

## Supporting Police, Protecting Communities: Proposals for Legislation

### **Response to Consultation Paper from Angus Drug and Alcohol Action Team**

#### **SUPPORTING THE SCOTTISH POLICE SERVICE – the national delivery of services**

The proposal of creating a Service Authority seems a sensible one. Bringing together the common police services in this way ensures that the service they provide is able to meet the ever-changing challenges of modern day policing. The Service Authority would also be able to provide additional services, as and when required, in a cost effective way.

The proposal to maintain the SDEA ensures political independence for its director in respect of operational matters.

#### **Mandatory Drug Testing and Assessment**

There were mixed views with regard to mandatory drugs testing and assessment. Initial responses were positive but there were a number of concerns in relation to the issue. It was felt that on the whole there was little evidence to suggest that mandatory drug testing has a positive impact on increasing engagement with treatment. There was a minority view that mandatory testing and assessment may offer a route to treatment for some motivated individuals. Existing Arrest Referral schemes have had some success with regard to voluntary assessment. The proposals as outlined are cumbersome and expensive and we feel that high quality and more accessible treatment services are the most effective way to bring people into treatment.

#### **Question 30: Do you agree that police should have powers to require persons arrested for certain trigger offences to undergo a drug test?**

No – there would need to be a clear definition of ‘drugs offences’. The definition offered in the document – “offences for which drug use is known to be a common contributing factor” – would offer an extremely wide degree of discretion.

#### **Question 31: Do you agree that drug testing should be applied to those arrested for certain offences rather than *on charge*?**

No - there are concerns regarding circumstances when an individual refused to undergo a test at the point of arrest - would this matter be recorded or any sanction applied and would the information be used if and when charge or prosecution is proceeded with? There is a clear need for those undertaking the testing to have knowledge and skills in relation to drugs issues. This would

include the availability of treatment, its consequences, the options available to the arrestee and motivation for the arrestees

**Question 32: Do you agree that powers should be taken to enable the police to require those who test positive for a class A drug to attend an assessment of their drugs use?**

No - what sanctions would be applied in the case of refusal or non-compliance? It is not clear from the evidence presented to what extent those required to attend for assessment were willing or able to take up treatment. There are also issues regarding the communication of the outcomes of the assessment to prosecutors and eventually sentencers. There remain issues of capacity for treatment services along with waiting times and concerns about 'queue jumping' and prioritisation to meet local needs.

**Question 33: Do you agree that theft and drugs offences should be the main trigger offences for testing? Should any other offences be included?**

No

**Question 34: Do you agree that there should be a power for a senior police officer to authorise a drug test where there are reasonable grounds to suspect that the misuse of a Class A drug has caused or contributed to a non-trigger offence?**

If testing and assessment are introduced there may be a limited use for this – however there would need to be clear guidance in relation to what are 'reasonable grounds to suspect'

**Question 35: Do you agree that the minimum age at which these proposals take effect should be 16 or should a lower limit be set?**

The minimum age should be 16 years. Children under the age of 16 years should continue to be referred to the Reporter to the Children's Panel.

**Question 36: Do you agree that mandatory drug testing will provide access to a key group of clients that might not otherwise engage successfully in treatment services?**

No - the evidence suggests that mandatory drug testing does not in itself directly reduce drug consumption and offending behaviour. There may be an increase in those engaging with treatment services. There are questions regarding the cost effectiveness of the measures. The Home Office research indicates that for police areas where testing was less frequent (which may be the case in an area like Angus) the unit cost of testing was relatively high. There are practical and cost concerns which need to be taken into account alongside the limited numbers of people motivated to access treatment.