



Easy targets: "Some forces had officers who were specialists at rounding up cannabis users."

# HERBAL REMEDY

With acres of column inches devoted to the debate over whether cannabis should be a Class B or C drug, little attention has been paid to how the drug is being policed on our streets. **Sam Hart** reports on enforcement that is more influenced by performance targets than drug law.

From January 2009, the UK's five year flirtation with what some parts of the media saw as 'dope-friendly' laws will come to an end. The decision by Tony Blair's government in 2004 to reclassify cannabis to a Class C has been overturned by his successor and the drug will return to its Class B status, despite the fact that cannabis use among 16-24 year olds has fallen by 20 per cent over the last five years.

The move has been accompanied by government promises of tougher penalties for those found in possession of the drug, with the Home Secretary pledging 'a strengthened and escalating enforcement approach'. But despite the hard-hitting rhetoric, experts argue that reclassification is little more than political tinkering that will have no radical effect on drug use. And research

has found that in some areas pressure to meet targets, rather than public safety, is a major drive behind the policing of cannabis.

The reclassification of cannabis in 2004 should have had a significant effect on policing. Its new status as a Class C substance would have meant that the presumption of arrest for possession offences would have been removed. However, a change in the law, which applied to all Class C drugs, meant that officers could retain their powers of arrest where aggravating factors were present, such as possessing the drug near a school or if the person involved was a young person. An alternative way of dealing with cannabis was also offered to police, with the new street warnings (later renamed cannabis warnings) which are logged locally by

the police but do not lead to a criminal record.

In some parts of the country, the new cannabis warnings were, and have since, been taken-up enthusiastically by officers. Out of 73,000 cannabis offences dealt with by the police in the 12 months after the law change, more than one third were dealt with using a cannabis warning, according to *Policing Cannabis as a Class C Drug - An Arresting Change?*, a report published by the Joseph Rowntree Foundation (JRF) in 2006. This led to significant savings in time and money. In the first year after reclassification, the Home Office reported that arrests for cannabis had reduced significantly and that almost 200,000 police hours had been saved.

According to the JRF research, most officers who had issued the warnings

thought they were a positive thing. "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," said one officer.

However, 16-17 year olds are not eligible for cannabis warnings and must be dealt with by arrest – a fact that many police officers feel is unfair and leads to friction when dealing with mixed age groups.

But the warnings – although generally popular with the police and the public – have had unintended and unwelcome consequences. Evidence uncovered during the research points to officers deliberately seeking out cannabis convictions in order to meet targets on crime detection.

Under Public Service Agreement (PSA) targets, the Home Office is required to increase the annual number of crimes for which an offender is brought to justice to 1.25 million by the end 2007-2008. As cannabis warnings now count as sanction detections and are meted out at a fraction of the time of an arrest, senior police officers have admitted deliberately seeking out cannabis offenders in order to meet their monthly targets.

"In analysing the custody reports of one area we found that roughly once a month the number of cannabis warnings would increase dramatically," says Tiggey May, co-author of the report and a senior research fellow at the Institute for Criminal Policy Research (ICPR). "We found that one third of one area's cannabis warnings came from the work of a passive drug dog at a local train station and that some forces had officers who were specialists at rounding up cannabis users," says May.

When questioned about this kind of strategy, the senior officer in charge of the area using the drug dog admitted it was in a deliberate attempt to meet monthly targets: "When his numbers were down, he would send out officers with police drug dogs to catch people with drugs – predominantly cannabis – to ensure the area met its monthly targets," the report says.

And the research also unearthed the fact that not all forces have embraced the new street warnings and are still using arrest as their main way of dealing with possession – leading to a form of justice by geography.

"Police in the metropolitan area we investigated were much more likely to issue cannabis warnings than those in rural areas," says May. "For them, cannabis possession is a minor offence

and they were less unwilling to spend four hours in the police station with a cannabis offender after making an arrest. However, in rural areas, where cannabis offences are less frequent, officers are less sure of the process involved in issuing warnings and feel more comfortable back at the station being directed by the custody sergeant, making an arrest more likely."

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But experts hope that despite the tough talk, the new laws on cannabis policing that will accompany January's reclassification will help iron out these geographical discrepancies. The new system sets out a clear policing path – with a cannabis warning for a first offence, a penalty notice disorder for a second offence and arrest for a third – although police still retain their powers of arrest for a first offence where there are aggravating circumstances. These include circumstances in which a person is so intoxicated they are in need of protection or if they are smoking cannabis near a child.

The maximum prison sentence for those possessing cannabis will increase from two to five years – although in reality those caught for simple possession are unlikely to go to prison. The maximum penalty for supplying or producing cannabis remains at 14 years in jail.

"It seems as if this is sending out a very clear message to the police on how to deal with cannabis possession," says May.

But some argue these goals could have been achieved without reclassification – branding the move unnecessary. Professor Sir Michael Rawlins, chairman of the Advisory Council for the Misuse of Drugs (ACMD), which advised the government against reclassification, claims: "Changing the classification of cannabis is neither warranted nor will it achieve the desired effect."

Home Secretary Jacqui Smith insists the move is necessary, due to the

increased potency of new forms of skunk and worries about mental health problems linked to the drug. She said: "Reclassifying the drug reinforces our message to everyone that it is harmful and should not be taken." The Association of Chief Police Officers (ACPO) also favoured a return to Class B, because it alleged – slightly bizarrely – that the drug's lower classification had encouraged gangs to set up a mass of cannabis farms.

Some argue that these responses are confused and have little to do with the drug's classification: "The waters are being muddied between health and policing," says May. "And cannabis farms are about cultivation rather than possession – they are different issues."

"The penalties for supply offences post-change will be identical," says Steve Rolles, research director at Transform Drug Policy Foundation. "Police determine enforcement resource allocation – it has nothing to do with classification.

"And criminal law is supposed to prevent crime, not send out public health messages. What is needed is a public health response that effectively educates key target populations about drug risks. Reduction in tobacco use has not been achieved through mass criminalisation of young people."

It is tempting to believe that reclassification has more to do with the government being seen to be tough on drugs than a serious attempt to protect the public. And some have argued that some decisions about drug classification may be better taken out of the government's hands.

In a letter to the *Guardian* earlier this year, Roger Howard, Chief Executive of the UK Drug Policy Commission, argued that there should be a review of "the role of politicians in making decisions about the classification of controlled drugs – for example to explore whether there are models that place decision making out of ministerial influence".

The Home Secretary claims she is acting now to "protect future generations". But drug agencies say she may be in for a disappointment:

"There is no evidence that changing the classification of cannabis will have any meaningful impact on patterns of cannabis use," says Rolles. "The little research that has been done in this area suggests that policy, law and enforcement are at best marginal factors in drug-taking decisions."

■ **Sam Hart** is a freelance journalist