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**Andy Hayman MA FIMgt**  
**Chief Constable**

Dear Colleague

### **Cannabis Enforcement Guidance**

As you may be aware, the law in respect of the classification of cannabis under the Misuse of Drugs Act will change on the 29<sup>th</sup> January 2004 and guidelines have been issued by the Association of Chief Police Officers (ACPO) as to how offences of possession of cannabis should be dealt with.

The purpose of this letter is to outline the changes and indicate the approach Norfolk Constabulary will take in the context of the national guidance. It is being circulated to all key agencies that comprise the Drug Action Team, and to Norfolk schools via the Local Education Authority. In addition, we will involve the media to inform the general public, reinforced through the Norfolk Constabulary Website.

From the 29<sup>th</sup> January 2004 cannabis will be reclassified from a Class B to a Class C drug as defined by Schedule 2 of the Misuse of Drugs Act 1971. **However, it is important to emphasise that cannabis remains illegal.** Under current legislation, cannabis possession would not then ordinarily be an arrestable offence. However, the law is being amended from this date so that cannabis possession will continue to be specified as an arrestable offence.

A policing priority of Norfolk Constabulary is to focus on disrupting the supply of Class A drugs to our communities. Therefore the presumption should be against using this power of arrest for simple possession offences but there will be circumstances when it is appropriate to arrest for possession of cannabis. This is very much left to the discretion of officers, who will be expected to take into account the prevailing circumstances in deciding whether to arrest or not. It will be our policy to work to the ACPO guidance, a copy of which is enclosed for your information.

### **Issues for Schools**

I am conscious that in schools that operate a sixth form, pupils could be rising 19 years of age. You will note from the guidance that the manner in which officers deal with cannabis possession offences will be dependent, inter-alia, upon age. Adults (18 years of age and over) found to be in possession of cannabis for personal use will normally be given a street caution, whereas young offenders (aged 17 years and under) will be arrested and

within the youth justice framework be given a reprimand, final warning or charged. Therefore, there is the potential that pupils from the same school could be dealt with differently dependent on their age at the time of the incident.

However, this is likely to be the case for incidents that occur outside of school hours and away from school premises. Incidents that occur on school premises necessitating the attendance of the Police are still likely to result in arrest under the ACPO guidance (paragraph 2.6).

Given that cannabis remains an illegal drug after 29<sup>th</sup> January 2004, then schools may take the view that their Drugs Policy beyond this date can remain broadly in line with existing practice. I am sure, however, that head teachers would wish to ensure that the responses outlined in their policy remain proportionate to any incident.

The Constabulary acknowledges that the school is often best placed to manage low level drug related incidents through its drug, behaviour or discipline policies, without involving the Police. I would very much support this position, but would wish to reassure you that we remain committed to responding where enforcement is deemed to be the correct course of action by the school.

The content of this letter has been shared with Dr Bryan Slater, Director of Education.

### Summary

Our policy is intended to reduce the amount of time devoted to policing the possession of cannabis, which although potentially harmful to an individual's health, is not considered to cause damage to society on the scale of heroin, cocaine and crack cocaine.

Our approach should allow for effective policing while ensuring a proportionate response to this offence.

I would hope that the Constabulary, through the Drug Action Team, will continually monitor our application of these new procedures. I would very much welcome any feedback you may have after 29<sup>th</sup> January 2004.

Yours sincerely

Andy Hayman  
Chief Constable  
Chairman ACPO Drugs Sub-Committee

Attachment – ACPO Cannabis Enforcement Guidance