

ACMD consultation on drug prevention policies, Unlock response¹

About Unlock

Unlock is a national independent advocacy charity that supports, speaks up and campaigns for people facing stigma, prejudice and discrimination because of their criminal record. A core mission for Unlock is to provide advice for people in respect of their criminal record, including help overcoming the barriers they're facing. Our [website](#) provides vital information and guidance for people with criminal records, but we also have a [helpline](#) provided by dedicated staff and volunteers, which deals with specific queries. People can contact the helpline in various ways, including via email, WhatsApp or our free phone line.

This document sets out our response to the Advisory Council on the Misuse of Drugs [consultation](#) on the drug prevention policies and landscape across the UK. Our interest in this issue at Unlock lies in where drugs prevention interventions interact with the criminal justice system. We have restricted our comments to only one of the questions asked.

The issue of drug prevention is one on which Unlock has commented before, specifically in our [response](#) to the government 2022 white paper on this issue.²

Q3. What are the significant barriers currently faced for the implementation of effective prevention interventions.

The government's 2022 white paper on "new consequences for drug possession" proposed a tiered approach that would likely draw greater numbers of people into the criminal justice system.³ In our response (referenced above) we argued that this response was flawed, as it lacked in proportionality and risked discrimination, whilst also lacking a focus on the types of drug treatment support that would most likely help those with substance misuse issues. The Drug Reduction Orders offer no powers that do not already exist as part of Community Orders, while Drug Enforcement Notices may add to individuals' confusion about what they need to disclose in relation to their criminal records. We were also concerned that mandatory escalation could increase the number of people ending up with a criminal record related to drug possession, without allowing the individual circumstances of a case to be taken into account. In

¹ Consultation information is here: [Drug prevention policies and landscape across the UK - GOV.UK \(www.gov.uk\)](#)

² [New-consequences-for-drug-possession-Unlock-response-Oct-2022.pdf](#)

³ ['Swift, Certain, Tough: New Consequences for Drug Possession' white paper - GOV.UK \(www.gov.uk\)](#)

summary, the approach outlined in the white paper is overly punitive and has potentially confusing ramifications in relation to criminal records.

In relation to the question here, our concern is that taking such a blanket approach to criminalising drug possession acts as a barrier to effective prevention interventions. By treating the problem first as one to be punished rather than one to be treated, prevention interventions are hampered.

We know that a criminal record is a real barrier to the chances of people moving on with their lives as it results in people being limited in terms of finding somewhere to live, getting onto education courses or getting a job. Many employers still hold negative views about people with a criminal record in an often indiscriminate way. More broadly, this is why we believe [there needs to be reform of the criminal records system](#). A criminal record creates a barrier as it does not allow people to move on from their offence so if prevention interventions lead to people getting a criminal record, this ties them into having to disclose this (sometimes for life) and face discrimination and stigma in various aspects of their lives. Not only is this the case in the sense that it acts as a reminder to people themselves of a past they may wish to move on from, but it also acts as an impediment to the type of wider stability – such as employment and secure housing – that are crucial in making prevention interventions effective.

Besides the longer-term disclosure aspects of having a criminal record, taking a punishment-focussed approach to the issue of drug possession serves only to make people feel demonised, rather than supported, in their efforts to engage effectively with prevention interventions. There is seemingly little regard given to whether someone has made progress with regards to prevention interventions when escalating their involvement with the mandated tiered approach outlined in the 2022 white paper. The direct criminal records impacts of this are then compounded if they act as a barrier to effective prevention interventions, leaving some people stuck in a vicious cycle owing to the way their actions are criminalised. A focus on criminalisation is, therefore, likely to act as a barrier to effective prevention interventions.