Economic Note	Number: HO EN 1045
Title of regulatory proposal	Drug Testing on Arrest (DToA)
Lead Department/Agency	Home Office
Expected date of implementation	Autumn 2026
Origin	Domestic
Date	12/02/26
Lead Departmental Contact	CrimeandPolicingBillTeam@homeoffice.gov.uk
Departmental Assessment	GREEN

Rationale for intervention, objectives and intended effects

Drug Testing on Arrest (DToA) is an effective intervention available to police forces to support individuals to confront their drug use, promoting behaviour change and reducing criminality. This expansion of DToA powers includes a wider list of trigger offences and refines the list of drugs tested for to include Class A, B and C drugs that have links to criminal behaviour. The purpose of these changes is to support a potentially different cohort whose drug use contributes to or causes their criminal behaviour and support them into treatment where appropriate. This should, in turn, reduce recidivism and wider societal harms.

Policy options (including alternatives to regulation)

Trigger Offence expansion:

Option 0: 'Do nothing'. Police would continue using existing powers with the current list of trigger offences and the ability to test for all other offences with only Inspector or above authority.

Option 1: Expand the trigger offences to include new offences. This will allow the police to drug test a wider range of individuals without requiring Inspector authority. **This is the government's preferred option.**

Class B and C drugs expansion:

Option 0: 'Do nothing'. Police would continue using existing powers by testing for Class A drugs only.

Option 1: Amend DToA powers to allow testing of specified Class A, B and C drugs, which have links to criminal behaviour. **This is the government's preferred option.**

Costs and benefit summary

Total costs of the policy are estimated to be between **£3.1 million and £17.5 million with a central estimate of £8.2 million** discounted over 10 years. It has not been possible to monetise the benefits of this policy due to insufficient data and evidence.

Risks

There is uncertainty around the number of police forces taking up DToA, as well as the volume of tests per force. Forces will determine whether to use DToA, and to what extent, based on a range of considerations including force priorities, capabilities and prior experience, as well as funding availability

Total Cost (£m PV)	Transition Cost (£m Constant)	Cost to Business (£m PV)	
£8.2m	**£0.6m**	**£0.0m**	
Total Benefit (£m PV)	**NPSV (£m PV)**	**BNPV (£m PV)**	**EANDCB (£m PV)**
N/A	-£8.2m	N/A	N/A
Price Base Year	**PV Base Year**	**Appraisal period (Years)**	**Transition period (Years)**
2026/27	**2026/27**	**10**	**2**

Departmental sign-off (*SCS*):	Marcus Starling	Date: 12/02/26
Chief Economist sign-off:	Tim Laken	Date: 29/04/26
Better Regulation Unit sign-off:	Emma Kirk	Date: 30/04/26

Evidence Base

A. Policy objectives and intended effects

1. Drug Testing on Arrest (DToA) aims to identify individuals whose drug use may be associated with their criminal behaviour. It enables police to refer them into treatment and support services where appropriate, potentially reducing future offending by supporting individuals to change their behaviour.

2. The primary purpose of DToA is to support individuals to confront their drug use, but in many instances, DToA may also be a safeguarding tool for victims and offenders. For victims, in cases where a crime may not be progressed through the criminal justice system (CJS) or progression is delayed, DToA may act as a safeguard by addressing the drug use that leads to or worsens offending behaviour, presenting an opportunity for that behaviour to be addressed outside of the CJS.

3. Expanding the list of trigger offences for which police can conduct drug tests supports the aim of identifying drug users whose drug use and criminality may be linked, referring them to treatment or support services. It enables a wider cohort of offenders to be referred, supporting them to address their drug using behaviours, and ultimately reduce drug use and reoffending. The expansion also reduces those instances where an inspector is not minded to approve testing for a non-trigger offence, where opportunities for the individual to confront their drug use may be missed.

4. The aim of expanding DToA powers is to refine the drugs to be tested for to include only specified Class A, B and Class C drugs with links to criminality is to ensure the appropriate individuals whose drug use may be associated with their criminality can be referred to appropriate treatment or interventions. This in turn will allow them to address their drug using behaviours and ultimately reduce drug use and reoffending.

5. The expected outcomes of the policy proposals are:

    - Increased use of DToA.
    - Increased identification of individuals who use drugs from a focused range of testing for drugs and in relation to more offences.
    - Increased referral of individuals to appropriate treatment or other support services.
    - A reduction in drug use and reoffending.

B. Policy options considered, including alternatives to regulation

6. As this economic note covers both the amendment to specified Class A, B and C drugs, and the expanded list of trigger offences, the options for each have been set out separately.

Trigger Offence expansion:

7. **Option 0: 'Do nothing'.** This would involve no legislative changes. Police powers for drug testing will remain with the current trigger offence list and the ability to drug test for a non-trigger offence with an Inspector's Authority.

8. **Option 1: Legislate to expand the trigger offences to include new offences.** This option allows police to test a wider range of individuals without requiring an Inspector's Authority for each instance. This furthers the government's Health[1] and Safer Streets[2] Missions through supporting more drug users to enter treatment, and by addressing criminality that may be caused by drug use. The inclusion of trigger offences relating to violence against women and

[1] Government's Health Mission: https://www.gov.uk/missions/nhs
[2] Government Safer Streets Mission: https://www.gov.uk/missions/safer-streets

girls (VAWG), anti-social behaviour, and knife crime are particularly relevant to the government's commitments. **Option 1 is the government's preferred option as it meets the strategic and policy objectives.**

Class B and C drugs expansion:

9. **Option 0: 'Do nothing'.** This would involve no legislative changes and DToA continues to only test for Class A drugs. This is less likely to achieve the government's Health and Safer Streets Missions, as opportunities will be missed to address drug use and drug-driven criminality.

10. **Option 1: Legislate to amend DToA to specified Class A, B and Class C drugs with links to criminality.** This will support the government's Health and Safer Streets Missions by referring more drug users into treatment and reducing their reoffending. This also presents an opportunity to improve the understanding of the links between drug use and criminality through DToA programme metrics, which will provide informed policy choices going forward. **Option 1 is the government's preferred option.**

Non-regulatory options

11. Non-regulatory options were considered. While there are a range of non-legislative approaches available to encourage or support engagement with drug treatment services, these rely on voluntary participation. Outside of the custodial estate, an expansion of police testing powers provides the only available mechanism to lawfully compel an individual to commence engagement with assessment and treatment services.

Preferred option and implementation date

12. For both the trigger offence expansion and specified Class A, B and C amendments, Option 1 supports the government's Health and Safer Streets Missions more than Option 0. Option 1 enables the police to test additional drug users and additional offenders who commit a wider variety of crimes, which will lead to more drug users being referred to and entering treatment, leading to a greater potential change in behaviour and reduction in reoffending. Data collected through DToA also improve the police and government understanding of the link between drug use and crime, which will better inform future policies that aim to reduce the harms of drug use.

13. The DToA measures in the Crime and Policing Bill (expansion of trigger offences and amendment to allow testing for specified Class A, B and C drugs) are anticipated to receive Royal Assent in spring 2026, subject to parliamentary approval. The changes will be implemented through a Statutory Instrument using the negative procedure to specify which Class A, B and C drugs can be tested for through DToA, and a Statutory Instrument using the affirmative procedure to amend PACE Code C. We anticipate these being laid before Parliament in summer 2026, with the intention of changes being operational in autumn 2026.

C. Past evaluations and rationale for government intervention

14. DToA powers have been available to police since 2003. An evaluation of the 2010 Drug Strategy, published in July 2017[3], noted some positive impacts of the then Drug Intervention Programme (of which DToA was a key component) including that reoffending rates were lower for a significant proportion of the cohort.

15. The 2021 drug strategy[4] included aims of delivering a world-class treatment and recovery system and achieving a reduction in the demand for drugs. DToA was identified at that time as one intervention that could support those aims and investment was made in DToA over that period.

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[3] An evaluation of the Government's Drug Strategy 2010: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/628100/Drug_Strategy_Evaluation.PDF

[4] From harm to hope: A 10-year drugs plan to cut crime and save lives: https://www.gov.uk/government/publications/from-harm-to-hope-a-10-year-drugs-plan-to-cut-crime-and-save-lives

16. DToA supports the government's Safer Streets Mission by addressing the drug use that drives some criminality. The government supports the continued use of DToA by forces and intends to reform the legislation to enable testing to take place more widely to enhance its impact. Expanding the list of trigger offences supports the aims within the mission to reduce VAWG, address antisocial behaviour, and reduce knife crime, as well as wider violent crimes that are linked to drug use. DToA also supports the government's Health Mission by supporting drug users to enter treatment, providing an opportunity to change behaviour and ultimately reduce drug use and drug-related deaths.

17. Treatment and support services can play a critical 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[5]. DToA has been previously identified as a potential means of identifying drug users and referring them to treatment[6]. Indicative data from police forces between March 2023 and March 2025 suggests that the majority of positive tests result in an initial assessment, and that, where data is available, over half of assessments result in a referral to treatment[7].

18. Current legislation contains 21 trigger offences[8], meaning police/custody suite officers can drug test without further approval when an individual has been arrested or charged for one of these trigger offences. Police can test an individual for a non-trigger offence, although this requires an inspector's authority. This may decrease the likelihood of a drug test taking place due to lack of availability of an inspector, particularly relevant for crimes that may take place in the night-time economy, or increase the time taken to process the individual, which could lead to the drugs being undetectable in the sample by the time one is taken. Increasing the number of trigger offences will provide additional flexibility to officers and increase the number of drug tests carried out.

19. The aim of expanding DToA beyond Class A drugs is to identify a wider cohort of drug users whose drug use may contribute to their criminality and divert more individuals to treatment and support services. The expansion of DToA seeks to protect the health of the individual, address their drug use by diverting them into treatment or support services, and ultimately reduce drug-related offending.

D. Appraisal

General assumptions and data

20. The impacts of the preferred option (Option 1) are relative to the counterfactual 'do-nothing' baseline. This economic note quantifies the potential impact of this legislative package, notably the impact of expanding DToA, monetising costs, and benefits where possible. Costs presented are in 2026/27 prices and have been discounted over a 10-year appraisal period. The appraisal period begins in 2026/27, and the policy is assumed to come into force six months into that year.

21. The baseline for the volumes of DToA assumes drug testing for all Class A drugs. The volumes of drug testing in the baseline range between 67,000 and 80,200 with a central estimate of 73,200 annual tests in the steady state. These volumes were calculated using a yearly average between April 2022 and March 2025, using data from the 38 police forces which have

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5 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/media/5eafffedd3bf7f65363e4fda/Review_of_Drugs_Evidence_Pack.pdf

6 Drug testing on arrest–who benefits? | Health & Justice (biomedcentral.com): https://healthandjusticejournal.biomedcentral.com/articles/10.1186/s40352-019-0103-z

7 Drug Testing on Arrest Programme Data - GOV.UK (www.gov.uk): https://www.gov.uk/government/publications/drug-testing-on-arrest-dtoa-programme-data/data-drug-testing-on-arrest-dtoa-programme-accessible

8 List of Trigger Offences defined in law - Criminal Justice and Court Services Act 2000 (legislation.gov.uk): https://www.legislation.gov.uk/ukpga/2000/43/schedule/6

historically reported data. Reporting was not mandatory, so missing months of data were filled using historical volumes for equivalent months of previous years from 2015, or, if this was not available, an average for the months available for the relevant year. This result was also adjusted based on the assumption that 31 forces will maintain DToA in future[9]. Of these baseline tests, 60 per cent are expected to return a positive result for a Class A substance, giving an estimated volume of positive tests in the baseline between 40,400 and 48,400, with a central estimate of 44,400.

22. The increase in tests from this legislation is modelled assuming a gradual increase to a steady state, at which point the number of drug tests is assumed to have a constant yearly average. The model assumes funding constraints, whereby forces are unable to test all potential arrested individuals. This yearly average assumes between 4,300 and 15,800 additional tests, with a central estimate of 9,600, where forces will test between 5 per cent and 15 per cent of potential new tests, with a central estimate of 10 per cent. This range was estimated from correspondence with the police forces most involved in DToA on the expected testing response to the legislation considering funding and capacity.

23. The increase in positive tests as a result of this legislation is modelled assuming an uplift to the positive test rate to account for the expanded list of drugs tested. The modelling assumes the police do not change testing practices through intelligence or random testing. The share of tests returning positive for a Class A, Class B, or Class C substance ranges from 66 per cent to 76 per cent with a central estimate of 71 per cent. This is applied to all tests. The yearly average assumes between 3,500 and 12,700 additional positive tests, with a central estimate of 7,800.

24. Table 1 shows the baseline volumes of administered and positive tests under current legislation; as well as the volumes of additional administered tests under the expansion of trigger offences and drugs tested, as well as the volumes of additional positive tests under the expansion of drugs tested.

Table 1: Total Baseline (Option 0) and Additional (Option 1) Annual Volumes of Administered and Positive tests

	Baseline Testing Volumes in Option 0	Additional Testing Volumes in Option 1	Baseline Positive Tests in Option 0	Additional Positive Tests in Option 1
Low	67,000	4,300	40,400	6,400
Central	73,600	9,600	44,400	14,600
High	80,200	15,800	48,400	24,800

Source: Home Office, 2026

25. The model assumes 31 police forces will carry out drug testing on arrest. This is based on the number of police forces that have accepted Home Office DToA funding up to March 2025 or are known to conduct DToA without Home Office funding.

Costs

Set-up costs

Set-up cost 1: Familiarisation costs to police officers and legal professionals

26. It is likely that police officers, legal professionals, lawyers, and solicitors will need to spend some time familiarising with the updated legislation. It has been assumed that between three

[9] The assumption on the number of police forces is based on the current known number of forces with a DToA provision.

to ten[10] senior police officers[11] per force for the 31 police forces and between 3,600 and 10,800[12] lawyers/solicitors will need to read and understand the legislation changes.

27. Gross hourly wages for both police officers[13] and legal professionals[14] were then multiplied by the numbers required to read and the estimated time taken to read the legislation to estimate the total familiarisation cost. Table 2 shows the total familiarisation costs for legal professionals and police staff.

Table 2: Total familiarisation costs for police forces and legal professionals, £, 2026/27

Familiarisation Costs	Police	Legal Professionals	Total
Low	2,070	2,400	4,470
Central	7,020	14,400	21,410
High	28,500	57,580	86,080

Source: Home Office, 2026

Total familiarisation costs

28. The total familiarisation costs range between £4,500 and £86,100 with a central estimate of £21,400. These set-up costs are incurred in the first year of implementation, that is, 2026/27.

Set-up cost 2: Capital Investment - Drug testing machines

29. Following expansion of drug testing to specified Class A, Class B and Class C drugs, police forces may have to purchase new drug testing machines to test for the additional substances. Each drug testing machine is assumed to have a unit cost of around £960[15]. Adding in the costs of printers, cables and cartridges, along with an optimism bias of 20 per cent, gives an estimated unit value of **£1,550.**

30. Home Office drug testing purchasing figures were used to estimate how many drug testing machines each police force would need to purchase. It is assumed that each force would require between 2 and 10 drug testing machines, with a central estimate of 6 machines. The number of printing machines a police force requires was multiplied by the proxy unit cost to get a per police force capital cost. This figure was then multiplied by 31 to get the capital investment cost for whole of England and Wales.

Number of machines x £1,550 (unit cost per machine/equipment) x 31 (number of police forces conducting DToA)

31. Table 3 summarises the preceding calculations.

[10] This is an internal Home Office estimate in the absence of any other evidence of how many officers would need to read the change.

[11] 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.

[12] This is an internal Home Office estimate using the Independent Review of Criminal Legal Aid and the assumption that between 25 per cent and 75 per cent, with a central estimate of 50 per cent of legal professionals will need to read the new legislation: Independent Review of Criminal Legal Aid: https://www.gov.uk/government/groups/independent-review-of-criminal-legal-aid

[13] Hourly wage is based on the average salary of Inspector, Chief Inspector and Superintendent. Data is from internal Home Office modelling. This includes an uplift for non-wage costs.

[14] Wages for legal professional were uplifted for non-wage costs using the 22 per cent recommended here: RPC guidance note on 'implementation costs': https://assets.publishing.service.gov.uk/media/6911d2e0ece74c08fbaa6407/RPC_Short_Guidance_Note_-_Implementation_Costs_update_Sept_25.pdf

[15] Based on the cost of machines provided by the current supplier of drug testing equipment for police forces.

Table 3: Total drug machine costs for police forces, £, 2026/27

	Machines per police force	Cost per police force	Total costs for all 31 police forces
Low	2	3,100	95,800
Central	6	9,300	287,500
High	10	15,500	479,100

Source: Home Office, 2026

Total Drug testing machine cost

32. Total drug testing machine capital costs are estimated to lie in a range of **£96,000 to £479,000** with a central estimate of **£287,000** over 10 years, in 2026/27 prices.

Set-up cost 3: Training costs for police officers

33. For the police to understand, enforce and collect drug testing data for specified Class B and C drugs effectively, officers will be required to undertake training to learn how to use the new drug testing equipment and how to process the drug testing data.

34. Police workforce data[16] has been used to estimate the number of custody officers per police force. Data for the 31 out of 43 police forces in England and Wales which are conducting or expected to conduct DToA and expand to specified Class A, B and C drugs, was used to calculate the lower quartile, median and upper quartile of custody officers, to provide the low, central and high estimates respectively.

35. It is also assumed that police forces can pick one training course type and only 12 police officers can attend per training session. The cost per session varies depending on the number of sessions booked and the number of officers attending.

36. The training costs represent the minimum amount of training sessions required in each scenario. The values used to estimate the police training cost are presented in Table 4 and calculated as:

- *Number of custody staff and officers per police force / 12 = number of sessions required*
- *Cost per training course x Number of training sessions required per police force x 31*

Table 4: Police training cost calculations, £, 2026/27

	Custody staff and officers requiring training	Number of sessions required	Cost for all 31 police forces (£)
Low	1,845	155	103,000
Central	4,517	403	257,000
High	5,418	465	296,000

Source: Home Office estimates, 2026.

Total training costs

37. Total police training costs are estimated to lie in a range of **£103,000 to £296,000** with a central estimate of **£257,000** in year 2 only, in 2026/27 prices.

Total set-up costs:

38. The total, discounted set-up costs are estimated to range between £0.2 million and £0.9 million with a central estimate of £0.6 million. The familiarisation costs are incurred in the first year of

[16] Police workforce, England and Wales: 31 March 2025 (second edition) - GOV.UK: https://www.gov.uk/government/statistics/police-workforce-england-and-wales-31-march-2025/police-workforce-england-and-wales-31-march-2025

the appraisal period on implementation. All set-up costs are implemented in the first year of the appraisal period.

Ongoing and total costs (private and public)

Ongoing cost 1: Drug testing equipment and police time

39. Direct costs to police include the costs the materials needed to conduct the tests and the cost of detention officer time. Unit costs of drug testing materials are provided in 2026/27 prices, with a 20 per cent optimism bias applied due to the current uncertainty around future costs.

40. This leads to an estimated unit cost for each drug test of £17.41. This includes printer paper roll and confirmation test costs for each test. The drug test unit cost includes taking the sample and testing the sample.

41. In addition to the costs of drug testing materials, detention officer time per test was also calculated. From a survey of police forces, it was estimated that current average police time per test was approximately an hour, with many responses citing instances that took much longer or shorter and varying numbers of staff involvement (accounting for multiple staff conducting a test over a shorter period) a low scenario of half this time has been applied, whilst in the high scenario the time is doubled.

42. The average salary for detention officers was determined from job postings and recruitment information from 25 police forces. Salaries are uplifted to 2026/27 prices and subject to a 22 per cent non-wage cost uplift. This gives an hourly labour cost of £27.55. The total additional drug testing costs for Option 1 are the sum of the cost of materials and the ongoing drug testing costs minus these costs in the baseline. They are presented in table 5.

Table 5: Annual ongoing police testing costs for option 1 (at steady state), £, 2026/27

	Cost per test (£)	Additional Tests	Total Costs (£m)
Low	32.31	4,300	0.14
Central	47.20	9,600	0.45
High	76.99	15,800	1.22

Source: Home office, 2026

43. The equipment cost also factors in the costs of machine maintenance. The estimated annual cost of maintenance per machine is £145.22 in 2026/27 prices. This puts the annual maintenance cost between £9,000 and £45,000, with a central estimate of £27,000.

44. The total, discounted cost of additional police time and materials across the 10-year period are between £1.2 million and £10.2 million, with a central estimate of £3.9 million.

Ongoing cost 2: Laboratory confirmation tests

45. Lab data shows a small amount (around 3%)[17] of positive tests are sent to the lab for confirmation at an average cost of £18.61. This proportion and price are applied to the volumes of expected additional positive tests in each scenario (see table 6).

Table 6: Total yearly laboratory testing costs, £, (At Steady State), 2026/27

Lab Costs	Number of Additional Tests to Lab	Total cost of Tests to Lab (£)
Low	199	3,700
Central	455	8,500
High	733	14,400

Source: Home Office, 2026

[17] A proportion was calculated using internal Home Office DToA data and data from commercial DToA partners.

46. The total, discounted cost of additional tests sent to the lab across the 10-year period are between £30,000 and £117,000, with a central estimate of £69,000.

Total drug test costs

47. The total discounted costs associated with equipment, detention officer time, materials, and lab tests for the 10-year appraisal period range between £1.2 million and £10.4 million, with a central estimate of £4.0 million.

Ongoing cost 3: Criminal justice system costs

48. There are a number of ongoing costs associated with the CJS. These include legal aid, court costs, and prison costs. These are included in the model as there are three offences associated with DToA. Committing any of these offences can lead to a prosecution, being taken to court, and may lead to a custodial sentence or penalty notice outcome.

49. The three offences, using Home Office offence codes, are:

    1. 19348 – Failure to provide a sample (FTP)
    2. 19353 – Failure to attend or stay for the duration of an initial assessment following a test for Class A drug (FTAI)
    3. 19354 – Failure to attend or stay for the duration of a follow up assessment following a test for Class A drug (FTAF)

50. Following the proposed expansions, similar offences will be introduced for Class B and Class C drugs. It is likely that the number of committed offences would increase, as the volume of tests completed are expected to increase due to both expansions, and additional ongoing costs would be incurred. The failing to attend offences are linked to the increase in positive tests[18].

51. The model estimates 0.4 per cent of all tests lead to prosecution for failing to provide a sample. 3.3 per cent of positive tests lead to a prosecution for failing to attend an initial assessment, while 0.6 per cent lead to a prosecution for failing to attend a follow up assessment, based on the average proportion of positive tests to prosecutions between 2022/23 and 2024/25[19].

52. The formula used:

    Annual predicted number of DToA X percentage of positive tests X (the average proportion of prosecutions to positive tests)

53. The estimated increased number of proceeded against for each offence is shown in table 7:

Table 7: Estimated annual increase in prosecutions by offence at steady state

Increased number of Individuals Proceeded Against	Failure to provide a sample	Failure to attend and stay for the duration of initial assessment	Failure to attend and stay for the duration of a follow up assessment	Total
Low	211	35	16	263
Central	485	81	36	602
High	823	137	60	1,020

Source: Home Office, 2026

54. Data from Ministry of Justice (MoJ) CJS statistics[20] indicate that 100 per cent of cases for all three offences go to Magistrates' Court first, with only 0.2 per cent of these cases going onto the Crown Court for trial per year.

Legal Aid

55. 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 MoJ and Legal Aid Agency officials.

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[18] For the failing to provide a sample offence, since there is no direct link to positive tests, the model uses proportion to completed tests instead.

[19] For the baseline and expansion prosecutions volumes, MoJ criminal courts data 2022/23 to 2024/25 was used. https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-june-2025

[20] Criminal Justice System statistics quarterly: June 2025 - GOV.UK: https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-june-2025

56. 55 per cent of offenders are assumed to be eligible in Magistrates' Court cases and 100 per cent in the Crown Court cases for legal aid. It is estimated that legal aid cost per eligible offender is £358 at the Magistrates' Court and £2,359 at the Crown Court[21].

57. Table 8 shows the total legal aid costs over the 10-year appraisal period by both Crown and Magistrates' courts.

Table 8: Additional legal aid costs by Magistrates' and Crown courts, £, PV, 2026/27

	Magistrates' Court	Crown Court	Total Legal Aid Expansion Costs
Low	94,000	1,100	95,000
Central	215,000	2,600	218,000
High	364,000	4,400	369,000

Source: Home Office, 2026

Court Costs

58. The unit costs for a Magistrates' Court sitting and Crown Court sitting are £371 and £4,276 respectively (in 2026/27 prices with a 20 per cent optimism bias). These unit costs are multiplied by the prosecution volumes to estimate the ongoing court costs in low, central and high scenarios over the 10-year appraisal period.

Table 9: Total additional court costs, £m, PV, 2026/27

Additional Court Costs	Total (£m)
Low	0.71
Central	1.62
High	2.74

Source: Home Office, 2026

Prison costs

59. The number of individuals custodially sentenced because of both expansions is calculated using CJS data from 2022/23 to 2024/25 on the number of prosecutions leading to custodial sentences (Table 10) and the expected volume of additional prosecutions. The average custodial sentence in months includes a release at 34 per cent of the sentence served as per MoJ guidance on time served.

[21] These figures are taken from the legal aid cost assumptions from MoJ for specified Class B and C drug offences.

Table 10: The average number of individuals sent to custody following prosecution for failure to comply, split by offence, April 2022 to March 2025, MoJ statistics, 2025[22]

Average number of offenders sent to Custody by Offence	Failure to provide	Failure to attend and stay for the duration of initial assessment	Failure to attend and stay for the duration of a follow up assessment
Proceeded Against	311	1,165	194
Individuals sent to custody	12	22	3
Proportion from the total proceeded against	5%	2%	2%
Average Custodial Sentence in Months	0.1	0.6	0.0

Source: MoJ Criminal Justice Statistics, 2025.

60. The estimated number of individuals sent to custody are in turn multiplied by the average custodial sentence given.

Table 11: Estimated increase in annual prison places at steady state

Additional Annual Prison Places	Failure to provide a sample	Failure to attend And stay for the Duration of initial assessment	Failure to attend and stay for the duration of a follow up assessment	Total
Low	0.00	0.06	0.00	0.06
Central	0.00	0.14	0.00	0.15
High	0.01	0.24	0.00	0.25

Source: Home Office, 2025

61. This number of places is multiplied by the annual cost of a prisoner[23] indicated by MoJ data to be £57,200 in 2026/27 prices

Total Prison Costs

62. The total 10-year appraisal period costs for prison places is between £26,000 and £102,000, with a central estimate of £60,000

Probation costs

63. There are two types of costs associated with probation time: costs for those released on licence and costs for offenders serving community sentences.

64. The additional probation cost for offenders serving community sentences is estimated by multiplying the number of offenders sentenced to community sentences for the three DToA offences by the MoJ unit cost of probation. The modelling results in an annual ongoing cost of £66,300, with a range between £29,000 and £112,400.

65. The additional probation time for offenders released on licence is estimated based on the average custodial sentence length of the three offences, assuming that 34 per cent of the sentence, equivalent to 0.00 to 0.02 years, will be served in custody, with the entirety of the remaining 66 per cent served on probation, that is, there is no re-offending or breach of probation.

66. The associated probation cost for those released on licence is calculated by multiplying the number of offenders sentenced to custody by the additional probation time and then applying

[22] Average includes volumes from 2022/23 to 2024/25

[23] Costs per prison place and costs per prisoner 2022 to 2023 summary (publishing.service.gov.uk): https://assets.publishing.service.gov.uk/media/65f4229810cd8e001136c655/costs-per-place-per-prisoner-2022-2023-summary.pdf. Prison cost includes cost of immediate custody only.

MoJ unit costs. The modelling results in an annual ongoing cost of £640, with a range between £280 and £1,080.

Total Probation Costs

67. The combined probation impacts above are estimated to have an ongoing annual cost of £67,000, with a range between £29,000 and £114,000. The total 10-year appraisal period costs of probation lie between £0.2 million and £0.8 million with a central estimate of £0.5 million.

Court fines

68. As per HM Treasury Green Book guidance[24] fines are treated as economic transfers between individuals and the state and therefore excluded from the NPSV calculations.

69. For transparency, the costs associated with fines borne by one party were estimated using data on court fines (as a proportion of yearly estimated prosecutions) and average fine.

Table 12: Additional fine volumes, annually at steady state

Additional Fine Volumes	FTP Fines	FTAI Fines	FTAF Fines	Total
Low	8	97	16	121
Central	17	233	36	276
High	28	378	62	468

Source: Home Office, 2026

70. Multiplying these volumes by the average custodial fine value for each offence[25] leads to an estimated economic transfer ranging between £16,500 and £64,100 with a central estimate of £37,800 annually at steady state.

Total CJS Costs

71. The total, discounted CJS costs across the 10-year appraisal period are between £1.6 million and £6.3 million with a central estimate of £3.7 million.

Total Ongoing Costs

72. The total discounted ongoing costs across the 10-year appraisal period are between £2.9 million and £16.7 million with a central estimate of £7.7 million.

Total Monetised Costs

73. The estimates for the total ongoing and set-up costs range between £3.1 million and £17.5 million with a central estimate of £8.2 million across the 10-year appraisal period (table 13).

Table 13: Total monetised costs over the 10-year appraisal period (PV), £m, 2026/27

	Transition	Ongoing	Total	Yearly average (undiscounted)
Low	0.20	2.85	3.06	0.36
Central	0.57	7.68	8.25	0.96
High	0.86	16.67	17.53	2.05

Source: Home Office, 2026

Non-monetised costs

74. Several non-monetised costs have been identified. 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).

[24] The Green Book (2026) - GOV.UK: https://www.gov.uk/government/publications/the-green-book-appraisal-and-evaluation-in-central-government

[25] Criminal Justice System statistics quarterly: June 2025 - GOV.UK: https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-june-2025

Non-monetised cost 1: Additional Drug Treatment costs

75. 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 influence drug treatment costs and waiting times. These additional drug treatment costs per individual are not quantified due to uncertainty surrounding the attendance and completion of treatment.

76. There are other potential non-monetised costs relating to additional drug treatment. For example, in addition to increased waiting times, the increased strain on treatment services could compromise the quality of treatment should numbers in treatment increase, without the funding required.

Non-monetised cost 2: Additional caseload by police officers

77. The police officer that handles an individual's arrest then conducts and processes the DToA. If required, the test may go to the laboratory. 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.

78. This additional impact could not be quantified due to insufficiently 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 spent on processing the non-compliance offence. It is expected that the cost associated with this to be negligible.

Non-monetised cost 3: Cost of wasted drug tests

79. Drug tests have a "use by" date beyond which they would have to be thrown away, hence leading to some potential waste disposal costs. There is uncertainty around this. Police forces are attempting to mitigate this risk by effectively ordering drug tests over time, aiming to minimise waste while still maintaining sufficient stock to support drug testing on arrest.

Benefits

Monetised ongoing and total benefits (private and public)

80. There is good evidence to suggest that drug treatment carries social and economic benefits, by reducing drug use and its related harms and criminality, for example, from Public Health England.[26] The realisation of these benefits depends on external factors such as treatment capacity and individual level of attendance and completion of treatment. At this stage, the evidence base is not developed enough to accurately quantify the benefits of the programme.

81. Focusing on non-monetised benefits provides a more transparent reflection of DToA's contributions. These benefits, such as increased referrals to treatment, harm reduction efforts, improved police practices, and better understanding of drug-crime dynamics are observable.

82. It is important to highlight the economic theory around how benefits are monetised from this legislation. DToA is another mechanism to identify problematic drug users and can divert individuals towards drug treatment. The logic is laid out in the following steps:

- A proportion of people who have committed specific crimes are drug tested.
- Of those people that have been drug tested, a proportion of those people will have a positive result.
- The people that have tested positive will have an initial assessment by a drug worker. They will determine the next steps from their assessment outcome and decide on the level of support that individual would need.
- Of those assessed, a proportion will enter specialist drug treatment.

[26] Alcohol and drug prevention, treatment and recovery: why invest? (February 2018): https://www.gov.uk/government/publications/alcohol-and-drug-prevention-treatment-and-recovery-why-invest/alcohol-and-drug-prevention-treatment-and-recovery-why-invest

- After three months of treatment, those that result in successful treatment may lead to social and economic benefits.
- Of those people that have entered specialist treatment, 41 per cent lead to a successful result[27].

Benefits: Non-monetised benefits

Non-monetised benefit 1: Referrals to drug treatment

83. Drug treatment completed as a result of a DToA referral is widely expected to have a net benefit, with one government research report from 2009[28] estimating a £2.50 return for every £1 spent on drug treatment. Data from those police forces that have supplied data to the Home Office on treatment referrals between March 2023 and March 2025 indicate that around 53 per cent of 9,272 initial assessments following a positive test resulted in a referral to treatment[29]. The numbers are based on a small sample of total tests reported by police forces and there is ongoing work to improve the data collection for DToA to provide more complete data.

84. In addition to the benefits associated with reduced drug use, the drug treatment provided detainees with harm reduction advice, risk and care planning, and referrals to services addressing broader needs like housing and health. These benefits were seen as valuable even for individuals who did not pursue long-term treatment.

Non-monetised benefit 2: Potential reduction in drug use and in reoffending

85. 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) were estimated to be associated with drug use.[30] Substance use treatment plays a significant 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.[31] 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[32]. 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. Successful treatment could result in reduced healthcare and CJS costs due to reduced drug consumption.

Non-monetised benefit 3: Improved targeting of drug testing and associated outcomes

86. Given limited capacity, forces may not test all individuals newly eligible under the expanded trigger offences and expanded drug list. The reforms could nonetheless allow forces to prioritise testing for individuals whose offending is most strongly linked to drug use, enabling more effective referrals into treatment and supporting reductions in reoffending.

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27 Adult substance misuse treatment statistics 2024 to 2025: report: Available at: https://www.gov.uk/government/statistics/substance-misuse-treatment-for-adults-statistics-2024-to-2025/adult-substance-misuse-treatment-statistics-2024-to-2025-report

28 Research report 25 - The Drug Treatment Outcomes Research study: Cost-effectiveness analysis 2nd Edition : https://webarchive.nationalarchives.gov.uk/ukgwa/20110218141228/http:/rds.homeoffice.gov.uk/rds/pdfs09/horr25c.pdf

29 Drug Testing on Arrest Programme Data - GOV.UK (www.gov.uk): https://www.gov.uk/government/publications/drug-testing-on-arrest-dtoa-programme-data/data-drug-testing-on-arrest-dtoa-programme-accessible

30 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

31 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

32 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

Non-monetised benefit 4: Improved police practices

87. 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 can inform 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.

Non-monetised benefit 5: Better understanding of the relationship between drug-type and criminality

88. Expanding DToA to cover a wider range of drug types will provide data on positivity rates for individual drug types. These data could lead to future research opportunities to establish whether users of specific drugs are more likely to commit crimes than others. At present, test data is only collected for cocaine and opiates, so there is no reliable way to establish a link between different drug types and criminality.

NPSV, BNPV and EANDCB

89. Due to the absence of monetised benefits, the Net Present Social Value (NPSV) is equivalent to the cost. The total NPSV over 10 years lies between -£17.5 million to -£3.1 million, with a central estimate of -£8.3 million. The Business Net Present Value (BNPV) and Equivalent Annual Net Direct Cost to Business (EANDCB) are both equal to £0.

90. Due to the negative NPSV caused by the absence of monetised benefits, analysis was conducted to estimate the volumes of treatment referrals needed to break even with the estimated costs. As outlined in the Drug Treatment Outcomes Research study (DTORS)[33] the overall net benefits associated with structured drug treatment are equal to £6,527 over a 51-week period. This includes savings in health and social care, as well as savings from reduced future offences. Uplifting into 2026/27 prices, this gives a net benefit of £10,600.

91. Compared against the total undiscounted costs under each of the low, central, and high scenarios, the number of individuals benefiting from treatment as a result of referral by DToA, to reach a break-even point, ranges between 330 and 1,900 with a central estimate of 900. That is equivalent to between 0.6 and 0.8 per cent of all positive tests estimated over the 10-year appraisal period, with a central estimate of 0.7 per cent required to break even. For comparison, an estimated five per cent of positive tests between April 2022 and March 2025 resulted in referrals to treatment.

E. Wider impacts

92. The expansion of DToA as per option 1 is not expected to have a business impact, therefore there will be no material impact on smaller businesses, trade, or investment within the UK.

93. There are also no expected implications to households and individuals, and there will be minimal impact on the overall cost of living.

94. Similarly, there are no anticipated impacts on the environment or on wealth distribution as a result of this policy.

[33] Research report 25 - The Drug Treatment Outcomes Research study: Cost-effectiveness analysis 2nd Edition : https://webarchive.nationalarchives.gov.uk/ukgwa/20110218141228/http:/rds.homeoffice.gov.uk/rds/pdfs09/horr25c.pdf

F. Sensitivity

95. This measure does not require a full impact assessment as the equivalent annual direct costs to the public sector are less than +/-£20 million per year and there are no impacts to businesses or households expected to result from the proposed changes.

G. Risks

Risk 1: Uncertain testing uptake

96. A number of police forces are reliant on additional funding to conduct DToA. There is a risk that a reduction in future funding will reduce the volumes of test conducted and may limit the impacts of the expansion under option 1. To mitigate this risk, analysis was conducted to test the sensitivity of the results to the number of forces. The analysis considers scenarios where only 20 forces take up DToA compared to 31, as well as a scenario where all 43 forces were expected to take up DToA.

97. Under the sensitivity analysis, volumes of additional tests where 20 forces are delivering are expected to average 7,800 per year, with around 11,600 additional positive tests, compared to 9,600 overall and 14,600 positive tests in the central scenario. Total costs of option 1 are estimated to fall by around 21 per cent in the central scenario, from £8.4 million over 10 years to £6.6 million. The estimated break-even rate in the reduced participation scenario is unchanged.

98. Where 43 forces are delivering DToA, volumes of additional tests are expected to average 11,400 per year (with 17,400 additional positive tests) Total costs of option 1 are estimated to increase by 21 per cent compared to the scenario with 31 forces. The estimated break-even rate in the increased participation scenario is again unchanged.

Risk 2: Uncertainty predicting police force uptake

99. The estimation of the number of drug tests conducted per year is based on historic drug testing figures and subject matter expertise from police forces on future testing. This is a projection, and given the uncertainty, it is possible that drug testing figures may differ from the predicted range. Certain factors may exacerbate this risk, such as uncertainty around funding, or operational differences in forces' use of DToA. Forces may target their use of DToA, for instance, by using it at specific events or at times when some crimes are more prevalent than others. This risk has been mitigated by applying a range to the testing estimates, whereby forces are expected to test between 5 per cent and 15 per cent of the potential new tests from the expansion.

100. If testing volumes did not increase at all due to an absence of funding, total costs over 10 years in the central scenario would be £2.8 million (a 63% reduction compared to the central scenario). However, if forces maintained the current rate of testing per offence, that is, they complete 100 per cent of potential tests, total costs in the central scenario would be £58.8 million (a 603% increase compared to the central scenario).

Risk 3: Uncertainty around predicting share of positive tests

101. The expansion of DToA to include additional drugs with known links to criminal behaviour is expected to increase the overall share of positive test results. The central estimate for this share is based on available survey data on drug use and previous research on associations between certain substances and offending. However, there are several additional behavioural and operational factors that may influence the true positivity rate in ways that cannot be accurately quantified. These include variation in how police forces implement the expanded powers, such as decisions not to adopt updated testing kits capable of detecting a wider range of drugs, or conversely, decisions to focus testing primarily on arrestees who are more likely to test positive. These behavioural responses could result in either under- or over-estimation

of the positive test share compared with the central assumption. This risk is mitigated by applying a range of plausible positive test-rate scenarios within the analysis to reflect uncertainty.

Risk 4 – Variation in tested cohorts

102. The analysis assumes that the application of treatment benefits, and non-compliance rates are consistent across drug users regardless of the crime through which they are identified and tested. If this assumption fails, it is possible that a new cohort of users is identified through the expansion of trigger offences that have higher non-compliance rates and fail to engage in treatment to higher degrees than existing drug users, as such incurring additional CJS and treatment costs but yielding reduced benefits.

Risk 5 – Uncertainty around treatment capacity

103. The expansion is expected to increase the number of individuals referred to assessment and treatment following a positive test. However, treatment capacity may not increase proportionately, and higher referral volumes could place additional pressure on local treatment services. This could affect waiting times and uptake, introducing uncertainty around realised treatment volumes and associated benefits.

H. Annex

Mandatory specific impact test - Statutory Equalities Duties	**Complete**
The Home Office does not consider that any of the DToA measures directly and/or indirectly discriminate against persons who share protected characteristics. Whilst DToA provides for different conditions to be met dependent on age (persons aged 18 years or over may be tested on arrest, whilst persons aged 14 years or over may be tested on charge) and provides for specific safeguards for children when testing (for example, presence of an appropriate adult), any such potential direct discrimination on the basis of age is objectively justified as it aims to protect children. Moreover, there may be potential disadvantages to persons on the basis of race, age, sex, sexual orientation, and gender reassignment. This is due to factors such as higher rates of drug use or arrests within subsections of those groups. The Home Office considers any potential disadvantage is objectively justified, as the aim of the overarching drug testing in police detention powers is to refer more individuals to drug treatment and support services to help address their drug use and reduce drug related criminality, and drug testing is only available after a person has been arrested and/or charged with a criminal offence, where other relevant statutory conditions are also met. **The SRO has agreed these findings.**	**yes**