

(SPI0053)

Written evidence submitted by the Association of Police and Crime Commissioners (SPI0053)

RE: Spiking as a separate criminal offence

We are writing to you as the joint leads for the APCC's Addictions and Substance Misuse portfolio on the issue of spiking, following PCC Joy Allen's appearance in front of the Committee on 26 January.

On the issue of whether spiking should be made a separate criminal offence, we have been able to obtain the views of 12 Commissioners (including PCCs, PFCCs and Deputy Mayors), all of whom were supportive. This sample includes our views as joint leads of the APCC portfolio, however please note that this response should not be seen as reflective of the views of all APCC members due to the sample size.

Please find at Annex A some supporting views shared by the respondents which we hope will provide further assistance to your inquiry.

Kind regards,

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APCC Joint Lead,
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Annex A

Please see below for some supporting views shared by those surveyed:

- A single, simpler offence may be a more appropriate way of addressing spiking. It could also send an important signal to victims and the general public that this crime is taken seriously and will not be tolerated.
- If it is not made a separate offence, we must as a minimum enhance the current process and system for recording and flagging spiking when this offence is reported to help better categorisation, providing us with improved and clearer information on trends.
- With the wide range of offences available that can be crimed, data about spikings is dependent on keyword searches and flagging by individual forces. This can make it difficult to identify the true volume of offences and where, when and how they can be tackled. A specific offence of spiking would enable a more accurate picture on the extent of this as an issue.
- Protection against drink and needle spiking is currently available through some pieces of legislation, however the current reliance of multiple legislative provisions to address spiking could have a number of weaknesses.
- On first look, there is a case to be made that no additional legislation is required as there is already a similar offence on the statute books carrying a maximum sentence of 10 years imprisonment. However, on closer examination, this offence under the Sexual Offences Act 2003, carries a condition and in effect an intent to be proved that the spiking is for the purpose of then committing a sexual offence. This is, and will be, difficult to prove unless that offence has subsequently taken place. This cannot be right and if such an offence exists then it ought to be complete as soon as the spiking has taken place.
- If new legislation is introduced, it must not be created in haste and must be backed by robust evidence.

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- Some cases are difficult for police to identify, so more support is needed to help obtain clear evidence, eg tests to show the presence of spiking drugs. Continued improvements to the use of forensic toxicology would be helpful.
- Spiking is a public safety issue which requires a multi-agency response to tackle it. Policing must work alongside local authorities, Community Safety Partnerships, licensing trades and universities. Night-time venues should be given reasonable responsibilities to help the prevention of spiking, through specific training for door and bar staff.

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