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Drug Policies Beyond the War on Drugs

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LEARNING FROM A FOILED REFORM

CANNABIS RECLASSIFICATION IN ENGLAND AND WALES

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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?

Shiner, M. (2015) 'Drug Policy Reform and the Reclassification of Cannabis in England and Wales: A Cautionary Tale', *International Journal of Drug Policy,* 26(7): 696–704

ORIGINS OF REFORM

Impetus for reform originated outside main political parties

- Independent Inquiry into Misuse of Drugs Act 1971 (Police Foundation, 2000)
  - 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

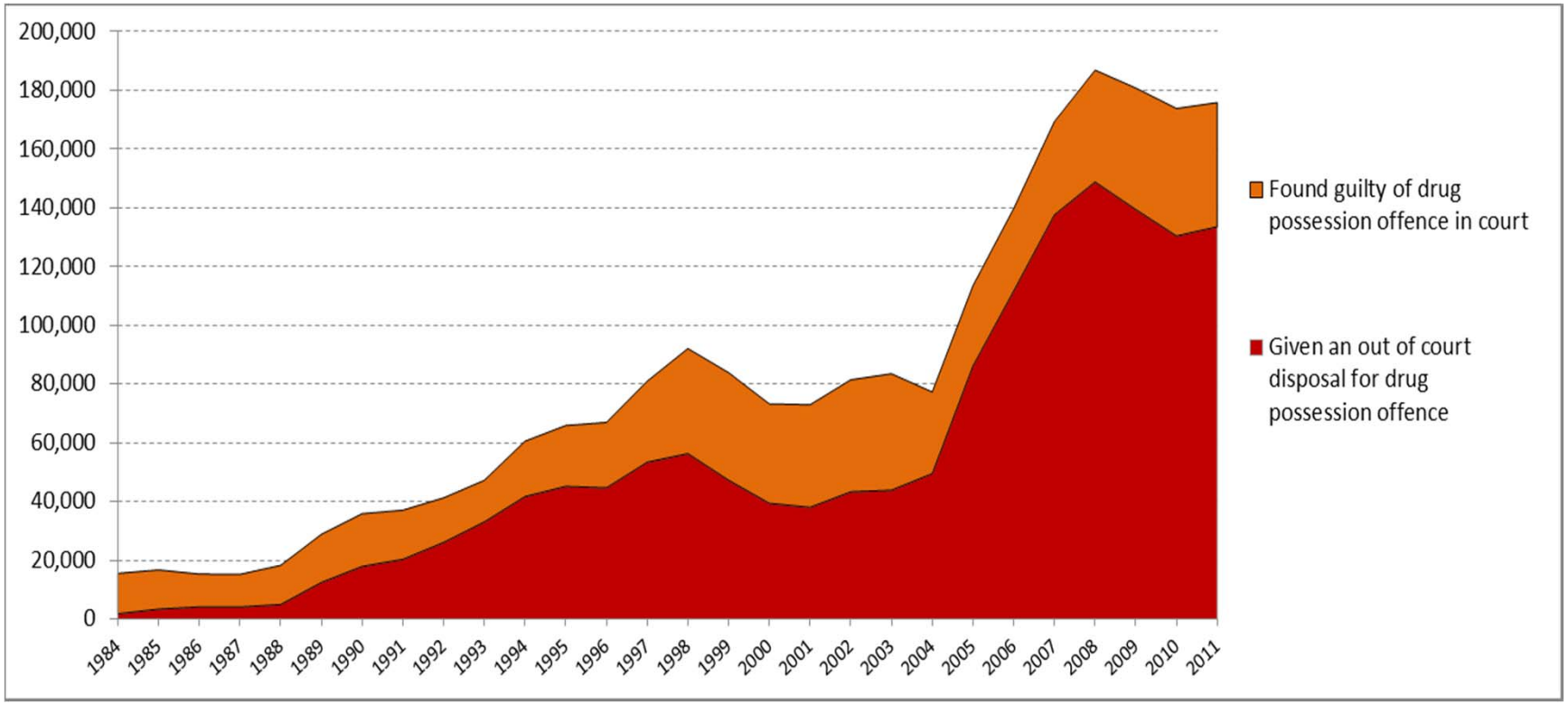
Blunkett, declared: ‘There is room for an adult intelligent debate’

- 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

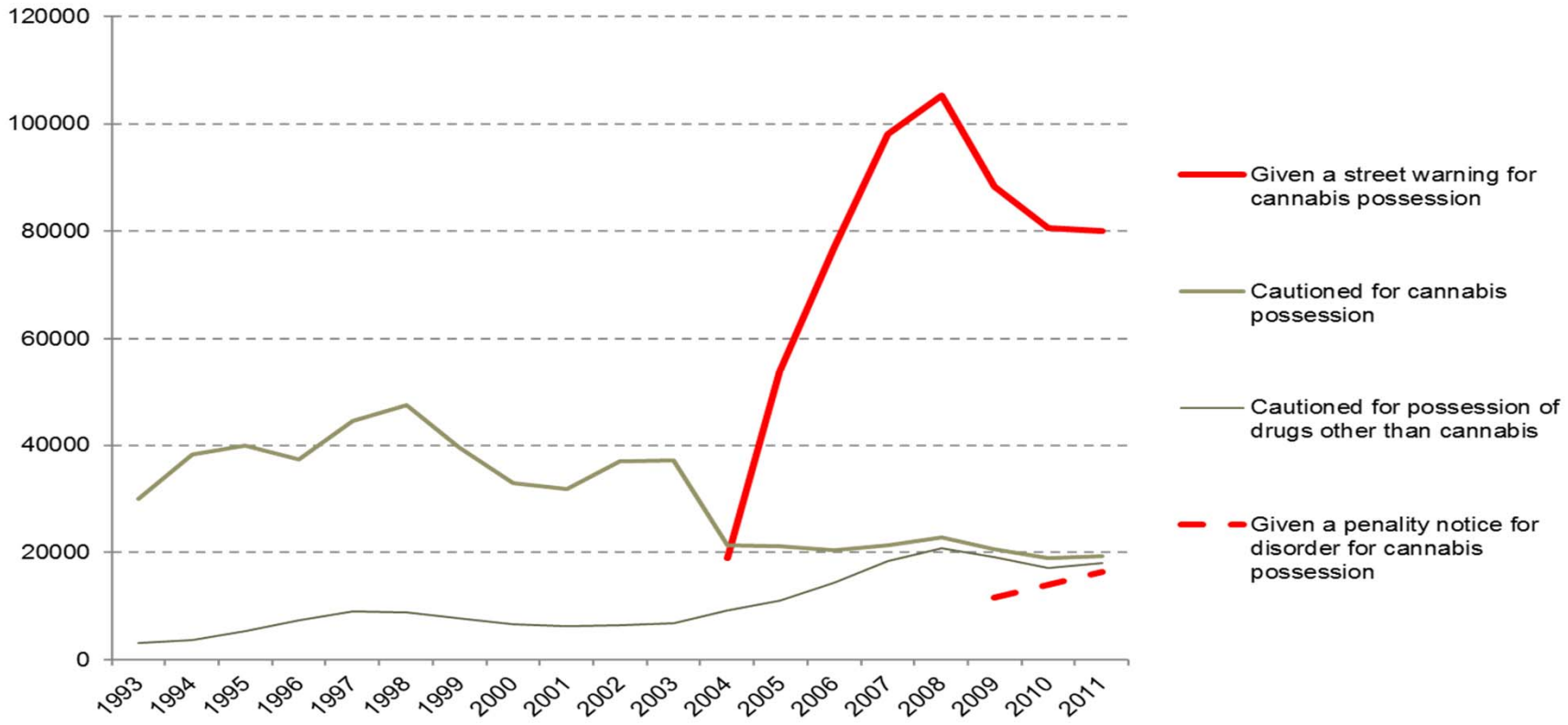
Reclassification of cannabis came into effect at beginning of 2004

- 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

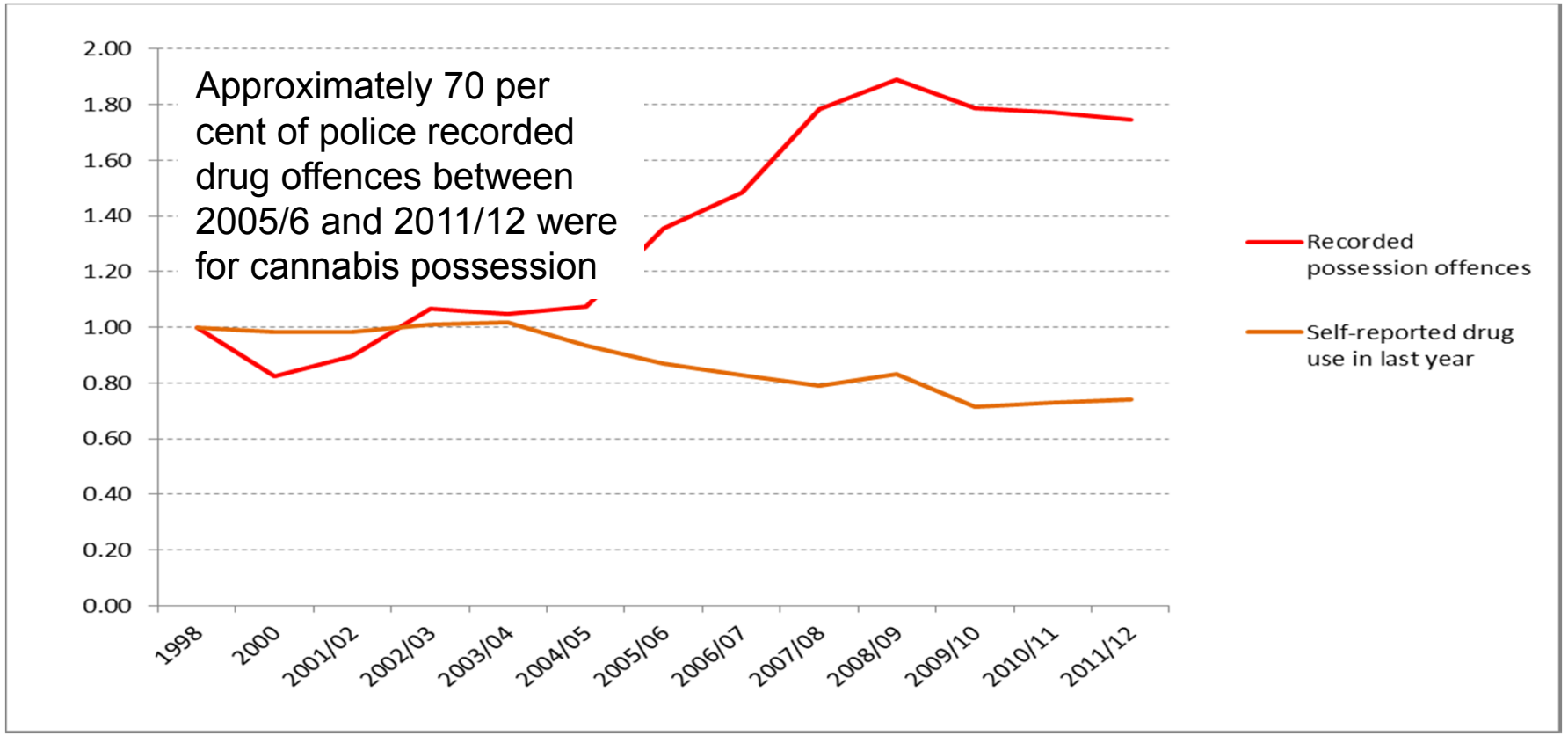
NET-WIDENING



OUT OF COURT DISPOSALS

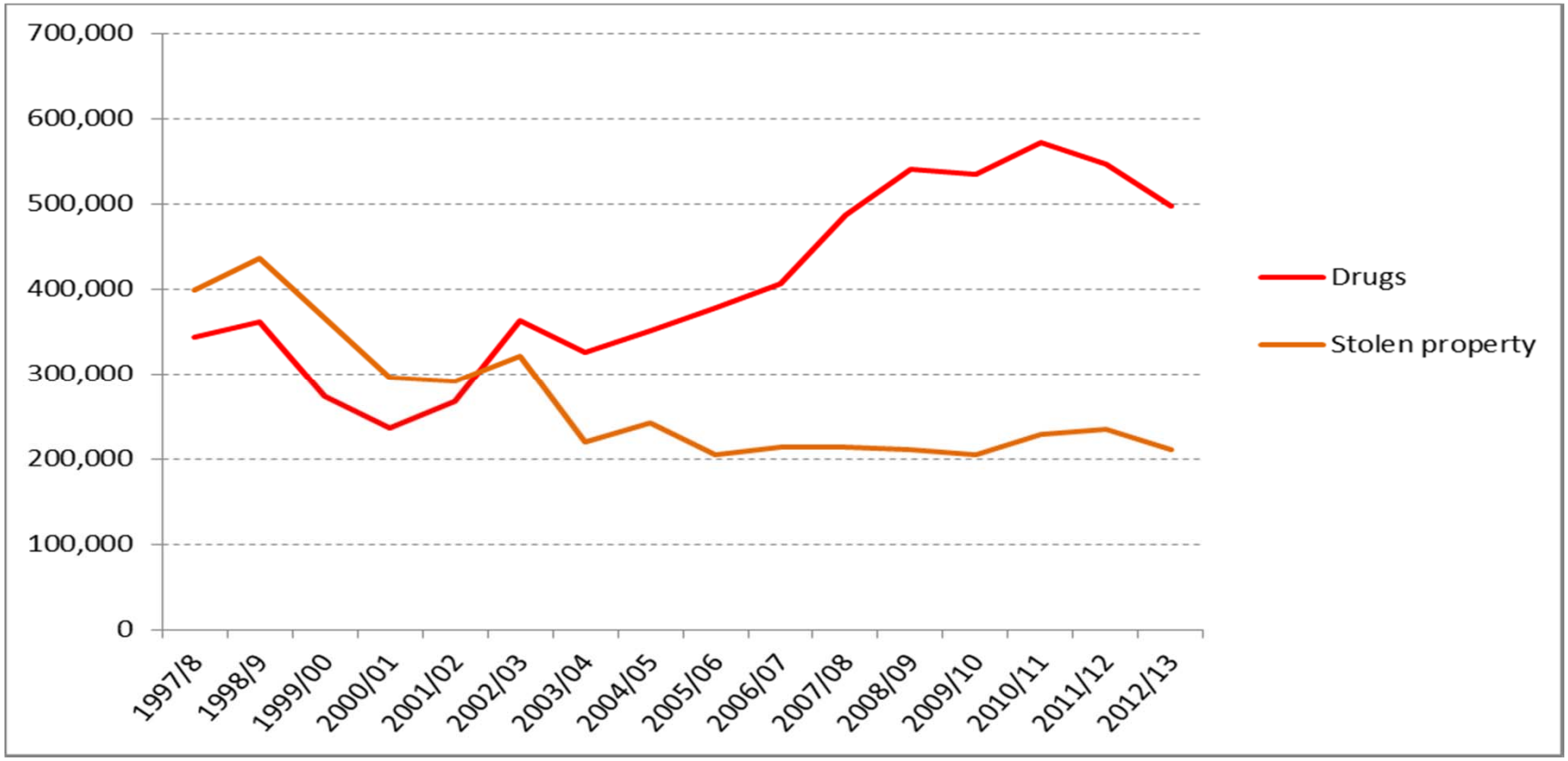


POLICE RECORDED POSSESSION OFFENCES AND RATES OF SELF-REPORTED DRUG USE



GOING AFTER DRUGS

STOP AND SEARCH



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

The Telegraph

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.

Former Home Secretary Jacqui Smith Photo: Bloomberg/Chris Ratcliffe

By Victoria Ward
6:00AM GMT 20 Nov 2012

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Victoria Ward »

In Politics

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

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