

Swift. Certain. Tough. New Consequences for drug possession white paper

Section 1: background

Q1. Are you responding to this survey as an individual or as a representative of an organisation? Please select one option.

Organisation

Section 1: background

Q2. Please provide further information. (Please note that if you provide a name, organisation name or any other identifying information, your response is no longer anonymous and will be held and processed in line with the Privacy Notice.)

No Response

Section 1: background

Q3. What is your age? Please select one option.

No Response

Q4. What is your gender? Please select one option.

No Response

Q5. What is your ethnicity? Please select one option.

No Response

Q6. Where are you, or your organisation, located? Please select one option.

Northern Ireland

Section 1: background

Q7. What type of organisation are you responding on behalf of?

Third Sector/Voluntary

Q8. Tell us more about your organisation. How many employees does your organisation have? Please select one.

250+

Q9. If you're happy to share, what is the name of your organisation? Please note by providing this information your response is no longer anonymous and will be held and processed in line with the consultation Privacy Notice.

Extern Northern Ireland

Q10. Does your organisation offer/work with any of the following? Please select all that apply.

None of the above

Section 1: background

Q11. How many drug awareness courses does your organisation run each year on average? If you do not run drug awareness courses please enter 0.

No Response

Section 1: background

Q12. The Home Office is interested in learning more about existing drug awareness courses, using unpaid work as a condition of an out of court disposal, existing drug testing programmes and the commercial appetite for drug tagging innovation. If you would be content for the Home Office to contact you about your work, please insert your details below. Please note that by providing your email address your response is no longer anonymous and will be held and processed in line with the Privacy Notice.

No Response

Section 2: Tier 1

Q13. Do you agree with our proposals that for a first offence of possession of a controlled drug an individual should be required to attend a drug awareness course designed to make them consider their behaviour? Please select one option.

Strongly disagree

Comments:

Extern Northern Ireland views this whole issue very much from a health perspective, those using drugs require help, not criminalisation or penalties. The current approach to stopping drug use has not been effective and we believe a more flexible, less punitive approach may yield better results. We are also concerned that those who attending a course may have little impact on reducing drug use and the evidence that it reduces ongoing drug use for those who are habitual users is limited.

Q14. Do you agree that the individual should pay for the cost of the drug awareness course? Please select one option.

Strongly disagree

Comments:

Often those using drugs are financially disadvantaged and the fact that payment is required may result in these facing hardship or avoiding the course and hence moving onto the harsher penalties through their inability or reluctance to pay. These penalties should be scaled as those smoking cannabis for example will face same financial burden as those using other drugs. Any course offered should be free or at the least means tested in the first instance. If the aim is to help the individual then treatment should be free.

Q15. Do you agree that there should be a consequence in the form of a financial penalty for those who refuse to attend the drug awareness course? Please select one option.

Strongly disagree

Comments:

As above, in the first instance the course should be free to encourage attendance.

Q16. Do you think that current police-referred drug awareness courses have a positive, negative or no impact on illicit drug use and re-offending rates? Please select one option for each answer.

	a. Positive (reduces drug use/re-offending rates)	b. Negative (increases drug use/re-offending rates)	c. No impact	d. Don't know
Illicit drug use			X	
Re-offending			X	

Q17. Do you know of available evidence on police-referred drug awareness courses (not educational settings) and their effectiveness in reducing drug use and re-offending?

No

If yes, please share any evidence.

N/A

Q18. Do you think that the drug awareness course should be a standardised national offer across all police forces? Please select one option.

Don't know

Q19. To the best of your knowledge, how many providers operate drug awareness courses in your administration? By administration we mean England, Northern Ireland, Wales or Scotland. (if you do not know, please leave blank)

No Response

Section 2: Tier 1

Q20. In your experience, on average, what proportion of proven drug possession offenders do you think are currently referred to drug awareness courses?

No Response

Section 2: Tier 1

Q21. In what cases are drug possession offenders most likely to be referred to a drug awareness course? Please select all that apply.

Through a:

No Response

Q22. How many participants attend a drug awareness course each year on average?

No Response

Section 3: Tier 2

Q23. Do you agree that those who are caught in possession of drugs for a second time should be offered a caution with rehabilitative conditions, (where their alternative option is to face arrest and charge)? Please select one option.

Strongly disagree

Comments:

Given the prevalence of drug use in society and the fact that there is no stipulation around drug classification more information is needed. For example, those smoking cannabis should not have same penalty as more dangerous drug use. We are against further criminalising drug users, those most disadvantaged in society use drugs to cope with trauma etc. and to criminalise them is counterproductive and, in our view, will not reduce use. Access to treatment should be a priority and resources spent tackling large scale drug dealing and importation. Awareness courses and treatment should be funded through the voluntary sector and target those who most need the support.

Q24. Do you agree that, where proportionate, the Tier 2 conditions should include:

	a. Strongly agree	b. Agree	c. Neither agree nor disagree	d. Disagree	e. Strongly disagree	f. Don't know
A mandatory drug testing requirement?						X
Attendance at a further drug awareness course?						X

Comments:

No, what evidence is there that mandatory drug testing is effective?

Q25. Do you agree that drug awareness courses should be different for first time offenders and repeat offenders? Please select one option

Strongly disagree

Comments:

If you make people attend a course then the outcomes are reduced and the reasons for attendance are due to avoid criminal record etc. not that they are motivated to reduce or stop drug use. More resources should be focused on reducing drug use motivation

Section 3: Tier 2

Q26. Will your organisation be impacted by the proposals on drug awareness courses in Tiers 1 and 2?

No

Section 3: Tier 2

Q27. Do you think your organisation will need any support to be able to increase its offer of drug awareness courses under Tiers 1 and 2?

No Response

Section 3: Tier 2

Q28. Do you think that mandatory drug testing could have a positive, negative or no impact on reducing illicit drug use and re-offending?

	a. Positive (a reduction in drug use/re-offending)	b. Negative (an increase in drug use/re-offending)	c. No impact	d. Don't Know
Drug use				X
Re-offending				X

Q29. Do you know of available evidence on mandatory drug testing and its ability to reduce illicit drug use or re-offending? If yes, please share any evidence

No

Section 4: Tier 3

Q30. Do you agree that those caught in possession of drugs for a third time should attend a drug awareness course? Please select one option.

Strongly disagree,

Comments:

Those caught in possession of drugs for a third time demonstrate that drug awareness courses are not working. Repeat offenders should be offered therapeutic interventions, not awareness courses.

Q31. Do you agree with the proposal to include a drug awareness course in each tier? Please select one option.

Agree

Comments:

We may see more young adults receiving criminal records and finding it harder to access employment etc.

Working with the most marginalised adults, we will see more people defaulting on these plans and coming before the courts which will struggle to offer alternatives which may benefit the user. More resources should be channelled to early interventions and to the provision of therapies.

Q32. Do you agree that those caught in possession of drugs for a third time should receive a Drug Court Order, which includes one of the following interventions:

	a. Strongly agree	b. Agree	c. Neither agree nor disagree	d. Disagree	e. Strongly disagree	f. Don't know
an exclusion order, which prohibits a person from entering a defined area for a set period of time					X	
or a drug tag, a monitor which the individual would be required to wear, and which checks whether the individual has taken drugs					X	
or passport confiscation					X	
or driving licence disqualification					X	

Q33. Should there be circumstances where an offender receives a Drug Court Order without having first received a Tier 1 and Tier 2 intervention? (in essence, skipping to Tier 3 straight away).

No

If yes, please outline what you think those circumstances should be.

Unless the person is dealing and/or trying to negatively influence others.

Q34. Do you think the minimum and maximum periods proposed for each Drug Court Order intervention are appropriate? Please select one for each answer.

	Yes	No, too short	No, too long	Don't know.
Exclusion order for a maximum period of 12 months			X	
Drug tagging for a maximum period of 12 months			X	
Passport confiscation for a minimum period of 3 months			X	
Passport confiscation for a maximum period of 24 months			X	
Driving licence disqualification for a minimum period of 3 months			X	
Driving licence disqualification for a maximum period of 24 months			X	

Q35. Do you think there are other conditions that should be available to the court to include as part of a Drug Court Order?

Yes

If yes, please provide details

If they are going to be introduced, then 3 months should be the maximum length for all the penalties – especially until measures are in place to see if these penalties make a difference to drug taking behaviour.

Q36. Do you agree that the consequences for breaching a Drug Court Order are appropriate? The consequences we propose are considering the breach as a separate criminal offence which may attract a custodial sentence.

Strongly disagree

Comments:

Further criminalising people will not reduce drug use in our opinion.

Section 5: Wider impacts

Q37. Do you think the proposed changes will impact on you/your organisation?

No

Section 5: Wider impacts

Q38. How significant do you think the impact of the proposed changes will be on you/your organisation?

No Response

Q39. What impacts, if any, do you think this new regime will have on:

Police:

Police officers will be required to spend more time doing paperwork and processing people for minor offences rather than focusing on the major issues/ crimes.

Courts:

Courts will have more cases and minor issues to deal with and such an approach will lead to the criminalisation of people rather than looking at the root causes of drug use.

Employers:

Criminalising people will lead to less access to job opportunities. Employers will also be placed under more pressure to decide if staff caught using drugs should be subject to dismissal.

Third sector:

The resources from taking such an approach could be channelled more effectively to those who have drug issues and who are more likely to respond to positive treatment options.

Other:

Yes, these proposals will result in the criminalisation of those already facing many hurdles / challenges in their lives. The proposals will negatively impact on females who have children with a resulting knock-on effect on social services etc

Q40. Do you believe that our proposals to create a tiered drug possession regime will have an impact (both positive or negative) on individuals with a protected characteristic under the Equality Act 2010? Protected characteristics under the Act are disability, gender reassignment, age, pregnancy and maternity, race, marriage and civil partnership, sex, sexual orientation and religion or belief.

Yes

If yes, please describe the potential impact:
[see above]

Section 5: Wider impacts

Q41. Where you have identified potential negative impacts, are you able to suggest ways to mitigate them?

No

Section 6: Operational best practice and new reforms for Drug Testing on Arrest

Q42. Do you agree with our proposal to expand the range of illicit drugs which can be tested for under Drug Testing on Arrest legislation? Please select one option.

Neither agree nor disagree

Comments:

It is unclear for what reason the range of drugs to be tested should be expanded.

Q43. Which drugs do you think are important to be able to test for under Drug Testing on Arrest? You can select more than one option.

Don't know

Comments:

It is unclear what these proposals are hoping to achieve. To change drug use behaviour, education and motivation are key – penalties and fear rarely lead to long term change. We would recommend that more funds are diverted to early intervention education and treatment expansion rather than criminalising drug users.

Q44. Do you agree with our proposal to expand the range of offences which police can drug test for under Drug Testing on Arrest ("trigger offences")?

Strongly disagree

Q45. The current trigger offences are: theft and attempted theft, robbery and attempted robbery, burglary, attempted and aggravated burglary, handling stolen goods and attempting to do so, taking a conveyance without owner's consent/authority and aggravated taking conveyance without the owner's consent authority, going equipped for burglary or theft, fraud and attempted fraud, possession of articles for use in frauds, begging and persistent begging, possession of a specified Class A controlled drug, production or supply or possession with intent to supply of a specified Class A controlled drug.

Are there any other offences you think should be included as a trigger offence?

No

Q46. Do you believe that our proposals to expand the Drug Testing on Arrest programme will have an impact (both positive or negative) on individuals with a protected characteristic under the Equality Act 2010? Protected characteristics under the Act are disability, gender reassignment, age, pregnancy and maternity, race, marriage and civil partnership, sex, sexual orientation and religion or belief.

Yes

If yes, please describe the potential impact:

[see above]

Section 6: Operational best practice and new reforms for Drug Testing on Arrest

Q47. Where you have identified potential negative impacts, are you able to suggest ways to mitigate them?

No

Section 6: Operational best practice and new reforms for Drug Testing on Arrest

Q48. Do you have any other comments on our proposed changes to Drug Testing on Arrest?

Yes

If yes, please specify

Today, it is important to look at the reasons why people use drugs and to explore the reasons people change their behaviour. Any proposals must not further disadvantage certain groups and lead to further marginalisation. The war on drugs has not worked and, at an individual level, society should view drug use largely as a medical / social issue.

Treatment and interventions need to be client focused learning from the research and operational outcomes elsewhere in the world. There should be a recognition of what has worked elsewhere and what will work in the UK. Penalties and legal consequences will only have a limited effect on a small cohort of people. Those most in need of support will be more negatively impacted by such proposals.

The name of the paper needs changed as it is very negative and shows little understanding of the reasons behind drug use in today's society

Q49. Do you have any further comments you would like to share with us on the white paper?

No