

COMMISSION ON THE FUTURE OF POLICING IN IRELAND



SUBMISSION BY CITYWIDE DRUGS CRISIS CAMPAIGN

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Introduction.

Citywide Drugs Crisis Campaign is a national network of community organisations that are involved in addressing the drugs issue and it represents the community sector on the National Committees of the National Drugs Strategy. Citywide was a member of the National Steering Group that oversaw the development of the new National Drugs Strategy *Reducing Harm, Supporting Recovery 2017-2025*. This submission sets out a number of recommendations relating to the future of policing under four key headings:

- **Dealing with drugs as a health issue rather than a criminal justice issue.**
- **Tackling drug-related Intimidation.**
- **Alternative approaches to criminalisation of possession for personal use.**
- **Development of Community Impact Assessment Tool.**

Issue 1 - Dealing with drugs as a health issue rather than a criminal justice issue.

The Programme for Government sets out a commitment to a health led approach to the drugs issue rather than a criminal justice approach and this key policy principle is reflected in the new National Drugs Strategy. In the foreword, Taoiseach Leo Varadkar states “Treating substance abuse and drug addiction as a public health issue, rather than a criminal justice issue, helps individuals, helps families and helps communities.” This new policy direction has clear implications for how the drugs issue is policed and in particular for how An Garda Síochána (AGS) interacts with drug users. It also indicates the need for formal and effective referral mechanisms between AGS and drug treatment and support services.

At the moment possession of drugs for personal use remains an offense under law; a Working Group has been set up by the Depts. of Health and Justice to look at alternative approaches to possession and it has been given one year to come up with recommendations. It is also likely to take some time before any recommendations from the Working Group are implemented, therefore under law possession of drugs for personal use will continue to be an offence for the next couple of years at least.

It remains a challenge for AGS to find a balance between the new policy direction on drugs and the expectations of local communities that the supply of drugs in their areas will be adequately policed. This is a difficult and sensitive area that requires further consideration.

Recommendations.

1. AGS needs to put in place an internal process at the highest level to look at the implications of this policy shift for how the drugs issue is policed and, in order to inform this internal process, AGS should establish a Working Group to involve drug service providers, community representatives and people who use drugs.
2. It is important that there is feedback during this process to the members of AGS, in particular those who are involved in drug units and in community policing and that there is clarity around expectations in any changes that arise in how policing is

carried out. An information and training programme will need to be put in place for all AGS members based on the outcomes of the above process. Current training programmes for new recruits need to be reviewed and adapted to ensure that the new policy direction is adequately reflected and explained.

3. Citywide will be launching an anti-stigma campaign relating to drug use and highlighting the impact of stigma on people who use drugs. Specific training will be developed, engaging with people who are or have used drugs, for statutory providers such as hospitals and AGS to increase awareness of stigma and stigmatisation and AGS will be key partners in the development and roll-out of this training.

Issue 2 – Tackling drug-related Intimidation.

Drug-related intimidation is a major issue in communities that are most affected by the drug problem and in 2016 Citywide published research in partnership with the HRB which illustrated the nature and impact of this intimidation.

https://www.citywide.ie/download/pdf/citywide_demanding_money_with_menace_drug_related_intimidation.pdf

A striking finding of the research was that over 80% of people experiencing intimidation did not report it to AGS because of fear of reprisals if they did so. This represents a major challenge for our legal system as the signing of statements and willingness to give evidence are fundamental components of our criminal justice system.

Recommendations.

1. It is essential that every effort is made by all relevant stakeholders, including AGS, local authorities, the Garda Inspectorate, the Policing Authority and public representatives to consider how the hidden reality of drug-related intimidation can be better recorded in the future so that policy responses are properly informed. Intimidation has a disproportionate impact on those communities in which drug markets tend to emerge and it is this local experience that needs to be brought out into the open.
2. In its submission to the Oireachtas Justice Committee on Gangland Crime, Citywide pointed out the insidious nature of low-level intimidation (most of which does not constitute a criminal offence) in communities and the impact it has on community resilience and solidarity.
<https://www.citywide.ie/download/pdf/20170301140622.pdf> Community police working in the most affected areas should be supported by a specific awareness and training initiative that enables them to build a picture of how this low-level intimidation is manifest and what kind of interventions could help to combat it.
3. Notwithstanding important initiatives such as the NFSN/GNDU program, or assurances of anonymity and confidentiality, there still remains a significant barrier to many people engaging with AGS and the criminal justice system in this area. Furthermore, even where offenders might be prosecuted or even imprisoned, this

does not alleviate the fear for most people. There does not appear to be any safety net that can reassure people in such circumstances. There is no simple solution to this problem but there is an onus on the criminal justice system and all relevant stakeholders engaged in public safety to address it as a matter of urgency and at the highest level as it undermines the credibility of the entire criminal justice system.

Issue 3 - Alternative approaches to criminalisation of possession for personal use.

We referred earlier to the Working Group that has been set up by Depts. of Health and Justice as part of the new NDS to look at alternative approaches to criminalisation for possession of drugs. This is building on the work of the Oireachtas Justice Committee which produced a report in November 2015 recommending that Ireland adopt an alternative approach, drawing significantly on the experience of Portugal.

https://www.citywide.ie/download/pdf/report_of_the_committee_on_a_harm_reducing_and_rehabilitative_approach_2015.pdf

In the public debate following the publication of the Oireachtas Report, the then Garda Commissioner Noirín O Sullivan expressed a willingness for AGS to engage in the debate around decriminalisation and the head of the GRA indicated support for a change in approach to drug users who need help with addiction.

Recommendation.

Members of the AGS at all levels should be encouraged and supported by senior management to engage in the debate that is now taking place and in particular to bring forward their own experience of policing the drugs issue to help inform the debate.

Issue 4 - Development of Community Impact Assessment Tool.

A number of local Community Policing For a (CPFs) have identified the need to develop a broader set of indicators of the impact of drug-related crime and anti-social behaviour on communities and for these indicators to be reflected in the KPIs used by AGS to measure the effectiveness of its response to drug-related crime. A proposal for a Community Impact Assessment Tool was developed and is now included as Action 4.1.40 in the new NDS. The Community Impact Assessment Tool will be piloted in the three areas of North East Inner City, Canals and Blanchardstown, working through the existing structures and networks of the Local CPFs. AGS has indicated a willingness at the highest level to engage with the process around the Community Impact Assessment Tool and to look at how it can develop and expand its own methods of data collection and measurement.

Recommendation.

The outcomes of the pilot CIAT should be considered by AGS in partnership with the CPFs, the community sector and other relevant agencies e.g. Local Authorities.