

**French V (Vicky)**

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**From:** allan5 [allan5@supanet.com]**Sent:** 28 April 2005 20:42**To:** Police Bill

I appreciate the opportunity to comment & I am writing as a private individual regarding Section 6 on mandatory drug testing.

1. I am opposed to the proposals in this section.
2. The evidence for the cost effectiveness of such legislation is not strong enough to support its introduction. The evidence presented is equivocal [para 6.5].
3. Para 6.12 does not say what will happen if the person does not attend for assessment but, as it would be mandatory, then it must be assumed that it would be an offence & therefore the person would be prosecuted. Further criminalisation of people with serious drug problems [at whom the proposals are aimed] for the victimless offence of non-compliance is undesirable & will lead to yet another increase in the Scottish prison population.
4. With regard to 6.12, of particular concern must be the scenario where someone is charged with failing to attend for assessment & is subsequently either not charged at all for the original offence or later found not guilty. Again this will lead to criminalisation related to a person's habit rather than his/her offences against the public.

From a practical perspective, this proposed legislation would only be meaningful if it mean that people entered treatment immediately following assessment. In many areas in Scotland there are still serious problems of people waiting many months for either assessment or treatment following assessment. Services could not provide treatment places for those referred.

6. To provide assessments would require additional funding & this risks going down the road which has occurred in England where more resources are targeted on drug users in the justice system than those willing to receive help voluntary. In England, treatment service are now seriously skewed.
7. Unless the problem of access to assessment & rapid treatment were to be solved [& if it was, then the problems of skewing mentioned in 6 above would occur], then the legislation would simply sit on the statute book unimplemented.
8. A better approach would be to channel any additional funds available into:-
  - Reducing waiting times for treatment [this is the key indicator, not waiting times for assessment].
  - Strengthening & extending diversion from prosecution for drug users.
  - Supporting the development of voluntary arrest referral schemes based on current best practice.

With thanks

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