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Matthew Bacon

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From criminalisation to harm reduction? The forms and functions of police drug diversion in England and Wales

Matthew Bacon

School of Law, University of Sheffield, Sheffield, UK

ABSTRACT

While drugs policing often involves enforcement interventions that seek to tackle drug offences and drug-related crime through criminal sanctions, it is becoming increasingly apparent that diversion now occupies a central position in police responses to people suspected of either simple possession or an offence related to their drug use. This article draws on findings from a qualitative study of police-led schemes in England and Wales to examine police perspectives on diversion, the rationales behind its various forms, and the problems it is designed to resolve. By giving a voice to the key police actors behind recent local initiatives, interview data reveals that the harmful impacts of criminal sanctions are a significant driver of schemes that divert people away from the criminal justice system and into support services. It is argued that the new wave of police drug diversion is a reaction against criminal justice interventions that emphasise punishment. Police drug diversion is conceptualised as a form of harm reduction policing that has the potential to reduce the adverse consequences of drug use, drug markets, and efforts to control them through the criminal justice system. A further important dimension of the present contribution concerns what diversion signifies about the police mission and broader trajectories in contemporary policing. Police drug diversion is situated within wider organisational shifts towards public health approaches to policing which aim to prevent crime and improve life chances by tackling unmet health, social and economic needs.

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Introduction

While drugs policing often involves enforcement interventions that seek to tackle drug offences and drug-related crime through criminal sanctions, it is becoming increasingly apparent that diversion now occupies a central position in police responses to people suspected of either simple possession or an offence related to their drug use (Blais *et al.* 2022; Stevens *et al.* 2022). In England and Wales, simple possession is the most common offence subject to out-of-court disposals (OOCDs) and the majority of police forces offer drug diversion or referral programmes (Shaw *et al.* 2022). Recent years have seen the emergence of specifically labelled police-led schemes that are designed to divert people caught committing minor (drug) offences away from the criminal justice system (CJS) and into support services. Noteworthy examples of local initiatives include Avon and Somerset's Drug Education Programme (de Viggiani 2022), Durham's Checkpoint (Weir

CONTACT Matthew Bacon m.bacon@sheffield.ac.uk

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et al. 2022), Thames Valley's Drug Diversion Pilot (Spyt *et al*. 2019), and DIVERT in the West Midlands (Jones and Twomey 2023).

At the national level, the case for diversion has been bolstered by recommendations in the Lammy Review (2017), the Government's white paper on sentencing (Ministry of Justice 2020), the report of the Commission on Race and Ethnic Disparities (2021), Dame Carol Black's (2021) independent review of drugs, the Strategic Review of Policing (Muir *et al*. 2022), and the Home Affairs Committee's (2023) report on drugs. Diversion is a key element of the Home Office's Project ADDER programme, the Government's (2021) ten-year drug strategy, and the accompanying white paper on drug possession (Home Office 2022).

Despite the rise to prominence of diversion, however, it has received remarkably little academic scrutiny and a great deal of confusion remains about this trend in drugs policing. What is clear from policy documents and the small amount of research literature on the patchwork of diversionary offerings currently operating across the country is that 'diversion' has multiple meanings, models, and functions. Existing empirical research is mostly evaluative and limited to individual schemes (Spyt *et al*. 2019; Lynch-Huggins *et al*. 2021; de Viggiani 2022; Warburton 2022; Weir *et al*. 2022). This article is the first to consider the new wave of police drug diversion (PDD) as a collective and to give a voice to the key police actors behind its design and implementation. It draws on findings from a qualitative study to examine police perspectives on diversion, the rationales behind its various forms, and the problems it is intended to resolve. An important distinction is made between 'diversion from crime' and 'diversion from criminalisation' which is largely absent in the extant literature.

This article aligns with scholarship that conceptualises PDD as a form of 'harm reduction policing' (Bacon and Spicer 2023). As a model for drugs policing, harm reduction entails the adoption of evidence-based policies and practices which aim to reduce the adverse health, social and economic consequences associated with drug use, drug markets, and efforts to control them through the CJS. Despite being a well-established health sector response to drug use, the idea of applying harm reduction principles to drugs policing is a relatively new (and promising) area of study (Caulkins and Reuter 2009; Stevens 2013; Kammersgaard 2019). To date, research that looks at PDD through the lens of harm reduction has focused on schemes in the United States (Beckett 2016; Anderson *et al*. 2022; Perrone *et al*. 2022). An examination of recent developments in England and Wales therefore makes a valuable addition to the literature. Moreover, by giving centre stage to police views on the harmful impacts of criminalisation, this article shines a light on a significant driver of PDD that has hitherto received insufficient attention. My main contention is that police are reacting against criminal justice interventions that emphasise punishment instead of welfare.

A further original contribution concerns what drug diversion schemes tell us about the police mission and broader trajectories in contemporary policing. PDD is situated within wider organisational shifts towards public health approaches to policing (Christmas and Srivastava 2019; College of Policing 2021; Bartkowiak-Théron *et al*. 2022). This conception of policing recognises that much offending is rooted in complex social problems and seeks to address the underlying causes by championing prevention at a population level by way of multi-agency partnerships that tackle unmet criminogenic needs. It is a proactive and expansive form of policing that interweaves crime control with health and wellbeing goals. Operationally, PDD makes use of 'soft' policing mechanisms that can be seen in various domains (McCarthy 2014), which help people move away from offending behaviour through the provision of support instead of the direct enactment of coercion, at least in the first instance. The concluding discussion considers the challenges of balancing between care and control functions in practice, attendant risks of police-led diversion, and the implications for harm reduction policing.

Defining diversion

There are many different conceptual definitions of diversion and even more variations of how diversion is applied in practice. This ambiguity makes it necessary to distinguish between 'diverse

diversions' (Kelly and Armitage 2015). My intention with this section is not to be prescriptive about how we should define diversion, but rather to make sure readers are familiar with the most pertinent definitional issues in the academic literature and able to make sense of the subsequent discussion.

For Cohen (1979), 'traditional', or 'true', diversion involves removal from the CJS altogether through screening out, with no further treatment, conditions or follow up. The basic rationale is to limit state intervention for minor offences by reducing the reach of formal criminal justice processes. Reiss (1995, p37) argues that this idea of diversion is 'a reaction *against* criminal justice' with its emphasis on deterrence and retributive theories of punishment. 'New' diversion, on the other hand, involves screening plus referral into programmes either in the CJS or connected to it (Cohen 1979). The rationale for this form of diversion is to use the CJS to initiate opportunities to address offending behaviour.

Contemporary understandings of diversion in the drugs field are largely consistent with Cohen's (1979) notion of 'new' diversion. In their study of alternatives to coercive sanctions for drug law offences and drug-related crimes, Kruithof *et al*. (2016, p16) define diversionary measures as proactive interventions that aim 'to divert people from the criminal justice system, mainly but not only at the (pre-) arrest stage where the police refer the offender into other services such as drug treatment'. With regard to simple drug possession, Stevens *et al*. (2022, p31) define diversion as initiatives that 'direct people away from criminal sanctions and towards educative, therapeutic or social services'. The authors specifically exclude post-conviction/sentence measures from their definition because they retain the imposition of a criminal sanction. In practice, however, the term diversion is often used to refer to interventions that do not offer alternatives to criminalisation. Price *et al*.'s (2021) study of how diversion operates in Scotland found that sentences for people who use drugs (PWUDs) embed health-focused support within criminal sanctions. Such measures are described as diversion on the basis that they contain routes into drug treatment which act as community-based alternatives to imprisonment.[1]

The fluid and inconsistent use of the term diversion can lead to confusion and complicates attempts to capture its distinctive meaning. This is further complicated by the blurring and interchangeable use of diversion and several similar but somewhat distinct terms. Charlier and Reichert (2020) distinguish between 'diversion' and 'deflection' in police-led responses to behavioural health challenges. Diversion, they argue, is a term for policies and practices related to those who have already entered the CJS. With deflection, however, a person does not move into the system beyond the initial contact with police. Pre-arrest diversion is viewed as a form of deflection. It is also necessary to distinguish between 'diversion', 'depenalisation' and 'decriminalisation'. These are not formally defined terms and there are overlaps between them. Here I follow Stevens *et al*. (2022, p31) in defining depenalisation as 'reduction of the use of existing criminal sanctions' and decriminalisation as 'the de jure removal of criminal sanctions'. Diversion involves depenalisation when it entails alternatives to criminalisation. It might also be viewed as a form of de facto decriminalisation in circumstances where the offence that initiates diversionary intervention remains criminalised but the law is not fully enforced and criminal sanctions are avoided.

A brief history of police drug diversion in England and Wales: origins and evolution

Diversion is not a new initiative. Police have used discretion to divert offenders from prosecution since the birth of modern policing and it has long been recognised as a vital, or at least inevitable, part of the CJS (Steer 1970; Cohen 1979). Formal diversion schemes are a more recent invention though. This section analyses the evolution of drug diversion in England and Wales, from the origins of arrest referral through developments in OOCDs, to provide a deeper understanding of the forms and functions of contemporary police-led schemes. It reveals that, while crime control, welfare and efficiency goals are well established, reducing the harms of criminalisation did not enter the foreground until the new wave of PDD.

Arrest referral

While the origins of PDD can be traced back further, interest in diverting drug-using offenders started to gather momentum from the mid-1980s, when, against the backdrop of a broader policy push for multi-agency working, a series of experimental arrest referral schemes emerged in response to concerns about the heroin 'epidemic', especially the rise in drug-related crime and the spread of HIV (Dorn 1994; Murji 1998; Seddon *et al*. 2012). As drug problems became more salient politically during the 1990s, central government picked up some local schemes and extended them more widely across the country. Funding made available through the Home Office Drugs Prevention Initiative was crucial in this respect. Added impetus was given by the national drug strategy (HM Government 1995). Three years later, Newburn and Elliott (1998) estimated that just over half of England and Wales was covered by an arrest referral scheme.

Edmunds *et al*. (1998) identified three models of delivery from early evaluations. The 'information' model involved the provision of information by the police to people detained in custody. 'Proactive' schemes were where dedicated drug workers, based in custody suites or on an on-call basis, worked in cooperation with the police to directly access arrestees – screen, assess, advise, and refer. The 'incentive' model used the power of the CJS to offer arrestees a reduced penalty, or no penalty at all, in exchange for taking up opportunities for drug treatment. It was only the latter form of diversion that afforded an alternative to criminalisation. Importantly, research revealed that implementation of the incentive model raised several legal issues, most significantly in relation to eligible offences, attaching conditions to a caution and offering referral as an improper inducement to admit guilt, which helps explain why such schemes were few and far between (Newburn and Elliott 1998; Tierney 2000).

The focus on reducing drug-driven crime at the national policy level continued apace under New Labour (HM Government 1998). By 2002, all police forces had proactive arrest referral schemes covering their custody suites. The available evidence indicates that the incentive model of diversion had disappeared (Sondhi *et al*. 2002; Oerton *et al*. 2003). In 2003, arrest referral was incorporated into the Drug Interventions Programme (DIP), which was introduced to promote a multi-agency case management approach to dealing with drug users going through the CJS. An extension of the coercive, or quasi-compulsory, elements within the DIP was subsequently launched under the title 'Tough Choices' to broaden the scope of early intervention and enhance levels of engagement with treatment (Seddon *et al*. 2012). This consisted of a set of measures contained in the Drugs Act 2005. Any person arrested for a 'trigger offence' – which primarily include the types of acquisitive crimes believed to be connected to problematic drug use – could be subject to a drug test for opiates and/or cocaine. The Act also introduced a new power for the police to require adults who had tested positive to attend an initial assessment with a drug worker. While the DIP ceased to operate as a centrally-funded programme in 2013, political support remained and many police forces retained the practices (HM Government 2017, 2021; Connor *et al*. 2020).

Out-of-court disposals

Developments in the policy context and use of OOCDs are another integral part of the drug diversion story. The umbrella term 'out-of-court disposal' refers to a range of sanctions available to the police for closing cases without proceeding to a court prosecution. At the time of writing, OOCD options for adult offenders include: 'simple' cautions, conditional cautions, community resolutions, penalty notices for disorder (PNDs) and cannabis/khat warnings.[2] While the origins, evolution and application of these various disposals is complex and somewhat contested, collectively, they are designed to enable the police to deal quickly and proportionately with low-level, often first-time offending, which can be effectively resolved at the 'front end' of the CJS (Grace 2014; Ames *et al*. 2018; Gibson 2021).

The first development that warrants attention concerns the policing of cannabis and the establishment of pre-arrest diversion for drug offences. Although officers have used cautions and (informal) warnings for decades to deal with cases of simple possession (May *et al*. 2002; Monaghan and Bewley-Taylor 2013), the implementation of the Lambeth Cannabis Warning Scheme in 2001, under which possession was still a recordable offence but would no longer lead to the individual being arrested, marked a significant change in police policy and practice. The primary motive for this policing experiment was to free up police time and divert resources towards more serious crimes (Adda *et al*. 2014). 'Street warnings' – later relabelled 'cannabis warnings' – were introduced across England and Wales in 2004 in response to the legal reclassification of cannabis. In parallel, the Association of Chief Police Officers (ACPO) (2003) released guidance advising officers against arrest for possession unless there were aggravating factors. Cannabis possession was later added to the PND scheme. This extension of the police toolkit was accompanied by ACPO (2009) guidance on an 'escalation approach', whereby, in most circumstances, a person caught in possession for the first time receives a cannabis warning, is issued an 'on the spot' fine for a second offence, and faces arrest if it happens again. The same intervention framework was applied to khat following its criminalisation (ACPO 2014). Unlike police cautions, cannabis/khat warnings and PNDs do not form part of a criminal record.

The second development that is of relevance to PDD is what might be called the 'rehabilitative turn' in the use of OOCDs. Owing to mounting criticism of decisions, regional variations and accountability, the government, in partnership with the police, launched a review of the adult OOCD system. The response to the consultation carried out by the Ministry of Justice set forth that OOCDs must have 'meaningful and appropriate consequences for the offender' and 'a positive impact in terms of reducing the risk of reoffending' (HM Government and College of Policing 2014, p7). The intention was to move away from warnings not to reoffend, with no conditions or follow-up action attached, towards more rehabilitative (and punitive) measures. Proposed reforms also gave emphasis to restorative practices that require offenders to take actions to repair the harm caused by their offence. The National Police Chiefs' Council (NPCC) (2017) strategy advocates for OOCDs which seek to address underlying offending behaviour and support vulnerable people. For offenders with drug dependencies, 'therapeutic or rehabilitative interventions may be more appropriate as part of criminal justice sanctions or as an alternative' (p8). The strategy puts forward a two-tier framework of community resolutions and conditional cautions. Both disposals involve offenders agreeing to certain conditions to address offending behaviour or reduce the likelihood of reoffending. A key difference is that the police cannot enforce the conditions of community resolutions because it is a non-statutory disposal. Another is that community resolutions do not result in a criminal record.

Whether or not a person receives a criminal record is determined by the outcomes assigned to police recorded crime. To avoid criminalisation, in a way that operates within the Home Office's (2021) outcomes framework, diversion can be recorded as a community resolution on police systems. Police can also use the relatively new 'Outcome 22' when diversionary interventions have been undertaken and it is not in the public interest to take any further action (NPCC 2019). That said, while these outcomes do not create a criminal record in the sense that they would not show up on a standard Disclosure and Barring Service (DBS) check, which searches the Police National Computer for any spent or unspent convictions, cautions, reprimands and warnings, they may be disclosed by the police in an enhanced DBS check.

Contemporary models of police drug diversion

The new wave of diversion that is the focus of this article is the recent emergence of specifically labelled police-led schemes that are designed to divert people caught committing minor (drug) offences away from the CJS and into support services. These local initiatives have been put into action using the discretion that resides in police forces to frame policy and determine the operational aspects of policing within their service areas.

A pioneering pre-arrest scheme is the Drug Education Programme (DEP), which has operated since 2016, initially in Bristol before it was extended across Avon and Somerset in 2019 (de Viggiani 2022). DEP offers anyone caught in possession of any illicit drug a one-time opportunity to attend a course about the health impacts, social harms and legal implications of drug use as an alternative to criminalisation. It involves deferring a summons to court, with no further action taken if the person attends the course. Thames Valley Police implemented a pre-arrest scheme for simple possession in 2018 (Spyt *et al*. 2019). This model employs the community resolution to refer people to a voluntary assessment with a drug treatment service. If a referred individual does not attend, they are no longer eligible for diversion if found in possession of drugs again. Much the same model is used for Cranstoun's DIVERT programme, which has been operating education courses and treatment pathways in the West Midlands since 2020 (Jones and Twomey 2023).

'Deferred prosecution' is a model of post-arrest diversion which involves criminal charges not being brought against offenders provided they fulfil certain conditions. A prime example of a deferred prosecution scheme is Durham's Checkpoint, an offender management programme set up in 2015 to target low and medium-level offending, including possession, supply with no financial gain, and various acquisitive crimes committed by PWUD (Weir *et al*. 2022). Building on the Turning Point randomised controlled trial (Neyroud and Slothower 2015), Checkpoint aims to facilitate desistance by tackling criminogenic needs through a tailored package of support delivered by specialist 'navigators' – non-police caseworkers, recruited from a range of relevant professions (e.g. drug treatment and probation) – and partner agencies. Similar schemes have been implemented in other police forces (e.g. Cleveland, Devon and Cornwall, North Wales and Surrey (Shaw *et al*. 2022)). Another example of a deferred prosecution scheme is The Call In, which operates in East Central Bristol and seeks to divert young people who are involved in drug-related offending away from the cycle of criminality by giving them the opportunity to take part in a programme of mentoring, learning and activities (Warburton 2022). There are also post-arrest schemes that provide a comparable service but do not divert people away from criminal sanctions. DIVERT, for example, a custody intervention programme that has been running in London since 2015, uses a trauma-informed approach to divert young adults away from crime, with a particular focus on gangs and youth violence, by supporting them in gaining education and employment (Lynch-Huggins *et al*. 2021).

Research methods

This article is based on data collected during a qualitative study of challenges, innovation and reform in drugs policing. The focus of this research was on PDD and other harm reduction measures at the interface between law enforcement and public health. Initially, to identify examples of diversion across England and Wales, I examined a range of policy documents, including HM Government's (2017) drug strategy, the NPCC (2017) strategy on charging and OOCDs, and Police and Crime Plans for all service areas. Police websites, news media sources, and information requests via professional networks were also included in this search and mapping exercise. While there are no guarantees that it generated a complete list of diversion schemes that were in operation, being piloted or on the strategic agenda, literature published since the research commenced confirms that the coverage was comprehensive (Shaw *et al*. 2022; Home Affairs Committee 2023).

Fieldwork was undertaken across different regions of England and Wales between May 2018 and October 2019. The main strand of the methodology comprised 81 semi-structured interviews. Most took place in Avon and Somerset (n = 16), Cleveland (n = 8), Cumbria (n = 7), Durham (n = 8), London (n = 17), Thames Valley (n = 13) and the West Midlands (n = 6), though interviews were also carried out in Derbyshire (n = 1), North Wales (n = 1), South Yorkshire (n = 2) and West Mercia (n = 2). Purposive sampling was used to select interviewees based on their position within the organisation, knowledge and experience, followed by a process of snowballing.

Participants varied between initiatives, spanned the ranks, and worked across a wide range of roles. They included chief officers, force drugs leads, custody sergeants, and members of specialist proactive units and neighbourhood policing teams (police officers/staff n = 46/3). Police and Crime Commissioners (PCCs) and their teams were included in the sample (n = 13), given their role in police governance, which has enabled some to lead local change by becoming drug policy actors (Jones and Twomey 2023). To gain a national perspective, interviews were carried out with the present and former NPCC lead for drugs and the Association of Police and Crime Commissioners (APCC) lead for alcohol and substance misuse (n = 3). Finally, as diversion schemes are multi-agency initiatives, it was imperative that the research captured partner perspectives. Partners included drug treatment services, local authorities, and probation (n = 16). Interviews were conducted face-to-face and ranged from 30 min to nearly 3 h in duration. In total, over 92 h of audio recordings were produced, which were transcribed verbatim. All interviewees provided appropriate informed consent. In addition, documents, both publicly available and internal, were collected and analysed during fieldwork to inform interview design and provide additional insights into the forms and functions of diversion. These included business cases, briefings, evaluation reports, organisational mission statements, and press releases.

Interviews were designed to enhance 'information power' through sample specificity and high-quality dialogue (Malterud *et al*. 2016). My primary goal was to interview the key police actors behind the development and implementation of various diversion schemes to better understand why and how this trend in drugs policing was happening. Where schemes were operational, front-line officers were interviewed about their views on diversion and decisions to divert (or not divert) drug offenders. The interviews allowed interviewees to candidly express their opinions, assert their values, and reflect on their experiences. Police anecdotes and accounts of their work further our understanding of the principles, reasons, and priorities that underpin their decision-making. However, as ethnographic studies of the police have so often shown us (Bacon *et al*. 2020; Fleming and Charman 2023), there can be 'discrepancies between what is said and what is done, what is presumed to be and what really is' (Fassin 2017, p5). While data triangulation helped enhance the validity of the findings, together with informal conversations either side of the recording, follow up emails and phone calls, a limitation of this research is that I did not get behind or beyond responses given during interviews by observing the everyday realities of PDD in practice.

Following adaptive theory (Layder 1998), data were analysed thematically using codes derived through a hybrid process of deductive and inductive reasoning. Sensitising concepts were gleaned from existing literature and a review of relevant policy documents. Primacy was then given to generating analytical insights from the interview data. The remainder of this article examines what the interviews revealed about PDD as a form of harm reduction policing by focusing on diversion as an alternative to criminalisation and the mechanisms through which it might simultaneously prevent crime and improve health and wellbeing. In presenting their words below, for ethical reasons, I have ascribed each participant with an anonymous unique identifier. Police service areas are likewise not identified in the findings to protect confidentiality.[3]

Findings

Diversion from criminalisation

The importance of diverting people away from the CJS and reducing the use of criminal sanctions featured heavily in discussions about the functions of diversion. These findings indicate that a significant driver of PDD is the desire to reduce the harms of criminalisation. Interviews revealed multiple understandings of what this means in practice, however, justifications for when, where and how interventions should take place, and views on alternatives to punishment. Unpacking these perspectives helps us make sense of similarities and differences in the aims and forms of diversion.

Avoiding criminal records

Criminalisation was widely viewed as a disproportionate and unnecessary response to the offence of simple possession. A key reason given for not criminalising PWUD was the negative effects of a criminal record on social status and life chances. This argument was generally made in relation to first-time offenders, especially young people and those the police categorised as 'normal' and 'decent':

> 'So for your younger generation, your sort of late teens, early teens that are using cannabis recreationally, for them, giving them a criminal record so early on can obviously have a massive impact on what they want to do in the future.' (Police_Officer#10H)

> 'That conviction could change their whole world. They could lose their job from it, family, house, you know, it all escalates from one to the other like a game of dominoes.' (Police_Officer#9H)

Police were aware that the 'pains of criminalisation' (Henley 2022) associated with the stigma of a criminal record could have more harmful and long-lasting consequences than the sanction itself by leaving people vulnerable to discrimination. When considered in relation to crime prevention, interviewees acknowledged that criminalisation can be counterproductive when early labelling and contact with the CJS has iatrogenic effects in terms of further offending:

> 'I think if we criminalise people … not only are we closing off all sorts of opportunities for them, but we are actually … encouraging them into criminality because as those other life opportunities start to close off, they are then left with well … how do I get money in my pocket and food in my belly and all the things that we all want and need.' (PCC#7B)

For people who already have a criminal record, rationales for PDD were more to do with avoiding adverse police contact, ineffective punishments, and harms caused by repeated criminalisation. This was particularly the case for those caught in the 'revolving door' of the CJS.

Arrest and police custody

> 'Yeah, possession, I mean that's why I'm doing diversion, it's because possession, why do we arrest someone for possession? It's wrong. It's not fit.' (Police_Officer#1H)

Interviewees who advocated for 'street diversion' argued that arresting people for simple possession and detaining them in police custody was 'too heavy-handed' and needlessly distressing and disruptive. It was acknowledged that arrest can be a traumatic, humiliating and stigmatising event. These 'pains of policing' (Harkin 2015; Skinns and Wooff 2021) are significantly reduced by deflecting PWUDs at the pre-arrest stage. Pragmatically, interviewees also explained that police were 'forced to innovate' with drug diversion 'due to a lack of money and resources'. Pre-arrest diversion presents an efficient response to possession because it saves police officers time and reduces demand on custody suites.

A criticism made about such models of diversion was that they are typically limited to the offence of possession. It was asserted that pre-arrest schemes could be expanded to include any low-level offences that are linked to the use of drugs if officers have reasonable grounds for believing that it is not necessary to arrest. The widespread use of voluntary attendance and body-worn camera police interviews was raised when discussing how this might work in practice. Others, however, were sceptical, owing to the practicalities and challenges of making swift, fair and legitimate decisions on the streets. They explained that it is often necessary to bring people into custody to properly investigate the offence and assess their eligibility for diversion. A further suggestion was that custody is perhaps a more appropriate setting for initiating diversion precisely because of the affects it has on detainees:

> 'When they are in their cell, they go into that cognitive gap … where people realise, oh hang on, I'm in above my head now, I've got to do something, and we are there, at that point of reflection, to catch them … and that's essential because that opportunity can be missed.' (Partner_Agency#6E)

Those who made this point stressed that police detention can be a positive experience as it temporarily removes people from their everyday lives and gives them a chance to reflect on their behaviour, current situation and future self, which can create an opportunity to engage at a 'teachable moment' (Lynch-Huggins *et al.* 2021).

Reducing the harms of ineffective criminal sanctions

Interviewees observed that PWUD are often contending with multiple challenges, such as addiction, mental health problems, poverty, and homelessness, which are rarely solved, and might be made worse, through punitive interventions:

> '[W]e don't want to criminalise vulnerable individuals and equally it serves no purpose. It only compounds the issues the individuals face.' (Police_Officer#4J)

> 'They go to court and they get … you know a lot of these people aren't working, the drug users, they might get a fine and that fine, will they pay that? Of course they won't pay that. So it's absolutely a waste of time and it's not addressing the issue, which is their addiction.' (Police_Officer#8H)

> 'Our top offender … has been arrested something like forty times for high volume, low harm crime such as shoplifting in the town centre to support his drug habit. Every time that generates a response from police in terms of statements, CCTV, evidential recovery, efforts to arrest, get him into custody and then a remand application at court to prison and he may go to prison for a very short time, come back out and commit that offending cycle again.' (Police_Officer#1G)

Few interviewees considered prison to be a proportionate response to simple possession or a suitable place for people at risk of drug-related harm to address the underlying causes of their offending. The deleterious and destabilising effects of a custodial sentence were said to increase the likelihood that arrest and incarceration will continue to occur:

> '[W]hat the current approach does is it feeds directly into almost keeping that going, keeping the reoffending going … [B]y sending someone to a prison where they continue to access drugs or actually start a drug habit which is even worse, it's going to continue that cycle.' (PCC#5J)

This interviewee showed me regional data on the growing number of prisoners developing drug problems. She also referred to research on harms associated with transitions between custody and the community, including high incidence of homelessness, which increases the risk of relapse and recidivism, and increased risk of death in the weeks immediately following release (ACMD 2019). Discussing the shortcomings of short-term prison sentences, another interviewee argued that they damage relationships, the social capital that can help people desist and recover:

> 'All the academic research says send somebody to prison for less than a year, prison service haven't got time to do anything with them and they come out worse than they went in and they will have lost even more of their family connection, which is one of the insulating factors to mean that they don't commit crime in the future.' (Police_Officer#8D)

Similarly, with reference to research on adverse childhood experiences (ACEs), the following officer stressed the need for police to take account of the harms of imprisonment on families if they are to take a truly public health-based approach to policing, as preventing ACEs occurring in the first place is the best way to prevent the resultant harm (Christmas and Srivastava 2019):

> 'You know the short-term sentences that you will often get for small possession with intent [to supply] or whatever, break up families. We know about adverse childhood experiences and we know that substance misuse within a family is one, but so is incarceration. So we are now doubling the amount of ACEs potentially within a family by our action and we have to think is that suitable.' (Police_Officer#6H)

Police were generally supportive of community or suspended sentence orders that include a drug treatment condition as an alternative to imprisonment for PWUD. Several interviewees commented on the similarities between deferred prosecution schemes and the drug rehabilitation requirement sentencing option. From a diversion perspective, however, a major downside of these sentences is

that they result in a criminal record. Another identified benefit of police-led diversion was that earlier intervention reduces the burden on the police and the courts.

Diverting drug suppliers

Diversion was rarely considered in relation to drug supply offences. People who supply drugs were usually deemed deserving of criminalisation because of the harms they cause to PWUD and local communities. In the next quotation, the officer justifies punishment on the grounds of retribution:

> 'I find drug dealers who are aware of what they do and who are just … I don't know what the right word is, but just a complete absence of empathy for people who struggle … So for me there is an element in which like you are perpetuating some of the most serious harm in our society and you are causing a ripple effect that affects so many other areas of crime, so if you are going to do that, then you deserve to be punished.' (Police_Officer#9A)

In addition to retribution, this officer argued that drug dealers should be punished to achieve crime prevention goals through deterrence, incapacitation and rehabilitation. He also recognised that it is necessary to take account of individual circumstances and mitigating factors when determining responses to drug supply offences. PDD was viewed as a viable option for people involved in drug market activities owing to personal use, exploitation and/or socio-economic necessity. Other reasons given for diverting people who supply drugs were that criminalisation reinforces negative behaviours and prison acts as a 'university of crime'. According to one police officer, prison is where drug dealers 'get re-skilled, learn different skills, different tactics'. For him, people get caught up in drug markets, gangs and violence due to poverty and social exclusion – particularly black and minority ethnic young people from deprived communities – and the CJS is exacerbating these issues. Reflecting on a recent enforcement operation that resulted in an eighteen-year-old being sentenced to four years for possession with intent to supply, he predicted that:

> '[H]e will probably go to prison and become more anti-police, more anti-establishment and he will come out with no opportunities and no way of making money.' (Police_Officer#7A)

This officer thought diversion had the potential for positive outcomes because it recognises the need to address inequality as a root cause of crime. To divert people involved in drug-related offending away from the 'cycle of criminality', he explained, police must break the 'cycle of criminalisation', by working in partnership with local communities to deliver programmes that offer support, mentoring and opportunities for education, training and employment.

Limited and conditional decriminalisation

Architects of PDD, especially pre-arrest schemes, said they wanted to help protect people from the harms of criminalisation by effectively decriminalising the simple possession of drugs:

> 'I want to deal with them but outside the criminal justice system so that they don't get a record, they get nothing.' (Police_Officer#5A)

Yet, while a goal of diversion is to circumvent criminalisation, interviewees conceded that police can only deliver de facto decriminalisation on a limited and conditional basis:

> 'What we are saying is we are going to try to divert someone towards a health-based approach and if that doesn't work we will go back to enforcement … [N]ot that we think enforcement is likely to be any more effective, but politically I'm not sure what else we could do because anything else we did would look like decriminalisation.' (Police_Officer#3H)

The above senior officer talked about legal and political constraints acting on diversion schemes. As it is currently a criminal offence, he explained, the police would be pushing the limits of their discretion by diverting people caught in possession on multiple occasions. An accompanying risk is that the police are accused of not fulfilling their duty to uphold the law by the press, politicians and the public, which could result in reputational damage. Given the controversies, misunderstandings and

misleading assumptions that pervade the drug policy arena, he said that police tend to steer clear of the term decriminalisation when publicly discussing the rationale for diversion to avoid being branded 'soft on drugs'.

Drug offenders are only diverted away from the CJS if they comply with the conditions of diversion. They are normally given one chance to take part within a specified time and a 'carrot and stick' approach to criminal sanctions is used to help secure compliance:

> '[I]f you go onto the [diversion scheme] then obviously this will all be forgotten about, however if you don't, you will be summonsed to court potentially for the offence … That is the whole point, we want them there in that room so they have got that opportunity to listen and to reflect on their drug use and to then be referred into support services … [T]here is a bit of stick with it, actually yeah you do have to go.' (Police_Officer#13A)

Grounded in theories of deterrence, this model of diversion, which underpins deferred prosecution schemes such as Durham's Checkpoint (Weir *et al*. 2022), is built around the idea that the threat and certainty of punishment acts as an incentive for engagement. Using police power in this way is not without its critics though. Concerns were raised about the impact of coercion on motivation and in turn the effectiveness of the intervention. Several interviewees felt that reliance on 'controlling mechanisms' is 'overly paternalistic' and undermines the harm reduction goals of diversion, including the avoidance of stigma and encouragement of positive change. These are some of the reasons why Thames Valley Police piloted a diversion scheme that makes the process of referral voluntary (Spyt *et al*. 2019).

Lastly, although diversions recorded as a community resolution or Outcome 22 significantly reduce the harms of a criminal record, these outcomes are limited in that they do not eliminate the potential for harmful consequences. This is because they may be disclosed in an enhanced DBS check, used by the police for intelligence purposes, and taken into consideration by courts if further offences are committed. It is thus not possible to 'get nothing' once formal police action is taken.

The case for criminalisation

The preceding findings draw attention to tensions between different policing functions. In short, they suggest that enforcing drug laws and bringing offenders to justice can be harmful, counterproductive for crime prevention, and undermine efforts to focus on public health outcomes. Diversion is seen by some as a solution to this problem. However, there were differences in opinion on the value and effectiveness of criminal sanctions. Several interviewees framed arrest as an 'opportunity' in that police custody, court proceedings, and prison provide offenders with a 'reality check', a break from their 'damaging environment', and access to drug, triage, and support workers:

> 'Sometimes it's only when they are actually in the criminal justice system that the programmes are available to them, or that they take it seriously and decide that they are going to do something about it … I've met people who have said the best thing that ever happened to me was I got sent to prison and that really sobered me up and I then had to decide what I was going to do and I went on a programme … So we mustn't deny them the opportunity of being arrested.' (PCC#2G)

For some police officers, the idea of not imposing criminal sanctions on people who have perpetrated criminal offences did not sit well with their understanding of the rule of law and the role of the police (Bacon 2022). They were of the view that a key element of diversion is for offenders to 'take responsibility' and 'face up to the consequences' of their actions:

> 'A lot of them accept what they have done. They put their hands up to it. For some, in a strange way, it's the opportunity for them to get caught, own up, start afresh, and they are not going to do it until that happens.' (Police_Officer#10E)

Another reason for not offering diversion as an alternative to criminalisation was offender motivation. Interviewees who made this argument said they wanted their scheme to be genuinely

voluntary and this means not influencing decisions to engage with the incentive of an OOCD or reduced sentence.

With this model of diversion, offenders are not diverted away from the system for the offence that brought them into contact with the police. The rationale is that diversionary measures will help them move away from criminality and thereby reduce reoffending and the prospect of future criminal justice interventions. Reducing the harms of criminalisation is not a primary driver of such initiatives. What appears to unite 'diversion from crime' and 'diversion from criminalisation' schemes, however, is the goal of reducing the negative impacts of drug use and drug markets through public health approaches to policing.

Crime prevention, health and wellbeing

Crime prevention was identified as a core aim of PDD. In fact, most interviewees said the main reason police are diverting drug offenders away from the CJS and into support services is to reduce reoffending. At the same time, however, it was stressed that diversion has multiple, interlinking goals, with preventing crime sitting alongside and being closely connected to the improvement of health and wellbeing:

> 'For me, it's not just about reducing reoffending it's about improving people's life chances.' (Police_Officer#5D)

> '[I]f you can have an impact on their habit, then you can have an impact on all the other things that stem from drug addiction, whether it's the acquisitive crime or the ASB [anti-social behaviour] or the health implications.' (Police_Officer#9A)

From a crime prevention perspective, police explained that the ultimate purpose of diversion for PWUD is to stop them using drugs through education and treatment. The logic behind this goal was that less drug use will result in less drug-related crime and thereby reduce both the number of victims and the demand on the police. Reflecting on volume crimes in her local area, this detective surmised that 'drugs are behind so many problems' which could be tackled through diversion:

> '… from your night-time economy type stuff because you have got the recreational users who have had a bit too much and are fighting or whatever, to the people taking loads and shoplifting.' (Police_Officer#9H)

She also assumed, or at least hoped, that reducing demand for drugs would 'stop people making lots of money out of organised crime'.

The distinction between problematic and non-problematic use was rarely made as police almost always framed illicit drug use as a problem. Instead, interviewees tended to distinguish between recreational users and people with drug addiction when outlining the forms and functions of diversion. These ideal types will now be discussed in turn.

Based on the assumption that recreational users are largely naïve and unaware of the risks, the following interviewees thought that educating them about potential health harms, as well as criminal justice consequences, could result in cessation:

> 'Rather than criminalise someone, if you can give them some facts … it might stop them using … [I]f they truly understood everything about cocaine and what could happen … that may just stop someone straightaway, just stop, I'll never use that again.' (Police_Officer#8H)

> 'I would much rather have an educated public that chooses not to take drugs and drives the market down because more people are aware that it is dangerous.' (Police_Officer#1E)

Another popular approach to education was to dispel the misconception that drug use is a 'victimless crime' through communication campaigns and drug awareness courses. This officer talked about giving people caught in possession 'little nudge cards' and information leaflets illustrating how drug use is a driving factor behind the drug supply chain and related criminality:

> '[T]hey don't see it as anything wrong, it's a recreational thing, they don't see any link with terrorism, they don't see any link with organised crime … [T]hat's quite a shock for the cocaine user who thinks it's cheaper than buying alcohol on a Friday night.' (Police_Officer#4D)

Attempts to frame drug use as a moral problem and to persuade PWUD to take responsibility for what are deemed to be the harmful consequences of their actions draw on the symbolic power of the police to convey messages about ethical behaviour (Loader 1997; Innes 2014).

Regarding health and wellbeing outcomes for recreational users, while some believed PDD should promote abstinence, interviewees generally explained that the primary goal was to help people make informed choices and minimise the health, social and legal harms of their drug use. A further perceived benefit was that diversion could raise awareness of available support services and provide screening opportunities for onward referral:

> '[W]e are not saying that we are going to stop people taking drugs, that is not what it's about; it's to try and educate them around safe drug use.' (Police_Officer#13A)

> '[W]e recognise that the law says no to drugs and, you know, most of us believe no to drugs, but individuals will make choices so isn't it always incumbent upon us to consider a duty of care and how we help those individuals be safe in their drug usage.' (Police_Officer#4J)

The above officers viewed the promotion of 'safe(r)' drug use initiatives as part of the police public safety function. They also accepted that harm reduction is a more realistic goal than sobriety because many PWUD are unwilling or unable to stop using.

Police interviewees liked the idea of being able to divert PWUD because it was seen as a 'meaningful intervention'. When discussing this point, several drew comparisons between diversion schemes and cannabis warnings, which they viewed as an inadequate response to the associated risks:

> 'A cannabis warning was just of no value to the individual from an intervention perspective; it was just don't do it again kind of thing and there was this gap there of us not having a quality intervention that could actually help people.' (Police_Staff#11A)

There was disagreement about what type of intervention was 'meaningful' though. While some believed 'light touch' drugs awareness courses or digital health apps were sufficient, with drug-specific harm reduction advice 'rather than simply showing people pictures of "meth mouth"', others emphasised the need for every divertee to receive an assessment:

> 'Drugs is a prime example of a sticking plaster to lots of underlying issues, whether it be sexual abuse from early on in life, mental health problems, physical trauma, it hides a wide variety, so just by you doing a drugs education programme about the harm that drugs cause, to me it doesn't fix the real problem.' (Police_Officer#5D)

Drug addiction was viewed as a driver of crime and diversion as a crime prevention tool. This drug-crime connection was typically exemplified by dependent users of heroin and/or crack cocaine who commit income-generating crimes to fund their drug purchases. In addition to interventions specifically designed to treat drug dependence, interviewees appreciated that the relationship between problematic drug use and crime is complex and cannot be adequately addressed without dealing with a range of psychological, social and environmental determinants, which requires individually tailored support based on needs:

> 'What are the drivers of their offending? Quite often you will find it will be alcohol, it will be drugs, it will be finances … We work with the individual to actually address the underlying causes, so rather than just massage the problems, which police have done traditionally, we are seeking to address the problem, to make a fundamental difference in that individual's life and to me, that is what policing should be about.' (PCC#1D)

'The problem' was usually framed as the crimes committed by drug-using offenders. There were, however, police officers who gave equal weight to the health and wellbeing goals of diversion. The following interviewee described diversion as a 'double win' because it involves:

> '… helping the person, being compassionate and supporting them and their family, reducing stigma, alongside reducing the associated crimes.' (Police_Officer#7H)

A few police interviewees gave precedence to the ongoing 'public health crisis' (Kimber *et al*. 2019) of drug-related deaths over drug-related crime. They believed that PDD could provide people with an(other) opportunity to (re)initiate contact with treatment services and thereby improve the health of a population that suffers substantial harms.

Much the same 'underlying causes' logic was applied to diverting people who supply drugs. Police recognised that (young) people from deprived communities often become involved in drug markets as a means of survival. They told me that many of the suppliers who find themselves in police custody have been subject to multiple ACEs. Those mentioned included experiencing violence, abuse, or neglect, and growing up in a household with drug problems and instability due to family members being in prison (Christmas and Srivastava 2019). It was also stressed that a large number are not in formal employment, education or training, or claiming benefits:

> 'We will take you through your educational needs assessment, give you some assistance around that. We will give you support and guidance on an interview process, on filling a CV out. If you want to be a chef or … a builder, we will try and get you on a course that will facilitate you to learn those skills.' (Police_Officer#7A)

> 'I think by being busy and engaged and having something to work towards, to a certain extent, is a good protective factor against some of the wider risks out there.' (Police_Officer#10E)

Interviewees thought that providing a programme of support, mentoring, pro-social activities, and opportunities to enter the licit economy might help redirect some people who supply drugs onto a different path.

Conclusion

The term 'diversion' is used by the police to categorise certain practices and specifically labelled schemes. This article has shed light on how PDD is perceived and carried out in England and Wales. As drug offences are the most common offences subject to OOCDs and diversionary activity (Shaw *et al*. 2022), the focus on drugs reveals a lot about diversion in the context of policing. Furthermore, while the pre-arrest schemes under study dealt exclusively with cases of simple possession, the post-arrest schemes were broader in scope and addressed various types of crime. My point is that this article should be read not just as a piece about PDD, but also one that is of significance to the wider literatures on diversion and the role of the police.

Interview data revealed a range of perspectives on PDD, the rationales behind its forms, and the problems it is designed to resolve. There were differences in opinion about the benefits, drawbacks and challenges of pre- and post-arrest schemes, eligibility criteria, whether people should be coerced/incentivised into diversion or enter voluntarily, whether education/treatment should promote abstinence or 'safe(r)' drug use, and what constitutes a 'meaningful' intervention. Yet, while the participants of this research might disagree over the causal mechanisms through which diversion achieves its outcomes, regardless of the problem, whether it be recreational use, addiction, drug-related crime or, in certain circumstances, supply, what appears to unite them are the shared goals of reducing reoffending and improving life chances by tackling unmet health, social and economic needs. The focus on prevention, looking behind an issue to understand the 'causes of the causes', and addressing the complex links between crime, health, social exclusion and inequalities via partnership initiatives, shows that public health language and principles are becoming embedded in (drugs) policing (Christmas and Srivastava 2019; College of Policing 2021; Bartkowiak-Théron *et al*. 2022).

As sketched out in the brief history section, these goals, along with economically driven pragmatism, have been broadly similar since the origins of PDD, from the emergence of arrest referral in the mid-1980s through to the rehabilitative turn in OOCDs and the new wave of police-led schemes (Dorn 1994; Murji 1998; Spyt *et al*. 2019; Gibson 2021; Weir *et al*. 2022). PDD, in other words,

tends to be accounted for by a combination of crime control, welfare and efficiency concerns, which involves bringing together ideologies that can prove difficult to reconcile. Studies of diversion in other countries suggest that motivations for implementing such schemes are fairly consistent (e.g. Goetz and Mitchell 2006; Hughes 2009; Beckett 2016; Kammersgaard *et al*. 2023). In a departure from conventional narratives, however, a headline finding of this article is that the harmful impacts of criminal sanctions are a significant driver of recent trends in police-led diversion. This motivating factor is noted in some of the existing literature but has remained underexplored.

My contention is that police are reacting against traditional criminal justice interventions that emphasise punishment instead of welfare for minor drug offences and drug-related crimes. By drawing attention to police views on arrest, prison and criminal records, I have demonstrated recognition of the 'pains' of policing and criminalisation (Harkin 2015; Henley 2022). Police are acutely aware that enforcing drug laws and processing offenders through the CJS can be harmful, counterproductive for crime prevention, and undermine efforts to focus on public health outcomes. They know that the so-called 'collateral consequences of punishment' (Kirk and Wakefield 2018) extend beyond the criminalised individuals to families and communities. Diversion is seen by some as a solution to these problems. It is a form of harm reduction policing that has the potential to reduce the adverse consequences of drug use, drug markets *and* efforts to control them through the CJS (Beckett 2016; Perrone *et al*. 2022; Bacon and Spicer 2023).

Findings reported here indicate that contemporary models of PDD are not 'true' diversion in the sense that they remove offenders from the CJS completely and without conditions (Cohen 1979). For the most part, police-led diversion uses the CJS as a point of contact and source of leverage to divert people into support services as an alternative to criminalisation. A degree of ambiguity remains, however, in that some practitioners use the term for interventions that aim to divert people away from crime without providing a way out of the criminal justice process for the offence that led to them being diverted. Both usages are technically correct as 'divert' basically means to change course. A key difference is that 'diversion from crime' is principally concerned with changing the offender whereas 'diversion from criminalisation' seeks to change the system as well. The change made by PDD is by no means fundamental but rather involves formally incorporating diversion from criminalisation into a system that has always allowed police to exercise discretion and informally divert people for minor (drug) offences. Making this distinction would help clear up some of the confusion surrounding the aims and attributes of diversion.

In the 'diversion from criminalisation' schemes examined for this research project, police enforce the law to initiate diversion and lean on the threat of criminal sanctions to incentivise compliance. The threat could be present in an explicit choice between diversion and criminalisation, veiled references to more punitive alternatives, or simply the power imbalance felt by the policed when interacting with the police. PDD might therefore be viewed as a prime example of how police combine roles to deliver a mixture of care and control. This 'carrot and stick' approach is a core mechanism of contemporary policing that can be seen in various domains, including anti-social behaviour (Crawford 2013; McCarthy 2014), integrated offender management (Cram 2020, 2023), and restorative justice (Marder 2020). It is also worth mentioning that such methods of persuasion are commonly used to regulate behaviour in other criminal justice settings, notably prisons (Crewe 2012) and probation (Fielding 1984), as well as drug treatment services (Bacon and Seddon 2020). As Fielding (1984) argues in his study of probation officers, control is not incompatible with care and can be part of the caring process when it reinforces positive change in a person's life. From a harm reduction perspective, however, diversion should be facilitative rather than coercive (Harm Reduction International 2023), which has significant implications for how police balance between care and control functions. One way to address this issue would be for officers to refer people to diversion schemes by way of a 'social contact', rather than following stop and search or upon arrest, or for the police to relinquish their gatekeeping role. These

modes of referral have been successfully adopted by the Law Enforcement Assisted Diversion (LEAD) programme in the United States (Beckett 2016; Beckett *et al*. 2023).

Police approaches to drug diversion use forms of 'soft policing' akin to those described by McCarthy (2014) in relation to the control of anti-social behaviour, which rest on helping people move away from offending behaviour through the provision of support instead of the direct enactment of coercion, at least in the first instance. Like McCarthy, my research suggests that police are supportive of 'soft' interventions for dealing with minor drug offences and drug-related crimes. Correspondingly, PDD appears to align with Nash's (1999) concept of 'polibation', which, against the backdrop of growing multi-agency responses to crime and community safety, accounts for the merging, or overlapping, of police and probation responsibilities and practices. Drug diversion suggests that police have moved nearer to probation in their values and ways of working. This is especially evident in the centrality of 'offender-desistance policing' (Sherman and Neyroud 2012) to the design of deferred prosecution schemes (Neyroud and Slothower 2015; Weir *et al*. 2022), a concept which draws on life-course criminology to inform police how they can prevent crime by supporting offenders to desist through pre-court disposals that focus on rehabilitation. Some police officers even appear to be adopting principles and priorities that are more typically associated with drug treatment services. Yet, while there is widespread support for 'soft' policing within police organisations, such measures are not universally embraced and raise tensions between competing demands and conceptions of the police role that are characterised by 'hard-edged' mechanisms of control (McCarthy 2014; Bacon 2022). Existing research on comparable areas of policing suggests that these tensions and conflicts are liable to impact the implementation of PDD and undermine its harm reduction potential. Cram's (2020, 2023) ethnographic analysis of the police role in integrated offender management reveals how rehabilitative aims can be thwarted by traditional police cultural assumptions and practices that prioritise surveillance, catch and convict. Marder (2020) likewise found that police officers used their discretion to exert control over restorative processes and outcomes, as they sought to achieve organisational goals by satisfying victims and managing the demand on their time. This is problematic because when the police co-opt restorative justice and transform it into a criminal and restorative justice hybrid they affect the extent to which its benefits can be realised. It is vital, therefore, for future research to take an ethnographic approach and examine the everyday realities of PDD through direct observation.

PDD interweaves crime control with wider health and wellbeing goals. Reviews of international evidence and evaluations of local schemes in England and Wales indicate that diversion away from the CJS and into support services can have positive outcomes on recidivism, the health of PWUD, and the wellbeing of individuals, families and communities (Spyt *et al*. 2019; Blais *et al*. 2022; Stevens *et al*. 2022; Weir *et al*. 2022). Nevertheless, while promising, there are several attendant risks that need to be closely monitored and managed in the interests of harm reduction. Police-led diversion could lead to police colonisation of tasks that are better suited to being undertaken by partner agencies and the 'policification' (Kemshall and Maguire 2001) of their values, interests and practices. As well as diverting offenders from criminal sanctions, PDD schemes also divert them from no further action. The pursuit of 'meaningful' interventions to tackle the harms associated with drug use and markets through multi-agency collaborations thereby opens up the possibility of more expansive policing that conflates welfare provision with crime prevention. This might take the form of diversion 'widening the net' by bringing people into the system who would otherwise have been dealt with informally and 'thinning the mesh' by using tighter and more coercive controls (Cohen 1979). In these respects, PDD resembles a 'diffuse' kind of policing, a concept developed by Koning (2017) to examine the broader institutional landscape involved in dealing with 'problematic' or 'at-risk' populations that 'marries welfare to discipline, care to coercion and prevention to repression' (p538). Based on ethnographic research in Amsterdam, Koning argues that 'soft' measures employed by a range of organisations resulted in the targeted young people being enveloped 'in a dense and sticky net of surveillance, discipline and interventions that was hard to escape

or contest' (p551). Future research on PDD needs to find out how the various schemes are experienced by people who are diverted. Such knowledge would enhance understandings of what works, for whom, under what circumstances and why. It would also reveal a great deal about the perceived voluntariness of police-led diversion and the balance between care and control.

Notes

1. Similar definitional issues have been raised about the muddled meaning of diversion in the context of youth justice (Kelly and Armitage 2015).
2. Part 6 of the Police, Crime, Sentencing and Courts Act 2022 has introduced a new two-tier system for OOCDs, consisting of 'diversionary cautions' and 'community cautions'. The reform removes 'simple' cautions, PNDs and cannabis/khat warnings from the police toolkit. However, police may choose to continue to use community resolutions for low-level offences.
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