



Home Office

# SWIFT, CERTAIN, TOUGH

**New consequences for  
drug possession**

July 2022

CP 723





## **Swift, Certain, Tough**

### New consequences for drug possession

Presented to Parliament  
by the Secretary of State for the Home Department  
by Command of Her Majesty

July 2022

CP 723



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# Ministerial Foreword



Illicit drugs are at the root of untold harm and misery across our society. The statistics are horrifying. More people die every year as a result of drug misuse than from all knife crime and road traffic accidents combined. Drugs also cause enormous harm to children and young people, impacting on their health and their ability to work and learn. The total cost to society and taxpayers is huge too, running close to £22 billion a year in England alone.<sup>1</sup>

Even these shocking numbers cannot fully capture the scale of the human tragedy, with countless lives ruined and families devastated. It is our mission to turn the tide.

Addressing the problem of illegal drugs is a top priority for me and for this government. In July 2021, our Beating Crime Plan set out how we are working to make our communities and streets safer. This was followed in December 2021 by the 10-year drug strategy, 'From harm to hope', which set out our plan to cut drug crime and save lives. Our drugs strategy is tough but smart. We have committed to driving down drug supply and demand through a tougher response to criminal supply chains, coupled with the largest ever increase in drug treatment funding. An additional £780 million over three years has been committed specifically to rebuild treatment and recovery services.

This white paper focuses on reducing the demand for drugs. Our drug strategy commits to delivering a generational shift in demand. This means reducing overall drug use towards a historic 30-year low within the life cycle of the strategy.

This white paper represents a significant step towards achieving that goal. We are proposing a new regime for how the criminal justice system deals with drug possession offences for so-called recreational users. Recreational, casual, non-addicted – whichever terminology is used – too often these individuals are sheltered from the human cost of the drugs trade. They are putting money into the pockets of dangerous drug gangs, fuelling violence and causing wider social harms, including environmental destruction and human trafficking.

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<sup>1</sup> This cost does not take into account any changes since the analysis in 2017/18, including prevalence. This is in today's prices. The total cost of harms related to illicit drug use in England was estimated at £19.3 billion in 2017-18. Dame Carol Black Review: Phase One.

Fundamental to this new regime is ensuring that drug users are more likely to be caught, and that they face tougher and more meaningful consequences than today. We want to see swift and certain interventions delivered which can deter drug use and, alongside other measures, reduce demand for drugs.

**The Rt Hon Priti Patel MP**  
**Home Secretary**

A handwritten signature in black ink, appearing to be 'Pp', located below the text of the Home Secretary.

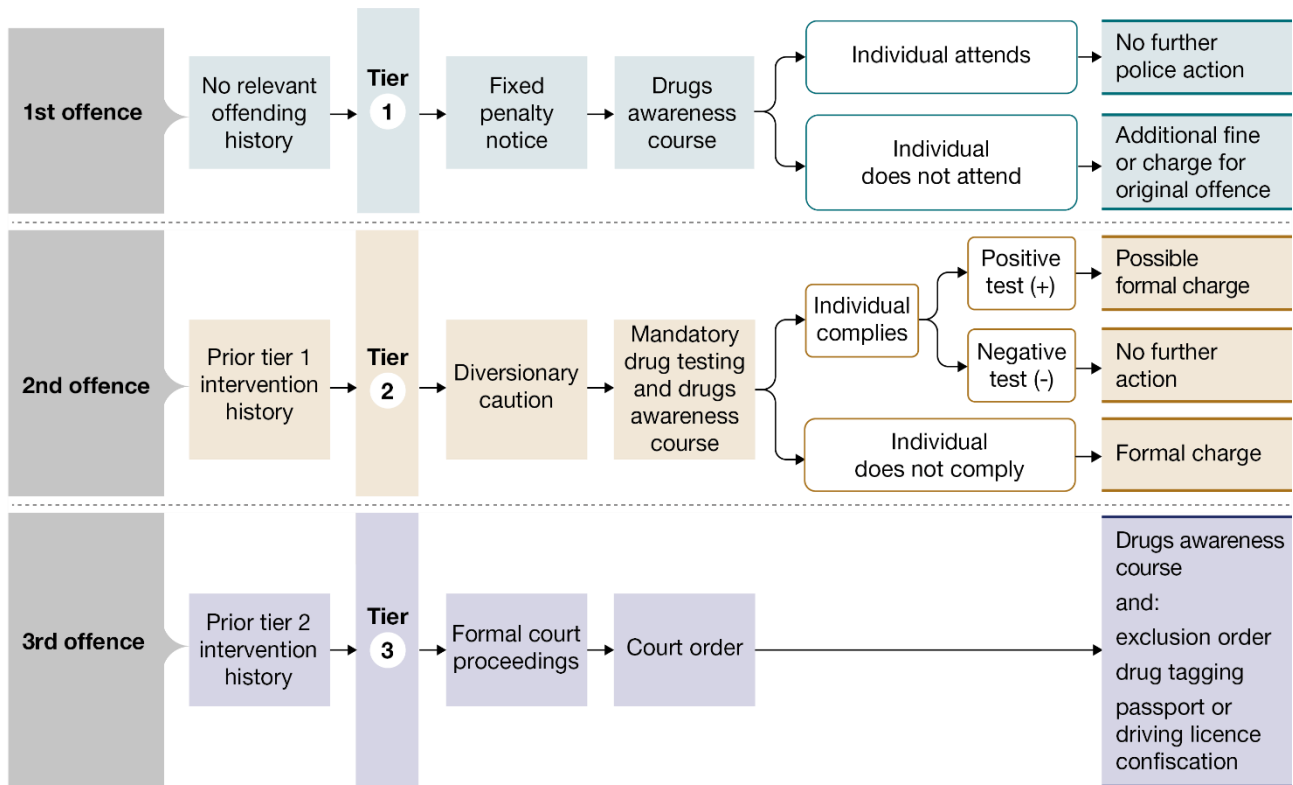


# Executive Summary

1. Drugs are illegal for a reason. They are harmful, affecting both physical and mental health, relationships, career prospects, and wider society. Individuals who use so-called recreational illegal substances must understand that they are not only risking their health, but funding dangerous criminals who rely on fear, exploitation and violence.
2. This white paper sets out a tough, escalatory framework aimed at adults caught in possession of low levels of so-called recreational drugs. It includes a combination of proposals for legislation, as well as broader areas for reform. We invite consideration and response via a public consultation which can be found under Annex A or alternatively via the online consultation. [Access the online consultation here.](#)
3. At its heart, this white paper is concerned with reducing demand for drugs and reversing the rising trend in drug use so that within a decade, overall use is at a historic 30-year low. This white paper is an important part of government's work to achieve this aim but does not represent all of it.
4. We are proposing reforms to strengthen the response of policing and the criminal justice system to drug possession offences. A new three-tier framework will apply to all drug users, except where users have a drug dependence, (described by Dame Carol Black as a chronic health condition), and treatment is the most relevant intervention. Our ambition is to bring about large-scale behaviour change and our vision is for the framework to be operated at scale with swift, clear and certain consequences.
5. Consequences should be tough, but they should also be fair and meaningful. Where appropriate, all first-time drug possession offenders should receive a tier 1 intervention. A second drug possession offence will attract a tier 2 intervention, and a third offence will receive a tier 3 intervention. These are as follows:
  - **Tier 1:** A person should be issued with a fixed penalty notice as an alternative to prosecution, which requires them to attend and pay for a drugs awareness course. If they do not attend the course, they will pay an increased financial penalty. Failure to pay will result in the fine being registered at court for enforcement or prosecution for the original offence.
  - **Tier 2:** Instead of being charged, a person would be offered a caution which would include, where proportionate, a period of mandatory drug testing alongside attendance at a further stage drugs awareness course.
  - **Tier 3:** A person would likely be charged for their offence. On conviction, a new civil court order could be applied for which would enable the court to impose the following conditions: (i) exclusion order; (ii) drug tagging; (iii) passport confiscation; and (iv) driving licence disqualification.
6. In addition, this white paper proposes some important changes to powers for drug testing on arrest to ensure the police can drug test a wider variety of individuals.

# Chapter 1: Introduction and overall approach

## Tier structure overview



## Introduction

7. This paper sets out the government's proposals for important changes to how the criminal justice system tackles adult drug possession offences in England and Wales. Tiers 1 and 3 may also apply to Scotland and Northern Ireland, which will be determined in due course. We welcome continued engagement from devolved governments and stakeholders across the UK.
8. In December 2021, the government published its 10-year drug strategy, '*From harm to hope*'. The strategy contained three strategic priorities: breaking drug supply chains; delivering a world-class treatment and recovery system; and significantly reducing demand for illicit drugs.
9. This white paper focuses on the latter priority and is underpinned by a commitment to reverse the rising trend in drug use within a decade, towards a historic 30-year low. Delivering this will require a generational shift in the attitudes towards and the demand for drugs so that fewer people take drugs or feel drawn towards taking them, and today's children and young people grow up in a safer and healthier environment.

## What is the problem?

### So-called recreational drug use

10. In 2019/20, over three million people in England and Wales reported using drugs in the last year,<sup>2</sup> putting themselves at risk, making our communities less safe and handing lucrative profits to criminals driving a violent and exploitative supply chain.
11. Cannabis has consistently been the most used drug, followed by powder cocaine. The Crime Survey for England and Wales found that, in 2019/20, around 2% of drug users were frequent users, with the proportion of frequent users higher amongst younger cohorts.<sup>3</sup>
12. These cohorts of so-called recreational users, those who have not yet developed dependence on drugs, are the ones which this paper focuses on. We do not seek to address illicit drug use by children in this document and neither does this paper seek to deal with adults who have a drug addiction that would be better addressed through treatment (for example, the estimated 300,000 individuals who are dependent on heroin and crack cocaine in England).<sup>4</sup>
13. The government is concerned about so-called recreational drug use for the following reasons:
  - Overall drug use has increased since 2012/13,<sup>5</sup> with devastating consequences. We saw a 72% increase in deaths related to drug poisoning between 2011 (2,652 deaths) and 2020 (4,561 deaths).<sup>6</sup>

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<sup>2</sup> Office for National Statistics (ONS), Crime Survey for England and Wales, Drug misuse in England and Wales: year ending March 2020.

<sup>3</sup> Frequent users are defined as having taken any drug more than once in a month in the last year.

<sup>4</sup> Public Health England (PHE), Estimates of opiate and crack cocaine use prevalence: 2016 to 2017.

<sup>5</sup> Office for National Statistics (ONS), Crime Survey for England and Wales, Drug misuse in England and Wales: year ending March 2020.

<sup>6</sup> Office for National Statistics (ONS), Deaths related to drug poisoning in England and Wales 2020.

- There have been increases in the use of certain drugs by young adults and children<sup>7</sup>, which indicates a potential ‘normalisation’ of drug use amongst younger cohorts. This is particularly concerning in relation to cannabis given the evidence of an association between the use of high potency cannabis and mental health issues, including psychosis.
  - We know that a number of factors have contributed to this rise in illicit drug use, as identified in the government response to the independent review of drugs by Dame Carol Black. This includes a decline in treatment services and significant threats from supply models including county lines, which have quadrupled since 2017.<sup>8</sup>
  - We also know from Dame Carol Black’s landmark review that there are clear links between the trade in recreational drugs and violence and exploitation. Around 70% of all organised crime gangs involved in drug supply tend to supply multiple drugs with so-called recreational drugs (such as ecstasy, cannabis, and powder cocaine) and higher harm drugs (including heroin and crack) often being supplied together.<sup>9</sup>
  - Drugs play a key role in driving crime. Around 50% of homicides are thought to be drug related in some way, and nearly half of acquisitive crime is thought to be committed by people who use drugs.<sup>10</sup>
  - Illicit drug use makes communities less safe, with links to anti-social behaviour in public spaces.
14. Too often, individuals who choose to use drugs casually are sheltered from or wilfully ignore the human cost of the drugs trade which is immediately around them. They are putting money into the pockets of dangerous drug gangs and fuelling violence, both in the UK and across the globe. We want this to change.

## The current regime for drug possession offences

15. In the year to March 2021 there were 166,618 police recorded crimes for drug possession. This accounts for 80% of overall police recorded drug offences, and 3% of overall crime.<sup>11</sup> We have seen a slight increase in the proportion of recorded drug possession offences in the past few years.
16. Outcomes assigned by police for drug possession offences will vary year-on-year. However, we have seen a drop in the proportion of charges in recent years and a slight increase in No Further Action (NFA) outcomes since 2014/15.
17. In 2021, 25,836 individuals were charged<sup>12</sup> for drug possession offences and 22,255 individuals were sentenced,<sup>13</sup> of which, 60% received a fine. While we are not

<sup>7</sup> NHS Digital, Smoking, Drinking and Drug Use among Young People in England 2018.

<sup>8</sup> Government response to the independent review of drugs by Dame Carol Black - GOV.UK ([www.gov.uk](http://www.gov.uk)).

<sup>9</sup> Dame Carol Black Review on Drugs; Phase one.

<sup>10</sup> Drug-related homicides are those where the suspect or victim is known drug dealer or user, had taken a drug, had a motive to obtain drugs or to steal drug proceeds or drug related in any way.

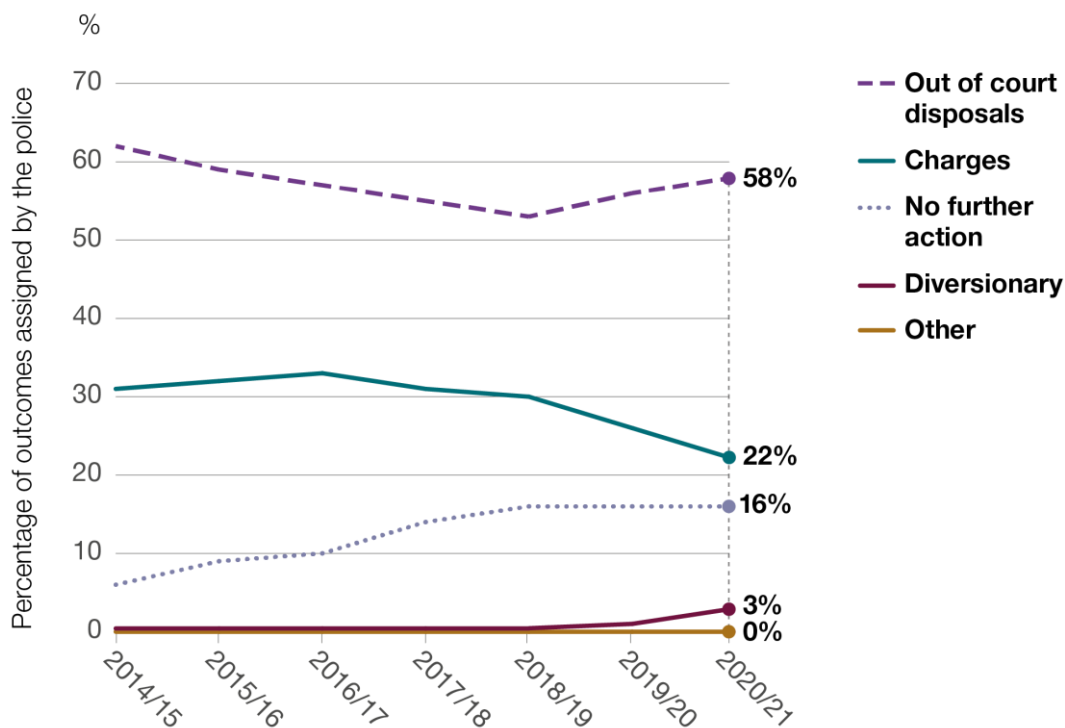
<sup>11</sup> Home Office, Police Recorded Crime: year ending March 2021.

<sup>12</sup> Home Office, Police Recorded Outcomes: year ending March 2021.

<sup>13</sup> Ministry of Justice, Criminal Justice System Statistics Quarterly: December 2021.

questioning the appropriateness of any particular sentence, the current overarching regime for drug possession lacks certainty and consistency in outcome.

### Percentage of outcomes assigned by the police for drug possession offences from 2014/15 to 2020/21



18. We are also concerned about whether the current system adequately prevents reoffending. We know that around one in five adult drug offenders reoffend within a year.<sup>14</sup> Of those re-offences, around one in four are drug related. Furthermore, we know that drug re-offending is often more problematic than other crime types. For example, 2020 figures tell us that 59% of those cautioned for a drug offence were reoffenders compared to those cautioned for all other crimes (45%)<sup>15</sup>. Finally, we are concerned that the re-offending rate for drug offences has remained stubbornly stable over the last decade, suggesting reform is necessary.

## Our vision for reform

19. This paper sets out a combination of proposals for legislation, as well as broader areas for reform on which we invite consideration. We want to create a new three-tier framework for drug possession offences underpinned by the following key principles:
- **Swiftness and certainty:** every individual should know what consequences they will face, and law enforcement are incentivised to use the framework, as they can act swiftly.

<sup>14</sup> Ministry of Justice: Proven reoffending stats: June 2020.

<sup>15</sup> Ministry of Justice: Criminal Justice Statistics Quarterly: March 2021.

- **Consistency:** there should be no postcode lottery for how drug possession offences are dealt with.
- **Behaviour change:** individuals should be given a chance to change their behaviour at every stage of this new framework.
- **Tough, fair and meaningful consequences:** those who choose to continue their drug use, should face stronger consequences which should escalate for those who continue to offend and flout the law. There is positive evidence of the impact of swift, certain and fair programmes on drug use and re-offending among the probation population, to which we can learn and apply to this new regime. There should also be no difference in how individuals are treated based on age, gender, ethnicity, and other protected characteristics.
- **Evidence led and evidence building:** interventions should be robust, and evidence led, but we will not shy away from proposing new and innovative ideas. If this means being the first country to build an evidence base for a particular intervention, then that is what we will do.

## Overall approach

20. We are proposing a new three-tier framework for adult drug possession offences. For the purposes of this paper, the offence of possession of a controlled drug will be deemed a “Relevant Offence”.<sup>16</sup> This framework will apply to all those in possession of a controlled drug, except where the individual has a drug dependence (described by Dame Carol Black as a chronic health condition) and where treatment is the most relevant intervention.
21. We propose that, where appropriate, all first-time Relevant Offences be dealt with by the same tier 1 intervention. If a person commits a second Relevant Offence, they will move to a tier 2 intervention. A third Relevant Offence will result in a tier 3 intervention. Those who are caught more than three times should face criminal prosecution. We propose the tiers be structured as follows:
- **Tier 1:** A person would be required to attend and pay for a drugs awareness course which would encourage them to understand the impact of their drug use on themselves, their loved ones and on society, and to change their behaviour. Failure to engage with this requirement, would result in a larger financial penalty than the cost of an awareness course. Failure to pay will result in the fine being registered at court for enforcement or prosecution for the original offence.
  - **Tier 2:** A person would be offered a caution which would include, where proportionate, an individual having to comply with a period of mandatory and randomised drug testing. In addition, an individual would be expected to attend a drugs awareness course, which we propose should be more extensive than the course delivered at tier 1 to reflect that a repeat offence has been committed. Failure to comply should lead to prosecution for the original offence.

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<sup>16</sup> It is an offence under section 5(2) of the Misuse of Drugs Act 1971 (“MDA 1971”) for a person to have a controlled drug (being a class A, class B or class C drug, as set out in Schedule 2 to the MDA 1971) in their possession in contravention of section 5(1) of that Act. Under section 5(1) it is unlawful to be in possession of a controlled drug unless this is permitted by the Misuse of Drugs Regulations 2001 (as amended).

- **Tier 3:** We would expect a third Relevant Offence to be charged. We also propose the introduction of a new Drug Reduction Order which would be applied for upon conviction and would once again compel an offender to attend a drugs awareness course. One or more of the following four interventions would be attached to the Drug Reduction Order: an exclusion order, drug tagging, passport confiscation, and driving licence disqualification.

22. There are several other factors which underpin this framework:

- Progression through the tiers should be linear meaning an individual would not start with a tier 2 or tier 3 intervention or ‘jump’ from tier 1 to tier 3. It is important that individuals and policing colleagues have certainty about interventions in the event of reoffending. This also addresses concerns about the disproportionate number of young people from ethnic minority backgrounds entering the criminal justice system as a result of first or second-time drug possession offences.
- At all stages of this three-tier framework the police may choose to charge the offender where they feel it to be a more suitable punishment. However, we expect to see the majority of so-called recreational users move through the three-tier framework.
- An individual should not be able to repeat a tier.
- Failure to meet the conditions set within a tier will have consequences.

## Our ambition for these reforms

23. We have already set out the principles on which these reforms are based. However, their success will also depend on achieving better criminal justice outcomes. There are two key success criteria we propose to measure:

- **Reduction in drug use:** compiling a richer picture of illicit drug use over the country is a challenge. The Crime Survey for England and Wales remains a useful measure of prevalence of drug use which we will continue to monitor, but we also propose exploring new data collections to measure impacts of any new sanctions on drug use and recovery.
- **Reduction in reoffending:** we want to see the overall reoffending rate for adult drug possession offences fall. We are particularly interested in reoffending rates of those who commit a drug offence, but we would monitor reoffending of any kind, even if not linked to drugs.

24. We will work with stakeholders on secondary success criteria which could be monitored. In particular, we would like to explore ways of better assessing impact on harm and on protected characteristic groups, particularly race.

## Across the UK

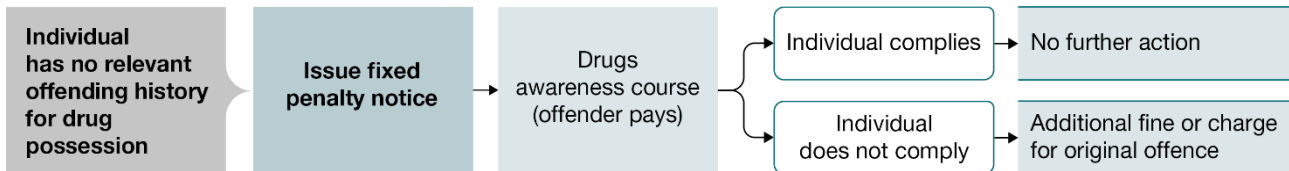
25. This white paper proposes changes to how the criminal justice system tackles adult drug possession offences in England and Wales. The proposals at tiers 1 and 3 could apply across the whole of the UK.

26. The subject matter of the Misuse of Drugs Act 1971 is reserved in Scotland under reservation B1 in Schedule 5 to the Scotland Act 1998 and reserved in Northern Ireland under paragraph 9(1)(f) of Schedule 3 to the Northern Ireland Act 1998. Misuse of and dealing in drugs or psychoactive substances is reserved in Wales under section B14 of Schedule 7A to the Government of Wales Act 2006.
27. The proposals at tier 2 would only apply in England and Wales due to criminal justice and policing being devolved matters in Scotland and transferred matters in Northern Ireland. Therefore, we will continue to discuss the geographic extent of the proposals with the devolved governments, particularly their use in Scotland and Northern Ireland, and their interaction with devolved services, over our consultation period.



# Chapter 2: Tier 1

## Tier 1 First drug possession offence



## Introduction

28. Tier 1 of this new framework applies the first time an individual is encountered by the police in relation to a Relevant Offence. We know that swift, certain action has more of an impact, and we need to use this opportunity to drive behaviour change. As such, we propose that, unless prosecution is considered more appropriate, every individual be required to attend a drugs awareness course as an alternative to prosecution. This gives the individual the opportunity to understand the harms of illicit drugs and the damaging impact of their behaviour both on themselves and wider society.
29. We also propose that individuals be required to pay for their drugs awareness course to ensure they bear the costs of delivering this intervention, rather than the taxpayer. The course would be paid for 'at cost', but we would like to explore the feasibility and desirability of an individual paying for it 'above cost'.
30. Should an individual not attend the course they would be required to pay a larger fixed penalty than the cost of an awareness course. The penalty will be set at a level to incentivise attendance on the course. Failure to pay will result in the fine being registered at court for enforcement or prosecution for the original offence.

## Drugs awareness courses

31. Many police forces refer individuals to drugs awareness courses already, mostly through third party providers. There is positive evidence that drugs awareness courses are effective in reducing short-term drug use and re-offending and are a positive use of resource to deal with lower-level offending. However, less is known about the overall quality and effectiveness of courses currently available in the market and therefore we would like to build on this evidence base to better understand the effectiveness of police-led drugs awareness courses in the UK. We are also interested in views on how far these courses can or should be tailored to different groups of drug users (for example by drug type, by drivers of drug use, and first or repeat-offenders).<sup>17</sup>
32. We would also be interested in seeking views on the role government could play in facilitating a national offer or set of standards for a drugs awareness course that could be rolled out across all police forces. We invite responses to our consultation accordingly.

## Delivery

33. Forces that deliver drugs awareness courses already do so through the existing out of court disposal regime and in particular via community resolutions. However, we are concerned that this does not offer sufficient opportunity for meaningful consequences, particularly if the individual chooses not to engage with an awareness course.
34. As such, we want to deliver a tier 1 awareness course through a new and bespoke fixed penalty notice called a Drug Enforcement Notice. We detail proposals for this below and would invite comment via our consultation.

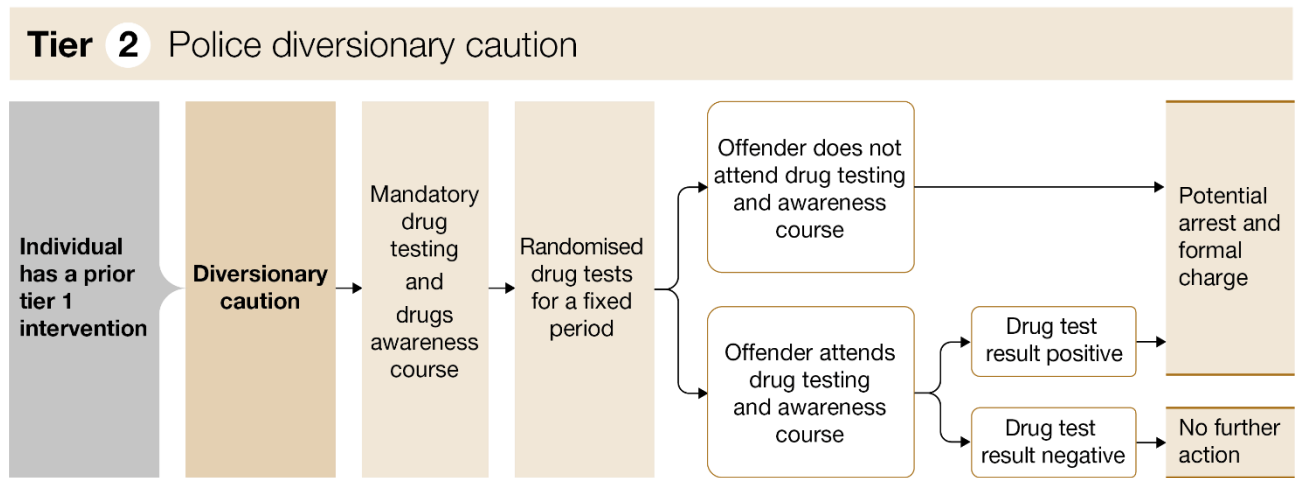
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<sup>17</sup> Sources used can be found under Annex B.

## Drug Enforcement Notice

35. Building on existing regimes for fixed penalty notices, a Drug Enforcement Notice would issue an individual with a fixed penalty amount. By paying for and successfully completing a drugs awareness course, an individual would not need to pay the penalty. To issue a Drug Enforcement Notice, a police officer would need to have reason to believe the individual has committed a Relevant Offence, including sufficient evidence to support a successful prosecution.
36. Failure to attend the course would mean paying the full penalty amount. If the fixed penalty is not paid, the amount would be automatically registered with the court and enforceable as a fine. The police would also retain the discretion to arrest and charge an individual for the original offence. We propose that, where an individual's alternative would be to face arrest and charge, there is an incentive in paying for and completing a drugs awareness course.
37. No admission of guilt would be necessary for the police to issue a Drug Enforcement Notice and attendance at the course or payment of the fixed penalty would not be an admission of guilt. An individual could opt to be tried for the offence instead of attending the course or paying the fixed penalty.
38. The Drug Enforcement Notice would not form part of an individual's criminal record. But as a Relevant Offence is a recordable offence, an entry would be made on the Police National Computer which may be disclosed as part of an enhanced Disclosure and Barring Service check.

# Chapter 3: Tier 2



## Introduction

39. Individuals who do not change their behaviour and are caught a second time for a Relevant Offence will progress to Tier 2 and will face further consequences.
40. Tier 2 will be delivered through the out of court disposals framework under the Police, Crime, Sentencing and Courts Act 2022 (the **PCSC Act**). However, to support the existing regime under the PCSC Act, we propose to introduce new police powers enabling individuals to undergo drug testing.
41. Under tier 2, the individual will be required to undergo at least one rehabilitative behaviour change intervention. Further detail is provided below.

## The Police, Crime, Sentencing and Courts Act 2022 and cautions

42. The government has long been committed to ensuring that the criminal justice system provides effective, swift and evidence-led responses to the early stages of offending. Out of court disposals remain an important tool in this regard. To receive a caution under the PCSC Act regime, a number of conditions must be met, including that there is sufficient evidence to charge the individual with the offence, the individual's admission to committing the offence, and the individual's consent to being given the caution. This allows the police to deal promptly with low-level offending without going to the courts, meaning officers can spend more time on frontline duties tackling other serious crime.
43. The use of out of court disposals is also an important part of the government's response to tackling disparities within the criminal justice system. The Inclusive Britain action plan, published in March 2022 in response to the report by the Commission on Race and Ethnic Disparities, commits to expanding out of court disposals with £9million of funding, which will continue this year.
44. At the end of 2017, the National Police Chiefs' Council published a strategy supporting the move by forces to a two-tier structure for out of court disposals. The PCSC Act puts the two-tier structure for out of court disposals onto a legislative footing with community cautions and diversionary cautions.
45. The police are also able to issue a separate disposal for an offence via a community resolution. These are non-statutory and should be used for lower-level offences. However, we would not regard community resolutions as appropriate for use at tier 2 of this proposed new framework, given that an individual would have previously received a tier 1 intervention.

## New proposals on mandatory drug testing

46. Tier 2 of our proposed new framework will be delivered through the cautions regime as set out in the PCSC Act.
47. Under tier 2, we propose that individuals be offered a diversionary caution with mandatory drug testing. An individual would need to report to a specific location and to be drug tested on a number of separate occasions over a set period of time. A testing location would be local to the individual, effectively preventing foreign travel during this

period. Our aim is to facilitate the rehabilitation of the individual by monitoring whether they have continued to use illicit drugs, while combining drug testing with at least one behaviour change intervention.

48. The mandatory testing condition would be in place for a specific period of time, not exceeding three months. While the drug test appointments will be randomised, to avoid individuals being drug free only for the days leading up to a test, the individual would be given around 24 hours' advance notice of appointments.

## **Additional interventions**

49. There is some positive evidence that drug testing is more likely to lead to reduced drug use or re-offending if delivered alongside wider health interventions and in a positive environment. Given this, we propose to pair a drug testing requirement with a behaviour change intervention. This could be a repeat of another short-term drugs awareness course paid for by the individual, (as issued under tier 1), or a longer-term behaviour change intervention. There are relatively few robust studies on mandatory drug testing so we would like to build on the existing evidence base.<sup>18</sup>
50. We are aware that several police forces currently conduct medium-to-long term behaviour change interventions like Checkpoint (Durham), Turning Point (Metropolitan), and DIVERT (West Midlands). We remain very interested in efforts that police forces are already making to build the evidence on the effectiveness of these schemes. We seek views via the consultation on how such schemes could be used under tier 2, including pairing with a drug testing requirement.

## **Sanction for non-compliance**

51. If an individual fails to meet the conditions of a diversionary caution issued as part of tier 2, which would include a positive test during a period of mandatory drug testing, they should be liable to face arrest and charge for the original Relevant Offence.

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<sup>18</sup> Sources used can be found under Annex B.

# Chapter 4: Tier 3



## Introduction

52. Tier 3 is the final tier within this new framework. It will generally apply when individuals have already received an intervention through both tiers 1 and 2.
53. At tier 3, an individual should be charged for the Relevant Offence as this is likely to be their third contact with the criminal justice system for drug possession.
54. In addition, we would also propose introducing a new civil court order at tier 3, known as a Drug Reduction Order (DRO).

## Drug Reduction Order

55. By the time an individual reaches tier 3, their repeated contact with the criminal justice system for drug possession suggests that a more material intervention may be necessary. This is why we propose introducing a DRO.
56. The court would have the power to issue someone a DRO when they have been convicted of a Relevant Offence. The court should have discretion to be able to grant a DRO where there are reasonable grounds to believe that the order would help prevent them from committing further drugs possession offences and/or risk of harm associated with such further offending.
57. As in tier 1 and tier 2, individuals would again be expected to attend and pay for a drugs awareness course, as part of the DRO. In addition, one or more of the following four interventions would be attached to a DRO, subject to the court's view on how best to prevent further offending:
  - Exclusion Order
  - Drug Tagging
  - Passport confiscation
  - Driving licence disqualification

## Exclusion Order

58. This restriction could prohibit a person from attending a defined area for a set period, for example, a particular venue in the night-time economy or a wider geographical area during set times. The restriction might be applied, where necessary and proportionate, to prevent further drug possession offending if for example, there is evidence that restricting an offender's presence at certain locations during certain times is likely to deter future drug use.
59. We are keen to build the evidence base on exclusion orders to better understand their impact. There have been relatively few studies on the effectiveness of exclusion orders or similar bans for drug offences, particularly for so-called recreational users. Available evidence presents a mixed picture, with some studies showing positive outcomes, and others noting an increase in offending following receipt of a ban. Some



studies also suggest that exclusion orders can lead to a displacement effect where offenders go elsewhere to offend.<sup>19</sup>

## Drug Tagging

60. A person could be required to wear a drug monitor for a duration set by the court which would check whether the individual has taken drugs. The restriction might be applied, where necessary and proportionate, to prevent further drug possession offending if, for example, there is evidence that regular monitoring is likely to deter future drug use.
61. Wearable drug monitoring sensors are at varying levels of technological maturity and market readiness. There has been a rapid increase of wearable technologies for monitoring physiological functions, drugs and their metabolites for healthcare applications, and sport performance. However, technologies that include more accurate chemical measurement of drugs themselves are currently far less developed. The government is keen to assess the commercial appetite for innovation in wearable drug sensors and would welcome further views, including examples of applications from overseas.
62. Given the technological position of drug monitors, it is unsurprising that there are no major studies on drug tagging. However, we are keen to change this. There is comparative, positive evidence that alcohol monitoring may help reduce alcohol use and re-offending, with very high compliance rates while the tag is being worn. However, some evidence suggests the impact of alcohol tagging on longer term reoffending is limited.<sup>20</sup>

## Passport Confiscation

63. A person's UK passport could be confiscated for a time period specified by the court. This restriction might be applied where necessary and proportionate.
64. A court would order a person to hand in their passport at an appropriate police station. The police would then inform Her Majesty's Passport Office to ensure a new passport could not be applied for to get around the DRO.

## Driving Licence Disqualification

65. A person could be disqualified from holding a UK driving licence. This restriction might be applied, where necessary and proportionate, to prevent future drug possession offending if, for example, there is evidence that driving is likely to result in future drug use and disqualification would deter such use.
66. As a result of this condition, the driving licence would be treated as revoked. At the end of the disqualification period, as set by the court, a person would need to renew their licence.

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<sup>19</sup> Sources used can be found under Annex B.

<sup>20</sup> Ibid.

## Time periods

67. The length of time that a person would be subject to a condition imposed by a DRO would be for the court to decide based on the circumstances of the case. However, we propose setting statutory minimum and maximum periods as follows, based on similar powers already available in the criminal justice system.

<b>DRO Condition</b>	<b>Minimum Period</b>	<b>Maximum Period</b>
Exclusion Order	No minimum	12 months
Drug Tagging	No minimum	4 months
Passport Confiscation	3 months	24 months
Driving Licence Disqualification	3 months	24 months

## Consequences for breach of a Drug Reduction Order

68. The breach of a DRO, like the breach of any court order, should be considered a serious matter. We therefore propose that instead of being treated as contempt of court, a breach should be considered a separate criminal offence which may result in a custodial sentence.

# Chapter 5: Operational best practice and new reforms for Drug Testing on Arrest or Charge

## Introduction

69. Moving beyond the three-tier framework, this Chapter looks at wider operational challenges.
70. Tougher consequences for recreational drug users is a key element of our work to reduce drug demand. We recognise that this will mean increasing the number of individuals caught for drug possession and increasing our understanding of how best to deal with those individuals whose drug use may take place in private, meaning they may be less likely to encounter the police. In addition to the measures in this white paper, we also propose a summit bringing together policing, industry and wider society to explore what more can be done to tackle recreational drug use.
71. We have already made a start in ensuring the police have sufficient powers to find and tackle so-called recreational drug users. For example, we have recently announced changes to the Football Banning Order (FBO) regime, and we are also proposing new reforms to drug testing on arrest powers. Both are further detailed below.

## Football Banning Orders

72. FBOs are an important tool which help to prevent and deter football disorder. Recent operational activity by law enforcement partners has revealed that cocaine use at football matches is increasingly driving violent behaviour. We and the police are clear that we must reverse the trend where drug use is seemingly becoming acceptable in these settings.
73. The government has recently announced an expansion to the scope of FBOs to include those at football matches caught in possession of class A drugs. Once we have made this change, fans who are caught taking drugs at football matches can be banned from attending future games, sending a clear message that the police will tackle so-called recreational drug use wherever it takes place.

## Drug Testing on Arrest

74. Drug Testing on Arrest (DToA) is a means to identify heroin, cocaine, and crack cocaine users from those arrested for a range of largely acquisitive crimes (such as theft or robbery).<sup>21</sup> Following a positive drug test, the individual could be required to attend an initial drug assessment, and failure to attend would result in arrest. They would continue to be dealt with by the criminal justice system in relation to the crime they were initially arrested for. DToA helps identify those whose drug use may contribute to their criminality. It therefore provides an opportunity to treat and reduce their drug use, and potentially reduce future offending, by helping them to change their behaviour. This will remain at the heart of our approach to DToA in the future.
75. Operational intelligence suggests that rates of DToA and/or charge reported to the Home Office have reduced considerably over a period of 10 years or more, and some police forces stopped testing entirely. Since last year, we have begun to reinvest in DToA and we are seeing the first signs of a turnaround, with greater numbers of police forces reporting carrying out tests. Our investment of £5million per year over the next

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<sup>21</sup> Sections 63B and 63C of the Police and Criminal Evidence Act 1984 ("PACE") enable drug testing to be undertaken by the police in certain circumstances where an individual is either arrested or charged.

three years will see this trend continue, and every police force will be given at least £50,000 to boost its drug testing programmes.

76. As our focus is on reducing drug demand, we must take any opportunity to reach individuals and provide the right interventions. It is therefore important to consider DToA alongside the other reforms outlined in this paper, because we will see different types of users entering the system. As such, we propose the following reforms which are detailed below:
- Expand the types of drugs that can be tested for to include a wider range of class A drugs.
  - Expand the types of drugs that can be tested for to include drugs in other classifications where relevant.
  - Expand the number of trigger offences that can lead to drug testing on arrest.

## Drug Testing on Arrest Reforms

### Expansion of class A drugs

77. We will consider expanding the range of class A drugs that can be tested for under the DToA legislation,<sup>22</sup> to ensure individuals can be directed towards treatment, or another relevant intervention, no matter the substance being used. This will require secondary legislation.
78. The Criminal Justice (Specified Class A Drugs) Order 2001 (SI 2001/1816) sets out the current specified class A drugs. This allows for the testing of cocaine, crack cocaine and some opiates (heroin). Through secondary legislation, we would expand to enable police forces to test for a greater number of class A drugs on arrest and/or charge. We are considering whether all class A drugs could be specified. This would increase our understanding of how many drugs drive criminality. Through the inclusion of so-called party drugs such as MDMA and LSD, we would better understand how they drive night-time economy offences. We would also be able to divert users into treatment where their drug use may have caused their criminal behaviour.
79. Current technological capabilities may prove to be a barrier initially, but we will work with industry to better understand the challenges and opportunities faced.

### Expansion to class B Drugs

80. Through primary legislation, we propose to expand DToA to allow testing for cannabis.
81. Section 63B of the Police and Criminal Evidence Act 1984 (PACE) currently does not allow testing beyond specified class A drugs. Primary legislation would be required to include testing for class B drugs. This would bring DToA more in line with other existing legislation and would enable us to improve the picture of how cannabis use, and other class B drugs drive criminal behaviour. It would also increase our ability to divert more individuals into treatment, with an aim to addressing such criminal behaviour.

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<sup>22</sup> Sections 63B and 63C of the Police and Criminal Evidence Act 1984 ("PACE").

82. Current technological capabilities may prove to be a barrier initially, but we will work with industry to better understand the challenges and opportunities faced and propose appropriate solutions to be rolled out in correlation with the legislative change.

### Expansion of Trigger Offences

83. Trigger offences are defined in Schedule 6 of the Criminal Justice and Court Services Act 2000 as offences for which an individual has been arrested or charged, and police are able to routinely test for the presence of a specified class A drug under section 63B of PACE, to determine whether drug use may have caused their criminal behaviour. Where drug use is identified, the individual can be diverted into appropriate treatment via an assessment, to help them address their drug use, and reduce the associated criminal behaviour.
84. Section 70(2) of the Criminal Justice and Court Services Act 2000 provides the Secretary of State with a power to amend that Schedule. We propose that this power be used to expand the list of trigger offences for drug testing on arrest, to capture the impact that illicit drug use has on criminality beyond acquisitive crime. Additional offences should include those listed under the general terms of domestic abuse, crimes of violence against women and girls including rape and other sexual offences, stalking, and child abuse/neglect, as well as many others. Other offences are under consideration, and evidence will be gathered for inclusion in the list.
85. Section 63B of PACE allows the police to test an individual arrested or charged for a non-trigger offence, but only when authorised by an officer of the rank of Inspector or above. This officer must have reasonable grounds for suspecting that the individual's misuse of any specified class A drug caused or contributed to the offence.
86. Expanding the list of trigger offences will remove the need for such reasonable grounds and for the Inspector or above authority for any offence added to this list.

# Annex A: Consultation Questions

This is your opportunity to share your views on our white paper, 'Swift, Certain, Tough. New consequences for drug possession'. The results of this consultation will inform the government's approach to reforming the way the criminal justice system deals with adult drug possession offences and to changing drug testing on arrest powers.

The questions are set out in this Annex in seven sections (see below). We would strongly encourage you to complete these questions via our online survey [which you can access via this link](#). However, you are also able to send your answers to [drugswitepaper@homeoffice.gov.uk](mailto:drugswitepaper@homeoffice.gov.uk).

Background questions

Tier 1

Tier 2

Tier 3

Wider impacts

Operational best practice and new reforms for Drug Testing on Arrest

Final questions

To help us protect your anonymity, please do not provide any information which might identify you or others unless you are specifically asked to do so. If you do provide personal information, for example your name, email address or organisation name, this will be held and processed in line with the Privacy Notice.

This consultation closes at 11:59pm on 10 October 2022.

## 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+
- k. 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. Please specify the name of your organisation
- 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
  
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

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

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

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.

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

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

- 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

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

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
  - 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

## 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

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

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

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
  - 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

## 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

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

- a. Police
- b. Courts
- c. Employers
- d. Third sector
- 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
- 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
- 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.
- Strongly agree
  - Agree
  - Neither agree nor disagree
  - Disagree
  - Strongly disagree
  - Don't know

Please provide any additional comments

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.
- Cannabis
  - Cocaine
  - Heroin
  - Ecstasy
  - GHB
  - Prescription drugs, please specify
  - Other, please specify
  - Don't know

Please provide any additional comments

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”)?
- Strongly agree
  - Agree
  - Neither agree nor disagree
  - Strongly disagree
  - 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
- 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
- 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
- b. No
- c. Don't know

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

If you have any complaints or comments about the consultation process you can contact the Home Office at [drugwhitepaper@homeoffice.gov.uk](mailto:drugwhitepaper@homeoffice.gov.uk).



## Contact details and how to respond

Please respond to this consultation online at:

<https://www.homeofficesurveys.homeoffice.gov.uk/s/TTL3WJ/>

Alternatively, you can send in electronic copies to:

[drugswitepaper@homeoffice.gov.uk](mailto:drugswitepaper@homeoffice.gov.uk)

Alternatively, you may send paper copies to:

Drug Misuse Unit  
5th Floor, Peel Building  
2 Marsham Street,  
London  
SW1P 4DF

## Complaints or comments

If you have any complaints or comments about the consultation process you can contact the Home Office at [drugswitepaper@homeoffice.gov.uk](mailto:drugswitepaper@homeoffice.gov.uk).

# Annex B: Bibliography

The following sources have been used to understand the evidence base for the policy proposal within this White Paper.

## Drug awareness courses

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