

Policing cannabis as a Class C drug

This research, by the Institute for Criminal Policy Research, King's College London, studies the policing of cannabis as a Class C drug. Cannabis was reclassified from a Class B to a Class C drug in early 2004, but the power of arrest for possession was retained and the sentence for supply increased. In parallel, the Association of Chief Police Officers issued guidance advising officers to issue street warnings for most possession offences, arresting only in aggravating circumstances. This study, conducted in four areas of England, examines the impact of reclassification. The study found that:

- In 2004, 73,010 cannabis offences came to police attention, of which over a third were dealt with by a street warning.
- In the four study sites, street warnings were used as a way of dealing with offences of cannabis possession but they were by no means the norm and were rarely used in some areas.
- The eventual outcome of being found in possession of cannabis was not predictable and depended on factors such as the views of the officer, the amount of cannabis found, the attitude of the offender and local policy. The proportion of street warnings varied across sites from 22 per cent to 42 per cent.
- In some police force areas, the issuing of street warnings appeared to be driven by pressure from senior officers to meet targets for the number of offences brought to justice.
- People from black and minority ethnic groups were over-represented in the arrest and street warning statistics for cannabis possession in the four research sites.
- Officers' understanding of the new arrangements for possession offences was variable.
- Almost half of interviewed officers wanted to police 16 and 17 year olds in the same way as adults, by issuing them with street warnings.
- Nearly all interviewed officers had met people who thought cannabis had been legalised.
- Over half of officers thought the Government was wrong to reclassify cannabis to a Class C drug.
- The recording and monitoring of street warnings was poor at both a national and a local level.



Policy background

The road to reclassification was a long and tortuous one. Although the cannabis laws have been a contentious issue in Britain for the last 40 years, the Misuse of Drugs Act (1971) has remained largely unchanged. In 2001, the then Home Secretary, David Blunkett, announced his intention to reclassify cannabis to a Class C drug. If reclassification had gone ahead without any other legislative change, the power of arrest for cannabis possession offences would have been removed.

However, this attracted disquiet amongst some police officers and politicians, as well as sections of the media. The Government response was to announce a compromise, whereby cannabis would be reclassified as a Class C drug, but possession offences would remain an arresting offence where aggravating factors were present. Reclassification eventually took effect in January 2004. The power of arrest was retained for all possession offences, but in parallel the Association of Chief Police Officers issued guidance to the effect that most offences should receive street warnings.

Cannabis use and enforcement

Over the last 40 years the public's attitude towards cannabis has become far more relaxed and use of the drug much more widespread. The British Crime Survey shows that just under nine and a half million people aged between 16 and 59 have tried cannabis, a figure that has increased year by year since the introduction of the survey in 1981. Since the introduction of the Misuse of Drugs Act (1971), the number of people coming into contact with the police for cannabis possession has also increased. The number of people cautioned or convicted for possessing cannabis peaked in 1998 at 84,310. The next four years then saw a steady decline.

Coinciding with the announcement in 2002 that consideration was to be given to reclassifying cannabis, formal police action again started to rise. In the first year of policing cannabis as a Class C drug (2004), however, arrests dropped to just under 50,000 and whilst street warning data were unavailable for the first three months of 2004, in the last nine months of that year the police issued 27,520 street warnings.

Support for and understanding of reclassification

The study included an internet survey and a survey of young people. Neither sample was representative of the overall population, but they provide some indication of knowledge and attitudes. There was widespread support amongst both internet respondents and young people for reclassification. Whilst support for reclassification was widespread, understanding was far less comprehensive. Although nearly all respondents were aware of the key facts, such as cannabis remaining illegal, few respondents were particularly well informed about the subtleties of the changes, such as under-18s being treated differently to adults.

Police officer support for reclassification was less enthusiastic, with almost three fifths of officers believing the Government was wrong to reclassify cannabis. Some officers stated that reclassification had created a 'grey' area about when to arrest and when to issue a street warning. Officers in busy urban sites had a better understanding of policing cannabis than those working in the quieter areas, who dealt with cannabis offences less frequently. Nearly all officers disclosed that they had dealt with a member of the public who believed – or claimed to believe – that cannabis had been legalised. One said:

“People are adamant that it is now legal and don't believe you when you tell them that it is not. [I] just try to explain that it has been reclassified, not legalised, and that it is still illegal to possess it.” (Police officer)

Policing possession offences in four different areas

Local arrangements for dealing with possession offences varied across the four sites and tended to be tailored to the problems of their area. For example, in Site 1, where two highly visible, street-based cannabis markets were located, a positive arrest policy was in place and street warnings were rarely used. In contrast, the other three sites had – to a greater or lesser degree – substituted street warnings for both cautions and charges. Whilst officers in three of the sites were more likely to discover cannabis following an arrest for another offence, in Site 1 the greatest proportion of cannabis possession offences came about as a result of a police stop and search.

In all four areas there were also officers who clearly 'specialised' in policing cannabis possession offences. Whilst many police officers expressed the view that cannabis arrests often lead to the discovery of more serious offences, analysis of custody records revealed that this occurred in less than one per cent of cases.

People from black and minority ethnic groups were heavily over-represented amongst offenders in three of the sites and somewhat over-represented in the remaining site. Whilst the study cannot disentangle the factors that might explain this over-representation, it clearly highlights the need for police forces to monitor trends closely in the disposal of possession offences.

Officers' decisions on whether to arrest or issue a street warning were rarely guided by the rule book alone and were frequently influenced by a number of factors, such as the amount of cannabis found, the age of the offender and the person's offending history. Some officers still disposed of possession offences informally, although many said they were less likely to deal with offences in this way now that street warnings were available to them. Many officers considered it inequitable that they were required to arrest those under the age of 18 for possession offences. Most wanted the freedom to be able to decide on a case-by-case basis whether to issue a street warning to a young person, especially to those aged 16 and 17.

"It would be simpler and make it fairer. It just seems a bit unfair for a 16 year old to get nicked for it and an 18 year old in the same group to get a slap on the wrist and that's it." (Police officer)

The consequences of reclassification

The rationale for street warnings was that they would be both a proportionate response and a timesaving one. The researchers found that the majority of officers who had issued a street warning did feel that it saved them time. One officer stated:

"It's good being able to issue a street warning, as it can be dealt with in minutes – arresting consumes a lot of time when you could be out solving other crimes." (Police officer)

It is difficult to estimate accurately the financial savings of reclassification through using street warnings instead of arrests. However, during the first year of street warnings the research team crudely estimated that reclassification is likely to have saved just over three and a half million pounds or 269,327 officer hours across the 43 forces of England and Wales.

Reclassification has, however, also brought with it some unintended consequences. The decision by the Home Office to include street warnings as 'sanction detections' seems to have prompted some senior police managers to encourage their officers to issue street warnings, simply to increase their overall sanction detection rates and thereby meeting important Treasury targets. Whilst a degree of variation in policing cannabis is inevitable, in the study, people from black and minority ethnic groups were over-represented in the statistics for cannabis possession. If the public view the approach of their local police as inconsistent, confidence in low-level police work will be affected and the ability of patrol officers to police by consent will be weakened. The monitoring and the maintaining of accurate records of which groups are coming to police attention for cannabis possession offences could perhaps minimise this issue.

Conclusion

The researchers conclude that the reclassification of cannabis from Class B to Class C has had a smaller impact than advocates hoped or opponents feared. The practice of issuing street warnings for cannabis possession offences is a viable one and is supported by the police and general public. Street warnings can save time and money and can avoid unnecessary arrests. Whilst the policing of cannabis is likely to still cause friction between young people and the police, the use of street warnings is now an established police practice and one that appears to be working well.

The researchers believe, however, that there are three principles that should underpin future policy on cannabis policing. Firstly, it is essential that police policies and procedures for dealing with cannabis offences are routinely monitored by forces, and exposed to some independent scrutiny and monitoring. Secondly, if cannabis policing is to be seen as equitable and fair and

the criminal justice system as open and transparent it is critical that the policing of black and minority ethnic groups is non-discriminatory, adequately monitored and critically evaluated at regular intervals. Finally, it is essential to monitor closely how performance management systems affect the policing of cannabis.

About the project

This study examined how the legislative changes and associated guidelines for policing cannabis as a Class C drug were put into practice following re-classification. The study largely replicated an earlier Joseph Rowntree Foundation study which examined the policing of cannabis as a Class B drug (Times they are a-changing: Policing of cannabis, May et al., 2002), revisiting the four sites within the two police forces where the first study was conducted. Work in the case study areas involved observational work with operational police officers; interviews with 150 police officers; analysis of custody records and street warning data during the period May 2004 to April 2005; and interviews with 61 young people. An internet survey of 749 respondents was also conducted. Fieldwork data was supplemented by published statistics and all fieldwork was carried out during 2005.

For further information

The full report, **Policing cannabis as a Class C drug: an arresting change?** by Tiggey May, Martin Duffy, Hamish Warburton and Mike Hough, is published by the Joseph Rowntree Foundation.

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