



Influence. Represent. Negotiate

To: HSCCommittee@wales.gov.uk

**National Assembly for Wales
Health and Social Care Committee
Inquiry into New Psychoactive Substances (NPS)**

1. The Police Federation

1.1. The Police Federation of England & Wales ('The Federation') was formed in 1919 by an Act of Parliament and, in Wales, it represents 6,780 police officers, of all uniformed and CID ranks from Constable to Chief Inspector. The Federation's membership comes from each of Wales' four police forces.

1.2. The Federation was established to protect and promote the 'welfare & efficiency' of police officers and in its discharge of functions as laid down by statute.

1.3. The Police have a duty of care to the public. The sworn and attested duties are discharging their duty 'to protect life' and to 'enforce the law'. The Police Federation's principal representatives, are all serving police officers who are elected to their respective roles.

2. Evidence

2.1. The Police Federation will restrict this submission to the impact that NPS' are having upon the role that officers play in combating such emerging drug and associated crime. *We make a recommendation in this submission at paragraph 3.1.*

2.2. It is important to recognise that the criminal elements that make up NPS are simply to *generate profit through organised crime via the production and selling of drugs*. Such organised crime is not concerned with the wake it creates in regard to anti-social behaviour, the negative impact upon people's lives, their families or their health, or indeed - save for making criminal profit - the overall chain-reaction it generates through more serious crime such as to fund the further purchase of the drugs. The negative impact generated by NPS includes also violent and sexual crimes for those taking such drugs.

2.3 Policing in the front line to combat NPS is conducted exactly the same as it is in dealing with those drugs commonly known in classes A and B. Examples of Class A drugs being cocaine, heroin, LSD, and ecstasy and Class B drugs such as amphetamines, barbiturates, cannabis, mephedrone and synthetic cannabinoids which remain illegal.

2.4 To effect quality policing requires a combination of source-led intelligence. Such operations come from information gathered from the streets and elsewhere, but ultimately such a police resource that can effectively deal with the intelligence, arrest and associated processes, requires a physical presence of police officers. In Wales, since 2010 police numbers have reduced by circa 800 officers; effectively since that time, Wales' resilience to police the streets has reduced, we stand by these remarks irrespective of what political messages are given out on crime.

2.5 The collating of information of such drug usage is down to Wales' four individual police forces, each will have witnessed an increase in the prevalence of NPS and where necessary the recording of such use. This is apparent even with the known 'amnesty drop boxes' that are found outside night clubs etc. However, not all NPS usage is at public bars and clubs. The outcome of this is that this leaves communities vulnerable, especially so when the number of retailing outlets for these drugs (termed 'head shops') are actually not known.

2.6 Police may arrest a suspect on producing, selling or using such NPS. However, to secure a charge and conviction it's chemical make-up has to be analysed and currently this is being conducted by Kings College London and latterly in Wales by Wedinos; this takes time and finance. Many of the branded products that are analysed contain more than one substance, in fact 77% of all branded psychoactive products contain at least two substances with 34% containing at least three substances. Around 19% of products sold do contain controlled drugs. Users do not know what they are taking – either for image/steroid enhancement, but also for psychoactive mind altering properties - producers do not know the exact chemical make-up of the NPS other than they are actually synthetically produced in cocktails (often from overseas) and for home-produced drugs this is extant also for hydroponic production across the UK.

2.7 Police can arrest any suspect under current police powers; we believe that those 'powers of arrest' are sufficient. However, the alteration of NPS compounds (i.e. their actual chemical make-up) can be rapid, as those engaged in 'organised crime' need to evade detection. Albeit The Misuse of Drugs Act 1971 has been amended to allow Temporary Class Drug Orders to be made - and that this goes some way to alleviate the issue, in reality it does not (with the exception of the possession offence) keep up-to-speed or in-step with the 'changing science' of NPS production. Such synthetic production has considerable momentum driven by criminal profit and 'social acceptance' across many age ranges.

2.8 It is not uncommon for 'head-shops' to obscure their identity of multiple outlets, or for 'online sales' not to comply with and to flout product safety. Indeed regularly, retail outlets cite that they are unaware of what the contents actually are within the products (often in pre-sealed packages) that they sell; despite what it 'says-on-the-tin'. So, to combat the increase of usage of NPS requires a multi-agency approach from not only the police, but trading standards, local authority, education and health boards.

2.9 The police of course provide training and awareness amongst its own officers and share this throughout police forces and indeed collaborate on intelligence; such collaboration is nothing new. However where a gap does exist is in the provision of training and awareness through community partnerships and this may prove of significant value, especially so as the authorities will be seen to be acting through various out-reach-groups and via diverse communities that are at risk right across Wales. This is an area, that other stakeholders may identify to you in detail.

3. Recommendation

3.1 We are concerned with application and enforcement of the law and so from a policing perspective, we believe that Trading Standards/Local Authorities need the continued resources to deal with the authorised opening of 'head-shops', but moreso, that the NAFW could examine examples from overseas 'licensing' in as much as in Eire, their *The Criminal Justice (Psychoactive Substances) Act 2010* became law that empowered the Garda to seek court orders to close head shops suspected of selling drug-like products, with the onus on the owners to prove they are not doing so. Let us stress we are not advocating the licensing or legalisation of drugs, but an enhancement to current powers that could be enacted quickly, with a Court Order - pending retrospective investigation of Chemical compounds therein - of such articles found. This power would need territorial enactment across both Wales and England jointly in legislative competence and effect.

We therefore recommend that jointly the Welsh and UK Government examine how best to progress legislation that allows a Court Order to be issued that allows the police and Welsh local authorities to close outlets suspected of selling illegal drug-like products, that would be categorised as NPS.

3.2 The result is that head-shops and any other shops would have the onus placed upon them to ensure that what they are selling is not 'illegal', such a power would extend to any other shops that sell products that are, or can be used for NPS. We accept that umbrella bodies such as retail consortiums etc., may also have a view upon this, but our sworn attested duties are both to enforce the law and to protect public life and property; we believe that such a power will go some way towards that service to the public.

3.3 We accept that such a legislative route will not fully curtail the selling of 'wraps' or 'poly bags' on the streets for personal consumption (or further illegal sale), or indeed online sales, however, notwithstanding police resources, our current powers in this respect would be sufficient to stop, search and if necessary impound suspect goods and arrest a suspect. That current power extends also to S23 of the MDA that allows the police, with a warrant, to search premises when grounds exist that controlled substances are held.

4. Conclusion

4.1 What is abundantly clear, is that the current position on NPS is somewhat disjointed and albeit each 'stakeholder' is engaging, there is a lack of police powers and/or local authority powers to act decisively and to work with intelligence.

4.2 We cannot continue on such an *ad hoc* basis with no 'messages' being conveyed concisely to the public (or sellers) about the illegality of such drugs. Despite the valiant efforts with the Welsh Government's *DAN 24/7 Helpline* which has an important and integral part to play in education, help and support of the public, from our perspective, we are concerned with law enforcement, and we believe that our recommendations go some way further in ensuring safer communities and to help lower crime.

4.3 None of the information in this submission is classified as 'Restricted' and The Police Federation are happy that this submission is placed in the public domain. Additionally, we are happy to make available officers with considerable operational knowledge in this subject to give oral evidence to the Health & Social Care Committee or be called forward in respect of advice should a legislative route be progressed in due course.



Steve White
Chair etc



Andy Fittes
General Secretary etc