

Drug Intervention Programme

Referral Scheme



Dyfed Powys Police
Policy Document

POLICY IDENTIFICATION PAGE

THIS POLICY HAS BEEN DRAFTED IN ACCORDANCE WITH THE PRINCIPLES OF HUMAN RIGHTS LEGISLATION, PUBLIC DISCLOSURE IS APPROVED UNLESS WHERE OTHERWISE INDICATED AND JUSTIFIED.

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Referral Scheme

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CERTIFICATE OF COMPLIANCE

This policy has been drafted in accordance with the Human Rights Act and has been reviewed on the basis of its contents and the supporting evidence and it is deemed compliant with that Act and the principles underpinning it.

Name: **Bryn Thomas**

Department: **Legal Services Department**

Signed:*B. Thomas* (Force Legal Advisor)

REVIEW

This policy is due for review on: August, 2008

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1. CORPORATE POLICY STATEMENT

Dyfed Powys Police is committed to help address the social misery caused by the misuse of drugs and fully supports the aims and objectives as outlined in “Tackling drugs to build a better Britain” and “Tackling substance misuse in Wales – A Partnership Approach”. In order to meet the objectives set out in the strategies towards reducing the harm caused to both individuals and communities, Dyfed Powys Police have developed an arrest referral scheme. The scheme is part of the Dyfed Powys Drugs Intervention Programme which aims to reduce drug related crime by taking advantage of the opportunities within the criminal justice system for accessing and engaging drug-misusing offenders and moving them into and retaining them in treatment and supporting them away from drugs and crime.

2. POLICY AIM

The aim of this policy is to reduce crime and criminality by diverting into treatment, all substance misusers whose direct or indirect substance misuse has brought them into contact with the police. This policy will enable this to happen without interfering with the administration of justice.

3. INTRODUCTION

The Dyfed Powys Drug Intervention Referral Scheme is for adults only
The scheme is accessible to those detained in respect of an investigation into any offence at the following nominated police stations.

Carmarthenshire	–	Carmarthen, Llanelli, Ammanford
Ceredigion	–	Aberystwyth, Cardigan
Pembrokeshire	–	Haverfordwest
Powys	–	Brecon, Newtown

The link between substance misuse and crime is well documented. There is ample evidence to show that problematic drug users are responsible for a high and disproportionate number of crimes, when compared with other offender groups.

Arrest Referral Schemes have been proved to significantly reduce the criminality of offenders motivated by the need for substance misuse. It achieves this by providing opportunities for help and treatment as they are processed within the criminal justice system.

Drug referral, when implemented is an effective crime reduction weapon; the purpose of this policy is to clearly outline how the scheme will operate within Dyfed Powys.

When an individual is formally detained or arrested for an offence (or for his/her own safety) the Police service has a responsibility towards him/her in respect of his/her health, safety, Human Rights and general welfare. That being so, it is the policy of Dyfed Powys Police and the duty of all staff to ensure all custody requirements and functions accords fully with

- a) PACE Act 1984 including codes of practice
- b) Force guidance and procedure

Persons arrested for drug misuse fall into the above category.

It is recognised that traditional referral rates to drug referral schemes have been very low (typically between 1 and 7%). This is believed to be due to both the manner in which the offer is made and the failure by the detained person to understand the purposes of the scheme when in custody. There is a requirement to improve service delivery to persons who require support to minimise the risk of harm to themselves or others as a result of their drug use.

4. PROCEDURES

The Drug Intervention Programme Referral Scheme referred to in this policy is voluntary and will apply to all persons aged over 18 years who are detained in nominated custody suites in the Dyfed Powys Police area. However, when detention is authorised for any Class A drug offence the person will automatically be referred to the DIP worker subject to that stated in Appendix A. For all other trigger offences the Custody Officer will encourage the individual to access the scheme.

The Custody Officer will inform every person detained at a nominated police station of the existence of the voluntary scheme and the opportunity to access it.

Custody Officers should actively encourage all adults to access the scheme if they have been detained for any trigger offence (listed below) provided that drug abuse is suspected or previous convictions for drug offences are recorded on PNC.

- Theft
- Robbery,
- Burglary,
- Aggravated Burglary
- Taking a motor vehicle or other conveyance without authority
- Aggravated vehicle taking
- Handling stolen goods
- Going equipped to steal
- Begging
- Fraud
- Possessing articles for use in frauds
- Making or supplying articles for frauds

The detainee can opt to take advantage of the scheme at any time whilst in police custody and the custody officer will communicate this wish to the Substance Misuse Agency delivering the scheme without undue delay.

The custody record will be endorsed as to any action taken in respect of detainee's wish to access the scheme, and their consent (if appropriate) to the release of their personal information to the relevant Drug Agency.

No inference shall be drawn from a persons wish to take advantage of the scheme and will not form the basis of any decision made in respect of the granting of bail or any other consideration.

The process of investigation and case disposal will not be affected in any way by a person's desire to access arrest referral services. In every case the custody officer will comply with the requisite demands of the Police and Criminal Evidence Act and codes of practice.

Timing of Offer

This will normally take place at the time of authorising detention. However, the most appropriate time at which to offer the scheme will vary dependant on a detainees circumstances, their individual risk assessment, and the availability of the arrest referral worker and the prevailing workload of the custody staff.
(See **Appendix A**)

Information Leaflet

The Custody Officer will at the time of automatic referral or when making the offer provide the detainee with a copy of the information leaflet on the Drug Misuse Referral Scheme.

Procedures for Routine Visits of Referral Workers and Access to Detained Persons

Routine visits to custody will be made by referral workers and must be facilitated by the Custody Officer. The referral worker will be allowed access to the police station and the custody unit on production of their agency's identification card. The Custody Officer will ensure that a dynamic risk assessment to minimise the risk of harm to the referral worker is carried out on each occasion before the referral worker enters the Custody Unit.

The Custody Officer at the request of the referral worker will provide the following information-

Detained persons- name and address date of birth, telephone number and details of reason for detention. If other relevant information is required by the referral worker this should be discussed with the Custody Officer.

If Custody Officer decides that due to the prevailing risk assessment that a detained person may not be fit for contact with the worker that fact will be will be endorsed on the custody record. Consideration must be given to the act that the visit must not compromise the investigation of the offence for which the detained person is in custody.

The worker will be accompanied by a member of the custody staff to visit all occupied cells. They should first view each cell through the viewing panel. At this point they should report any circumstances of concern immediately to the custody officer. Once satisfied that it is safe/appropriate do so, the worker will communicate with each detained person through the hatch in each cell door. Custody staff will ensure that following each contact; the cell door hatch is securely closed.

The worker will inform the Custody Officer of the identity of all those detained persons who have elected to have an interview with them. Subject to any further risk assessment and issues surrounding the investigation, those detained persons who wished to be interviewed will be released from their cell. They will be escorted by a member of Custody staff, together with the worker, to an available interview room. That member of the Custody staff is then responsible for updating the detained persons' custody record. The worker will familiarise themselves with the layout of the interview room and, if necessary, arrange the seating appropriately to allow their unrestricted access to the panic alarm button.

This interview is CONFIDENTIAL and Custody staff will leave the room during this process.

4.1 CUSTODY RECORDS

All activities carried out by custody officers and connected with an individuals access to the Drug Misuse Referral Scheme will be logged on the respective custody record in accordance with the requirements of PACE and the codes of practice.

4.2 DIVISIONAL MONITORING AND RECORDING

The Inspector in charge of the Custody Suite will ensure that opportunities are maximised for potential by reference to statistical data. The following information will be monitored.

1. Number of detained persons requesting the scheme
2. Gender and age group of such persons
3. Number not seen within the custody area but referred and released or remanded

The Drug Intervention Programme Manager will ensure that statistics in the categories as shown below are provided to the Drug Prevention Unit on a quarterly basis.

1. Number of persons assessed as a result of Custody referral
2. Number of persons engaging with the scheme
3. Number of persons taken onto caseload
4. Gender and age of such persons
5. Main problem drug

5. RESPONSIBILITIES

The following post holders have specific responsibilities created by this Force Policy:

Superintendent Community and Partnerships

- This is the policy owner who has overall responsibility for maintaining, implementing, monitoring, reviewing and up-dating this Force Policy.

Divisional Commanders

- Are responsible for ensuring the policy is implemented within their respective Divisions

Inspector responsible for Custody Suite

- Is responsible for monitoring the Scheme and liaising with the DIP Manager together with the Drug Prevention Unit.

Custody Officers

- Are responsible for ensuring the scheme is implemented as outlined in Procedure section.

6. DEFINITIONS OF TERMS USED IN THIS POLICY

Detained as a result of investigation into any offence – This refers to the detention of individuals for the process of determining sufficient basis for proceedings. It does not include people detained under other legislation such as the provisions of the Mental Health Act 1983, or the Children's Act 1989.

Trigger offences – the following list are trigger offences as detailed in Schedule 6 to the Criminal Justice and Court Services Act 2000

1. Offences under the following provisions of the Theft Act 1968 are trigger offences:

- Section 1 (theft)
- Section 8 (robbery)
- Section 9 (burglary)
- Section 10 (aggravated burglary)
- Section 12 (taking motor vehicle or other conveyance without authority)
- Section 12A (aggravated vehicle-taking)
- Section 22 (handling stolen goods)
- Section 25 (going equipped for stealing, etc.)

Offences under the following provisions of the Misuse of Drugs Act 1971, if committed in respect of a specified Class A drug:

- Section 4 (restriction on production and supply of controlled drugs)
- Section 5(2) (possession of controlled drug)
- Section 5(3) (possession of controlled drug with intent to supply)

Offences under the following provisions of the Fraud Act 2006:

- Section 1 (fraud)
- Section 6 (possession etc. of articles for use in frauds)
- Section 7 (making or supplying articles for use in frauds)

An offence under section 1(1) of the Criminal Attempts Act 1981, if committed in respect of an offence under any of the following provisions of the Theft Act 1968:

- Section 1 (theft)
- Section 8 (robbery)
- Section 9 (burglary)
- Section 22 (handling stolen goods)

Offences under the following provisions of the Vagrancy Act 1824:

- Section 3 (begging)
- Section 4 (persistent begging)

ADULT SUBSTANCE MISUSE REFERRAL SCHEME

Initial Offer to Raise Awareness of the Scheme

1. Non-Trigger Offences

When the custody officer makes a decision to authorise detention for any non-trigger offence (other than Class A Drug Offences) he/she will when collecting personal information inform the detained person of the existence of the scheme. This should be done using a suitable form of words **so as not to be engaged in an interview** under the relevant codes.

A form of words could be for example

“A drugs referral scheme operates at this police station. Do you consent for your details to be passed to them so that an interview can be arranged for you to see an independent Substance Misuse worker confidentially ”

2. Trigger Offences

It is the intention of Parliament to identify individuals who are arrested for trigger offences and who take certain illegal drugs to ensure that they are provided with access to treatment services to address lifestyle issues leading to offending behaviour. In selected areas the police may REQUIRE a person who tests positive for a specified drug under S63B PACE to attend an initial assessment with a suitably qualified person and remain there for its duration.

There is no power to drug test persons arrested in Dyfed Powys for trigger offences. However Dyfed Powys Police will use those offences identified by the Government as ‘trigger offences’ as an enhanced indicator that a person may be at risk of substance misuse and require the services of a drug referral worker.

In order to provide the most effective and professional service possible to individuals, all adults arrested in Dyfed Powys for offences of unlawful possession, manufacture or supply of Class A drugs will be automatically referred to the local arrest referral scheme.

All adults arrested for these offences will be informed, by leaflet, that their details will be passed to the arrest referral scheme.

Consent of the individuals will not be required provided that any such referral is considered necessary, proportionate and justified in the circumstances.

The process of automatically referring individuals to drug referral workers as outlined above will ensure the following outcomes are improved: -

Where a person in custody is already known to the drug referral scheme the current offending behaviour can be taken into account when determining future drug interventions.

Where a person in custody is not already known to the drug referral scheme they are provided with enhanced opportunities to access an intervention scheme if appropriate.

Where a person referred to the drug referral scheme subsequently declines the service all personal data held by the drug referral scheme in respect of the arrest of that person that gave rise to the referral shall be deleted within 30 days of receipt.

In either case the intended outcome is that the provision of lifestyle intervention opportunities will result in improved health of the individual, a reduction in offending behaviour, an improvement in public safety and confidence in the Criminal Justice Service.

Leaflet - Irrespective of the reply each person should be handed a Substance Misuse Referral Scheme leaflet, which details the scheme.

Acceptance of the Offer to take Advantage of the Scheme

1. Consent Form

If a person at this stage (or at any other stage during their detention) indicates that they now wish to see a drugs worker the Custody Officer will ask the person to sign a consent form to authorise the release of their personal information to the substance misuse services.

This will be done using the prescribed form.
(This form is available in the arrest referral window on the custody computer).

2. Contacting the Substance Misuse Agencies during normal working hours

Without undue delay the Custody Officer will inform the substance misuse agencies (usually by telephone) of the request for an assessment to be conducted and seek an expected time of arrival. The requirements of the investigation remain paramount and the custody officer should indicate to the substance misuse workers at what time an assessment could take place.

There will be no delay in the release or processing of detained prisoners in order for them to be seen by the substance misuse worker.

The requirements of PACE will always remain a paramount consideration.

3. Contacting the Substance Misuse Agencies outside normal working hours

Outside working hours the custody officer will ensure that the consent form or automatic referral including detainees' full details is e-mailed to the substance misuse services for immediate follow up on the next working day. Any other information regarding the whereabouts of the individual would be helpful to

the service at this stage. (i.e. bailed or remanded etc).

Assessments at the Police Station

1. ***Location*** - If on receipt of request the drug services are available to conduct an assessment within the custody suite, the custody officer shall where possible allow the assessment to be carried out in a confidential but secure environment. Where possible the use of cells for this purpose should be avoided.
2. ***Risk Assessment and Safety*** - The Custody Officer will give consideration to the health and safety of both the detainee and the substance misuse service worker and in doing so consider the present and past demeanour of the detained person. In particular it is vital to note any potential warnings in respect of violence or other consideration in respect of the likely conduct of the detained person.

As a result of the risk assessment process, the custody officer must inform the substance misuse worker of any evident or potential issues that have been raised prior to allowing access to the detained person and consider the implementation of any actions to reduce those risks.

3. ***Disclosure by the Substance Misuse Worker*** - The substance misuse worker will not disclose information obtained from the detained person, in any but the most extreme of circumstances. Custody staff must never attempt to solicit such information verbally or through access to written records.

Note - Circumstances that could be considered extreme enough to warrant a disclosure by the substance misuse worker can be categorised as being:

- Admission of offences against children
- Things that could be seriously be seen as a threat against someone else's safety
- A very real danger that the interviewee might do himself or herself a serious harm, in the near future.
- Admitting to possessing illegal substances here and now.