

DEALING WITH SPICE - WHY MORE ENFORCEMENT WON'T HELP.

Because cannabis is banned, 'Spice' was developed as a 'legal high' alternative. Repeated attempts to ban Spice have failed to stop use rising among homeless people, and in prisons. More enforcement won't help. We must address the reasons people use Spice in the first place - through treatment, social support, and providing safer alternatives.

"Spice is causing great harm, but more enforcement, including making it Class A will have a negative effect. Many spice users already have an entrenched addiction to other drugs, Class As included. Spice is prevalent because it's cheap and falls in the lap of the most vulnerable in our community. To solve this problem support them, don't punish them further. Save the money more enforcement or reclassification would require, and invest it in a one stop drug service model that diverts people from the criminal justice system to support, treatment, overdose prevention centres and heroin assisted treatment."

— Neil Woods, Former Undercover Police Officer, Chair of Law Enforcement Action Partnership.

What is 'Spice' or 'Black Mamba'?

'Spice' and 'Black Mamba' were brand names for 'legal highs' developed as cannabis substitutes, but are now catch-alls for all 'synthetic cannabinoids'. There are now over 100 chemical variants, largely imported from China, then sprayed onto smokable plant mixtures. Many are far more potent and toxic than cannabis, and can cause dependence, seizures and death.

Who uses Spice?

Spice use is rising among the most vulnerable, including homeless people, and in prisons. Many people dependent on Spice use a range of drugs, move from the street to prison and back regularly, and have challenging personal circumstances not amenable to quick fixes. Their drug use is often self-medication to cope with trauma early in life, or PTSD including among ex-armed forces personnel. It is these causes that need to be addressed to reduce harmful drug use. A criminal record only entrenches their problems.

Multiple failed bans.

Although originally legal, some Spice variants were identified chemically, and banned under the Misuse of Drugs Act (MDA). But this just led to new versions repeatedly being developed, sold, then banned. In response, the 2016 Psychoactive Substances Act banned production and sale (but not possession for personal use) of almost all psychoactive substances, ending legal 'Head Shop' sales. But criminals selling more potent versions took over the market instead. So all synthetic cannabinoids were banned under the MDA as Class B drugs, also criminalising possession. But this has not solved the problem either.

More enforcement will not deter use.

So individual bans, blanket bans, and classifying Spice as a Class B drug have not worked. Meanwhile, many existing Class A drugs, including heroin, cocaine and ecstasy, are at record purity, and used more widely than Spice. This shows that people dependent on Spice, undeterred by the health risks, or need to engage with criminals to obtain Spice, will not be put off by more enforcement, or making it Class A.

In fact, criminalisation and enforcement in general do not significantly reduce drug use. The World Health Organization, European Monitoring Centre on Drugs and Drug Addiction and the UK Home Office have compared countries with different approaches, from decriminalisation to harsh enforcement and found as the Home Office said:

“Looking across different countries, there is no apparent correlation between the ‘toughness’ of a country’s approach and the prevalence of adult drug use.”

UK Home Office, International Comparators Report, 2014.

Drug use levels are determined by a mix of economic, social and cultural factors. But while criminalisation does not reduce use, it does increase social and health harms. As Professor John Middleton, President of the UK Faculty of Public Health says:

“Criminalisation and incarceration for minor, non-violent offences worsen problems linked to illicit drug use, such as social inequality, violence and infection. Possession and use should be decriminalised and health approaches prioritised.”

Not criminalising people who use drugs is widely backed including by the UK Government’s Advisory Council on the Misuse of Drugs, The Royal Society for Public Health, The Royal College of Physicians, and almost the entire UN system.

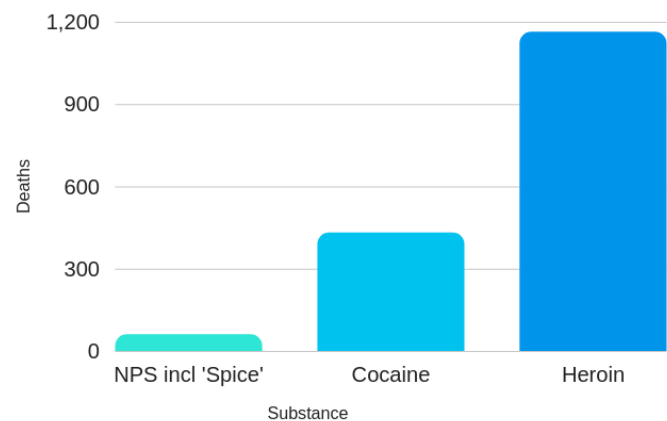
Enforcement will not stop people supplying Spice either. Where there is demand, there is no shortage of people willing to sell drugs. If we can’t keep Spice out of prisons, we won’t keep it off our streets. Even the most effective operations just move the problem around. Derbyshire PCC Alan Charles said:

“In December 2013 we had a major operation in north Derbyshire where 45 people were arrested, a significant number got custodial sentences including one dealer who sold drugs to a 22-year-old girl who died. It was a brilliant policing operation but did it stop drugs from being sold on the streets? There is a very strong chance it actually increased it because it created a vacuum.”

Displacement to other Drugs.

Even if enforcement did somehow restrict Spice supply, it would likely just shift users to other drugs. After Taunton closed its Head Shops in 2014, the Avon and Somerset Police Drug Strategy Manager said people moved to crack and heroin. This is likely to have increased acquisitive crime to fund use, fatal overdoses and needle litter. Spice use in Taunton has since risen again.

Drug-related deaths in England & Wales 2017.



What can we do?

Follow Canada’s example: Legalise and regulate real cannabis.

In the Netherlands, because cannabis is legally available, the market for Spice is almost non-existent. People prefer the real thing, so demand never developed. Following Canada, Uruguay, and many US states by legally regulating cannabis could reduce the number of new Spice users, and nudge some existing users towards what is a safer drug.

Help problematic Spice users.

Allowing the regulated supply of less harmful synthetic cannabinoids (as well as cannabis) could steer some existing users away from more harmful kinds and should be explored. But to reduce the impacts of use on people dependent on Spice (and often other drugs as well) we must also provide harm reduction, fully fund treatment (including reversing recent cuts), wrap around social and health support and supervised spaces for drug use. In short, we must care for, not criminalise people.

Create an evidence-based Classification System.

Parliament’s Science and Technology Committee 2006 report “Making a Hash of It” concluded that the Classification System is not fit for purpose. Harms of different drugs often bear little resemblance to their status in the ABC system, which has been distorted by political considerations, and doomed attempts to ‘send a message’. We need a new Classification system based on health and social harms, separate from the criminal justice system. Instead, it should be used to guide health and education responses, and legal regulatory frameworks for drugs, with the specific goal of reducing drug-related harms.

A fully referenced version of this briefing is available from martin@tdpf.org.uk 07875679301.