

2016



Guidance for the safe custody of controlled drugs and drug precursors in transit

This document provides advice and guidance on security measures for the transportation of Controlled Drugs (CDs) and drug precursors (PCs) either domestically (within the UK) or internationally. It is applicable to companies undertaking their own transport and to companies providing transport/ freight services as a 'third party'.





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1. Scope

This document provides guidance on security measures for the transportation of Controlled Drugs (CDs) and Drug Precursors (PCs) either domestically (within the UK) or internationally. It is applicable to companies undertaking their own transport and to companies providing transport/ freight services as a 'third party'.

This is general guidance and licensees may wish to seek independent legal advice to ensure they are compliant with the legislation.

2. Introduction

This document is neither exhaustive nor prescriptive but is designed to support prospective and existing Home Office licensees (CDs and Category 1 PCs), registrants (Categories 2 and 3 PCs) and intermediaries which transport CDs and PCs to determine the appropriate level of security around deliveries and shipments in their particular circumstances.

This document has been produced in line with a commitment to working with existing and prospective licensees to ensure compliance with relevant Regulations and accepted 'best practice'. The following provides an indication of the elements of factors individuals or companies should have regard to.

While there are some legal requirements around the transportation of specific schedules of drugs, each movement of CDs will carry specific risks which the security measures should seek to address and which will be affected by factors such as the CDs/PCs being moved, the size of the shipment, the point of origin and destination, the area through which the movement is being made, the means of transport and the people/organisations involved. For this reason, a combination of measures appropriate to the circumstances should be implemented and considered as a whole.

A company/organisation holding a current Home Office licence (e.g. valid possess & supply licence) at UK premises would not normally require additional licensing to cover the drugs whilst in transit. However, since licences are specific to premises, if the CDs/PCs are to be stored for more than a couple of hours at another location en-route to their final destination, separate licensing may be required, even if the intermediate location is owned by the originating company.

3. General principles

- i. CD stocks and their safe custody remain the responsibility of the supplier until the recipient acknowledges receipt, even if the supplier

employs the services of a third party contract carrier/courier to undertake the delivery. If the CDs are lost or stolen in transit, the Home Office may hold both the licensee supplier and the contract carrier/courier to account and would expect both parties to have cooperated in the production of a 'root cause analysis' and the 'Theft and Loss' notification that must be provided to the Home Office.

- ii. Where a third party is involved in the transit and/or storage of CDs/PCs, even if they are not the legal owners, this party also carries responsibility for their security by virtue of being 'in possession' of them. The legal owner of the CDs/PCs (often the supplier) has a responsibility to ensure they are handled appropriately and by a licensed company, irrespective of whether they are in his/her possession.
- iii. There may be a significant disparity between the levels of security provided for stocks of controlled drugs held at premises, and that afforded to equivalent quantities in transit. **Licensees should give equal consideration to their stocks in transit as they do when they are held on their premises.** Transit of CDs can carry significant risks; drugs in transit can be targets for diversion.
- iv. Security measures for the transit of CDs should be proportionate. For example, a delivery of 100 codeine tablets would not require the same level of security as a delivery of 1kg of cocaine. If a delivery contains CDs from a variety of schedules, security arrangements should be appropriate for those from the highest schedule in the delivery. Ultimately those involved in the movement of the CDs must make a judgement on the basis of their knowledge of the circumstances in which they are being transported. That said, there are minimum standards which should be applied to all movements of CDs (see section 5 below).
- v. It is a condition of all controlled drug licences issued under the Misuse of Drugs Act 1971¹ and Misuse of Drugs Regulations 2001 that thefts and losses of CDs and PCs should be promptly reported to the Home Office. **This applies to controlled drug stocks held at the authorised premises and controlled drugs in transit from those premises.** Failure to comply with these conditions may lead to revocation or curtailment of the authorities and licences.
- vi. In order to enhance security, it is good practice that details of particular deliveries/shipments (contents, times, routes etc) are restricted to those who need to know them. Suppliers and carriers will need to balance the risk of this information being widely available and

¹ <http://www.legislation.gov.uk/ukpga/1971/38/contents>

accessible with the need to provide details so staff treat the delivery with the seriousness it demands.

- vii. Standard postal services (including recorded delivery or registered parcel services) are not considered appropriate for the transportation of CDs since they do not provide the necessary level of security or audit trail. If sending through a third party, suppliers should follow the guidance set out in section 8 below)
- viii. Companies 'cross docking' should only undertake this practice where there is no other option to transfer stocks between vehicles in an intermediate location. Transfer in a roadside location or a busy and populous environment where personnel may be easily distracted would not be considered an acceptable location because of the risk involved.

4. Documents and procedures

The Home Office suggests that each organisation involved in the movement of CDs/PCs between locations should lay down clear, unambiguous and comprehensive and regularly reviewed 'Standard Operating Procedures' (SOPs) for handling the CDs both on the premises and in transit. These procedures should cover the following aspects, be available for inspection and staff should be aware of them and their implications:

- i. **Responsibility** - where it rests; how far it extends; whether and to whom it can be delegated:
- ii. **Record Keeping** - what is to be recorded; when and in what form it is to be recorded; who is to record it; where and for how long are records to be kept:
- iii. **Reconciliation** - what is to be checked; who is to check it; when are the checks to be made; who is to investigate discrepancies; what enquiries they are to make:
- iv. **Reporting** - when should thefts/losses be reported; who report thefts/losses to the Home Office and the police; who decides whether there are sufficient grounds to report the loss to the police as a possible theft; which factors are taken into account in making that decision.

5. Minimum expectations

The following would be considered to constitute 'good practice' when transporting CDs/PCs.

- i. All licensees should have an agreed set of Standard Operating Procedures (SOPs) which all staff are aware of and follow. These SOPs should include procedures to cover the four elements outlined above.
- ii. Suppliers should ensure that a responsible member (s) of staff is designated to sign CDs out for delivery and verify that the entire consignment is present before departure. Similarly, recipients should ensure that a responsible member of staff is designated to accept the consignment on delivery and verify that all goods have been received. It is not considered sufficient for this role to be left to whoever happens to be around to sign for the delivery.
- iii. Recipients should know exactly what is expected in each delivery so it is clear if something is missing. In addition, collection/delivery drivers should be expected to confirm their identity and companies may wish to request the registration of the vehicles to be used and when it will arrive to ensure they are not victim to misappropriation.
- iv. Reconciliation should take place whenever appropriate and practical. Ideally recipients should check the contents of packages (etc) immediately on receipt, but if this is impractical or undesirable (e.g. if the goods-in bay is insecure) arrangements should be made for the goods to be checked at the earliest opportunity and held meanwhile in a secure location.
- v. In the case of delivery by road vehicle the following records should be kept:
 - a. A record of the driver (or drivers if more than one is involved) carrying the consignment. If a third party contract carrier/courier is used, details of the company should also be maintained;
 - b. a signature acknowledging receipt by the recipients
- vi. Records should be kept for the following periods
 - a. identification of drivers for a minimum of three months;
 - b. recipients' signatures, documents (etc) for a minimum of six months in the original form, with the facility to reproduce the information for at least a further eighteen months (i.e. two years in total);

- c. all requisitions, signed orders, orders and private prescriptions for controlled drugs should be retained for at least two years; there are Statutory Record Keeping requirements outlined in the [Misuse of Drugs Regulations 2001](#)
- ix. If the company is using its own vehicle for the transportation, the guidance in section 7 below should be followed.
- x. If the company is using a third contract carrier for the transportation, the guidance in section 8 should be followed.

6. Suggested additional measures

- i. If there is a particular reason why the delivery represents a higher risk (eg. the consignment is particularly large, the CDs being transported are at particular risk of diversion, there are complicated transshipment requirements which might leave the vehicle vulnerable), parties involved in the transportation should consider additional measures to ensure the security of the shipment.
- ii. For those CDs/PCs which are considered if particularly high risk of diversion; for example but not exclusively licensees may wish to consider a combination of these additional measures.
- iii. Some examples of additional security measures to consider are listed below. However, these are not exhaustive and specific circumstances are likely to require specific measures.

Police/security staff escort

For particularly high risk shipments/deliveries, suppliers should consider notifying the police that the transit is taking place. They may also request an escort from either the police or security staff at the departure point/destination. Police officers are useful as independent witnesses in the case of thefts/losses.

Using a second vehicle

In order to provide further safeguards and provide further assurances that deliveries have not been tampered with en route, for high risk deliveries suppliers may consider having a second vehicle follow the delivery van. On arrival, the passengers can confirm that the delivery

vehicle did not make any unauthorised stops or switches and was not interfered with.

Varying the delivery times and/or routes taken

If a supplier is making multiple deliveries in conspicuous, high security vehicles at regular times, this may attract attention and increase the risk of attempted theft. To avoid this, where possible, suppliers should consider varying their delivery times/the routes taken.

Ensuring CCTV is covering the risk points of the journey

Where CCTV facilities on premises move around to monitor a large area, during delivery times suppliers and customers should ensure that CCTV is fixed on the appropriate place at the correct time.

7. Licensees' road vehicles

The following suggestions cover security arrangements around the transit of CDs/PCs where a licensee is using their own vehicle.

- i. All road vehicles carrying CDs should be in good repair and maintained in accordance with the manufacturer's recommendations. The vehicles should have adequate locking systems and be fitted with anti-theft devices (alarms, immobilisers) appropriate to the level of risk of the consignment. The use of curtain-sided vehicles is not considered appropriate unless the curtains are designed in such a way that they provide a level of security equal to that of more standard vehicle sides.
- ii. Drivers should have comprehensive and readily understandable instructions covering both routine and emergency situations (see section 10). Carrying unauthorised passengers and making visits to their homes or unauthorised locations increases risk associated with a transit and would be strongly discouraged.
- iii. Consideration should be given to varying the route and times of delivery vehicles where this is a practicable option, particularly where the consignment carries a higher risk. However the unnecessary use of quiet roads is not recommended.
- iv. Where vehicles make multiple deliveries, the driver should only leave the vehicle unattended for the minimum period necessary. Whenever practicable (and lawful) the vehicle should be parked during these

absences in a location where any attempt to break into the vehicle is likely to be observed and reported to the police.

- v. Vehicles should be secured at all times when they are left unattended, even if for a very short time. Strict key security should prevail in order to minimise the risk of unauthorised access, whether by drivers or others. Where a vehicle contains a separate CD cabinet, the key should not be left unattended in the vehicle during deliveries but should remain on the driver's person.
- vi. Tamper-evident containers or packages should be used for all consignments.
- vii. When transporting those CDs, in particular those which are at greatest risk of diversion (see 6.ii above), licensees' vehicles should contain a separate, secured area of the vehicle which is equivalent to a CD cabinet on the licensee's premises. This cabinet should be bolted to the main chassis of the vehicle in a way which makes it very difficult/impossible to remove quickly. If the licensee's vehicles do not have this facility, a contract carrier should be used instead (see section 8 below).
- viii. Where a vehicle undertakes a delivery lasting more than one day, particular care should be given to the overnight security of the vehicle, even when it is standard practice for a member of the vehicle's crew to sleep in the vehicle. The preferred option would be to transfer the load to a store at premises with the appropriate level of physical security. Those premises may need to hold a Home Office licence.
- xi. If a particular delivery carries a higher risk, licensees should consider the following if leaving it unattended overnight:
 - a. Leaving the vehicle in a secure vehicle compound which is monitored by CCTV or from a permanently staffed location
 - b. Securing the vehicle in a locked, alarmed building which is monitored from a permanently staffed location

8. Contract carriers/courier Company

The following suggestions cover security arrangements around the transit of CDs/PCs where a licensee is using a contract carrier/courier company.

- i. As mentioned above, even when CDs/PCs are the legal property of one organisation (normally the supplier), all those involved in the transport (suppliers, third party storage companies, contract carriers/couriers and recipients) have responsibility for the security of the CDs/PCs and are therefore required to report any discrepancy, loss

or theft to the Home Office or (if necessary) to the police if this occurs while the CDs/PCs are in their possession.

- ii. If suppliers use a contract carrier/courier company, they should ensure that the company is aware of the contents of the delivery to ensure they follow the correct procedures and use the correct equipment (eg. secure safes in vehicles).
- iii. If using contract carriers/couriers for the transit of CDs/PCs, licensees should:
 - a. Check the company is bona fide and appropriately licensed (including HO and other regulatory bodies licensing).
 - b. Ensure that it has effective management and adequate insurance cover for their level of operations
 - c. Ensure it checks the identities of new staff and follows up on references
 - d. Ensure the carrier does not subcontract to another company without approval from the supplier
 - e. Ensure that all staff are aware of procedures in the case of CD theft/loss
 - f. Ensure they are satisfied with any necessary overnight storage arrangements.
- iv. Contract carriers/couriers do not need to obtain a Home Office licence as they are exempted by the regulations. However, they are expected to:
 - a. Only use vehicles with effective locking systems and appropriate anti-theft devices for the level of risk
 - b. Maintain their vehicles in good condition and in accordance with manufacturers' recommendations
 - c. Issue comprehensive instructions to staff to deal with routine and emergency situations
 - d. Provide their drivers with identity cards or other appropriate forms of identification which can be checked at the collection and delivery points
 - e. Prohibit drivers from transporting unauthorised passengers and making visits to their homes and unauthorised locations

- f. Arrange appropriate returns, overnight parking and transhipment procedures
- v. If a supplier has reason to think that a contract carrier/courier service is not meeting any of the above requirements, it is recommended that they seek an alternative provider.

9. Thefts and losses

- i. It is a condition of the Home Office domestic drugs licences that any thefts or losses are reported immediately to the Home Office drugs Licensing Unit and the local police force. **This includes any thefts or losses during transit.** Since the CDs are the property of the supplier while in transit, the Home Office expects the supplier to report the loss immediately.
- ii. When thefts/losses occur, the suppliers are expected to submit a [theft and losses report form](#) to the Home Office as soon as possible. Once the incident has been investigated and new procedures have been put in place to prevent a similar incident from happening again, suppliers are expected to submit a full incident report to the Home Office. Failure to do so may have a negative impact on future licence applications and is likely to result in a contravention being issued against the licensee.
- iii. If the theft or loss is not judged to be the fault of the supplier, but rather the fault of the contract carrier/courier for example, no action will be taken against the supplier. However, the supplier should demonstrate that they have taken action to prevent a similar occurrence in future.

10. Emergency procedures

- i. All suppliers' SOPs should contain procedures for emergency situations or unscheduled interruptions during transit such as vehicle breakdown. These should be communicated to the drivers and recognise the possibility that an accident or other incident could be perpetrated with the intention of attacking a vehicle transporting controlled drugs.
- ii. Whenever an accident occurs which requires the attendance of the emergency services, the police should be made aware of the incident and the vehicle's contents as soon as possible.

- iii. For deliveries of large amounts of CDs, suppliers should consider warning emergency services in advance so that if an accident occurs their response takes the contents of the consignment into account.
- iv. For particularly high risk consignments, suppliers should consider a system whereby a staff member is 'on call' to go and collect a particular consignment in the event of a vehicle breakdown. In this situation, ideally the relief vehicle will have the same security set up as the original one. However, this may not be possible and where it is not priority should be given to getting the CDs/PCs to a secure location as quickly as possible.
- v. Should there be any threats to delivery staff to steal the CDs/PCs en-route; staff should not risk their safety to keep them. Instead, the staff should call 999 as soon as possible to inform the authorities.