

# New Psychoactive Drugs - Briefing



<b>Requesting Officer/Board :</b>	Health and Wellbeing Board
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## **New Psychoactive Drugs Briefing:**

### **1. Background to the New Psychoactive Substances:-**

In recent years, the United Kingdom has seen the emergence of new drugs that have similar effects to drugs that are internationally controlled. These drugs can be collectively called New Psychoactive Substances (NPS).

Local perceptions that 'legal highs' are a growing problem is backed up by a range of information, much of it from the health sector. Latest figures on the number of deaths related to 'legal highs' shows there were 60 in 2013 compared with 10 in 2009 (A Councillor's Guide to New Psychoactive Substance; LGA; Jan 2015).

These drugs have been designed to evade drug laws. They are widely available and have the potential to pose serious risks to public health and safety and can even be fatal. The Advisory Council on the Misuse of Drugs (ACMD), the Government's independent statutory drug advisers, advise that the short-term harms of NPS can include paranoia, psychosis and seizures and that their long-term harms are often unknown. NPS are advertised and sold as 'legal highs', often under a variety of brand names, at low risk and are a significant reward for suppliers. There has been a rapid increase in the number and range of new substances and with greater ease of availability, with their open sale in offline retail outlets and through the global marketplace of the internet.

### **2. The nature and challenge of New Psychoactive Substances:-**

The New Psychoactive Substances (NPS) area is a complex and fast-moving one which presents challenges in fully capturing the scale and the size of the issue, both locally and nationally.

#### **2.1 Global picture:-**

New Psychoactive Substances are a global issue. The fast-paced nature of the market has resulted in increases of availability - reports of increased and emerging use in some countries and the widespread trade in these substances is drawing international concern. The United Nations Office on Drugs and Crime (UNODC) indicates there is a worldwide spread of NPS, with 70 countries from all regions reporting the emergence of NPS in their drugs' market.

The NPS market is very dynamic with little known regarding the scale and links to organised crime. The ease of synthesis of NPS means that there are an increasing number of newer substances available. Knowledge and intelligence gaps about the trade in NPS are significant. The internet has provided a global marketplace and the emergence and sophistication of the dark web is concerning and gives a further platform for the growth of the market.

In terms of availability, users primarily obtain NPS from three main sources: online retailers, High Street retailers and non-retail vendors such as friends, family and street-level dealers.

## **2.2 The Market Supply:-**

NPS are readily available online, but it does not appear that the majority of users directly purchase them from this source. The Crime Survey for England and Wales (CSEW) found that in 2013/14, 1% of regular illicit drug users reported that they sourced drugs over the internet (Home Office, 2014b). Although the exact figure is uncertain, internet purchases appear to be higher for NPS. A Eurobarometer poll of 500 young people (aged 15–24) in the UK found that in 2014, 6% of NPS users purchased NPS online (European Commission, 2014). The most common source of both traditional drugs and NPS is from friends; although it is unclear the role that the internet plays in the social supply of NPS i.e. the extent to which friends who supply NPS to other friends obtain them from the internet.

The EMCDDA reported that in 2013 there were 651 online shops selling NPS and shipping to at least one EU member state, more than three times as many as 2010 (170 shops). In 2011, out of the 651 online shops identified, 121 of these were likely to be based in the UK (country breakdowns are not available for 2012 or 2013) (EMCDDA, 2014b; EMCDDA, 2011).

There are no precise estimates of the number of offline retail outlets in the UK selling NPS. However, in 2013, the Angelus Foundation attempted to estimate the number of headshops by searching the internet and gathering information from Trading Standard Offices. On this basis they estimated that there were over 250 headshops selling non-controlled NPS in the UK (PRNewswire, 2013). There are also recent reports of diversification in the NPS retail market, with NPS being sold from non-specialist outlets such as newsagents and petrol stations (Drug Scope, 2014).

In addition to published evidence on NPS, the Panel heard reports from a number of sources on the NPS market, summarised below.

## **2.3 International Supply NPS:-**

Generally supplied from China, and, to a far lesser extent, India, in bulk and are then either repackaged and redistributed once they enter the EU or delivered directly to the UK. Wholesale web shops tend to offer named chemicals either 'off the shelf' or synthesised to order. The bulk importation of NPS is often done via mail and fast parcel services, and materials are then distributed further by retailers (online or offline), contacts and/or friends. New materials appear rapidly and if popular can quickly gain a foothold in the market, as was the case with mephedrone. NPS are also available for sale on the 'Clearnet' and on the 'Dark Web'; generally the 'Clearnet' deals with non-controlled NPS and the 'Dark Web' controlled NPS. The National Crime Agency estimates there to be between 100 and 150 UK-based websites on the 'Clearnet.' The 'quality' of websites appears to differ widely with some reliably delivering orders and offering a complete 'customer experience,' using offers and vouchers to promote products and providing a rating opportunity, whilst others are 'ghost sites' which advertise goods and take money, but have no intention of delivering a product. A number of NPS websites are owned and operated by the same individuals and a number of site owners use 'contact privacy' services to hide their identity. Sellers do not always advertise all their products openly on their internet site and sometimes offer a more extensive list once they build a 'rapport' with customers. Payment methods include bank transfers, E-money and virtual currencies.

There seems to be a move by suppliers selling non-controlled NPS on the 'Clearnet' to stay within the margins of current drug control legislation, with considerably fewer NPS products on open sale being found to contain controlled substances than was the case in 2011, a view supported by intelligence from the National Crime Agency and the latest data from the Forensic Early Warning System. Forensic analysis has found substances available online that are misdescribed or with brand names giving no information on contents; however, when stated, chemical names of active ingredients do now tend to reflect the contents of products. To avoid consumer protection and similar legislation, 'Clearnet' suppliers are usually careful to avoid any indication that their products are intended for human consumption, so dosage advice is offered in oblique wording, if at all.

'Dark web' sites such as 'Silk Road 2.0' operating through The Onion Router (TOR) sell illegal drugs of all types, including controlled NPS. The anonymity provided is likely to encourage the sale of illicit substances – 'dark web' sites tend to give more in-depth instructions to users on dosages and how to take certain NPS.

### **3. Prevalence of use of New Psychoactive Substances:-**

The most robust data on drug use at the general household population level comes from the Crime Survey for England and Wales (CSEW). The Crime Survey, whilst not capturing the full range of NPS, has added questions on selected NPS over recent years. Mephedrone is the most prevalent of the NPS, though use has fallen from 1.3% in 2010/11 to 0.6% in 2013/14 (Home Office, 2014). The use of other NPS measured in the Crime Survey has remained stable or fallen. At its peak, prior to control, mephedrone was the 'market leader' in NPS and has not been replaced by a similarly popular NPS. It is likely that mephedrone use has fallen due to a number of factors such as control, a growing awareness of harms and increased purity and availability of drugs such as ecstasy.

### **4. Organised Crime Groups (OCG):-**

Some NPS are currently supplied by organised crime groups (OCGs), either being used to adulterate controlled drugs or passed off as controlled substances. For example, the EMCDDA (2014c) report that 4-MA was predominantly supplied by the same OCGs that supplied amphetamine, and Europol has also recently reported some evidence of limited NPS production in Europe by groups involved in illicit synthetic drug production. Concern about possible growing interest of OCGs in the NPS area is also prompted by the observation of seizures of NPS which have been mixed with the same cutting agents that are typically found with drugs like cocaine or amphetamine. The available evidence only suggests limited OCG activity in the NPS area, however, as these substances become controlled, and in the context of the dynamic nature of the drug market, this could change rapidly and therefore vigilance on this issue is called for.

It should be noted that a sizeable Lincolnshire OCG began production of NPS in NK in circa 2012. This OCG supplied retailers and end users. This OCG moved to the North West (Manchester) and continued to expand, importing raw product from the likes of China. Enforcement work conducted by East Midlands Serious and Organised Crime Unit (EMSOU) led to a charge on the leader of the OCG for supply controlled drugs (on testing some NPS were found to contain controlled substance).

At Lincoln Crown Court his defence was that he was not aware of the controlled element. The Lincoln Jury found him not guilty. Since the court case both Police and Trading standards have worked together using both controlled drugs legislation and General Product Safety Legislation (GPRS). GPS has allowed Lincolnshire partners to close down visible retailers in Lincoln, Boston, and Gainsborough. This legislation not only allows Trading Standards to tackle retailers but the same legislation is being used to target both wholesalers and manufacturers, which include the OCG mentioned above.

During the summer of 2015 EMSOU and Trading Standards have continued to focus on the larger retailers, closing down shops and working to tackle retail from private homes. This has led to a significant seizure of product that has led back to a wholesaler in Humberside and back to the OCG Manufacturer in Nottinghamshire. Work is ongoing.

#### **5. Enforcement:-**

There are challenges around detection and identification of NPS compounded by the ever-changing chemical composition of the substances, availability of up-to-date indicative testing technology and the ensuing associated forensic costs. The intelligence picture about the trade, particularly on the internet, is very limited, as are police and Border Force Powers for dealing with substances not controlled under existing drugs legislation. Whilst at importation, Border Force can seize a package where there is clear evidence that the accompanying customs declaration is either incomplete or inaccurate in terms of description and/or valuation of contents, in the absence of definitive, 'real time' identification there are often no legal grounds available to support ongoing detention or seizure.

The National Crime Agency does not have many available powers if a website is not identified as selling products that contain controlled substances. The level of evidence needed to remove a website involves satisfying the domain name provider that an offence has been or would be committed. This has some difficulties if it involves an UK-registered site but can be significantly more problematic in a country without similar legislation or co-operation. The variety of e-currencies makes disrupting website sales more difficult to achieve. It can also be difficult to identify the people behind each website who may anonymise their identity.

The international legal position of individual NPS can therefore cause difficulties for enforcement agencies, particularly as different countries control NPS in different ways. The UK tends to have more extensive drug-specific controls in place, so if suppliers/retailers are based overseas, enforcement agencies need to establish the legal position of the NPS in the country it is being shipped from.

The 'new' legislation, written to enable both Police and partners to take direct action is presently at the white paper stage and should become law in April 2016, this is on track.

## 6. Use of legislation:-

While other legislation offers opportunities to regulate or prevent the sale of NPS, none of the options being used or contemplated is ideal as they are not designed to deal with the particular issues associated with NPS. Prosecuting authorities encounter a number of barriers that prevent their effective use. There has been a focus to date on using consumer protection legislation. This has proved problematic because the underlying objective behind consumer protection legislation is to create better regulated markets, rather than to shut down a certain sector of the market. However, as stated previously the GPRS has now been employed with considerable success in Lincolnshire.

Other forms of legislation are also applicable in some circumstances, such as the Intoxicating Substances (Supply) Act 1985. This Act prohibits the sale to under-18s of substances which the seller has reason to believe will be inhaled for the purpose of intoxication, and has been used to prosecute sellers of synthetic cannabinoids. Prosecutions under alternative legislation are often costly (with costs not likely to be recovered on conviction) and, depending on the offence being charged, local authorities may need to evidence the harms of particular products, which can be problematic. It is also questionable whether the sanctions for breaching much of this legislation (such as relatively small fines or forfeiture of products) are sufficient to provide a deterrent. This position may change as the applicability of the GPSRs to the NPS market is tested in the courts, but as NPS retailers adapt to the changing legal environment (as they have already done), a point may be reached where the GPSRs are no longer a useful tool. In these circumstances, other areas of legislation such as the Local Government Act 1972 may offer scope for action, but again their use will not be straightforward. Partnership working, for instance between trading standards officers and the police, can assist in overcoming the barriers to successful prosecutions mentioned above, as expertise and resources can be shared across organisations. The alternative legislation which has been applied to NPS is not an appropriate mechanism for a sustainable, effective response to this issue. However, given the right circumstances it can provide tools to disrupt the supply of NPS in local areas.

### Case study: The Irish Criminal Justice (Psychoactive Substances) Act 2010

*The Criminal Justice (Psychoactive Substances) Act 2010 (the 2010 Act) was introduced in response to the proliferation of headshops in Ireland. There were concerns about the potential serious health risks posed from NPS together with a noticeable increase in reporting of psychotic episodes being linked to use of NPS with users reporting to drug treatment services and A&E departments with ill effects.*

*It came into effect in August 2010 in Ireland and made it a criminal offence to advertise, sell, supply, import or export a psychoactive substance (not otherwise excluded), knowing or being reckless that it was for human consumption. The Act does not contain any offence for possession for personal use of these substances as it is targeted at those involved in trading in NPS rather than users.*

*A psychoactive substance is defined as a substance that has the capacity to stimulate or depress the central nervous system, resulting in hallucinations, dependence or significant changes to motor function, thinking or behaviour.*

*The 2010 Act does not deal with substances that are the subject of legitimate trade and focuses exclusively on substances intended for misuse. There are appropriate exemptions for tobacco, alcohol, food and medicines and provision for the further addition of exempted products as deemed appropriate.*

*The Garda Siobhan (Irish Police Force) were given powers to investigate offences and the legislation provides for an escalation through the use of prohibition notices, court issued 'prohibition orders' and 'closure orders' for failure to comply, with non-compliance of a 'prohibition order' punishable by up to five years in prison.*

*In terms of penalties, any person found guilty of an offence under the 2010 Act (other than under section 1529) is liable on summary conviction, to a fine not exceeding €5,000 or for imprisonment for a term not exceeding 12 months or both; or on conviction on indictment, to a fine or imprisonment for a term not exceeding five years or both.*

*Where an offence under the 2010 Act is committed by a corporate body and is proved to have been committed with the consent or connivance of, or to be attributable to wilful neglect on the part of any director, manager, secretary or other officer of any corporate body, or a person who was purporting to act in any such capacity, that person or officer will be guilty of an offence and liable to be proceeded against and punished as above.*

*The courts may, in addition to any other penalty, also order any substance, product, object or any apparatus, equipment or thing to which an offence relates to be forfeited and either destroyed or dealt with in such a manner as the court sees fit.*

*A Garda inventory of headshops in Ireland indicated that prior to the introduction of the 2010 Act there were 102 headshops.*

## **7. Lincolnshire Approach:-**

A NPS delivery group has been established under the Governance of the Community Safety Partnership and Public Protection. Since its formation in March 2014, the Lincolnshire New Psychoactive Group (NPS) has met bi-monthly to develop a co-ordinated response; to share intelligence and good practice. The key objective of the group has been: To Reduce the use of New Emerging Drugs in Lincolnshire and the subsequent risk to the wellbeing of our community. The Group has established four areas of focus:

1. Prevent through engagement and education; focus on Young People; Parents and Practitioners;
2. Improve Information and data sharing across partners; an improvement in data collection will support an improved understanding of the Lincolnshire challenge;
3. Communications Strategy; to compliment 1 and 2. To ensure, as a partnership we pool our skills and resource; that we employ a multi-media approach and that as a partners we present a united and consistent front to the Media and community;

4. Enforcement against suppliers; using both Trading Standards Legislation, General Product Safety Regulations alongside both Controlled Drugs Legislation and the new ASB toolkit.

As stated above a key objective of the Lincolnshire partnership is to ensure NPS are not retailed in the county. In recent weeks (Sept 15) intelligence indicates a move to large retailing from private addresses. These premises are still covered by GPRS and therefore Police and Trading Standards will be taking immediate action.

### **7.1 Engage and Educate:-**

The Lincolnshire approach recognises the inadequacy of the existing legislation and has therefore focussed heavily on engaging and educating : young people within the school environment, ensuring young people are aware of the risks in taking NPS; engaging and educating teachers and other practitioners, enabling to recognise NPS and some of the consequences experienced by young people who have consumed and educating parents and the wider community, ensuring they influence their children to resist NPS.

Since the start of the NPS programme in excess of 7000 pupils have attended awareness sessions across 35 schools. We have offered training to parents at every school.

In respect of practitioners, this has been delivered by Addaction and Lincolnshire Action Trust. Addaction have delivered to teaching & support staff, we have delivered to staff from LEAP Housing, the Family Nurse Partnership and Youth Centres. In January and February they will be attending referral centres and other children support facilities such as Hill Holt Wood. Presently over 1000 practitioners have had training.

### **7.2 Intelligence and Information:-**

Lincolnshire is, as reported by colleagues within NHS England, one of the leading counties in this arena and are clearly working hard to understand and tackle the challenge of NPS. We have in place a clear process that has improved intelligence collection. We are also aware that Data supplied by Addaction, Lincolnshire Action Trust and some Housing authorities, when analysed will give a good insight into the problem of NPS. At this time, due to other pressures we are unable to secure the appropriate level of analytical capacity to enable the data to be turned into useful management information.

We also have access to a developing data bank from Addaction and other key providers, who through their training and other intervention collect data; again, this requires further research, as does the potential data sat within our health partners.

It should be noted that in October 2014 a comprehensive problem profile was produced by Lincolnshire Police. The profile gave an insight into the national picture and where intelligence allowed some insight into the Lincolnshire problem, the profile underlined for the NPS Group the lack of quality data and intelligence in the county.



Since October 2014 further analysis has been conducted that demonstrates the market continues but has not evidenced the expected rise in usage, the product available continues to be: Vertex, Black mamba, Psyclone, Cherry Bomb, Mcat, Voodoo and Spice.

This is a priority action for the Chair of the NPS delivery Group.

### **7.3 Communications:-**

Based on intelligence raised by the Police and partners at the NPS group, our communications strategy has been proactive focussing on informing the public of the risks associated with legal highs, and our progress with tackling the issues.

To help raise awareness we have setup information pages on the county council website, issued press releases, worked with the local media and included an article in the council's publication, County News. A partnership approach has been taken with Lincolnshire Police in these activities and we have shared information with our partners including District Council's for their own internal communications.

Given the recent incident figures for Lincolnshire, it has been agreed by the NPS group that we 'step up' our communications further and launch a comprehensive awareness campaign in 2015, which will consist of directly targeting people who may be at risk or who are already using these substances. This campaign should focus on education and prevention.

### **7.4 Lincolnshire Enforcement:-**

Lincolnshire has a number of 'Head Shops' in Lincoln City, Gainsborough and Boston. The largest store is KATMANDU in Boston. Other stores include Nirvana, High St, Lincoln; Head Candy, Lincoln and Gainsborough and Marleys in Lincoln. Enforcement action has been taken against all Head Shops by Police & Trading Standards in partnership. Legislation includes the Drugs Act; Consumer Legislation and more recently ASB legislation.

### **7.5 Performance:-**

The appropriate outcome for Lincolnshire in respect of NPS is to eradicate the supply and use of these dangerous substances in Lincolnshire. However, as an emerging issue, we do not yet have a clear picture in respect of use across different Demographic Groups, the impact of different drugs, the supply chain or whether we are experience growth.

There is already significant work at both a local and national level on prevention, education and treatment work around drugs. Some, or indeed many, of these interventions may be useful in preventing and treating the use of NPS. At this stage however there is too little evidence about what works in terms of NPS prevention and treatment to be confident that programmes developed for illegal drugs will work as well for NPS. Getting better information nationally and at a local level on

use, prevalence and user groups is therefore important. A Councillors Guide to New Psychoactive Substance; LGA; Jan 2015

Critical to the success of the Lincolnshire approach is to encourage reporting and recording thus enabling us, as a county, to better inform our actions to tackle the problem. Recent data, as in Table 1 below demonstrates the 'risk' in our approach. Lincolnshire, of the forces that responded to the FOI request, appears on face value to be the 'worst' county for NPS. This presentation is deeply flawed, the data collection is flawed and will vary between forces, and some forces will not have yet formulated any way of data collection, unlike Lincolnshire.

**Table 1. FOI Results from Forces reporting Incidents relating to NPS**

Police Authority	2010	2011	2012	2013	2014
South Yorkshire	-	6	18	118	465
Nottinghamshire	-	1	4	26	51
Wiltshire	-	2	1	1	14
Leicestershire	-	4	10	24	65
Derbyshire	-	0	8	27	77
Cambridgeshire	6	5	5	9	16
Lincolnshire	-	7	57	347	820
Avon and Somerset	6	5	2	11	33
Greater Manchester	5	1	6	29	104
Norfolk 2	20	35	93	258	
Hertfordshire	-	4	6	9	39
Northumbria	-	2	2	24	108
Devon and Cornwall	2	2	16	88	-
West Yorkshire	-	4	13	88	324
Cheshire	3	3	13	26	63
Northamptonshire	2	9	13	11	22

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We are aware, from data supplied by Addaction, that there has been a substantial increase in use of needle exchange for NPS use:

Q1 = 1 Q2 = 7 Q3 = 47

It should be noted that 46 of the needles required occurred within the City. Addaction offers the exchange facility in Boston and Grantham, Boston had one request in Q3. These statistics, cannot be considered statistical significant, but offers some indication in respect of an increase in demand.

Whilst MKAT is no longer a NPS, having been made illegal, use of the syringe and needle programme saw significant growth in Grantham from Q2 = 125 to Q3 = 169

#### **8. References:-**

- A Councillors' guide to tackling Psychoactive Substances, LGA, January 2015.
- [http://www.local.gov.uk/publications/-journal\\_content/56/10180/6876239/PUBLICATION](http://www.local.gov.uk/publications/-journal_content/56/10180/6876239/PUBLICATION)

(This report has relied on data from a number of sources and plagiarised large elements from a number of presentations. The author does not claim to be the source of the research highlighted in this document).

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