

PARTNERSHIP IN POWER

DrugScope's response to the consultation on *Justice, Security and Community*

DrugScope is the UK's leading centre of expertise on drugs. Our aim is to inform policy and reduce drug-related risk. We provide quality information, promote effective responses to drug-taking, undertake research at local, national and international levels, advise on policy-making, encourage informed debate and provide a voice for our member bodies working on the ground. DrugScope is unique in the breadth of its 1,200 member bodies. They embrace those working in treatment, education and prevention, police, prisons and probation, as well as academics, researchers and trainers. DrugScope was formed by the merger, in April 2000, of the Institute for the Study of Drug Dependence (ISDD) and the Standing Conference on Drug Abuse (SCODA), each with 30 years of knowledge and experience.

DrugScope welcomes this opportunity to inform the development of Labour policy on substance use. As the UK's leading independent centre of expertise on drugs, our aim is to inform policy and reduce drug-related harm. We speak for over 1200 member organisations involved in every aspect of drug policy, including 400 providers of treatment services. We share Labour's belief that reducing the harm that controlled drugs cause to individuals, communities and society should be the over-riding objective of drug policy. We welcome Labour's commitment to identifying offenders with drug problems in the criminal justice system and providing them with the help that they need 'to get off drugs and away from crime'. We are also encouraged that this consultation document recognises that drug services are often not available in the community to enable prisoners to maintain continuity of treatment on release. It is not unduly surprising that so many offenders who leave prisons – or community sentences – having successfully completed drug treatment and resolved to stay off drugs, drift back to drug abuse and crime where they have nowhere to live, nothing to do and nowhere to turn.

However, we do have some concerns about the overall trajectory of policy on substance use, as evidenced by the relevant sections of *Justice, Security and Community*. A small minority of problem drug users are responsible for large amounts of acquisitive crime. The trafficking of drugs has a very damaging impact on society. But the overwhelming majority of illicit drug users do not commit (further) criminal offences. There is a danger of creating a situation in which the easiest way to access drug treatment is via the police and courts, and a corresponding impression that all problem drug users are criminals, rather than people who are often experiencing serious health, mental health and/or social problems. When DrugScope surveyed its membership in 2001, they said that the Labour Government's approach had improved inter-agency work, made more money available for drug treatment and increased awareness of drug issues. But they felt that the criminal justice aspects of substance use had come to dominate policy at the expense of the health agenda, with detrimental effects for drug treatment and harm reduction efforts

(see attached for the results of this survey). It would be disappointing if the *only* serious discussion of drug policy in Labour policy documents was in the sections on crime and criminal justice.

We would also like to highlight five further points here, which we hope the Labour Party will take into account in shaping its next election manifesto.

1 Causes and contexts

In the small minority of cases where drug use is linked to acquisitive crime the relationship is complex. The Home Office recently published a research study on young people's initiation into drug use and offending. It concludes that even amongst chronic dependant users, crime tends to pre-date drug problems (Pudney S (2002), *The Road to Ruin? Sequences of initiation into drug use and offending by young people in Britain*, Home Office Research Study No 253, London: Home Office). Both are often rooted in the same underlying causes. Where people live on run down estates, are disengaged from education, deprived of opportunities for meaningful work and alienated from mainstream society, they are more vulnerable to both criminality and problem drug use. The safer communities that we all aspire to will not be achieved so long as we continue to marginalise a swathe of young people (and adults), who need access to education, training, jobs, housing and better leisure and recreational facilities in their communities. Criminalising these young people can exacerbate the cycles of deprivation and dependency. It should be the last resort, not the first stop.

2 Criminalisation and dependence on criminal markets

Too many young people are ending up with criminal records as a result of a brief flirtation with drugs. Often vulnerable people with serious drug problems are treated as criminals simply for being dependent on harmful drugs. DrugScope believes that criminal proceedings should not normally be initiated for the possession of small quantities of any scheduled drug for personal use, or for the cultivation of small quantities of cannabis. By treating small-scale cultivation of cannabis as a variant of possession it is possible to reduce dependence on criminal entrepreneurs and undermine drug markets (Hough M et al (2003), *A growing market – the domestic cultivation of cannabis*, JRF Drugs and Alcohol Research Programme, York: Joseph Rowntree Foundation). This applies to the extension of heroin prescribing too. By providing an alternative, medically controlled supply of heroin to problem users, we are able to remove dependency on criminal suppliers, undermine drug markets and remove much of the incentive to commit acquisitive crime.

3 DTTOs and other treatment matters

This consultation document is strong in its advocacy of coerced treatment via the criminal justice system. Offenders failing to engage with treatment programmes will be 'put in custody'. Community sentences requiring offenders to confront their drug problems provide a good alternative to custody. But it is important not to impose unrealistically stringent conditions on chaotic drug users, setting them up to fail with the consequence that they breach the conditions of their community sentences and end up in prison. Drug dependency has been officially defined as a 'chronic relapsing

condition'. Imposing total abstinence is often unrealistic. More fundamentally, while coerced treatment has an important role, the criminal justice system will often not be the most suitable vehicle through which the most effective interventions can be engineered. Treating the most problematic and chaotic users is a long haul and is not amenable to a quick criminal justice fix, culminating in a once-and-for-all recovery.

A substantial number of problem drug users who commit minor offences pose no serious threat to the public. We would like to see this group diverted from the criminal court system in the first instance. Following a referral to a drug treatment programme, and evidence of successful placement and participation, the Crown Prosecution Service could suspend further action or discontinue prosecution on the grounds that it is not in the public interest. This addresses the problem of 'up-tariffing' and provides offenders with a powerful incentive to commit to treatment.

It is also important to develop other ways of getting problem drug users into treatment programmes than via the criminal justice system. There is a strong case – backed up by successful initiatives in other countries – that safe injecting rooms can be a valuable tool for steering chaotic dependent drug users towards treatment and other health improvement services, with benefits for them, their families and the wider community. There is a great deal of interest in safe injecting rooms among experts and professionals. DrugScope's library and information service has been getting a huge volume of enquiries from people who want to know what they are, how they work and what evidence there is for their effectiveness.

4 Custody

DrugScope is concerned about the growing numbers of offenders who are ending up in prison for drug and drug-related offences. In November 2003, we will be launching a major campaign, *Using Women*, which will raise public awareness of the plight of drug dependent women caught up in the criminal justice system. The average number of women in prison has almost doubled since 1996. Over two-fifths (43%) of all sentenced adult women prisoners were serving sentences for drug offences in 2001. Many of these women prisoners are 'drug traffickers'. Typically, these women are not predatory criminals, but vulnerable women. Half of women prisoners say they have been abused – physically, sexually and/or emotionally. Two thirds of this group have been sexually abused. Two thirds have been abused as children. Many will have got involved with drugs in the context of abusive, violent and exploitative relationships. Many lose their homes and jobs as a result of their imprisonment. Many are separated from their children. As prison numbers continue to grow, year on year, it becomes increasingly difficult for the Prison Service to engage effectively with those offenders for whom a custodial sentence is the only just and appropriate response. Hard drugs are widely available in Britain's prisons. It has recently been estimated that there are 14,000 untreated drug users in jail at any one time.

5 Targets and red tape

Since Labour first came to office in 1997, there has been an explosion of policy initiatives involving myriad and distinctive ring fenced funding streams to tackle drugs, crime and other problem areas. This has been accompanied by a growth in bureaucracy, often meaningless targets and excessive monitoring and reporting requirements. While we accept the need to monitor performance, our experience of working closely with service commissioners and providers reveals that an overly bureaucratic approach is beginning to stifle collaborative working and innovative responses. If drug treatment provision is to be improved, then sustained programmes and funding must be coupled with devolved responsibilities and fewer centrally determined - and often short lived - initiatives. One DAT co-ordinator recently told us that their total annual reporting requirement is in the region of 700 pages. This is a wasteful and inefficient use of skilled staff and scarce resources and stands in the way of a more efficient and innovative treatment system.

The Labour Government has many achievements in drug policy to its credit. These include the development of multi-agency and partnership approaches, a substantial increase in investment in treatment services and the development of new community sentences as an alternative to custody. While there have been implementation problems with DTTOs, and these new sentences will take time to bed in, Labour's commitment to steering more drug dependent offenders away from custody and onto community sentences is commendable. Our concern is that the Party's approach to drugs is in danger of becoming obsessively focused on the criminal justice aspects of the problem. Treatment is about health and social care, and not simply crime reduction. If resources are disproportionately focused on drug users who commit crimes this will create resentment amongst those who do not break the law. Of course, Labour is rightly concerned that drug-related offending is damaging communities. But DrugScope would like to see its next manifesto expanding the debate beyond this crime-focused agenda, re-engaging with the health and welfare aspects of drug use and highlighting the need to provide access to high quality, well-resourced treatment for all problem drug users, and not only those convicted of criminal offences (as well as to invest in information services, research and policy development). *Justice, Security and Community* is strong on the threat of custody as a means of coercing offenders into drug treatment. This needs to be balanced with a recognition of the problems being created by the huge expansion in the prison population in the past few years and the importance of ensuring that the conditions imposed on offenders who are placed on community sentences like the DTTO are not excessively rigid, unrealistic and inflexible. Labour has many solid achievements to build on, but there is still much to do.

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