










The policing of cannabis as a Class B drug

This study by South Bank University's Criminal Policy Research Unit represents the first, detailed study of the policing of cannabis in England. It has taken place against a backdrop of intensive media and political debate on the issue – and the prospect of imminent reform. The study found:

-  **One in seven of all known offenders in England and Wales were arrested for the possession of cannabis.**
-  **There has been a tenfold increase in the number of possession offences since the mid-1970s. There is no evidence that this increase has been an intended consequence of specific policy.**
-  **Possession offences most often come to light as a by-product of other investigations.**
-  **A minority of patrol officers 'specialise' in cannabis offences: 3 per cent of officers who had made any arrests for possession accounted for 20 per cent of all arrests.**
-  **Arrests for possession very rarely lead to the discovery of serious crimes.**
-  **Officers often turn a blind eye to possession offences, or give informal warnings.**
-  **Of the 69,000 offenders who were cautioned or convicted in 1999, just over half (58 per cent) were cautioned.**
-  **The financial costs of policing cannabis amount to at least £50 million a year (including sentencing costs), and absorb the equivalent of 500 full-time police officers.**
-  **The researchers conclude that:**
 - re-classification of cannabis to a Class C drug will yield some financial savings, allowing patrol officers to respond more effectively to other calls on their time;
 - the main benefits of reclassification would be non-financial, in removing a source of friction between the police and young people;
 - there would be a very small decline in detection of serious offences, but this should readily be offset by the savings in police time.

Enforcement of the cannabis laws

Many think that the police rarely take formal action against cannabis offences. In fact, of the 513,000 known indictable offenders in England and Wales in 1999, just under one in seven (69,377) were cautioned or convicted for possession of cannabis. Since 1989 numbers found guilty or cautioned for cannabis possession rose threefold until they peaked in 1998. They are now falling. Long-run trends in possession offences are available only for the United Kingdom, but these indicate a tenfold increase in possession of cannabis since 1974. These trends are at odds with trends for all indictable offences, which increased by only about a quarter over this period. The most likely explanation for the rapid growth in possession offences is that the growth in the use of 'stop and search' by the police until the late 1990s interacted with an upward trend in use.

Certainly there is no evidence that the growth was a result of intended policy. None of the police forces in the study had an explicit policy on cannabis, and none provided specific guidance to its officers about dealing with possession offences. They relied on the guidance issued by the Association of Chief Police Officers. Whilst senior managers were aware of this, the study found little evidence that the guidance had penetrated to front-line officers.

How offences of cannabis possession come to light

Cannabis offences can come to police attention:

- as a by-product of investigation of other offences;
- because of obvious and unavoidable evidence of cannabis use;
- as part of an intended strategy or tactic targeting cannabis.

Possession offences sometimes come to light in the course of an investigation for other offences. For example, the police may arrest a suspect for a separate offence, and then discover cannabis. However, this accounts for only about a fifth of possession arrests.

Around three-quarters of arrests are for 'simple possession' with no concurrent offences. They frequently result from stops and searches on suspicion of other offences which lead only to the discovery of cannabis. In other words, the *specific* suspicion on which the search was based turns out to be unproven or unfounded, but cannabis is discovered in the process. Another route of discovery

is where officers encounter overt cannabis use. For example, officers may see people 'skinning up' or may see or smell someone smoking a joint in public.

Some individual officers sometimes targeted cannabis users, with a view to making arrests for possession. A few clearly specialised in policing cannabis. In the four case study sites, 11 per cent of officers who had made any arrests for possession accounted for 37 per cent of the arrests; 3 per cent of them accounted for 20 per cent of the arrests. Officers also reported using possession arrests as a 'door opener' to other offences. However, the offences which actually came to light in this way were almost all relatively minor, such as possession of a Class A drug or 'going equipped'.

Stop and search tactics can also be used to impede the activities of a known persistent offender. Almost half of the officers interviewed reported having, at some point in their career, arrested a persistent offender for the possession of cannabis purely to inconvenience them. Prolific burglars or street robbers were often targeted in this way.

Finally new officers are often encouraged to 'learn the ropes' by making arrests for a variety of offences, including possession offences. Officers reported that cannabis arrests were easy to 'notch up' for probationers, as there was a ready supply of suspects who were likely to be carrying cannabis.

Case disposals for cannabis possession

Following the discovery of cannabis, the key decisions in the subsequent process are:

- whether to informally warn or arrest the offender;
- whether to caution or charge the offender, if arrested;
- whether to issue a fine, a court discharge or other sentence, if the offender is prosecuted and convicted.

The policing of cannabis is an area where there is extensive discretion for informal action, even if this is not formally sanctioned by senior officers. There is no firm information about the extent of informal disposal. Only a third of officers in the case study sites reported that they always arrested those they found in possession of cannabis. The other two-thirds reported that they had dealt with cannabis informally at some point in their career. The chances of getting an informal warning depended partly on the force where the offence was uncovered, partly on the length of experience of the officer involved and partly on the

attitudes of the officers towards cannabis. Many said they judged each situation on its merits or claimed that they had effectively decriminalised cannabis in their everyday working practices.

Just over half (58 per cent) of the 69,377 known possession offenders in 1999 were cautioned by the police. There were large differences in cautioning rates between police areas. Several factors appear to influence decisions about cautioning or charging including:

- if the offender has a concurrent drug offence;
- having other concurrent non-drug offences;
- having a previous conviction of any sort.

The remaining 42 per cent were dealt with at court. The most common court disposal was a fine, which was given to six out of ten sentenced offenders. There are large variations across areas in court disposals. Five per cent of those convicted in court were imprisoned for possession; however, the vast majority of these were cases in which the offender was also sentenced to concurrent sentences for other more serious offences.

Costs and benefits

There are a number of social and financial costs and benefits associated with policing cannabis.

Social costs

Cannabis use has increasingly become an unexceptional facet of everyday life for young people; this has important implications for the legitimacy of the police. Possession is one of the offences which is most likely to bring people into 'adversarial' contact with the police. The scope for the erosion of police legitimacy is obvious. If the laws that the police most frequently enforce are regarded by the policed as unreasonable and unnecessary, it is unlikely that police power will be regarded as legitimate.

The young people interviewed in the four sites had a range of views about how they were treated by the police when stopped. Some felt that the police were simply doing their job; for them, being treated with respect and receiving a reason for the search seemed key factors leading to satisfaction with the encounter. Others felt that the police had been rude or aggressive toward them, that the search was conducted for no apparent reason or that they had been needlessly victimised.

Analysis of the 2000 British Crime Survey (BCS) shows that there are considerable disparities in police-initiated contact between cannabis users and

non-users. Cannabis users were nearly twice as likely to report being approached by the police as non-users. A number of studies have found experiencing contact with the police for a cannabis offence is likely to have a negative influence on young people's confidence in the police. This study found that there were marked differences in the satisfaction levels of cannabis-using and non-using BCS respondents. Fifty-seven per cent of non-cannabis users felt 'fairly treated' compared with only 28 per cent of users. These findings do not amount to proof that the policing of cannabis damages relations between police and young people, but it offers quite powerful circumstantial evidence to this effect.

Financial costs

It is difficult to estimate the financial costs of policing cannabis. The police are still in the process of developing unit-based costs for functions such as searching suspects and arresting them, using 'activity-based' costings. Two methods have been used to estimate the costs of policing cannabis – neither of which is entirely satisfactory. However, they do suggest the order of magnitude of resources devoted to cannabis offences.

The first uses a Home Office estimate that the cost of policing all drug offences was £516 million in 1999. In that year there were just under 112,000 recorded drug offences of which 76,769 were for cannabis possession. Using this method, the cost of policing cannabis could be estimated to be £350 million in 1999, or 5 per cent of the police budget. This is likely to be an over-estimate, as it assumes that the minority of more serious drug offences absorbed no more resources than those involving cannabis possession.

The second estimate derives from time actually spent on processing cannabis cases. In the case study sites the average time taken to deal with a cannabis offence was four hours. In most cases officers are operating in pairs. This yields a figure of 770,000 officer hours or the equivalent of 500 officers. A very crude translation of costs into time yields a cost of £500 per case, or £38 million, or half a per cent of the police budget per year.

Possible benefits

It is difficult to quantify the benefits of policing cannabis. The justification of current practices offered by officers interviewed included that it:

- reduced the risks that people would use harder drugs;

- led to the detection of more serious crime;
- helped curb the extent of 'drug-driving'.

A lighter enforcement regime is most unlikely to depress usage, but neither is it likely to lead to a significant growth. Even if such an increase took place, the best evidence is that an increase in levels of cannabis use would not lead to an increase in the use of more harmful drugs.

While some serious offences are detected as a result of arrests for cannabis possession this analysis of custody records suggests that this is rare. Analysis of 30,000 custody records for arrests in the case study areas identified 857 cases where cannabis possession was the primary offence. Out of these 857 cases, 82 led to subsequent arrests for other offences. However, most of these were relatively minor, such as possession of Class A drugs or going equipped. Only 11 out of the 857 cases involved serious crimes of burglary, robbery, drugs supply offences and firearms offences. Furthermore, the discovery of these offences came via a number of routes and some would have been discovered even if the cannabis offence had not been discovered first.

A number of officers highlighted the present inadequacy of drug-driving tests as a reason to oppose reclassification. This study can offer no evidence of direct relevance but research from Australia suggests that young people regard cannabis as a safe drug for driving. Any change to the legalisation needs to be accompanied by a strategy to convey to cannabis users the dangers and consequences of drug-driving. It is important that cannabis users understand that use can affect driving and that it can have consequences no less serious than drink-driving.

Costs and benefits of reclassification

Monetary savings depend on the shape of the new arrangements put into place for disposing of cannabis offenders and the knock-on effects these arrangements have on both levels of informal warnings and stop and search. The savings will be reduced if cumbersome procedures for warning or summoning offenders are substituted for the existing arrest procedures. If streamlined procedures are designed, there could be significant savings. It is questionable whether it is a good use of police time to record possession offences as crimes, as required by the Home Office.

The non-financial benefits of reclassifying cannabis could be large. Reclassification is likely to remove some of the friction between the police and communities that currently prevents more co-operative relationships.

About the project

The study focused on the offence of possession, drawing on detailed case studies of practice in four 'basic command units' in two police forces. These involved interviews with police officers and young people, examination of custody records and many hours of observation. Fieldwork was carried out in 2001. The study also drew on national police and court statistics and involved secondary analysis of the 2000 British Crime Survey.

How to get further information

The full report, **Times they are a-changing: Policing of cannabis** by Tiggey May, Hamish Warburton, Paul J Turnbull and Mike Hough, is published for the Foundation by YPS (ISBN 1 84263 062 8, price £13.95). This is the first in a new series from the JRF Drugs and Alcohol Research Programme.

Further details about the Criminal Policy Research Unit are at: <http://www.sbu.ac.uk/cpru>, email: mayt@sbu.ac.uk.