

# ScottishdrugsForum

*Co-ordinating Action on Drug Issues*

## **Supporting Police, Protecting Communities: Proposals for Legislation**

### **SDF Membership Consultation in Developing a Response**

**3 May 2005**

#### **Introduction**

Scottish Drugs Forum (SDF) welcomes the opportunity to comment on the proposed legislation and is committed to assisting in the reduction of drug related harm in Scotland. SDF believes this can be achieved by evidence based approaches to ensure funds invested in responding to Scotland's drug problem are targeted at the areas where they can make the biggest impact.

SDF believes the criminal justice system has an important role to play in placing problem drug users into treatment and reducing drug driven crime:

- Drug Treatment and Testing Orders (DTTOs) have been particularly effective with high tariff offenders who have had significant numbers of previous custodial sentences.
- Arrest referral schemes are at an early stage of development and practice in seeking to contact problem drug users going through Police custody and referring them to treatment and care services.

However, it is important to note that even with significant investment, DTTOs deal only with a *very small proportion* of the overall problem drug use population, which is currently estimated at around 52,000. Similarly arrest referral schemes are dealing with relatively small numbers with limited evidence of the numbers taking up treatment. **Therefore the role of criminal justice services, while important and a crucial plank in the response, should not be seen as the main route into treatment for problem drug users.**

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### Comment on proposed legislation

SDF **does not agree** with the proposal for **mandatory** drug testing of arrestees.

SDF believes that **testing arrestees will not deliver an effective return on investment**. The proposed measures will be costly and will not deliver value for money compared to investment in other areas of the response, such as voluntary treatment, on the following grounds:

1. Implementing drug testing itself will be expensive, given the volume of individuals going through police custody in Scotland. Moreover, implementation will involve **significant additional police time**, for example, the time involved in waiting for arrestees to provide urine samples and for the police to carry out assessments.
2. There is a concern that the legislation will **divert police time** away from pressing priority areas and **into the arena of 'drug treatment'**, where they may have limited staff skills and there may also be an ambivalent attitude to taking on this working role with drug users. Certain police force members may feel resentful that they are being diverted away from more pressing community protection priorities. One such priority area identified by SDF members is the **damaging impact of alcohol** on communities particularly alcohol related violence including domestic violence linked to binge drinking.
3. It is SDF's view that the **existing Arrest Referral schemes**, in areas where they are working well, **already identify significant numbers of problem drug users** and refer them on to treatment. Given appropriate resources these services could pick up larger numbers without the need for the 'sledge hammer' of drug testing. **We believe that the good practice in such schemes needs to be developed and consolidated before the testing of arrestees is considered.**
4. That said, having **clear and rapid access to treatment** is an essential component for any arrest referral scheme to work properly. However, the effectiveness of many schemes are **hampered by waiting times** for access to treatment, which remain lengthy in many areas of Scotland. The proposals in the Bill would simply **add further pressure** to the system and would mean the legitimate aspirations of all – the drug user, the police and the general public – would not be achieved.

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5. The implementation of testing will identify **non-dependent drug users** such as those using drugs on a recreational or episodic basis. This may result in an **increase in inappropriate referrals** to already overloaded treatment agencies. It may also include referral of another group of drug users – those who may feel under pressure and as a result may give erroneous information suggesting that they want to change (as this is what he/she is expected to say) but have no **motivation** to do so.

6. Although SDF recognises the current social anxiety about youth crime, we do not believe that **young people under the age of sixteen** should also be subject to these provisions. The internationally lauded Scottish **children's hearings system** articulates the underlying principle that behaviour of concern by children and young people should not automatically be the subject of referral through the criminal justice route. Strengthening this proven system to cope with 21<sup>st</sup> century challenges and demands must be a preferable decision making route as opposed to drug testing children and young people within a police station setting.

### **Conclusion**

Instead of putting significant resources into testing, SDF strongly believes the **most cost effective way forward is to invest in the development of high quality treatment services** – providing immediate access to treatment effectively retains clients and thus reduces the likelihood of criminal activity.

In addition, further investment, consolidation and expansion of the existing arrest referral schemes should be undertaken, but only in parallel with more easy access to drug treatment services throughout the whole of Scotland.