

TRANSFORM

DRUG POLICY FOUNDATION

What is the true cost of drug law enforcement?

Why we need an audit

“The costs of failing to identify flaws in policy design and implementation and not learning lessons from previous policy initiatives can be substantial.”

Modern Policy Making: Ensuring policies deliver value for money. National Audit Office, November 2001.

Summary

The UK is in the middle of a drug policy crisis. Whilst the debate on drug policy issues has developed, there is a dearth of evidence on which to base a true assessment of what works and more crucially, what does not. Transform Drug Policy Foundation is calling on the Government to instigate an audit of the effectiveness of enforcing the drug laws in order to expose expenditure to comprehensive scrutiny and to help in the process of defining success and failure. This briefing outlines the need for such an audit.

A crisis in UK drug policy

- According to the EU funded European Monitoring Centre the UK now has the highest overall drug use in Europe.
- The Home Office has recently stated that as much as 80% of property crime is drug related.
- Home Office research by York University estimates that the cost of illegal drug use in the UK is between £10.1 and £17.4 billion.

Significantly for all of these disturbing facts is that they all display trends that have worsened steadily over the past three decades, and continue to worsen.

This current crisis has been precipitated by the confluence of a number of issues:

- **The increase in use of prohibited drugs**

The most dramatic example of this trend is that in the past three decades heroin use has risen from a 1,000 registered addicts in 1971 to an estimated 250, 000 today (the Home Office ended registration in the mid '90s).

- **Lack of government control over price of prohibited drugs**

Due to the nature of the criminal market, the price of illegal drugs is unregulated and they are sold at hugely inflated prices. For dependent users this creates enormous pressure to offend to support their habit. Note that there is negligible crime associated with fund-raising by dependent users of legal drugs.

- **The exposure to scrutiny of UK drug policy through the application of performance indicators**

Where evaluation of current drug policy effectiveness has been undertaken, it starkly demonstrates its failings. To quote Deputy Assistant Commissioner Andy Hayman (Chairman of the Association of Chief Police Officers Drugs Sub-Committee):

“If we judge whether the existing drugs policy is working by measurable reductions in the number of people who use drugs, the number who die or suffer harm as a result, the supply of drugs, the amount of crime committed to get money to buy drugs and the organised criminality involved in transporting and supplying drugs, then we have to say that the results are not coming through.”

- **An unwillingness by successive governments to consider alternative policy options in light of changes in external conditions**

Drug legislation is essentially unchanged since the Misuse of Drugs Act (MDA) became law in 1971, the Act itself based on an approach to dealing with drugs that dates back to the Victoria era. The MDA is now colliding with dramatically changed circumstances, most significantly a massive increase in the use of illegal drugs.

Why do we need an audit?

Billions are spent each year on a policy of drug law enforcement with highly questionable outcomes. The effectiveness of drug law enforcement has traditionally been poorly evaluated and has never been audited to date. The National Audit Office published a guide in November 2001 called ***Modern Policy making: Ensuring policies deliver value for money***. In this report the NAO state:

“Departments need to be able to maintain service delivery when something unexpected occurs which knocks a policy off course;

Such as, the Transform would argue, a hundred-fold increase in heroin use. The NAO report continues:

...they (government departments) need to review policies, for example to determine when the time is right to modify a policy in response to changing circumstances so that it remains relevant and cost effective; and departments may need to terminate policies if they are no longer cost effective or they are not delivering the policy outcomes intended.”

Current evaluation is ineffective

In 1998 Keith Hellawell was appointed Drug Tsar and produced a ten-year drug strategy that included a series of four key performance indicators. These indicators have been widely criticised for not including a measure of impact on public health and for setting unrealistic targets.

“We believe it is unwise, not to say self defeating, to set targets which have no earthly chance of success. We recommend that [the Government] focuses on outcomes rather than processes as indicators of success and that where a process is intended to lead to a particular outcome, the basis for expecting this be explained.”

(Home Affairs Committee Enquiry Report into UK drug policy, Nov 2001)

At the time these targets were introduced, no methodology had been established for gathering the relevant data. Without baseline data or ongoing data collection the targets became meaningless.

By 2002 the post of Drugs Tsar had been quietly shelved and the four key performance indicators and associated targets in the National Drug Strategy were redrafted. The main change (excepting the treatment indicator) being the removal of numerical targets:

1) Young people

1998 - to reduce the proportion of people under the age of 25 reporting the use of Class A drugs by 25% by 2005 (and by 50% by 2008).

2002 - to reduce the use of class A drugs and the frequent use of illicit drugs among all young people under the age of 25, especially the most vulnerable young people.

2) Crime

1998 - to reduce the levels of repeat offending amongst drug abusing offenders by 25% by 2005 (and by 50% by 2008).

2002 - reduce drug-related crime, including as measured by the proportion of offenders testing positive at arrest.

3) Drug treatment

1998 - increase participation of problem drug abusers in drug treatment programmes by 55% by 2004 (by 66% by 2005 and by 100% by 2008).

2002 - increase participation of problem drug users in drug treatment programmes by 55% by 2004 and by 100% by 2008, and increase year on year the proportion of users successfully sustaining or completing treatment programmes.

4) Availability

1998 - reduce the availability of Class A drugs by 25% by 2005 (and by 50% by 2008).

2002 - reduce the availability of illegal drugs by increasing: the proportion of heroin and cocaine targeted on the UK which is taken out; the disruption/dismantling of those criminal groups responsible for supplying substantial quantities of Class A drugs to the UK market; and the recovery of drug-related criminal assets.

No methodology was ever established to satisfactorily measure the availability of class A drugs. Rather than measuring availability by using price and purity of illegal drugs, which would show rising availability, the revised indicators opt for drug seizures, arrests and asset forfeiture, which will show falling availability. Rises in seizures and arrests can easily be accounted for by expanding drug markets or more intense police activity. However there is no evidence that increased seizures and arrests have any measurable impact on drug availability. The former Drugs Tsar, Keith Hellawell, in his evidence to the Home Affairs Select committee (30 Oct 2001) stated that:

"I stood up there for three or four years as a chief constable with the Head of Customs and said, tongue in cheek quite frankly, that we were doing well because we had seized more drugs and arrested more people. Towards the end of that I felt less comfortable with that because I saw in the communities that the position was getting worse."

Evidence that has been gathered, from independent studies and national surveys such as the British Crime survey, suggests that drug problems continue to worsen, with heroin and cocaine use, drug availability and drug-related crime still rising dramatically. As a graphic example the Deputy Assistant Commissioner Mike Fuller recently stated that 50% of street crime in London was related to crack use. Ten years ago crack was almost unheard of in London.

An independent audit would establish, with far greater clarity than is currently available, what the impact of current drug policy enforcement is, whether it represents value for money, and which types of enforcement interventions are effective and which are not.

Such an audit, undertaken by an independent body such as the National Audit Office (NAO), would provide a detailed and objective study clearly linking expenditure to outcomes. Crucially an audit would be distanced from the emotive and polarised debate on drugs.

An example of non-joined up policy

"Policies can have an indirect impact on other policies either in the same department or other departments and organisations... A policy may also have an unintended impact."

(Modern Policy Making – NAO ibid.)

Successfully meeting performance targets in Customs and Excise has a hugely negative affect at street level. In his evidence to the Home Affairs Committee Terry Byrne of Customs and Excise (C&E) gave the biggest clue as to how enforcement helps create the

very problems it is intended to solve. When asked if the efforts of C&E affected the price and availability of drugs at street level, he replied: "Prices are as low as they have ever been. There is no sign that the overall attack on the supply side is reducing availability or increasing the price." However, he did counter this with this comment on how C&E affects prices at wholesale level: "The price of a kilo of cocaine in South America is £1,000. It should cost about £1,500 by the time it reaches the UK, but it actually costs £30,000."

The thirty-fold increase in value of this illegally traded commodity presents a significant problem at the heart of prohibition. The consequence of this price hike is that the trade now becomes immensely attractive to organised crime because of the profit margin and street prices are so extortionate that dependent users often resort to acquisitive crime to support a habit.

Is there a precedent for auditing drug policy?

Audit of drug treatment services

In February 2002 the Audit Commission published the report **Changing Habits: The Commissioning and Management of Community Drug Treatment Services for adults**, a detailed examination of 'what works' in drug treatment. The audit found that treatment could be both effective and value for money, looked at how services could be made *more* effective, highlighted where problems were arising and made a number of practical recommendations for changes in policy and practice.

The National Treatment Outcomes Research Study in 1998 (NTORS) found that every pound spent on drug treatment saved three pounds in criminal justice expenditure, due to reduced offending.

Audit of HM Customs and Excise prevention of drug smuggling

In 1998 the National Audit Office published a report which examined "*the contribution made by HM Customs and Excise to tackling the problems of drug misuse in the United Kingdom.*" Again this proved to be a useful exercise critiquing the organisations' operational effectiveness and highlighting how existing indicators "*do not show the extent to which the Department have any overall impact on the illegal drugs market within the United Kingdom, either in the short or longer term.*"

The Department conceded that: "*because details of both demand and supply [of drugs] were concealed, it was difficult for them, or anybody else, to identify impacts.*" In other words they had little indication of whether they were achieving their key goal or not.

The US experience: "What We Don't Know Keeps Hurting Us"

It is useful to see how other countries have addressed this issue, and the US, as the chief architect of global drug enforcement policy and the dominant influence on the evolution of UK drug policy, should be examined in order to inform our thinking.

In 2001 the National Academy of Sciences produced a two hundred page report for the White House Office of Drug Control Policy called **Informing America's Policy on Illegal Drugs: What We Don't Know Keeps Hurting Us**. The report shows that the US faces many similar problems to the UK in evaluating effectiveness:

“The committee finds that existing drug use monitoring systems are useful for some important purposes, yet they are strikingly inadequate to support the full range of policy decisions the nation must make.”

“The central problem is a woeful lack of investment in programs of data collection and empirical research that would enable evaluation of the nations investment in enforcement.”

“Because of a lack of investment in data and research the country is in no better position to evaluate the effectiveness of its enforcement than it was twenty years ago.”

“It is unconscionable for this country to continue to carry out a policy of this magnitude and cost without any way of knowing whether or to what extent it is having the desired effect.”

Support for an audit

Drugscope

Drugscope is an umbrella organisation for over 900 member bodies including health, criminal justice, research, academic and voluntary organisations.

*“More independent research should be carried out into drug trafficking and particularly the effectiveness of law enforcement interventions. Despite recent advances in methods and additional resources there is no independent analysis as to the overall effectiveness of such actions at the high, medium and low levels of drug markets. **There may also be a case for the National Audit office to examine this.**”*

Drugscope recommendation to the Home Affairs Select Committee report on UK Drug policy.

Liberal Democrat Party

From their new drug policy adopted at spring conference 2002:

*“We are very concerned at the lack of reliable research and data on drug use in the UK, and the effectiveness of policies designed to tackle it. **We therefore propose that an audit of drugs policy be carried out by an independent body.** The new Drugs Commission we have already proposed is the most suitable candidate. **It would also draw on the special expertise in policy assessment of the National Audit Office.** This Audit would however go much wider than simply resource efficiency issues. The Audit would seek to quantify in cash, health and social terms the costs of the current situation in relation to drug abuse, analyse the effectiveness of past policy, and consider alternatives. The Audit would need to involve extended consultation with non-statutory agencies working in the drugs field and user groups. The Drugs Commission would of course continue its long-term role once the Audit exercise was completed. As new drugs are emerging all the time, and new data is constantly emerging on well-established drugs, we would repeat this Audit every five years.”*

National Association of Probation Officers

“An independent audit of the Government [drug] strategy must be a priority.”

Press release November 2001

Conclusion

Historically policy formation around illegal drugs has been driven more by politics than science, a trend that continues today. When elements of drug policy have been properly evaluated by an independent audit, these exercises have proved extremely instructive. In the case of drug treatment it revealed significant shortcomings in implementation and provided guidance on how increased effectiveness could be achieved.

The only element of drug enforcement to be audited was Customs and Excise. This audit (and the follow up by the Public Account Committee) strongly suggested that spending was not effective at reducing drug availability and showed little potential to be so in the future.

The effectiveness of the vast bulk of drug enforcement spending has never been properly evaluated. The evidence that does exist, (and indeed the evidence that is abundantly clear from walking around almost any deprived inner city community in the UK), shows that drug law enforcement is not achieving its stated goals, and may even be contributing to making some problems worse.

There is now a broad consensus that drug policy reform is necessary; but views on how to proceed remain polarised within the wider law and order debate. The high profile, emotive and highly politicised nature of the debate around illegal drugs presents a huge obstacle to pragmatic change. Compare, for example, the political profile of ecstasy (20 deaths a year) to that of tobacco (120,000 deaths a year).

It is hugely important that drug policy is evidence-based and proactively developed by civil servants in conjunction with the relevant agencies, rather than developed as part of a populist law and order agenda heavily influenced by tabloid headlines.

The independence and scientific basis of a value for money audit, that clearly relates spending to measurable outcomes, would help enormously in informing the debate and in more successfully allocating billions of pounds of expenditure. Drug policy has slipped into a quagmire over the last three decades. An audit provides a very powerful tool for developing the evidence base to lead us out of the swamp and to transform our streets, prisons and communities.

“There may come a time when a policy has...become obsolete or ineffective. It may then be necessary to replace a policy with a new one to reflect different circumstances or it may be more cost effective to terminate the policy altogether.” Modern Policy Making, NAO *ibid*.

Transform Drug Policy Foundation
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