

Tough Choices Project

Lessons Learnt from Nottinghamshire

18th January 2006

Agenda

- Brief overview on ToA, RA and RoB from the Home Office
- View from the Ed Taylor, NTA on how it went in Nottinghamshire - challenges and successes followed by Q&A
- Lunch
- View from Dave Sharp, Nottinghamshire Police on how they implemented in their areas - challenges and successes followed by Q&A
- View from the Nottingham City and County DAT on how they implemented in their areas - challenges and successes followed by Q&A
- General Q&A and Close

What is Tough Choices?

- An expansion of the Drug Interventions Programme
- An internal project name
- Formed of 3 elements:
 - Testing on arrest
(Wave 1 on 1 December 2005; Wave 2 on 31 March 2006)
 - Required Assessment
(Wave 1 on 1 December 2005; Wave 2 on 31 March 2006)
 - Restriction on Bail
(already across Wave 1 areas; whole of England on 31 March 2006)

Project Objectives

- These measures will help identify more drug-misusing offenders within the criminal justice system
- They will help to identify them earlier in the criminal justice process than is currently achieved
- They will help more drug-misusing offenders into treatment by using tough choices like Required Assessment and Restriction on Bail
- By facilitating their engagement and retention in treatment, these measures will reduce the amount of crime that is committed by those offenders in order to fund their drug misuse

What is Testing on Arrest?

- Same criteria for Testing on Charge, namely:
 - Aged 18 or over
 - In police custody
 - For trigger offences, or at Inspector's discretion, for specified Class A drugs in DIP intensive areas in England
 - Currently only planned for adults
 - Still testing on charge
- Main points in the guidance
 - Person must have been "booked in" accordance to PACE
 - Decision to test is the custody officer
 - Take place at any point in 24hour detention period but only once
 - Recommended take place alongside fingerprinting, photographs + DNA
 - DT1 and DT2 have been amended
 - Samples no longer need to be retained
 - Same criteria for use of drug test except police bail and conditional cautioning

What is Required Assessment?

➤ Criteria

- Positive test either after arrest or charge
- Aged 18 or over
- “Initial assessment” of the Drugs Act; currently follow-up assessments/treatment are voluntary
- Police Officer makes the requirement
- Can take place either in the police station or outside
- Person must attend and remain for the duration
- Penalty for failure same as failure to provide a sample

➤ Main points in the guidance

- The requirement could be made by the custody officer
- Must give an oral warning – wording in the guidance
- Decision not to require an assessment must be taken by Inspector or above
- Expectation positive drug test = required assessment
- Ideal situation is that the assessment takes place whilst person in custody
- But, can't detain a person solely for an assessment to take place

What is Required Assessment cont'd?

- Main points in the guidance cont'd
 - Must be informed in writing of the actual time and place when assessment to take place (RA1)
 - Time and place can be varied by police or CJIT worker (RA2)
 - Disputed test results – arrange assessment for 5 days hence - requirement for assessment ceases if test returns negative result
 - Assessment based on Level 2 in NTA Models of Care – use DIR
 - Already on CJIT caseload – review care plan – use Activity Form
 - CJIT worker must record attendance/non-attendance (RA3)
 - CJIT worker must report failure to attend/remain and complete Evidential Statement
 - Summons procedure before January 2006 but becomes an arrestable offence from 1 January 2006

What is Restriction on Bail?

- Reverses the Presumption of bail for a person who has tested positive unless they agree to undergo an assessment and participate in any proposed follow-up
- If person refuses, court must refuse bail unless satisfied person will not reoffend while on bail
- Criteria
 - Aged 18 or over
 - Tested positive for a specified Class A drug
 - Charged with possession/possession with intent to supply a specified Class A drug OR an offence for which the court is satisfied that a specified Class A drug was a contributory or motivating factor

What is Restriction on Bail cont'd?

- Main points from the guidance
 - The court must be informed of the test result and any assessment by the CPS
 - No need to conduct a further assessment if a person has had required assessment and has engaged so that the CJIT worker was able to propose follow-up – in these cases the follow-up will form the bail conditions
 - If a defendant fails to attend either the RoB assessment or any follow-up appointment by must be breached – CJIT will inform the police who will then action the breach
 - Required Assessment ceases if RoB is given

What we will do for you

➤ Guidance

- Implementation plan for DIP intensive areas including information on:
 - The relevant law and Home Office policy
 - Required actions (including who must take what action when)
 - Local issues (where there is flexibility on how a defined objective may be achieved)
- Revised Guidance will be issued by end of January – little changes from Wave 1
- Wave 1 Guidance plus FAQs fit for purpose for implementation planning in Wave 2 areas

➤ Training

- Comprehensive training package for police and drug workers is provided by Eliesha Training
- Training dates already agreed for your areas
- Should be booking on line www.eliesha.training.com

What we will do for you

- Workforce
 - Additional funding provided for drugs workers
 - Expected that existing CDOs have the capacity to carry out the additional tests
- Communications
 - Regional Champions are responsible for internal communications locally but will be supported centrally
 - Weekly Update – contact your Regional Champion if you don't receive it!
 - Will be working with Regional Champions and GNN to support local media activity in advance of 31 March 2006
- Implementation support
 - Secondees: Steve Gregory and Kevin Hunt
 - Central project team support available

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