



Youth Drugs and Alcohol Referral Procedure

This procedure is part of North Yorkshire Police's policy to which all Chief Constable personnel are required to adhere to.

Procedure Statement

Drug or alcohol referral to intervention schemes is promoted by the Home Office as providing an alternative to prosecution in cases where referral to the Drug or Alcohol Intervention Programme can provide more effective rehabilitative outcomes than court sentencing. The rationale being to reduce the incidence of further offending by those with a drug or alcohol problem. Those that meet the qualifying criteria will be referred in accordance with this procedure.

This procedure is primarily aimed at low level offending. The expectation will be that no more than one referral will be offered to the suspect for each substance i.e. one for drug and/or one for alcohol whilst taking into consideration the qualifying parameters outlined in this procedure. (Further referrals can be made in exceptional circumstances).

Operation Choice is an initiative which was launched in July 2021 for low level drug possession offences whereby Schools Liaison Officers will deliver a series of educational interventions to the young person. Further information is contained within this procedure and for drugs offences this will be the default position ahead of the traditional Youth Drug Alcohol Referral (DAR).

The Youth DAR will be the first consideration for alcohol-only related matters.

Policies:

Suspect Management Policy and Procedure

Procedures:

Youth Justice Procedure

Other Documents:

DPPs Guidance on Charging sixth edition 2020

Youth Gravity Matrix

Youth gravity decision making form

Police Electronic Notification to Youth Offending Teams (PENY) Form 145

Voluntary Attendance Guidance

The Youth Drug/Alcohol referral template is available on Niche

Process

Cannabis possession

Under 18-year olds are not eligible for Cannabis warnings or Penalty Notices for Disorder (PND). Operation Choice or Youth Drug Referral may be a viable option for Cannabis offences.

Drug referral

Youth Drug Referral Procedure

Operation Choice

Operation Choice is a process designed for referring Children and Young People (C&YP) in North Yorkshire (NY), who are found in possession of drugs, into a course of police led educational sessions. In addition, further consideration will be given to referrals into drug service providers and commissioned diversion services. The emphasis being on education and harm reduction. Op Choice is the default position for C&YP prior to other informal or formal disposals for simple low-level drug possession offences, including the Youth DAR. No arrest or interview is necessary.

The eligibility criteria will be that the person resides within North Yorkshire and it extends to the possession of any drug identified under the Misuse of Drugs Act 1971. It does not extend to C&YP who are under investigation for drugs supply offences (PWITS).

This initiative is a more efficient and proportionate way of dealing with C&YP rather than arrest or voluntary interview where the circumstances appear suitable for straightforward possession. The Schools Liaison Officers will be tasked via the central SLO inbox on Niche and then they will arrange the educational interventions at a suitable location.

A C&YP who engages is referred to NYPs School Liaison Team (SLT) and will engage in offered Department of Education (DoE) approved resources. These will be delivered in schools with parental/guardian consent or another suitable venue of their choice.

These resources will cover the follow subject matters:

- Drugs and The Law
- Exploring Attitudes Towards Drugs
- Peer Pressure and Consequences of Drug Use
- County Lines – Coercive Relationships & Gangs

The length of the programme will depend on the individual need of the C&YP and may vary. An individual who positively engages with the educational process delivered by the SLT, may work with them for 4-6 weeks. If their case is further referred to commissioned services who specialise in substance misuse intervention or youth work, then their involvement in the process may take 6 months or beyond.

Op Choice Process Map

More information and guidance for operational policing available at: [NYP-learn.com](https://www.nyp-learn.com). The Schools Liaison Team can be approached regarding any questions about Op Choice.

Investigation outside of the Op Choice process

The nationally agreed prosecution decision making matrix will be the principal tool for determining prosecution options for drugs-related offending.

The matrix gives basic gravity scores for drugs offences as follows:

DRUGS Where a child has been found in possession of drugs, or has been identified as being at risk of exploitation, please ensure that safeguarding is explored and put in place. Referrals to National Referral Mechanism (NRM), should be made as soon as the child is identified as being at risk of exploitation. Referrals should also be made for any child arrested on suspicion of possession with intent to supply					
Offence	Starting Gravity Score	Offence Type	Aggravating Factors	Mitigating Factors	CJS Code
CLASS 'A' DRUG Supply/Possession with intent to supply Supplying or offering to supply a controlled drug/ Possession of a controlled drug with intent to supply it to another	5	E	On or around school premises In Prison establishment In and around a children's home Leading/significant role Quantity of drugs Previous convictions Cuckooing Presence of weapons/use of violence	Vulnerable child or young person due to MH/learning disability Intimidated to commit offence on behalf of another Child Exploitation No previous convictions	Cocaine MD71230 Crack Cocaine MD71234 Heroin MD71231 LSD MD71232 MDMA MD71233
CLASS 'B' OR 'C' DRUG Supply/Possession with intent to Supply Supplying or offering to supply a controlled drug/ Possession of a controlled drug with intent to supply it to another	5	E	On or around school premises In Prison establishment In and around a children's home Leading/significant role Quantity of drugs Previous convictions Cuckooing Presence of weapons/use of violence	Vulnerable child or young person due to MH/learning disability Intimidated to commit offence on behalf of another Child Exploitation No previous	Cannabis MD71526 Cannabis Resin MD71517 Ketamine MD71597

				convictions	
Supply Nitrous Oxide (Class C) for wrongful inhalation	5	E	On or around school premises In Prison establishment In and around a children's home Leading/significant role Quantity of drugs Previous convictions Cuckooing Presence of weapons/use of violence	Vulnerable child or young person due to MH/learning disability Intimidated to commit offence on behalf of another Child Exploitation No previous convictions	MD71612
CLASS 'A' DRUG Possession	3	E	On or around School Premises In Prison establishment Large Quantity consider PWITS Previous conviction	Small quantities consistent with personal use Child Exploitation No previous convictions	Cocaine MD71210 Crack Cocaine MD71214 Heroin MD71211 LSD MD71212 MDMA MD71213
CLASS 'B' or 'C' DRUG Possession	2	E	On or around School Premises In Prison establishment Large quantity consider PWITS Previous like conviction(s) or Out of court Disposal(s)	Small quantities Consistent with personal use Child Exploitation No previous conviction(s) or Out of Court Disposal(s)	Cannabis/ Cannabis Resin MD71530 Ketamine MD71596 Class "C" MD71022 GHB MD71396 Nitrous Oxide MD71609
Class 'A' DRUG Production	5	E	Commercial Cultivation Large quantity In or around a children's home	Small quantities consistent with personal use	Cocaine MD71090 Crack Cocaine MD71094

			Supports organised crime Previous Convictions	Child Exploitation Vulnerable child or young person due to MH/learning disability Intimidated to commit offence on behalf of another Lesser role	Heroin MD71091 LSD MD71092 Ecstasy MD71093 "Other" MD71099
CLASS 'B' or 'C' DRUG Production/Cultivation	5	E	Commercial Cultivation Large quantity In or around a children's home Supports organised crime Previous convictions	Small quantities consistent with personal use Child Exploitation Vulnerable child or young person due to MH/learning disability Intimidated to commit offence on behalf of another Lesser role	Cultivate Cannabis Plant MD71440 Class B Other MD71105 Class C Other MD71430
Concerned in production of nitrous oxide for wrongful inhalation (Class C)	5	E	Commercial Activity Large volume In or around a children's home Supports organised crime Previous convictions	Small volume consistent with personal use Child Exploitation Vulnerable child or young person due to	MD71613

				MH/learning disability Intimidated to commit offence on behalf of another Lesser role	
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Where the investigation concerns small quantities of controlled drugs consistent with personal possession and no other aggravating factors, and the offence is fully admitted, then the final gravity score for possession of class 'A', 'B' and 'C' drugs and production/cultivation of class 'B' and 'C' drugs, potentially qualifies the suspect for diversion from prosecution via Op Choice or drug referral. For low level supply/production/cultivation of class B and C drugs the suspect may also potentially qualify for the drug referral scheme where appropriate. An example being a young person that naively passes Cannabis to another where it is deemed that education as opposed to prosecution is a suitable outcome.

The starting point for any restorative disposal is an acceptance of guilt by the suspect and a willingness to participate in a restorative justice process. Best practice dictates that this should be obtained via a PACE compliant interview but because the referral is not a formal disposal this is not essential. However, it should always be borne in mind that in the event of non-compliance with the referral investigating officers should be in possession of sufficient evidence to proceed to alternative disposals.

In order to avoid claims of inducement investigating officers must not enter into discussions about referral disposals with suspects until the offence has been admitted.

The drugs referral is NOT a conditional caution. It is an informal Out of Court Disposal. A conditional caution is a formal disposal.

Those suspects offered the scheme as an alternative to a normal criminal justice system disposal will be asked to agree to attend an appointment. To facilitate attendance at the appointment, they may be granted a period of unconditional police bail, if they have been arrested, or can be Released Under investigation (RUI) or Voluntary Attendance Under Investigation (VAUI) pending attendance.

The suspect must arrange, attend the appointment, and engage with the referral worker. They will then be deemed to have committed to restoring the harm caused by their offending and the public interest will mitigate against formal action. The referral worker will confirm compliance. At this point bail will be cancelled (where relevant) and no further action will be taken. The custody /VA record will be endorsed with an NFA - Youth Drug/ Alcohol or a VA - NFA Youth Drug/Alcohol referral disposal as applicable.

The referral is for one appointment only. Beyond this initial appointment, referral workers are commissioned to manage further appointments and referrals to other agencies on a need's basis.

If the suspect fails to make or keep an appointment with the referral worker without reasonable excuse they may then revert to formal disposal.

Youth Drug Referral Provider	Area
Change Grow Live	City of York
North Yorkshire Rise	North Yorkshire

Multiple Offences

Where a suspect is being investigated for additional offences, it may still be appropriate to deal with the drugs offence separately by way of this procedure. The other offences should be dealt with in accordance with the Youth Justice Procedure.

Previous Offending History

Offenders with a 'limited criminal record' may still be considered for Drugs Referral.

What is a limited criminal record?

- has previous convictions, but has not been convicted of an offence within the last two years, or
- has complied with a previous referral, but has not received one within the last two years, or
- has a previous youth caution or conditional caution but has not received one for a similar offence within the last two years

Those subject to an existing court order for drugs/alcohol are unsuitable for the referral.

Voluntary Drugs Referral

It is recognised that some suspects may not be suitable for the scheme because of the circumstances of their arrest or offending history but would still benefit from a voluntary referral for further support and intervention. Officers should endorse the PENY 145 form accordingly.

Identification of seized controlled drugs

Because the referral is not a criminal conviction, Home Office Guidance does not require field testing of drugs. However, investigating officers should ensure that when a suspect receives a drug referral, the seized drugs and associated evidence must be retained until the completion of the referral period as they will be required for forensic testing if the original offence is subsequently prosecuted.

If the suspect fails to comply with the referral, then they will be considered for a formal disposal of either a caution or prosecution. In out of court disposals it will not be necessary to field test drugs and the caution may be administered on admission only. Where a court appearance is likely then the drugs need to be field tested.

Alcohol Referral

Alcohol referral is very similar to the drug referral process and the intervention is managed by the same providers. Again, the starting point for any restorative disposal is an acceptance of guilt by the suspect and a willingness to participate in the process. Best practice dictates that, if necessary, evidence should be obtained via a PACE compliant interview but because the referral is not a formal disposal, this is not essential. However, it should always be borne in mind that in the event of non-

compliance with the referral investigating officers should be in possession of sufficient evidence to proceed to alternative disposals.

In order to avoid claims of inducement, investigating officers must not enter into discussions about referral disposals with suspects until the offence has been admitted.

Youth Alcohol Referral Provider	Area
Change Grow Live	City of York
North Yorkshire Rise	North Yorkshire

The alcohol referral is NOT a conditional caution. It is an informal Out of Court Disposal. A conditional caution is a formal disposal.

Alcohol referral is a 'Community Remedy' option, but it is vital that the appropriate referral form is completed and submitted to the provider. **A Youth Drug Alcohol Referral (Youth DAR) form must be completed rather than a CRD Form 149.**

Previous Offending History

Offenders with a 'limited criminal record' may still be considered for Alcohol Referral.

What is a limited criminal record?

- has previous convictions, but has not been convicted of an offence within the last two years, or
- has complied with a previous referral, but has not received one within the last two years, or
- has a previous youth caution or conditional caution, but has not received one for a similar offence within the last two years

Those subject to an existing court order for drugs/alcohol are unsuitable for the referral.

Voluntary Alcohol Referral

It is recognised that some suspects may not be suitable for the scheme because of the circumstances of their arrest or offending history but would still benefit from a voluntary referral for further support and intervention. Officers should endorse the PENY 145 form accordingly.

Further Considerations

How to make a referral

The Youth Drug/Alcohol template is the appropriate referral form for referrals. The template is accessible via NICHE and the form should be added to the occurrence report. It should then be emailed to the relevant provider using the email address on the form.

Refusal by the suspect to sign the information sharing agreement on the referral form does not in itself preclude the individual from partaking in the scheme but would raise valid concerns about their suitability.

Street referral (non-arrest or Voluntary Attendance)

It is the expectation that those young people being considered for drug/alcohol referral will be dealt with formally via an interview under caution under arrest or as a VA. A VA appointment can be made at a convenient date with an Appropriate Adult present. However, there may be occasions where it is proportionate in the circumstances to deal with the matter more informally. This will be in exceptional circumstances such as where there are multiple young suspects being investigated for Cannabis possession and it is not necessary or efficient to arrest or VA all of them in the circumstances.

If a person is deemed suitable for direct street/home referral it remains imperative that the Youth DAR form is used so that the provider has the appropriate referral form. Any completed form must be scanned onto the Niche occurrence when the officer returns to the station. An Appropriate Adult must be present when the matter is being arranged.

General Information

Appropriate Adults

There is no requirement for young people to be accompanied by an Appropriate Adult when attending their referral appointment, however, normal PACE procedures will be required when the suspect is being interviewed under caution.

Those residing outside the North Yorkshire Police (NYP) area

Those suspects residing outside the NYP area are still eligible for Youth Drug/Alcohol Referral, providing they are willing to undertake the referral at one of the centres located within North Yorkshire. Formal reciprocal arrangements with other police forces are not currently available but 'Change Grow Live' and 'North Yorkshire Rise' may be able to liaise with providers in other areas.

Biometrics

Those dealt with by arrest will have their biometrics taken as per normal procedure. Those who are dealt with as Voluntary Attendee, though reported for consideration of prosecution after accepting the referral (in order to escalate the case should they not comply), should **not** have their biometrics taken. In situations where there is non-compliance from someone that was initially dealt with as a VA then if they ultimately receive a formal disposal their fingerprints and DNA may be required.

Responsibilities

Officer in the case

It is the responsibility of the officer in the case (OIC) to consider the drug/alcohol referral where appropriate and follow the guidance contained within this procedure. They should inform the custody officer or supervising decision maker that they believe the suspect is suitable for a referral once they have admitted the offence and all relevant checks are complete. The OEL should be updated accordingly and ensure any VA or Custody record is closed with the correct disposal once the suspect has complied with the requirements of the scheme.

The OIC must ensure that the Youth DAR form has been emailed to the relevant provider.

A PENY 145 Form must be completed and submitted within 24hrs regardless of whether the final disposal of the matter is yet known.

Role of supervision

The case should be discussed with the OIC and drug/alcohol referral supported in cases when the offence is admitted, and the suspect fits the qualifying criteria. In exceptional cases any decisions made to go against policy should be ratified by supervision. Non-compliance should be escalated as per guidance within the document.

Role of the Custody Officer/VA operator

It is the responsibility of the Custody Officer, after consultation with the OIC, to identify whether a case is potentially suitable for a referral and fully explain the referral process to the suspect and complete the referral form. The custody record should be closed with the NFA Youth Drug/Alcohol or VA NFA Youth Drug/Alcohol referral disposal upon receipt of compliance and the Bail/RUI record updated and cancelled. If there is any concern that the young person may not comply then consideration could be given to Bailing the person pending completion of the scheme, but this would be exceptional.

If a young person is arrested and they are deemed suitable for an Op Choice disposal for the drugs matter, then any offence created on Niche relating to that matter should be closed as Custody 'Other' and Op Choice placed in the 'Remarks' field.