



# Association of Chief Police Officers of England, Wales and Northern Ireland

25 Victoria Street, London, SW1 0EX. Tel: (020) 7227 3434. Fax (020) 7227 3400/1

## CANNABIS ENFORCEMENT GUIDANCE

### 1. INTRODUCTION

- 1.1 The purpose of this paper is to issue guidance to officers dealing with simple offences of possession of cannabis by adult offenders when the drug is reclassified from Class B to Class C of Schedule 2 of the Misuse of Drugs Act 1971.

### 2. ARREST

- 2.1 A consequence of transferring cannabis from Class B to Class C is that under current legislation cannabis possession would ordinarily not be an arrestable offence under Section 24 of PACE 1984. However, the law is being amended in Parliament so that it will continue to be defined as an arrestable offence, but the presumption should be against using this power for simple possession offences.
- 2.2 There will be circumstances where 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. An officer may consider arrest in the following situations:

#### 2.3 Beyond simple possession of cannabis

##### *Context*

The smoking of cannabis in public view is not in the spirit of re-classification. Such flagrant ignorance of the law has the potential of undermining the illegal status of possession of a controlled drug. A similar undermining could occur where, on a local basis, a police officer is aware of a person who is repeatedly dealt with for possession of cannabis.

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*Police officer may arrest*

- Where a person is smoking cannabis in public view
- Where locally a person is known to be repeatedly dealt with for possession of cannabis.

## **2.4. Youth Offenders**

*Context*

The Crime and Disorder Act provides a statutory framework for Youth Offenders to be dealt with in a different way to adult offenders using the options of a reprimand, final warning and charge. Youth offenders will continue to be dealt with through the Crime and Disorder Act provisions and not this Cannabis Enforcement Guidance. The Crime and Disorder Act legislation requires offenders to be dealt with at the police station which, in practice, means that police officers should arrest persons aged 17 years or under who are in possession of cannabis for personal use.

## **2.5 Locally Identified Policing Problem**

*Context*

There may be circumstances such as a fear of public disorder associated with the use of cannabis which are causing a local policing problem that cannot be effectively dealt with by other powers.

*Officers may arrest*

- Persons who are in possession of cannabis under circumstances that are causing a locally identified policing problem.

## **2.6 Protect Young People**

*Context*

There may be occasions where the possession of cannabis may create a risk to young people. However, this guidance is subordinate to any partnership agreement or memorandum of understanding within education establishments.

*Officers may arrest*

- Persons in possession of cannabis inside or in the vicinity of premises frequented by young persons, e.g. schools, youth clubs, play areas.

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### **3. OFFENDERS UNDER 10 YEARS**

- 3.1 When children under the age of 10 years are found in possession of cannabis, this should be considered an "at risk" incident prompting the appropriate referrals to other agencies through the child protection team.

### **4. VULNERABLE PERSONS**

- 4.1 The term "vulnerable person" includes a person who may be mentally disordered or otherwise mentally vulnerable, or mentally incapable of understanding the significance of questions or replies. They should be dealt with within the terms of this strategy by being arrested, their own personal welfare and interests being paramount. Final disposal will be within the ACPO Case Disposal Guidelines. All case disposal options, including Formal Warning, are available for consideration by the custody officer.