

Drug Crime

Introduction

Sociologist **Colin Bell**, then-convenor of the Scottish Consortium on Crime and Criminal Justice (SCCCJ), commented in the [Consortium's Report on Drugs and Crime](#) that drug abuse is *"above all, a deeply entrenched social problem with serious consequences for public health and justice"*.



Indeed, drug misuse is estimated to have a total economic and social cost to Scotland of [£3.5 billion a year](#).

Drugs and the Law

The **Misuse of Drugs Act 1971** is the piece of legislation which, amongst other things, outlines which drugs are 'controlled'. It also details the specific offences relating to these 'controlled' drugs across the UK, including Scotland. The regulation of controlled drugs is a *reserved* matter for the UK Government. Drugs are 'controlled' if they are 'classified'. There are three categories of classification: Class A, B and C. These classifications can change over time, and new drugs can become classified.

Class A includes cocaine, crystal meth, ecstasy, LSD, magic mushrooms, heroin, methadone and amphetamines that are prepared for injection

Class B includes amphetamines in powdered form, ketamine, cannabis synthetic cannabinoids, synthetic cathinones (for example mephedrone, methoxetamine)

Class C includes, temazepam, valium and anabolic steroids

In addition, [the Psychoactive Substances Act 2016](#) is the latest piece of legislation controlling substances that are deemed to be psychoactive, o.e. "that cause hallucinations, drowsiness or changes in alertness, perception of time and space, mood or empathy with others".

There are a number of offences associated with these controlled drugs:

These include, but are not limited to:

- Possession (e.g. having these drugs in your possession)

- Supply (e.g. selling these drugs to others)
- Importation and exportation (e.g. bringing these drugs in or out of the country)
- Production (e.g. being involved in producing these drugs)
- Occupying (e.g. providing a place for these drugs to be produced)

For more detailed information about these offences and other drug-related offences, look at this [page from the Crown Office Website](#). This is the [full Misuse of Drugs Act 1971](#).

Prevalence of drug use in Scotland

Please see [SCCJR 'Knife crime'](#) for further information on what data the following Scottish Government sources capture.

Source 1: [Findings from the Scottish Crime and Justice Survey \(SCJS\) 2017-2018, Drug Use](#)

Some of the findings:

- For the 2017-2018 SCJS, 3.6% of adults reported having used one or more illicit drugs *in the last month* (illicit drugs is another term for these 'controlled' or 'illegal' drugs). For the 2008-2009 survey, this figure was 7.6%. This is therefore a statistically significant decrease in usage.
- For the 2017-2018 SCJS, 27.8% of adults reported having used one or more of illicit drugs *at some point in their lives*.
- Respondents who reported taking drugs in the last 12 months were asked what drugs they had taken in that time period. Cannabis was the most commonly reported drug (70%) followed by prescription painkillers that weren't prescribed to you (34%), cocaine (19%), ecstasy (13%). Heroin accounted for 1% of drug taking.

Source 2: [Scottish Government, Statistical Bulletin, Recorded crime in Scotland 2017-2018](#)

- Drug crimes accounted for 55% of Group 5 crimes (Note, this is not all crime). 'Group 5' crimes are categorised as 'other crimes' which includes handling offensive weapons and drug crimes.
- Over the ten year period from 2008-09 to 2017-18 this crime has decreased by 24%
- The 2016-17 SCJS estimated that 34% of violent crimes happened between midnight and 6 am on the weekend and that victims thought that the offender was under the influence of alcohol in 42% of violent crime, and drugs in 22% of violent crime.

Source 3: [Scottish Prison Service, Prisoner Survey 2017](#)

- There was a drop in those reporting to be under the influence of drugs at the time of their offence from 40% in 2015 to 38% in 2017
- 36% stated their drug use was a problem for them on the outside
- Around one eighth of prisoners reported that they committed their offence to get money for drugs (15%)
- One in five were receiving treatment for drug use before they were imprisoned (19%).

Source 4: [Scottish Government, Drug Seizures and Offender Characteristics, 2017-2018](#)

- In 2017-18, Police Scotland reported that they seized 118.6 kilograms (kg) of heroin, 74.4 kg of cocaine and 6.7 kg of crack cocaine from drug supply crimes. This is compared to 54.1 kilograms (kg) of heroin, 120.3 kg of cocaine and 5.2 kg of crack cocaine in 2016-17
- 86% of offenders were male and the average age was 30 years old
- The most common drug seized in 2017-18 was herbal cannabis (40%), followed by cannabis resin (14%), cocaine (10%), heroin (9%), diazepam (6%) and etizolam (6%)

Drugs and crime

Many argue that much more crime happens that is drug-related (See [SCCJR 'Women in prison'](#) and [SCCJR 'Who's in prison? A snapshot of Scotland's prison population'](#) for a broader picture of this).

As a [2007 report from the Scottish Drugs Forum](#) points out, the “*drugs-crime link is not straightforward*”. It states that “*three explanations have been put forward for this*”:

1. Drug use leads to crime.
2. Crime leads to drug use.
3. Crime and drug use are related to wider factors.

More information about this can be found in the 2007 report.

The [Institute for Social and Economic Research conducted a review](#) of drug-related crime in England and Wales. It made the following findings:

- There are a significant number of drug-induced acquisitive (property-related) crimes linked to heroin use, but “no significant evidence of violent crime linked directly to heroin use”.
- There is “no evidence of any drug-induced crime committed by people who use cannabis”.
- Supplying cannabis “(only) leads to a small volume of crime”.

Scottish Government strategy

In 2018, the [Scottish Government published its strategy](#) for tackling drug misuse in Scotland titled ‘*Rights, Respect and Recovery: Alcohol and Drug Treatment Strategy*’. This approach is based on the rights of individuals to be treated with respect and dignity, and for their recovery journey to be fully supported.

Included in the strategy’s vision are commitments to:

- a Human Rights-based, person centred response to individuals and families experiencing alcohol and drug related harm, ensuring a focus on those who are most at risk;
- a focus on taking an improved public health approach in justice settings - reducing use and harm - and taking vulnerable people out of the justice system;
- an evidence informed approach, which appropriately involves academic evidence, the voice of lived and living experience, family members, those with professional experience and other intelligence on alcohol and drug related harm and recovery.

Is there an alternative way to dealing with drugs?

The [Global Commission on Drug Policy](#) calls for a radical new approach to tackling drugs on a global scale: it argues that drug policies should focus on public health rather than criminal justice.

In its most recent position paper: [Drug Policy and Deprivation of Liberty](#) (2019), it makes the following recommendations;

- States must end all penalties – both criminal and civil – for the possession and cultivation of drugs for personal consumption.
- States must end disproportionate sentencing and punishment for drug-related offenses, and recognize that over-incarceration impacts negatively on public health and social cohesion.
- States must ensure primary health care is available and the right to health is applicable to all people on a non-discriminatory basis, including people detained against their will.
- Practices that violate human rights of people deprived of liberty must be forbidden, their perpetrators brought to justice, and compensation awarded to victims as provided for in human rights law.

Mike McArron, a drug policy expert, argues for decriminalisation of drugs in Scotland in this brief article [here](#).

Case Study: Portugal decriminalised the use of all drugs in 2001 including cannabis, cocaine and heroin and chose to treat possession and use of small quantities of these drugs as a public health issue, not a criminal one. Drug related deaths are now the second lowest in Europe and the percentage of drug users diagnosed with new HIV infections fell from 52% in 2000 to 7% in 2015. Incarceration rates for drug offences decreased by more than 40%.
Source: [Drug Policy Alliance](#)

Further Reading

Crown Prosecution Service Legal guidance *Drugs Offences*. Available from: [http://www.cps.gov.uk/legal/d to g/drug_offences/#a01](http://www.cps.gov.uk/legal/d%20to%20g/drug_offences/#a01)

Global Commission on Drugs Policy (2014) *Taking Control: Pathways to Drug Policies that work* Executive Summary. Available from: <http://www.gcdpsummary2014.com/#executive-summary>

Global Commission on Drugs Policy (2014) *Taking Control: Pathways to Drug Policies that work* Full Report. Available from:

<https://www.globalcommissionondrugs.org/reports/taking-control-pathways-to-drug-policies-that-work>

Davies, D. (2017) Scottish Parliament, SPICe Briefing, Drug Misuse. No: 17/22
Available from http://www.parliament.scot/ResearchBriefingsAndFactsheets/S5/SB_17-22_Drug_Misuse.pdf

Drug Policy Alliance, Drug Decriminalization in Portugal Learning from a Health and Human-Centered Approach. Available from http://www.drugpolicy.org/sites/default/files/dpa-drug-decriminalization-portugal-health-human-centered-approach_0.pdf

Institute for Social and Economic Research (Bryan, M., Del Bono, E. and Pudney, S.) (2013) *Drug related crime*. Available from:
<https://www.iser.essex.ac.uk/research/publications/working-papers/iser/2013-08.pdf>

McCarron, M. (2014) *It is in the interests of justice and health to decriminalise drug users* Scottish Justice Matters Health and (In) Justice Edition 2 (2). Available from:
http://scottishjusticematters.com/wp-content/uploads/Pages-from-SJM_2_2_Decriminalising-Drug-Users.pdf

Misuse of Drugs Act 1971. Available from:
http://www.legislation.gov.uk/ukpga/1971/38/pdfs/ukpga_19710038_en.pdf

Scottish Government (2018) Rights, Respect and Recovery: Scotland's strategy to improve health by preventing and reducing alcohol and drug use, harm and related deaths. Available from: <https://www.gov.scot/publications/rights-respect-recovery/pages/2/>

Scottish Government (2019) *Scottish Crime and Justice Survey, 2017-2018*. Available from:
<https://www.gov.scot/publications/scottish-crime-justice-survey-2017-18-main-findings/>

Scottish Government (2018) Statistical Bulletin, Crime and Justice Series, An Official Statistics Publication for Scotland *Recorded Crime in Scotland 2017-2018*. Available from:
<https://www.gov.scot/publications/recorded-crime-scotland-2017-18/>

SCCJ (2003) *Making Sense of Drugs and Crime, Drugs, Crime and Penal Policy*, A Report of the Scottish Consortium for Crime and Justice. Available from:
http://www.dldocs.stir.ac.uk/documents/Crime_and_drugs.pdf

Scottish Drugs Forum (2007) *Drugs and Poverty: A literature review*

A report produced by the Scottish Drugs Forum (SDF) on behalf of the Scottish Association of Alcohol and Drug Action Teams by Shaw, A., Egan, J. and Gillepsie, M. Available from: <http://www.dldocs.stir.ac.uk/documents/drugpovertylitrev.pdf>

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SCCJR's learning resources for schools (Modern Studies) were initially developed by Rebecca Foster and Greg Duncan. They are regularly reviewed and updated by SCCJR researchers. Any queries (including notes of broken links, ideas for development and new topics) about these resources should be sent to enquiries@sccjr.ac.uk

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