

POLICING CANNABIS IN NORTH YORKSHIRE

Despite the importance of the issue, remarkably little research has been conducted on the policing of cannabis possession. This study aimed to explore the enforcement of cannabis possession offences by North Yorkshire Police – a police force, which while having the lowest crime rate in England, was ranked 14th for drug offences in 2016. The study involved a detailed analysis of police data and interviews with 37 police officers over 2017 to 2018.

KEY POINTS

- The majority of cannabis possession offences came to light in the course of unrelated policing activity – and, once cannabis was found, officers felt that they had no choice other than to take action and enforce the law.
- There was considerable variation in attitudes and approaches to policing cannabis within NYP with limited knowledge and variable application of the Force guidance.
- Penalty Notices for Disorder were very rarely used
- While interviewed officers were largely happy with the disposals available to them for dealing with adults, there was widespread frustration with the limited options when dealing with young people.
- Very few offenders were encountered in their home wards. Nonetheless, there was a clear relationship between deprivation and cannabis policing, with people in and from more deprived wards being significantly more likely to be policed for cannabis possession.
- Searches were frequently made on the basis of smell and, contrary to College of Policing guidance, a third of interviewed officers thought that smell alone was sufficient for a search.
- The majority of interviewed officers felt that their policing of possession had little or no

INTRODUCTION

Despite the historical salience of the issue of cannabis policing in debates in the UK, the last detailed research dates back to fieldwork conducted in 2004/5 (May *et al.*, 2007).

National guidance stipulates a 3 tiered escalation process for cannabis offences, with North Yorkshire Police (NYP) adding a fourth (referral to a drug agency). Adults apprehended in possession of cannabis should first be given a cannabis warning; then at second offence, referral to a drug treatment agency (if ‘appropriate’); then a Penalty Notice for Disorder (PND) and then, at the fourth offence, be arrested (or asked to voluntarily attend a police station). However, officers have discretion to skip these steps where they consider the circumstances warrant it.

A local Strategic Assessment in 2016 identified that while NYP had the lowest crime rate per head of population in England, it ranked 14th for recorded drug offences – the majority of which were for

cannabis possession. This study therefore stemmed from a coincidence of local police priorities and the need for further research on this issue in the UK.

METHODS

NYP provided anonymised data on 4,597 drug possession offences and 6,020 associated individuals apprehended for drug possession offences over a period of three years (2013-16). Firstly, we explored the characteristics of offences and offenders and the extent to which sanctions escalated over repeat offences. Secondly, we drew on labour force statistics to explore the relationship between ward-level deprivation and cannabis sanctions. Thirdly, we coded the descriptive information on file for 50% of the 2015-16 cannabis offences (496 cases), to produce an offence typology. Finally, semi-structured interviews were conducted with 37 officers in police stations across North Yorkshire Police force area.

FINDINGS

Data analysis

Cannabis accounted for nearly three-quarters of all drug possession offences (73%). Those sanctioned for cannabis possession were predominantly male (86%), white (93%), and young (mean=25.7, SD=10.2). One in seven (14%) were minors. Most received cannabis warnings (47%) or charges (16%). PNDs were issued in just 3% of cases.

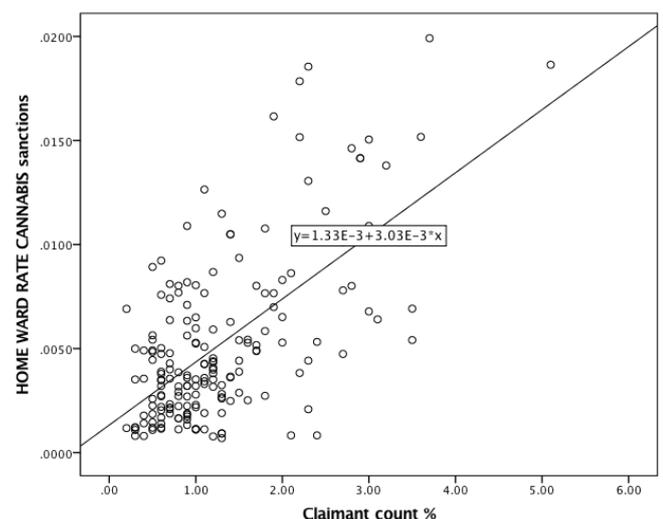
Of 3,788 individuals sanctioned for cannabis possession, the large majority (87%) were sanctioned once or twice over the three years. More serious sanctions were generally given for subsequent offences. However we profiled 14 individuals with 4 offences. Some received multiple cannabis warnings; others received cannabis warnings after previously being charged or receiving PNDs.

Even though few (16%) were sanctioned for offences in their own ward, people who lived in deprived wards were much more likely to be sanctioned (% claimant count: $r=0.637$, $N=182$, $p<0.001$); and significantly more sanctions took place in deprived wards ($r=0.464$, $N=193$, $p<0.001$).

These relationships maintained when we controlled for factors such as night-time economy ($r=0.402$, $N=187$, $p<0.001$).

The typology identified 5 types of event: *moving vehicles* ($N=121$); *static vehicles* ($N=52$); *public space* ($N=117$); *houses/homes* ($N=80$); and *police custody* ($N=32$). Sanctions involving *moving vehicles* nearly all resulted from officers smelling cannabis (81%) after stopping cars for unrelated reasons (97%). In just over half the *static vehicles* cases, they were approached because they were parked in suspicious places; again, where recorded, smell justified most searches (82%).

Public space had by far the highest proportion of contacts that were initiated because of concerns about drugs (38%), with over three-quarter of



searches premised on the sight or smell of cannabis. Minors were mostly (64%) sanctioned in public space. Offences originating in *houses/homes* were came to light in the course of investigations for other offences and were therefore very rarely drug-related. Finally, all cannabis finds in the *police custody* category were incidental, being uncovered during routine searches after arrests for unrelated incidents.

Interviews with officers

Nine of the 37 officers said that they were aware of the national guidance on policing cannabis and 14 said they were aware of the NYP guidance. There was considerable variance among officers in their knowledge and reported policing of cannabis possession. For example, some thought more than one cannabis warning could be issued and others saying that they would usually arrest. Only two officers reporting having ever used a PND for a cannabis possession offence. This low usage appeared to be due to a lack of PND tickets; and a lack of knowledge about their appropriate use. Around half of the officers were positive about Drug and Alcohol Referrals (DARs) as an effective disposal. However, officers were often unclear about the point at which DARs could be applied in the escalation process.

Contrary to previous research, most officers said that they would never deal with cannabis possession informally by, for example, dropping it down a drain.

Of the officers that mentioned smell, two-thirds were aware that they needed more than just the smell of cannabis to progress to searching someone (though this frustrated some). The remaining third thought that smell alone was sufficient to move to search.

Demonstrating awareness of the Necessity to Arrest criteria, officers were sometimes doubtful of having grounds to arrest anyone for simple cannabis possession, where the person was compliant. In those circumstances, offenders were asked to attend a police station voluntarily for interview. Whilst some officers thought this created extra work for them; others thought it saved time and had less impact on those being dealt with.

Officers were asked about dealing with under 18s as cannabis warnings are not available for this group. Some officers felt they had less scope for discretion with young people, having to move more quickly to arrest. Officers also found processes for dealing with young people time-consuming. Over a third of officers suggested that some form of child cannabis warning would be useful if adapted for children; for example, by being supported with a DAR and/or involving the child's parents. The majority of officers did not want to criminalise young people, wanting instead to divert them to disposals that would help them with their drug use.

Most said that cannabis policing had little or no overall impact on offenders. Nonetheless, many referred to particular groups or instances where an impact might be made – especially on young people early in their drug careers. Many officers saw cannabis use as a significant problem and several specifically mentioned the importance of trying to prevent escalation into 'harder' drug use.

However, as several officers pointed out, ultimately, they could not know what impact their policing was having; and for many, the question was irrelevant in the sense that it was simply part of their job and something they had to do.

CONCLUSIONS

This study has revealed considerable variation in attitudes and approaches to policing cannabis within NYP and limited knowledge, and application, of the Force guidance. PNDs were very rarely used and officers approached the escalation process in rather different ways. While interviewed officers were largely happy with the disposals available to them for adults, there was widespread frustration with the limited options available to them in dealing with young people.

There was a clear relationship between deprivation and cannabis policing at the individual and geographical level, which deserves further investigation. Interviewed officers were largely unaware of targeting areas or individuals in this way and there was no indication that this was purposeful.

Another important finding is the role of smell: searches were frequently made on the basis of a smell of cannabis and a third of interviewed officers thought that smell alone was sufficient for a search. College of Policing guidance states that the smell of cannabis on its own will not normally justify a search (CoP, 2017).

The majority of offences came to light in the course of unrelated policing activity – and, once cannabis was found, officers felt that they had no choice other than to take action and enforce the law. This was despite the fact that the majority felt that their policing of possession had little or no individual or wider impact on cannabis use. Many officers felt that cannabis use was a serious issue, with some seeing it as a gateway to more dangerous drugs. There was therefore something of a disconnect between their views of the dangers associated with the drug and what they felt they were able to do about it.

FUTURE RESEARCH

An obvious strength and limitation of this study is its focus on one force. This has enabled us to look in some detail at cannabis possession policing in NYP. However, given the considerable variation within this one force, there is clearly merit in a study which attempts to capture variations in cannabis policing around the country. There are also a number of new approaches being experimented with policing drug possession around the UK and future comparative research could be undertaken to explore which approaches are associated with the best outcomes.

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