

*Submission of written evidence to drug policy inquiry from Professor the Baroness Finlay of Llandaff, Baron Hogan-Howe of Sheffield, and Stanford University Professor Keith Humphreys.*

1 March 2019

Dr. Sarah Wollaston, MP  
Chair, Select Committee on Health and Social Care  
House of Commons  
London SW1 0AA

Re: Drugs policy inquiry

Dear Dr. Wollaston:

We appreciate the opportunity to comment on UK drug policy, and would make the following points regarding drug misusing individuals who commit crimes:

1. The majority of people in the criminal justice system have problems with alcohol use, illicit drug use, or both. Individuals who misuse illicit drugs have particularly high rates of committing crimes such as robbery, petty theft, house breaking, and assault.
2. Incarceration of such individuals is costly, contributes to already severe prison overcrowding, and rarely helps them resolve their drug problem. Yet a simple referral to addiction treatment may not be taken up, has no guarantee of reducing drug use, and also does not offer sufficient protection to victims or the community. New models of community supervision involving combinations of support, accountability and public protection are required.
3. For a legal drug which drives a significant amount of crime – alcohol – mandatory sobriety programmes in which daily alcohol testing is coupled with swift, certain, and modest consequences have proven successful in the U.S. and U.K. In a trial of such programs in South London, 111 alcohol-involved offenders were sentenced to an Alcohol Abstinence Monitoring Requirement for an average of 75 days. Over a total of 6500 days monitored using electronic tags that measure alcohol in sweat through 45 readings per day, 92% of offenders complied fully with alcohol abstinence; only nine people breached, four of whom ultimately completed their sentence (95% success).<sup>a</sup> This rate is substantially better than the typical success rate (60%) of community supervision with this population.
4. There is every reason to believe that the same approach could be employed with offenders under community supervision who misuse illicit drugs. Indeed, a trial of such an approach in the

United States showed significantly decreased rates of drug use and crime among program participants.<sup>b</sup>

5. The 2012 Legal Aid, Sentencing, and Punishment of Offenders Act authorized pilots of mandatory alcohol abstinence which are now underway in several UK cities. The Act however made no provision for similar pilots focused on individuals who misuse illicit drugs.
6. We therefore suggest that the scope of this provision be widened to comprise illicit drug use and that such pilots be supported by the Ministry of Justice, local police authorities, or both. The result should be reduced crime and drug use as well as diversion of potentially prison-bound individuals from incarceration.



Baroness Finlay of Llandaff



Baron Hogan-Howe of Sheffield



Professor Keith Humphreys

#### References

<sup>a</sup> Finlay, I. G., & Humphreys, K. (2017). Mandatory sobriety programmes for alcohol-involved criminal offenders. *Journal of the Royal Society of Medicine*, DOI: 10.1177/0141076816682366.

<sup>b</sup> Hawken, A., & Kleiman, M.A.R. (2009). Managing Drug Involved Probationers with Swift and Certain Sanctions: Evaluating Hawaii's HOPE. Report no. 229023. Washington, DC: National Institute of Justice.