

# In a haze over cannabis law

By **PATRICK HILL**

**Cannabis was reclassified by the Government from a class B drug to class C last month, but there is confusion about whether its use is legal.**



If somebody is seen smoking cannabis in the street, in a window or anywhere in public view, they would be arrested under the policy being followed by Nottinghamshire police.

People using cannabis in private - in a house or back garden, for example - can still be arrested, but the ultimate decision to arrest is down to the police officer.

Nottinghamshire police will always arrest the cannabis user if the circumstances fit in with the policy advice they are following from Acpo, the Association of Chief Police Officers.

Otherwise, the person using cannabis in private is not likely to be arrested, but would receive a verbal warning.

The Acpo advice has been drawn up to provide police with operational guidance.

Forces across the country are using it as policy advice for officers. The guidelines say that in most cases officers will issue a verbal on-the-spot warning and confiscate the drug, but each incident will be assessed on a case-by-case basis with a decision ultimately left to the officer.

A spokesman for Nottinghamshire Police, Mr Matthew Thorpe, said officers in Nottinghamshire would still automatically make an arrest in a number of circumstances.

These were:

- If cannabis was smoked in public view;
- When a person repeatedly offends;
- If there was a local policing problem linked to cannabis use;
- If offenders were in possession of cannabis and close to youth premises;
- If the user was a vulnerable person or if the user is aged 17 or under.

Nottinghamshire police's Deputy Chief Constable, Mr Howard Roberts, said: "I welcome the discretion this gives to our officers.

"Before the changes, the possession of a small amount of cannabis would lead to an automatic arrest, resulting in an officer spending about four hours processing the offence, only for it to result, usually, in a small fine when the case is heard in court.

"Where arrest is not appropriate, this new legislation will free our officers to concentrate their efforts on tackling the significant problems of heroin and crack cocaine misuse in Nottinghamshire, the scale of which police estimate is responsible for up to £130m of crime in the city of Nottingham alone."

A police officer seizes cannabis plants from a house in Newark.

**ABOVE: A police officer seizes cannabis plants from a house in Newark. Cannabis remains an illegal drug, with possession punishable by up to two years in prison. 79823**

## Police fear legal challenges

**There are fears that police forces could face costly legal challenges in court if cannabis users dispute police decisions to arrest them instead of giving on-the-spot verbal warnings.**

Forces are aware that the Acpo guidance is open to challenge because it is imprecise.

Previously, reclassification from class B to class C would have meant that possession of cannabis was no longer an arrestable offence, but Parliament has amended the law so possession remains an arrestable offence.

The law says power will be exercised in line with the Acpo guidelines. Nottinghamshire Police is keen to point out that the use of cannabis is still illegal.

The reclassification of cannabis is designed to reduce the amount of time officers spend processing arrests for the drug.

The time saved is designed to be spent tackling more serious crimes, such as the supply and distribution of class A drugs such as heroin and cocaine.

## Definitions go to pot

**Smoking cannabis in "public view" could lead to arrest.**

The phrase "public view" is not defined and it is left to the discretion

of a police officer.

Could the man pictured above, who is smoking cannabis in his living room, yet can be seen by passers-by, be arrested for smoking the drug in public view?

MP predicts drugs chaos Police officers are being asked to do too much to enforce a consistent line on cannabis use now the drug is reclassified, according to the MP for Newark, Mr Patrick Mercer.

He attacked the decision to downgrade cannabis. He said he was against the downgrading of the drug because it was unnecessary.

He said the Government decision could result in chaos as some people using cannabis could be arrested, while others given verbal warnings because it was down to individual officers to make a decision.

"The police do not make laws, they enforce them.

"It will be immensely difficult for the police to enforce a consistent line. I think we are asking too much of our police to do that," he said.

Town officers follow guide Newark's police chief, Inspector Jerry Butler, said officers in Newark were doing the same as officers across the rest of the force and using the advice from Acpo when dealing with cannabis.

Inspector Butler said: "Law enforcement effort in this area is directed at class A drugs, particularly heroin, cocaine and crack cocaine.

"In reclassifying cannabis to class C there are clear signals that an offender found in possession of a 'small amount' of cannabis intended for personal use should not be arrested, freeing up police time to concentrate activity against class A drugs."

He said officers could and would arrest for cannabis offences set out in the Acpo guidelines, and people could rest assured that officers would follow them when making arrests.

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