

Scottish Drug Policy Reform: Keeping vulnerable people safer by putting health first

We all want a fairer, healthier Scotland that protects the young and the vulnerable. But a better Scotland cannot exist while we have the highest drug death rates in Europe combined with entirely preventable outbreaks of HIV infection within our most vulnerable communities. The criminalisation and stigmatisation of people who use drugs prevents them from leading healthy lives. But the UK government has said it will not change its drugs policy – regardless of the evidence.

The Scottish Government has a unique opportunity to deliver innovative drug policy that would transform Scotland from the drug-death capital of Europe, to a beacon of compassionate, effective approaches.

A deadly snapshot - change is needed

- At a record 867 drug deaths in 2016¹, and 240 deaths per million people², Scotland has the highest drug death rate in Europe: 12 times the EU average³, 40 times Portugal's rate⁴, and 4 times the rate in England and Wales⁵.
- There is an HIV epidemic. Among Glasgow's 500 street injecting population alone, there have been over 100 infections since 2015. In the 10 years prior to that, there were 10 infections per year in this group.⁶
- This is a financial time-bomb - lifetime treatment costs for someone with HIV are £380k.⁷

Scots are dying unnecessarily. They are being seen as collateral damage while successive UK Governments posture as 'tough on drugs'. Theresa May even says she wants more 'War on Drugs'⁸, while the Home Secretary (Amber Rudd) echoes Richard Nixon by saying she aims to deliver a 'drug-free society'⁹. This unachievable goal shows that she is not interested in evidence based policy. In fact, the Home Office's own evaluations show record drug-related deaths, use not falling, and that enforcement generates violence, harms the vulnerable and their families, and doesn't restrict supply.¹⁰

An opportunity for Scotland to lead the way.

Approaches to drugs are best tailored to the local situation, with decision-making transferred down to those who understand what is required. But whoever is in charge, drugs should be treated as a health not a criminal justice issue. Many aspects of Health are already devolved, but to make the changes in Scotland necessary to deliver a genuinely health-based approach, relevant drug policy powers under the

¹ The National Records of Scotland 2017 drug related deaths statistics <https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-...>

² National Records of Scotland, Drug-related Deaths in Scotland in 2016, Table 8, (15-64 = 0.24 deaths per 1000)

<https://www.nrscotland.gov.uk/files//statistics/drug-related-deaths/drd2016/16-drug-rel-deaths-tab8.xlsx>

³ EU average 20.3 deaths per million population (aged 15-64) EMCDDA, p78,

<http://www.emcdda.europa.eu/publications/edr/trends-developments/2017>

⁴ Portugal 5.8 deaths per million (aged 15-64), EMCDDA Portugal Country Report 2016

http://www.emcdda.europa.eu/countries/drug-reports/2017/portugal/drug-harms_en

⁵ UK drug related deaths (aged 15-64 years) was 60.3 deaths per million, EMCDDA UK Country Report

http://www.emcdda.europa.eu/countries/drug-reports/2017/united-kingdom/drug-harms_en

⁶ Rise in HIV infections in people who inject drugs - update 2017, NHS GGC

<http://www.nhs.gov.uk/your-health/public-health/public-health-protection-unit-phpu/bloodborne-virus/hiv/rise-in-hiv-infections-in-people-who-inject-drugs-update-2017/#>

⁷ High lifetime costs of treating HIV show importance of investing in prevention, NAM AIDS MAP, 2015

<http://www.aidsmap.com/High-lifetime-costs-of-treating-HIV-show-importance-of-investing-in-prevention/page/2971210/>

⁸ Prime Minister's Questions in response to Crispin Blunt MP 22/11/2017

<https://hansard.parliament.uk/Commons/2017-11-22/debates/2E51B310-524B-4E86-B5DA-0F49794339F2/PrimeMinister>

⁹ Our Drugs Strategy Will Tackle A Corrosive, Creeping Threat Destroying Countless Lives, Amber Rudd, 14/07/17

http://www.huffingtonpost.co.uk/amber-rudd/drug-strategy_b_17474964.html

¹⁰ An evaluation of the Government's Drug Strategy 2010, UK Home Office, 2017

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/628100/Drug_Strategy_Evaluation.PDF

Misuse of Drugs Act would need to be devolved to Holyrood. In theory, this might not be needed if UK-wide changes were made instead, but the Home Office in Westminster rejects taking a health based approach, and says it will stop Scotland delivering life-saving measures like safer drug consumption rooms.¹¹

However, there would be little point transferring powers unless the Scottish Government offers a progressive alternative, genuinely based on evidence of what works, including:

A comprehensive review

Immediately carry out a comprehensive review to ensure drugs are treated as a public health issue. This should include exploring innovative approaches taken in other countries such as decriminalising people who use drugs, and strict legal regulation. This wider review cannot wait until powers over drug policy are transferred to Holyrood. People are dying now.

Other Measures

In addition to fully funding treatment and harm reduction measures, the UK Government's official Advisory Council on the Misuse of Drugs (ACMD) has recommended Drug Consumption Rooms, Heroin Assisted Treatment and Diversion as cost effective ways to save and improve lives and communities. But the UK Government has rejected, or refused to fund them.

Safer Drug Consumption Rooms (DCRs)

There are over 100 DCRs worldwide where people use their own illegal drugs under medical supervision. And the evidence - including from NHS Scotland - shows they prevent fatal overdoses, reduce blood borne infections and other health problems. They also reduce drug litter, street injecting and save money.

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The NHS in Glasgow has said it will not proceed with its proposed DCR without a firm legal foundation, to prevent it being open to challenge. The Lord Advocate said he could not provide a 'prosecution waiver'. As a result, the relevant powers need to be devolved to Scotland, or the law changed at the UK level (something the UK Prime Minister has said will not happen).¹⁴

Fund Heroin Assisted Treatment (HAT)

In a range of countries (most famously Switzerland), injectable heroin is legally prescribed for supervised use in clinics. Only people for whom other treatments haven't worked are eligible. It reduces overdose deaths, HIV infections, use of illicit heroin, acquisitive crime and street dealing to fund use, stabilises users' lives and improves communities, without increasing the number of people who use.¹⁵ UK trials found crimes per user fell from 40 to 13 per month,¹⁶ and switching heavy users of heroin to legal supplies cuts income for organised crime.¹⁷ It is backed by the UK Government, but they refuse to fund it.¹⁸

¹¹ e.g. Victoria Atkins, Drugs Minister, 17/01/18

<https://hansard.parliament.uk/Commons/2018-01-17/debates/1681A3C1-E6A4-4E10-8E38-8B4B240D5B67/DrugConsumptionRooms>

¹² Update on proposed safer drug consumption facility and heroin assisted treatment in Glasgow, NHSGGC, 9/6/2017

<http://www.nhs.gov.uk/about-us/media-centre/news/2017/06/proposed-sdcf-and-hat/#>

¹³ For an excellent summary of the evidence, different models and process for developing drug consumption rooms see

<http://www.bccsu.ca/wp-content/uploads/2017/07/BC-SCS-Operational-Guidance.pdf>

¹⁴ Call for drug laws devolution to allow 'fix room' <http://www.bbc.co.uk/news/uk-scotland-42315599>

¹⁵ http://www.emcdda.europa.eu/publications/insights/heroin-assisted-treatment_en

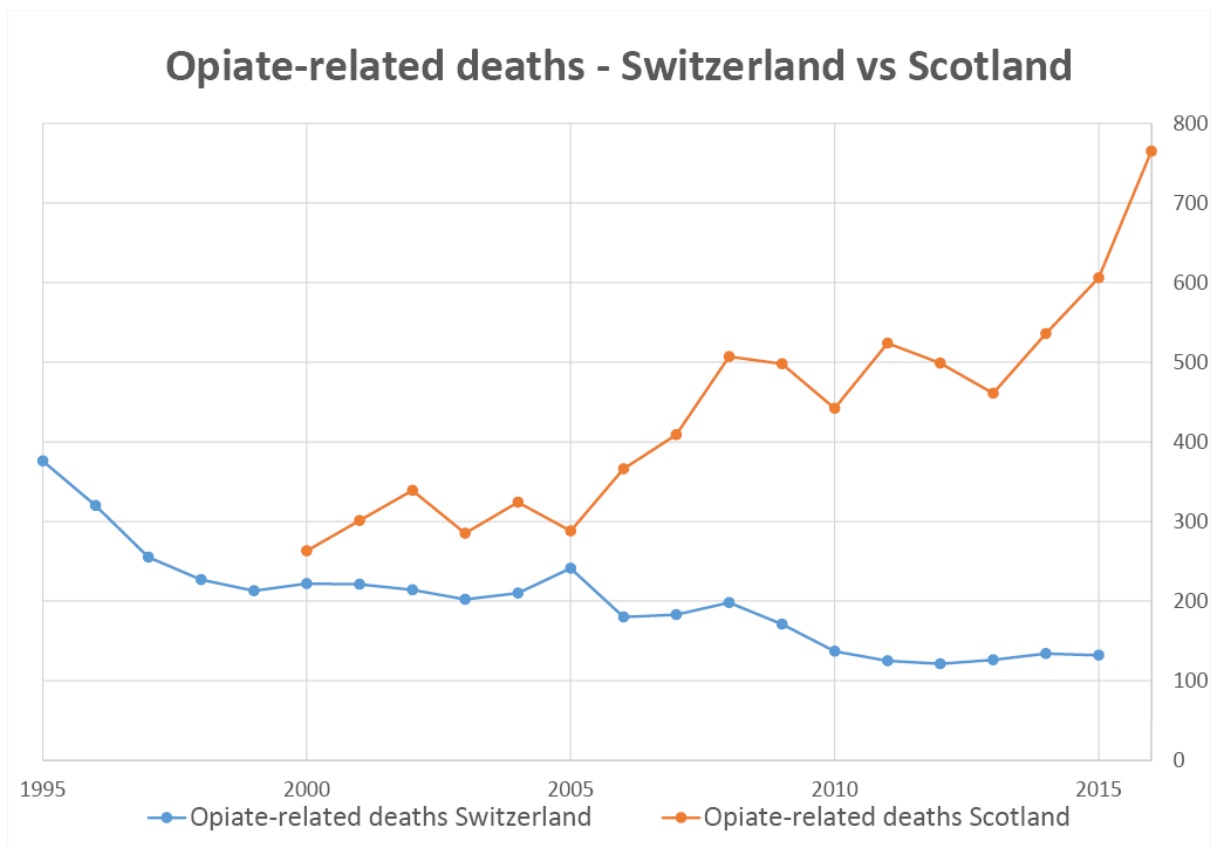
¹⁶ Untreatable or just hard to treat? Results of the Randomised Injectable Opioid Treatment Trial (RIOTT) 15/09/2009

<http://fileserv.idpc.net/library/Untreatable%20or%20just%20hard%20to%20treat.pdf>

¹⁷ The Impact of Heroin Prescription on Heroin Markets in Switzerland, Martin Killias and Marcelo F. Aebi, Crime Prevention Studies, volume 11, pp. 83-99 http://www.popcenter.org/library/crimeprevention/volume_11/04-Killias.pdf

¹⁸ Reducing Opioid-related Deaths in the UK, ACMD Recommendations and Government Response, p4,

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/634059/ACMD_response_drug_related_deaths.pdf



The chart shows what happened to drug deaths in Switzerland (pop. 10.3 million)¹⁹, compared with Scotland (pop. 5.3 million).²⁰

Diversion from the Criminal Justice System

The Home Office's 2014 'International Comparators' report²¹ found there was no link between severity of enforcement and use - i.e. criminalising people doesn't stop them using drugs. Scotland already has 'diversion from prosecution' schemes, but far more could be done. Police Scotland should develop a formalised system that 'diverts' people caught with any drug for their own use, into education, treatment or other measures instead of prosecuting them. These schemes, already in place in parts of England, reduce reoffending, save police time, increase engagement with treatment, and don't damage people's life chances with a criminal record.

... what Scotland could also deliver if Holyrood gets full drug policy powers

Proper Portuguese Style Decriminalisation

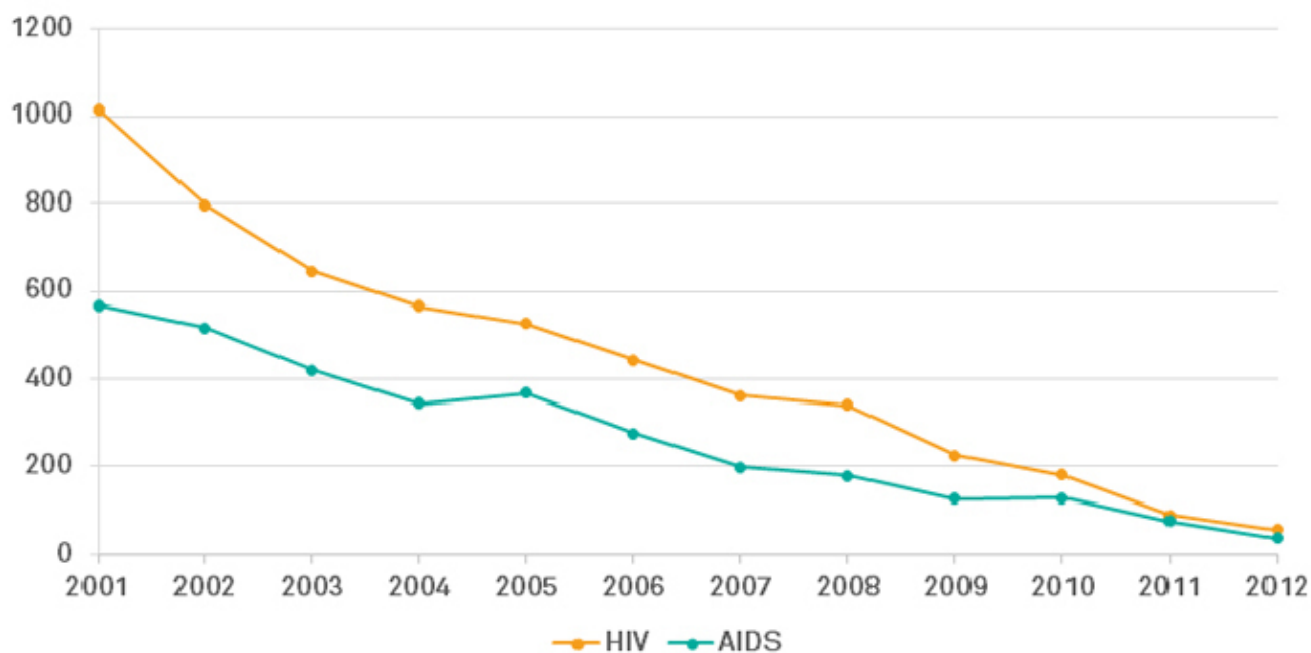
Portugal was suffering the kind of drug death rates, HIV infections, and open-street injecting found in Scotland. It changed the law to fully decriminalise people who use drugs (but not production or supply). People caught with drugs for their own use are sent to a 'dissuasion committee' that can suggest treatment, though most face no further action. Portugal ring fenced part of the money saved from not arresting or prosecuting people for education, prevention and treatment. Treating drug use as a health issue reduced the stigma preventing people seeking help. Youth drug use dropped, and people who use drugs became productive members of their community.

¹⁹ Addiction Monitoring in Switzerland <http://www.suchtmonitoring.ch/fr/3/7.html?opioides-mortalite>

²⁰ The National Records of Scotland 2017 drug related deaths statistics <https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-...>

²¹ Drugs: international comparators, UK Home Office, 30/10/2014 p51
<https://www.gov.uk/government/publications/drugs-international-comparators>

Newly diagnosed cases of HIV and AIDS among people who use drugs in Portugal



The chart shows what happened to HIV infections. No Portuguese political party - right or left - opposes these reforms.²²

Legal Regulation of Cannabis

A number of US states and Uruguay have legalised cannabis for recreational use. In the Netherlands there is no market for more dangerous synthetic cannabis products ('Spice') because people can buy cannabis. Canada's Government-run cannabis outlets will open in 2018 with a specific aim of reducing access and harm to children, and depriving organised crime of money and power, while raising tax revenue for treatment and prevention.²³ In future, Scotland could follow suit, and also deliver evidence-based medical cannabis, and look at legal regulation of other drugs.²⁴

²² See Drug decriminalisation in Portugal: setting the record straight, Transform, 2014
<http://www.tdpf.org.uk/blog/drug-decriminalisation-portugal-setting-record-straight>

²³ Government of Canada announces funding for law enforcement in support of cannabis legalization and regulation
https://www.canada.ca/en/public-safety-canada/news/2017/09/government_of_canadaannouncesfundingforlawenforcementinsupportof.html?wbdisable=true

²⁴ See Blueprint for Regulation, Transform, 2009 <http://www.tdpf.org.uk/resources/publications/after-war-drugs-blueprint-regulation>