



## Research paper

# Adding Spice to the Porridge<sup>1</sup>: The development of a synthetic cannabinoid market in an English prison



Rob Ralphs<sup>a,\*</sup>, Lisa Williams<sup>b</sup>, Rebecca Askew<sup>a</sup>, Anna Norton<sup>a</sup>

<sup>a</sup> Manchester Metropolitan University, United Kingdom

<sup>b</sup> University of Manchester, United Kingdom

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## ABSTRACT

**Background:** In 2014, the annual report of the Her Majesty's Chief Inspector of Prisons (HMIP) for England and Wales raised concerns regarding New Psychoactive Substance (NPS) use in custody, specifically the consumption of synthetic cannabinoids. To date, however, the use of these substances in prison populations, and the markets that have emerged to facilitate it, have been under-researched.

**Methods:** Our research was conducted in an English adult male prison using multi-method techniques. These included: in-depth interviews and focus groups with prison staff and prisoners; observations of prisoner-led focus groups, workshops and restorative justice circles involving discussion of synthetic cannabinoid use and markets; and analysis of routinely collected prison data measuring drug seizures, incidents of violence and incidents of self-harm.

**Results:** The findings highlight: (1) the scale and nature of synthetic cannabinoid markets in a custodial setting and the motivations for establishing them; (2) the nature and motivations for synthetic cannabinoids use in prison; and (3) the impact synthetic cannabinoid markets in this setting have upon prisoners, the prison system and the wider criminal justice system. The policy implications of the stated motivations for use and reported problems are discussed in relation to both prison and community settings, and the recently implemented Psychoactive Substance Act (2016).

**Conclusion:** The paper concludes that the rise in synthetic cannabinoid use in custody and the size of the drug market are posing significant challenges to the management of offenders; including healthcare, appropriate detection techniques, license recall and sanctions for both use and supply. We argue that the primary motivation for consumption in this setting is the avoidance of drug use detection, and that this is likely to supersede other motivations for consumption in the future. We propose a revision of the use of mandatory drug tests (MDTs) both in prisons and in the management of offenders in the community.

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'NPS [synthetic cannabinoids] have created significant additional harm and are now the most serious threat to the safety and security of the prison system that our inspections identify.' (HMIP, 2015a: 7)

## Introduction

The number of new psychoactive substances (NPS) – illicit substances designed to mimic the effects of traditional drugs – identified globally has increased exponentially, with latest estimates ranging between 500–600 substances (EMCDDA, 2016a; UNODC, 2015). Synthetic cannabinoids comprise the largest group identified, representing about a third (EMCDDA, 2015; UNODC, 2015). They mimic the effects of the main psychoactive substance found in cannabis, Tetrahydrocannabinol (THC), and attach to cannabinoid receptors in humans (UNODC, 2011). In England, the Home Office Forensic Early Warning System routinely analyse test purchases and seized samples. In 2015, samples analysed from headshops, online vendors and 10 prisons found the

<sup>1</sup> 'Porridge' is British slang for a prison sentence. E.g. 'Doing his porridge'. The term is most commonly thought to be an allusion to the fact that porridge is, or used to be, a common food in prison. The term is also thought to be a pun on the much older slang word for prison, 'stir'.

\* Corresponding author.

E-mail addresses: [R.Ralphs@mmu.ac.uk](mailto:R.Ralphs@mmu.ac.uk), [robralphs@gmail.com](mailto:robralphs@gmail.com) (R. Ralphs).

most commonly identified synthetic cannabinoids were 5F-AKB-48 and 5F-PB22 (Home Office, 2015). The majority of the substances recorded were mixtures of more than one different compound. In England and Wales, an initial popular brand of synthetic cannabinoids was *Spice*. The original version (JWH-018) was banned in 2009. Common brand names at the time of writing include *Annihilation*, *Hipster*, *Green Joker*, *Kronic*, *Pandora's Box Reborn* and *Vertex Space Cadet*.

While the number of different NPS and synthetic cannabinoids identified has grown rapidly, levels of consumption recorded in general population surveys in different continents remain relatively low (see AIHW, 2014; European Commission, 2014; Home Office, 2012; Johnston, O'Malley, Miech, Bachman, & Schulenberg, 2016), especially when compared with traditional legal substances. Our current understanding of NPS consumption and the motivations for use is largely taken from general household populations or groups of young people and clubbers (see, for example, AIHW, 2014; Lader, 2015; Johnston et al., 2016; Measham, Wood, Dargan, & Moore, 2011; Measham, Moore, & Østergaard, 2011). In this paper, we focus upon a user group – male adult prisoners – who are absent in conventional drugs survey research. In doing so, we document how an established and lucrative prison drugs market provides easy access to one category of NPS, synthetic cannabinoids. We describe the primary motivations for the consumption of synthetic cannabinoids in this setting and the impact consumption has upon users' health, recovery journeys and the prison regime. We argue that the primary motivation for the consumption of synthetic cannabinoids in prison is the avoidance of detection of drug use. We go on to document a range of harms associated with the consumption of synthetic cannabinoids in this environment and suggest that the well-being of prisoners and prison staff is jeopardized by current policies. In this respect, we recommend policy responses designed to reduce drug-related harms in prison.

The growth in the manufacture of NPS, their wide availability and their subsequent use have had a significant global impact on drug policy in the past decade (for a useful review see EMCDDA, 2016b). One of the most recent policy responses occurred in the UK on May 26th 2016 with the implementation of the Psychoactive Substances Act. The main objective of the Act is to restrict availability by preventing shops and websites trading in NPS or 'legal highs', as they are commonly referred to in the UK. The Act follows in the footsteps of similar prohibition legislation in Ireland and Poland. Under this legislation, the production, supply and/or possession with the intent to supply a psychoactive substance if it produces a psychoactive effect<sup>2</sup> are criminalised. Possession of a psychoactive substance is not an offence, except in a 'custodial institution' (e.g. adult prison or young offender institute), punishable with an additional sentence of up to two years. This exception reflects recent concerns and debates about the extent of use and related harms in prisons in England and Wales (see Centre for Social Justice, 2015; HMIP, 2014, 2015a, 2015b, 2016; RAPt, 2015; User Voice, 2016). In discussing the problem in prisons, HMIP reports use the term NPS to refer to one particular category, synthetic cannabinoids. In prisons in England and Wales, the term *Spice* or *Mamba*, making reference to another popular brand, *Black Mamba*, are used generically to refer to a wide variety of products containing synthetic cannabinoids. Our paper provides a case study of the use of synthetic cannabinoids and describes an established synthetic cannabinoids market in an adult male

English prison. We discuss the likely impact the new Act may have upon supply and use in this setting.

We commence with a brief review of contemporary research regarding the consumption of synthetic cannabinoids in general populations in England and Wales. We go on to sketch out existing knowledge on drug use in prisons in England and Wales, the motivations for it and the harms connected to it, focusing on synthetic cannabinoids. We argue that while there is a fledgling body of research beginning to explore the consumption of synthetic cannabinoids among more vulnerable populations, including the prison population, further research is required to understand this emerging trend. Following this, we outline our mixed methods strategy and present the findings from our research. We assert that the consumption of synthetic cannabinoids presents distinctive problems for the offender population and the management of them both within and beyond the prison environment. We conclude with a discussion of the wider implications of our results for criminal justice and drug policies.

## Background and context

As noted, there has been an upward trend in the number of NPS detected globally with synthetic cannabinoids being the largest group identified (EMCDDA, 2016a; UNODC, 2015). Yet, levels of consumption across the world are relatively low in general population surveys (AIHW, 2014; European Commission, 2014; Home Office, 2012; Johnston et al., 2016). For instance, past year prevalence of synthetic cannabinoids in the general household population in the 2011/12 Crime Survey for England and Wales – the last time data was collected about this substance – stood at 0.1% for adults aged 16–59 (Home Office, 2012). In a recent review of international research, NEPTUNE (2015) pinpoint the main motivations among general population recreational drug users for the consumption of all types of NPS as price, purity, availability, desired effects and legal status (see also Home Office, 2014). One of the shortcomings of current NPS research is it has largely drawn its samples from recreational drug using populations, including clubbers, LGBT communities and young people (Castellanos, Singh, Thornton, Avila, & Moreno, 2011; Champion, Teesson, & Newton, 2016; European Commission, 2011, 2014; Measham et al., 2011; Measham & Moore, 2009; Winstock, 2011; Wood, Measham, & Dargan, 2012; Wood, Hunter, Measham, & Dargan, 2012), and via online or household surveys (AIHW, 2014; Carhart-Harris, King, & Nutt, 2011; Global Drug Survey, 2015; Home Office, 2012). Relying on data from these samples limits existing knowledge because they exclude populations who are more likely to be dependent or problematic users of these substances, for example, the homeless and those incarcerated. Moreover, the motivations for NPS consumption for these users may differ from other user groups. For instance, researchers in Australia and the US have found that those subject to regular MDTs use synthetic cannabinoids because of their non-detectable nature (see Barratt, Cakic, & Lenton, 2013; Bebarata, Ramirez, & Varney, 2012; Perrone et al., 2013). This paper similarly focuses on the consumption of synthetic cannabinoids and the motivations for use within a specific subpopulation, in this case, adult male prisoners in an English prison.

The consumption of drugs in prisons in England and Wales is not a new phenomenon. Djemil (2008) argues it is widespread, forming a fundamental part of prison life. Researchers have previously found levels of drugs consumption to be extremely high. Edgar and O'Donnell (1998), for example, reported that 75% of prisoners had taken drugs in prison. Wilkinson, Hucklesby, Pearson, Butler, & Hill (2003) also found a similar level of drugs consumption (70%). Drugs typically taken in prison are those which provide depressant effects, cannabis and

<sup>2</sup> Alcohol, caffeine and nicotine are exempt. The Secretary of State can make additional exemptions after consultation with the Advisory Council on the Misuse of Drugs. Medicinal products, as defined by the Human Medicines Regulations (2012), and drugs already controlled by the Misuse of Drugs Act (1971) are also exempt.

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