

# Drug testing on charge

## Information for professionals working with young people



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## What is this booklet?

Drug testing on charge for young people is being piloted in England following provisions introduced by the Criminal Justice Act 2003.

This leaflet is for professionals who have a role in advising young people aged 14 to 17 who have been charged with one of a range of 'trigger' offences. This includes solicitors, social workers and healthcare professionals, as well as people who have been appointed to act as appropriate adults.

The leaflet explains what drug testing on charge is, how it is implemented and how it will be used to help young people who are at risk of drug misuse.



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## Introducing drug testing on charge for young people

Drug testing on charge for young people is being piloted in 13 police Basic Command Units (22 custody suites) in England from 1 August 2004.

Drug testing means that young people aged 14 to 17 who have been charged with a trigger offence will be asked to take a saliva test. This test looks for evidence of opiate (heroin) or cocaine use and aims to identify those who are at risk of misusing drugs.

If the results are positive, the young person will have the opportunity to talk to a youth support or arrest referral worker about getting help, support and, where necessary, treatment. This may be advice and support for problems with other drugs, including alcohol, or it may be help with their health, education or family life.

Drug testing is not designed to punish young people. The results are not used as evidence or to re-examine the crime they have been charged with; however, the results may influence bail and later sentencing.

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## About the Criminal Justice Interventions Programme

Drug testing on charge is part of the Criminal Justice Interventions Programme (CJIP). CJIP is a three-year programme that aims to get drug-misusing offenders out of crime and into treatment. A number of CJIP interventions for adults use opportunities in the criminal justice system to get offenders engaged with treatment.

CJIP initiatives for young people are based on similar adult initiatives. However, they have been adapted to meet the specific needs of young people, which differ significantly from those of adults. Initiatives for young people will provide help and treatment for a range of problems, and aim to prevent drug misuse by early intervention. Generally, this is earlier than it is for adults, who usually have a more serious drug problem and longer history of offending when CJIP intervenes.

Currently, arrest referral schemes for young people are being piloted in ten areas. The schemes involve an arrest referral worker (a specialist drug worker) making contact with young people in police cells or at court to assess and refer them to treatment or other help.

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## About the test

- The test takes place in the police station where the young person is charged.
- A police officer or trained police worker inserts a paddle into the young person's mouth and takes a sample of saliva. It should only take a few seconds to get an adequate sample.
- The test is not painful.
- The saliva sample is screened through an electronic reader that looks for specified levels of opiates or cocaine. The test picks up recent use of these drugs.
- If the young person does not accept the results or claims to have taken medication that will affect the results, the sample is sent to the Forensic Science Service for a confirmatory test.

- The law states that refusal to take a test is a criminal offence and can result in a maximum fine of £2,500 or a maximum sentence of three months. It is for the police and the Crown Prosecution Service to consider whether it would be in the public interest to pursue these options.

### **Appropriate adults**

For young people aged 14 to 16, the law states that an appropriate adult must be present during investigative interviews, the charging process and the drug test. That means that the appropriate adult must be present when:

- the request for a sample is made by a police officer;
- the young person is warned that failure to provide a sample could lead to prosecution for an offence; and
- the sample is taken.

The role of the appropriate adult is to make sure that the young person understands what is happening to them and why.

An appropriate adult can be:

- a parent or guardian;
- someone who has assumed responsibility for a young person's welfare; or
- someone who has been appointed by a local authority or voluntary organisation.

Ideally, youth support workers, arrest referral workers or defence solicitors will not act as appropriate adults as this may restrict their later involvement in supporting the young person.

If you are acting as an appropriate adult, you may be asked to give advice to young people and their parents/carers about the drug test. You should explain that the test is safe, legal and aims to identify whether young people are at risk from taking heroin, crack or cocaine.

Further guidance on the role of appropriate adults is available at [www.homeoffice.gov.uk/docs/guidanceappadultscustody.pdf](http://www.homeoffice.gov.uk/docs/guidanceappadultscustody.pdf)

### **Young people aged 17**

For young people aged 17 and over, the law does not require an appropriate adult to be present, except in special circumstances. These are if a 17 year old has mental health problems, learning disabilities or is in some other way seen to be vulnerable. In these circumstances an appropriate adult must be present.

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## **The results**

### **If the results of a drug test are positive**

- The young person will have the opportunity to talk to a youth support worker or arrest referral worker to identify their treatment and support needs.
- The results will also be passed to the courts to help them to decide whether to grant bail.
- If the young person is found guilty, the courts might also use the results to help decide what sentence to give them.
- The results will not be used to re-examine the crime that the young person has been charged with.

### **If the results are negative**

- The test looks for a specified level of drugs. If the test finds less than this amount, or none at all, the result will be negative. This does not necessarily mean that the young person has not taken opiates or cocaine, as the amount of drugs in the body drops over time. There just may not be sufficient levels present to get a positive result.
- The young person may still be at risk of substance misuse. They can still see a youth support worker or arrest referral worker if they want to.

### **How will test results be used?**

The test results can be used:

- to ensure that appropriate advice and treatment are made available to the young person;
- to inform decisions about the young person's supervision while they are in custody;
- to inform a decision about court bail;
- to help the courts decide what sentence will be given if the young person is found guilty of the offence they have been charged with. The courts may take into account the fact that the young person has misused drugs and may decide to help them get treatment.

The results cannot be:

- used as evidence to charge the young person with having taken drugs;
- used as evidence for the crime the young person has been charged with; or
- disclosed under a Criminal Records Bureau (CRB) check. CRB checks look only for information about someone's convictions.

## Further information

For further information about CJIP and drug testing on charge for young people, go to [www.drugs.gov.uk](http://www.drugs.gov.uk), where you can also register for regular email updates.

