www.gov.uk/government/statistics/substance-misuse-treatment-for-adults-statistics-2020-to-2021/adult-substance-misuse-treatment-statistics-2020-to-2021-report)

<sup>15</sup> [Review of Drugs - evidence relating to drug use, supply and effects, including current trends and future risks\(publishing.service.gov.uk\):  
\[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\\_data/file/882953/Review\\\_of\\\_Drugs\\\_Evidence\\\_Pack.pdf\]\(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/882953/Review\_of\_Drugs\_Evidence\_Pack.pdf\)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/882953/Review_of_Drugs_Evidence_Pack.pdf)

<sup>16</sup> [Drug testing on arrest—who benefits? | Health & Justice \(biomedcentral.com\):  
<https://healthandjusticejournal.biomedcentral.com/articles/10.1186/s40352-019-0103-z>](https://healthandjusticejournal.biomedcentral.com/articles/10.1186/s40352-019-0103-z)

the increase and expansion of DToA<sup>17</sup>. The Home Office will support more police forces in using DToA and will work with partners to consider expanding the range of offences where cocaine or opiates are suspected to have contributed to unlawful behaviour. DToA is a core element of the Reducing Demand strand of the Drug Strategy and aims to identify individuals where their drug use may be associated with their criminality and divert to treatment and support services. It provides the police with powers to intervene in these cases, and aims to reduce drug use, and potentially reduce future offending, by supporting individuals to change their behaviour.

23. The aim of expanding DToA powers to all Class A drugs, the highest harm drugs, is to identify a wider cohort of drug users whose drug use may be associated with their criminality, so that they can be appropriately referred to treatment or intervention services. This in turn will allow them to address their drug using behaviours, and ultimately reduce drug use and reoffending.
24. The measurable outcomes of success of the policy proposals will be seen by:
  - Increase in use of DToA (both nationally, and within police forces).
  - Offer of funding to all police forces in England and Wales to deliver DToA locally.
  - Identification of a larger cohort of drug users.
  - Increase in referrals to treatment / intervention services or to other support services.
  - Reduction in reoffending.
  - Reduction in drug use.
  - Increased understanding by the Home Office on drug related crime.

## C. Options considered and implementation

25. **Two options have been considered:**
  - a. **Option 1** is the 'do nothing'. This would involve no legislative changes and DToA continues to only test for cocaine and certain opiates. This is less likely to achieve the Government's objective to identify wider cohorts of drug users and divert to treatment or support services, and thereby change behaviour and support the wider objective of reducing demand for all drugs. This may also result in less knowledge of the relationship between criminality and drug use.
  - b. **Option 2** is to legislate to expand DToA to test for all Class A drugs. This aims to achieve the Government's objective of identifying a wider cohort of drug users and reducing overall demand for drugs by getting individuals into drug treatment. This could lead to a greater understanding of criminality and drug use and may help better inform future policies and evaluations that aim to reduce harms of drug use. **Option 2 is the Government's preferred option.** The target legislation implementation date is **19<sup>th</sup> July 2023**.

## D. Appraisal

### General assumptions and data

26. The main assumptions and data sources used in this IA are listed below, with more detail on the cost and benefit assumptions given in the relevant sections. The net present social value (NPSV) is estimated over 10 years using a 3.5 per cent discount rate, in line with HM Treasury's Green Book guidance<sup>18</sup>. The appraisal starts in the financial year 2023/24, with costs also presented in this year.

---

<sup>17</sup> Review of Drugs - evidence relating to drug use, supply and effects, including current trends and future risks (publishing.service.gov.uk); [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/882953/Review\\_of\\_Drugs\\_Evidence\\_Pack.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/882953/Review_of_Drugs_Evidence_Pack.pdf)

<sup>18</sup> The Green Book (2022) - GOV.UK: <https://www.gov.uk/government/publications/the-green-book-appraisal-and-evaluation-in-central-government/the-green-book-2020>

27. The impacts of the Governments preferred option (Option 2) is modelled relative to the counterfactual 'do-nothing' (Option 1). In its simplest form, the modelling compares the impact of expanding DToA to all Class A drugs to maintaining the current DToA policy. A baseline model was developed to monetise the costs of the current DToA policy (Option 1) and (Option 2) estimate the additional costs associated with the expansion only (Option 2).
28. The modelling use core assumptions to estimate the potential change in the volume of positive drug tests carried out once the new legislation is implemented. These were developed in consultation with police forces that currently use DToA. The assumptions are:
- 39 out of 43 police forces from England and Wales will carry out DToA and thus, will be affected by expanding testing to all Class A. This is based on the number of forces that have currently accepted DToA funding and the forces that have shown desire to implement DToA in the near future. The number of polices forces that will conduct DToA are the same in the baseline and model for expanding DToA to all Class A drugs and therefore there is no increase in testing.
  - Expanding DToA to all Class A drugs will not lead to a change in the number of drug tests carried out. This is because the legislation will not change the processes for testing an individual arrested for a trigger offence (if aged 18 years and over, or after charge if aged 14 years and over) or the reasonable grounds threshold to test for a non-trigger offence.
  - There will be an expected increase in the number of positive test results by around 10 per cent, the methodology is explained in paragraphs 67-70.
  - The modelling keeps volume estimates constant over the 10-year appraisal period.
29. The model assumes DToA will be carried out by a custody officer or a detention officer. Using the Home Office Staff Cost Model<sup>19</sup>, the average hourly wage is modelled at £15 per hour to estimate the cost of police time to drug test individuals that have been arrested.
30. It is assumed that senior police officers and legal professionals will be required to familiarise themselves on the updated legislation. Furthermore, it is assumed that some police forces will have added set up costs such as carrying out training for police officers who will be conducting DToA.
31. The model assumes, following informal consultation with police forces, that DToA will take between 10 to 30 minutes to complete with a central estimate of 20 minutes. After expansion and due to wider drug testing kits taking longer for results, DToA will take between 13 to 35 minutes with a central estimate of 24 minutes.
32. Given there is only drug testing data for 25 out of the 39 police forces that may conduct DToA, the model takes the proportion of drug tests on arrests to overall arrests per police force for the 25 forces that already provide data. The model then applies an average of this proportion to the arrest data of the other 14 police forces to estimate the total number of drug tests expected to be carried out over the 10-year appraisal period. Data on drug testing from police forces ranges back to 2014/15 and the COVID-19 years are excluded<sup>20</sup>. Each proportion of DToA is calculated per police force (PF):
- $$\text{Proportion (\%)} = \text{Number of drug tests carried out by PF A} / \text{Total Arrests in PF A}^{21}$$
33. To get the total number of drug tests on arrest, the estimated figures from the 14 additional forces and the 25 forces already reporting data are added together. To find the central estimate, an average of each yearly proportion of DToA is calculated. This is figure is multiplied by the average number arrests within the 2014-20 time period to find the central estiamte number of drug testing.
34. The low estimate for future number of tests in the baseline (and expansion to all Class A drugs) uses the lowest proportion of drug tests on arrest to arrests found in the time period between 2014 and 2020 multiplied by the yearly average number of arrests for all 39 forces. The high estimate uses the highest proportion of drug testing seen in the same reference period.

<sup>19</sup> This internal Home Office model provides police officers at all ranks wage data. The data is averaged to find the hourly wage.

<sup>20</sup> This is because many police forces paused drug testing, figures in the pandemic years may skew the data.

<sup>21</sup> PF A stands for police force A and represents finding the number of arrests and drug tests by a specific police force to calculate the DToA proportion

35. This led to a predicted range of **73,000 to 89,000** yearly drug tests conducted, with a central estimate of around **84,000**. For the baseline and the legislation to expand drugs to all Class A drugs it is assumed the same number of drug tests will be completed.

## Appraisal

### COSTS

#### Cost 1: Familiarisation costs to police officers and lawyers

36. There will be set-up familiarisation costs whereby police officers, legal professionals, lawyers, and solicitors will need to become aware of the updated legislation to expand DT to A to all Class A drugs. These costs represent the time required to read and comprehend the regulatory changes. It has been assumed that a range between 1 to 5 senior officers per force<sup>22</sup> will need to read and understand the changes in 39 out of 43 police force areas. The 1 to 5 senior officers per police force figure<sup>23</sup> was chosen as a best estimate in the absence of any other evidence of how many officers would need to read the change.
37. It has also been assumed that a range between 1,600 to 10,600 lawyers/solicitors will need to read and understand the legislation changes. The central estimate is based on the number of criminal legal aid provider across all crime areas offices<sup>24</sup> and the low estimate is based on all 'lower crime' provider offices such as police station advice and Magistrates' Courts<sup>25</sup>. The low and central assumes one lawyer per legal aid and high estimate assumes two lawyers from each legal provider<sup>26</sup>.
38. The reading soft calculator<sup>27</sup> was used to calculate high, low, and central estimates for the duration of time required to read and comprehend the changes in minutes<sup>28</sup>. The reading time was then converted into hours so it can be applied to the hourly wage. The time required per officer was multiplied by the average gross hourly pay of senior police officers (in 2023/24 prices)<sup>29</sup> which is then multiplied by the number of police officers that will read the changes across the UK.
39. Similarly, the median hourly wage for a legal professional was used for low and central estimates for a lawyer's hourly wage and the median hourly wage for solicitors and lawyers (in 2023/24 prices)<sup>30</sup> was used for the high estimate multiplied by the number of lawyers that will read the changes across the UK. Wages have been uplifted using Eurostat which recommended 22 per cent to account for non-wage labour costs<sup>31</sup>. This has been used to uplift the wage costs to reflect all costs associated with familiarisation.

---

<sup>22</sup> A Senior Officer is an officer who leads a team of offices within a force. Senior police officer includes ranks Inspector, Chief Inspector and Superintendent.

<sup>23</sup> Readers per Police Force is based on Home Office estimation.

<sup>24</sup> The number of legal aid provider offices across all crime areas for 2020-21. Available at: <https://www.gov.uk/government/statistics/legal-aid-statistics-january-to-march-2021>

<sup>25</sup> This data comes from table 9\_1 at: <https://www.gov.uk/government/statistics/legal-aid-statistics-quarterly-april-to-june-2022>

<sup>26</sup> The high estimate is twice the central estimate.

<sup>27</sup> Readingsoft.com, 2022, see: <http://www.readingsoft.com/>, time converted from minutes to hours

<sup>28</sup> High and medium estimates have been used to demonstrate varying reading speeds presented by the readingsoft calculator. Costs are reflected in Table 2.

<sup>29</sup> Hourly wage is based on the average salary of Inspector, Chief Inspector and Superintendent. Data is from the 'Staff Cost Model 0.7': Weighted Average Calculator for Police Officers

<sup>30</sup> Earnings and hours worked, occupation by four-digit SOC: ASHE Table 14 - Office for National Statistics (ons.gov.uk): <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/occupation4digitsoc2010ashtable14>

<sup>31</sup> Eurostat - Data Explorer (europa.eu): [https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=lc\\_lev&lang=en](https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=lc_lev&lang=en)

40. The values used to estimate the police familiarisation costs is presented in Table 1 and given as:  
*reading time x (median senior police officer wage with the non-wage uplift of 22%) x number of police officers*

**Table 1: Familiarisation cost calculations for police, reading values and wage £, 2023/24**

Scenario	Number of Words	Speed (wpm)	Time (hours)	Senior Officers	Senior Officers Average Wage (£)	No. Police readers
Low	500	700	0.02	1	43.88	39
Central	700	300	0.05	3	43.88	117
High	1000	200	0.13	5	43.88	195

Source: Home Office estimates, 2023.

41. The values used to estimate the lawyer's familiarisation costs is presented in Table 2 and given as:  
*reading time x (lawyers median wage with the non-wage uplift of 22%) x number of lawyers*

**Table 2: Familiarisation cost calculations for lawyers, reading values and wage £, 2023/24**

Scenario	Number of Words	Speed (wpm)	Time (hours)	Lawyers Median Wage (£)	No. Lawyers readers
Low	500	700	0.02	29.35	1,586
Central	700	300	0.05	29.35	5,298
High	1000	200	0.13	33.07	10,596

Source: Home Office estimates, 2023.

42. The high, central, and low estimates of familiarisation cost are presented in Table 3.

**Table 3: Estimated familiarisation costs (police and lawyers), £, 2023/24**

Scenario	Police	Lawyers	Total Costs
Low	30 <sup>32</sup>	900	930
Central	300	7,800	8,100
High	1,100	45,600	46,700

Source: Home Office estimates, rounded to the nearest hundred pounds, 2023.

### **Total familiarisation cost**

43. Total familiarisation costs are estimated to be **within a range of £930 to £46,700 with a central estimate of £8,100** in year 1 only, in 2023/24 prices.

### **Cost 2: Capital Investment - Drug testing machines**

44. Following the expansion to all Class A drugs, police forces may have to purchase new drug testing machines in order to cover the additional substances. This cost is known as a capital investment and allows for DToA corresponding expansion to be carried out.
45. There is currently one drug testing equipment supplier, but the current equipment does not cover all Class A drugs. Therefore, commercial processes will need to take place to approve additional equipment for police use that includes more Class A drugs.

<sup>32</sup> Estimated costs which are below £100 are rounded to the nearest £10

46. This process has not started and so the model uses the current supplier machine cost as a proxy value. The drug testing machine has a unit cost of £900. An optimism bias of 50 per cent was applied to take into account the possible technological cost variation. This leads to a proxy unit value of £1,350.
47. Using internal Home Office drug testing purchasing figures, it was estimated how many drug testing machines each police force would need to purchase. The number of units required lie within a range of 5 to 12 with a central estimate of 8 drug testing machines. It is expected the drug testing machine will have an equipment life of approximately 7 years (this is the average life of industrial printer)<sup>33</sup>. It is assumed that police forces would need to replace the drug testing equipment every 7 years.
48. The number of drug printing machines a police force require was multiplied by the proxy unit cost to get a per police force capital cost. This figure was then multiplied by 39 to get the capital investment cost for whole of England and Wales.

*Number of machines police forces x £1350 (unit cost per machine) x 39 (number of police forces conducting DToA)*

49. As the drug printing machines are expected to be replaced in the 8<sup>th</sup> year, total costs are in the first year and 8<sup>th</sup> year respectively, the costs have been discounted as per Greenbook guidance<sup>34</sup>.
50. Table 4 summarises the preceding calculations.

**Table 4: Police training cost calculations, £000s, 2023/24**

Scenario	Drug testing machine cost (£)	No. of machines required per police force	Total cost per police force* (£000s)	Cost for total 39 police forces* (£000s)
Low	1350	5	7	263
Central	1350	8	11	421
High	1350	12	16	631

\* Rounded to the nearest thousands

Source: Home Office estimates, 2023.

### Total Drug testing machine cost

51. Total drug testing machine capital costs are estimated to lie in a range of **£470,000 to £1,128,000** with a central estimate of **£752,000** over 10 years, in 2023/24 prices.

### Cost 3: Training costs for police officers

52. In order for the police to understand, enforce and collect drug testing data for all Class A drugs effectively, officers will be required to undertake training. Arrest referral work and the drug intervention programme are under the responsibility of custody or detention officers in the police force. The officer conducts the drug testing by using the drug testing equipment and processes the drug testing data on to the database.
53. The training costs are associated with custody officers who are required to attend a training course to learn how to use the new drug testing equipment and how to process the drug testing data.
54. Police workforce data<sup>35</sup> has been used to estimate the number of custody officers per police force. Data for the 39 out of 43 police forces in England and Wales which are conducting or expected to

<sup>33</sup> Using the human pharmaceutical and medicinal product manufacturing depreciation rate from the ATO Depreciation Rates 2021: <https://www.depreciationrates.net.au/printer>

<sup>34</sup> The Green Book (2022) - GOV.UK (www.gov.uk): <https://www.gov.uk/government/publications/the-green-book-appraisal-and-evaluation-in-central-government/the-green-book-2020#valuation-of-costs-and-benefits>

<sup>35</sup> Police workforce, England and Wales: 31 March 2022 - GOV.UK (www.gov.uk): <https://www.gov.uk/government/statistics/police-workforce-england-and-wales-31-march-2022/police-workforce-england-and-wales-31-march-2022>

conduct DToA and expand to all Class A drugs, was used to calculate the lower quartile, median and upper quartile of custody officers.

55. It has been assumed the median for the number of custody officers per police force will be the central estimate with the lower quartile being the low estimate and upper quartile being the high estimate. It is also assumed that police forces can pick one training course type and only 12 police officers can attend per training session. The training costs are in 2023/24 prices.
56. The training costs represent the minimum amount of training sessions required in each scenario. The values used to estimate the police training cost is presented in Table 5 and given as:

*Number of custody officers per police force / 12*

*Cost per training course x Number of training sessions required per police force x 39*

**Table 5: Police training cost calculations, £000s, 2023/24**

	Cost per training course (£)	No. Custody officers require training	No. sessions required	Rounded *	Total cost per police force (£k)	Cost for total 39 police forces** (£k)
Low	350	29	2.5	3	1.05	41
Central	350	46	3.8	4	1.4	55
High	350	61	5.1	6	2.1	82

\*Rounded upwards to account for all police officers to attend a training session

\*\* rounded to the nearest thousands

Source: Home Office estimates, 2023.

### Total training costs

57. Total training costs are estimated to lie in a range of **£41,000 to £82,000** with a central estimate of **£55,000** in year 1 only, in 2023/24 prices.

### Cost 4: Prison places set-up cost

58. If an individual either refuses to take a drug test, fails to attend, or stay for the initial and follow up assessment, committing any of these three non-compliance offences<sup>36</sup> may result in a custodial sentence (paragraph 101-106).
59. Expansion to all Class A drugs may lead to a need for additional prison places. There is a one-off £250,000 cost for an additional prison place associated to the policy change. This is adjusted for prison sentence length, which is on average one month. This leads to a prison place set-up cost of £20,833 per prisoner.
60. The low estimate assumes there will be no impact on custodial sentences and therefore, no increase in prison places. This is because although the number of positive tests may increase, it may not lead to a proportional increase in people rejecting testing. The central and high estimate uses a ratio of average custodial sentence to prosecution and these refusal rates were applied to the expected increase in prosecution volumes (explained in paragraph 86-92).

<sup>36</sup> The three non-compliance offences are 19348 - Failure to provide a sample, 19353 - Failure to attend or stay for the duration of an initial assessment following test for Class A drug and 19354 - Failure to attend or stay for the duration of a follow up assessment following test for Class A drug.

61. The high, central, and low estimates of prison places for all 3 offences are presented in Table 6.

**Table 6, Estimated prison places cost, £, 2023/24**

Scenario	Prison places	Set-up cost per place, £*	Total Costs, £*
<b>Low</b>	0	21,000	0
<b>Central</b>	8	21,000	167,000
<b>High</b>	10	21,000	208,000

\* Rounded to the nearest thousand pounds

Source: Home Office estimates, 2023.

62. Estimated set-up prison place costs are estimated to lie in a range of **£0 to £208,000** with a central estimate of **£167,000** in year 1 only, in 2023/24 prices.

### Total Set up costs

63. Funding has already been agreed from the 2021 spending review and police forces are currently setting-up the DToA infrastructure, including drug testing equipment and training. Police forces will use existing IT systems to record the DToA data and the HO is currently creating a new format which is applicable to the current IT system and so would not lead to additional set-up costs. Any additional set-up costs such as commercial processes have been included in the non-monetised cost section.
64. Familiarisation costs, drug testing equipment, training costs and prison places make up the total monetised set-up costs. The overall estimates are presented in table 7.

**Table 7, Estimated Breakdown of Set-up costs\*, £000's, 2023/24**

Scenario	Familiarisation	Drug testing equipment	Training*	Prison places
<b>Low</b>	0.93	470	41	0
<b>Central</b>	8.1	752	55	167
<b>High</b>	46.7	1,128	82	208

\* Rounded to the nearest thousand pounds

Source: Home Office estimates, 2023.

65. The total set-up costs are estimated to be within a range of **£512,000 and £1,465,000** with a central estimate of **£982,000** in year 1 only.

### Ongoing and total costs

66. The ongoing costs are categorised into two sub-sections: drug testing and criminal justice system costs. Drug testing costs are all direct costs to police associated with DToA (custody testing, police time and laboratory testing). The Ministry of Justice (MoJ) costs are all the costs associated with the criminal justice system (CJS).
67. To model the expansion of DToA, the expected increase in the volume of positive tests needs to be estimated. The following paragraphs 67-70 explains the methodology behind the estimated increase in positive test from the baseline to expansion.
68. The model uses the Crime Survey for England and Wales (CSEW) which provides prevalence estimates for Class A drug use for adults aged 16-59<sup>37</sup>. The CSEW reports that on average between 2014 and 2022, 1,020,000 individuals took Class A drugs each year. Of these individuals, around

<sup>37</sup> Drug misuse in England and Wales - Office for National Statistics (ons.gov.uk), <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/drugmisuseinenglandandwales/yearendingjune2022>

82 per cent took heroin, crack cocaine and/or cocaine powder, and 18 per cent of these individuals reported using another Class A drug.

69. DToA management information from 2014 to 2022 shows that around 54 per cent of tests are positive for cocaine and heroin. Given the high probability of poly-drug use in some cases, a proxy estimate has been applied as it is expected that a proportion of positive tests will already be captured by the current DToA programme. The model assumes 45 per cent of all tests will be positive for multiple drugs and so it is assumed that 45 per cent of all tests show polydrug use already and it is captured in the positive tests. The 45 per cent is then taken away from 100 per cent to find the proportion of additional positive tests of those that do not consume opiates or cocaine but take other Class A drugs. It is therefore assumed that 55 per cent is not already captured by the current DToA programme and it is assumed that drug prevalence is the same for the general population and offenders.
70. Using data from the CSEW between 2014 and 2020 (the same period for the expected annual DToA), an annual average was calculated for cocaine, crack, opiate, and all Class A drugs. This estimated that 82 per cent of all Class A users consume cocaine or opiates and 18 per cent consume other Class A drugs.
71. This 18 per cent of other Class A users is then multiplied by the 55 per cent that are not already captured in the current DToA program which provides 9.8 per cent expected increase in positive test.

#### **Cost 5: Drug testing costs - custody testing and police time**

72. The drug testing costs consist of equipment costs, drug testing kits, police time and confirmation tests (from cost 6, paragraphs 77-82). From discussions with a drug testing company that has a contract with police forces, the model uses a price list of goods associated with drug testing. Using this pricing list, the unit cost was calculated to find the cost of drug testing equipment.
73. The price per drug test is £16.08 in 2023/24 prices and this includes ink cartridges, printer roll paper and confirmation test costs for each test. The drug test unit cost includes taking the sample and testing the sample. There is also a yearly maintenance fee, which costs £126 for each police force and needs to be paid irrespective to how many drug tests are conducted.
74. Using the predicted number of drug tests conducted (paragraphs 31-34), the unit cost per test is then multiplied by the low, central, and high estimate of the predicted number of tests. This gives the yearly equipment cost of drug testing on arrest.
75. In addition to the unit costs, police time per test was also calculated. From discussions with police forces, it was concluded that current police time per test ranged between 10 and 30 minutes, with a central estimate of 20 minutes. As drug testing kits that test for other Class A drugs takes between 2.5 and 5 minutes longer, with a central estimate of 3.75 minutes, as the baseline already factors in the current time taken to conduct a drug test on arrest, only the additional time test time is calculated in the impact. An average hourly wage of £15 was used and detailed in paragraph 28.
76. The total annual cost of equipment was added to the police cost to find out low, central, and high annual ongoing drug testing costs and it is presented in table 8.

**Table 8, Estimated drug testing and maintenance costs, £000's, (PV), 2023/24**

	Appraisal Year										Total
	1	2	3	4	5	6	7	8	9	10	
Low	46	44	43	41	40	38	37	36	34	33	<b>391</b>
Central	78	76	74	71	68	66	64	61	59	57	<b>675</b>
High	111	107	103	100	97	94	90	87	84	82	<b>953</b>

Rounded and figures in thousands, costs are discounted  
Source: Home Office estimates, 2023.

77. The total drug tests and police time costs range between **£391,000 and £953,000** with a central estimate of **£675,000** (PV) over a 10-year period.

### Cost 6: Laboratory testing

78. Individuals have a right to get their drug sample re-tested by the laboratory if they do not agree with the result, although a positive test result is not a criminal offence.
79. The price per laboratory test is £35.75 and this includes confirmation and failed sample pricing. It is assumed that the unit price will be same for the baseline and expansion.
80. To estimate the number of laboratory tests in the baseline, current and forecasted cocaine and opiates laboratory test data was used. The low estimate is 686 and it uses current laboratory test data from February to October 2022 and was adjusted for a full 12-month period. The central and high estimate is 2,100 and uses the Home Office forecasted laboratory test data.
81. To estimate the expansion number of laboratory tests, DToA data and CSEW drug prevalence estimates were used. The low and central estimate assumes a 5 per cent increase in the number of laboratory tests. The 5 per cent is the proportion of current DToA positive test to forecasted laboratory tests. The high estimate assumes a 9.8 per cent increase (paragraphs 67-70) to account for the new positive test calculated using the CSEW. The estimated increases in positive tests were applied to the expansion volumes of laboratory tests.
82. Table 9 shows the low, central, and high estimated for drug testing and laboratory testing costs.

**Table 9: Estimated Breakdown of net costs, £, PV, 2023**

	Appraisal Year										Total
	1	2	3	4	5	6	7	8	9	10	
Low	1,200	1,200	1,100	1,100	1,100	1,000	1,000	1,000	900	900	<b>10,500</b>
Central	3,600	3,500	3,300	3,200	3,100	3,000	2,900	2,800	2,700	2,600	<b>30,800</b>
High	7,400	7,200	6,900	6,700	6,500	6,300	6,000	5,800	5,600	5,500	<b>64,000</b>

Rounded and figures, costs are discounted, and it is the reason why the diminish in the time period.

Source: Home Office estimates, 2023.

### Total laboratory costs

83. Total laboratory costs range **between £10,500 and £64,000**, with a central estimate of **£30,800** over 10 years (PV).

### Total drug testing ongoing costs

84. The total ongoing drug testing costs range between **£0.40 million and £1.02 million**, with a central estimate of **£0.71 million** (PV) over 10 years.

### Cost 7: CJS costs - Legal aid, courts, and prison costs

85. The MoJ costs are all the ongoing costs associated with the CJS. This includes legal aid, courts, and prison costs. The MoJ costs are included in the model as there are three offences that are associated with DToA. Committing any of these offences can lead to a prosecution, going through court system and may lead to a custodial sentence or a penalty notice outcome.
86. The 3 offences, using HO offence codes, are:
- 19348 - Failure to provide a sample
  - 19353 - Failure to attend or stay for the duration of an initial assessment following a test for Class A drug
  - 19354 - Failure to attend or stay for the duration of a follow up assessment following a test for Class A drug
87. Post Class A drug expansion, there is a possibility of an increase in these offences and so further ongoing costs could be incurred. A baseline and expansion model were used to find the additional prosecution volumes which leads to additional offenders requiring legal aid and heading to court.

88. The estimates of added offences are linked to the increase in positive tests. Individuals may be more likely to refuse a drug test, which is where they may be penalised. An explanation of how the number of positive tests is calculated are in paragraphs 67-70.
89. The low estimate assumes no impact on the CJS assuming none of the additional tests will lead to people refusing to test. This may be possible with the new legislation signalling a greater emphasis on DToA and stronger enforcement. The central and high estimate assumes a varying degree of impact and is explained in following subsections.
90. For the baseline and expansion prosecutions volumes, MoJ criminal courts data 2017-2021 was used. The data shows on average around 1,500 prosecutions a year arise from the three offences associated with DToA. This is approximately 4.33 per cent of the yearly positive tests. Applying the 4.33 per cent figure to the expected increase in positive tests gives the predicted number of prosecutions after expanding drug testing to all Class A drugs.
91. The formula used:

*Annual predicted number of DToA X 54% (percentage of positive tests) X (1+ 9.8% increase in positive tests) X 4.33% (the average proportion of prosecutions to positive tests)*

92. In numbers: 84,000 x 54%x (1+9.8%) x 4.33 per cent = 1,960.
93. The low, central, and high figures for the prosecution volume baseline and expansion are in the table 10 below.

**Table 10, Estimated prosecution volumes, 2023**

Scenario	Baseline	Expansion	Net Increase
<b>Low</b>	1,703	1,703	0
<b>Central</b>	1,960	2,153	193
<b>High</b>	2,077	2,281	204

Source: Home Office, own estimates, 2023.

94. Data from MoJ criminal justice system statistics<sup>38</sup> indicates that 100 per cent of cases for all three offences go to Magistrates' Court first, with only one per cent of these cases going onto the Crown Court per year. These proportions were applied to the estimated numbers of prosecutions and the 1 per cent to Crown Court was only applied to the high estimate.

### **Cost 8: Legal aid**

95. The estimated prosecution volumes were used to estimate the number of offenders requiring legal aid and costs for the Magistrates' Court and the Crown Court. The eligibility rate or take up rate and the unit cost estimates for legal aid in each court were obtained from engagement with MoJ and Legal Aid Agency officials.
96. The MoJ legal aid team informed the Home Office that 55 per cent of offenders are eligible in Magistrates' Court cases and 100 per cent in the Crown Court case for legal aid. It is estimated that legal aid cost per eligible offender is £540 at the Magistrates' Court and £5,428 at the Crown Court in 2023/24 prices. This also includes the 20 per cent optimism bias. These figures are related to all drug offences.
97. To calculate legal aid volumes, estimated legal aid take up rates were applied to the estimated number of prosecutions per court. Unit costs were then applied to these volumes with a social discount rate of 3.5 per cent, which was applied to the whole appraisal period.

<sup>38</sup> Criminal Justice System statistics quarterly: June 2022 - GOV.UK ([www.gov.uk](http://www.gov.uk)), <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-june-2022>

For the low estimate, it is assumed that there is no legal aid impact. For the central and high estimate, it is assumed that all prosecutions cases will go to the Magistrates' Court and only in the high estimate a further 1 per cent of cases will go to the Crown Court.

**Table 11, Estimated legal aid increase in yearly volumes and total costs over the appraisal period, £, 2023**

Scenario		Yearly increase in people eligible for legal aid	Total 10-year costs*
<b>Low</b>	Magistrates' Court	0	0
	Crown Court	0	0
<b>Central</b>	Magistrates' Court	106	488,000
	Crown Court	0	0
<b>High</b>	Magistrates' Court	112	614,000
	Crown Court	2	

\* Rounded to the nearest thousand pounds

Source: Home Office, own estimates, 2023.

98. Estimated net legal aid costs over the 10-year appraisal period lies within a range of **£0 to £614,000** with a central estimate of **£488,000** (PV).
99. Prosecution volumes are used to estimate the cost of the case going to the Magistrates' and Crown Courts. The MoJ legal aid team informed the Home Office that the unit cost for Magistrates' Court case is £279 and £1,941 for a Crown Court case in 2019/20 prices. The unit cost was inflated to 2023/24 prices<sup>39</sup> and a 20 per cent optimism bias was added. This brings the unit cost for Magistrates' Court case is £370 and £2,574 for a Crown Court case. The unit costs were multiplied to the prosecution volumes to find the low, central, and high estimates.

### Total Court costs

100. Estimated court costs over the 10-year appraisal period lies within a range of **£0 to £695,000** with a central estimate of **£613,000** (PV).

### Cost 9: Prison costs

101. The prosecution volumes (table 10) have also been used to estimate additional custodial places and the associated ongoing prison costs. CJS data was used to calculate the estimated volumes of each sentencing outcome. Data from 2017 to 2021 shows that on average 53 baseline offenders are sentenced to a custodial sentence a year, this is for all three offences related to refusing a drug test or not attending an assessment. Only additional custodial sentences as a sentencing outcome have been included in on-going costs. Other sentencing outcomes such as court fines are treated as an economics transfer and have not been included.
102. Using a 2017 to 2021 average of prosecutions, which averaged around 1,500, each average yearly number of individuals is divided by the number of yearly prosecutions on average. Of this 1,500, a proportion of people from each of the three offences are sentenced to custody. The average number of prosecutions (1,500) was divided by the average number of people sentenced to custody to find the proportion. They are as follows: 1.6 per cent of yearly average prosecutions result in a custodial sentence for 'failure to provide a sample', 2.4 per cent of 'failure to attend or stay for the duration of an initial assessment following test for Class A drug' and 0.2 per cent of 'failure to attend or stay for the duration of a follow up assessment following test for Class A drug' cases led to a custodial sentence.
103. These proportions were applied to the expected increase in prosecutions from the expansion and the estimated increase in custody sentences are laid out in table 12 below.

<sup>39</sup> Using GDP deflators. GDP deflators at market prices, and money GDP November 2022 (Autumn Statement) - GOV.UK: <https://www.gov.uk/government/statistics/gdp-deflators-at-market-prices-and-money-gdp-november-2022-autumn-statement>

**Table 12, Estimated additional custody sentences, 2023**

Failure to:	Provide a sample	Attend or stay at an initial assessment	Attend or stay for a follow up assessment	Total Custody sentences
Low	0	0	0	0
Central	3	5	0	8
High	4	5	1	10

Source: Home Office, own estimates, 2023.

104. The increase in custodial sentences from legislation is estimated to range between 0 to 10 with central estimate of 8 custodial sentences in table 11 are the additional offenders from the baseline of 53 offenders (2017 to 2021 average).
105. The custody sentences were then multiplied to the average sentence length of each offence. The total number of annual prison places range between 0 and 0.57 prison places per year with central estimate of 0.5. These figures then were applied to the prison unit costs
106. The unit cost, which was provided by MoJ to the Home Office, for a prisoner per year is £48,162 in 2020/21 prices<sup>40</sup>. A 20 per cent optimism bias was applied, and the unit cost was brought to 2023/24 prices<sup>41</sup>. The prisoner unit cost becomes £60,030 per year. This figure is divided by 12 to get an estimated monthly unit cost. This is £5,003 per prisoner per month.

### **Total prisoner costs**

107. Estimated net prisoner costs over the 10-year appraisal period lies within a range of **£0 to £312,000** with a central estimate of **£258,000** in 2023/24 prices.

### **Court fines: Economic transfer**

108. Courts fines as a sentencing outcome can be treated as an economic transfer and as outlined in HM Treasury's Green Book guidance will not be include in the NPSV<sup>42</sup>. The fine values include the costs associated with administrating and enforcing the fine(s) given. Using a 2017 to 2021 average, court fines make up 60 per cent of all sentencing outcomes for all three non-compliance offences and the average value of fine administered is £100.
109. The 2017 to 2021 average proportion of fines administered to proceeded against were calculated for each offence and was applied to the expected net increase in prosecution volumes (table 10). The estimated range of additional fines lies between 0 to 112 with a central estimate of 105. Applying the expected court fine volumes with average fine values over the 10-year appraisal period leads to an estimated range of the economic transfer between £0 to £94,000 with a central estimate of £89,000. The administrative costs associated with processing fines are recovered from offenders paying the fine.

<sup>40</sup> Costs per place and costs per prisoner by individual prison: <https://www.gov.uk/government/publications/prison-performance-data-2020-to-2021>

<sup>41</sup> GDP deflators at market prices, and money GDP November 2022 (Autumn Statement) - GOV.UK: <https://www.gov.uk/government/statistics/gdp-deflators-at-market-prices-and-money-gdp-november-2022-autumn-statement>

<sup>42</sup> The Green Book (2022) - GOV.UK (www.gov.uk), section 6.3 (economic transfers): <https://www.gov.uk/government/publications/the-green-book-appraisal-and-evaluation-in-central-government/the-green-book-2020#valuation-of-costs-and-benefits>

110. Table 13 provides a full breakdown of all increases in CJS ongoing costs and total for the low, central, and high estimates over the appraisal period.

**Table 13, Estimated Breakdown of net costs, £000's, PV, 2023/24**

Scenario	Legal aid	Courts	Prisons	Total MoJ Costs
Low	0	0	0	0
Central	488	613	258	1,359
High	614	695	312	1,621

Rounded to the nearest thousand pounds  
Source: Home Office, own estimates, 2023.

111. Estimated MoJ costs over the 10-year appraisal period lies within a range of **£0 to £1.62 million** with a central estimate of **£1.36 million** (PV).

### Total ongoing costs

112. The total drug testing costs which include custody testing, police time and laboratory testing can be summed with total MoJ costs which includes legal aid, court, and prisoner costs. This can be shown in Table 14 below

**Table 14, Estimated Total ongoing costs\*, £000's, PV, 2023/24**

Scenario	Drug testing costs	MoJ costs	Total ongoing cost
Low	401	0	401
Central	706	1,359	2,064
High	1,017	1,621	2,638

\*Rounded to the nearest thousand pounds  
Source: Home Office, own estimates, 2023.

113. The total estimated ongoing costs range between **£0.4 million and £2.64 million**, with a central estimate of **£2.06 million** over 10 years (PV).

### Total monetised costs

114. The total set up costs and total ongoing costs can be summed together to get total monetised costs for the DToA expansion of Class A drugs. This shown in table 15 below.

**Table 15, Estimated Total costs over the appraisal period, £000's, 2023/24**

Scenario	Total set-up costs	Total ongoing costs	Total Cost
Low	512	401	914
Central	982	2,064	3,046
High	1,465	2,638	4,104

Rounded to the nearest thousand pounds  
Source: Home Office, own estimates, 2023.

115. The total estimated total costs range between **£0.91 million and £4.1 million**, with a central estimate of **£3.05 million** over 10 years (PV).

### Non-monetised costs

116. Several non-monetised costs have been identified for the policy expansion. These are non-monetised costs as there is insufficient data to quantify or the cost is considered an economic transfer and therefore, it would not be included in the net present social value figure (NPSV).

### Non-monetised cost 1: Commercial process for additional drug testing equipment

117. As discussed in paragraph 44, the current drug testing equipment does not cover drug testing for all Class A drugs. Commercial processes would need to take place to identify additional drug testing equipment which can test all Class A drugs. As this process has not started yet, the Home Office is

unable to provide estimated costs of changing supplier. This becomes a non-monetised cost, and it is expected that this cost will be minimal.

### **Non-monetised cost 2: Additional Drug Treatment costs**

118. The additional number of positive tests will likely lead to an additional increase in drug referrals. This would mean an increase in the number of individuals being referred to treatment and entering drug treatment which could impact drug treatment costs and waiting times. These additional drug treatment costs cannot be measured concisely; this is because there is a absence of reliable data of referrals to treatment from arrests. This could impact additional support services such as housing support.
119. Current drug treatment referral data can be used to quantify volumes; however, this is likely to be an underestimate, and it does not take into account all police forces, which currently do not enforce referrals and the wider expansion of DToA. Using substance misuse treatment for adults' statistics from 2016 to 2021/22<sup>43</sup>, on average, there were 1,020 arrest referrals, this makes up 2.5 per cent of all drug treatment referrals. Applying current DToA figures over the 2016 to 2021/22 period, on average, 2.1 per cent of DToA individuals were referred to drug treatment following arrest. The COVID-19 pandemic has brought the average down and there is a downward trend in this time period.
120. There is cross-departmental collaboration with the Department for Levelling Up, Housing and Communities (DLUHC) and Department for Health and Social Care (DHSC) to ensure additional resources and funding can be allocated to reduce strain on drug treatment and other corresponding social services.

### **Non-monetised cost 3: Additional caseload by police officers**

121. The police officer handles an individual's arrest offence (such as the trigger offence), then conducts and process the DToA. If required, the test may go to the laboratory too. Additional caseload may arise if the individual commits a DToA non-compliance offence such as refusing to take the drug test. The police officer may need to spend additional time processing this new offence alongside any other offence(s) to allow all this information to go through the CJS.
122. Measuring this specific additional workload would be difficult due to absence of granular data on specific cases and the associated police work time. It is also difficult to disentangle police time from the arrest and conducting DToA and the additional police time from processing the non-compliance offence. It is expected that the cost associated to increase caseload would be negligible.

## **BENEFITS**

123. There are no quantifiable monetised benefits in this impact assessment due to lack of reliable data. However, below is an appraisal of the non-monetised benefits.

### **Benefits: Non-monetised benefits**

#### **Benefit 1: Improved and wider data recording**

124. Police forces that are expanding DToA to all Class A drugs will be required to record data and report it to the Home Office, resulting in a greater understanding of the links between different types of criminality and drug use. This is important as it could inform future decision making which could lead to more effective legislative targeting, this is a Home Office strategic aim of reducing crime<sup>44</sup>. Improvements to this data collection over time, along with the inclusion of a wider range of drug types, will inform policy makers and Ministers, and will continue to expand understanding of the various links between crime and drug use. For example, one significant crime of interest is anti-social behaviour and drug use. This information may lead to discovery of other unknowns and could

---

<sup>43</sup> Alcohol and drug misuse and treatment statistics - GOV.UK:  
<https://www.gov.uk/government/collections/alcohol-and-drug-misuse-and-treatment-statistics#alcohol-and-drug-treatment-statistics:-adults>

<sup>44</sup> This is in the Home Office outcome delivery plan to reduce crime. Home Office Outcome Delivery Plan - GOV.UK  
(www.gov.uk): <https://www.gov.uk/government/publications/home-office-outcome-delivery-plan>

inform future policy decisions. A key ministerial aim is to understand the link between certain crimes and drug use.

### **Benefit 2: Better understanding of geographical differences of drug use and criminality**

125. By offering the additional funding to all police forces for DToA, the Home Office is addressing any geographical information disparities or any possible resource incompleteness. Some regions in the UK may be adversely affected by a particular Class A drug. Increased drug testing to all Class A drugs may evidence issues within areas and aid police focus to on a certain issue.

### **Benefit 3: Improved police practices**

126. The expansion of DToA presents an opportunity for Home Office and police forces to better understand drug users committing crime whilst under the influence of drugs and they could learn best practices on how to deal with this cohort of people. This may lead to better informed decisions on future policy options from the Home Office and more efficient operations within police forces. The lessons learnt could be disseminated across the police forces. Additional innovation is beneficial as it could lead to cost savings in the future, sharing best practice amongst police forces and enabling more forces to expand if necessary.

### **Benefit 4: Potential reduction in drug use and in reoffending (particularly acquisitive crime)**

127. Some drug users commit crimes to fund their drug habit or commit crime whilst under the influence of drugs. Nearly half of acquisitive crimes in England (excluding fraud) are known to be associated with drug use.<sup>45</sup> Substance use treatment plays a key role in addressing drug use and related harms and criminality. Research linking treatment and CJS data systems has demonstrated that treatment can reduce offending by almost a quarter, while opiate users who successfully complete treatment reduce their offending by almost 40 per cent.<sup>46</sup> MoJ analysis of the impacts of community-based drug and alcohol treatment found that such treatment provision could reduce reoffending by up to a third<sup>47</sup> More individuals directed to treatment could increase chances of more people completing treatment successfully and could lead to a reduction in crime related to drug use. Furthermore, successful treatment could result in reduced healthcare and CJS costs due to reduced drug consumption. A reduction in reoffending would help to reduce the £19.3 billion social and economic cost posed on society from drug consumption and supply.

---

<sup>45</sup> Carol Black Review evidence pack at PowerPoint Presentation (publishing.service.gov.uk) (slide 91), [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/882953/Review\\_of\\_Drugs\\_Evidence\\_Pack.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/882953/Review_of_Drugs_Evidence_Pack.pdf)

<sup>46</sup> Review of Drugs - evidence relating to drug use, supply and effects, including current trends and future risks (publishing.service.gov.uk), slide 92: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/882953/Review\\_of\\_Drugs\\_Evidence\\_Pack.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/882953/Review_of_Drugs_Evidence_Pack.pdf)

<sup>47</sup> The impact of community-based drug and alcohol treatment on re-offending (publishing.service.gov.uk), [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/674858/PHE-MoJ-experimental-MoJ-publication-version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/674858/PHE-MoJ-experimental-MoJ-publication-version.pdf)

## NPSV, BNPV, EANDCB

128. Table 16, Option 2 summary costs, benefits, NPSV, BNPV and EANDCB (£ million PV) 10 years, 2022<sup>48</sup>.

Summary	Low	Central	High
<b>Costs</b>			
Total Set up Costs	0.51	0.98	1.47
Total Ongoing Costs	0.40	2.06	2.64
<b>Total Costs</b>	<b>0.91</b>	<b>3.05</b>	<b>4.1</b>
<b>Benefits</b>			
Ongoing Benefits	0.00	0.00	0.00
<b>Total Benefits</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>NPSV</b>	<b>-0.91</b>	<b>-3.05</b>	<b>-4.1</b>
<b>BNPV</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>EANDCB</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

### Impact on small and micro-businesses

129. Small and micro-businesses are unlikely to be disproportionately impacted by the implementation of **Option 2**. This is because there is only one company contracted to supply police forces with equipment to conduct drug testing on arrest.

## F. Proportionality

130. As this is a final stage IA, the impacts have been monetised as far as possible, making use of findings from white paper consultation and Home Office discussions with police forces. The impact estimates associated with the proposed changes are indicative only.

131. Whilst the IA would have benefited from the monetisation of all the identified impacts, a proportional approach was taken to monetise costs that were considered to have material impacts, with those expected to be minimal left unmonetised. Where the benefits have not been monetised due to the absence of more specific data; however, a qualitative summary has been provided. In most cases of unmonetised costs and benefits, there was either insufficient data or significant data challenges.

## G. Risks

132. Both analytical and wider risks have been identified for the DToA expansion. Where possible, potential mitigating solutions have been provided.

<sup>48</sup> Costs have been rounded and so may not add up on table 11.

## **Analytical risks**

### **Risk 1 – Estimating the drug testing equipment and commercial cost**

133. As highlighted in the non-monetised cost sections, it is not possible to estimate the cost of the commercial processes for additional drug testing equipment which is a large analytical risk for the model. The risk may change the monetised impact of the legislation significantly but in this current time, there are too many unknowns to calculate a reliable estimate.

### **Risk 2 – Incomplete data for all police forces in England and Wales**

134. As up to 39 out of 43 police forces in England and Wales are setting-up or delivering DToA, or are expected to in the future, the dataset will have missing or incomplete data. This means that assumptions have been made to estimate future costs and spends on DToA. To mitigate these risks, ranges have been devised to show all possibilities of costs with a low, central, and high estimate.

### **Risk 3: Inaccurately predicted DToA volumes**

135. The estimation of the number of drug tests conducted per year is estimated by looking at historical drug testing figures. This is a forecasted prediction, and the future is never certain, it is possible that drug testing figures could be much larger or smaller than the predicted range. This has been mitigated by applying low and high estimates.

### **Risk 4 – A unexpected rise in the number of trigger offences committed**

136. DToA can be conducted following a trigger offence. A risk may arise from an unexpected rise in the number of trigger offences committed in a police force area. This increase in trigger offences would lead to a rise in the number of arrestees possibly being tested. With a fixed capacity and funding in the number of individuals that can be tested there is a risk that high-risk offender will not be tested. Some in the high-risk cohort may be missed from being tested, and subsequently not be referred to treatment and offend again. This can also lead to a widening data gap with high-risk offenders on the type of trigger offences they commit and the type of drug they have consumed. This could lead to a possible reduced effectiveness of enforcement policies.

137. A way to mitigate this risk is to follow the trigger offence data and the corresponding trend. Any deviation from the trend should be taken into consideration and have additional resources available for these police forces experiencing an unexpected high level of demand.

## **H. Direct costs and benefits to business calculations**

138. There are no expected direct costs and benefits to businesses as part of this intervention. This is because there is only one company contracted to supply police forces with equipment to conduct drug testing on arrest.

## **I. Wider impacts**

### **Wider risk 1 – The number of DToA will be dependent on continual funding**

139. The expansion of use of DToA across police force areas is dependent on Government funding. Funding over three financial years was awarded in the 2021 spending review, and the aim is for police forces to embed DToA as business as usual (BAU) work and take on funding of operations in the longer-term. Government funding for DToA is not guaranteed for the whole 10-year appraisal period. Police forces are only able to carry out DToA on a consistent and widening class scale due to the additional funding. If this funding is withdrawn or shortened, police forces will not be able to carry the same level of DToA as estimated in the model. The main consequence of this risk will be

the police force will ration DToA resources and prioritise testing on high-risk offenders. This will lead to lower data collection and so a lower understanding of criminal prevalence and a lower proportion of arrest referral into treatment. This also reduces the quality and effectiveness of enforcement policies. Therefore, the model would be overestimating the non-monetised benefits for this proposal.

140. A way to mitigate this risk is for the Home Office to support police forces in embedding DToA operations as BAU towards the end of the funding period to ensure high-risk offenders are prioritised and drug tested.

#### **Wider risk 2 – Loss of data DToA in the system.**

141. There is a possibility of an IT risk occurring when DToA data is input from DToA into the database. IT data risks could occur from IT hacks or malware leading to the data from a police force becoming corrupted or lost. Another consequence is a potential cost to try to retrieve this data. The DToA programme is data dependent and where there is data gap would mean less understanding of prevalence and the impact of enforcement in a certain police force area.
142. Home Office analysts are working with police forces to mitigate this data risk and improving data processes to ensure DToA data is at a good quality and at the highest standard possible.

#### **Wider risk 3 – A rise in arrest referrals into Drug Treatment**

143. The DToA appraisal highlighted non-monetised benefits which can be incurred including individuals that are referred to drug treatment following their arrest. There are potential risks in the provision of drug treatment following the individual referral. This could include longer waiting times as drug treatment services may become overwhelmed from them possible rise in arrest referral. This would mean high priority, such as opiate users, may miss out from drug treatment, posing a risk to society.
144. Using drug misuse and treatment data, it is estimated that approximately 2 per cent on average of people that are arrested are referred to drug treatment per year. This trend shows that currently arrest referrals are at a small proportion and the risk can rise if there a sudden increase following the DToA expansion.
145. The Home Office and DHSC are currently working together to ensure that there will be sufficient provision of drug treatment spaces so there is minimal wait for treatment and high-risk offenders are prioritised.

#### **Wider risk 4 – A rise in early exit of Drug Treatment**

146. Another risk to drug treatment is the possible continuation and rise in exiting early to drug treatment. One critical outcome of drug treatment is for the individual to be free from dependency from a certain substance or substances. An early exit would mean this would not occur and the individual will still pose a risk to society.
147. DLUHC has announced additional housing support for individual seeking drug treatment<sup>49</sup>. Additionally, the Home Office is supporting users to go through successful treatment through Project ADDER<sup>50</sup>.

#### **Wider risk 5 – Possible disproportionately of DToA**

148. The Swift, Certain, Tough White Paper public consultation, due to be published in Spring 2023, highlighted a risk that DToA expansion could disproportionately impact individuals with protected characteristics, particularly individuals from ethnic minorities. Those who responded to the consultation noted that individuals from ethnic minorities may be more likely to be targeted for testing. This shows that there is some scepticism of the policy and lower trust with the police forces.
149. The Home Office will continue to collect data on drug tests carried out from police forces and will carry out annual reviews of the Equalities Impact Assessment of the Drug Testing on Arrest expansion project. The Home Office is working with police forces to reduce this important risk by

---

<sup>49</sup> £53 million cash boost to improve housing support for drug and alcohol recovery - GOV.UK: <https://www.gov.uk/government/news/53-million-cash-boost-to-improve-housing-support-for-drug-and-alcohol-recovery>

<sup>50</sup> About Project ADDER - GOV.UK: <https://www.gov.uk/government/publications/project-adder/about-project-adder>

ensuring police forces are aware of the processes regarding DToA and are aware of their duties under PSED through direct engagement, and we aim to seek additional information on this in future delivery plans. The Home Office will also continue to report into internal Drug Strategy governance structures to raise and monitor any risks identified.

## **J. Trade Impact**

150. There is no trade impact or investment implications of the measure due to DToA only being implemented in England and Wales.

## **K. Monitoring and evaluation plan**

151. The DToA program is subject to ongoing monitoring and oversight. A planned evaluation by the Home Office will be conducted to assess how police forces in England and Wales are delivering DToA and achieving the stated aims of the programme.
152. The new measures aim to increase police force use of DToA to identify a wider cohort of drug using offenders so that they can be appropriately diverted into diversionary schemes or treatment. To assess whether these objectives are being met, it will be necessary to continue to monitor police force use of DToA to identify trends and patterns of usage through monthly data collection. Furthermore, police forces will be expected to report their progress back to the Home Office through the grant monitoring system.

### **Monitoring data**

153. At present approximately 19 police forces return data to the Home Office their use of DToA. These data returns have recently become a mandatory condition of Home Office funding. For the majority of police forces (the 36 police forces currently in receipt of Home Office DToA funding) data is expected to be routinely collected by the end of FY 2022/23 or once a police force starts conducting DToA.
154. This data collection is subject to ongoing improvement and developments have been made to the data collection tool to allow detailed and relevant data to be captured on DToA use. The present collection captures aggregate numbers from each police force on how many tests are completed and for which groups of offences, as well as what substances have been tested positive for.
155. The new data collection tool likely to be implemented from July 2023, subject to agreement of a data sharing agreement with NPCC on behalf of all police forces, will allow for the collection of DToA data at the individual record level. This will include, for each test:
  - a. Date of the test
  - b. Test outcome (positive/negative/test refused)
  - c. Positive test result (type of drug)
  - d. Demographic information about the individual tested, including:
    - Age
    - Gender
    - Ethnicity
156. Extra data is also collected from certain police forces who are receiving extra funding to expand their use of DToA in innovative ways. These Key Performance Indicators include data on referrals,

and on action taken following non-compliance with assessment requirements following a positive test.

157. The current data collection spreadsheets can be easily updated to incorporate future changes to DToA such as an expansion in the types of drugs tested for, and the results of those tests.

### **Evaluation**

158. An externally commissioned evaluation is also planned in Years 2 and 3 of the current DToA expansion programme. This will include a process, impact, and economic evaluation, assessing the success of the DToA expansion in increasing the use of DToA, directing more individuals into treatment, and ultimately reducing drug use and drug related offending.
159. Subject to timings, this evaluation will be expected to cover any legislative changes including those considered within this IA that take place in order during this period, to assess their impacts on police force use of DToA.
160. It is likely the evaluation will explore both the process within police forces of enacting any legislative changes, including any challenges, as well as the early outcomes of the changes (that is, numbers of individuals being tested for other drug types).

## L. Annexes

### Impact Assessment Checklist

<p><b>Mandatory specific impact test - Statutory Equalities Duties</b></p>	<p><b>Complete</b></p>
<p>Over three million people reported misusing drugs in the year to June 2022 and evidence shows that drug misuse is prevalent across the socioeconomic spectrum<sup>6</sup>. Public Government data and DTtoA data submitted to the Home Office in FY 2022/23 was used in the Equality Impact Assessment to look at the rate of completed tests by age, race, and sex. Data pertaining to the remaining protected characteristics is not routinely provided to the Home Office, however, we will consider any risks of direct or indirect discrimination towards these characteristics in our assessments with police forces and as the legislation is implemented.</p> <p>Data suggests that current practices of drug possession enforcement have a disproportionate impact on certain protected characteristics (namely race, age, and sex), based on arrest and charge data, it appears to affect young, black men more than other groups. This imbalance is likely to result in part from police decisions prior to arrest, for example stop and search practice and where police enforcement operations are targeted for both drugs and other offences.</p> <p>The Crime Survey for England and Wales (CSEW) which provides prevalence estimates for Class A drug use for adults aged 16-59.<sup>7</sup> The CSEW reports that on average between 2014 and 2022, over one million individuals took Class A drugs each year. Of these individuals, around 82 per cent took heroin, crack cocaine and/or cocaine powder, and 18 per cent of these individuals reported using another Class A drug.</p> <p><b>The SRO has agreed these summary findings.</b></p>	<p><b>Yes</b></p>
<p><b>Justice Impact Test</b></p> <p>The justice impact test is a mandatory specific impact test, as part of the impact assessment process that considers the impact of government policy and legislative proposals on the justice system. [<a href="#">Justice Impact Test Guidance</a>]</p>	<p><b>Yes</b></p>