

Drug law enforcement expenditure assessment tool:

A step-by-step guide

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HARM REDUCTION
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Harm Reduction International (HRI) is a leading non-governmental organisation dedicated to reducing the negative health, social and legal impacts of drug use and drug policy. We promote the rights of people who use drugs and their communities through research and advocacy to help achieve a world where drug policies and laws contribute to healthier, safer societies. The organisation is an NGO with Special Consultative Status with the Economic and Social Council of the United Nations.

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Drug law enforcement expenditure assessment tool: Part 1

Why is the tool needed?

Harm reduction programmes in many low- and middle-income countries are overly reliant on international donors for funding. Harm Reduction International's research shows that funding for harm reduction in low- and middle-income countries (LMICs) totalled US\$188 million in 2016, the same amount as in 2007 and just 13% of the \$1.5 billion that UNAIDS estimates is required annually by 2020 for an effective response in LMICs.¹

In many countries, spending on drug control exceeds investment in harm reduction. Globally, governments spend at least \$100 billion every year on drug control. HRI and the Burnet Institute found that redirecting just 7.5% of this \$100 billion toward harm reduction services would lead to a 94% reduction in new HIV infections among people who use drugs and a 93% drop in HIV-related deaths by 2030.²

To inform advocacy for a redirection of funds away from ineffective drug law enforcement and towards harm reduction, HRI designed an accessible tool for assessing expenditure on drug law enforcement at country level. This tool was developed in the context of a Year 3 (most recent available)-2019 Global Fund regional harm reduction grant, for which the Alliance India was principal recipient and HRI a technical partner. It has been used by harm reduction advocates to assess drug law enforcement expenditure in several countries in Asia.

Part 1 is a quantitative expenditure tracking tool for use by local researchers and advocates to analyse the extent to which governments spend funds on drug control and law enforcement. It is intended to be used in conjunction with Part 2, which is a survey designed to capture information on the cost of drug control and law enforcement in a country. This includes the money spent on drug law enforcement as well as the unintended costs such as human rights violations and barriers to effective harm reduction service provision.

Guidance for use

- Part 1 of the tool is designed to be used in conjunction with the survey in Part 2, which will provide context to the expenditure data collected here. Part 1 should be filled in by a researcher who has carried out desk-based research and consulted with key stakeholders from drug user and harm reduction organisations, government and the criminal justice system.
- Researchers should ensure that informants sign an Informed Consent Sheet prior to being asked to provide data and/or information. Informants should be asked firstly, whether they are happy for the data they provide to be used within a published report and secondly, for them to be identified based on the kind of organisation/body they represent, for example, government, police representative, prison official, harm reduction service provider.
- Researchers must make every effort to gather references from informants when they provide data. All data provided must be backed up with credible reference documents. This is essential for it to be included in the final publication, or to be used to inform advocacy.

1. Cook C & Davies C (2018) The Lost Decade: Neglect for harm reduction funding and the health crisis among people who use drugs. Harm Reduction International; London

2. Cook C, Phelan M et al (2016) The Case for a Harm Reduction Decade: Progress, potential and paradigm shifts. Harm Reduction International; London

- Researchers should use notes and guidance provided in this tool on how to calculate new data useful for advocacy. All workings for calculations made must be clearly recorded. If researchers use different methods to calculate useful data, reasoning and workings must be clearly recorded.
- Researchers should save all documents used for reference, including budgets and spending reports, published and grey literature, and legal documents.
- It is anticipated that there will be gaps in the available information on drug law enforcement spending, with some data not possible to obtain. Recording information gaps is an important part of this research. If no data are available to answer a particular question, researchers should provide some details on why this is, rather than leaving the question blank. Researchers should also record any barriers faced in trying to obtain information.
- Where data gaps exist, if researchers identify related information that they consider to be relevant, this should also be recorded.

SECTION 1: National context

A: National data

A	NATIONAL DATA	Most recent estimate	Year of estimate	Reference
1	Population size estimate of people who use drugs (disaggregated by gender, age)			
2	Population size estimate of people who inject drugs (disaggregated by gender, age)			
3	Estimated HIV prevalence among people who use/inject drugs (disaggregated by gender, age)			
4	Estimated HCV prevalence among people who use/inject drugs (disaggregated by gender, age)			
6	Annual reported cases of deaths from overdose			

B: Drug control government institutions

B	DRUG CONTROL GOVERNMENT INSTITUTIONS	Institution names
1	Institutions involved with drug control law enforcement efforts (direct) ³	
2	Institutions involved with drug control law enforcement efforts (indirect)	
3	Institutions involved with financing drug control law enforcement efforts (direct)	
4	Institutions involved with financing drug control law enforcement efforts (indirect)	

3. For example, direct could include the Drug Control Agencies and indirect could refer to Ministries of Social Affairs.

C: National drug thresholds and minimum sentences

C	NATIONAL DRUG THRESHOLDS AND MINIMUM SENTENCES	Possession for personal use		Distribution		Trafficking	
		Amount (grams)	Minimum sentence	Amount (grams)	Minimum sentence	Amount (grams)	Minimum sentence
1	Marijuana						
2	Heroin						
3	Hashish						
4	Cocaine						
5	Ecstasy						
6	Amphetamine-type stimulants						
7	Precursors						
8	Other (please provide details)						

D: National drug seizure data

D	NATIONAL DRUG SEIZURE DATA	Amount seized in Year 1 (kg)	Amount seized in Year 2 (kg)	Amount seized in Year 3 (kg)	NOTES
1	Marijuana				
2	Heroin				
3	Hashish				
4	Cocaine				
5	Ecstasy				
6	Amphetamine-type stimulants				
7	Precursors				
8	Other (please provide details)				

SECTION 2: Drug law enforcement expenditure

E: Policing

E	POLICING	Year 1	Year 2	Year 3 (most recent available)
1	Annual expenditure on policing overall (USD)			
2	Annual expenditure on drug law enforcement policing (supply and possession) (USD)			
3	Estimated number of non-commissioned full-time employed police officers			
4	Average annual salary estimate for full-time employed non-commissioned police officers (USD) ⁴			
5	Estimated percentage of police time spent on drug law enforcement ⁵			
6	Number of arrests			
7	Number of arrests for drug law offences (supply and possession)			
8	Number of arrests for drug possession for personal use			
9	Percentage of all arrests for drug law offences (supply and possession)			
10	Annual policing operational expenditure estimate			

Notes: If no estimate for E2 is available, calculate a crude estimate of police spending relating to drug law enforcement by:

- Multiplying E3 by E4 and divide by E5. This would give an estimate of the drug law enforcement related spending on salaries.
- Dividing E10 by E5. This would give an estimate of the operational costs related to drug law enforcement
- Adding these figures together to get a crude estimate of policing spending related to drug law enforcement.

⁴. This should include all oncosts.

⁵. To be estimated on the basis of stakeholder interviews, if figure not available. Researcher should provide details on how this has been estimated.

F: Policing

F	POLICING	Year 1	Year 2	Year 3 (most recent available)
1	Number of points of entry policed (Land/Sea)			
2	Overall estimate of drug seizures by customs			
3	Annual customs/border control operational costs			
4	Annual expenditure on drug-related customs and border control operations			
5	Number of officers in the customs drug law enforcement task force			
6	Average annual salary estimate for full-time employed customs drug law enforcement task force officer ⁶			
7	Percentage of customs and border control operations that are drug-related ⁷			

Notes: If no estimate for F4 is available, calculate a crude estimate of customs and border control spending relating to drug law enforcement by:

- Multiplying F5 by F6. This would give an estimate of the customs and border control drug law enforcement-related spending on salaries.
- Dividing F3 by F7. This would give an estimate of the operational costs related to drug law enforcement.
- Adding these figures together to get a crude estimate of customs and border control spending related to drug law enforcement.

6. This should include all oncosts.

7. To be estimated on the basis of stakeholder interviews, if figure not available. Researcher should provide details on how this has been estimated.

G: Judicial processes

G	JUDICIAL PROCESSES	Year 1	Year 2	Year 3 (most recent available)
1	Percentage of overall offences that are drug-related			
2	Percentage of overall convictions that are drug-related			
3	The number of people serving sentences for drug possession for personal use per 100,000 population (include disaggregated info where available e.g. gender, sex, race, ethnicity, socioeconomic status)			
4	The number of individuals in pre-trial detention for drug-related offences?			
5	Average length of stay in pre-trial detention for drug-related offences?			
6	Estimates of individual/family expenditure incurred for pre-trial detention ⁸			
7	Estimates of government expenditure incurred for pre-trial detention			
8	Estimates of individual/family expenditure for legal fees			
9	Estimates of government expenditure incurred for legal fees			
10	Estimates of individual/family expenditure for court processing			
11	Estimates of government expenditure for court processing			
12	Estimates of individual/family expenditure for processing bail			
13	Estimates of government expenditure for processing bail			

Notes: For G6-13, please use the time period (e.g. daily, monthly, annual) that best suits the estimate and specify this within your answer.

8. This refers to supplementary money spent by familial network, for example on food or medical costs during pre-trial detention.

H: Prisons

H	PRISONS	Year 1	Year 2	Year 3 (most recent available)
1	National prison capacity ⁹			
2	Estimated national prison population			
3	Percentage of national prison population imprisoned for drug-related convictions (include disaggregated info where available e.g. gender, sex, race, ethnicity, socioeconomic status) ¹⁰			
4	Percentage of national prison population imprisoned for drug possession for personal use (include disaggregated info where available e.g. gender, sex, race, ethnicity, socioeconomic status)			
5	Number of people on death row for drug offences (include disaggregated info where available e.g. gender, sex, race, ethnicity, socioeconomic status)			
6	Annual total number of executions for drug-related offences			
7	Estimated associated cost for execution of one individual			
8	Annual unit cost for prisoner care			
9	Annual total prison expenditure			

Notes: To obtain an estimate of prison spending relating to drug control:

Option 1 – Divide H9 by H3 for an estimate of drug control prison spend, then divide H9 by H4 for an estimate relating to prison spend on imprisoning people for drug possession for personal use.

Option 2 – Estimate the number of people in prison for drug-related offences by dividing H2 by H3, then multiply by H8

To estimate the spending on executions for drug-related offences multiply H6 by H7.

9. This refers to number of individual prison places, not including pre-trial facilities.

10. This should be estimated on a given day rather than over an annual period, to take into consideration short prison sentences of less than a year.

I: Compulsory drug detention and rehabilitation centres

I	COMPULSORY DRUG DETENTION AND REHABILITATION CENTRES	Year 1	Year 2	Year 3 (most recent available)
1	Annual national estimates of individuals detained in compulsory drug detention and rehabilitation centres ¹¹			
2	Annual cost per individual detained in compulsory drug detention and rehabilitation centre			

11. As defined within the UN statement on compulsory drug detention and rehabilitation centres published in 2012 http://www.who.int/hhr/JC2310_joint_statement_20120306final_en.pdf

Drug law enforcement expenditure assessment tool: Part 2

Part 2 is a survey designed to capture information on the cost of drug control and law enforcement in a country, both in relation to money spent and the unintended costs such as human rights violations and barriers to effective harm reduction service provision.

Guidance for use

- This questionnaire is designed to be used in conjunction with the quantitative expenditure tracking tool in Part 1, to provide context to the expenditure data collected. It should be filled in by a researcher who has carried out desk-based research and consulted with key stakeholders from drug user and harm reduction organisations, government and donors.
- The questionnaire should serve as a basis for interviews with informants, but not all questions will be relevant for all stakeholders, so researchers should tailor their interviews accordingly.
- Researchers should ensure that informants sign an Informed Consent Sheet prior to being interviewed. Informants should be asked whether they are happy for quotes to be used within a published report and for them to be identified based on the kind of organisation/body they represent, for example, government agency, NGO, network of people who use drugs, harm reduction service provider. Researchers should only include quotes from informants in the questionnaire response when this has been agreed by the informant and if the information in the quote poses no threat to their anonymity.
- Researchers must make every effort to gather references from informants when they provide data. All data provided within the questionnaire response must be backed up with credible reference documents. This is essential for it to be included in the final publication, or to be used to inform advocacy.
- Researchers should save all reference documents such as national plans, strategies and budgets, published and grey literature, and legal documents.
- It is anticipated that there may be gaps in the available information on drug law enforcement spending, with some data not possible to obtain. Recording information gaps is an important part of this research. If no data are available to answer a particular question, researchers should provide some details on why this is, rather than leaving the question blank.

SECTION 1: Drug law enforcement budgets and spending

1. Is there a recent, published estimate of spending on the criminal justice system in your country? If so, please provide details, including a reference.
2. What are the sources of funding for drug law enforcement in your country? Please provide details on both national (government institutions) sources and international (donors/UN agencies) sources.
3. If international sources are providing support to drug law enforcement in your country, please provide details on this funding and what it supports, including references to any published materials.
4. What agencies and/or individuals would have access to information about drug law enforcement spending?
5. What are the different areas of spending on drug law enforcement in your country, e.g. policing, interdiction, judiciary, prisons, compulsory drug detention and rehabilitation?
6. For each area of spending, which government department(s) holds the relevant budget?
7. How are drug law enforcement budget decisions made and what factors influence them?
8. Are funds allocated to the training of drug law enforcement officials on harm reduction?
9. Are funds allocated to the training of drug law enforcement officials on human rights, and in particular on the prevention of torture and ill treatment of people who use drugs?
10. Have there been any recent evaluations of any aspects of drug control in your country? In particular, have these focused on effectiveness, or cost-effectiveness of any aspects of drug control? If so, please provide details.
11. Has the concept of redirecting funds away from ineffective drug law enforcement to harm reduction been discussed by key stakeholders. If so, please provide details and reflection on what would be necessary for this to happen.

SECTION 2: National drug laws and policies

1. Please list national drug policies, laws and regulations that relate to drug law enforcement.
2. Please identify which international drug control and human rights treaties the nation is a signatory to. Have these conventions been integrated into national law?
3. Has drug use, or possession of drugs for personal use been decriminalised within national law? If so, please provide details.
4. Has there been an effort to provide for alternatives to incarceration for drug offences and is this reflected in national law, or policies?
5. Is there a major discrepancy between national drug laws and policies and those at provincial or district level?
6. Is there a major discrepancy between national drug laws and policies and their enactment in practice?

7. Is there an official register of people who use drugs held by law enforcement? If so, what are the implications of your name being on this register (for example, limiting access social protection mechanisms, work restrictions etc)
8. Have there been reports of limits to access of social protection mechanisms (e.g. membership of national healthcare programmes, or holding identity documentation) as a result of interaction with law enforcement?
9. Are there financial or other incentives for law enforcement personnel to arrest people for drug offences?

SECTION 3: Drug law enforcement and harm reduction

1. Do drug law enforcement efforts impede access to harm reduction programmes, such as needle and syringe programmes? Please provide details.
2. Do drug law enforcement efforts impede access to opioid substitution therapy, such as methadone maintenance therapy? Please provide details.
3. Do drug law enforcement efforts impede access to testing and treatment for HIV, hepatitis C and/or TB in your country? Please provide details.
4. Do drug law enforcement efforts impede outreach efforts? Please provide details.
5. Does drug law enforcement have an impact on access to opiates for pain relief, mental health, and/or palliative care in your country?
6. Are healthcare providers obliged to share confidential information with law enforcement which identifies people who use drugs?
7. To what extent does drug law enforcement have a presence in public health care environments, such as working directly with healthcare providers to identify people for compulsory drug detention and rehabilitation or any other punitive measures?
8. Are healthcare providers compensated for their time assisting these processes? Please provide specific examples.
9. Are there any other ways in which drug law enforcement efforts impede harm reduction and/or safer drug use in your country?
10. What healthcare and harm reduction services are provided in prisons? If so, please provide details on this and any challenges faced. If not, what are the challenges to this?
11. What healthcare and harm reduction services are provided in pre-trial detention units? If so, please provide details on this and any challenges faced. If not, what are the challenges to this?
12. What healthcare and harm reduction facilities are provided in compulsory drug detention and rehabilitation centres? If so, please provide details on this and any challenges faced. If not, what are the challenges to this?

SECTION 4: Compulsory drug detention and rehabilitation centres (if applicable)

1. How many compulsory drug detention and rehabilitation centres are there in your country?
2. Please provide a recent estimate of how many people are detained within compulsory drug detention and rehabilitation centres? Please give a date and reference for the estimate.
3. Has government financial and political support for these centres increased or decreased in recent years?
4. Have there been any published materials which evaluate compulsory drug detention and rehabilitation in your country, such as independent evaluations or NGO reports? If so, please provide details.
5. In response to such reports, has there been any follow up from the national government, national or international civil society, or human rights or legal aid organisations?

SECTION 5: Access to opioids for pain relief

1. Is there adequate access to opioids for pain relief and palliative care within your country?
2. If not, what are the main impediments to this? Please consider the following in your answer:
 - a. Do drug control regulatory frameworks allow for import, procurement and prescription of opioids for pain relief?
 - b. Do health professionals and regulators have adequate awareness of opioids for pain relief?
 - c. Are opioids prohibitively priced?

SECTION 6: Trends in drug law enforcement

1. Have drug law enforcement efforts increased or reduced in recent years? What factors have influenced this change? What has this entailed?
2. If drug law enforcement efforts have increased in recent years:
 - a. Has the reporting of drug use and people who use drugs within the media (TV, internet, newspapers) changed in recent years and if so, please provide details.
 - b. Have people who use drugs reported increased stigma from the wider community? Please provide further information.
 - c. Have there been reported cases of people losing their employment due to their drug use?
 - d. Have there been any other significant recent changes in the way society and the state treat the issue of drugs and the people that use them?
3. Are there indications that national government might increase drug law enforcement efforts in the near future?
4. Have there been increased reports from the community about violence, pressure, infringements upon personal liberty or torture from law enforcement officers in the pursuit of punitive drug control approaches? If so, please provide details.



HARM REDUCTION INTERNATIONAL

Harm Reduction International is an international non-governmental organisation that works to reduce drug-related harms by promoting evidence-based public health policy and practices, and human rights-based approaches to drug policy through an integrated programme of research, analysis, advocacy and partnerships. Our vision is a world in which individuals and communities benefit from drug laws, policies and practices that promote health, dignity and human rights.

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