

The UK experience

Public policy options with regard to alternatives to incarceration

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Drug Mules

Women in the International
Cocaine Trade

Jennifer Fleetwood



Outline

1. UK Drug Strategy
2. Diversion strategies for drug-related offending (offences committed to fund drug habit, or due to drug use)
3. Diversion strategies for drug offences (possession, selling or drug importation).
4. Sentence reform – drug mules.

UK Drug Strategy

- The UK has a clear, explicit strategy:
“Reducing demand, restricting supply, building recovery”
- Diversion from prison and into treatment:
“Prison may not always be the best place for individuals to overcome their dependence and offending behaviour”.
- National strategy, regional variations

1. Drug-related offences (i.e. theft)

“Ensure that offenders are encouraged to seek treatment and recovery at every opportunity in their contact with the criminal justice system.”

1. Arrest referral schemes

- Social workers available in police stations to identify & talk to offenders with drug and alcohol problems. Offer (and persuade) them into drug treatment programmes.

2. Court referral schemes

- As above, but in courts.

Rationale: reducing re-offending; reducing prison population; drug treatment during bail; those successfully undergoing treatment may receive non-custodial disposals.

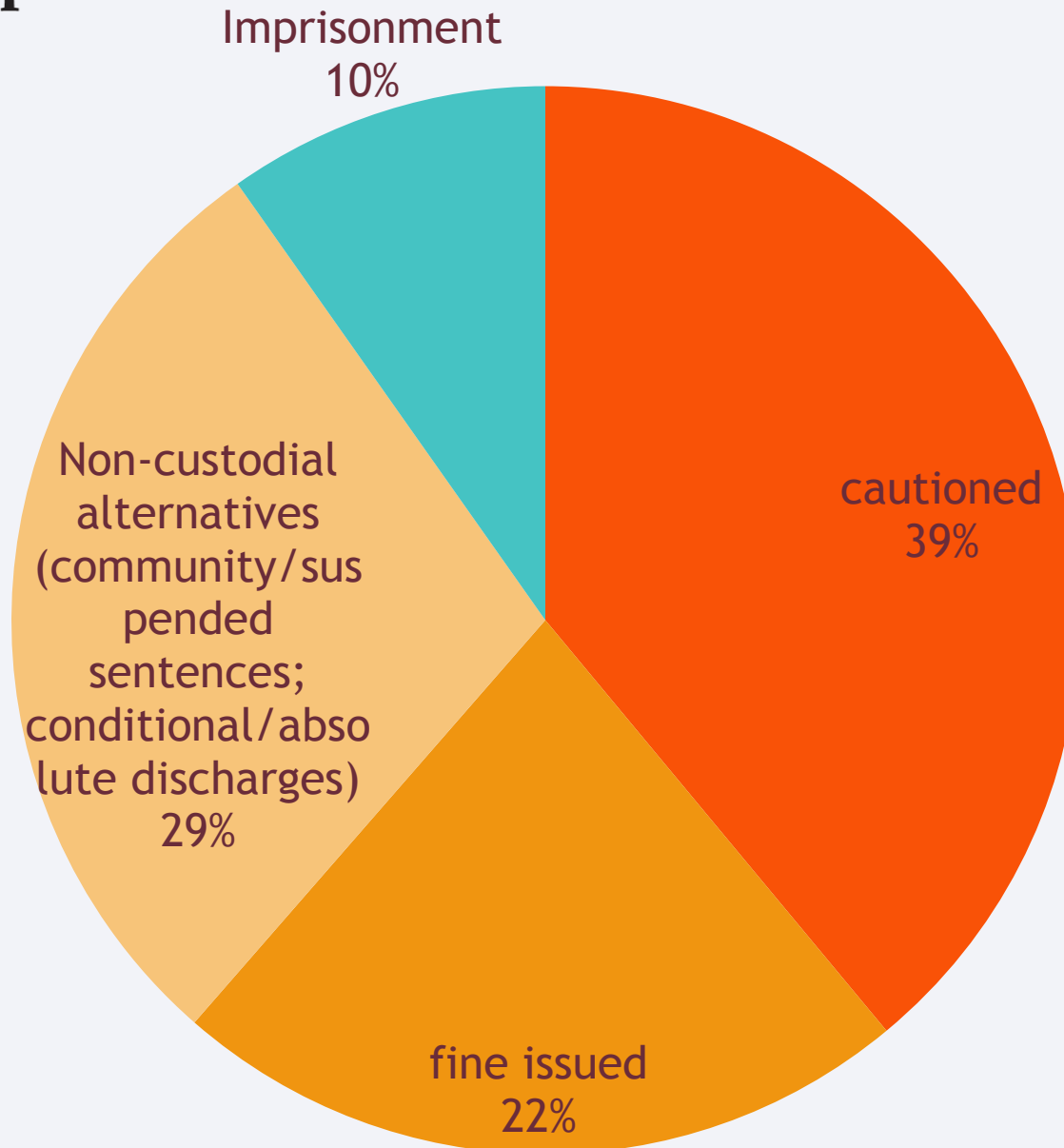
1. Drug-related offences: Evaluation

- Record numbers successfully completing drug treatment
 - 30,000 in 2012 (11,000 5 years prior)
- Research evidence
 - Drug treatment generally has positive outcomes for health, and reduces offending.
 - Where a high level of drug treatment was made available, there was a strong correlation with falling property crime rates (i.e. robbery, theft, stealing etc). (see the Morgan Report)
- Overall, more cost efficient (and more efficient!) than imprisonment.

2. Drug offences (drug users/possession)

- Estimated 3 million drug users in the UK,
 - Around 300,000 (10%) are consider problematic users
- The majority are dealt with through alternatives to prison: mainly diversion at arrest and prosecution stages (warnings or fines).

All disposals for all drug offences, 2013



2. Drug offences: Evaluation

- Prison is exceptionally rare for drug possession (<3%).
 - Possession Class A drug (cocaine, heroin)
 - 52% received a caution; 24% received a fine
 - 22% - suspended sentences, community sentences, conditional and absolute discharges from court
 - Alternatives to custody are used for ALL drug offences
- Proportionality: sliding scale of seriousness. Custody used only for most harmful drugs, most serious offences
- Cost-effective strategy (drug offences represent 15% of the prison population)
- Nationally, drug use at its lowest since 1996
 - 10% young people had taken a drug in 2012 (compared to 20% in 2001)

4. Sentence Reform: “drug mules”

(drug mule: someone who carries drugs across an international border, for someone else).

Sentencing Council (England and Wales) created a Definitive Guideline for Drug Offences.

- Similar to drug users: non-violent, ‘collateral damage’.
- Long prison sentences seen as disproportionate.
- Financial savings also anticipated (austerity).
- Deterrence still the primary aim of sentencing.

Definitive guideline: Drug importation

| Indicative quantity | Leading role | Significant role | Lesser role |
|----------------------------|--|---|--|
| (cocaine and heroin) | <i>Directing, organising; close links to source; expectation of substantial financial gain</i> | <i>Management function; involves others in the operation, financially motivated</i> | <i>Performs a limited function under direction; no influence above others in the chain; little understanding</i> |
| 5 kilos | 12-16 | 9-12 | 6-9 |
| 1 kilo | 9-13 | 6.5-10 | 5-7 |
| 150g | 6.5-10 | 5-7 | 3.5-5 |

Sentencing Guidelines: Evaluation

- In 2012/2013 73% of drug importers in ‘lesser’ role received a custodial sentence of less than 4 years.
 - Accounting for role supports proportionality.
- 8% of those in a lesser role received over 5 years due to:
 - Large drug quantities (most had ~ 5 kilos).

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