

CRIMINAL JUSTICE AND COURT SERVICES ACT 2000

EXPLANATORY NOTES

BACKGROUND AND SUMMARY

Part III: Dealing with Offenders

Drug Testing: Sections 47, 48, 49, 57, 58, 63, 64 and 70

30. The government believes that there is a clear link between drug misuse, particularly heroin and cocaine/crack, with crime, particularly acquisitive crime. Research evidence indicates that getting drug misusers into treatment can considerably reduce both their illegal use of drugs and their offending behaviour. Testing will help identify those who need treatment. Identifying drug misusing offenders at every stage in the criminal justice system is now a prime objective of the crime reduction strategy and is intended to make a contribution to the overall drugs strategy.
31. The powers provided for in the Act will build upon drug testing already being carried out through the Drug Treatment and Testing Order, provided for under Sections 61 to 64 of the Crime and Disorder Act 1998, and drug testing in prison, carried out under Section 16A of the Prison Act 1952.
32. The Act provides for the compulsory drug testing of offenders and alleged offenders at various points of the criminal justice system. The new powers will allow for drug testing:
 - after charge with a relevant offence, or where a police officer of at least the rank of Inspector has reasonable grounds to suspect a link between an offence with which a person has been charged and the misuse of a specified Class A drug, and authorises the taking of the sample at the police station, with a view to informing subsequent bail decisions of a court and referral to a drug worker;
 - after conviction but before sentence, where the court is considering passing a community sentence
 - after conviction of a relevant offence, with the offender being subject to a community sentence containing a drug testing requirement;
 - after release from prison on licence or Notice of Supervision, where the offender was serving a sentence imposed in respect of a relevant offence.
33. In addition, when making a decision about bail the court is also to have regard to drug misuse. Courts are also to be given a new free-standing community sentence – the Drug Abstinence Order – and will be placed under an express duty to have regard to a defendant’s drug misuse when considering the exercise of their bail discretion.
34. The provisions apply to offenders and alleged offenders aged 18 and over.