

# Section 1 – Background

## Introduction

This section seeks information on you or your organisation, including personal characteristics. It will be used to check that we have received responses from across our target audiences and help us to consider different personal views and equality impacts in any future policy decisions.

## Background questions

1. Are you responding to this survey as an individual or as a representative of an organisation? Please select one option.

a. Individual

b. **Organisation**

c. Other

If you selected a. Individual, please go to question 2.

If you selected b. Organisation, please go to question 5.

If you selected c. Other, please go to question 12.

2. What is your age? Please select one option.

a. Under 16

b. 16-17

c. 18-24

d. 25-34

e. 35-44

f. 45-54

g. 55-64

h. 65-74

i. 75-84

j. 85+

k. **Prefer not to say**

If you answered a. Under 16 for question 2, this survey is only for those aged sixteen and over. Please do not continue with this survey.

3. What is your gender? Please select one option.

a. Female

b. Male

c. Other, please specify

d. Prefer not to say

4. What is your ethnicity? Please select one option.

a. Asian or Asian British

b. Black, Black British, Caribbean or African

c. Mixed or multiple ethnic groups

d. White

e. Other ethnic group

f. **Prefer not to say**

5. Where are you or your organisation located? Please select one option.

a. England

- b. Scotland
- c. Wales
- d. **Northern Ireland**
- e. Other, please specify
- f. Don't know
- g. Prefer not to say

If you answered a. Individual for question 1, please go to section 2.

6. What type of organisation are you responding on behalf of?

- a. Academia
- b. Business/Industry
- c. Central Government/Civil Service
- d. Law Enforcement
- e. Legal
- f. Local Authority
- g. **Third Sector/Voluntary**
- h. Other Public Service/Public Body
- i. Other, please specify
- j. Prefer not to say

7. Tell us more about your organisation. How many employees does your organisation have? Please select one.

- a. <10
- b. **10-19**
- c. 20-49
- d. 50-99
- e. 100-249
- f. 250+
- g. Don't know

8. If you're happy to share, what is the name of your organisation? Please note by providing this information your response is no longer anonymous and will be held and processed in line with the consultation privacy notice.

a. **NIADA – Northern Ireland Alcohol & Drug Alliance**

[www.niada.net](http://www.niada.net)

b. Prefer not to say

9. Does your organisation offer/work with any of the following? Please select all that apply.

- a. **Drug awareness courses**
- b. **Unpaid work for offenders**
- c. Drug testing
- d. Drug tagging
- e. None of the above

f. Prefer not to say

If you answered a. Drug awareness courses for question 9, please go to question 10.

If you answered b. Unpaid work for offenders, c. Drug testing or d. Drug tagging for question 9, please go to question 11.

If you answered e. None of the above or f. Prefer not to say for question 10, please go to section 2.

10. How many drug awareness courses does your organisation run each year on average?

a. We do not deliver drug awareness courses

b. Please specify the number of drug awareness courses your organisation runs each year-

**A number of NIADA member organisations provide training, education and drug awareness sessions. They sessions are aimed at both professionals and community groups/individuals to increase their skills, knowledge and awareness when thinking about substance use and supporting someone impacted. Sessions take into consideration the holistic picture surrounding addiction and how best to approach and support impacted and our aimed mainly at adults aged 18+.**

**Awareness sessions are funded by Public Health Agency, Policing and Community Safety Partnerships and local Councils.**

**These sessions are ongoing throughout the year and delivered by a number of membership organisations.**

**NIADA membership and the services delivered can be viewed here: [Membership – Northern Ireland Alcohol and Drugs Alliance \(niada.net\)](https://www.niada.net)**

11. The Home Office is interested in learning more about existing drug awareness courses, using unpaid work as a condition of an out of court disposal, existing drug testing programmes and the commercial appetite for drug tagging innovation. If you would be content for the

Home Office to contact you about your work, please insert your details below. Please note that by providing your email address your response is no longer anonymous and will be held and processed in line with the privacy notice.

a. Please provide your details

12. Please provide further information. (Please note that if you provide a name, organisation name or any other identifying information, your response is no longer anonymous and will be held and processed in line with the privacy notice.)

a. Please provide any further information

## **Section 2 – Tier 1**

### **Introduction**

This section will ask your views on Tier 1 of the proposed new three-tier framework for tackling adult drug possession offences. In Tier 1, as an alternative to prosecution for the offence of possession of a controlled drug, a person would be required to attend a drugs awareness course and encouraged to both understand the impact of their drug use on themselves, their loved ones and on society, and to change their behaviour. We propose that this course would be paid for by the individual. Should an individual not engage with this requirement, they would be liable for a financial penalty of a greater value than the cost of an awareness course as an alternative to prosecution of the offence.

### **Tier 1 questions**

13. Do you agree with our proposals that for a first offence of possession of a controlled drug an individual should be required to attend a drug awareness course designed to make them consider their behaviour? Please select one option.

a. Strongly agree

- b. Agree
- c. Neither agree nor disagree
- d. Disagree
- e. **Strongly disagree**
- f. Don't know

Please provide any additional comments

**Becoming better informed should not be delivered as a punishment by making someone attend a drug awareness course as a first offence. Drug awareness courses would be a useful part of a more widespread approach which may include various options designed to help a person make better life choices. It is vital to approach substance use in a person focused health-based way.**

14. Do you agree that the individual should pay for the cost of the drug awareness course? Please select one option.

- a. Strongly agree
- b. Agree
- c. Neither agree nor disagree
- d. Disagree
- e. **Strongly disagree**
- f. Don't know

Please provide any additional comments-

**As many are struggling with a cost-of-living crises any additional cost would have a massive negative impact on an individual's day to day life. Those who have a dependence on substances are likely to be from low-income families or deprived communities.**

15. Do you agree that there should be a consequence in the form of a financial penalty for those who refuse to attend the drug awareness course? Please select one option.

- a. Strongly agree
- b. Agree
- c. Neither agree nor disagree
- d. Disagree
- e. **Strongly disagree**
- f. Don't know

Please provide any additional comments-

**We believe the government should be approaching substance use in a more harm reduction-based approach similar to Portugal which has proven to have positive tangible outcomes. Those on low incomes and from deprived communities need help to break the poverty/substance use cycle.**

16. Do you think that current police-referred drug awareness courses have a positive, negative or no impact on illicit drug use and re-offending rates? Please select one option for each answer.

Illicit drug use:

- a. Positive (reduces drug use)
- b. Negative (increases drug use)
- c. **No impact**
- d. Don't know

Re-offending:

- a. Positive (reduces re-offending)
- b. Negative (increases re-offending)

c. **No impact**

d. Don't know

17. Do you know of available evidence on police-referred drug awareness courses (not educational settings) and their effectiveness in reducing drug use and re-offending? If yes, please share any evidence.

a. Yes, please share any evidence

b. **No**

18. Do you think that the drug awareness course should be a standardised national offer across all police forces? Please select one option.

a. Yes

b. **No**

c. Don't know

19. To the best of your knowledge, how many providers operate drug awareness courses in your administration? By administration we mean England, Northern Ireland, Wales or Scotland.

a. Please specify the number of providers

If you did not answer question 6 OR answered a. Academia, b. Business/Industry, c. Central Government/Civil Service, e. Legal, f. Local Authority, g. Third Sector/Voluntary, h. Other Public Service/Public Body, i. Other or j. Prefer not to say for question 6, please go to section 3.

If you answered d. Law enforcement for question 6, please continue to question 20.

**NIADA represents 15 member organisations who deliver a range of services throughout N.Ireland**

20. In your experience, on average, what proportion of proven drug possession offenders do you think are currently referred to drug awareness courses?

- a. 0%
- b. 1-25%
- c. 26-50%
- d. 51-75%
- e. 76-100%

f. **Don't know**

If you answered a. 0% to question 20, please go to section 3.

If you answered b. 1-25%, c. 26-50%, d. 51-75%, e. 76-100% or f. Don't know to question 20, please continue to question 21.

21. In what cases are drug possession offenders most likely to be referred to a drug awareness course? Select all that apply. Through a:

- a. Community resolution
- b. Cannabis/khat warning
- c. Conditional caution
- d. Penalty notice
- e. Diversionary activity
- f. Charge for drug possession
- g. Voluntary referral
- h. Other, please specify

22. How many participants attend a drug awareness course each year on average?

a. Number of participants

## **Section 3 – Tier 2**

### **Introduction**

This section will ask you about your thoughts on Tier 2 of the proposed new three-tier framework for tackling adult drug possession. In Tier 2, as an alternative to prosecution for the offence of possession of a controlled drug, a person would be offered a caution which would include as a condition attendance at a further, more extensive drug awareness course, which will reflect that a repeat offence has been committed. Alongside this an individual would, where proportionate, be expected to comply with a period of mandatory drug testing.

### **Tier 2 questions**

23. Do you agree that those who are caught in possession of drugs for a second time should be offered a caution with rehabilitative conditions, (where their alternative option is to face arrest and charge)? Please select one option.

a. Strongly agree

b. Agree

c. Neither agree nor disagree

d. Disagree

e. **Strongly disagree**

f. Don't know

Please provide any additional comments

**Alternatives should be offered within a harm reduction context and the individual signposted to relevant services. The threat of arrest and charge will in turn lead to unnecessarily entering the judicial system. It also takes the focus away from the fact that this should in the first instance be a health issue before progressing to a judicial issue as a last resort.**

24. Do you agree that, where proportionate, the Tier 2 conditions should include:

- i. A mandatory drug testing requirement?
  - a. Strongly agree
  - b. Agree
  - c. Neither agree nor disagree
  - d. Disagree
  - e. **Strongly disagree**
  - f. Don't know

Please provide any additional comments

**This will not address the underlying issues a person may have but could exacerbate them. A more harm reduction, holistic, health approach will work better and support an individual. Mandatory drug testing will be a needless expenditure that will not achieve its desired purpose. The funding should alternatively be focused on better services of support.**

- ii. Attendance at a further drug awareness course?
  - a. Strongly agree
  - b. Agree
  - c. Neither agree nor disagree
  - d. Disagree

e. **Strongly disagree**

f. Don't know

Please provide any additional comments

**As stated in Question 13: Becoming better informed should not be delivered as a punishment by making someone attend a drug awareness course as a first offence. Drug awareness courses would be a useful part of a more widespread approach which may include various options designed to help a person make better life choices. It is vital to approach substance use in a person focused health-based way.**

25. Do you agree that drug awareness courses should be different for first time offenders and repeat offenders? Please select one option

a. Strongly agree

b. Agree

c. Neither agree nor disagree

d. Disagree

e. **Strongly disagree**

f. Don't know

Please provide any additional comments

**Mandatory drugs awareness courses will not help an individual when forced upon them. Signposting to health led services and advice suitable for the individual would be more beneficial.**

If you answered b. Organisation to question 1, please continue to question 26.

If you answered a. Individual or c. Other to question 1, please go to question 28.

26. Will your organisation be impacted by the proposals on drug awareness courses in Tiers 1 and 2?

a. **Yes, please explain why and how**

**It will mean a large number of clients entering the judicial system unnecessarily when harm reduction approaches would be more effective and help turn their life around rather than be shackled with a criminal record.**

b. No

c. Don't know

27. Do you think your organisation will need any support to be able to increase its offer of drug awareness courses under Tiers 1 and 2?

a. Yes, please explain

b. **No, my organisation will not need any support**

c. No, my organisation does not offer drug awareness courses

d. Don't know

28. Do you think that mandatory drug testing could have a positive, negative or no impact on reducing illicit drug use and re-offending?

Drug Use:

a. Positive (a reduction in drug use)

b. Negative (an increase in drug use)

c. **No impact**

d. Don't Know

Re-offending:

a. Positive (a reduction in re-offending)

b. Negative (an increase in drug use)

c. **No impact**

d. Don't Know

29. Do you know of available evidence on mandatory drug testing and its ability to reduce illicit drug use or re-offending? If yes, please share any evidence.

a. No

**b. Yes, please share any evidence**

**Clients working with probation reported that drug testing had no reduction effect on their drug use.**

## **Section 4 – Tier 3**

### **Introduction**

This section will ask you about your thoughts on Tier 3 of the proposed new three-tier framework for tackling adult drug possession. In Tier 3, we would expect a third offence of possession of a controlled drug to be charged where appropriate. We also propose the introduction of a new Drug Court Order which could be applied for upon conviction of the offence. This new court order would compel an offender to again attend a drug awareness course. In addition, we envisage one of the following four interventions would be attached to the Drug Court Order:

- i. exclusion order;
- ii. drug tagging;
- iii. passport confiscation; or
- iv. driving licence disqualification.

### **Tier 3 questions**

30. Do you agree that those caught in possession of drugs for a third time should attend a drug awareness course? Please select one option.

- a. Strongly agree
- b. Agree
- c. Neither agree nor disagree
- d. Disagree
- e. **Strongly disagree**
- f. Don't know

Please provide any additional comments

**As stated above in previous questions – Mandatory drug awareness does not work for an individual with substance issues.**

31. Do you agree with the proposal to include a drug awareness course in each tier? Please select one option.

- a. Strongly agree
- b. Agree
- c. Neither agree nor disagree
- d. Disagree
- e. **Strongly disagree**
- f. Don't know

Please provide any additional comments

**As stated above in previous questions – Mandatory drug awareness does not work for an individual with substance issues.**

32. Do you agree that those caught in possession of drugs for a third time should receive a Drug Court Order, which includes one of the following interventions:

an exclusion order, which prohibits a person from entering a defined area for a set period of time:

- a. Strongly agree
- b. Agree
- c. Neither agree nor disagree
- d. Disagree
- e. **Strongly disagree**
- f. Don't know

or a drug tag, a monitor which the individual would be required to wear, and which checks whether the individual has taken drugs:

- a. Strongly agree
- b. Agree
- c. Neither agree nor disagree
- d. Disagree
- e. **Strongly disagree**
- f. Don't know

or passport confiscation:

- a. Strongly agree
- b. Agree
- c. Neither agree nor disagree
- d. Disagree
- e. **Strongly disagree**
- f. Don't know

or driving license disqualification:

- a. Strongly agree
- b. Agree
- c. Neither agree nor disagree
- d. Disagree
- e. **Strongly disagree**
- f. Don't know

Please provide any additional comments

**All these proposals are draconian and do not look to understand drug use, rather they a merely punitive measure seeking to deter but will ultimately fail as they have shown previously not to have worked anywhere where they have been implemented. Motivating people to positively change through a holistic approach has proven to have better outcomes**

33. Should there be circumstances where an offender receives a Drug Court Order without having first received a Tier 1 and Tier 2 intervention? (in essence, skipping to Tier 3 straight away) If yes, please outline what you think those circumstances should be.

- a. Yes, please provide further details
- b. **No**
- c. Don't Know

34. Do you think the minimum and maximum periods proposed for each Drug Court Order intervention are appropriate? Please select one for each answer.

- i. Exclusion order for a maximum period of 12 months
- a. Yes
- b. No, too short

c. **No, too long**

d. Don't know

ii. Drug tagging for a maximum period of 12 months

a. Yes

b. No, too short

c. **No, too long**

d. Don't know

iii. Passport confiscation for a minimum period of 3 months

a. Yes

b. No, too short

c. **No, too long**

d. Don't know

iv. Passport confiscation for a maximum period of 24 months

a. Yes

b. No, too short

c. **No, too long**

d. Don't know

v. Driving licence disqualification for a minimum period of 3 months

a. Yes

b. No, too short

c. **No, too long**

d. Don't know

vi. Driving licence disqualification for a maximum period of 24 months

- a. Yes
- b. No, too short
- c. **No, too long**
- d. Don't know

35. Do you think there are other conditions that should be available to the court to include as part of a Drug Court Order? If yes, please provide details

- a. Yes, please provide details-

**Instead of enforcement money and resources should be used to provide health lead/treatment options which actively engages the individual in making better life choices. Support and help should be tailored to the individual and their circumstances rather than a one size fits all approach.**

- b. No
- c. Don't Know

36. Do you agree that the consequences for breaching a Drug Court Order are appropriate? The consequences we propose are considering the breach as a separate criminal offence which may attract a custodial sentence.

- a. Strongly agree
- b. Agree
- c. Neither agree nor disagree
- d. Disagree
- e. **Strongly disagree**
- f. Don't know

Please provide any additional comments

**This model is not working at present and therefore must change. A harm reduction and medical approach needs to be delivered rather than a judicial one.**

## **Section 5: Wider impacts**

This section asks for your views on the wider impacts of introducing a tiered regime to tackle adult drug possession offences.

37. Do you think the proposed changes will impact on you/your organisation?

- a. **Yes**
- b. No
- c. Don't know

38. How significant do you think the impact of the proposed changes will be on you/your organisation? Please provide details and if possible, indicate if these refer to a particular Tier or sanction.

- a. **Significant**
- b. Modest
- c. No Impact
- d. Don't know

Please provide details

**It will place clients unnecessarily in the judicial system and focus resources on a model that does not work rather than focusing it on a scientifically proven model similar to that of the Portuguese model. A large number of those with substance issues are homeless population and suffer poor mental health, a supportive approach rather than a punitive approach will have more positive outcomes.**

39. What impacts, if any, do you think this new regime will have on:

- a. Police- **Unnecessary work and strain on resources.**
- b. Courts **Unnecessary work and strain on resources.**
- c. Employers **Difficulty getting staff due to long list of people with criminal records due to recreational possession.**
- d. Third sector- **Same as above, frustration from staff as their ethos and values will be negatively impacted by new draconian measures that will achieve very little.**
- e. Other
- f. Don't know
- g. No impacts

Please describe these impacts

40. Do you believe that our proposals to create a tiered drug possession regime will have an impact (both positive or negative) on individuals with a protected characteristic under the Equality Act 2010? If yes, please describe the potential impact. Protected characteristics under the Act are disability, gender reassignment, age, pregnancy and maternity, race, marriage and civil partnership, sex, sexual orientation and religion or belief.

- a. Yes, please describe the potential impact-

**These measures will have a negative impact all round as individuals and communities will be placed unnecessarily into the judicial system. It will also cause a delay or prevent people seeking health led support of their own free will.**

- b. No
- c. Don't know

If you answered a. Yes to question 40, please continue to question 41.

If you answered b. No or c. Don't know to question 40, please go to section 6.

41. Where you have identified potential negative impacts, could you suggest ways to mitigate them?

a. Yes, please suggest potential mitigations-

**Instead of looking at a court order that forces people to do something they don't want to do, we believe in health lead/treatment options which actively engages the individual in making choices that they can see working for them. This would involve a suite of options rather than a single option which a person would be forced into, which they may not be ready for at that particular time.**

b. No

c. Don't know

d. Not applicable (no negative impacts identified)

## **Section 6 – Operational best practice and new reforms for Drug Testing on Arrest**

### **Introduction**

This section will ask for your thoughts on proposals to change Drug Testing on Arrest powers to allow the police to drug test a wider variety of individuals than today. This includes expanding the range of illicit drugs which can be tested for and expanding the range of offences that the police can drug test for under Drug Testing on Arrest ('trigger offences').

### **Questions on operational best practice and new reforms for Drug Testing on Arrest**

42. Do you agree with our proposal to expand the range of illicit drugs which can be tested for under Drug Testing on Arrest legislation?  
Please select one option.

- a. Strongly agree
- b. Agree
- c. Neither agree nor disagree
- d. **Disagree**
- e. Strongly disagree
- f. Don't know

Please provide any additional comments

**Drug testing is a good way to share information if used within a harm reduction setting.**

43. Which drugs do you think are important to be able to test for under Drug Testing on Arrest? You can select more than one option.

- a. Cannabis
- b. Cocaine
- c. Heroin
- d. Ecstasy
- e. GHB
- f. Prescription drugs, please specify
- g. **Other, please specify**
- h. Don't know

Please provide any additional comments

**Drug testing should not be a result of someone becoming under arrest but should be done under a harm reduction sharing protocol.**

44. Do you agree with our proposal to expand the range of offences which police can drug test for under Drug Testing on Arrest legislation ('trigger offences')?

- a. Strongly agree
- b. Agree
- c. Neither agree nor disagree
- d. Disagree
- e. **Strongly disagree**
- f. Don't know

45. The current trigger offences are: theft and attempted theft, robbery and attempted robbery, burglary, attempted and aggravated burglary, handling stolen goods and attempting to do so, taking a conveyance without owner's consent/authority and aggravated taking conveyance without the owner's consent authority, going equipped for burglary or theft, fraud and attempted fraud, possession of articles for use in frauds, begging and persistent begging, possession of a specified class A controlled drug, production or supply or possession with intent to supply of a specified class A controlled drug.

Are there any other offences you think should be included as a trigger offence?

- a. Yes, please specify
- b. **No**
- c. Don't know

46. Do you believe that our proposals to expand the Drug Testing on Arrest programme will have an impact (both positive or negative) on individuals with a protected characteristic under the Equality Act 2010? If yes, please describe the potential impact. Protected

characteristics under the Act are disability, gender reassignment, age, pregnancy and maternity, race, marriage and civil partnership, sex, sexual orientation and religion or belief.

a. Yes, please describe the potential impact-

**If the substances tested are then communicated to various organisations which can be used as a health led harm reduction technique. If the testing is just used for the police service's own internal intelligence system, it will have no positive effect.**

b. No

c. Don't know

If you answered a. Yes to question 46, please continue to question 47.

If you answered c. No or c. Don't know to question 46, please go to question 48.

47. Where you have identified potential negative impacts, can you propose ways to mitigate these?

a. Yes, please suggest potential mitigations-

**Potential negative impact if information was not shared. The information needs to be shared with organisations who support individuals who use drugs.**

b. No

c. Don't know

d. Not applicable (no negative impacts identified)

48. Do you have any other comments on our proposed changes to Drug Testing on Arrest?

a. Yes, please provide any additional comments

b. **No**

c. Don't know

## Final question

49. Do you have any further comments on the white paper you would like to share with us?

a. Yes, please provide any additional comments

**Substance use should be seen as a medical/social issue rather than a criminal one. We do not believe that criminalising substance use supports the individual user or society more broadly. We support a harm reduction and medical/therapeutic approach to addiction and problematic substance use. Punitive criminal measures against those found in possession of illegal substances grabs headlines whilst failing to solve the underlying problems of addiction. Trying to arrest our way out of this problem will achieve nothing.**

b. No

c. Don't know

Thank you for completing the Swift, Certain, Tough. New consequences for drug possession consultation.