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# Forensic Science Regulator

## DTSG meeting

### Note of the meeting held on 27 January 2025 at 2 Marsham Street, London and via video conference.

#### **1. Welcome**

- 1.1. The Chair welcomed all members to the first meeting of the drugs and toxicology specialist group (DTSG). A list of attendees by organisation is available at Annex A.
- 1.2. The chair welcomed the Forensic Science Regulator (FSR) to this meeting. The FSR provided an overview of the provisions of the Forensic Science Regulator Act and developments in Forensic Science Regulation since the Statutory Code of Practice came into force in October 2023, including the most recent compliance survey and preparations for a future version of the Code.
- 1.3. The remit for this group is to advise the FSR on the regulatory model for drugs and toxicology including the definitions of the relevant forensic science activities within the FSR's Code of Practice and to develop an approach to assessing risk for these Forensic Science Activities (FSAs).
- 1.4. The FSR outlined the assurance mechanisms within the current Code of Practice. The DTSG should consider what assurance mechanisms are appropriate for drugs and toxicology FSAs, mindful of the practicalities of carrying out the FSA and the regulatory objectives.

#### **2. Membership**

- 2.1. Members introduced themselves, outlining their relevant experience and the organisation they were representing.

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- 3.1. Members agreed the agenda for the meeting.

**4. Terms of Reference of Specialist Group**

- 4.1. Members considered the terms of reference (TOR) which had been circulated prior to the meeting. There was discussion about the scope of drugs and toxicology regulation and whether this included pathology testing. Whilst the work of pathologists is not within the scope of the FSR, some of the testing is. It is in this group's remit to consider what is within the scope of drugs and toxicology FSAs and advise the FSR accordingly. Subject to minor tweaks, the TOR was agreed and will be published.

**Action 1** - OFSR to update TOR following discussion. TOR otherwise approved.

**Action 2** - OFSR to publish TOR on FSR webpage.

**5. Practicalities (working of group)**

- 5.1. The Chair outlined that the DTSG would meet twice a year and the next meeting would be online. The minutes from the meeting would be published.

**Action 3:** OFSR to circulate minutes to SG and following agreement, publish on FSR webpage.

- 5.2. The Chair invited members to propose work areas for this group to consider. Proposals should include an assessment of the impact and frequency of the issue to enable prioritisation and development of the workplan.

**Action 4:** Members to write to Chair or OFSR with suggestions of work areas for DTSG to undertake. Members should provide an assessment of the frequency and impact of the work area so that DTSG can assess and prioritise the workplan.

**6. Report on Interpretation Specialist Group in relation to Drugs and Toxicology Working Group.**

- 6.1. The Chair welcomed the Chair of the FSR's Interpretation Specialist Group (ISG) to the meeting to provide an overview of the work of the ISG and considerations for forensic interpretation from a drugs and toxicology

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perspective. The FSR has established the ISG to develop standards and advise how interpretation should be regulated. The ISG has created an overarching document which establishes broad principles for forensic interpretation and deals with all types of interpretation (investigative, evaluative, analytical, factual, categorical) and considers four levels of issue (offence, activity, source, sub-source). It was noted offence level issues are rarely dealt with by forensic science but may be applicable in strict liability offences such as section 5A drug-driving.

- 6.2. Discipline-specific sub-groups have been established to develop FSA-specific interpretation guidance including a drugs and toxicology working group on interpretation. The drugs and toxicology interpretation working group will report to both ISG and DTSG and is being chaired by the DTSG Chair. An initial workshop with the working groups was held in October and a future workshop is being planned.
- 6.3. The drugs and toxicology specific guidance should address the biggest issues in this area, including competence; calibration; levels of impairment and impact levels of drugs on the body; accounting for bias; and expressing conclusions. There was discussion around the challenges currently encountered when interpreting drugs and toxicology evidence including the availability of data and statistics to inform likelihood ratios and probabilities in some disciplines and where there is a lack of a defence proposition. Defined terminology and consistency in its use has an important role in interpretation. The Chair invited the ISG Chair to return to a future DTSG meeting.

**Action 5:** OFSR to circulate the draft guidance from the interpretation workshop in October (FSR GUI #### workshop draft).

## **7. Report from Chairs of Working Groups**

- 7.1. The Chair of the Section 5A drug-driving working group (s5AWG) provided an introduction to and update from the s5AWG. The working group was established in September 2023 to revise the FSA-specific requirements for FSA-DTN-102 within the Code of Practice, which provides a regulatory framework for testing under the section 5A offence. The s5AWG Chair provided

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an overview of offence, which was commenced in 2015 and sets specified limits for 17 drugs and metabolites in blood.

- 7.2. There have been a number of significant quality failures in this testing and the updated requirements intend to provide more clarity on the analytical approach and quality controls. The working group comprises representatives from the Association of Forensic Science Providers, United Kingdom and Ireland Association of Forensic Toxicologists, independent and defence scientists, UKAS and the Chartered Society of Forensic Sciences and have met six times. Following consultation in September, the revised requirements are now in a position to be included in the next version of the Code of Practice. The s5AWG Chair provided an overview of some of the underlying challenges in toxicology for additional context.
- 7.3. The OFSR representative provided an introduction to and update from the Drug Testing Kits Working Group (DTKWG). The FSR has established the DTKWG to establish quality standards for the use of hand-held drug testing kits and devices. The use of drug testing kits is exempted from the FSR's Code of Practice as the current mechanism for their approval and assurance is through the processes under the Home Office Circular and the adjacent Evidential Drug Identification Testing (EDIT) which is authorised by the Home Secretary.
- 7.4. The DTKWG comprises members from law enforcement, commercial providers, academia and policy. The Chair for this working group has had to step down and the FSR is in the process of appointing a successor. The group first met early 2024 and have met four times. The DTKWG are looking to establish a regulatory model for the use of drug testing kits in the context of their practicality and application in law enforcement whilst ensuring quality standards are maintained. The OFSR representative outlined some of the key issues that the group are looking to address through this work.

**8. Proficiency Testing**

- 8.1. There was discussion about the availability of suitable proficiency testing (PT) schemes, particularly for section 5A drug-driving. The FSR commissioned a PT for the forensic providers within the section 5A drug-driving working group to

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inform the development of the FSA-specific requirements, however the statistical pool was small, so there may be a need to look internationally where broader participation will enable robust statistical evaluation of the results.

There is desire for PT schemes which cover a broader range of drugs, as many are for tetrahydrocannabinol (THC) and benzoylecgonine (BZE) only. The Chair would like statistical input from the DTSG on Quality Control charting. There was discussion on reporting of uncertainty in drug purity analysis.

**Action 6:** Chair and OFSR to circulate LGC Axio Proficiency Scheme newsletter which suggests human error is the key cause of failure of participants in PT schemes.

**Action 7:** UKIAFT representative to look into current landscape of relevant PT schemes, including internationally and feedback to DTSG.

**Action 8:** Chair to send RSS representative a publication on the statistical framework for the WADA PT scheme.

**9. Expand s5A oral fluid test from current roadside testing of THC & cocaine/BZE only**

9.1. There was agreement that there is demand to expand the range of tests but further discussion was deferred until the next meeting.

**10. AOB**

10.1. No AOB was raised.

**11. Date of next meeting**

11.1. The Chair and OFSR will arrange the next meeting for approximately six months' time and this will be held online.

**Action 9:** OFSR and Chair to arrange next DTSG meeting for six months' time.

## **Annex A**

### **Representatives present:**

Chair

Association of Forensic Science Providers (AFSP)

UK and Ireland Association of Forensic Toxicologists (UKIAFT)

Chartered Society of Forensic Sciences (CSFS)

National Police Chiefs Council (NPCC)

British Mass Spectrometry Society (BMSS)

Royal Statistical Society (RSS)

Royal Society of Chemistry (RSC)

FSR's Section 5A Working Group

Office of the Forensic Science Regulator (OFSR)

Forensic Science Regulator (FSR) (items 1 and 2 only)

FSR's Interpretation Specialist Group (item 6 only)