

The Policing of Cannabis as a Class B Drug

A recent study by **Tiggey May, Hamish Warburton, Paul J. Turnbull and Mike Hough** reveals widespread inconsistencies in the policing of cannabis, and conclude that plans for reclassification will yield benefits.

Thanks to the authors at South Bank University and to the Joseph Rowntree Foundation for permission to reproduce these extracts from the summary findings. For a full summary, or to order the full report, see: www.jrf.org.uk

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 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.

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: three 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.

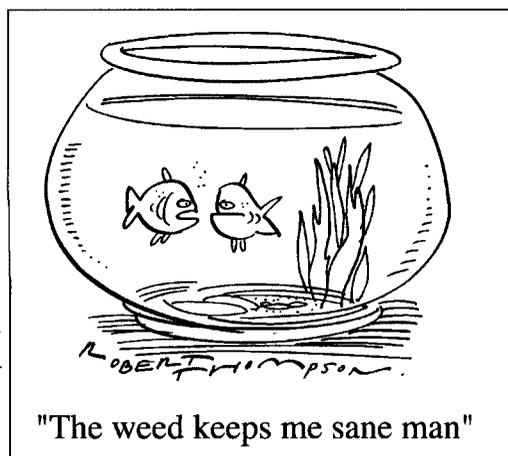
Enforcement of the cannabis laws

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; three 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.

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 five 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.

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. ■

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 Joseph Rowntree Foundation by YPS (ISBN 1 84263 062 8, price £13.95). Further details about the Criminal Policy Research Unit at South Bank University are at: www.sbu.ac.uk/pru