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19 January 2004 06:30

Police chiefs to get tough on cannabis and ignore new law

By Jason Bennetto and Genevieve Roberts

19 January 2004

Many of the country's police forces will ignore new laws to downgrade the possession of cannabis, a survey by *The Independent* suggests. Six out of 20 forces in England and Wales will adopt a tougher approach to possession of cannabis than official guidelines recommend.

The findings support Sir John Stevens, the Commissioner of the Metropolitan Police, who last week said there was a "massive amount of muddle" surrounding the changes to the law on cannabis that take effect on Thursday next week.

Sir John said some people mistakenly believe that downgrading the drug from a Class B to a Class C means cannabis will be legal to use.

Under the changes to the law, and reinforced by official guidance issued by the Association of Chief Police Officers (Acpo), the police should cease to treat possession of cannabis as an arrestable offence in most situations. Officers will retain the power to arrest in aggravated circumstances such as people caught smoking the drug outside schools, but in most cases, the drug should be confiscated and users given a warning. If they are repeatedly caught they will be arrested.

But *The Independent* found that six out of 20 forces, out of 43 constabularies in England and Wales, intended to continue arresting people or giving them a caution.

In the case of a caution, the suspect must admit their offence then be taken to the police station where their details and crime are recorded on the Police National Computer. A warning does not go on a person's criminal record, but police keep the details of the offender for local intelligence.

The new approach to cannabis possession, which includes continuing a policy of arresting anyone aged 17 or under caught with the drug, is aimed at allowing the police to concentrate on more harmful substances, such as heroin and crack cocaine.

Despite the Acpo and Home Office guidelines, some forces said they intended to continue with their old policy of arrest or of issuing cautions, rather than warnings. The six forces that said they would arrest or caution most people caught in possession were Bedfordshire, Cleveland, Lancashire, Northamptonshire, Avon and Somerset, and Lincolnshire.

Danny Kushlick, director of drug policy think-tank Transform said: "The reclassification has been horribly botched. Postcode policing of cannabis will continue as a result of the confusion caused by a Government that wants to appear tough by retaining arrestability while relaxing the penalties for possession at one and the same time."

A spokesperson for Bedfordshire said: "Our policies will not change. It will still be a criminal offence to possess and supply cannabis. We will enforce the law as we have always done." Cleveland Police said: "We operate a cautioning policy which has been in place for many years and that we will not change." Lancashire said: "We intend to be vigorous about getting across the message that cannabis is still illegal and if we find anyone with it then we will arrest them and take steps to prosecute."

A Northamptonshire spokesperson said: "Our policy won't change. We will continue to caution people with small amounts of cannabis for personal use." The spokesperson added: "For the most part, people caught smoking at home will receive a caution."

Avon and Somerset's website says: "It is only in limited situations that officers can issue a street warning instead of arresting somebody for possessing cannabis." Lincolnshire said: "A first-time user would be issued a caution, unless there were aggravating factors."

Other forces said that they would be warning most people caught with small amounts, unless there were special circumstances.

From this week the Government is spending £1m on radio adverts and leaflets to tell young people about the changes to the law.

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What the change should mean

Possession of cannabis will remain illegal. Anyone caught with the drug will be issued with a warning and the drug confiscated on the spot.

Acpo's key phrase is that there will be a "presumption against arrest" but police will retain the right to prosecute depending on the circumstances.

Arrest and possible caution will ensue when there are "aggravating factors". These include:

- If the drug is smoked in a public place;
- Where public order is threatened;
- In the vicinity of premises used by children;
- By a repeat offender.

A person aged 17 or under caught with cannabis will be arrested.

The new laws are to become operational from 29 January, 2004.

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