



LETTER SENT BY EMAIL ONLY

21 May 2025

FOI Ref 2025/26-008

Request

Your request for information dated 24 April 2025 is copied below.

Under the Freedom of Information (Scotland) Act 2002, I am requesting updated information on suspected drug driving cases that have not progressed to prosecution due to delays in forensic testing and analysis.

Specifically, I am requesting:

1. The number of drug driving cases that have not been progressed to prosecution due to delays in forensic testing over the last five financial years (2018-19– 2023-24).
2. A breakdown of those cases, including:
 - The number of cases involving a fatality;
 - The number of cases involving an injury (indicating whether a third party or the driver was injured);
 - The number of cases linked to traffic collisions;
 - The number of cases involving a potential repeat offender.

Response

The Scottish Police Authority has considered your request under the Freedom of Information (Scotland) Act (FOISA).

In terms of part one of your request, we can confirm that some information is held in relation to the number of drug driving cases that have not been progressed to prosecution due to delays in forensic testing over the last five financial years (2018-19– 2023-24).

The Authority considers some of the information requested exempt as this information can reasonably be obtained.¹

The independent HMICS Assurance Review of Scottish Police Authority Forensic Toxicology Provision, from commencement of the changes to the the legislation in October 2019 to May 2022, was published in April 2023 and is available on the Authority's website – [HMICS Assurance Review of SPA Forensic Toxicology Provision](#)

To assist, on page four this reported that from October 2019 to May 2022, due to delays in laboratory analysis and reporting, "384 (later rising to 447) drug driving cases had been marked as 'no proceedings' by the Crown Office and Procurator Fiscal Service (COPFS)."

From May 2022 to February 2025, Forensic Services holds no information indicating that a case has not proceeded due to delays in forensic services laboratory analysis and reporting.² Information may be available by contacting COPFS at foi@copfs.gov.uk

Forensic Services report publicly on the provision of forensic testing and analysis for drug driving cases in line with the agreed published [Memorandum of Understanding](#) between the Scottish Police Authority, Police Scotland and COPFS. To assist, the most recent reporting to the Forensic Services Committee on Thursday 8 May is linked below and may be of interest:

[Drug Driving Update - 8 May 2025](#)

[HMICS Assurance Review of Forensic Toxicology Provision – Improvement Plan and Timeline - 8 May 2025](#)

Part two of your request seeks a breakdown of the above cases involving fatality, injury, traffic collision and repeat offenders. Forensic Services does not hold the information requested for each case.³ Information may be available by contacting Police Scotland at foi@scotland.police.uk and COPFS at foi@copfs.gov.uk

Right to Review

If you are dissatisfied with the outcome of your request you can ask for a review within 40 working days. You must specify the reason for your

¹ This represents a notice in terms of Section 25(1) of the Freedom of Information (Scotland) Act 2002 - where information is already available, there is no need to provide an alternative right of access to it through FOISA.

² This represents a notice in terms of Section 17 of the Freedom of Information (Scotland) Act 2002 - Information not held.

³ This represents a notice in terms of Section 17 of the Freedom of Information (Scotland) Act 2002 - Information not held.

dissatisfaction and submit your request by email to foi@spa.police.uk or by letter to Scottish Police Authority, 1 Pacific Quay, Glasgow, G51 1DZ.

If you remain dissatisfied after review, you can appeal to the Scottish Information Commissioner within six months. You can apply [online](#), by email to enquiries@foi.scot or by letter to Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Commissioner's decision, you can appeal to the Court of Session, only if you think the law has not been applied correctly.

This response will be posted to our [Disclosure Log](#) after seven days.

Yours faithfully

Scottish Police Authority

