

Drug possession should be removed from police performance indicators

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In this article, [Michael Shiner](#) provides an overview of drug reform in Britain and the reclassification of cannabis. Paradoxically, the initial reclassification from B to C in 2004 led to an intensification of police efforts targeting minor possession. Recorded offences have continued to increase despite rates of self-reported use falling. He argues that cannabis possession should be removed from police performance indicators to encourage officers to spend more time solving serious crime.



“The road to hell is paved with good intentions”, or so the saying goes. Judging by recent British experience, this aphorism neatly sums up the situation regarding drug policy reform. While several US states have grasped the nettle, [making cannabis legally available](#) through medical and/or commercial channels, the British government has pursued a much more modest and muddled path, temporarily changing the legal classification of cannabis.

The original intention was benign – to deliver a more rational and proportionate response – but the outcome has been perverse, dragging more people into the criminal justice net for minor possession offences. How, then, did an apparently progressive reform end up making an already bad situation worse?

Under the *Misuse of Drugs Act 1971* controlled substances are divided into three Classes (A, B and C) depending on their perceived harmfulness, with more harmful substances attracting stiffer penalties. In what was widely considered to be a liberalising move, cannabis was downgraded from Class B to C in January 2004, before being moved back again in January 2009. The initial reclassification emerged out of the *Independent Inquiry into the Misuse of Drugs Act 1971* and was presented by the then Government as a way of freeing-up police resources to tackle more harmful drugs.

This reform was accompanied by a new disposal – the cannabis street warning – that covers adult offenders and does not form part of criminal record. According to guidance from the Association of Chief Police Officers (ACPO) the assumption for ‘simple possession’ offences was to be against arrest as the new street warning would suffice unless there were aggravating circumstances.

Over the next four years, the number of people receiving formal sanctions for drug possession offences more than doubled. While much of this increase was down to out of court disposals, many possession offences continued to go to court. In 2011 the number of court convictions for drug possession offences was greater than in each of the four years preceding the new arrangement and most (63 per cent) of these convictions were for cannabis. What made the overall increase in formal sanctions all the more remarkable is that it occurred at a time when levels of self-reported drug use, including cannabis use, were *already* falling.

While levels of drug use were falling, police interest in drug offences was increasing. The number of stop-searches targeting drugs more than doubled between 2000/1 and 2010/11, with the most of the increase occurring after the initial reclassification of cannabis. Estimates suggest that around a third of all stop-searches are now targeted at suspected cannabis possession offences. The greater attention given to drugs has primarily come at the expense of stolen goods, which accounted for around two-fifths of stop-searches in 2000/1, but only one-fifth in 2010/11.

The intensification of law enforcement efforts targeting minor drug offences was an unintended consequence of the new arrangement for dealing with cannabis possession. Crucially, as it turned out, cannabis street warnings were the only ‘on-the-spot’ warning to be counted as a ‘sanction detection’: that is, as an offence that has been cleared up or brought to justice through a formal sanctioning process. Including cannabis warnings as a sanction detection effectively created a fast-track to achieving ‘results’ at a time when police performance was being

assessed against central government targets for 'Offences Brought to Justice'. Although this target was subsequently abolished, the effects of the performance management culture it helped to create have persisted.

The police response to the reclassification of cannabis reflects a more general hostility to externally imposed change agendas. Drugs have long been a popular target for front-line officers and the 'smell of cannabis' provides a convenient way of meeting the statutory requirement for 'reasonable suspicion' in order to conduct a search. Targeting drug offences also helps officers fulfil the role that is held out for them by an occupational culture that prioritises crime-fighting and the maintenance of social order through assertions of moral authority.

The downgrading of cannabis threatened this role by potentially removing the power of arrest, raising the prospect of a fundamental loss of authority in encounters with the public. Most officers felt the Government was wrong to downgrade cannabis and it is, perhaps, inevitable that an unwanted, externally imposed reform would be adapted to reflect the collective priorities and practices of the police organisation.

The police are not wholly responsible for the failure to deliver a more proportionate response. Politicians and media are also implicated. Having initially signalled a willingness to engage in a 'mature and serious debate', Conservative politicians and press went on the attack. Fearful of being branded 'soft on crime', the Labour Government moved cannabis back to Class B against the advice of its independent advisory council in what was a largely symbolic gesture – ACPO reiterated its advice that the assumption should be against arrest. From the relative safety of Opposition, Jacqui Smith – the former Labour Home Secretary – [admitted she had been wrong](#) to move cannabis back to Class B: 'Knowing what I know now', she said, 'I would resist the temptation to resort to the law to tackle the harm from cannabis', suggesting that education, treatment and information might be 'a lot more effective'.

The UK is in the historically unusual position of pursuing a drug policy that is more punitive than that pursued in (parts of) the US, in relation to cannabis at least. There seems little immediate prospect of cannabis being made legally available on these shores and the possibilities for change seem much more incremental. Several police forces have [recently announced](#) that they are not treating cannabis possession as a priority and this arrangement could be formalised by simply removing possession offences from police performance indicators. Then, perhaps, we might get a police service that concentrates on crimes that cause most harm.

For a fuller version of this article please see: M. Shiner (2015) ' [Drug Policy Reform and the Reclassification of Cannabis in England and Wales: A Cautionary Tale](#)', *International Journal of Drug Policy*, 26: 696–704.

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