

# Tough Choices Project

Lessons Learnt from South Yorkshire

23<sup>th</sup> January 2006

# Agenda

- Brief overview on ToA, RA and RoB from the Home Office
- View from the Bev Taylor, GO on how it went in Nottinghamshire - challenges and successes followed by Q&A
- Lunch
- View from Eric Enwright and Martin Cooper, South Yorkshire Police on how they implemented in their areas - challenges and successes followed by Q&A
- View from the Paul Martin and Kate Mitchell, DIP 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

# 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](http://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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