

Cannabis Presentation – Stop Making Sense

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Thank you. My presentation today is entitled 'Stop Making Sense' and constitutes my view on where drug policy particularly on cannabis has reached in the United Kingdom. Aficionados of mid-80s rock will recognise the name derives from an album by the band Talking Heads. However it also neatly captures the current state of UK cannabis policy – where once, quite recently, a new more irrational approach was being developed, there has been a retreat to an emotional and illogical policy.

Before I start properly I should first reveal my relevant experience. I was a British civil servant for fifteen years over a number of policy areas but drug policy for the mostpart. I am a former head of drug legislation in the Home Office in Westminster and also worked as Secretary to the Advisory Council on the Misuse of Drugs. I am now a policy consultant working at present for the Beckley Foundation's Cannabis Commission and also as a freelance journalist.

Five years ago, in January 2004 the British Government downgraded cannabis from class B drug to Class C. The re-classification meant lower penalties and fewer arrests for possession. Three weeks ago they reversed that decision even though scientific advice had not changed significantly and cannabis consumption had continued to fall. Why the U-turn? During this presentation I will attempt to outline the reasons which influenced the Government's decision. I am bound to say I disagree fundamentally with this reversal of policy. It is my hope for other administrations to learn from the UK's mistakes.

The announcement to consider re-classification was made by the then Home Secretary David Blunkett in 2001. To put it fully into context, the announcement was about two weeks after 9/11 so pretty much every commentator and politician was focussing on the burgeoning war on terror rather than relaxing controls on 'soft' drugs. Blunkett made clear the policy aims were freeing up police resources and making drug education messages more credible. I will go into those in more detail but it is true to say the vast majority of officials, NGOs and police organisations considered the change was a sensible and desirable development in UK drug policy.

This slide shows the classification of drugs under the main legislation the rather ancient Misuse of Drugs Act 1971. There are three classes of drugs (in theory) dependent on their respective harms - the higher the class the higher the penalty. There are similar systems of classification in Canada and here in NZ. The Act sets out the process for drugs to move from class to class, for new drugs to be added. The Government are required to seek advice from the Advisory Council and votes must be held in both Houses of Parliament.

The Home Secretary David Blunkett argued with some justification, the new enforcement regime would prevent tens of thousands of young people receiving a criminal record for what many would agree is the relatively trivial offence of youth of cannabis possession. The widespread use (60-70,000 p.a.) of criminal sanctions was deemed disproportionate in preventing otherwise law-abiding citizens from gaining employment or applications for visas.

Moreover, it was argued the significant resources employed in enforcing the law on cannabis possession could be better re-deployed by police forces on Class A drugs such as heroin and crack cocaine, and so was totally in line with the overall aims of the UK's 10-year drug strategy. Reclassification meant the police should presume not to arrest anyone in possession aged 18

and over, so long as there were no aggravating factors (repeat offenders, smoking near to minors.)

Second, the Government was preparing to launch a significant drugs education and advice campaign, known as Frank (www.talktofrank.com).

Categorising cannabis as a class B drug alongside powerful and potentially lethal drugs like amphetamines and barbiturates undermined the credibility of drug messages. As focus groups showed at the time, many young people (16-25) may chose to smoke cannabis occasionally or on a more regular basis but the same people would not consider taking, for example, speed.

So what changed and how does the Government justify the policy reversal? One significant change the current Home Secretary, Jacqui Smith has relied heavily on to justify the U-turn is the shape and size of the UK cannabis market. I have already indicated there are fewer cannabis smokers and in all probability less cannabis being smoked. Here is a slide showing the numbers of 16-25 year olds (Source: British Crime Survey) who admit to using cannabis in the last month has fallen pretty steadily from 28.2% in 1997 to below 20% for 2007/8.

But the traditional market of 70s, 80s and 90s of dominance of Moroccan hashish has given way in large part to hydroponically grown skunk marijuana (weed). The Forensic Science Service's estimate it makes up 75% of the market is now home-grown. The reasons for this are essentially supplier led, the risks from importing hashish are considerably higher then setting up a mini-cannabis growing factory in an empty suburban house. Although research is only sketchy on the demand side it is unlikely to have driven the market in this direction. Quite the opposite in fact.

The high from skunk is almost entirely THC (Tetra-hydro-cannabinol) with very low traces of CBD (cannabidiol). These are the ying and yang of the cannabis experience - the THC is the frantic, paranoid element where the CBD provokes the mellow, lethargic features. Many young people find the high too intense and unpleasant which may be the reason why consumption rates have continued to fall. Although direct comparisons with alcohol are difficult you could imagine for young people skunk is the equivalent of being offered super strength vodka. A great many would just pass.

However for those who continue to smoke skunk there is an all probability an increased risk of mental health problems derived from its higher strength and higher THC content.

These risks have been always associated with cannabis smoking. Studies show the harms from cannabis can accumulate, the younger the user starts, the more regular use particularly daily use and if they smoke cannabis with higher THC content. But in recent years the risks to all cannabis smokers have been exaggerated by the media beyond all proportion. The statutory Advisory Body has been required to publish three separate cannabis reports in the last 6 years and each has come to the same conclusion. The causal link between cannabis use and developing psychosis is weak and can in now way justify a re-classification of the drug.

However the Government has decided "it believes" there is a strong causal link between cannabis smoke and the development of schizophrenia. Ministers also announce there is "growing evidence" of a link even though their own scientific advisers say the link is small and unchanging. Sir Colin Blakemore, former chair of the Medical Research Council said, "This is still in the realm of correlation rather than causation."

The rise of the home-grown market has attracted criminal entrepreneurs and the scale of domestic cannabis production has escalated as imports have fallen. The Association of Chief Police Officers estimate 1,000 factories across the UK's 51 police forces were discovered last year. The second prong of the Government's strategy, such as it is, is to "drive police priorities to encourage them to crackdown on cannabis factories".

If there is an air of confusion descending I am not entirely surprised. This justification makes no sense. The penalties for supplying and producing class B or class C drugs are identical, 14 years imprisonment. But more importantly the each Chief Constable is operationally independent of the Government. It is entirely a matter for the Chief Constable to decide how many officers he or she deploys to enforce the law on any particular drug regardless of its classification.

The Home Secretary also justifies the policy because those involved in growing cannabis are "quite often using trafficked labour". When the Drugs Minister, Vernon Coaker was asked in Parliament last year how many cases of trafficked labour the police had found running cannabis farms the answer was ONE.

Here we see the conflict of independent scientific advice from the political process. This week the ACMD recommended ecstasy should be removed from the same class as heroin and crack, Class A, and placed in the lower category Class B. The Government made clear long before the study was written they would reject the advice as did the main Opposition party, the Conservatives. It means they have ignored scientific opinion of their own advisers for the second occasion in three months.

These are the only times this has happened since the ACMD was established under the Misuse of Drugs Act 1971. It is clear there are further plans afoot to de-stabilise the ACMD and politicise the process to a greater degree. A Whitehall source (euphemism for Ministerial political adviser), said last week, "These experts are so out of step with public opinion, it makes one wonder how long this arrangement can continue." Chris Huhne, Home Affairs spokesman for the Liberal Democrat party suggested the Government replace members of the advisory council with newspaper editors.

I understand the latest drug Minister Alan Campbell who has no background in drug work, intends to change the law (again contrary to ACMD advice) to control the plant khat. It is a very mild stimulant misused by the Somali and Yemeni populations. The regulatory impact on those communities will be disproportionate to say the least.

So it is a depressing situation we find ourselves in. After a brief period of enlightened policy we are now re-entering the irrational and ignorant world we spent 30 years extricating ourselves from.

What's worse is Ministers and senior police keep repeating the mantra of how this legal change is 'sending out a strong signal to young people'. This is nonsense on stilts. There is no evidence whatsoever changing classification or increasing penalties deters use. The All Party Parliamentary Science and Technology Report from 2007 with catchy title of 'Making a Hash of It' concluded, "We have found no solid evidence to support the existence of a deterrent effect despite the fact that it appears to underpin the Government's policy on classification."

Let us consider how we got to this position. If we consider all the factors and stakeholders who impinge on drug policy we should be able to determine exactly what went wrong.

If we consider this slide it includes all the separate stages of the decision-making process. Parliament, Prime Minister, Home Secretary and Advisory Council on the Misuse of Drugs and feeding advice we have officials, police and NGOs.

Under the Misuse of Drugs Act (Section 1) an inquiry into a drug is initiated either by the Secretary of State or by the Advisory Council themselves.

For historical reasons the SoS has meant Home Secretary although the Act also refers to Health and Education Secretaries. When I liaise with drug policy colleagues across Europe that are always, rightly, bemused the UK policy officials have an enforcement agenda rather than a health one. The UK's drug policy is not even owned by the right Government Department.

Let's go back a stage to the Prime Minister's role. In July 2007 just two weeks after Gordon Brown succeeded Tony Blair and became PM he announced a few policy changes which would make his approach as leader look distinct from his predecessor. Super casinos were to be dropped, cannabis was to be re-classified. (Incidentally many cabinet Ministers including the Home Secretary have admitted experimenting cannabis at University etc had any of them been arrested for this youthful indiscretion there is no chance they would have become Members of Parliament let alone in the Cabinet. Gordon Brown says he as never smoked cannabis – I for one believe him)

So PM made his announcement. By law there is no provision for the PM to initiate the enquiry. So he asked Home Secretary Jacqui Smith to write to Advisory Council on the Misuse of Drugs. But here we have the origins of political expediency stamping all over scientific opinion. A new PM is simply not going to be defied - his prejudices are going to be accommodated his leadership not questioned. (There was a long lead up Education Secretary and PM's close friend Ed Balls on 2005 election night asked what Government had to fix he said, cannabis, Iraq.)

The Government are advised by the ACMD who have now drawn up reports on cannabis in 2002, 2005 and 2007. All the reports had almost identical conclusions; cannabis is harmful, to a few very harmful, but nothing like as harmful as other class B drugs like amphetamines.

Professor David Nutt, head of psychopharmacology at the University of Bristol, and chair of ACMD said in 2007, "The idea that reclassification upwards will do anything to reduce psychosis is naive and runs the risk of perversely inflicting even greater suffering - through increasing criminal sanctions - on vulnerable individuals already afflicted with mental illness."

When classification came into force there was a £1M accompanying media campaign to explain the main changes around presumption against arrest. Some newspapers reproduced the policy perfectly and us officials really thought we had something of a success story. We could be described more accurately as novice sailors who ride out a few waves and start gaining confidence. Then ensues a perfect storm of inaccurate assumptions re-enforced by ignorant columnists.

You will notice alongside all the key stages of decision-making is the media. No-one could have suspected there would be such a sustained media onslaught on the cannabis policy. Particularly from papers who had been calling for this specific legal change. For tabloid journalists, the issue is perfect for creating fear by use of anecdotal cases, highly selective application of statistics and outraged opinion.

Can I just give you two examples one from the Sun the other from the Daily Mail both hugely popular papers. The Sun story was from November last year, two men in the late teens carried out an horrific and seemingly motiveless attack on a pensioner living in South London and for the Sun there was no doubt the cannabis joint they smoked earlier in the evening was to blame. The report also referred latterly to the men drinking over 10 pints of strong lager and plenty of spirits. We can all make up our minds on that.

The most prominent Daily Mail columnist is Melanie Philips she has waged a personal campaign against cannabis re-classification downgrading to Class C. She has carried out character assassination on the Advisory Council members (most recently last week), portrayed scientific evidence in a highly partial manner. But that is journalism to some extent. However Ms Philips hysteria over cannabis overreaches what could be called the bounds of reason. She has even suggested it should be a class A drug alongside crack and heroin as a substance of equivalent harm.

To bolster this unfounded and dangerous statement she included advice from a child psychologist friend that she would rather her 16 year-old daughter take heroin than smoke cannabis. The logic, if you can call it that, is 'there is treatment for heroin addiction available (i.e. methadone) but once you get cannabis psychosis you are finished.' The Mail's circulation is about 3 million copies a day.

So the media war on cannabis was well and truly lost. Eventually these assumptions about cannabis psychosis began to be believed at Government level. Our present Home Secretary makes public pronouncements about the growing evidence of a causal link between cannabis and mental health problems when her own Advisory Council describe the link as "small and weak"

NZ is embarking on a full policy commission on drugs. I would not presume to offer advice on another country's policy decision-making process but I would offer one word of advice based on the very negative experience of the UK. The road to a rational coherent drug policy is a difficult one; there are very many distractions and political obstacles to overcome. But hard as it might be you must stick to your guns, be true to your own convictions. The downside to a messed up drug policy may be something of an intellectual annoyance. But it's a lot more than that. An incoherent strategy allows falsehoods to become established opinion and that damages people's lives too.