Hosted by LSE Works: LSE IDEAS
Drug Policies Beyond the War on Drugs

Dr John Collins
Executive Director, International Drug Policy Project, LSE

Dr Joanne Csete
Commissioner, Lancet Commission on Drug Policy

Professor Lawrence Phillips
Emeritus Professor of Decision Sciences, LSE

Dr Michael Shiner
Head of Teaching, IDPP and Associate Professor of Social Policy, LSE

Dr Mary Martin
Chair, LSE

Hashtag for Twitter users: #LSEworks
@lsepublicevents  lse.ac.uk/events

LSE IDEAS
LSE WORKS 2017

LSE

THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE
LEARNING FROM A FOILED REFORM
CANNABIS RECLASSIFICATION IN ENGLAND AND WALES

MICHAEL SHINER
INTERNATIONAL DRUG POLICY PROJECT, LSE IDEAS
DEPARTMENT OF SOCIAL POLICY
INTRODUCTION

Cannabis down-graded from Class B to C as of January 2004

- Only the second time a substance had been downgraded since the introduction of the Misuse of Drugs Act (1971)
- Daily Mail claimed it was tantamount of decriminalisation
- Prompted the resignation of the then Drug Tsar Keith Hellawell

Cannabis was moved back from Class C to B as of January 2009

- Prompted the dismissal of the then Chair of the ACMD, David Nutt
- But cannabis reclassification had already been subverted

What needs to explained?

- How did cannabis come to be reclassified in the first place?
- How was this apparent reform subverted?
- Why was reclassification reversed?
- What are the lessons for drug reform?

ORIGINS OF REFORM
Impetus for reform originated outside main political parties

  - Demand will not be significantly reduced by deterrent effect of law
  - Reclassification of cannabis (B → C), ecstasy and LSD (A → B)
  - Supported abolition of prison sentences for most possession offences
  - Cannabis law causes more harm than it prevents

All Inquiry’s recommendations were rejected by Government

A window of opportunity

- New Labour won 2001 General Election with massive majority
- Independent Inquiry report was warmly received by media
  - Calls for ‘mature and serious national debate’ (Daily Mail)
- Shifting political sands
  - Ann Widdecombe and zero-tolerance
  - Political confessions
  - Michael Portillo and decriminalisation
  - The Lambeth experiment
THE ROAD TO REFORM

After 2001 General Election, the new Home Secretary, David Blunkett, declared: ‘There is room for an adult intelligent debate’

- Asked House of Commons Home Affairs Select Committee to review Government’s drug policy
- Announced his intention to downgrade cannabis to this committee
- Asked Advisory Council on the Misuse of Drugs (ACMD) to review classification in light of current scientific evidence
- Select Committee and ACMD endorsed proposed reclassification of cannabis

Reclassification of cannabis came into effect at beginning of 2004

- Consistently presented by Government as a way of freeing up police time to focus on drugs that cause most harm
- Power of arrest was retained, but the assumption for simple possession should be against arrest (ACPO, 2003)
- Cannabis Warnings – not form part of criminal record
OUT OF COURT DISPOSALS

- Given a street warning for cannabis possession
- Cautioned for cannabis possession
- Cautioned for possession of drugs other than cannabis
- Given a penalty notice for disorder for cannabis possession
Approximately 70 per cent of police recorded drug offences between 2005/6 and 2011/12 were for cannabis possession.
GOING AFTER DRUGS
STOP AND SEARCH

![Graph showing trends in drug and stolen property cases from 1997/98 to 2012/13. The graph indicates an increase in drug cases and a stable trend in stolen property cases.](image)
WHAT HAPPENED?

Police culture
- Prioritises crime-fighting and the maintenance of social order through assertions of moral authority
- Most officers are wedded to the drug war mentality and stay motivated by operational successes on a case-by-case basis (Bacon, 2016)
- Confiscating drugs provided officers with a tangible outcome that eluded them in many other situations (Bear, 2016)
- As an unwanted, externally imposed reform, the reclassification of cannabis was adapted to reflect priorities and practices of the police organisation

Managerialism and targets (Office for National Statistics, 2013)
- Increase in recorded drug offences coincided with Public Service Agreement targets
  - Priority given to increasing numbers of offences brought to justice
  - Drug offences have high clear up rates (sanctioned detections)
- Cannabis warnings and Public Service Agreement targets created a perverse incentive structure for officers to target cannabis possession
POLITICS

After cannabis was returned to Class B the whole process was described as a “debacle”, a “kerfuffle” and a “farce”

- But there is a logic to what happened
  - Structured ambivalence of state responses
  - Sovereign state strategy and adaptive strategies (e.g. reclassification)
  - Political actors and administrative actors

The political landscape changed and played on Labour fears

- New Labour’s ‘confidence deficit’
- Government went to considerable lengths to insulate itself from allegations that it was being “soft on crime” e.g. increased penalty’s for supply
- Michael Howard announced future Conservative government would reverse ‘absurd’ and ‘misconceived’ decision to downgrade cannabis, before reform was even introduced
- Media adopted a much more critical tone – Daily Mail, Melanie Phillips etc
- Tony Blair signalled reclassification on eve of 2005 General Election
- Implemented by Gordon Brown
- Symbolic gesture – ACPO guidance remained the same
Jacqui Smith admits cannabis reclassification was wrong

Jacqui Smith has admitted that her decision to upgrade cannabis to a Class B drug when Home Secretary was wrong and that education would have been a better option than criminalisation.
Fatuous, dangerous, utterly irresponsible - the Nutty professor who's distorting the truth about drugs
By MELANIE PHILLIPS FOR THE DAILY MAIL
UPDATED: 07:53, 4 November 2009

So you want to legalise cannabis? You must be as dumb as Nick Clegg
By PETER HITCHENS FOR THE MAIL ON SUNDAY
PUBLISHED: 00:35, 16 December 2012 | UPDATED: 00:50, 16 December 2012

The terrible truth about cannabis: Expert's devastating 20-year study finally demolishes claims that smoking pot is harmless
CONCLUSION

Independent Inquiry illustrates what can be achieved by working within the system and seeking incremental change
- But also illustrates the limitations of this approach

Cannabis reclassification was subject to a double translation that diluted and undermined the reform

Lessons
- Reform is not a top-down process – resistance etc
- It is a process not an event – need to be able to respond to unintended consequences
- Details matter - sanctioned detections
- Need to understand organisational dynamics and incentive structures of all involved – police behaviour is responsive
- Need to measure the right thing
- Threats and allies
Hosted by LSE Works: LSE IDEAS

Drug Policies Beyond the War on Drugs

Dr John Collins
Executive Director, International Drug Policy Project, LSE

Dr Joanne Csete
Commissioner, Lancet Commission on Drug Policy

Professor Lawrence Phillips
Emeritus Professor of Decision Sciences, LSE

Dr Michael Shiner
Head of Teaching, IDPP and Associate Professor of Social Policy, LSE

Dr Mary Martin
Chair, LSE

Hashtag for Twitter users: #LSEworks
@lsepublicevents lse.ac.uk/events