



**Our Ref CDM/LN**  
**Your Ref**

**Please ask for Colin Mackenzie**  
**Direct Dial (01224) 665490**

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**Colin D Mackenzie**

*Director of Housing and Social Work*

Woodhill House, Westburn Road

Aberdeen AB16 5GB

Telephone 01224 665490

Fax 01224 664888

[colin.mackenzie@aberdeenshire.gov.uk](mailto:colin.mackenzie@aberdeenshire.gov.uk)

Mr Ian Ferguson  
Police Bill Team, Police Division 1  
Scottish Executive Justice Department  
Area 1W, St Andrews House  
Regent Road  
Edinburgh  
EH1 3DG

Dear Mr Ferguson

## **SUPPORTING POLICE, PROTECTING COMMUNITIES RESPONSE APRIL 2005**

This response has been prepared on behalf of Aberdeenshire Council, which welcomes the opportunity to participate in this consultation. Comments concentrate on areas that have the potential to directly impinge on criminal justice social work.

### **Chapter 3. Knife Crime (Questions 12,13 and 14)**

12. The seriousness of knife crime is acknowledged. However, consideration also needs to be given to the long-term implications for young people who become involved with the criminal justice system due to the above. Although the maximum penalty proposed is 4 years imprisonment, if attitudinal change is to be achieved successfully, it would be hoped that community disposals would be fully explored prior to a custodial sentence being imposed.

13. Although this proposal reflects the seriousness of the issue, it raises issues in itself. If it is to be effective, steps would need to be taken to ensure that its implementation did not disproportionately affect particular communities.

14. It appears sensible to raise the minimum purchase age for knives etc in line with the sale of alcohol and fireworks. It is to be hoped that efforts to target those in possession of knives will be matched by enforcement against those who sell them to underage individuals.

## **Chapter 6. Mandatory Drug Testing and Assessment (Questions 30-36)**

30. In relation to drug use, motivation can be a complex issue, resulting in the efficiency of anything containing an element of coercion being somewhat questionable. It can be assumed that individuals who are aware of and wish to address their substance misuse would be prepared to undertake a drug test on a voluntary basis. There is scope for a mandatory drug test to turn into an opportunity for conflict when an individual is unwilling to provide the required sample.

If it is decided to proceed with mandatory drug tests, efforts must be made to clearly describe its purpose to the individuals involved, if it is to have any scope for the experience to be used positively, as a means of accessing relevant services. Although the 2004 Home Office research indicated an increase in acceptance of offers to see arrest referral workers, it would be interesting to know if individuals had been asked about their motivation for accepting the offer.

31. Given that there are existing arrest referral schemes, it appears sensible to make the point of drug testing that of arrest. However, consideration should be given to ensuring adequate support services for those who test positive but do not progress any further through the criminal justice system.

32. As previously stated at Q.30, the coercive element may negatively impact on the effectiveness of such an assessment. The longer-term aim of the assessment also needs to be clear- the value of a standalone assessment, other than as a statistical source, is questionable.

33. Property and drug offences have an evident link to substance misuse. However, driving offences and offences of violence may also be linked to drug use.

34. If drug testing is to be undertaken for trigger offences, it appears sensible that it should also apply to non-trigger offences where class A drug use is considered to have caused or contributed to the offence.

35. The suggestion that young people under the age of 16 could be subject to compulsory drug testing is concerning. Certainly in the Northeast, substance misuse services for this age group are very limited. Although there needs to be an awareness amongst police personnel that young people under the age of 16 may have significant substance misuse issues, it appears sensible for the minimum age for mandatory drug testing to be 16 years.

36. As has already been stated, the coercive element of mandatory drug testing has the potential to negatively impact on treatment outcomes, with individuals not necessarily having the required motivation to engage successfully. It is correct to assume that offenders with chaotic lifestyles may have difficulty in accessing treatment services, but offering access to services on a voluntary basis would be preferable.

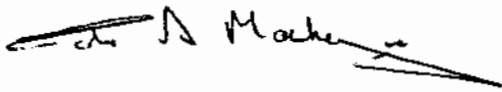
A concern is that the requirement of attending an assessment by those who have tested positive for class A drugs has the potential to be a cosmetic exercise if the

assessment is not effectively actioned. This has significant resource implications for treatment services.

It is likely that mandatory drug testing would come to be viewed by offenders as another part of the criminal justice system, which is imposed on them, giving a minimal sense of choice or control. As such, it is debatable whether this would be 'a powerful incentive to engage with treatment services'. A commitment to the police having a strong awareness of substance misuse issues is to be welcomed, but the compulsory element of testing and attendance for assessment proposals is less so.

I hope this response is of assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Colin D Mackenzie', with a long horizontal flourish extending to the right.

**COLIN D MACKENZIE**  
**DIRECTOR OF HOUSING & SOCIAL WORK**