Forensic Science Regulator

Regulator's Notification: No. 02-2025

Issue

Notification regarding the use of drug testing kits and devices for rapid drug identification under the Home Office Circular 015/2012.

Background

The Home Office Circular 015/2012 (and related circulars 013/2014 and 005/2017) ('the Circular'), stipulates the kits, process and limitations for the use drug testing kits and devices that have been approved by the Home Office for rapid drug identification purposes.

The Forensic Science Regulator (FSR) has consequently exempted the use of drug testing kits and devices under the Circular from the activity DTN-103 'Examination and analysis to identify and quantify controlled drugs and/or associated materials' within the Code of Practice versions 1 and 2 whilst this assurance mechanism remains.

The FSR is aware that the Circular has not been updated since 2014 and understands from the Criminal Justice System (CJS) that due to organisational changes, technological developments and a changing drug landscape, there is a potential risk associated with the use of drug testing kits and devices under the current Home Office framework.

The risks are a result of:

- a more complex drug market than when the Circular was first developed including the challenges with the identification of mixtures;
- a lack of centralised ownership of training and competency resulting in issues with the interpretation of results;
- health and safety hazards particularly concerning novel nitazenes;
- a lack of quality assurance for the kits currently approved and a lack of mechanism for assuring kits not currently covered by the Circular.

The FSR is concerned that there is “scope creep” from the original intention of the Circular, particularly concerning the EDIT process, which introduces additional risk to the CJS.

Description of Notification

The FSR is aware that the Circular has not been updated since 2014 and understands that due to organisational changes, technological developments and a changing drug landscape, there is a potential risk associated with the use of drug testing kits and devices under the current Home Office framework.

The risks are a result of:

- a more complex drug market than when the Circular was first developed including the challenges with the identification of mixtures;
- a lack of centralised ownership of training and competency resulting in issues with the interpretation of results;
- health and safety hazards particularly concerning novel nitazenes;
- a lack of quality assurance for the kits currently approved and a lack of mechanism for assuring kits not currently covered by the Circular.

The FSR is concerned that there is “scope creep” from the original intention of the Circular, particularly concerning the EDIT process, which introduces additional risk to the CJS.

The FSR would like to notify the community of the risks associated with the use of drug testing kits and devices and of his intention to bring this within the Code of Practice as a standalone activity.

Changing Drug Market:

The Circular was intended to facilitate the quick resolution of simple possession only cases. The street drugs market has changed in the past decade, purities are different, multi-drug mixtures are common and there are more cannabis-related products. Novel Psychoactive Substances, such as nitazenes, are often present in extremely low purities which kits may not be able to detect additionally posing health and safety risks due to their potency.

Technology Risks:

There is risk of misidentification of drugs and therefore incorrect drug and/or class attributed to a result.

The analysis of drugs is a Forensic Science Activity (FSA) included in Code: DTN-103 ‘Examination and analysis to identify and quantify controlled drugs and/or associated materials’ which outlines sub-activities that are considered part of this FSA, including sampling, analysis, reporting results. This FSA requires accreditation to ISO 17025. A range of technologies are used in different drug testing kits, for example Raman spectroscopy, infrared spectroscopy, with some

techniques better at identifying certain types of drugs and matrices. Within an accredited lab setting the forensic identification strategy is based upon initial preliminary and screening tests and the identification technique most appropriate for the type of drug being analysed is selected. There is not one drug testing device that can do all techniques therefore there is a risk that drugs are being missed or incorrectly identified based on an inappropriate technique being used, based on the type of device that a force has purchased.

Due to the complexity of chemical structures, especially novel psychoactive substances, rapid devices may not have the capability to adequately detect between similarly structured compounds. Structural testing is often required to identify novel substances and new and emerging drugs may not be on kit libraries. Some kits respond better to complex matrices or differently coloured materials and there is varying sensitivity in kits.

Training and Competency:

Risks related to lack of formal training and competency could include insufficient contamination measures, misinterpretation of results or their significance, and inconsistency in use across forces resulting in different outcomes for the same theoretical sample. There are risks associated with the intended sequence of testing and corroboration reportedly not always being followed, which risks the safeguards implemented to protect against incorrect results.

Future Intentions Regarding This Activity:

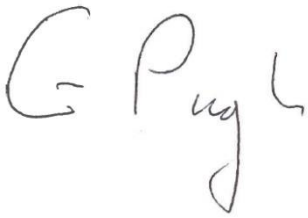
The FSR has established a working group to review the regulation of the use of drug testing kits and devices with a view to defining a FSA that will be included in a future version of the Code of Practice. This working group contains representatives from across the CJS including those in front line law enforcement and forensic providers.

The FSR will consult on the proposed regulation and intends to remove the exemption for the Circular from the Code of Practice.

In the interim the Regulator would like the CJS and users of the results from drug testing kits to be aware of the potential risks associated with the results from these kits.

Process and Date of Implementation

If you would like to comment on this matter, communication should be via email to FSREnquiries@forensicscienceregulator.gov.uk



Mr Gary Pugh OBE
14 July 2025