

**THE SOCIAL IMPACT OF A MINOR CANNABIS  
OFFENCE UNDER STRICT PROHIBITION - THE CASE  
OF WESTERN AUSTRALIA**

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**Simon Lenton  
Mike Bennett  
Penny Heale**

National Centre for Research into the Prevention of Drug Abuse



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## **ROLES OF RESEARCH STAFF**

Simon Lenton was the chief investigator on the project and was responsible for project conceptualisation and development, questionnaire design, sampling and recruitment, analysis and interpretation of quantitative data, interpretation of qualitative data, and report writing. He also trained and supervised other project staff and undertook a small number of the interviews with respondents. Mike Bennett contributed to questionnaire design and respondent recruitment, undertook the bulk of the interviews, and the scoring and coding of the quantitative data. He contributed to the coding of the qualitative data. Penny Heale, undertook a small number of the interviews, and contributed to the coding and retrieval of the qualitative data.



## EXECUTIVE SUMMARY

Sixty -eight West Australians who received a criminal record not more than 10 years ago as a result of a conviction for a simple (minor) cannabis offence were interviewed for approximately 2 hours and asked to describe their experiences of the arrest and court process and its subsequent impact on their lives. The project was funded by the Commonwealth Department of Health and Family Services as part of research into the social impact of the cannabis laws which apply in South Australia.

The main findings of the Western Australian component were:

The sample was 72% male and the average age at interview was 27.4 years. Three quarters of the sample said they were in employment of some kind. On average respondents had been using cannabis for 11.4 years, and 82% had used the drug in the four weeks prior to interview. Most had friends who used cannabis. On average respondents were interviewed about four years after their conviction. The sample was comparable in terms of sex and age at arrest with the population of West Australians convicted of cannabis possession and use as their first and most serious offence.

Average age at arrest was 22.7 years. When arrested 47% were in a private dwelling, 25% were in a vehicle and 18% were in a public place. Most (71%) were charged with possession of cannabis, 53% with possession of a smoking implement and 23% with minor cultivation offences. Half were under the influence of cannabis when arrested.

While 73% said that police were lawful during the arrest and 41% said that they were respectful, 33% said that police were hostile and 57% were intimidated by police during the incident. In most cases attitudes towards the police were not changed by the incident, however, a large minority of respondents said that they developed less favourable attitudes. For example, 49% were less trusting of police and 40% were less respectful of police as a result of the incident.

The vast majority (87%) of the sample said the arrest and conviction had not resulted in them reducing their use of cannabis, 18% were more discreet about their use. Only three respondents said that they stopped smoking for fear of another conviction, Four had stopped using for other reasons, and two said that they defiantly smoked more as a consequence of their conviction. Most continued to use despite their conviction because they enjoyed it (62%), didn't see it as a criminal activity (41%), saw it as a victimless crime (25%), or disagreed with the cannabis laws (22%).

The majority of respondents were law abiding and had respect for the law and police in general, but not for the cannabis laws and their enforcement by police. The vast majority (85%) believed that police deserve respect for maintaining law and order, 88% believed that they were a law abiding person, and 81% believed that most laws are worth obeying. Yet 90% believed that cannabis use should be legal, and 84% did not believe that strong drug laws deter illicit drug use. A minority (21%) continued to see themselves as a criminal as a result of their cannabis conviction.

Most (78%) of the sample regarded cannabis as a safe drug, and 82% did not believe that cannabis decriminalisation would markedly increase the number of people using the drug. Most saw cannabis as less harmful than alcohol (87%) and tobacco (69%).

Most (87%) had made at least one job application since conviction and 76% of these had been asked by a prospective employer whether they had a criminal record. A third (32%) had at least one negative employment consequence related to their cannabis conviction. Nineteen percent were unsuccessful in at least one job application, 16% said that they had lost at least one job, and 9% had stopped applying for some jobs as a result.

One in five (20%) respondents identified at least one negative relationship event which they believed was related to their cannabis conviction. Family disputes (16%) were the most common negative relationship consequences followed by stress in primary relationship (6%).

Eleven (16%) identified at least one negative impact on their accommodation. Eight (12%) changed their accommodation as a result of the conviction, three losing work provided accommodation when they lost their jobs as a result of the conviction.

A third (32%) identified at least one negative involvement with the criminal justice system related to their cannabis conviction. In 19% of cases respondents believed their criminal record led to further enquiries from police.

Only 7% identified at least one negative impact of their cannabis conviction on their capacity to travel overseas. Three had a visa application to Canada or the USA rejected, one was interrogated at the Canadian border, and another cancelled their trip. A further 9% were very concerned about future restrictions on travel. It appeared that the time from conviction to interview was too short for travel effects to be evident in a larger number of respondents.



## 1.0 INTRODUCTION

Proponents of cannabis law reform argue that significant numbers of people who are convicted for minor cannabis offences have no prior criminal conviction and are otherwise basically law abiding. Additionally they maintain that these individuals, and society as a whole, pay a substantial social cost for getting caught up in the criminal justice system in this manner. Many of those who argue that simple cannabis offences should remain criminal believe that in practice the actual social cost to those so charged is minimal.

The main question to be answered in this research is what is the extent of the actual impacts of being given a criminal conviction as a result of a minor cannabis offence in Western Australia?

### Cannabis law in WA

WA is unique across Australia in that, under the Misuse of Drugs Act 1981, it is an offence to be found in any place being used for the purpose of smoking a prohibited drug or prohibited plant. This simple offence is rarely prosecuted, with 89 such offences recorded over 5 years (Atkinson and McDonald, 1995). It is also a criminal offence to be an owner of such a property. The maximum penalty for these offences being a fine of \$2,000, 2 years imprisonment, or both. Under the Act, a person who has in their possession or uses less than 25 cannabis plants, less than 100 grams of cannabis, less than 20 grams of hash or less than 80 cigarettes containing cannabis, is guilty of a criminal offence and subject to a maximum penalty of \$2,000, 2 years imprisonment, or both. A person who has in their possession any pipes or other utensils used in connection with the smoking, manufacture or preparation of cannabis is liable to a fine not exceeding \$3,000 or to a term of imprisonment not exceeding 3 years, or both. Thus the maximum penalty for possessing a used 'bong'(water pipe) is greater than that for possessing the cannabis to smoke in it. All of these offences are criminal and conviction on any of them results in the offender acquiring a criminal record which can stay with them for the rest of their life, although after 10 years offenders may apply to have it expunged.

Lenton, Ferrante and Loh (1996) found that in WA during 1993 cannabis related charges comprised 12% of all charges issued by police and 85% of all drug charges. Ninety percent of cannabis charges were for minor offences. Half (49%) of the charges were for possession/use offences, 31% were for possession of implements and 14% were for make/grow offences, mostly of small amounts. Only 6.0% of charges were for the more serious offences of trafficking or 'dealing' as it is more commonly known. In 1992 98% of those persons appearing before the lower courts with cannabis possession/use as their most serious offence were found guilty and received a criminal conviction. While less than 1% of these received a jail sentence, almost all (94.4%) received a fine, 3.0% were given a non-custodial penalty and less than 1% (0.3%) received a custodial sentence during that year. Nearly 95% of those jailed for possession and use as their most serious offence were there because of fine default .

Those who are first arrested for a minor cannabis offence are of particular interest in evaluating the impact of current cannabis laws. If found guilty these 'first timers' acquire a criminal record as a direct result of their cannabis conviction. Lenton, Ferrante and Loh (1996) found that in 1993, 42% (860) of the 2,038 persons charged with cannabis possession/use as their most serious offence had never been arrested for any prior offence. That is, in that year, 2 to 3 West Australians per day acquired a criminal record as a direct result of a charge for possession of a small amount of cannabis for personal use.

Approximately half (48%) of this group had not been re-arrested up to ten years later and when they were re-arrested this was mostly for other minor offences [2].

## The impact of criminal conviction for minor cannabis offences

It has been noted that:

"The recording of a criminal conviction for experimenting with, using, or even cultivating small amounts of cannabis in private is a measure out of proportion to the seriousness of the offence, and leaves large numbers of people with criminal records, who might never otherwise have trouble with the law" (Christie, 1991).

The consequences of having a criminal record may have serious and long lasting impact on a person. Having a criminal record may adversely effect ones future or current employment, the capacity to practise many professions, and travel to countries which do not grant visas to persons with such records (eg Canada and the USA). In the early 1970's in Canada it was noted by the Le Dain Commission (Le Dain Commission of Inquiry into the Non-Medical Use of Drugs, 1972) that the effects of criminal convictions on young people were "probably the most serious of the special costs in the application of the criminal law" (p. 293). The consequences of criminal conviction may include both the direct consequences described above as well as less tangible effects such as stigmatisation. The convicted person may perceive themselves as criminal or deviant which may result in an escalation of the disapproved conduct rather than its cessation.

### Research evidence

The only published research on the effects of a criminal conviction on first time cannabis offenders was conducted in Canada. Erickson (1980) found that one year after their conviction, minor cannabis offenders were: economically worse off with twice as many either not working; likely to have had frequent job changes and periods of unemployment; concerned about the effect of criminal record on employment and respectful of the law in general. However, disrespect for the cannabis prohibition remained high. Nor were they greatly deterred from using cannabis, for the greater majority relatively moderate or high levels of use had persisted.

A replication of the original study (Erikson and Murray, 1986) found that the effects of criminalisation were remarkably similar but that what had changed was that police and courts had become more efficient at dealing with cannabis offenders, which the authors argued, had removed some of the impetus for law reform in this area.

McDonald and Morrison (1995) note that while the impact of cannabis use itself on the educational attainment and employment stability of cannabis users has often been discussed and debated in the literature, rarely are the effects of the legislative sanctions which apply adequately evaluated. Christie-Johnson (1995) attempted this by investigating official sources such as Australian government departments, newspaper articles and department records. She failed to find any impact of legislative sanctions on cannabis users school education or public sector employment, but noted that this view did not necessarily reflect the perspective of cannabis users caught up in the criminal justice system, and noted that further research, preferably longitudinal and prospective, be undertaken to determine more completely the impact of a minor cannabis conviction on education and employment.





## 2.0 RESEARCH QUESTIONS

The question addressed in this research is what is the extent of the actual impacts on those caught up by the law in WA. More specifically:

- What is the experience of arrest and the court process for people who receive a criminal conviction as the result of a minor cannabis offence?
- What impact if any does a conviction for a cannabis offence have on their subsequent cannabis use and their subsequent use of other drugs? Specifically does a cannabis conviction deter subsequent drug use?
- Does a cannabis conviction adversely impact on a persons relationships, employment, subsequent offending, or travel?
- Does a cannabis conviction effect their identity ie. are they or others more likely to see them as a criminal?
- What impact does the experience of arrest and conviction have on their attitude towards the police, the courts, the laws in general and the cannabis laws in particular?

### **3.0 RESEARCH METHOD**

#### **The questionnaire**

The questionnaire (Appendix 1). was piloted with small numbers of cannabis offenders and modified accordingly. It included both structured quantitative components and semi structured qualitative components. It addressed: current demographic information; drug use and offending history; circumstances of arrest and court processing; attitudes to the police, legal system in general, laws pertaining to cannabis; knowledge of laws which apply to cannabis; self perception as a criminal and the extent to which respondents believed significant others perceive them as such; perception of seriousness of a variety of offences in comparison to cannabis charges; and experiences of the social impacts of arrest and conviction. Coding instructions for the questionnaire are given in Appendix 2.

In order to retrospectively collect data on the consequences of an event which may have happened up to 10 years ago. the retrospective timeline method reported by Stimson and Oppenheimer (1982) was adapted and further developed. A 'grid' (Appendix 3) was developed comprising a large table of years by 10 domains including age, residential and living situation, employment and schooling, relationships, cannabis use, alcohol use and other drug use, legal consequences, travel and other consequences. The interviewee worked with the respondent to take a retrospective history across each of these domains linking changes in domains to years, ages and changes in residence (Appendix 4). Events were recorded according to their month and year, the nature of the event (Appendix 5), the extent to which it is related to the conviction, CEN, or drug use, the extent to which it is regarded as positive, neutral or negative by the respondent (Appendix 3). This material was then transferred to a data record sheet (Appendix 1, page 47) for data entry.

#### **Respondent recruitment and sampling**

Because the data presented on this report on the WA sample were collected as part of a larger study comparing the impact of a minor cannabis offence under the WA total prohibition system and the South Australian civil penalties system, the WA sample was matched with that collected in SA. The sampling strategy initially employed stratification of gender and age at arrest or issue of CEN (the Cannabis Expiation Notice infringement issued in SA) and case matching on the duration from arrest/CEN to interview to within plus or minus 6 months. Due to time constraints the latter criterion was abandoned towards the end of the data collection, none the less the strategy was successful in that the two samples were not significantly different on these important variables. Comparison with age and gender data for the WA population of first time cannabis offenders suggests the resulting WA sample was representative of WA cannabis offenders as a whole (see Section 5.0).

The recruitment strategy originally developed for use in the two states attempted to avoid limiting the sample to young people heavily involved in cannabis culture who may have been less likely to have experienced the longer term adverse consequences of a criminal conviction. Previous experience with recruiting drug users for similar research projects suggested that these younger people would be easy to recruit. As a result the study design included a vigorous recruitment strategy which would maximise the likelihood of including respondents across the demographic and drug use spectrum.

This strategy was successfully implemented in WA. Data from phase one (Lenton, 1995, Lenton, Ferrante and Loh, 1996) of the study was used to attract media interest to recruit

potential respondents for the current study (phase two). The study was covered on TV news bulletins on two commercial stations and the ABC. Stories about the study were also covered on 10 radio stations, including the national youth station, Triple J. Later in the recruitment process flyers (Appendix 6) were placed in venues such as cafes, university campuses and music stores, and advertisements (Appendix 7) were placed in the local free entertainment magazine, to target people with more recent convictions in order to match the sample being recruited in South Australia. Snowballing was also used to recruit respondents with interviewees being asked to pass on study flyers to associates who may be eligible for the study.

Table 1 shows that 400 potential respondents enquired about the study. Sixty (15.0%) of this group were not followed up as they were not contactable, were from outside the metropolitan area, or from interstate. There were 144 (36.0%) potential respondents who were deemed ineligible on the basis of screening over the telephone, primarily because they had prior convictions (32.6%, n=47), had been convicted more than 10 years before, (26.3%, n=38), or were under 18 years of age when first convicted (20.8%, n=30). Of 95 potential respondents who were booked for interview there were 6 (6.3%) who failed to attend and were not successfully interviewed on subsequent attempts. Of the 89 who were interviewed, 12 (13.4%) disclosed information at interview which indicated that they were ineligible for the study. In a third of these cases (n=4) they had prior convictions. Two respondents were excluded by interviewers on the basis of their judgement that they were not being honest in the interview and one because they were too intoxicated at the time of interview.

In order to make some attempt to validate the self report of respondents they were asked whether they would give permission for the research team to confidentially access their criminal record to confirm their offending history (Appendix 8). It was stressed that there was no obligation to agree to this request. Such access was only initiated if they gave their written permission (Appendix 9) to do so once having been interviewed. Approval was granted by the WA Police Service for colleagues from the Crime Research Centre (CRC) at the University of Western Australia to access the criminal records of those respondents from who gave written approval. A similar procedure had been previously undertaken by the CRC with access to Police Criminal History records being given under strict conditions. These provisions are described below in the Ethical Issues section

Sixty five (84.4%) of the remaining 77 respondents agreed to give their consent for a criminal record check to be done through the CRC data base. Nine (13.8%) of these proved to be ineligible, two thirds (n=6) because they had prior convictions. This left a total of 68 respondents as eligible for the study.

**Table 1: Enquiries from prospective respondents**

	n
<b>TOTAL ENQUIRIES</b>	<b>400</b>
<b>No further action</b>	<b>60</b>
Not contactable	48
Non-metro inquiry	6
Interstate inquiry	4
Not interested	2
<b>Ineligibility determined at screening</b>	<b>144</b>
Prior convictions	47
> 10 yrs since conviction	38
Under 18 yrs of age when convicted	30
Conviction < 6 months prior	8
More serious than simple cannabis	7
Contemporaneous convictions	6
No conviction recorded	4
Earlier interstate conviction	2
CEN earlier	2
<b>Eligible but not interviewed (held)</b>	<b>6</b>
<b>Booked interview</b>	<b>95</b>
<b>Did not attend</b>	<b>6</b>
<b>Ineligibility determined at interview</b>	<b>12</b>
Prior convictions	4
More serious than simple cannabis	2
Excluded on honesty rating	2
Under 18 yrs of age when convicted	1
Contemporaneous convictions	1
More than 10 subsequent convictions	1
Excluded on intoxication rating	1
<b>Ineligibility determined by CRC check</b>	<b>9</b>
Prior convictions	6
> 10 yrs since conviction	1
More serious than simple cannabis	1
Not convicted cannabis	1
<b>Eligible Interviews</b>	<b>68</b>

## Ethical issues

The study was approved by appropriate the Curtin University human research ethics committee. The primary ethical considerations germane to this research were that it involved interviews with convicted cannabis users and, in the case of the WA sample, where appropriate approvals were obtained, matching of data with the person's criminal record. Because of the sensitivities about the collection of data about illicit drug use, it was inappropriate to ask respondents to sign a written consent form. All respondents were fully informed, both verbally and in writing (Appendix 10), as to the aims of the study and the methods employed before agreeing to participate. They were also informed that they were free to withdraw from the study at any time should they wish to.

Respondents were asked on audio-tape whether they understood the conditions of the research and whether they gave their consent to participate. Respondent contact details, primarily a first name and phone number, were collected to arrange interviews, however, these were kept securely in locked filing cabinets, and were not be able to be linked with the respondent's data, These were destroyed once they were no longer required. All data was identified with a numerical code.

The interviews were conducted by suitably trained research staff with previous experience in conducting research interviews with users of illicit drugs. The named chief investigator supervised the work of the research officers and was closely involved in all stages of the project. All interview materials, transcripts and completed questionnaires were kept in locked cabinets at The National Centre for Research into the Prevention of Drug Abuse at Curtin University where they will be stored for not less than 5 years.

The conditions under which the CRC accessed criminal history records were: (i) the use of completely automated record-linking software; (ii) the requirement that the matching software be operated entirely by CRC staff rather than Police Department staff so that the police did not see the list of names of the respondents involved; (iii) the requirement that creation of any name-identified data sets on Police computer systems for the purpose of record-linking were kept to a minimum, were securely defined, subject to limited access and were destroyed, without backup, immediately after the task was completed.

Respondents were asked not to use the correct names of any persons when providing their qualitative data. Names which appear in the quotations presented in this report have been changed.

## **Procedure**

Three research staff conducted the interviews. The interviews were confidential and comprised administration of a structured quantitative questionnaire which also included semi-structured qualitative interview components which were audio taped (See Appendix 1). Interviews were conducted in a variety of locations including cafes, restaurants, food halls and respondents' homes. The average duration of interview was 2 hours, for which respondents were paid \$20 for their time. Interviews included approximately 20 minutes of audio taped qualitative data including a description of the circumstances of their arrest, processing and experience in court as well as an account of how they felt their conviction has effected their lives. These accounts were transcribed and identifying information removed.

At the completion of the interview respondents were asked whether they gave their permission for the research team to access their criminal record using the above procedure.

## **Data analysis**

Quantitative analysis was undertaken using SPSS 6.1 for windows (SPSS Inc., 1994) and SPSS (Release 5.0) for Unix (SPSS Inc., 1993) on the SPARC 2 running Solaris 2.3 mini computer. Qualitative analysis was undertaken using NUDIST Release V 4.0. (Qualitative Solutions and Research Pty. Ltd., 1997). This report is descriptive in nature and contains few statistical analyses. Comparisons between this other studies were conducted using the non parametric Chi square one sample test which allows specification of expected frequencies or proportions (SPSS Inc., 1993).

The main variables of interest were the proportion of respondents who had experienced at least one negative impact across the relevant domains which they believed was at least somewhat related to their apprehension on their first cannabis charge. The impact domains were their residential or living situation, employment or education, relationships with spouse, family and friends, other legal consequences and possible restrictions on overseas travel (eg. rejection of visa applications etc.). These variables were extracted from data recorded on 'the grid' described above. Other variables of interest derived from the interview questionnaire included the respondents' appraisal of the extent to which the events had effected their attitudes to the police, their later use of cannabis, their self perception as a criminal and their subsequent employment. Other variables of descriptive interest included the events which occurred at the time of arrest, the respondents attitudes to the actions of the police and their own actions, as well as their general attitudes to cannabis, their general attitudes to police, and their experience of the cannabis market.

### **Duration of interview**

On average, the interviews took 2.05 hours with a range from 30 minutes to 3 hours 20 minutes.

### **Interviewer rating of honesty**

Interviewers were asked to rate the respondents according to their apparent honesty on a five point scale from 1 (least honest) to 5 (most honest). Three quarters (75.0%, n=51) of the sample were rated '5', just under a fifth (19.1%, n=13) were rated '4', and there were four missing cases.

### **Interviewer rating of intoxication**

Interviewers were asked to rate the respondents according to their apparent intoxication on a five point scale from 1 (not at all) to 5 (highly). More than two thirds (69.1%, n=47) of the sample were rated '1', just over a fifth (22.1%, n=15) were rated '2', two respondents (2.9%) were rated '3' and there were four missing cases.

### **How respondents found out about the study**

Respondents were asked how they found out about the study. A third (33.3%) of the sample heard through the advertisements (Appendix 7) taken out in the weekly free entertainment magazine (Xpress), just over a quarter (25.8%) through references on the radio, and approximately one in five through each of Television (21.2%), Flyers or posters (Appendix 6) (21.2%), or through an article in their local community newspaper (19.7%). These results are presented in Table 2.

**Table 2: How respondents found out about the study**

HOW FOUND OUT			f	% RESPONSES	% RESPONDENTS
Free (Xpress)	entertainment magazine		22	24.4	33.3

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Radio	17	18.9	25.8
Television	14	15.6	21.2
Non-respondent family or friend	14	15.6	21.2
Flyer/Poster	13	14.4	19.7
Community newspaper	5	5.6	7.6
Other	5	5.6	7.6
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Total	90	100.0	136.4

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*There were 2 missing cases.*

*Respondents could choose more than one response.*





## 4.0 RESULTS

### 4.1 DEMOGRAPHICS

#### Age and gender

The sample was 72.1% male and 27.9% female. The average age of respondents at interview was 27.4 years (sd=6.9, range=19 to 47).

There was no significant difference between the age distribution of male and female respondents at interview (Chi Square=0.8469, df=2, p=.6548). The age distribution of respondents at interview is given in Figure 1.

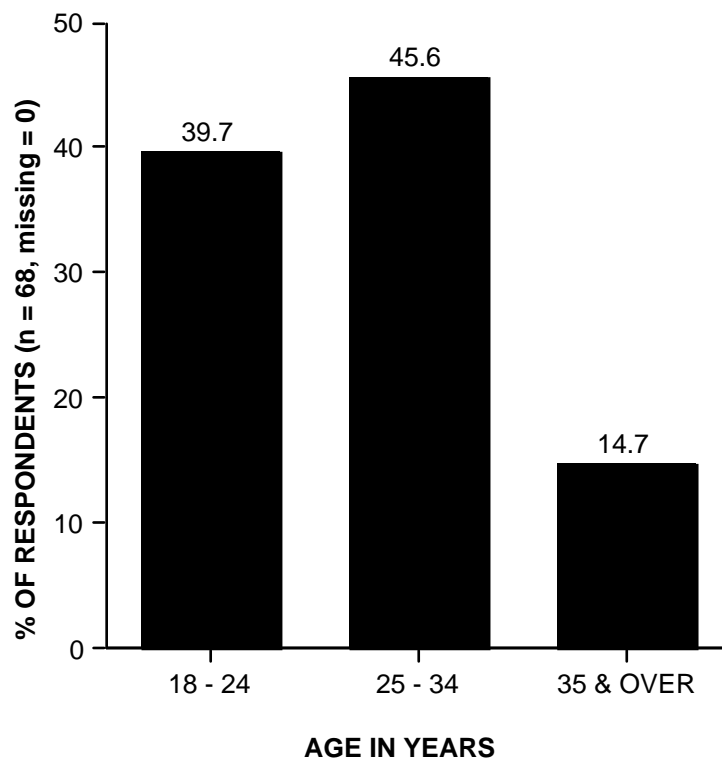


Figure 1: Age of respondents at time of interview

#### Marital status and number of children

More than three quarters (76.5%, n=52) of the sample were single and the remainder (23.5%, n=16) were married or living with their sexual partner. Fourteen (21.9%, missing=4) respondents said that they had children. Five had one child, seven had two children, while one had three and another had five children. Ten (14.7%) respondents said they had children financially dependent on them. Ten (14.3%) respondents had children living at home with them. There were six respondents who said they had children who were not living with them, four had children who were living as independent adults and two respondents had children who lived with their other parent.

### Country of birth and Aboriginality

Table 3 shows that three quarters (74.6%) of respondents were Australian born. None stated that they were of Aboriginal or Torres Strait Islander descent.

**Table 3: Country of birth**

COUNTRY OF BIRTH	f	% RESPONDENTS
Australia	50	74.6
England	7	10.3
NZ	3	4.5
Scotland	1	1.5
USA	1	1.5
Zimbabwe	1	1.5
Germany	1	1.5
Sweden	1	1.5
Singapore	1	1.5
South Africa	1	1.5
Total	67	100.0

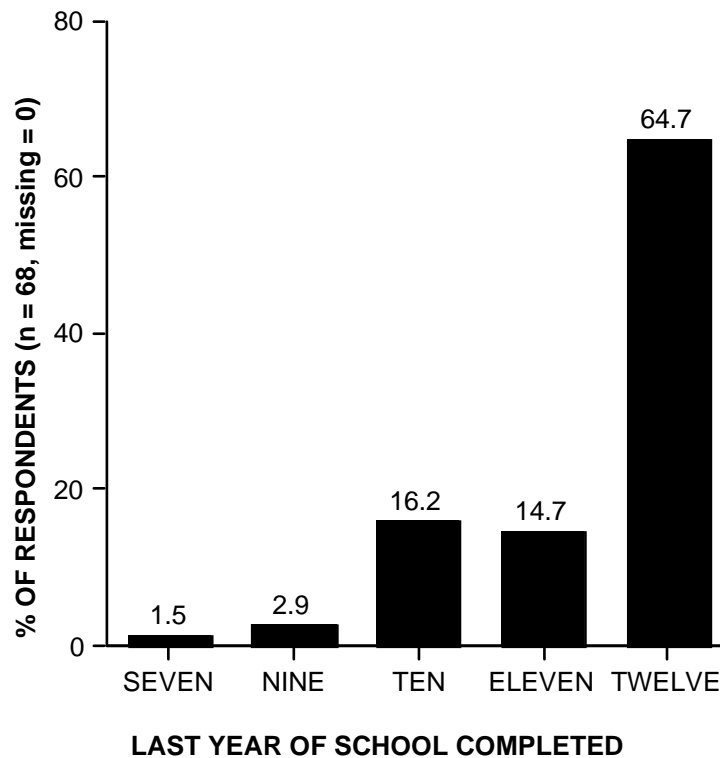
*There was 1 missing case*

### Language

All but five (7.4%) respondents stated that English was the language mostly spoken in the home that they grew up in.

## Education

Respondents were asked 'What is the last year of school that you have completed?' Just under two thirds (64.7%, n=44) had completed their final year of secondary school. These results are shown in Figure 2.



**Figure 2: Last year of school completed**

The vast majority of respondents (94.1%) said that they had completed a course since leaving school.

## Employment and occupation

Three quarters (75.0%, n=51) of the sample said they were in employment of some kind (full-time, part-time or casual employment) and six of these (12.2%, missing=2) said that they were self-employed. Table 4 shows that 39.7% of respondents stated they were in full time employment, 13.2% were in part-time employment, and 29.4% were casually employed. Nineteen (27.9%) respondents stated they were unemployed and 6 (8.8%) stated that they engaged in dealing or other crime as a form of employment.

Among those 16 respondents who were not in any form of employment of any kind, the average time they had been out of work was 11.6 months and 25.0% (n=4) had been out of work for more than 12 months.

**Table 4: Current employment status**

CURRENT EMPLOYMENT STATUS	f	% RESPONSES	% RESPONDENTS
Full-Time Employed	27	21.4	39.7
Pension / Benefits	22	17.5	32.4
Casually Employed	20	15.9	29.4
Student	15	11.9	22.1
Part-Time Employed	9	7.1	13.2
Home Duties	6	4.8	8.8
Dealing or Other Crime	6	4.8	8.8
Other	2	1.6	2.9
Unemployed	19	15.1	27.9
Total	126	100.0	185.2

*There were no missing cases.*

*Respondents could choose more than one response.*

Respondents were asked what was their usual occupation. Responses were categorised according to occupation categories as given in Table 5 below. The most frequent usual occupation categories given were service worker (15.6%, n=10) and skilled tradesperson (14.1%, n=9) followed by labourer (12.5%, n=8) and domestic duties (12.5%, n=8).

**Table 5: Usual occupation**

USUAL OCCUPATION	f	% RESPONDENTS
Service worker	10	15.6
Skilled tradesperson	9	14.1
Labourer etc	8	12.5
Domestic duties	8	12.5
Salesperson	6	9.4
Management	6	9.4
Technical	5	7.8
Professional	4	6.3
Clerical	4	6.3
Full time student	2	3.1
Other	2	3.1
Total	64	100.0

*There were 4 missing cases.*

## Income

Respondents were asked 'What income bracket most accurately describes your annual earnings for the last financial year from all sources before tax?. Income data for the sample are given in Table 6. Approximately a third (33.8%) of the sample earned not more than \$12,000 in the previous financial year and 80.9% earned not more than \$30,000.

**Table 6: Income last financial year**

INCOME	f	% RESPONDENTS	CUMMULATIV E% RESPONDENTS
None	2	2.9	2.9
Up to \$5,000	3	4.4	7.4
\$5,001-12,000	18	26.5	33.8
\$12,001-20,000	17	25.0	58.8
\$20,001-30,000	15	22.1	80.9
\$31,001-40,000	5	7.4	88.2
\$41,001-50,000	7	10.3	98.5
More than \$50,000	1	1.5	100.0
Total	68	100.0	

*There were no missing cases.*

## Accommodation

Just under half (48.5%, n=33) the sample lived in rented accommodation, over a quarter (27.9%, n=19) lived in their parent's home and just under one in four (23.5%, n=16) owned or were buying their place of residence.

The people who the respondents lived with are summarised in Table 7. Just under a third (29.9%) of the sample lived with their parents, just over a quarter (25.4%) lived with friends and just under a quarter (23.9%) lived with their spouse or partner.

**Table 7: People live with**

PEOPLE LIVE WITH	f	% RESPONSES	% RESPONDENTS
Parents	20	22.7	29.9
Friends	17	19.3	25.4
Spouse / partner	16	18.2	23.9
No-one (live alone)	12	13.6	17.9
Siblings	10	11.4	14.9
Children	10	11.4	14.9
Unrelated others	2	2.3	3.0
Extended family	1	1.1	1.5
Total	88	100.0	131.4

*There was 1 missing case.*

## 4.2 PRIOR CONTACT WITH JUSTICE SYSTEM

Almost half (47.1%, n=32) of the respondents said that prior to their cannabis arrest they had previous contact (cautioned, summonsed, arrested, charged, or bailed) with police as a juvenile or an adult. Note that none had been convicted of a criminal offence prior to their cannabis arrest as this would have made them ineligible for the study.

Over a third (36.8%, n=25) had been questioned by police as a juvenile, with the average number of times questioned being 7.7 (range 1-100, with the '100' being for skateboarding on the road). Beyond police questioning, the types of contact respondents had with the justice system as a juvenile are presented in Table 8. Of those 25 respondents who had been subject to further legal processes as a juvenile almost two-thirds had been cautioned and over one in five (22.7%) had been summonsed or charged.

**Table 8: Prior contact with justice system as a juvenile**

NATURE OF CONTACT	f	% RESPONSES	% RESPONDENTS
Caution	14	36.8	63.6
Summons	5	13.2	22.7
Charge	5	13.2	22.7
Arrest	4	10.5	18.2
Bail	2	5.3	9.1
Other legal process	8	21.1	36.4
Total	38	100.0	172.7

*There were 22 valid cases and 3 missing cases.*

Over a quarter (27.9%, n=19) of the sample had been questioned by police as an adult, with the average number of times questioned being 5.0 (range 1-50). Beyond police questioning, the types of contact respondents had with the justice system as an adult are presented in Table 9. Of those 19 respondents who had been subject to further legal processes as an adult over two-fifths (41.2%) had been summonsed, charged or arrested, while just over a third (35.13%) had been cautioned.

**Table 9: Prior contact with justice system as an adult**

NATURE OF CONTACT	f	% RESPONSES	% RESPONDENTS
Summons	7	20.0	41.2
Arrest	7	20.0	41.2
Charge	7	20.0	41.2
Caution	6	17.1	35.3



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Other legal process	5	14.3	29.4
Bail	3	8.6	17.6
<hr/>			
Total	35	100.0	205.9

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*There were 17 valid case and 2 missing cases.*

### Prior convictions

Ten (14.7%) respondents had previously been found guilty of an offence. All of these were non-criminal offences as potential respondents with criminal convictions were excluded from the sample. Offences which respondents had previously been found guilty of are presented in Table 10. There were six respondents with prior traffic convictions.

**Table 10: Prior convictions**

OFFENCE	f	% RESPONSES	% RESPONDENTS
Driving without a licence	3	27.3	30.0
General traffic	3	27.3	30.0
Drunkenness	2	18.2	20.0
Liquor licensing	1	9.1	10.0
Other good order	1	9.1	10.0
Vehicle roadworthiness	1	9.1	10.0
Total	11	100.0	

*There were 10 valid cases.*

### Criminal involvement of family or friends

Respondents were asked if any of their family or friends had ever been arrested, charged or convicted of a criminal offence. The results are presented in Table 11.

**Table 11: Criminal history of family or friends**

NATURE OF CRIMINAL OFFENCE	f	% RESPONSES	% RESPONDENTS (1)
Cannabis	39	43.3	57.4
Other drug	21	23.3	30.9
Non-drug	30	33.3	44.1
Total	90	100.0	

*There were 47 valid cases and 21 missing cases.*

*(1) Percentages here are for whole sample ie n = 68.*

### 4.3 DRUG USE HISTORY

Respondents were asked if they had ever used each of a range of drugs, their age at first use, whether they had used the drug in the last four weeks prior to the interview, and their

frequency of use over this period. All of the sample who responded to this item said they had used cannabis at least once, the average duration since first use being 11.4 years (range 3-27), with the average age of first use being 15.9 years, the vast majority (82.4%) having used in the previous four weeks with more than half (53.0%) of this group having used daily over this period. Drug use history results for the whole range of drugs is presented in Table 12.

**Table 12: Drug use history**

DRUG	EVER USED			USE IN LAST 28 DAYS (n=68)			
	f	%	MEAN AGE 1ST USED	DAILY	WEEKLY NOT DAILY	MONTHLY NOT WEEKLY	NO USE LAST MONT H
Cannabis	67*	100.0	15.9	44.1	29.4	8.8	17.6
Alcohol	66	97.1	15.3	7.4	60.3	19.1	13.2
LSD or other hallucinogens	50	73.5	19.2	2.9	1.5	5.9	89.7
Amphetamines	42	61.8	21.4	1.5	2.9	10.3	85.3
Ecstasy or other designers	32	47.1	21.5	0.0	0.0	2.9	97.1
Heroin or other opioids	23	33.8	21.6	0.0	1.5	2.9	95.6
Cocaine or crack	16	23.5	22.9	0.0	0.0	0.0	100.0
Benzodiazepines	20	29.4	22.9	2.9	0.0	5.9	91.2
Inhalants	23	33.8	19.1	0.0	1.5	1.5	97.1
Other drug	3	4.4	22.0	1.0	0.0	0.0	98.5

\* One respondent refused to answer.

### Cannabis use in the six months prior to arrest

Table 13 shows that 45.6% of respondents said that during the six months prior to the arrest that led to their first cannabis conviction they were using cannabis at least once per day, 36.7% were using the drug less than once per day but at least weekly, 4.4% were using the drug less than once per week but at least monthly, and 13.2% were using cannabis less often than once per month or not at all during that six month period.

**Table 13: frequency of cannabis use in the six months prior to arrest**

FREQUENCY OF USE	f	% RESPONDENTS	CUMULATIVE % RESPONDENTS
More than 3 times per day	12	17.6	17.6
2 to 3 times per day	10	14.7	32.4
Once per day	9	13.2	45.6
4 to 6 times a week	13	19.1	64.7
2 to 3 times per week	9	13.2	77.9
Once a week	3	4.4	82.4
2 to 3 times per month	2	2.9	85.3
Once per month	1	1.5	86.8
Less often than once a month	6	8.8	95.6
Did not use during that 6 months	3	4.4	100.0
<b>Total</b>	<b>68</b>	<b>100.0</b>	

*There were no missing cases.*

The vast majority (83.1%, n=54, missing=3) of the sample said that during the six months prior to the arrest that led to their first cannabis conviction they usually smoked their cannabis in a bong or pipe, while the remainder (16.9%, n=11) said they typically smoked cannabis in joints during that period.

Respondents were asked 'In the six month period prior to the arrest that led to your first cannabis conviction, about what proportion of the people that you spent your leisure time with used cannabis?'. Responses to this item are presented in Table 14. Almost seven in ten (69.1%) respondents stated that 'all, or nearly all' and a further 16.2% said that 'the majority' of their friends during the six months prior to their conviction used cannabis.

**Table 14: Proportion of friends using cannabis six months prior to arrest**

PROPORTION OF FRIENDS USING CANNABIS	f	% RESPONSES	CUMULATIVE % RESPONDENTS
All or nearly all of them	47	69.1	69.1
Majority of them	11	16.2	85.3
Minority of them	8	11.8	97.1
None of them	2	2.9	100.0
Total	68	100.0	

*There were no missing cases.*

### Other drug use In the six months prior to arrest

Respondents were asked about their use of drugs other than cannabis in the six months prior to arrest. Frequencies of use for the most frequently used drugs are presented in Table 15. Hallucinogens were used by 36.8% of respondents, amphetamines by 26.5% and inhalants by only 10.3% respondents at least once during the six months prior to arrest.

With regard to other drugs not presented in this table, the vast majority (85.3%, n=58) of the sample had not used ecstasy during the six month period and, of those respondents who had, seven (10.3%) had used the drug less often than once per month and three (4.4%) had used it two to three times per month. Only two respondents had used benzodiazepines over the six month period, one on a daily basis and the other less often than monthly. Opiates were used by 4 (5.9%) and cocaine was used by 3 (4.4%) respondents during the six month period and for both these drugs were used less often than once per month.

Overall, the use of drugs other than alcohol and cannabis over the six months prior to arrest was rare.

**Table 15: Frequency of other drug use in the six months prior to arrest**

FREQUENCY OF USE	ALCOHOL		HALLUCINOGEN		AMPHETAMINE		INHALANT	
	f	%	f	%	f	%	f	%
More than 3 times per day	3	4.4	1	1.5	1	1.5	0	0.0
2 to 3 times per day	1	1.5	0	0.0	0	0.0	0	0.0
Once per day	4	5.9	0	0.0	1	1.5	1	1.5
4 to 6 times a week	3	4.4	0	0.0	1	1.5	0	0.0
2 to 3 times per week	28	41.2	2	2.9	1	1.5	0	0.0
Once a week	17	25.0	1	1.5	0	0.0	0	0.0
2 to 3 times per month	4	5.9	2	2.9	1	1.5	2	2.9
Once per month	2	2.9	3	4.4	3	4.4	2	2.9
Less often than once a month	0	0.0	19	23.5	10	14.7	2	2.9
Did not use during that 6 months	6	8.8	43	63.2	50	73.5	61	89.7
<b>Total</b>	<b>68</b>	<b>100.0</b>	<b>68</b>	<b>100.0</b>	<b>68</b>	<b>100.0</b>	<b>68</b>	<b>100.0</b>

*There were no missing cases.*

## 4.4 CIRCUMSTANCES OF ARREST

### Age at arrest

The average age of respondents at arrest was 22.7 years (sd= 6.4, range 18-44). Although the sample was over 18 years of age at conviction, and was matched by age with the South Australian group to allow comparison between the two jurisdictions, there was no significant difference (chi square = 2.4412, df=3, p=.4860) between the age distribution of the sample and the total number of West Australian first time arrestees charged with cannabis possession and use as their most serious offence for the years 1990 to 1992 as described by Lenton (1995). The age distribution of respondents at arrest is given in Figure 3.

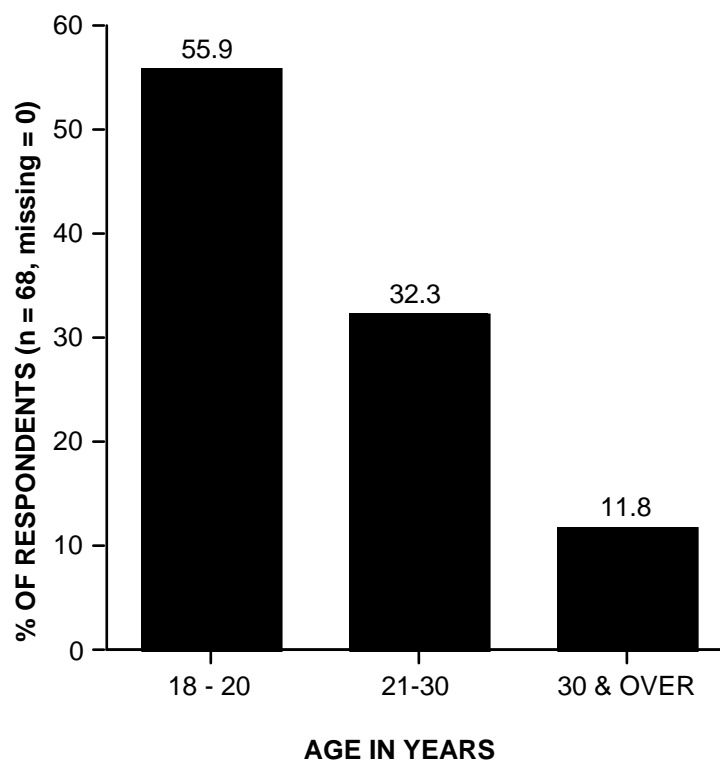


Figure 3: Age of respondents at time of arrest

### Months since conviction

On average respondents were interviewed 51.0 months after their conviction (sd= 33.7, range 6 -120). Months since conviction are presented in Table 16. More than a quarter (27.9%) of respondents were interviewed within two years of their conviction, almost two-thirds (61.8%) were interviewed within five years, and the remainder by ten years.

**Table 16: Months since conviction**

MONTHS SINCE CONVICTION	f	% RESPONDENTS	CUMMULATIVE % RESPONDENTS
6-12	12	17.6	17.6
13-24	7	10.3	27.9
25-36	9	13.2	41.2
37-48	10	14.7	55.9
49-60	4	5.9	61.8
61-72	5	7.4	69.1
73-84	7	10.3	79.4
85-96	5	7.4	86.8
97-108	5	7.4	94.1
109-120	4	5.9	100.0
Total	68	100.0	

*There were no missing cases.*

### Non-cannabis contemporaneous convictions

Only one individual was found guilty of a non-cannabis related matter at the same time as their conviction for cannabis. This was for a motor vehicle registration offence.



## Who present during investigation

The vast majority (86.8%, n=59) of respondents stated that they were present when the police investigated the matter which eventually led to them being arrested and convicted for their first cannabis offence. Of those who were not present, four were contacted by family or friends, three were contacted by police, one by their employer and another had arrived home to see the police searching his property and fled the scene. Less than one in four (22.1%, n=30) respondents said that they were alone at the time of arrest. Table 17 shows that almost two thirds (61.8%) of respondents said that friends were present when the police investigated the matter.

**Table 17: People present when arrested**

PEOPLE PRESENT WHEN ARRESTED	f	% RESPONSES	% RESPONDENTS
Self*	60	47.2	88.2
Friends	42	33.1	61.8
Partner	12	9.4	17.6
Family	7	5.5	10.3
Others	3	2.4	4.4
Strangers	1	0.8	1.5
Work mates	1	0.8	1.5
Nobody	1	0.8	1.5
Total	127	100.0	186.8

*There were no missing cases.*

*Respondents could choose more than one response.*

*\* One respondent arrived when the investigation was over and was arrested.*

### What brought respondent to attention of police

Three quarters (75.0%) of respondents stated that it was police suspicion that they were in possession of, growing, or using cannabis, that brought them to police attention. Over a third (36.8%) of the sample stated that the police came across them while on patrol, just under a third (30.9%) said that they were investigating another person or matter and a similar proportion (29.4%) said that police suspicion that they were in possession of other drugs brought them to police attention. These results are presented in Table 18.

**Table 18: What brought respondent to police attention**

WHAT BROUGHT RESPONDENT TO POLICE ATTENTION	f	% RESPONSES	% RESPONDENTS
Suspicion of cultivation or possession / use cannabis	51	38.3	75.0
On patrol	25	18.8	36.8
Police investigating another matter or person	21	15.8	30.9
Suspicion possession of other drugs	20	15.0	29.4
Non-drug non-criminal matter	6	4.5	8.8
Other non-drug criminal matter	6	4.5	8.8
Other reason for police presence *	2	1.5	2.9
Don't know	2	1.5	2.9
<b>Total</b>	<b>133</b>	<b>100.0</b>	

*There were no missing cases.*

*Respondents could choose more than one response.*

*\* Included 'police were doing a routine search of a mining camp' and 'I looked suspicious'.*

### Number of police at the scene and station

The mean number of police who were present at the arrest scene was 2.4 (sd. 1.0, range 1 - 6) and at the police station on average there were 2.4 officers (sd. 1.4, range 1 - 7) processing the respondent.

## Where apprehended

Almost half the sample were arrested in their place of residence (36.8%) or some other residence (10.3%), while a quarter (25.0%) were apprehended in a vehicle, less than one in five (17.6%) were in a public place when arrested. These results are presented in Table 19.

**Table 19: Place where apprehended**

WHERE APPREHENDED	f	% RESPONDENTS
Own home / flat / unit	25	36.8
Motor vehicle	17	25.0
Public place	12	17.6
Others home / flat / unit	7	10.3
Venue (e.g. Club, pub)	1	1.5
Private property	1	1.5
Other	5	7.4
<b>Total</b>	<b>68</b>	<b>100.0</b>

*There were no missing cases.*

## Whether police had a warrant

More than half (53.0%, n=35) of the sample stated that police did not have a warrant, just over a third (36.4%, n=24) of respondents said they did, while 10.6%, (n=7) said that they did not know.

## Cannabis offences charged with

Table 20 shows that just under two thirds (71.2%) of respondents were charged with possession / use cannabis, just over a half (53.0%) with possession of a smoking implement and just under a quarter (22.7%) with cultivation offences. There was one person who was charged with dealing in cannabis but this charge was later withdrawn.

**Table 20: Cannabis offences charged with**

CANNABIS CHARGE	f	% RESPONSES	% RESPONDENTS
Possession / use cannabis	47	46.5	71.2
Possession implement	35	34.7	53.0
Cultivation	15	14.9	22.7
Possession / use drugs*	3	3.0	4.5
Deal / traffic in drugs	1	1.0	1.5
<b>Total</b>	<b>101</b>	<b>100.0</b>	<b>152.9</b>

*There were no missing cases.*

*Respondents could choose more than one response.*

*\* Unspecified*

## Goods seized

In the vast majority of cases (88.2%, n=60) cannabis was seized by police and in more than half (57.4%, n=39) smoking implements were seized.

Of those who said cannabis was seized, under a third (29.3%, n=17) said the cannabis material was 'heads', just under one in six (15.5%, n=9) said it was 'leaf', and just over a quarter (25.9%, n=17) said that both head and leaf were seized, the remainder (29.3%, n=17) said that 'neither leaf nor heads' were seized or they 'could not remember'. No respondents reported that hash or cannabis oil were seized.

Table 21 shows that for just under a third (28.8%) of those who had cannabis seized the material was in bags, and a similar number (27.1%) had plants seized. Just under one in six (15.3%) had roaches or seeds seized. Six (8.8%) respondents reported that cannabis seeds were seized, two (2.9%) that roaches (the butt of cannabis joint) were seized.

**Table 21: Type of packaging seized**

CANNABIS PACKAGING	f	% RESPONSES	% RESPONDENTS
Bags	17	23.3	28.8
Plants	16	21.9	27.1
OTHER FORM (roaches, seeds, cookies)	9	12.3	15.3
Sachets seized	7	9.6	11.9
Foils seized	5	6.8	8.5
Other container or loose	19	26.0	32.2
Total	73	100.0	123.8

*There was 1 missing case.*

There was only one respondent who had wet cannabis seized and this weighed 7 grams. There were 29 respondents (42.6%) who had dry cannabis seized. The self reported average weight of dry cannabis seized was 32.52 grams (sd = 65.5, range 1 - 300).

The average number of plants seized was 9.69 (sd = 12.3, range 1 - 37). Of those who had plants seized, 62.3% (n=10) had fewer than 5 plants seized.

### Place where seized goods were found by police

Table 22 shows that two in five (40.0%) respondents stated that cannabis was found by police in a house, and under a third (30.8%) said that it was found in a vehicle and a similar proportion (29.2%) said that it was found at the arrest scene.

**Table 22: Place where seized goods were found**

PLACE GOODS FOUND	f	% RESPONSES	% RESPONDENTS
Found in house	26	29.9	40.0
Found in vehicle	20	23.0	30.8
Found arrest scene	19	21.8	29.2
Found in belongings	12	13.8	18.5
Found on person	10	11.5	15.4
Total	87	100.0	133.9

*There were 3 missing cases.*

*Respondents could choose more than one response.*

### Under the influence of a drug at the time of arrest

Just over half (52.9%, n=36) of the sample stated that they were under the influence of a drug at the time of their arrest. Of this group, 34 (94.4%) were under the influence of cannabis, 11 (33.3%) of these were also under the influence of alcohol and one (2.8%) was under the influence of both alcohol and amphetamine, as well as cannabis, at the time of their arrest. Two (2.9%) respondents stated that the only drug that they were under the influence of at the time of their arrest was alcohol. These data are presented in Table 23.

**Table 23: Drugs under influence of when arrested**

DRUGS UNDER INFLUENCE OF	f	% RESPONDENTS
Cannabis only	22	32.3
Cannabis plus alcohol only	11	14.7
Cannabis + alcohol + amphetamine	1	1.5
Alcohol only	2	2.9
No drugs	33	48.5
Total	68	100.0

*There were 0 missing cases.*

## How notified when to attend court

Respondents were asked how they were notified when to attend court. Table 24 shows that more than two fifths (42.6%) of the sample were given a written summons at the time of arrest, just under a quarter (24.6%) had their summons delivered by police after the arrest, less than one in five (18.0%) received their summons by mail, and 13.1% collected their summons from the police station.

**Table 24: How notified when to attend court**

POLICE TREATMENT	f	% RESPONDENTS
Written summons at time of arrest	26	42.6
Summons delivered	15	24.6
Mail summons	11	18.0
Collected summons	8	13.1
Other	1	1.6
Total	61	100.0

*There were 7 missing cases. Four of these said that they could not remember.*

## Accounts of arrest

Respondents accounts of their arrest included some cases where they had been smoking in public:

*Me and my mate were down at Hotel X... and by about our fourth... jug ... we were actually approached by a guy and because we were pretty well drunk by that stage. And a guy came up to us out of the blue and said "Do you want to buy some mull?" and we were "Oh yeah, show us the stuff". And he actually put it down on the table in full view of everybody and we didn't know what we were doing at that stage. And I pulled it out and looked at it and my friend bought it. So then what we did was we went down on the beach after we'd had a couple more jugs, six by that stage, we went down onto the beach rolled it up and started to smoke it and then all of a sudden out of the blue two police officers arrived. Ah, they were plain clothes, they flashed their badge.*

(304, Male, convicted in 1990 at age 18)

*I was at a work dinner a Chinese restaurant down there and there was a girl that I worked with. And I went into the toilets and rolled a big fat joint and then me and her and another guy walked outside saying we were going to get some fresh air and went down the corner in XXXX Street And there was kind of like a little alcove, like a driveway or something, and we were all smoking it. And there wasn't very much left, but all of a sudden this girl stood up said "cops" really loud, and stood on the joint, right. And of course they saw and came down. And um her and Bob just denied having anything to do with it, because I had some in my bag. He (the police officer) said "if none of you say anything then we're going to search all of you and*

*take you down for questioning”. And I just said it was mine. I had two more sachets in my bag. And then they said “OK you're going to have to come with us.”*

(328, Female, convicted in 1992 at age 18)



*Oh I was in a car park. I was on my own in my car smoking. The police came behind me from the road and shone in the car and then came around. (They) wanted to speak to me. (They) asked me to step out of the car. That's when I dropped the pipe and they just went through the car. They searched the car, searched my bag, searched me as much as they could because there wasn't a female present and they couldn't strip search me or anything and... They got me to empty my pockets and turn around, then after that well they found a total of 3 implements and dope and another pipe with the mull in it. And after that he just wrote my details down and said that I'd be receiving a summons, a mail, no he wanted to come out and give me my summons, or I could go in and pick up my summons and I was free to go. Oh I also got a lecture on being behind the wheel of a car while smoking, that was it.*

(346, Female, convicted in 1996 at age 19)

Some of the respondents explained how police had arrested them after investigating other matters:

*Well I was in my car, and I was getting ready to roll a joint, but I noticed a detective car turn the corner of the street at a birthday party. And I saw the police car turn the corner and come into the street so I pulled the seat cover down over the stash, got out of my car and went to go back into the party and the seat cover on the stash. And the police stopped cause they thought I was trying to steal my own car. That's how I got busted.*

(313, Male, convicted in 1989 at age 18)

*We were broken into. The kids broke into the house and we were out and when we came home we found we'd been broken into. It was obvious, and we had some plants in the shed drying and the shed door was open, I'm still shaking about it now. So we thought they'd gone (the plants) obviously, and they were still there, so I cut them all up and put them into bags. Just paper bags to finish drying... The kids that had broken into the house were caught breaking into another house and they told the police that they knew where there was some marijuana was. So they bought the police back here, showed the police. So that's how they knew where it was straight out the (back). And they ended up, they found it and like I was charged and that.*

(314, Female, convicted in 1988 at age 29)

*Well, me and one of my friends were sitting in the lounge room, the front room of the house watching television, roughly about 8:00.... My friend was smoking and put it down, and we heard a car outside. And we were expecting friends to come round roughly the same time, so didn't think about putting anything away or cleaning up or anything like that. And then there was a knock on the door and we opened it, and just spotlights and stuff were shining on us and (we) realised it was police. And they asked for someone... that didn't live there. Somebody had given a false name. And I said "I don't know the person", and... because we'd just been smoking in the front room which was roughly only a metre or so away, the female police officer opened the door and (I) said "oh you're not allowed into my house without my permission" and she said "well ... I'm sorry but we smelt something that was illegal", or something along those lines and had to act upon it. They came in and there was just a real small amount of leaf cannabis and a um like a plastic home-made plastic implement, but it had a little metal cone in the top. There were two of them cause they found another one when they searched the room.*

(326, Male, convicted in 1996 at age 19)

*They (police) arrived and said they were sending a summons to me for a car accident that I had where I had to go to court, so it was related to another matter. And then when they were there after I received the summons they asked if I had any other illegal things on the property such as cannabis or so on. And I said "no" and then the police said that... they asked again of course, and I said "no, no, definitely not". And they said "well, we were here the other day and you weren't home and we had a look around and there was some plants out the back". And, you know, this was out the back, so they must have seen them because they said there was four of them and I said "yep", I said "ah yeah, I don't know if I ever answered correctly"...He said "I'm going to rip the place apart", he said. "You can either show me where they are or we'll just go the hard way". So I said "I'll show you the plants".*

(395, Male, convicted in 1994 at age 20)

Some cases in which the arrest was also definitely drug motivated included:

*I was at a party with friends and I received a phone call from my Mother about an hour and a half into being at the party, saying that the police had been had been around. They'd searched the house, she couldn't do anything, they said they had a warrant, she was shown the warrant, and she said, well OK have a look around. So they went in me room, had a very good look around, didn't cause any damage, I wouldn't say they caused any damage, just went through everything.... (They) said there was some rude video material, but they weren't worried about that, so fair enough. Proceeded around the rest of the property and located three one and a half to two inch high seedlings outside the back of the house near the tap and for that I received precisely \$150 fine and a conviction as a cannabis cultivator.*

(371, Male, convicted in 1993 at age 25)

*OK, well it all started, I was asleep in my bed at about 7.30 in the morning. Knock on the door, its the cops, they've come to raid the place. Now I..I presume that considering they had just recently raided a place around the corner where friends of mine were living and seized a whole lot of needles and evidence of hard drug use, having seen people coming back and forth from my place they presumed that the drugs were coming from my house. They came into my room, and they seemed to have me picked. It seemed that I was the one they had the attention on, it seemed they were looking for me or someone like me. They said, "where's the drugs?" I said, "I have this bong, I have this little pinch of pot here and that's it". And he goes, "are you sure?" You know, he keeps asking me "where's the drugs, where's the drugs?" I said "that is all I have". He says to his boys, "all right tear the place apart". Now my room was trashed anyway, so it didn't make much difference. They go around looking through my room. They found another bong, disused, sitting behind the bed. They said, you know, "is this yours?" I said, "yes", so they said, "you've been smoking through it have you?" I said, "yes". They took me down to the station with the two bongs and left the little pinch of cannabis sitting where it was. They took me down there, charged me.*

(397, Male, convicted in 1990 at age 18)

In other cases the respondents believed that they were arrested as a result of information given to the police by others:

*It was about 6.30 to 7.00 am in the morning. I was in my bed, alone in the house ... There was a knock on the door and I thought it was a friend of mine ... and I said, 'nick off Bob', you know just joking. And I heard some shuffling around on the verandah and then I heard great stomping down the side and I got up because I though "oh, my God, what is that?" And it was coming down the side of the house. Next minute a very large policeman came through the door. He'd kicked the door down. I was standing there in a cute little pair of 'jamies' (pyjamas) almost having a heart attack. He immediately pushed me against the wall. Some others followed him in. They let the others into the front. There were about five in all...they said you know, "we have a warrant, and we believe there are drugs on these premises". I was incredibly shaken because I'd been very ill at the time and I went outside and picked up my very weedy little marijuana plant and brought it back it inside and said, "yeah, here". At which time...because they'd already looked around the house, realised that, ... I wasn't 'Mrs Asia of Perth', that I was actually a little pot smoker who lived in a nice clean house. They still proceeded to kind of look in the cupboards... they sort of half heartedly fingered through things... they realised that I was very upset so they treated me more kindly. They said they... had to take the plant away, which was rather a joke, they'd realised that they'd been taken advantage of... and I knew who the tip-off came from and it was actually from a drug dealer who I'd threatened because they were supplying drugs to some young people in the area. Proper drugs, nasty drugs. So, you know, in return they basically had me busted. When I went to pick up the Summons on Friday the sergeant, who was the one who had barrelled through the door and felt particularly sorry for me... said "I'm just so sorry ". Because I was very upset, I was very sick at the time. I had cancer... Anyway, ... he'd actually 'misplaced' the Summons, accidentally on purpose. And when I said, "no, but you're the one who gave me it", he said "no, no, no". And then he said, "Jane, you are 'such a criminal' (sarcastically) and please would you speak out. You're articulate, you're of an older age group, will you please speak out, we are sick and tired of doing this?"*

(364, Female, convicted in 1992 at age 38)

*What happened was ...a friend of the family... earlier on in the year... gave me some (cannabis) so, fair enough, I had a fair bit of mull there, so I gave him some mull. And (he) happened to get caught smoking, so straight away he dobbed me in, and that's why the police come to my (parents) house. So the police sort of said that "you're going to get done for dealing" You know, I wasn't really dealing. (The police) said "well, can we um search your bedroom?" Sort of went through my bedroom, just tore the place to bits. I was in shock (that) they could. I had certificates on the wall. They could see I wasn't a real wally, or a drug dealer, which helped me out a bit. But they tore my bedroom apart; mattress upside down, all my drawers out, everything that was in my cupboard, just tore it all to bits... they found an old stash that was 8 grams of mull. It was 8 grams. I think it was even less, they had to convict me with something and then they really bailed me up then against the wall. Said they'll "get the squad through here, rip the house to bits", you know. "Have you got any syringes?" that sort of stuff like, (they) really put the shits up me. I thought "Oh shit" and I got this cone hidden away, and you know, "I've got a cone". And um then they said "well you're under arrest now.*

(323, Male, convicted in 1989 at age 19)

Others had idiosyncratic experiences at arrest:

*I went home and found this note from Constable XXX saying that they'd taken my children and that I was in a lot of trouble and to please ring him too... And when he showed up, and instead of giving me a charge, there were no charges or anything, and he just started to lecture me about leaving the children behind and how dreadful that was and um "look, we'll try and help you out", sort of thing. And then he returned again over a period of the next week or so. (A) total of 5 times he came to my house saying stuff like "look we could help you out, look we don't have to do cultivation it's just possession", that sort of stuff, you know. I couldn't really get my head around it and I just said "give me the piece of paper. I'll just sign it. I won't even show up in court because I'll plead guilty, open and shut case". Anyway he did not... And... the local constabulary went down to the school and they had a really charming approach... they were doing stuff like asking kids if they "recognised this pretty picture" and stuff like that, which of course (was) cannabis, and did... anybody's mum and dad ever have any trouble with the police? ... So my son my 9 year old puts up his hand and says "yes my Mum got busted last week". But of course they hadn't processed the paperwork, and so the Sergeant came to know about that the Constable XXX hadn't let on, and so I was immediately charged... I was also reported to Family and Child Services for negligence. Just a crock of shit. Absolutely unbelievable it was, just the whole thing.*

(335, Female, convicted in 1996 at age 37)

*What happened was that from years ago I had a friend what, because you know, used to smoke pot when you were young and silly. And every now and then I'd hear from him. Anyway, this time he decided that he'd do something really smart and he sent me some cannabis in the mail for my birthday... I was not aware of it. I went to the Post Office this day, like every other day, collected my mail and there was a long poster container in the mail and it had someone's name on it that I did not recognise. And anyway, I went home. Got home, opened it up, saw what was inside. It had a little note from the person and I realised just as I realised there was a knock at the door and it was the police... he came in and said... "where is it?" And I gave it to him and he had another guy with him, ... and they wanted to search my place, and I said there was no point, you know, there it was. And I didn't smoke it any more anyway, but they were looking for all the implements. And he couldn't believe it because there wasn't even a packet of roly papers in the place.*

347, Female, convicted in 1992 at age 27)

#### **4.5 TREATMENT BY POLICE DURING EPISODE THAT LEAD TO FIRST CANNABIS CONVICTION**

##### **Ratings of police treatment at different interview locations**

Respondents were asked how well they felt that they were treated by police at the different venues where they were interviewed by police during the process of being arrested and charged. These results are presented in Table 25. Just over a quarter (26.2%) of the 61(89.7%) respondents interviewed at the location where they were apprehended felt that they had been treated poorly by police, a half (50.8%) said that they were treated reasonably and just under a quarter (23.0%) said that they were well treated. Of those 35 (51.5%) respondents interviewed at a police station other than police headquarters, a quarter (25.7%)

said that they were poorly treated, just over two fifths (42.9%) said that they were reasonably treated, and just under a third (31.4%) said that they were well treated. The numbers of respondents interviewed in a police vehicle or at police headquarters were too small to make reliable observations.

**Table 25: Police treatment at different interview locations**

INTERVIEW LOCATION	N	POOR	REASONABLY	WELL
Where apprehended	61	26.2	50.8	23.0
At police station	35	25.7	42.9	31.4
In police vehicle	6	33.3	33.3	33.3
At police HQ	6	33.3	50.0	16.7

## Police processing and treatment at police station

Respondents were asked how well they felt that they were treated by police during each of the different parts of their processing by police at the police station. Thirty six (52.9%) respondents stated that they were interviewed at a police station, 40 (58.8%) were charged there, 23 (33.8%) were fingerprinted, 21 (30.9%) were photographed, 11 (16.2%) were detained in the lockup, and 32 (47.0%) stated that they were bailed and released. Table 26 presents the percentage of these respondents who said that they were poorly, reasonably or well treated by police when they were subject to each of these processes.

**Table 26: Police processing and treatment at police station**

POLICE PROCESSING	N	POOR	REASONABLY	WELL
Interviewed	36	16.7	50.0	33.3
Charged	40	17.5	50.0	32.5
Finger printed	23	8.7	47.8	43.5
Photographed	21	9.5	52.4	38.1
Detained in lockup	11	36.4	45.5	18.2
Bailed and released	32	18.8	50.0	31.3

## Details of police treatment

Respondents were asked whether they were subject to any of the forms of police treatment which are presented in Table 27. Twenty five (36.8%) of the sample said that they were not subject to any of these. More than half (57.3%) of the respondents said that they were intimidated by police during the incident that led to their first cannabis conviction. Less than one in six (13.2%) said they were verbally abused by the police and smaller percentages stated that they were threatened (10.2%) and offered a deal on their own charge for providing other information (10.2%). Four (5.9%) said that they were physically abused by police.

**Table 27: Details of police treatment**

POLICE TREATMENT	f	%	
		RESPONSES	RESPONDENTS(1)
Intimidated	39	50.6	57.3
Verbal abuse	9	11.7	13.2
Threatened	7	9.1	10.2
Offered deal for information	7	9.1	10.2
Physical abuse	4	5.2	5.9
Falsely accused	3	3.9	4.4

---

Other police treatment	8	10.4	11.8
Total	77	100.0	113.0

---

*There were 25 missing cases.*

*(1) Percentages here are for whole WA sample ie. n=68.*

### How respondent behaved overall to police during the incident

Respondents were asked to indicate which of a list of words described overall the way in which they believed that they behaved towards police at the time of their arrest for their first cannabis offence. The vast majority (95.5%) of the sample said that they were cooperative with police, and a similarly large proportion (88.1%) said that they were respectful and two thirds (65.7%) said that they were friendly toward police. On the negative side, just over one in ten (10.4%) said that they behaved in a hostile manner toward police and a negligible proportion (4.5%) stated that they were offensive to police. These results are presented in Table 28.

**Table 28: Overall behaviour toward police**

BEHAVIOUR TOWARD POLICE	f	% RESPONSES	% RESPONDENTS
Co-operative with police	64	36.2	95.5
Respectful toward police	59	33.3	88.1
Friendly toward police	44	24.9	65.7
Hostile toward police	7	4.0	10.4
Offensive toward police	3	1.7	4.5
Total	177	100.0	264.2

*There was 1 missing case.*

### Overall attitudes to police behaviour during the incident

Respondents were asked to indicate which of a list of words described overall the way in which the police conducted themselves at the time of their arrest for their first cannabis offence. Almost two thirds (72.7%) of the sample said that police behaved lawfully, two in five (40.9%) said that they were respectful and a third (33.3%) said that they were friendly. On the negative side, a third (33.3%) said that police were hostile and under a third (27.3%) stated that they were offensive. These results are presented in Table 29.

**Table 29: ratings of police conduct overall**

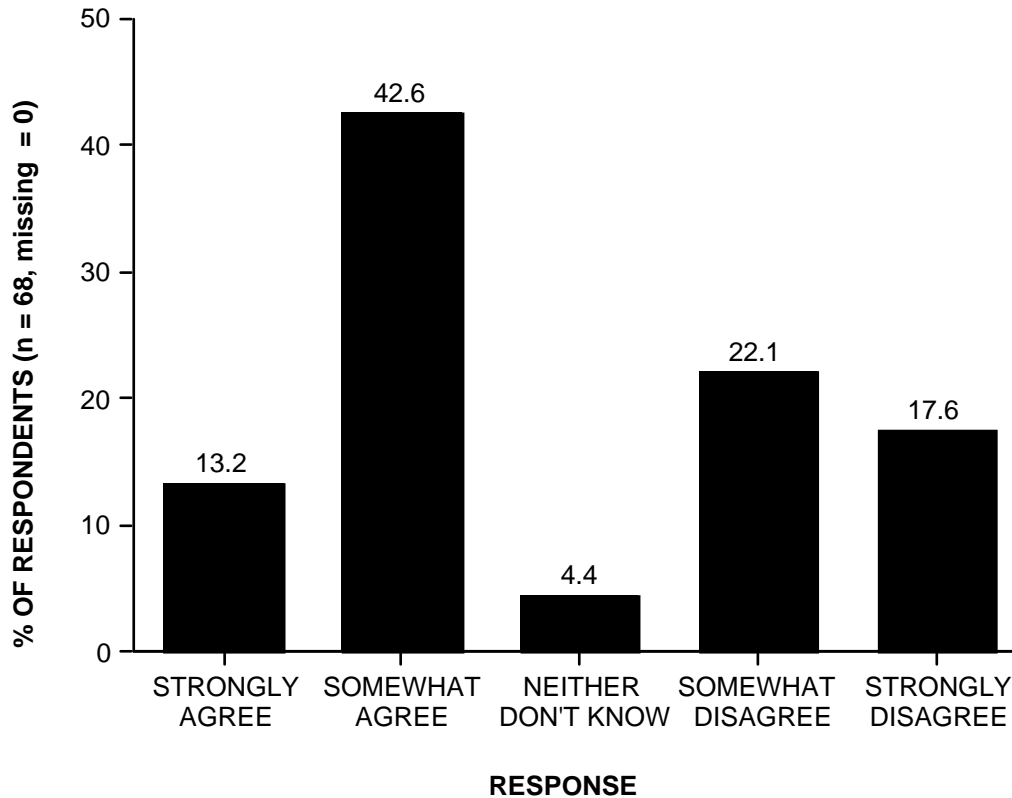
POLICE CONDUCT	f	% RESPONSES	% RESPONDENTS
Lawful	48	35.0	72.7
Respectful	27	19.7	40.9
Friendly	22	16.1	33.3
Hostile	22	16.1	33.3
Offensive	18	13.1	27.3
Total	137	100.0	207.5



*There were 2 missing cases.*

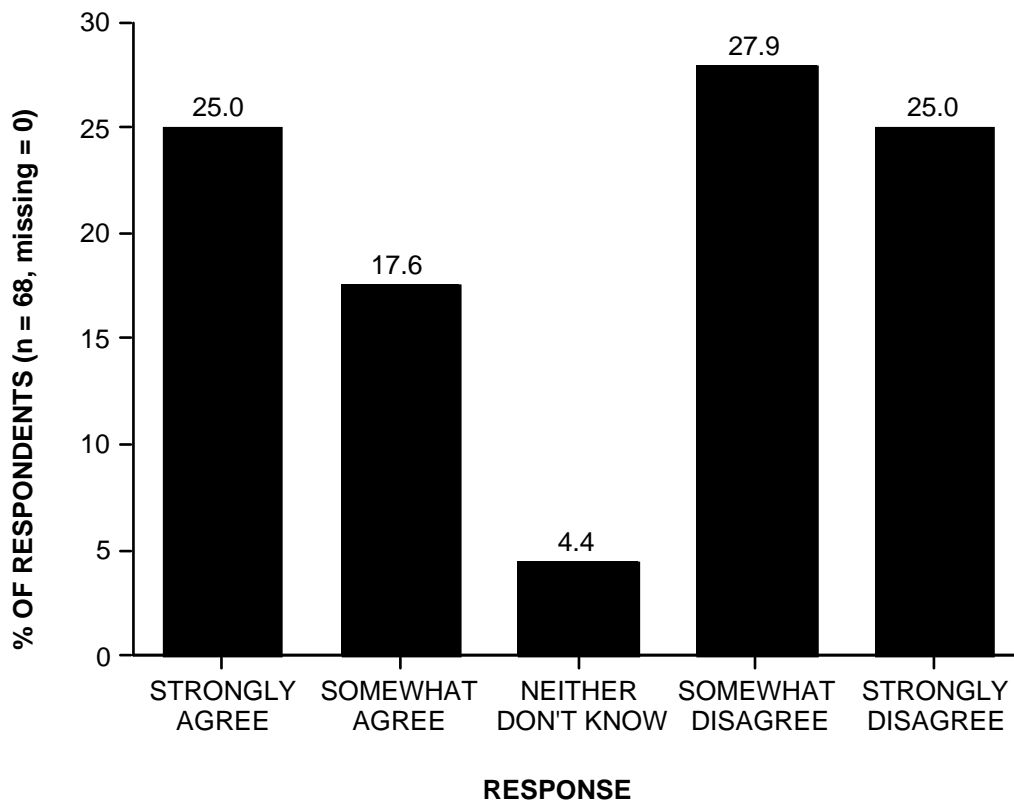
Respondents were asked to indicate how accurately a list of statements related to how the police conducted themselves at the time of their arrest for their first cannabis offence.

Over half (55.5%) of the sample agreed either somewhat or strongly with the statement that police respected their rights as a citizen throughout the incident. Approximately two fifths (39.7%) of respondents disagreed either somewhat or strongly with the statement. These results are presented in Figure 4.



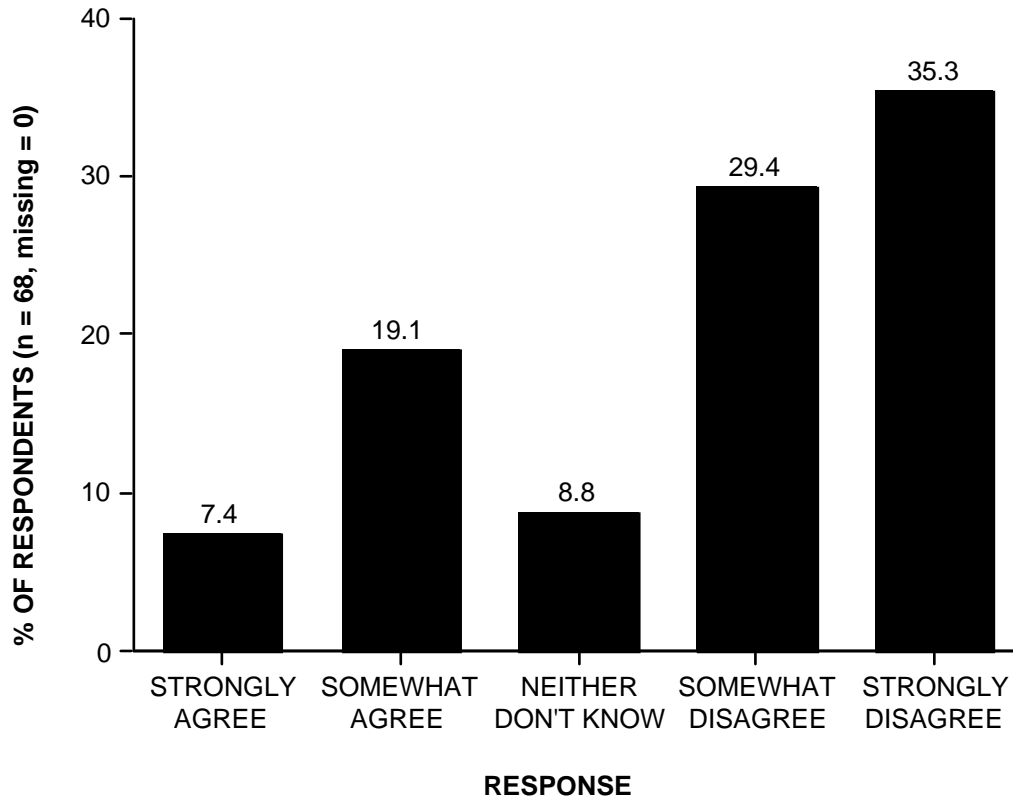
**Figure 4:** "The police respected my rights as a citizen throughout this incident" AGREE / DISAGREE

Just over two fifths (42.6%) of the sample agreed either somewhat or strongly that they were unfairly singled out for special attention. Just over half (52.9%) of respondents disagreed either somewhat or strongly with the statement. These results are presented in Figure 5.



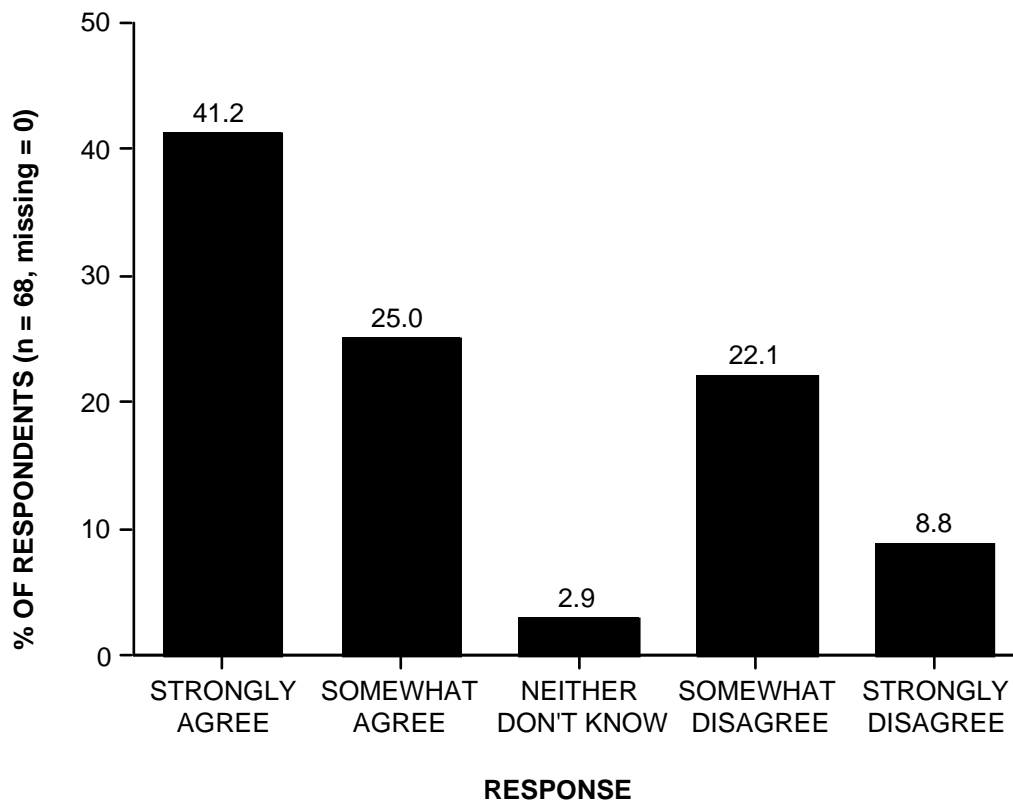
**Figure 5:** "I was unfairly singled out for special attention" AGREE / DISAGREE

Just over one quarter (26.5%) of the sample agreed either somewhat or strongly that the police abused their powers when arresting them. Almost two thirds (64.7%) of respondents disagreed either somewhat or strongly with the statement. These results are presented in Figure 6.



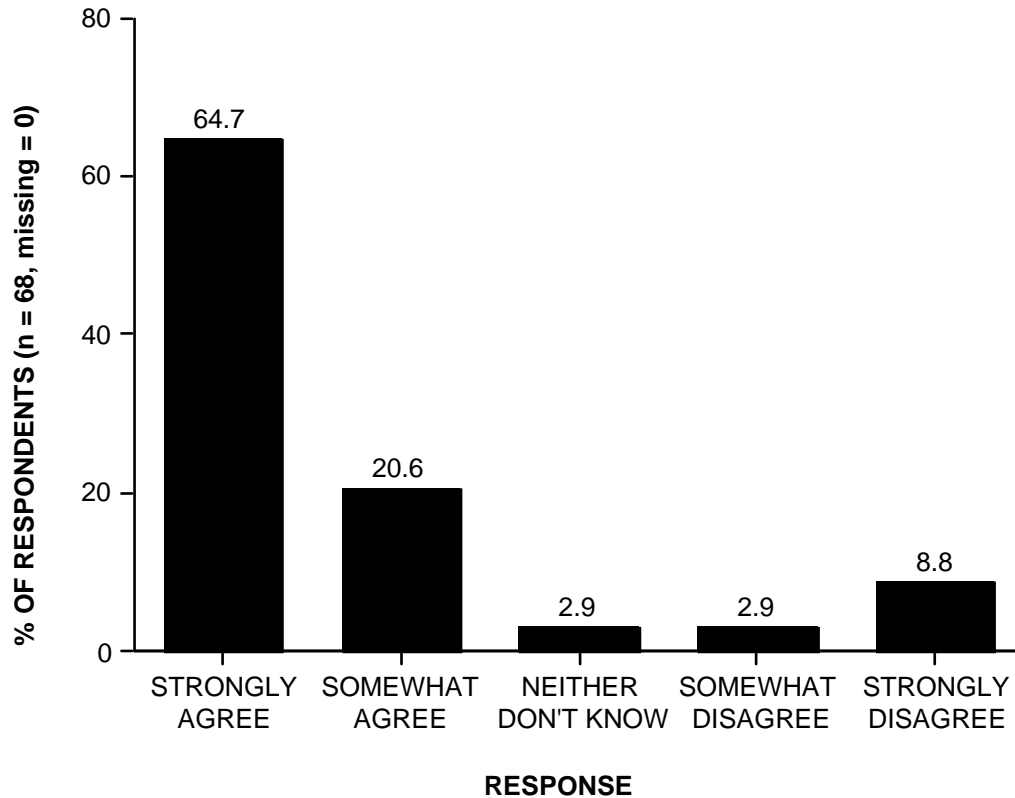
**Figure 6:** "The police abused their powers when arresting me"  
**AGREE / DISAGREE**

Approximately two thirds (66.2%) of the sample agreed either somewhat or strongly police treated them as if they were a criminal. Just under a third (30.9%) of respondents disagreed either somewhat or strongly with the statement. These results are presented in Figure 7.



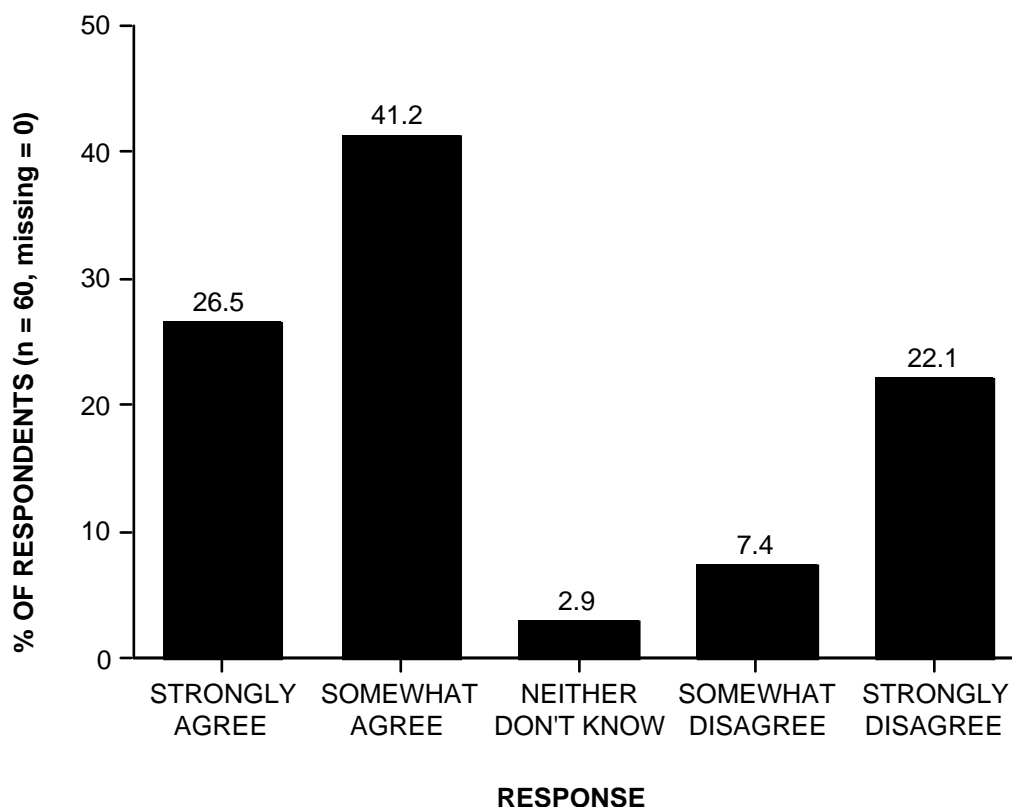
**Figure 7:** "The police treated me as if I was a criminal" AGREE / DISAGREE

The vast majority (85.3%) of the sample agreed either somewhat or strongly that they realised that by using cannabis they may be arrested from time to time. Just over one in ten (11.7%) of respondents disagreed either somewhat or strongly with the statement. These results are presented in Figure 8.



**Figure 8:** "I realise that by using cannabis I may be arrested from time to time" AGREE / DISAGREE

Just over two thirds (67.7%) of the sample agreed either somewhat or strongly that they broke the law and that the police were just doing their job as law enforcers. Just under a third (29.4%) of respondents disagreed either somewhat or strongly with the statement. These results are presented in Figure 9.



**Figure 9: “I broke the law, police were just doing their job as law enforcers” AGREE / DISAGREE**

### Accounts of treatment by police

Respondents accounts of their treatment by police where they had been treated well included:

*It was very much like a parking offence. I'm happy that way because as I pointed out there's no need for all the other coppers in the station to see my head. I was very happy that they accommodated what I figured were my requirements and they dropped the form back politely and took off again.*

(300, Male, convicted in 1990 at age 25)

*It was fair treatment. It was very basic, like I was wasting their time being there. The actual interview was sitting down in front of an old typewriter, and the bloke typed up about a four line statement that I gave them, and that, it was 'end of story', 'see you later'. Procedures, they had bigger (and) better things to do.*

(303, Male, convicted in 1988 at age 32)

One respondent arrested in a country town 'miles from anywhere' who decided to do time in the lockup rather than pay the fine described the varied experiences he had:

*I was actually treated very well, I mean, there wasn't much to do up there, so they... they only locked you in overnight. During the day, you could walk around. I helped them build the tennis courts. I helped them kill the nurse's pig because I was a pig farmer before, and cut it up for them and that; unload shark baits, unload the rabbit...load the rabbit freezers and that, and they'd give you \$20 for it or something like that. So you'd wander across to the roadhouse, buy your cigarettes or whatever and the sergeant's wife, she was a really good cook, she looked after us there. There was no complaints at all on that side.*

(321, Male, convicted in 1994 at age 25)

Others who described abrupt treatment included:

*No I just thought that they were quite rude and quite abrupt the way they spoke, the way they grabbed fingers to put them down for fingerprints and stuff. I didn't really think it was necessary the way that they spoke. I mean, there's people out there doing a lot worse than smoking a bit of pot I think, and the way that we were treated, I just thought it was quite rude the way they spoke to us. Didn't think it was called for actually. We didn't give them a hard time so I didn't see that there was any reason to be hostile in any way to us.*

(302, Female, convicted in 1990 at age 19)

*I mean they were doing their job but they were very arrogant, pushy, aggressive. I never got hit or anything like that, just quite severely branded... as a criminal but they didn't go to any extent of pushing or anything like that...No no physical abuse, very verbal and they were testing me and really trying to, you know, scare me. And I suppose which they did because I was only really young. They were fairly arrogant, pushy, you know - as if a police officer would treat a criminal.*

(305, Male, convicted in 1988 at age 21)

*My girlfriend was in a cell, or a closed locked room, in tears. And the two detectives began to explain to me that I didn't know her very well, and started to use situations in life to say "because you know sometimes people let you down", and "sometimes you never really know", and basically trying to instil guilt on my girlfriend... the main matter was they wanted the stolen goods and they were intent on getting it right then and there. And it went on like that for at least an hour....they were using their ... position of authority, they kept telling me that I wouldn't really know, and that I didn't have a good judge of people, and I didn't have a good judge of a girlfriend, and I couldn't judge a character, basically like that....They obviously thought...well they needed someone to blame, because I think the stealing that was going on at that video store had been going on before my girlfriend was working there and it kept going on after she left as well. And they were desperate to find a culprit.*

(329, Male, convicted in 1996 at age 18)

*I was strip searched. I was verbally abused... not really names, but just sort of made fun of me, that I'm a pot smoker, that I got busted and basically I'm scum... before I had all respect for the police and now I have not respect for them whatsoever*



*because I'm not a criminal. I never have been, never will be. And to get done with the small amount that I got done with - (it) disgusts me that the police can't go and catch criminals who are raping children and killing people. And they're hassling out some poor chick who smokes mull because she gets stressed out in life.... I was touched by the female officer. She went through my hair, she went through my mouth, my ears, underneath my feet. She was going to internally search me but because I basically said "I don't have anything up there" and I didn't - they treated me like shit and they had a lot of fun with me because they said "what are you going to do now, can't smoke pot, sucked in ha ha ha. You're just going to have to take up cigarettes and drink alcohol". And I was just treated really disgustingly, like I was a criminal. I was treated like shit, um well I, you know. Disgusting. I was not impressed. They don't need to be like that.*

(352, Female, convicted in 1993 at age 21)

Others described being physically pushed around by the police:

*When the photographer was taking my photograph he very much pushed me against the wall. And if that wasn't pushing me up the wall, if that wasn't in the fact that I actually banged my head, and quite heavily thrown against it, and told to not move otherwise further accidents couldn't not - well, (I) wasn't told that ways, but it was implied, that if I didn't cooperate I was definitely going to get more abuse anyway.*

(307, Male, convicted in 1990 at age 22)

*(They) took to searching my car, strew, threw the contents of my car all over the car park ... to a matter of like 10, 15 metres all over the place, pulled the carpet out of my car, pulled the spare tyre out, the jack, pushed me around when I didn't admit to having any marijuana on me...you know, one would walk up and push his hand on my chest and say "come on mate, we know you're lying, we know you're hiding something from us. Where is it?" ... they played a few little mind games on me, like hid my keys and did a few things like that, (be)cause I had been smoking so I wasn't 'on the ball' as you would say. (They) generally didn't make it too easy for myself. And I was pretty scared you know, first time I'd really had a big encounter with the police and I was by myself, and there was two of them. I mean it was 11, 12 o'clock at night, so just very intimidating, bossy and just tried to get me to admit to something. I mean, they did find an implement in the car but I had no pot in the actual car, so I never lied to (th)em.*

(353, Male arrested in 1990 at age 18)

### **Change in attitude to police as a result of incident**

Respondents were asked unprompted how attitudes to police changed as a result of the incident. Some of the responses to this question appear below.

Some who said that their attitudes to police didn't change as a result of the incident included:

*(It) didn't really change. They've got to do their job. I don't disagree with them enforcing the law - I disagree with the law.*

(342, Male, convicted in 1992 at age 20)

*I don't think it has changed actually. The police have got a job to do and unfortunately, it's no use whingeing. Yes they did me for 1 gram of marijuana, but*

*they've got a hard job in any body's term and I don't care. All these people who say, you know, they're all crooked, because they're not. But they do a hard job and, you know, that's, you know, the attitude hasn't changed. They've always had a hard job hey. You know my attitude towards them hasn't changed from the time I was probably 21. They've got a hard job, they do it.*

(345, Male, convicted in 1991 at age 28)

Some who said that their attitudes to police had become more positive as a result of the incident included:

*Through the friendliness I s'pose, and able to be on a level with me, I gained a good respect for (th)em. Yeah, every encounter with the police, be it speeding or driving, you know, whatever, (it) changes, goes up and down all the time because get you get arseholes and you get good people so. But these people in this instance, it went up.*

(362, Male, convicted in 1996 at age 18)

*Well, actually my attitude changed in more favourably towards the police because I had a very unfavourable incident with police when I was 20. So when I sighted 3 policemen at the unit I was fairly afraid, but because they did treat me OK my opinion was raised...They didn't make me come with them and they didn't call me offensive names. They just treated me better than the NSW police I met when I was (younger).*

(344, Female, convicted in 1992 at age 27)

Some who said that their attitudes to police had become less friendly as a result of the incident included:

*Well quite dramatically actually. I can remember when I was walking through Fremantle just after I was busted, it was probably about six months or a year after, and there was two rookies you know, just walking the beat. And as they were approaching me walking down the mall, one of them said 'hi' and I just ignored (th)em ...just walked straight ahead.*

(305, Male, convicted in 1988 at age 21)

Some who said that their attitudes to police had become less trusting as a result of the incident included:

*Well I guess it just further reduced my low opinion of the constabulary. (I) didn't think that they conducted themselves well. In a later case that occurred after this I was really reluctant to call the (local) Police. (I) did not want to call them because I'd had such a bad feeling about them, and I didn't report some stalking and prowling until it got right out of hand. And they asked me when they finally did attend, they said why didn't I report the previous incidence, and I told them I had a pretty low opinion. So yeah, it did change. I was unwilling to ask for help.*

(335, Female, convicted in 1996 at age 37)

*I went from I guess being really respectful ... to disillusioned and untrusting. That they couldn't really leave anybody alone that wasn't bothering anyone else in*

*anyway at all. I thought they were there to protect and, but given I'd had no prior contact with them and um, a feeling of invasion I suppose.*

(334, Male, convicted in 1994 at age 23)

*I always thought they'd do the right thing, be fair if you'd done something wrong. I mean if you've done something to hurt somebody, then they'd bust you but if you'd done something minor, then they'd have a bit of a leniency, a bit of fairness....I suppose it strongly changed....I now think that if you're young, male, then you've got no chance at all when it comes to the cops, basically.*

(375, Male, convicted in 1996 at age 18)

*It just strengthened my disrespect for the police force in general. Just, now whenever I see a cop I think oh wow, he's after me, you know, I'm not a criminal, but I've got a criminal record...why don't the guys pick on rapists and murderers, like I'm just a...I sit here and smoke my dope, I don't bother anybody...I just don't trust them basically. Like, if I was in trouble... I probably wouldn't go to the police now. Do you know what I mean?*

(378, Male, convicted in 1996 at age 19)

Some who said that they had become less respectful of police as a result of the incident included:

*Oh, I basically got no respect for them because the good cops you can come along with like. The one, the way, if you don't mind me saying, these arseholes, you know. They just weren't fair to me whatsoever, and I was not being rude or anything. Just, you know, just out to get me basically.*

(327, Male, convicted in 1995 at age 18)

*I have no respect whatsoever for the police force. ... I hate (th)em now. I can't stand (th)em. I just hate (th)em. I mean if, like, I see one in the street ... I'll immediately assume the worst even though they might be a nice copper. It was no need. Just because of the way they treated me, it's just made me hate (th)em now.*

(351, Male, convicted in 1996 at age 20)

*Well, I'd never liked them. I have to be honest and say that. And after like they'd destroyed my property, they were offensive towards my girlfriend. Like I said they wouldn't bring in a woman police constable so she could at least have some decency and get changed because she was in a see-through dressing gown. I thought that was an affront to her basic civil rights. To cut up my car seats, they smashed the back door. We didn't get any compensation for that. So, yeah, so yeah, so if I didn't have a problem with authority beforehand, I definitely did afterwards, that's the bottom line.*

(372, Male, convicted in 1994 at age 22)

Some who said that they had become more fearful of police as a result of the incident included:

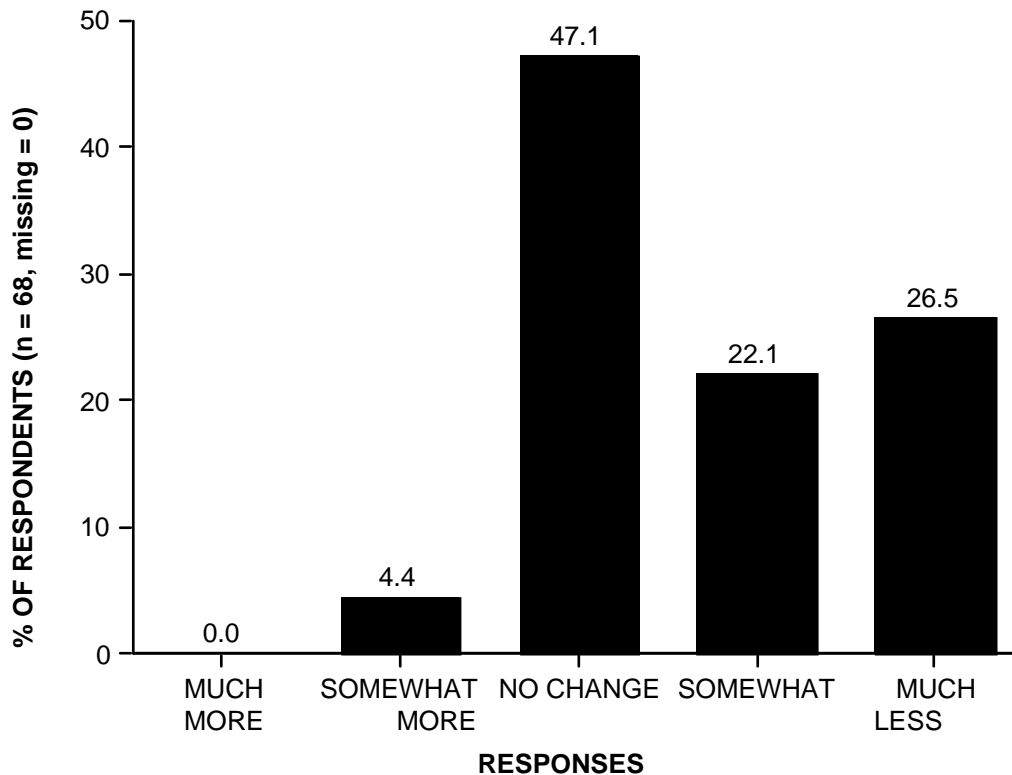
*I was frightened of them. I was frightened by the fact that they do have so much power, that they can make mistakes.*

(364, Male, convicted in 1992 at age 38)

### Ratings of change in attitude to police as a result of the incident

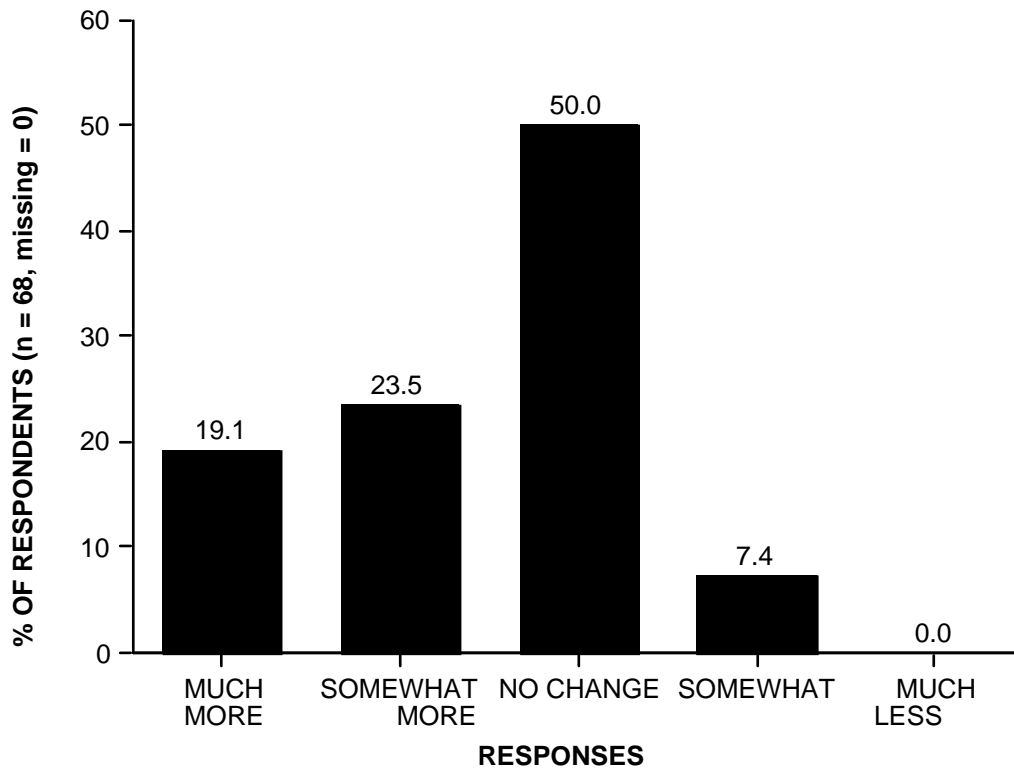
Respondents were then asked to rate the extent to which their attitudes to the police with regard to six emotions changed as a result of this incident.

Just under half (48.6%) of the sample said that they had become 'somewhat' or 'much' less trusting of police as a result of the incident. A similar proportion (47.1%) said that their level of trust in police had not changed as a result of the incident. These results are presented in Figure 10.



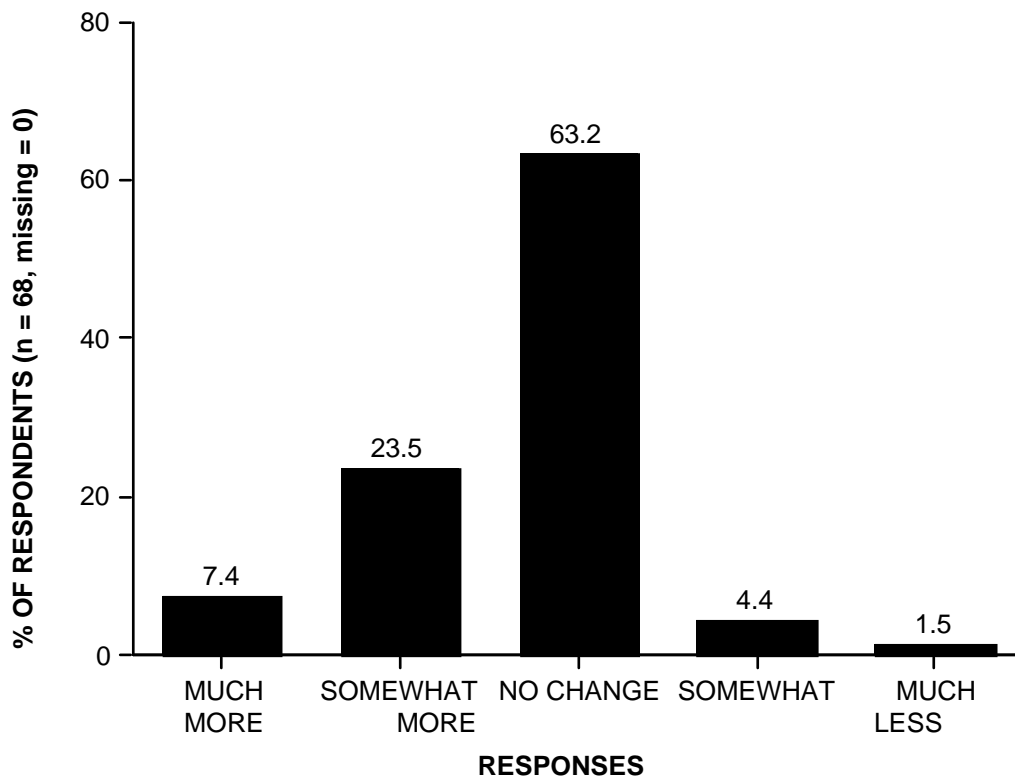
**Figure 10: Change in level of trust in police as a result of the incident**

Just over two fifths (42.6%) of the sample said that they had become 'somewhat' or 'much' more fearful of police as a result of the incident. Half (50.0%) said that their level of fear of police had not changed as a result of the incident. These results are presented in Figure 11.



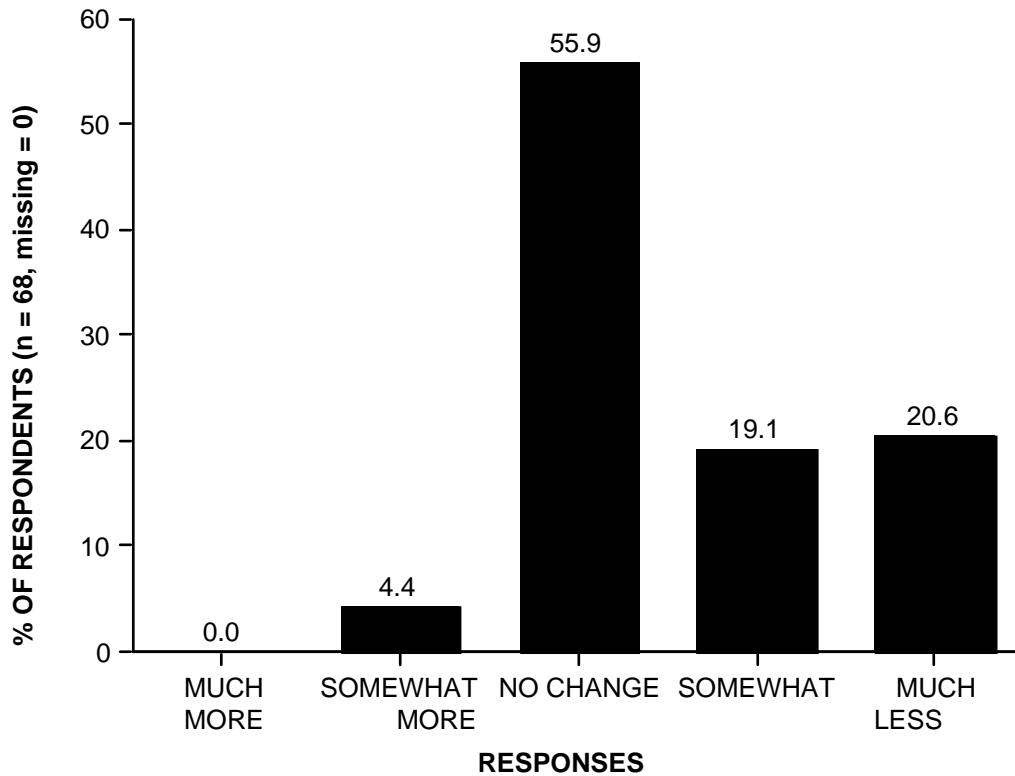
**Figure 11: Change in level of fear of police as a result of the incident**

Almost two thirds (63.2%) of the sample said that their level of antagonism toward police had not changed as a result of the incident. Just under a third (30.9%) said they had become 'somewhat' or 'much' more antagonistic toward police as a result of the incident. These results are presented in Figure 12.



**Figure 12:** Change in level of antagonism toward police as a result of the incident

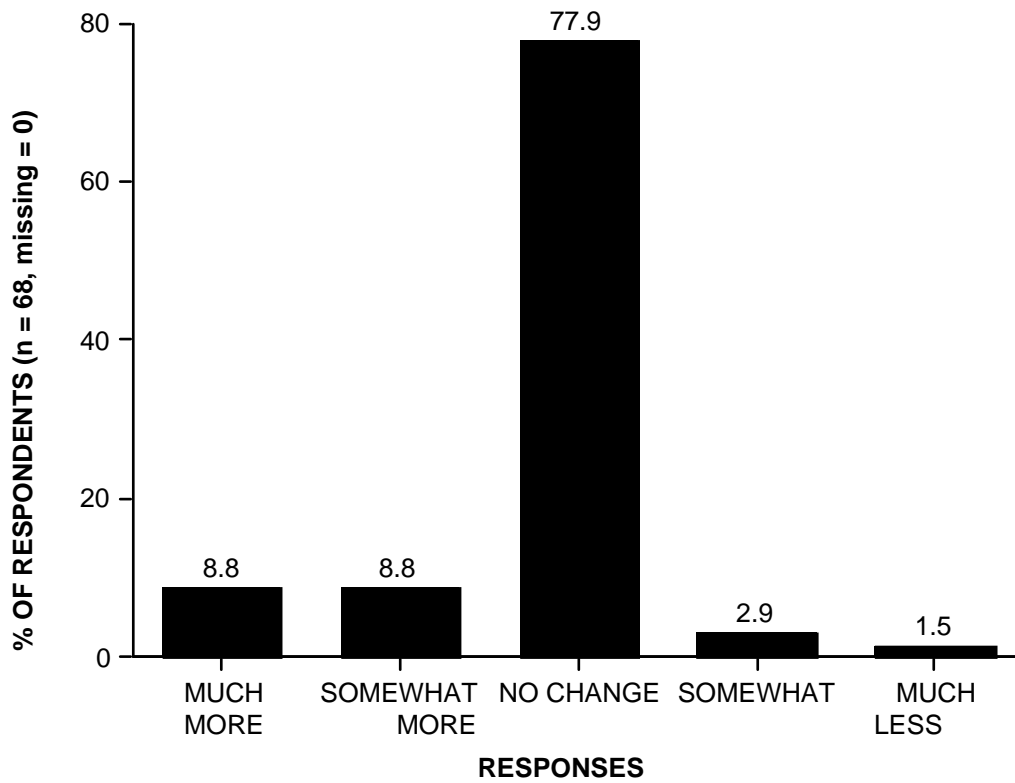
More than half (55.9%) of the sample said that their level of respect for police had not changed as a result of the incident. Just under two fifths (39.7%) said they had become 'somewhat' or 'much' less respectful of police as a result of the incident. These results are presented in Figure 13.



**Figure 13: Change in level of respect for police as a result of the incident**

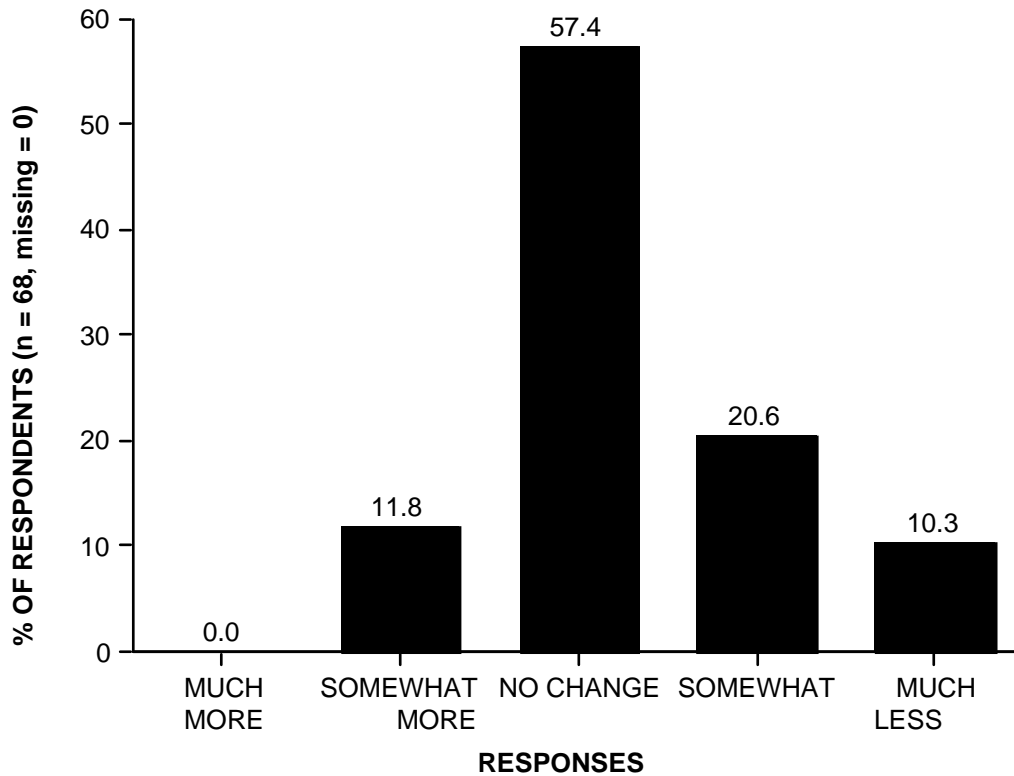


More than three quarters (77.9%) of the sample said that their level of hostility toward police had not changed as a result of the incident. Less than one in five (17.6%) said they had become 'somewhat' or 'much' more hostile toward police as a result of the incident. These results are presented in Figure 14.



**Figure 14: Change in level of hostility toward police as a result of the incident**

More than half (57.4%) of the sample said that their level of friendliness toward police had not changed as a result of the incident. Just under a third (30.9%) said they had become 'somewhat' or 'much' less friendly toward police as a result of the incident. These results are presented in Figure 15.



**Figure 15: Change in level of friendliness toward police as a result of the incident**

## 4.6 DRUG USE DURING THE MONTH AFTER ARREST

### Cannabis use one month after arrest

Table 30 shows that 48.5% respondents said that during the month after the arrest that led to their first cannabis conviction they were using cannabis at least once per day, 26.5% were using the drug less than once per day but at least weekly, 10.5% were using the drug less than once per week but at least monthly, and 14.7% did not use cannabis at all during the month after arrest.

**Table 30: Frequency of cannabis use one month after arrest**

FREQUENCY OF USE	f	% RESPONDENTS	CUMULATIVE % RESPONDENTS
More than 3 times per day	11	16.2	16.2
2 to 3 times per day	11	16.2	32.4
Once per day	11	16.2	48.5
4 to 6 times a week	7	10.3	58.8
2 to 3 times per week	8	11.8	70.6
Once a week	3	4.4	75.0
2 to 3 times per month	3	4.4	79.4
Once per month	4	5.9	85.3
Did not use during that month	10	14.7	100.0
Total	68	100.0	

*There were no missing cases.*

The vast majority (81.4%, missing=9) of the sample said that during the month after the arrest that led to their first cannabis conviction they usually smoked their cannabis in a bong or pipe, while the remainder (16.9%, n=11) said they typically smoked cannabis in joints during that period.

Respondents were asked 'In the month period after the arrest that led to your first cannabis conviction, about what proportion of the people that you spent your leisure time with used cannabis?'. Responses to this item are presented in Table 31. Almost two thirds (63.2%) respondents stated that 'all, or nearly all' and a further 16.2% said that 'the majority' of their friends during the six months prior to their conviction used cannabis. Only two (2.9%) respondents said that none of their friends smoked cannabis during this period.

**Table 31: Proportion of friends using cannabis one month after arrest**

PROPORTION OF FRIENDS USING CANNABIS	f	% RESPONSES	CUMULATIVE % RESPONDENTS
All or nearly all of them	43	63.2	63.2
Majority of them	11	16.2	79.4
Minority of them	12	17.6	91.7
None of them	2	2.9	100.0
Total	68	100.0	

*There were no missing cases.*

### Other drug use one month after arrest

Respondents were asked about their use of drugs other than cannabis in the month after arrest. Frequencies of use for the most frequently used drugs are presented in Table 32. Alcohol was used by the vast majority (85.3%, n=58) of the sample, hallucinogens were used by 13.2% of respondents, and amphetamines by 11.8% at least once during the month after arrest.

With regard to other drugs not presented in this table, only three (4.4%) of the sample had used ecstasy, one (1.5%) had used inhalants, one (1.5%) had used benzodiazepines, one (1.5%) heroin, and one (1.5%) cocaine during the month after arrest.

Overall, the use of drugs other than alcohol and cannabis in the month after arrest was rare.

**Table 32: Frequency of other drug use month after arrest**

FREQUENCY OF USE	ALCOHOL		HALLUCINOGEN		AMPHETAMINE	
	f	%	f	%	f	%
More than 3 times per day	1	1.5	0	0.0	0	0.0
2 to 3 times per day	2	2.9	0	0.0	0	0.0
Once per day	1	1.5	0	0.0	0	0.0
4 to 6 times a week	7	10.3	0	0.0	2	2.9
2 to 3 times per week	23	33.8	0	0.0	2	2.9
Once a week	15	22.1	2	2.9	1	1.5
2 to 3 times per month	7	10.3	2	2.9	1	1.5
Once per month	2	2.9	5	7.4	2	2.9
Did not use during that month	10	14.7	59	86.8	60	88.2
Total	68	100.0	68	100.0	68	100.0

*There were no missing cases.*

### **Extent to which arrest effected cannabis use one month after arrest**

Respondents were asked the extent to which their arrest effected their use of cannabis during the month after arrest. More than two thirds (70.6%, n=48) of the sample said that it did not effect their use at all, just under two fifths (17.6%, n=12) said that it effected their use somewhat, and just over one in ten (11.8%, n=8) said that it effected their use a great deal.

### **Extent to which arrest effected other drug use one month after arrest**

Respondents were asked the extent to which their arrest effected their use of drugs other than cannabis during the one month after arrest. The vast majority (89.7%, n=61) of the sample said that it did not effect their use at all, and the remainder (10.3%, n=7) said that it effected their use somewhat.

## **4.7 COURT PROCESSING**

### **Whether appeared in court**

Respondents were asked whether or not they appeared in court regarding their first cannabis offence. Just under a third (30.9%, n=21) of the sample stated that they did not attend court and the remainder (69.1%, n=47) did.

Of those who did not attend court, the vast majority (95.2%, n=20) pleaded guilty on the form on the back of the summons, were not required to attend court, and were found guilty and

fined 'in absentia'. One (4.8%) respondent chose not to attend, the case was heard in their absence, and they were convicted.

### Whether spoke to lawyer before court hearing

Respondents were asked whether they spoke to a lawyer before their court date. Two (9.5%) of the 21 respondents who did not appear in court did speak to a lawyer about their case before the day of their hearing. Nine (19.1%) of the 47 respondents who did attend their court hearing spoke to a lawyer before the hearing day

### Court appeared before

All but one (97.9%) of the 47 respondents who attended court on the cannabis charge attended a lower court, primarily the Court of Petty Sessions, while the remainder (2.1%) attended the District Court. The vast majority (83.0%, n=39) of court attenders appeared before metropolitan courts and the remainder (17.0%, n=8) before regional courts.

### Presiding officer

The vast majority (91.5%, n=43) of the 47 respondents who attended court on the cannabis charge appeared before a magistrate and the remainder (8.5%, n=4) appeared before a judge.

### Legal representation in court

Respondents who attended court were asked what kind of legal representation they had in court. Over half (55.3%) the sample had no representation, just under one in four (23.4%) had a duty lawyer, just over one in ten (10.6%) had a Legal Aid lawyer, and less than one in ten (6.4%) had their own lawyer. These results are presented in Table 33.

**Table 33: Legal representation in court**

REPRESENTATION	f	% RESPONDENTS
None	26	55.3
Lawyer (duty counsel)	11	23.4
Lawyer (legal aid)	5	10.6
Lawyer (own)	3	6.4
Self	2	4.3
Total	47	100.0

*There were no missing cases.*

## Charges faced in court

The charges faced by respondents who attended or did not attend court are presented in Table 34. Overall, just over three quarters (76.5%) of respondents faced possession / use cannabis charges, just under a half (48.5%) faced possession of implement charges and one in four (23.5%) faced cultivation charges.

**Table 34: Charges faced**

CHARGES FACED	ATTENDEES		NON-ATTENDEES		TOTAL	
	n	%	n	%	n	%
Possession / use cannabis	38	80.9	14	66.7	52	76.5
Possession implement	23	48.9	10	47.6	33	48.5
Cultivation	10	21.3	6	28.6	16	23.5
Total	71	151.1	30	142.9	100	148.5

*Note: Percentages are percent of respondents rather than responses.*

## Charges, expected and actual outcomes

Table 35 shows the charges faced, the proportion pleading guilty, expecting to be found guilty, found guilty and the percentage of the sample who had a conviction recorded. For court attendees between approximately 95% and 100% of the sample pleaded guilty to their cannabis charges, with between approximately 90% and 95% expecting to be found guilty. All were found guilty and had their conviction recorded. All those who did not attend pleaded guilty, expected to be found guilty, were found guilty and had a conviction recorded.

**Table 35: Expectations and outcomes of charges faced**

CHARGES FACED	PLEADED GUILTY		EXPECTED GUILTY		FOUND GUILTY		CONVICTION RECORDED	
	n	%	n	%	n	%	n	%
<b>Court attendees</b>								
Possession / use cannabis	36	94.7	36	94.7	38	100.0	38	100.0
Possession implement	22	95.7	22	95.7	23	100.0	23	100.0
Cultivation	10	100.0	9*	90.0	10	100.0	10	100.0
<b>Court non-attendees</b>								
Possession / use cannabis	14	100.0	14	100.0	14	100.0	13	92.9
Possession implement	10	100.0	10	100.0	10	100.0	9	90.0
Cultivation	6	100.0	6	100.0	6	100.0	6	100.0

*Note: Percentages are percent of respondents rather than responses.*



\* *One person who pleaded guilty said that they did not expect to be found guilty.*

## Discrepancies between goods confiscated and those tabled in court

Respondents were asked what form of cannabis was alleged by the prosecution to be in their possession when they were arrested. Overall the form and packaging specified in court was the same as confiscated at arrest. However, in two of the 16 cases where plants were seized and three of the 25 cases where dry cannabis was seized there was a discrepancy.

In one case where plants had been seized a woman who was the victim in an abusive domestic violence situation was charged with being in possession of only one plant when 36 had been seized by police. In the other case police confiscated 10 plants from a single mother, but charged her with possession of only four after her case was referred to the Department of Community Welfare when her 9 year old notified police of her cannabis use after a school drug awareness campaign.

In two of the three cases where there was a discrepancy in weight of dry cannabis seized no explanation was given. In the first of these 15 grams were seized but the person was only charged with possession of 8 grams. In the second 24 grams were seized but 4 grams appeared on the charge. In the third case the respondent alleged that 200 grams of cannabis were seized, a hundred of which was heads, but this was 'glove boxed' by police who told the respondent to 'keep his mouth shut'. He was charged with possession of 94 grams of leaf, a possession / use offence rather than the more serious possession with intent charge that he would have received if charged with possession of the whole 200 grams.

## Time taken off work to attend court

Sixteen (44.0%) of the 47 respondents who attended court stated that they took time off work to do so. The majority (68.7%, n=11) of these took off the day (8 hours), with the average time taken off work being 6.6 hours.

## Penalties expected and actual outcomes

Respondents were asked what penalty they expected the court would impose on them for their cannabis offence. Table 36 shows penalties expected by both court attendees and those who did not attend court. The vast majority (92.6%) of the sample expected a fine and just over two thirds (69.1%) expected that they would get a criminal conviction recorded. Less than half (44.2%) the respondents expected that they would have to pay court costs. Just over one in ten (13.2%) of the sample stated that they thought that they would not get a penalty.

**Table 36: Penalties expected**

PENALTIES	ATTENDEES		NON-ATTENDEES		TOTAL	
	n	%	n	%	n	%
Fine	42	89.4	21	100.0	63	92.6
Criminal conviction	32	68.1	15	71.4	47	69.1
Court costs	19	40.4	11	52.4	30	44.2
Community service order	11	23.4	1	4.8	12	17.6
Good behaviour bond	12	25.5	0	0.0	12	17.6
No penalty	8	17.0	1	4.8	9	13.2

---

Probation	4	8.5	1	4.8	5	7.3
Total	128	272.3	50	238.2	178	261.6

---

*Note: Percentages are percent of respondents rather than responses.*

The average fine expected was \$289.30 (range \$50 to \$1000, n=57) and the average fine received was \$247.08. Just under half (43.6%, n=24) of those fined received a fine which was greater than they had expected with, on average, the fine being \$178.50 more than anticipated (range \$14.00 to \$500.00).

The average court costs expected was \$42.00 (range \$0 to \$90, n=15) and the average amount of court costs awarded was \$53.12. Two in five (40.0%, n=6) of those who expected to be awarded court costs were awarded costs which were greater than they expected. On average, costs awarded were \$39.83 more than expected (range \$5.00 to \$80.00).

### Source of money used to pay fine and costs

Respondents were asked where they got the money to pay the fine and the court costs. The vast majority (80.9%) used their own income, less than one in six (16.2%) borrowed the money from family or friends and about one in ten (10.3%) 'worked it off' through community corrections supervision. Small numbers of individuals said that they did time in jail to 'pay off' their fines (5.9%, n=4), used proceeds of drug sales (2.9%, n=2) or proceeds of other criminal activities (2.9%, n=2) to pay their fine. These data are presented in Table 37.

**Table 37: Source of money to pay fine and costs**

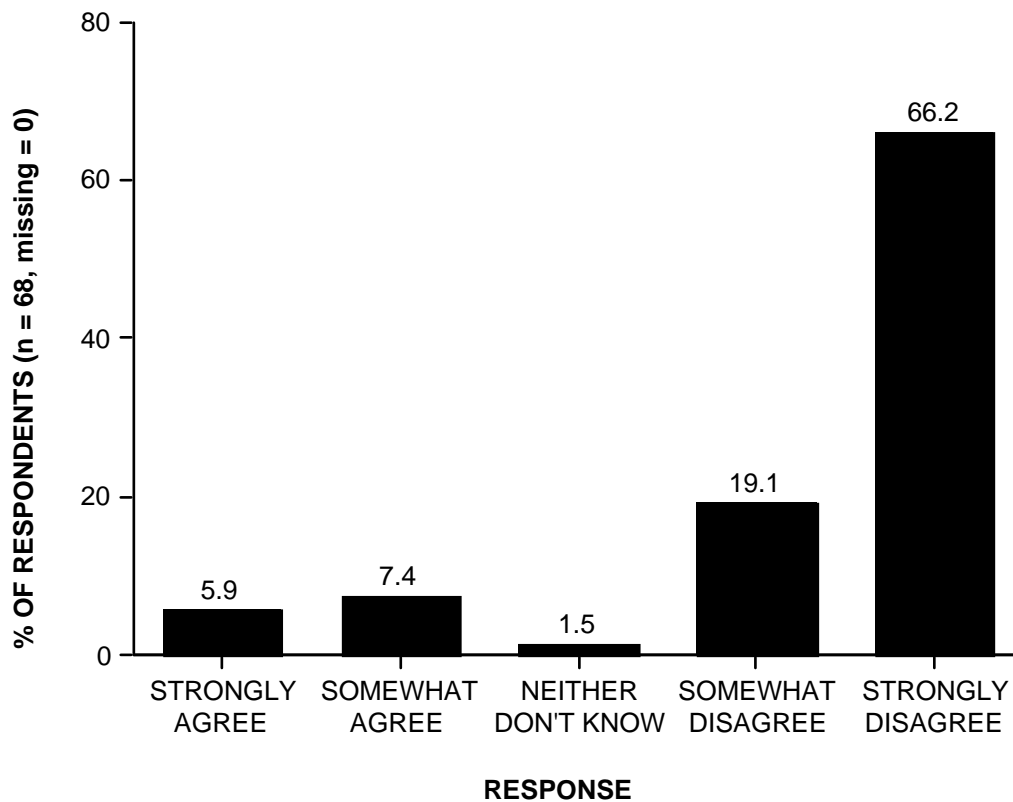
SOURCE OF MONEY FOR FINE AND COSTS	COURT ATTENDEES		NON COURT ATTENDEES		TOTAL	
	n	%	n	%	f	%
Own income	35	74.5	20	95.2	55	80.9
Borrowed from relative or friend	7	14.9	4	19.0	11	16.2
Did CSO / WDO to pay fine non court	6	12.8	1	4.8	7	10.3
Did gaol to pay fine non court	3	6.4	1	4.8	4	5.9
Drug sales	0	0.0	2	9.5	2	2.9
Other criminal activities	1	2.1	1	4.8	2	2.9

*NB. Percent is of respondents.*

### Attitudes to the court process

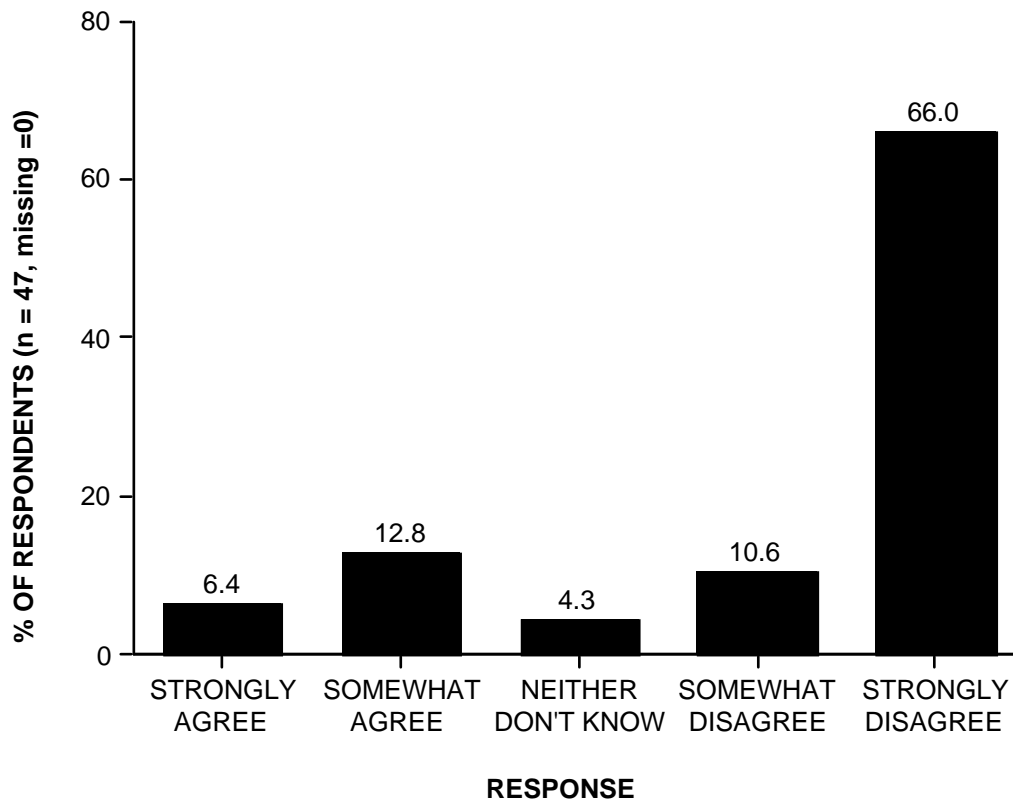
Respondents were asked the extent to which they agreed or disagreed with each of five statements pertaining to their experience of the court process. Three of the five questions were identical for those who attended and did not attend court. Two of the questions pertaining to the impact of attending court itself were modified for the non-court attendees and are presented separately.

Figure 16 shows that the vast majority (85.3%) of the sample disagreed either somewhat or strongly with the statement “Having a criminal record has no serious consequences”. There were no significant differences between those who attended court and those who did not on this item (Chi Square  $_{continuity} = 0.4056$ ,  $df=1$ ,  $p = .5242$ ).



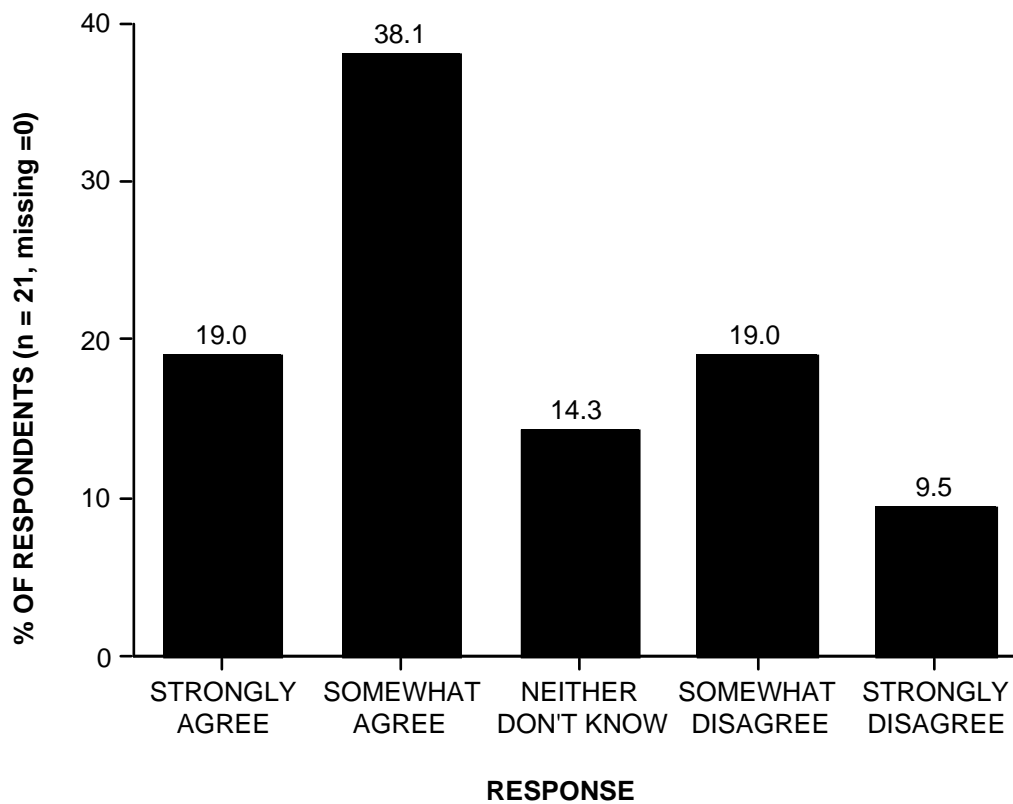
**Figure 16: “Having a criminal record has no serious consequences” AGREE / DISAGREE**

Figure 17 shows that over three quarters (76.6%) of those who appeared in court disagreed either somewhat or strongly with the statement that “I think that it was good for me to have appeared in court”.



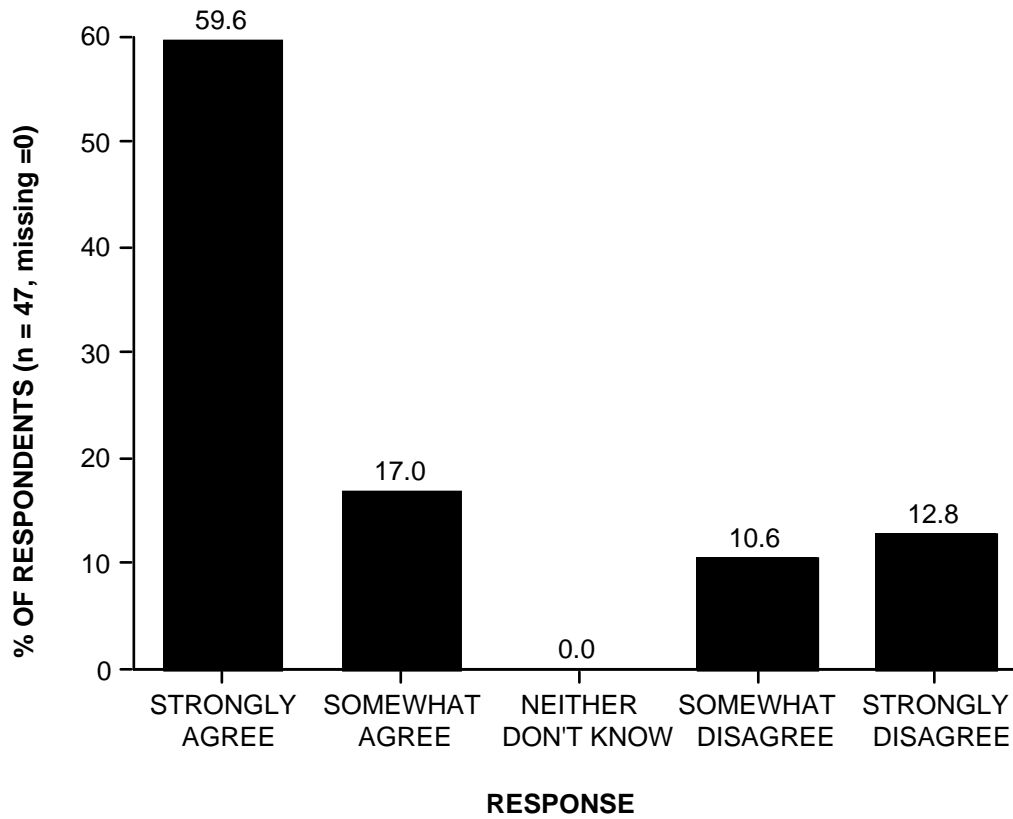
**Figure 17: “I think that it was good for me to have appeared in court” AGREE / DISAGREE**

In contrast, Figure 18. shows that over half (57.1%) of the 21 respondents who did not appear in court, agreed either somewhat or strongly with the statement that “I think that it was good for me NOT to have appeared in court”



**Figure 18: “I think that it was good for me NOT to have appeared in court”  
AGREE / DISAGREE**

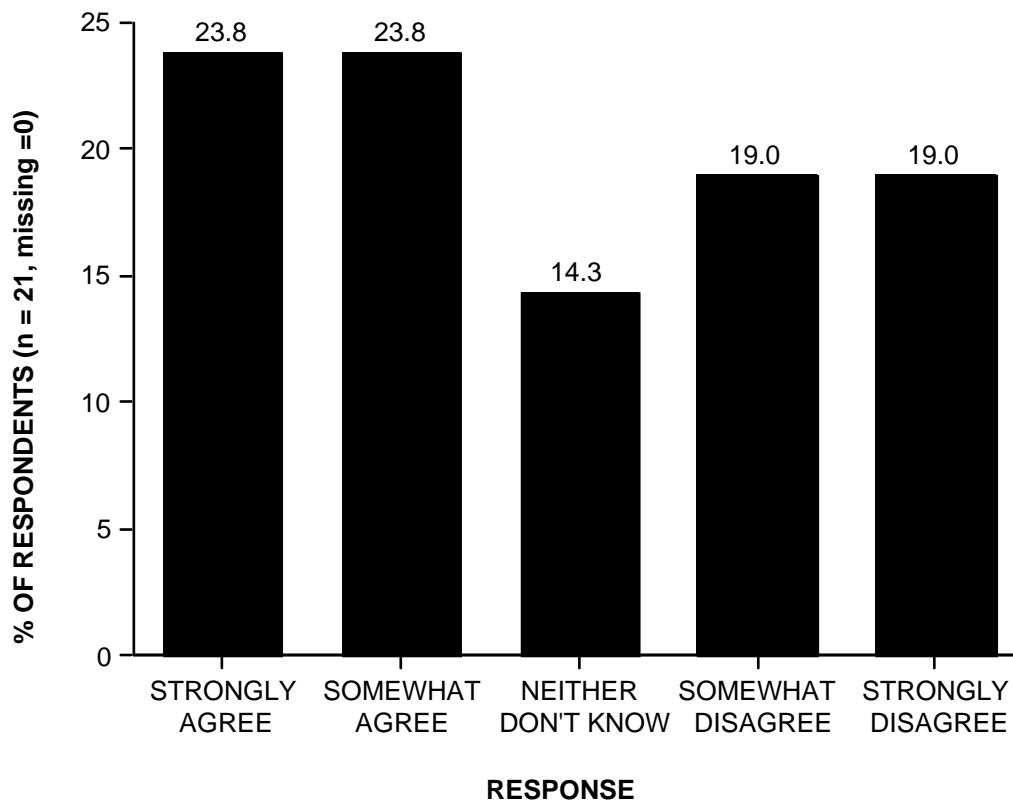
Over three quarters (76.6%) of those who appeared in court agreed either somewhat or strongly that “Appearing in court made me feel like a criminal”. This is shown in Figure 19.



**Figure 19: “Appearing in court made me feel like a criminal” AGREE / DISAGREE**

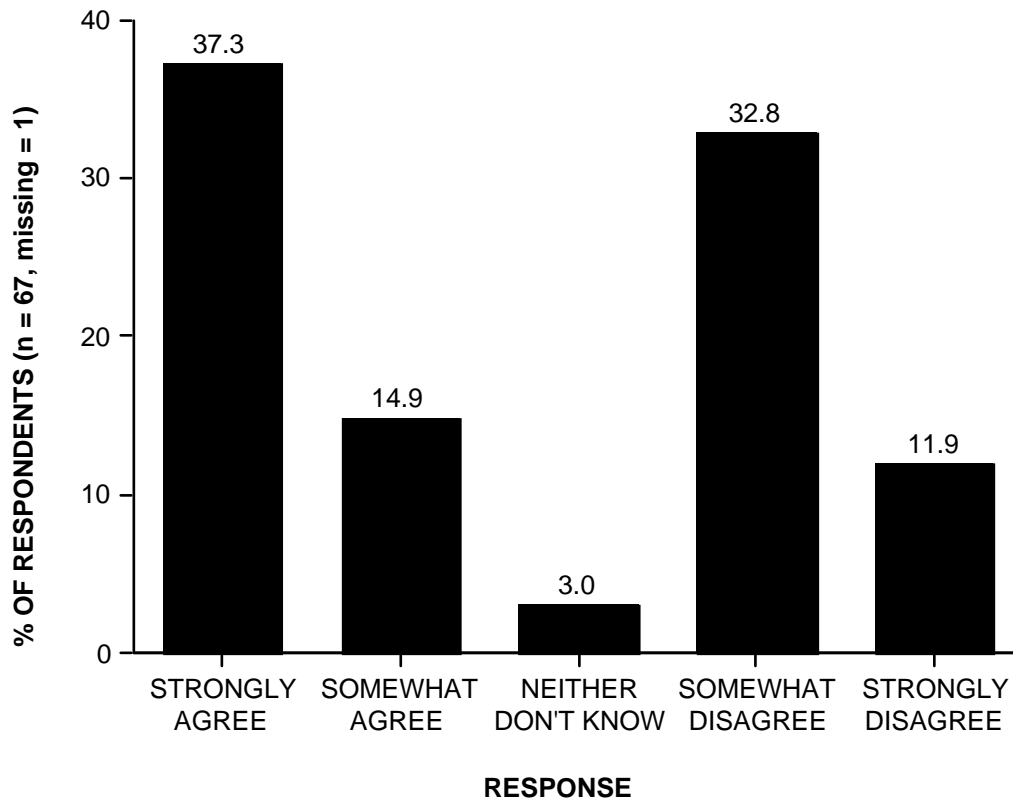


In contrast, Figure 20. shows that among those who did not attend court, attitudes to the statement “NOT appearing in court made me feel LESS like a criminal” were more evenly distributed with 47.6% agreeing either strongly or somewhat and 38.0% taking the contrary position.



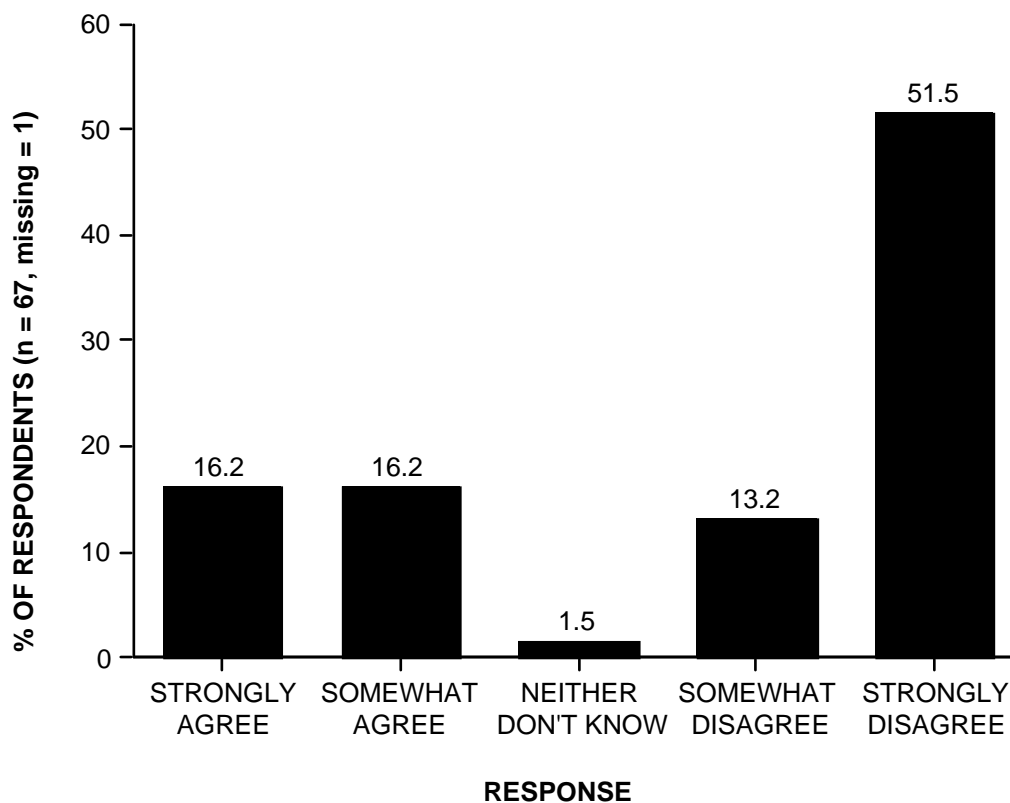
**Figure 20: “Not appearing in court made me feel LESS like a criminal”  
AGREE / DISAGREE**

Just over half (52.2%) of the sample agreed either strongly or somewhat with the statement “Payment of the fine and costs caused me financial hardship” whilst under a half (44.7%) took the contrary position. This is shown in Figure 21. There were no significant differences between those who attended court and those who did not on this item (Chi Square  $_{continuity} = 0.1847$ ,  $df=1$ ,  $p = .6674$ )



**Figure 21: “Payment of the fine and costs caused me financial hardship”  
AGREE / DISAGREE**

Just under two thirds (64.7%) of the sample disagreed either strongly or somewhat with the statement “The penalty was reasonable given the nature of the offence”. This is shown in Figure 22. There were no significant differences between those who attended court and those who did not on this item (Chi Square  $_{continuity} = 0.0000$ ,  $df=1$ ,  $p = 1.0000$ )



**Figure 22: “The penalty was reasonable given the nature of the offence”  
AGREE / DISAGREE**

### Comments made to the court

Respondents who attended court were asked whether the court gave them an opportunity to speak on their own behalf. Most (70.2%,  $n=33$ ) said they had, but only 16.1% ( $n=5$ ) of these said that they felt that their comments had been taken seriously by the court.

### Comments - worst thing about having to go court on this charge

Respondents who went to court were asked what was the worst thing about having to go to court on this charge. Examples of their responses are given below.

Getting a criminal conviction:

*You carry it with you....I mean, with mine sites where I work now, if there's a random raid, you're damn sure that your room's going to get raided because they go through. When they come in, they've got a search warrant before they even do your room.*

(321, Male, convicted in 1994 at age 25)

*Well just proved to me that even being foolish and being silly can effect you for the rest of your life, even though it was a very very minor thing to do.*

(304, Male, convicted in 1990 at age 18)

*(The) impact on ... my life in general; for example job applications and stuff like that... To this very day I'm still very bitter about it obviously as you can imagine. And now that of course I'm older you know, I know that it has made it extremely difficult, virtually impossible, for me to carry on in a normal way in regards ... job applications and stuff like that.*

(305, Male, convicted in 1988 at age 21)

#### The process of criminalisation:

*Going to court or, basically, just feeling as I say like a criminal felt, like I'd demeaned myself. And had I a obviously lower opinion of myself afterwards (compared) to the experience that I'd had.*

(307, Male, convicted in 1990 at age 22)

*I wasn't really sure how it would effect me as in like, job wise.... I knew it was serious when they... took fingerprints. It made me feel basically like a criminal you know, a bad person which I'm not, so I didn't like that feeling no.*

(323, Male, convicted in 1989 at age 18)

#### The public nature of the court process:

*Actually standing up in front of everybody and disclosing my personal business... I'd say that was probably the most humiliating thing, standing in front of the court.*

(302, Male, convicted in 1990 at age 19)

#### The financial costs:

*Considering the fact that I had to pay back the money that I'd bought the cannabis for, which was like \$800, I now got a large fine, which...\$300 fine plus \$60 court costs, that I just thought was ridiculous. I mean...I had a job at the time, and I'm a part-time student, and there's just no way I can really afford to pay those sort of prices. It's just ridiculous.*

(399, Male, convicted in 1994 at age 19)

#### The unjust nature of the system:

*I just felt that it was unjust for me being there really. Just made me realise how stupid the whole thing really is, what a waste of time it is considering the cases that I heard and what I was there for. (It) just made me really realise what a waste of time following up cannabis, especially minor cannabis - smoking or implements or whatever, minor charges. It's just clogging up the legal system, it's just a waste of time*

(338, Male, convicted in 1995 at age 19)

**Others knowing:**

*Basically... involvement of my family, involvement of my employer at the time, to sort of like, get time off work, let them know what was happening. They actually wrote a letter for me, that was good to try and help me get the charge dismissed, but the judge basically said it's, he couldn't see why my employment would be effected by it. And through (he) didn't really look at that letter, where if (he had), I think I would still have my job.*

(357, Male, convicted in 1996 at age 26)

**Attending the court:**

*Actually having to make the effort to actually go down and go to Court and be kind of humiliated like that...They should have just fined me there and then on the spot. I mean it hasn't deterred me one way or the other... If they'd have just given me a fine it would have been a whole lot easier rather than having to go through that.*

(330, Female, convicted in 1996 at age 26)

**Comments - worst thing about the experience - court non-attenders**

Respondents who did not go to court were asked what was the worst thing the whole experience of being charged, summonsed and convicted. Examples of their responses are given below.

**Getting a criminal conviction:**

*At the time, OK, then it was really tough because it initially scared the shit out of me, but nothing compared to now looking back on it... It has limited me...Well now it just means that I can't go ahead with my chosen career. ...There's no stigma attached to it really. I don't mind saying to people that I've got a cannabis conviction. I just know I'm not ashamed of it. It's not really anything there, job wise, career wise, I can't do it.*

(331, Male, convicted in 1989 at age 18)

*OK, the worst thing was thinking...was the knowledge that I would be stuck with it and knowing that I was being considered a criminal, while there are people that do a lot worse things than me, especially with regards to alcohol abuse, and thinking it may effect me in the future, having it on my record.*

(374, Male, convicted in 1994 at age 18)

*Oh the worst thing, getting a criminal record because having that conviction going against my name for doing something that I figure is totally harmless, and I'm not hurting anybody...The stigma, the social stigma that is attached to the conviction that I've got.*

(336, Male, convicted in 1993 at age 27)

**Privacy issues:**

*Just the fact that you've got someone else inquiring about your life and getting involved. You just don't want, it's just like an invasion of privacy.*

(373, Male, convicted in 1990 at age 19)

### The financial costs:

*Well, there was a minute amount of mull, so that was 165 bucks for, I don't know, a cone or two of pot, a bit over the top. And the bong they charged me for was just...there was no actual bought utensils in it, it was just made out of, you know, a plastic bowl and aluminium can and I thought a 165 bucks for a bit of trash was...way too harsh.*

(396, Male, convicted in 1996 at age 19)

### Others knowing:

*I have to keep careful about it so (a)s that the whole world doesn't find out about it. Keep it quiet. Having my parents to find out about it... and the criminal record (be)cause I like, do a fair bit of travelling...The criminal record (i)s the biggest problem that I see.*

(351, Male, convicted in 1996 at age 20)

### Attitudes to sentence now

Respondents were asked whether they now saw their sentence as 'just' or 'unjust'. The vast majority (82.4%, n=56) stated that they saw their sentence as 'unjust', while less than one in five (17.6%, n=12) said that it was 'just'. When asked how they now saw the severity of their sentence three quarters (75.0%, n=51) saw it as 'too harsh' while the remainder (25.0%, n=17) saw it as 'reasonable' and none said that it was 'too soft'.

When asked whether their sentence was 'customary' for their type of offence, most (65.5%, n=36) thought it was, (12.7%, n=7) thought it was 'less severe' and just over one in five (21.8%, n=12) thought it was 'more severe'. Less than one in three (27.9%, n=19) said that anything had changed since the time of their conviction to alter the way that they felt about their sentence or penalty.

### Comments on court process

A number of respondents described being very apprehensive about the court process prior to the event. Some of these described using cannabis to deal with this. For example:

*I was pretty nervous, you know, coming up to the event. My parents still didn't know that I got busted for it, so I tried to keep it quiet and I did it all by myself. Friends were aware of it though, sort of gave me support...The judge did say, you know, why I'm using marijuana, and I said "because I enjoy it. I smoke it at parties, and I don't think there's anything wrong with it". I did say my bit. He says, well just basically laid the sentence down which was \$100 fine and \$57 costs. (I) went downstairs, paid it, went home and had a smoke (of cannabis).*

(323, Male, convicted in 1989 at age 19)

*Yeah um well, I partly, I had these nervous feelings about going to court. I mean, obviously a little bit worried but I ... slept all right. And we all sat down and got stoned before we went to court... I went in, asked me how I pleaded, (I said) "guilty". Asked me if I had anything to say, I said "I wasn't selling, just smoking it". He said "I know that, that's what you're charged with". (I got a) fine, end of story. \$50 fine and out the door*

What did you do afterwards?

*Went home and got stoned.*

(337, Male, convicted in 1988 at age 19)



*Yeah, OK, I suppose there was a bit of anxiety coming up to the court case. I probably, I wouldn't have smoked any more or anything like that, you know, I just usually have my morning smoke. I must admit I did think about whether I should do it or not, but I did it anyway.*

(393, Male, convicted in 1994 at age 37)

Others described the public nature of the court as overwhelming. For example:

*I was shitting myself. I was very very nervous because I'd never been to court before. Very nervous and then I sort of getting there and seeing all the... I was under the impression that I was going to be in the courthouse, myself, the judge, with the police and blah blah blah. I was very overwhelmed when I was there and everybody else was sitting behind... I didn't know what to say, and didn't know what I was going to say, and what was going to happen to me or... I was shitting myself, as I said, I was very nervous about it.*

(302, Female, convicted in 1990 at age 19)

For others, the apparent injustice and inequities in the system left a lasting impression:

*We got into Court and before us there was a guy who got charged with assault with a machete and he got let off with a warning. And then the law clerk called us back out and said "look, this judge is the one that's really funny about drug offences. Do you want to change?" And we said "look, we just want to get it over with, how funny is she?" And then the clerk said, "oh just get it over with then, don't worry about it, go back in. And then we were called out again and told that the other girl who had been busted ... had a good lawyer... who had told her that she really, really should change to a different Court date and get a different judge, because this woman was really bad with drug offences...And we just decided to get it over with...And then another guy was up before us for things like assault and rape of his ex-girlfriend and he abused the judge and he didn't even get in much trouble either and so we thought she was really easy going...And then when we got called up we were just treated like the biggest deviants in society. We were just treated so badly, like we were just evil people for doing this... And then we were just given a bit of paper...(with) the maximum fines... We were just really angry ... when we found out... that this other girl ... ended up with something like a third of our fines altogether. She got fined something like \$200. We got over \$800.*

(377, Female, convicted in 1992 at age 18)

### **Comments on process from those who did not attend court**

While many of those who did not attend court were happy not to have to do so, a consequence for some appeared to be that the seriousness of the conviction and how it would effect their lives was less tangible. For example:

*I suppose I probably haven't even considered it to be as serious as it was, like I think it cost me \$120 in fines. And I have no immediate plans to travel or anything, so as far as the actual charge taking any immediate effect on me, I didn't feel it would at all. I felt like...obviously at that time I was unemployed and I was looking for casual work and I do remember going for a few interviews and having to say that I did have a conviction. That's probably where it effected me.. But other than that it didn't really seem to have an effect. You know, you don't...because you don't have a like a*

*monthly updated report of your convictions or anything so I've never actually seen it, like I haven't seen it on the computer or anything where it's recorded that I have a conviction. So in that way it hasn't...it's had little effect*

(329, Male, convicted in 1996 at age 18)

*Yeah, that's the way I would have preferred (not appearing in court), but because it was so covert to a degree, it didn't feel like a conviction you know ... It was a piece of paper you know... I pleaded guilty... It was a matter of just writing it on the appropriate slots on the paper. After that it almost seemed a bit of a relief to a certain degree that it was over and done with um that that. I mailed it back, and then once the fine had come back it wasn't a big a drama as I thought it was going to be. I mean, I made it much bigger in my mind, but obviously I wasn't realising the effects of the conviction afterwards, like when I went to do certain things like travelling*

(324, Male, convicted in 1990 at age 26)

### Who else found out about conviction or court appearance

Respondents were asked who else found out about their conviction or court appearance and how they found out. These results are presented in Table 38. Almost all (94.6%) of the sample stated that their friends found out about the conviction, approximately half said that their partner (47.0%), their parents (47.0%), or other family (50.0%) found out. In approximately a quarter of cases their employer (26.5%) or neighbours (25.0%) found out about their conviction. In the vast majority of cases where parents or other family found out they were told by the respondent. Partners, friends or neighbours were almost equally likely to find out by being present (at the arrest or in court) or being told by the respondent. In just over half (55.6%, n=10) the cases where an employer found out about the conviction they were told by the respondent, in just over one in five (22.2%, n=4) cases they were told by someone else, and in just over one in ten (11.1%, n=2) cases respondents stated that employers found out about the conviction by doing a police record check.

**Table 38: Who found out about conviction and how**

WHO FOUND OUT	n	%	HOW FOUND OUT %				
			RESPONDENT TOLD	SOMEONE ELSE TOLD	AT ARREST / COURT	CRIMINAL RECORD CHECK	OTHER /DON'T KNOW
Partner	32	47.0	46.9	3.1	50.0	0.0	0.0
Parents	32	47.0	81.3	9.4	6.3	0.0	3.1
Other family	34	50.0	79.4	14.7	2.9	0.0	2.9
Friends	64	94.2	56.3	0.0	43.8	0.0	0.0
Employer	18	26.5	55.6	22.2	5.6	11.1	5.6
Neighbours	17	25.0	35.3	0.0	47.1	0.0	17.6

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Others	8	11.7	50.0	12.5	25.0	0.0	12.5
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## Reactions of those who found out

Respondents were asked what reaction they got from people who found out about their conviction or court appearance and how much their reaction mattered to them. In the vast majority of cases where parents (84.4%), other family (80.0%) and friends (85.7%) found out about the conviction they were 'mostly supportive'. In more than 60% of cases where the respondent's partner, neighbours or others found out about it they were mostly supportive. In just over half (56.3%) the cases where an employer found out about the conviction they were supportive, and in a quarter (25.0%) of cases they were 'critical or unsupportive'. The vast majority (87.1%) of respondents whose parents found out about the conviction said that their parents reaction mattered to them. In more than 70% of cases where partners (71.0%), friends (74.2%), employers (75.0%), or others (75.0%) found out their reactions mattered. Where other family found out their reaction mattered for only 61.8% of respondents, and for neighbours the figure was only 21.4%. These results are presented in Table 39.

**Table 39: Reactions of those who found out**

WHO FOUND OUT	n	REACTIONS OF THOSE WHO FOUND OUT %				
		MOSTLY SUPPORTIVE	INDIFFERENT	CRITICAL/ UNSUPPORTIVE	DON'T KNOW	REACTION MATTERED
Partner	32	62.5	18.8	18.8	0.0	71.0
Parents	32	84.4	0.0	12.5	3.1	87.1
Other family	34	80.0	8.6	11.4	0.0	61.8
Friends	63	85.7	9.5	4.8	0.0	74.2
Employer	16	56.3	12.5	25.0	6.3	75.0
Neighbours	14	64.3	0.0	14.3	21.4	21.4
Others	8	62.5	12.5	0.0	25.0	75.0

## Who respondent avoided telling and why

Respondents were asked who they avoided telling and why. These results are presented in Table 40. Just under two thirds of respondents avoided telling their parents, most (73.0%) of these because they were concerned about their disapproval. Just over half (53.0%) the sample said they avoided telling their employer, most of these because of concerns about what this would mean for their employment. Just over a quarter of the respondents avoided telling 'anyone else' three quarters (75.0%) because others 'didn't need to know'.

**Table 40: Who avoided telling and why**

WHO AVOIDED TELLING	n	%	WHY AVOIDED TELLING %				
			CONCERN RE DISAPPROVAL	DIDN'T WANT TO DISAPPOINT	DIDN'T NEED TO KNOW	EMPLOYMENT CONCERNS	OTHER REASON
Parents	38	65.5	73.0	18.9	8.1	0.0	0.0
Employer	31	53.4	26.6	0.0	13.3	60.0	3.3
Anyone else	16	27.6	25.0	0.0	75.0	0.0	0.0
Other family	12	20.7	33.3	25.0	41.7	0.0	0.0
Friends	5	8.6	40.0	0.0	40.0	0.0	20.0
Partner	3	5.2	100.0	0.0	0.0	0.0	0.0
Specific others*	3	5.1	100.0	0.0	0.0	0.0	0.0
Neighbours	2	3.4	50.0	0.0	50.0	0.0	0.0
Landlord	2	3.4	100.0	0.0	0.0	0.0	0.0

\* Includes: grandparents, karate instructor, school staff.

## Comments regarding people avoided telling

Comments from those who avoided telling their parents were typified by the following:

*My mother because what she doesn't know doesn't hurt her, and I don't like to hurt her. My father because he's a redneck and he would have kicked me out. I would have had no where to go basically.*

(333, Female, convicted in 1993 at age 25)

*They know I smoke pot, but that's one thing and to actually have a criminal son, I felt it was another thing and so I kept it from them. I think I felt, well, I still feel that it would change their perception of me and I wouldn't expect them to be understanding.*

(334, Male, convicted in 1994 at age 23)

Comments from those who avoided telling their employer included:

*I specifically didn't want to tell my employer... I just was afraid that I'd lose my job*

(377, Female, convicted in 1992 at age 18)

*My employer. Yeah I thought that if they knew, it would make a difference to whether I had a job or not.*

(302, Female, convicted in 1990 at age 19)

*My employer because firstly I didn't think it was their business and it hasn't come up at all, and second, I think also I have a lot of pride in who I am within the group and I think it would tarnish it.*

(362, Male, convicted in 1996 at age 18)

*Main reasons there was I was in permanent employment with them. I didn't see any point in letting my employer know and I couldn't see why it would ever come up if I was in the same job*

(394, Male, convicted in 1994 at age 25)

### Whether people see respondent as a criminal

Just over one in ten (13.2%) respondents said that, as far as they knew, at least some of the people who had found out about their criminal record thought of them 'as a criminal'.

## 4.8 DRUG USE IN 6 MONTHS AFTER CONVICTION

### Cannabis use six months after conviction

Table 41 shows that 47.1% of respondents said that during the six months after their first cannabis conviction they were using cannabis at least once per day, 33.8% were using the drug less than once per day but at least weekly, 8.8% were using the drug less than once per week but at least monthly, and 10.3% were using cannabis less often than once per month or not at all during that six month period.

**Table 41: Frequency of cannabis use six months after conviction**

FREQUENCY OF USE	f	% RESPONDENTS	CUMULATIVE % RESPONDENTS
More than 3 times per day	12	17.6	17.6
2 to 3 times per day	10	14.7	32.4
Once per day	10	14.7	47.1
4 to 6 times a week	8	11.8	58.8
2 to 3 times per week	9	13.2	72.1
Once a week	6	8.8	80.9
2 to 3 times per month	4	5.9	86.8
Once per month	2	2.9	89.7
Less often than once a month	1	1.5	91.2
Did not use during that 6 months	6	8.8	100.0
Total	68	100.0	

*There were no missing cases.*

The vast majority (82.3%, n=51, missing=6) of the sample said that during the six months after their first cannabis conviction they usually smoked their cannabis in a bong or pipe, while the remainder (17.7%, n=11) said they typically smoked cannabis in joints during that period.

Respondents were asked 'In the six month period after your first cannabis conviction, about what proportion of the people that you spent your leisure time with used cannabis?'. Responses to this item are presented in Table 42. Almost two thirds (63.2%) of respondents stated that 'all, or nearly all' and a further 14.7% said that 'the majority' of their friends used cannabis during the six months after their conviction.

**Table 42: Proportion of friends using cannabis in the six Months after conviction**

PROPORTION OF FRIENDS USING CANNABIS	f	% RESPONDENTS	CUMULATIVE % RESPONDENTS
All or nearly all of them	43	63.2	63.2
Majority of them	10	14.7	77.9
Minority of them	13	19.1	97.1
None of them	2	2.9	100.0
Total	68	100.0	

*There were no missing cases.*

### **Other drug use six months after conviction**

Respondents were asked about their use of drugs other than cannabis in the six months after their cannabis conviction. Frequencies of use for the most frequently used drugs are presented in Table 43. Hallucinogens were used by 36.8% of respondents, amphetamines by 25.0% and inhalants by only 13.2% respondents at least once during the six months after their conviction.

With regard to other drugs not presented in this table, the vast majority (86.8%, n=59) of the sample had not used ecstasy during the six month period and, of those respondents who had, seven (10.3%) had used the drug less often than once per month, one (1.5%) had used it two to three times per month and one (1.5%) had used it once a week over the six month period. Only four respondents had used benzodiazepines over the six month. Opiates were used by 7 (10.3%) and cocaine was used by 3 (4.4%) of respondents during the six month period.



Overall, the use of drugs other than alcohol and cannabis over the six months after conviction was rare.

**Table 43: Frequency of other drug use in the six months after conviction**

FREQUENCY OF USE	ALCOHOL		HALLUCINOGEN		AMPHETAMINE		INHALANT	
	f	%	f	%	f	%	f	%
More than 3 times per day	1	1.5	0	0.0	0	0.0	0	0.0
2 to 3 times per day	0	0.0	0	0.0	1	1.5	0	0.0
Once per day	5	7.4	0	0.0	0	0.0	0	0.0
4 to 6 times a week	7	10.3	0	0.0	1	1.5	0	0.0
2 to 3 times per week	23	33.8	0	0.0	1	1.5	0	0.0
Once a week	20	29.4	2	2.9	1	1.5	1	1.5
2 to 3 times per month	4	5.9	2	2.9	2	2.9	1	1.5
Once per month	0	0.0	2	2.9	2	2.9	0	0.0
Less often than once a month	1	1.5	19	27.9	9	13.2	7	10.3
Did not use during that 6 months	7	10.3	43	63.2	51	75.0	59	86.8
Total	68	100.0	68	100.0	68	100.0	68	100.0

*There were no missing cases.*

### Extent to which conviction effected cannabis use six months after conviction

Respondents were asked the extent to which their conviction effected their use of cannabis during the six months after conviction. The vast majority (80.9%, n=55) of the sample said that it did not effect their use at all, less than one in ten (7.4%, n=5) said that it effected their use somewhat, and just over one in ten (11.8%, n=8) said that it effected their use a great deal. Four of the latter group said that they did not use cannabis in the six months after their conviction, one cut their use down, and three said they increased their frequency of use of the drug as a result of their conviction.

### Extent to which conviction effected other drug use six months after conviction

Respondents were asked the extent to which their conviction effected their use of drugs other than cannabis during the six months after conviction. The vast majority (94.1%, n=64) of the sample said that it did not effect their use at all, and the remainder (5.9%, n=4) said that it effected their use somewhat.

## 4.9 COMPARISON OF DRUG USE PRIOR TO ARREST AND AFTER CONVICTION

### Comparison of cannabis use prior to arrest and after conviction

Respondents self reported frequency of cannabis use in the six months prior to arrest was compared with that in the six months after their conviction. Cells were collapsed as presented in Figure 23 to allow statistical analysis. There were no significant differences (Chi square<sub>Symmetry</sub> = 11.1, df = 10, N.S.) between the frequency of cannabis use in the six months prior to arrest compared to the six months after conviction (See also Section 4.7).

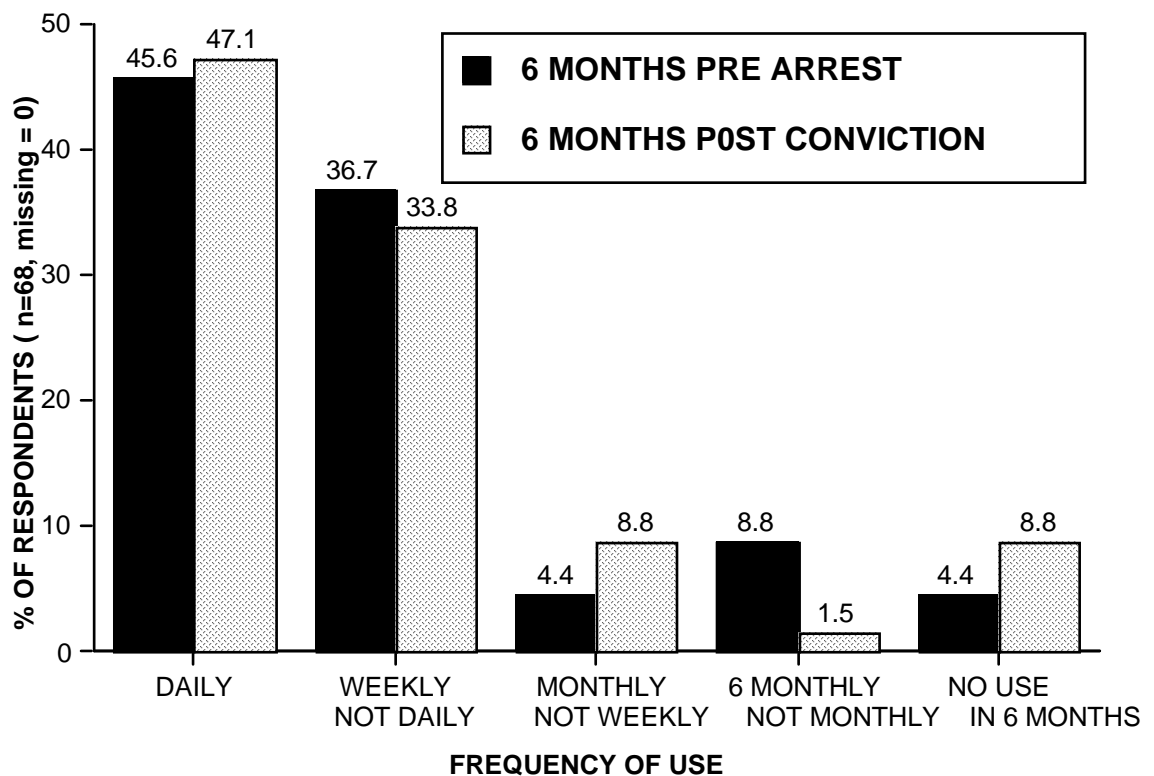


Figure 23: Cannabis use in 6 months before and after conviction

## Comparison of proportion friends using cannabis prior to arrest and after conviction

Respondents self reported proportion of friends using cannabis in the six months prior to arrest was compared with that in the six months after their conviction. There were no significant differences (Chi square<sub>Symmetry</sub> = 5.0, df = 6, N.S.) between the proportion of friends respondents said used cannabis in the six months prior to arrest compared to the six months after conviction. This is showed in Figure 24.

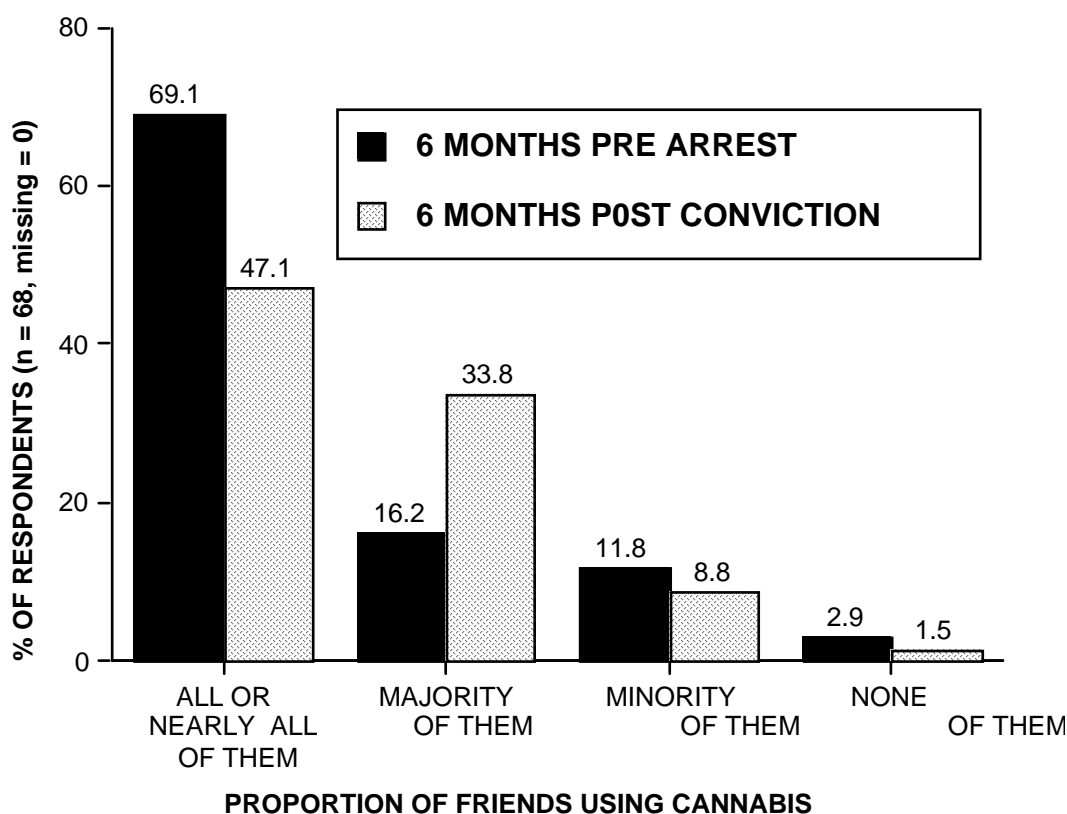


Figure 24: Friends using cannabis in 6 months before and after conviction

### Comments regarding impact of conviction on subsequent cannabis use

Failure to find an impact of the conviction on subsequent cannabis use is reflected in some of the comments made by respondents when asked why they continued to use the drug despite their conviction. These included:

*I don't see that I'm doing anything wrong. For me to stop using it I (emphasis) would need to think that there was something wrong with it, or anything like that. I don't see myself as a criminal. I see the law as being at fault here, not me, so I am not about to stop when I don't see that I am doing anything wrong.*

(336, Male, convicted in 1993 at age 27)

*Because I like cannabis. Well, I just think the laws a crock (of shit). It's a political crime, not a(n) evil sort of a crime, and I'm not going to stop just because somebody of rightness and morality said that I shouldn't. My sense of rightness and morality said I'm harming nobody. I could say that I'm harming myself because I now there's a negative effect, but (hey) I drink coffee and occasionally smoke cigarettes.*

(333, Female, convicted in 1993 at age 25)

*I don't respect the law, I don't think there's truth in it. If it was necessary for the law and I could see reasons for it, definitely [I'd stop].*

(392, Female, convicted in 1995 at age 18)

*I haven't altered my cannabis use because why should I? Personally, I don't feel that my frequency of use to, I don't perceive it to be a health hazard. I don't perceive it as a relationship hazard. I'm not using it so frequently as to ... miss out on life, you know. I'm still participating in everything I want to participate in, so the conviction, getting back to that, hasn't changed it. It hasn't scared me off and thought "Oh god, I shouldn't be doing this".*

(334, Male, convicted in 1994 at age 23)

*Because I like it and just because I just don't believe that anyone has got the right to tell me what to do when I'm not hurting anyone. It's my choice. It's my body.*

(377, Female, convicted in 1992 at age 18)

*I don't see that there's any harm in the drug. And I think, so long as I'm not pushing, or forcing anybody else to do (it), I mean, I'm not doing any harm to anyone else, just to myself.*

(302, Female, convicted in 1990 at age 19)

*It's just one of those little things in life that if you're not hurting anybody why should you, if you're not going to drive a car or control any machinery and you're doing it at home... and no-one's going to be effected, oh I think it's all right.*

(304, Male, convicted in 1990 at age 18)

While the vast majority of WA respondents said that their conviction had no effect on their cannabis use, others did describe different ways in which their use was effected by their conviction over the time since they were apprehended.

Some of the respondents stopped using altogether as a result of their conviction:

*Well, immediately I stopped using it, got out of that area where it was around. Possibly over the next couple of years, (I used) a few times, but was always mindful of the fact that it was extremely wrong, and as I said, paranoid that I would be discovered by the authorities I suppose. And I didn't like the thought, so I eventually cut it out all together because of that. I'm aware that it's against the law and I don't like using it for that reason.*

(331, Male, convicted in 1989 at age 18)

Some of the respondents cut down their use as a direct result of the arrest:

*Well it's cut it down, cut it down dramatically, really just because of fear of getting busted again and the possibility of jail and larger fines. If I do use it, it's only in low amounts and very careful about how I use it and the sort of things I've got around my house.*

(356, Male, convicted in 1994 at age 19)

Some of the respondents cut down their use in the short term as a direct result of the arrest but over time their use increased:

*Certainly. After the conviction I was a little bit paranoid that I was going to be searched or the house was going to be searched, so basically we got rid of all of it in one big (smoking) session and then steered clear of it really for the month after that, probably for a bit longer actually. But then we sort of thought more "this is a bit silly and if they haven't come now they're not going to come", so I sort of basically increased my use again to what it was before that.*

(394, Male, convicted in 1994 at age 25)

*The cannabis use was less frequent after I got busted... It was probably because ... I kind of got busted... But it wasn't soon long after that (I was) smoking regularly again and...it was, you know, five times a week or virtually everyday after work.*

(305, Male, convicted in 1988 at age 21)

Others became more discrete about how their cannabis use.

*Um it's impacted in a sense where I'm really careful because I've got too much to lose for a little bit of pot, where years ago you'd walk around with a tin of mull before the conviction and not worry about it. You know, \$50 bag, you're going out to see a rock band or the pub, so you'd take a bit of pot with you, just a joint outside or whatever. I don't do that now, if I'm going to see a band then I'll probably have a couple of cones before I go, not worry about taking any for that reason. If you've always got it on you or, (there's) always that slight chance, that going to see a band, there'll be cops or booze bus or whatever.*

(345, Male, convicted in 1991 at age 28)

*Now I don't keep anything in my car whatsoever. Heaps more cautious when it comes to it because now I can't afford to be like the way I used to be. I've got a conviction.*

(327, Male, convicted in 1995 at age 18)

*I don't grow plants any more, because it's too risky. I'd like to be able to . My cannabis use is exactly the same as it always has been because fortunately I have friends that provide me with it*

(364, Female, convicted in 1992 at age 38)

*Not really at all, only in the fact that now I'll just...if I'm in a situation where I'm smoking in public, I'll try not to look so suspicious, so I'll be more discreet about it.*

(374, Male, convicted in 1994 at age 18)

Those who said their cannabis conviction led to an increase in their use included:

*In a way I did sort of go against the situation and smoke more because I was hardly smoking in the first place, and then getting caught, I may as well smoke it now.*

(348, Male, convicted in 1991 at age 25)

*(It) made me, more defiant, smoke more... Yep (I) really went 'anti'*

(303, Male, convicted in 1988 at age 32)

Others described how lifestyle change led to changed cannabis use:

*Well I started to use drugs in a social aspect with friends, so it was very infrequent. Then I got into a relationship. My partner used drugs as well... and I was around it a lot more and ... it started to become more than just a social aspect. Then when I went to England... it was a very frequent thing because basically all my friends had it... It was the thing to do at the time as well... I got out of the relationship and obviously I wasn't around it so much... so my frequency went down. I also went away to the Eastern States, I didn't know many people so obviously I didn't smoke a hell of a lot from then. It's just decreased all the time since, I've not felt the need for it. My social aspects have changed, my jobs changed.*

(307, Male, convicted in 1990 at age 22)



## 4.10 JUDICIAL INVOLVEMENT SINCE CONVICTION

### Charges since conviction

Respondents were asked about the contacts they had with the police or court since their cannabis conviction. A total of nineteen (27.9%) respondents stated that they had been charged with at least one other offence since their cannabis conviction, five (7.3%) with at least two offences, five (7.3%) with at least three offences, and three (4.4%) with at least four offences. Table 44 presents the offences they had been charged with. The most common subsequent charges were cannabis charges, followed by driving charges.

**Table 44: Subsequent criminal involvement**

SUBSEQUENT CHARGE	f	% RESPONSES	% RESPONDENTS *
<b>Cannabis offences</b>			
Possession/use cannabis	6	18.8	8.8
Cultivation of cannabis	5	15.6	7.4
Possession of implement	4	12.5	5.9
<b>Driving offences</b>			
Driving under the influence	3	9.4	4.4
Dangerous / reckless driving	1	3.1	1.4
Riding motorbike out of class	1	3.1	1.4
Went through a stop sign	1	3.1	1.4
Roadworthiness	1	3.1	1.4
<b>Stealing offences</b>			
Unlawful possession	2	6.3	2.9
Other theft	1	3.1	1.4
<b>Assaults etc.</b>			
Assault occasioning bodily harm	1	3.1	1.4
Common assault	1	3.1	1.4
Resiting arrest	1	3.1	1.4
<b>Other charges</b>			
Other property damage	2	6.3	2.9
Unlawful possession of a firearm	1	3.1	1.4
Supplying liquor to juvenile	1	3.1	1.4
<b>Total</b>	<b>32</b>	<b>100.0</b>	<b>33.2</b>

\* For whole sample,  $n = 68$ .

### Duration from conviction to subsequent charges

Of the nineteen respondents who had received at least one charge since their first cannabis conviction, eight (42.1%) received their second charge within 12 months of the conviction and another six (31.6%) by 24 months. The average duration from cannabis conviction to next charge was 21.0 months (range 0 to 67, n=19); from conviction to second subsequent charge was 14.0 months (range 0 to 32, n=5), from conviction to third charge was 20.8 months (range 8 to 37, n=5); and from conviction to fourth subsequent charge was 40 months (range 16 to 86, n=3).

### Pleas and outcomes of subsequent charges

In the vast majority (90.2%, n=29) of the 32 subsequent charges respondents pleaded guilty, and were found guilty to 30 (93.7%) of the charges. The court outcomes for charges respondents had been found guilty of since their conviction are presented in Table 45. All of the 19 respondents had received at least one subsequent fine and 4 (12.9%) had also received a suspension of their driver's licence.

**Table 45: Outcomes of guilty charges since conviction**

OUTCOMES OF GUILTY CHARGES SINCE CONVICTION	f	% RESPONSES	% RESPONDENTS
Fine	21	67.7	116.7
Fine + license suspension	4	12.9	22.2
Criminal conviction	2	6.5	11.1
Jail sentence	2	6.5	11.1
Probation	1	3.2	5.6
Other	1	3.2	5.6
Total	31	100.0	172.3

*There were no missing cases, n=19.*

### Production of criminal record

Ten (52.6%) of those 19 respondents who had received at least one charge since their first cannabis conviction said that their criminal record pertaining to their cannabis conviction had been referred to as part of the arrest or court process. Two who did not attend court on the subsequent offence said that they were not sure if it had been produced.

## 4.11 Employment history since conviction

### Job applications and enquiries about criminal record

Respondents were asked how many job applications that they had made since their first cannabis conviction, and in relation to these how many times they had been asked by a prospective employer whether they had a criminal conviction. The vast majority of the sample (86.7%, n=59) stated that they had made at least one job application and more than three quarters (76.3%, n=45) of these stated that they had been asked whether they had a criminal record on at least one of these occasions. The number of times respondents had said that they had been so asked by the number of jobs they stated that they had applied for since their conviction is presented in Table 46.

**Table 46: Number of jobs applied for and times asked if have criminal record since conviction**

NO. JOBS APPLIED FOR.	TIMES ASKED BY EMPLOYER IF HAVE A CRIMINAL RECORD							
	NEVER	ONCE	2 TO 3	4 TO 5	6 TO 10	11 TO 20	21 TO 50	OVER 50
One	7 (77.8)	2 (22.2)						
2 or 3	2 (28.6)	2 (28.6)	3 (42.9)					
4 to 5	2 (33.3)		1 (16.7)	3 (50.0)				
6 to 10	1 (8.3)	3 (25.0)	2 (16.7)	3 (25.0)	3 (25.0)			
11 to 20	1 (14.3)		2 (28.6)	2 (28.6)	1 (14.3)	1 (14.3)		
21 to 50				1 (16.7)	2 (33.3)	3 (50.0)		
Over 50	1 (8.3)	1 (8.3)	2 (16.7)			1 (8.3)	3 (25.0)	4 (33.3)
Total	14(23.7)	8(13.6)	10(16.9)	9 (15.3)	6(10.2)	5 (8.5)	3 (5.1)	4 (6.8)

*There were 59 respondents who had applied for at least one job since their 1st cannabis conviction*

*Numbers in parentheses are row percentages*

*Empty cells have zero frequency.*

Respondents were asked how they responded when asked by prospective employers whether they had a criminal record. Responses were requested for the first time they were asked and for subsequent occasions. On the first time they were asked, just over half (51.3%, n=23) of those who had been asked by employers denied that they had a criminal record and in the majority of these cases (86.9%, n=20) the employer did not discover that they had a record. On the first time they were asked just under a half (44.5%, n=20) of those who were asked admitted that they had a criminal record and most of these (85.0%, n=17) said that it was cannabis-related. On subsequent occasions, a smaller proportion (30.8%, n=12) of those who were asked denied that they had a record, and a greater proportion (94.1%, n=16) of those who admitted it said that it was cannabis-related. These results are presented in Table 47.

**Table 47: How answered when asked by prospective employer whether had a criminal record**

HOW ANSWERED WHEN ASKED ABOUT CRIMINAL RECORD	FIRST TIME ASKED		SUBSEQUENT TIMES ASKED	
	f	% RESPONDENTS	f	% RESPONDENTS
Denied and employer did not discover	20	44.4	12	30.8
Denied it but employer found out	3	6.7	0	0.0
Admitted had cannabis related one	17	37.8	16	41.0
Admitted but did not give details	3	6.7	1	2.6
Wasn't asked but volunteered	1	2.2	1	2.6
Other	1	2.2	9	23.1
Total	45	100.0	39	100.0

Respondents were asked whether, to the best of their knowledge, they were offered jobs when information about their criminal record was known to prospective employers. Just over a quarter (25.6%) of those who said that they had applied for a job and their prospective employer had found out about their criminal record said that they were 'never' offered a job when this happened, just under a quarter (23.3%) said 'sometimes', and just under one in six (14.0%) said that they were 'mostly' or 'always' offered the position in these circumstances. Almost two in five respondents said they did not know whether their criminal record had adversely effected their hiring. These results are presented in Table 48.

**Table 48: Offered job if conviction known**

OFFERED JOB IF CONVICTION KNOWN	f	% RESPONDENTS
Never	11	25.6
Sometimes	10	23.3
Mostly	4	9.3
Always	2	4.7

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Don't know	16	37.2
Total	43	100.0

---

*There were 2 missing cases.*

Respondents were asked whether they thought the decision to hire them was adversely effected by knowledge that employers might have about their criminal records. Table 49 shows that just under one in ten (9.5%) believed that this was 'never' the case, just under a quarter (23.8%) believed that it was 'sometimes' effected, and just over a quarter (26.1%) believed it was 'mostly' or 'always' effected. Two in five respondents said they 'did not know'.

**Table 49: Whether respondent believed decision to employ was adversely effected by criminal record**

DECISION TO EMPLOY ADVERSELY EFFECTED BY CRIMINAL RECORD	f	% RESPONDENTS
Never	4	9.5
Sometimes	10	23.8
Mostly	8	19.0
Always	3	7.1
Don't know	17	40.5
Total	42	100.0

*There were 3 missing cases.*

Respondents were asked whether they believed that they had ever lost a job because an employer had found out about their criminal record. The vast majority (80.3%) said that they had not, but just under one in five (18.1%) stated they believed that they had 'definitely' lost a job, or 'thought' that they lost a job, because an employer had found out about their criminal record. These results are presented in Table 50.

**Table 50: Whether respondent believed they ever lost a job because of their criminal record**

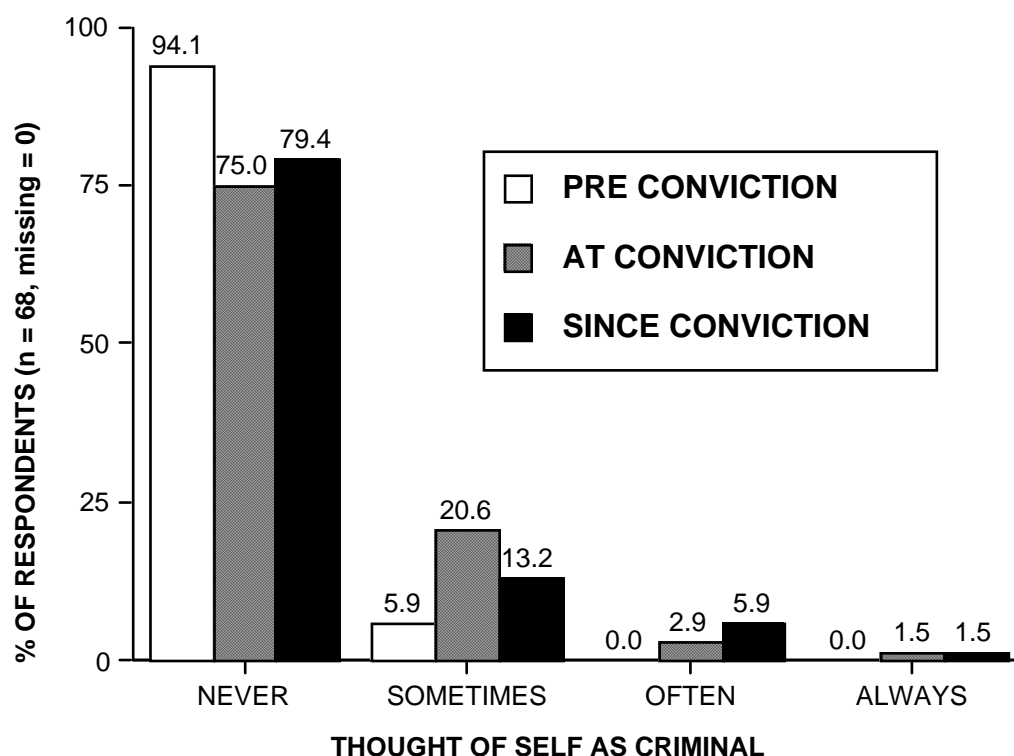
JOB BECAUSE OF CRIMINAL RECORD?	f	% RESPONDENTS
No	53	80.3
Yes, definitely	9	13.6
Yes, think so	3	4.5
Don't know	1	1.5
Total	66	100.0

*There were 2 missing cases.*

## 4.12 PERCEPTIONS OF CRIMINALITY

### Self perception as criminal

Respondents were asked to what extent prior to their conviction, at the time of their conviction, and since their conviction, they thought of themselves as a criminal. Respondents were more likely to see themselves as 'a criminal' at least 'sometimes' at the time of their conviction (Chi Square  $_{McNemar}$   $p = .000$ ) or since their conviction (Chi Square  $_{McNemar}$   $p = .002$ ) than they did prior to their conviction. There were no differences between the proportions of respondents who saw themselves as 'a criminal' at conviction versus since conviction. These data are presented in Figure 25.



**Figure 25: The proportion of time thought of self as a criminal before, during & after conviction**

### Comments on being criminalised by conviction

Comments from respondents which pertained to the experience of being criminalised by their cannabis conviction included:

*Well you know, since then I feel slightly ostracised by society. The fact that now I (understand) why criminals go on to further crimes because they feel apart. You're pushed out of society and therefore they don't feel like society wants them. Then "damn the rest of society. I'll just do what I want and live the life I do". ...I just don't give a shit ... what people think about me any more, and I don't necessarily want to live up to what my family want me to... be... I feel disappointed in society for doing this to me... I feel angry with society, but the fact that this has happened, that I'm sort of like being singled out away from it. I'm not a part of it any more.*

(324, Male, convicted in 1990 at age 26)

*Going to court or just feeling as I say like a criminal felt, like I'd demeaned myself. And had a obviously lower opinion of myself afterwards (due) to the experience that I'd had.*

(307, Male, convicted in 1990 at age 22)

*Having to turn up to do that community service order and having I guess just being treated like I'd committed offence that, I mean, they didn't know what I'd committed, but just the feeling of having to go and do this community service for a group of people that knew what I was there for, ie I was a convicted felon, criminal, just made me feel like, you know, I was really out of place.*

(369, Male, convicted in 1992 at age 36)

*Getting the criminal record and the whole process of being put into an environment where there were actual criminals.*

(356, Female, convicted in 1992 at age 38)

*Well, being treated now as a criminal. And I can never erase the stigma of being a criminal in society ... I'm not sure about Police clearances, but certain jobs need Police clearances, I can't go to America, I can't go to Japan, I can't go to a few other countries that have extremely strict drug laws, but I believe cannabis is a minor plant that's not worthy of political attention.*

(378, Male, convicted in 1996 at age 19)

The comments from others suggested that they experienced the criminalising aspects of their conviction but felt that it didn't apply to them:

*I wasn't really sure how it would effect me as in um like, job wise you know. I knew it was serious when they started took fingerprints. It made me feel basically like a criminal you know, a bad person which I'm not, so I didn't like that feeling no.*

(323, Male, convicted in 1989 at age 19)

*Oh just, you know, appearing in court for a criminal sort of offence...Because I didn't think that I should have been in there ... Because I consider myself to be a law abiding citizen you know. And like, people do more serious crimes and they don't go to jail for it, and the court, the law just leaves them alone. They hurt people and they do things that stuff peoples lives up, and I.. you know what I mean. I can't really explain it. I just didn't think I should of been there because I didn't think that I did anything wrong*

(314, Female, convicted in 1988 at age 29)

## **Perception of cannabis related activities as criminal**

Respondents were asked whether they saw people who engaged in a range of cannabis-related activities as criminals. The vast majority of the sample saw those who engaged in sale or supply of commercial quantities (95.3%) and cultivation of commercial quantities (88.4%) as criminals. However, only just over a quarter (25.6%) of respondents saw those who sold or supplied small amounts of cannabis for personal use as criminals and no respondents saw



those who possess, use or cultivate small amounts for personal use as criminals. These results are presented in Table 51.

**Table 51: Percentage of respondents regarding people who engage in various cannabis-related activities as criminals**

CANNABIS-RELATED ACTIVITIES	f	%	%
		RESPONSES	RESPONDENTS
Sale/supply of commercial quantities	41	45.6	95.3
Cultivation of commercial quantities	38	42.2	88.4
Sale/supply of small amount for personal use	11	12.2	25.6
Personal possession and use	0	0.0	0.0
Cultivation for personal use	0	0.0	0.0
Total	90	100.0	209.3

*There were 25 missing cases.*

#### 4.13 DETERRENT EFFECTS OF THE ARREST AND CONVICTION PROCESS

##### Effect of contact with police and courts in reducing use of cannabis

Respondents were asked whether overall they believed that their contact with the police or court had resulted in them reducing their use of cannabis. The vast majority (86.8%, n=59) of respondents said that it had not, with the remainder (13.2%, n=9) stating that they believed it had.

##### Effect of contact with police and courts in reducing use of other drugs

Respondents were asked whether overall they believed that their contact with the police or court had resulted in them reducing their use of drugs other than cannabis. Just over a third (36.8%, n=25) of respondents said that they did not use other drugs, just under two thirds (61.8%, n=42) said it had not, and one individual (1.5%) believed it had.

##### Ways in which contact with police and courts effects use of cannabis now

Respondents were asked in what way their first cannabis conviction effected their use of cannabis now. The vast majority (79.4%) said that it did not effect their current use of cannabis, just under one in five (17.6%) said that they continued to smoke the drug but were more discreet and less open about it. Four (5.9%) respondents said that they had stopped using the drug for reasons not connected with their conviction and three (4.4%) respondents said that they stopped smoking for fear of another conviction. There were two (2.9%) individuals who said that they defiantly smoked more cannabis as a consequence of their first cannabis conviction. These results are presented in Table 52.

**Table 52: Ways in which contact with police and courts effects use of cannabis now**

EFFECTS ON USE NOW	f	%	%
		RESPONSES	RESPONDENTS
It doesn't effect current use	54	69.2	79.4
More discreet, less open about it	12	15.4	17.6
Don't use for fear of conviction	3	3.8	4.4
No longer use - other reasons	4	5.1	5.9
Defiantly smoke more	2	2.6	2.9
Other	3	3.8	4.4
Total	78	100.0	114.7

*There were no missing cases.*

### Comments regarding effect of conviction on cannabis use

While the vast majority of respondents said that their conviction had no effect on their cannabis use, now, others did describe different ways in which their use was effected by their conviction over the time since they were apprehended.

Some of the respondents stopped using altogether as a result of their conviction

*Well, immediately I stopped using it, got out of that area where it was around. Possibly over the next couple of years, (I used) a few times, but was always mindful of the fact that it was extremely wrong, and as I said, paranoid that I would be discovered by the authorities I suppose. And I didn't like the thought, so I eventually cut it out all together because of that. I'm aware that it's against the law and I don't like using it for that reason.*

(Male, convicted in 1989 at age 18)

Some of the respondents cut down their use as a direct result of the arrest:

*Well it's cut it down, cut it down dramatically, really just because of fear of getting busted again and the possibility of jail and larger fines. If I do use it, it's only in low amounts and very careful about how I use it and the sort of things I've got around my house.*

(Male, convicted in 1994 at age 19)

Some of the respondents cut down their use in the short term as a direct result of the arrest but over time their use increased:

*Certainly. After the conviction I was a little bit paranoid that I was going to be searched or the house was going to be searched, so basically we got rid of all of it in one big (smoking) session and then steered clear of it really for the month after that, probably for a bit longer actually. But then we sort of thought more "this is a bit silly and if they haven't come now they're not going to come", so I sort of basically increased my use again to what it was before that.*

(Male, convicted in 1994 at age 25)

*The cannabis use was less frequent after I got busted... It was probably because ... I kind of got busted... But it wasn't soon long after that (I was) smoking regularly again and...it was, you know, five times a week or virtually everyday after work.*

(Male, convicted in 1988 at age 21)

Others became more discrete about how their cannabis use.

*Um it's impacted in a sense where I'm really careful because I've got too much to lose for a little bit of pot, where years ago you'd walk around with a tin of mull before the conviction and not worry about it. You know, \$50 bag, you're going out to see a rock band or the pub, so you'd take a bit of pot with you, just a joint outside or whatever. I don't do that now, if I'm going to see a band then I'll probably have a couple of cones before I go, not worry about taking any for that reason. If you've always got it on you or, (there's) always that slight chance, that going to see a band, there'll be cops or booze bus or whatever.*

(Male, convicted in 1991 at age 28)

*Now I don't keep anything in my car whatsoever. Heaps more cautious when it comes to it because now I can't afford to be like the way I used to be. I've got a conviction.*

(Male, convicted in 1995 at age 18)

*I don't grow plants any more, because it's too risky. I'd like to be able to. My cannabis use is exactly the same as it always has been because fortunately I have friends that provide me with it*

(Female, convicted in 1992 at age 38)

*Not really at all, only in the fact that now I'll just...if I'm in a situation where I'm smoking in public, I'll try not to look so suspicious, so I'll be more discreet about it.*

(Male, convicted in 1994 at age 18)

Those who said their cannabis conviction led to an increase in their use included:

*In a way I did sort of go against the situation and smoke more because I was hardly smoking in the first place, and then getting caught, I may as well smoke it now.*

(Male, convicted in 1991 at age 25)

*(It) made me, more defiant, smoke more... Yep (I) really went 'anti'“*

(Male, convicted in 1988 at age 32)

Others described how lifestyle change led to changed cannabis use:

*Well I started to use drugs in a social aspect with friends, so it was very infrequent. Then I got into a relationship. My partner used drugs as well... and I was around it a lot more and ... it started to become more than just a social aspect. Then when I went to England... it was a very frequent thing because basically all my friends had it... It was the thing to do at the time as well... I got out of the relationship and obviously I wasn't around it so much... so my frequency went down. I also went*

*away to the Eastern States, I didn't know many people so obviously I didn't smoke a hell of a lot from then. It's just decreased all the time since, I've not felt the need for it. My social aspects have changed, my jobs changed.*

(Male, convicted in 1990 at age 22)

Respondents were asked if they were still using cannabis how come they continued to use despite having been convicted of a cannabis offence in the past. Almost two thirds (61.9%) of respondents said that they did so because they enjoyed it, just over two fifths (41.3%) didn't see it as a criminal activity, a quarter (25.4%) saw it as victimless or harmless, and just over one in five (22.2%) said they disagreed with the cannabis laws. These results are presented in Table 53.

**Table 53: Reason still use despite conviction**

REASON STILL USE	f	%	% RESPONDENTS
			RESPONSES
Enjoy using it	39	35.1	61.9
Don't see it as a criminal activity	26	23.4	41.3
Its a victimless crime/harmless	16	14.4	25.4
Disagree with cannabis laws	14	12.6	22.2
Enjoy more than alcohol & other drugs	4	3.6	6.3
Risk of bust low	2	1.8	3.2
Conviction not deterrent	1	.9	1.6
Don't use it any more	4	3.6	6.3
Other (1)	5	4.5	7.9
Total	111	100.0	176.1

*There were 5 missing cases.*

*(1) Included 'It's natural', 'only casual user', 'personal choice', 'easy access', self medication'*

Comments from people who said that they still used cannabis despite their conviction because they enjoyed using it included:

*(Its) just a social thing. Smoke it socially you know... (I) suppose, it relaxes me. Think that's about it really. Just a social thing, I don't go out of my way to get stoned these days. I used to, but not any more.*

(057, Male, convicted in 1992 at age 20)

*Well it's something that's my leisure. I consider smoking cannabis even though I know it's harmful, as in smoking cigarettes, to my body. It has that carcinogenic effect to you body. I really like the clarity I get when I get stoned. A lot of my friends do it and I like socialising around friends while I'm doing it. ... It's like me having a drink, you know, I'll go out and have a drink with somebody and I'll go out and have a cone with somebody but I can wake up and go somewhere and not have to have it just to make me feel like a part of the human race. I'm, you know, it's just something that I do. Some people put socks on before they wear thongs.*

(057, Male, convicted in 1996 at age 26)

*Because I enjoy it. It's a drug that basically pacifies you, makes you concentrate on things that you would not normally concentrate so intensely. Like for instance,*

*where I play the guitar, I play the guitar stoned because I seem to be more creative. ... I understand that you can only concentrate on one thing when you're stoned, and obviously when you're driving it's very hard to concentrate on multiple things, so I obviously don't believe in ...(driving)... under the influence of marijuana. Even though I have done that, ... (I) still think that should be against the law.*

(024, Male, convicted in 1990 at age 26)

*Oh, it's a health thing as well. I suffer from migraines and being a female it has certain benefits going (for it) around the monthly. A bit of a pain killer and slow down the moods and things like that.*

(092, Female, convicted in 1995 at age 18)

*One, because I enjoy it. Two, because it's hard to get away from it. If I wanted to get away from it I'd have to stop seeing basically every one of my friends. It's a little bit hard to sit in front of people, say, it depends on how much will power you have. I have got will power and I could stop at any time I want, but the thing is if I don't want to stop then I won't. And really it's a perception of learning and I've still got to learn that it's the wrong thing and it's going to take me a little while to do that ... If it wasn't against the law, there's no way I would stop.*

(079, Male, convicted in 1997 at age 21)

Those who continued using because they said that they don't see it as criminal included:

*I don't see that I'm doing anything wrong. For me to stop using it I (emphasis) would need to think that there was something wrong with it, or anything like that. I don't see myself as a criminal. I see the law as being at fault here, not me, so I am not about to stop when I don't see that I am doing anything wrong.*

(036, Male, convicted in 1993 at age 27)

*Because I like cannabis. Well, I just think the laws a crock (of shit). It's a political crime, not a(n) evil sort of a crime, and I'm not going to stop just because somebody of rightness and morality said that I shouldn't. My sense of rightness and morality said I'm harming nobody. I could say that I'm harming myself because I now there's a negative effect, but (hey) I drink coffee and occasionally smoke cigarettes.*

(033, Female, convicted in 1993 at age 25)

*I don't respect the law, I don't think there's truth in it. If it was necessary for the law and I could see reasons for it, definitely [I'd stop].*

(092, Female, convicted in 1995 at age 18)

Those who continued using because they said that don't see it harming others included:

*Because I like it and just because I just don't believe that anyone has got the right to tell me what to do when I'm not hurting anyone. It's my choice. It's my body.*

(077, Female, convicted in 1992 at age 18)

*I don't see that there's any harm in the drug. And I think, so long as I'm not pushing, or forcing anybody else to do (it), I mean, I'm not doing any harm to anyone else, just to myself.*

(002, Female, convicted in 1990 at age 19)

*It's just one of those little things in life that if you're not hurting anybody why should you, if you're not going to drive a car or control any machinery and you're doing it at home... and no-one's going to be effected, oh I think it's all right.*

(004, Male, convicted in 1990 at age 18)



Comments from those who used it despite their conviction because they saw it as better than alcohol or other drugs included:

*I continue to use cannabis more because of the nature of the drug I think. It's been all said before, but it comes off a plant, it can be easily grown. I enjoy what it does for me, in no way does it make you violent, it doesn't mess with my mind as much as what other drugs do and therefore, in my nature I'm a pretty laid back type of person I feel like, and it's a peaceful drug. It doesn't change the way I am that much, if anything it sort of complements my character.*

(029, Male, convicted in 1996 at age 18)

*I enjoy it, but not all the time. I'm offered it and I'm a bit of a sucker and I'll take it. I see it as a natural grown drug which I put in a different light to something like amphetamines which are made. I find that it has good effects say in contrast with tobacco... It's better for my breathing and it I prefer it to alcohol. I would rather be stoned than drunk, especially if I'm out at a party or something. I feel more in control if I'm stoned than if I'm drunk. I managed to get myself into lots of trouble in situations when I was younger as a girl if I'd been drinking too much.*

(044, Female, convicted in 1992 at age 27)

*Why do I keep using it? Because I like it, I like getting stoned. Some people like getting absolutely pissed out of their brain. I personally don't find that very satisfying, it puts me to sleep. Marijuana is a good substitute, it doesn't put you to that point of no return. Being stoned feels good. It doesn't feel as messy as alcohol, sort of thing. You know, you feel really bad after a heavy night on the alcohol, whereas if you've had a heavy night on the cone, then you only feel...well you still feel stoned in the morning, but that's about it. If anything, that's an advantage. You don't have to smoke as many cones in the morning, just one bucket and you're laughing.*

(065, Male, convicted in 1991 at age 18)

One person who didn't see the conviction as a deterrent explained:

*I haven't altered my cannabis use because why should I? Personally, I don't feel that my frequency of use to, I don't perceive it to be a health hazard. I don't perceive it as a relationship hazard. I'm not using it so frequently as to ... miss out on life, you know. I'm still participating in everything I want to participate in, so the conviction, getting back to that, hasn't changed it. It hasn't scared me off and thought "Oh god, I shouldn't be doing this".*

(034, Male, convicted in 1994 at age 23)

### **Likelihood of further conviction effecting future consumption of cannabis**

Respondents were asked if they were to get caught and again convicted for another cannabis offence whether they believed it would be more or less likely than their first conviction to effect their future consumption of cannabis. More than three quarters (78.7%, n=48) said that it would not be more or less likely to effect their use of cannabis than their first conviction, less than one in six (14.8%, n=9) said it would be more likely to effect it and a small minority (6.6%, n=4) said it would be less likely to effect it.

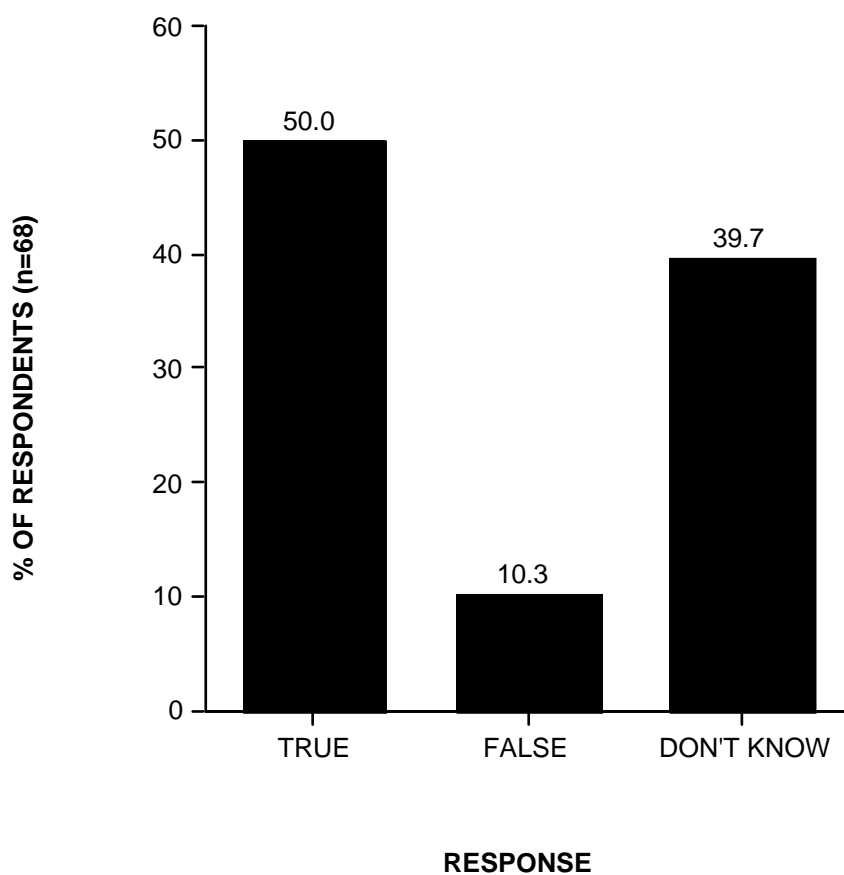
Those who said they would change their use of cannabis if caught again were asked how they would change it. Two fifths (41.7%, n=5) said that they would continue using the same amount of the drug but use it more discretely, a third (33.3%, n=4) said that they would stop using it all together and a quarter (25.0%, n=3) said that they would use it less frequently.

## 4.14 THE LAW - KNOWLEDGE AND ATTITUDES

### Knowledge of cannabis laws

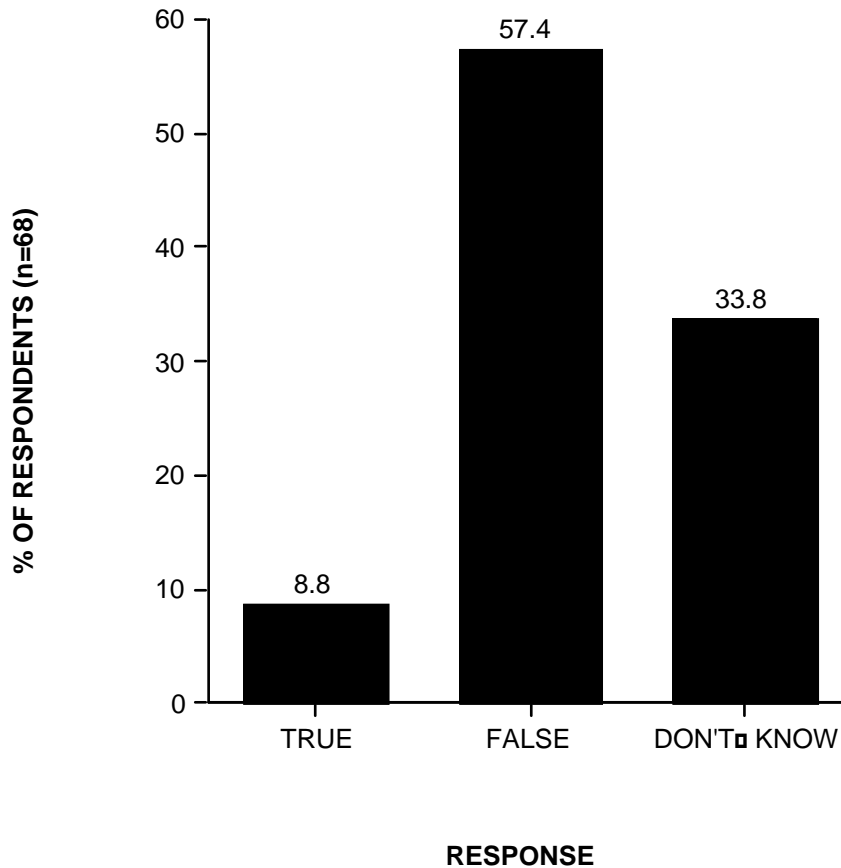
Respondents were read seven statements concerning the cannabis laws that currently operate in Western Australia and were asked to indicate 'true', 'false' or 'don't know' for each.

The first statement '*Being in possession 100 grams of cannabis or more is deemed a sell or supply offence regardless of the person's intention*' was in fact true. Figure 26 presents the responses to this statement. Half (50.0%) of the respondents correctly endorsed the statement as true, while 10.3% thought the statement was false. A substantial minority (39.7%) endorsed 'don't know'.



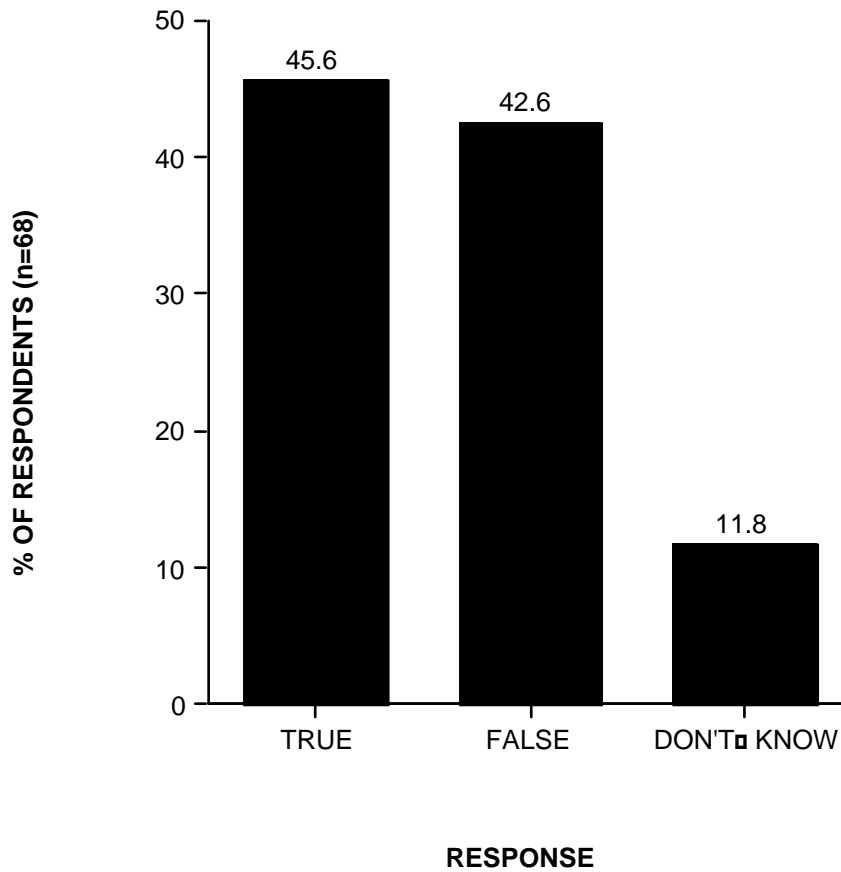
**Figure 26: "Being in possession 100 grams of cannabis or more is deemed a sell or supply offence regardless of the person's intention" AGREE / DISAGREE**

The second statement; *'The maximum penalty for possession of a bong or pipe is 3 years jail and/or a fine of \$3 000'* was also true. However, only 8.8% of respondents selected this response. Figure 27 shows that the majority (57.4%) incorrectly endorsed the statement as false, while a further 33.8% did not know whether the statement was true or false.



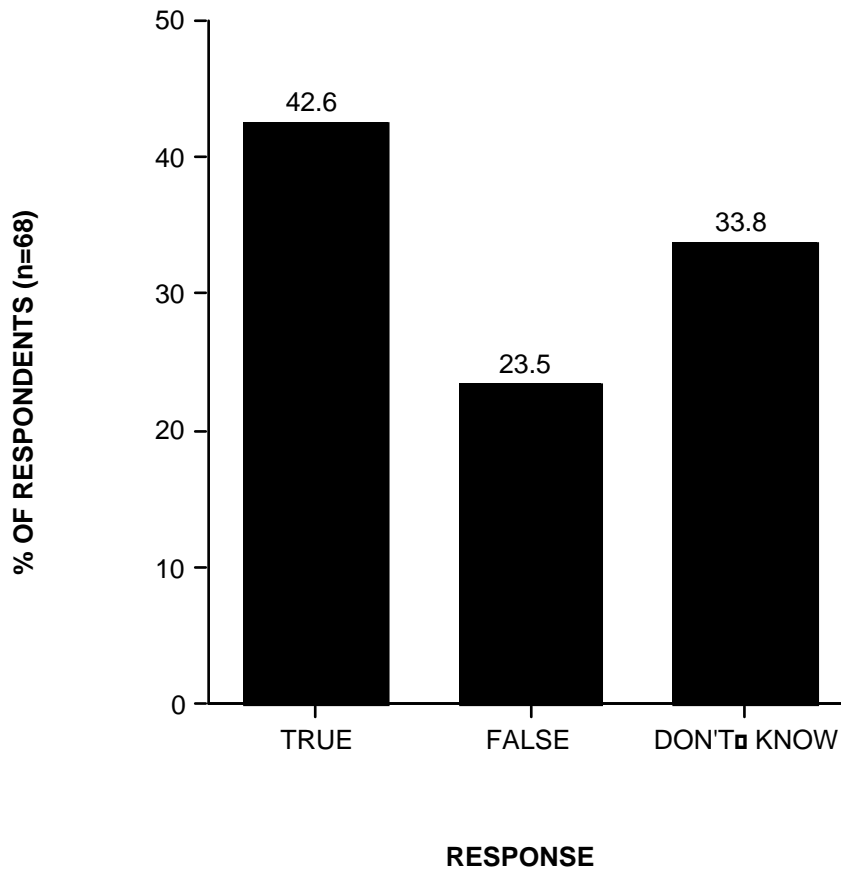
**Figure 27: “The maximum penalty for possession of a bong or pipe is 3 years jail and / or a fine of \$3 000” AGREE / DISAGREE**

Twenty nine respondents (42.6%) correctly endorsed the statement ‘a person on premises where they know cannabis is being smoked is not committing an offence if they do not smoke it themselves’ as false. Figure 28 shows that the greatest number of respondents (45.6%) thought the statement was true and 11.8% said that they did not know.



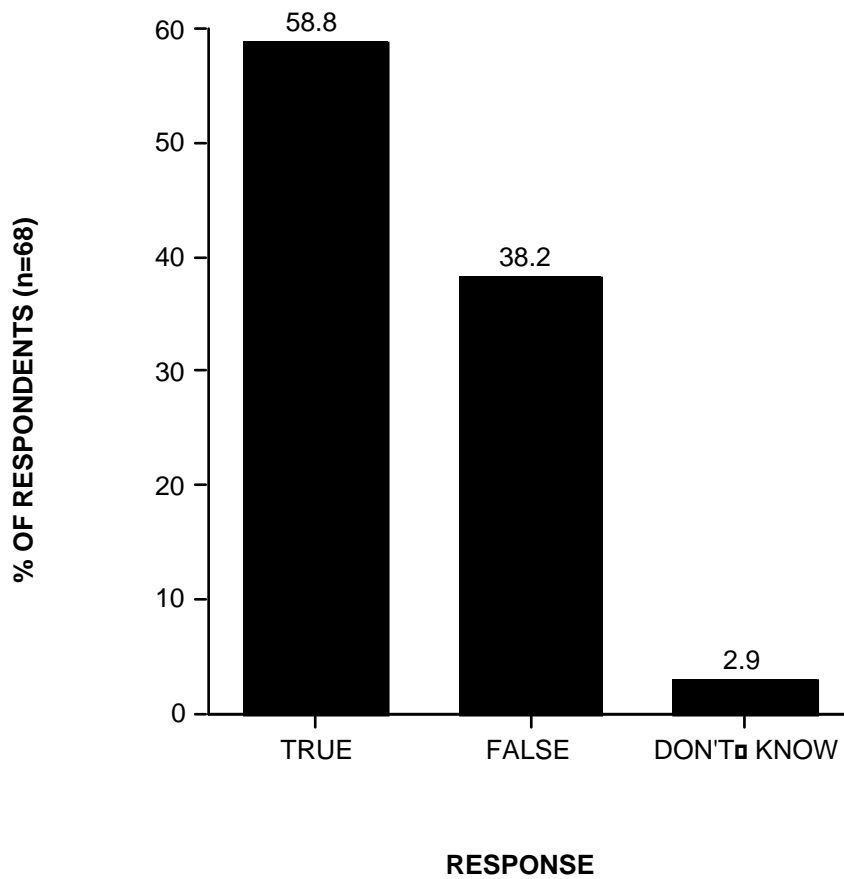
**Figure 28: “A person on premises where they know cannabis is being smoked is not committing an offence if they do not smoke it themselves” AGREE / DISAGREE**

The greatest number of respondents (42.6%) correctly endorsed the statement *'the maximum penalty for possession of less than 100 grams of cannabis is 2 years jail and/or a fine of \$2 000'* as true. As shown in Figure 29, nearly a quarter (23.5%) of respondents incorrectly believed the statement to be false while a third (33.8%) did not know whether the statement was true or false.



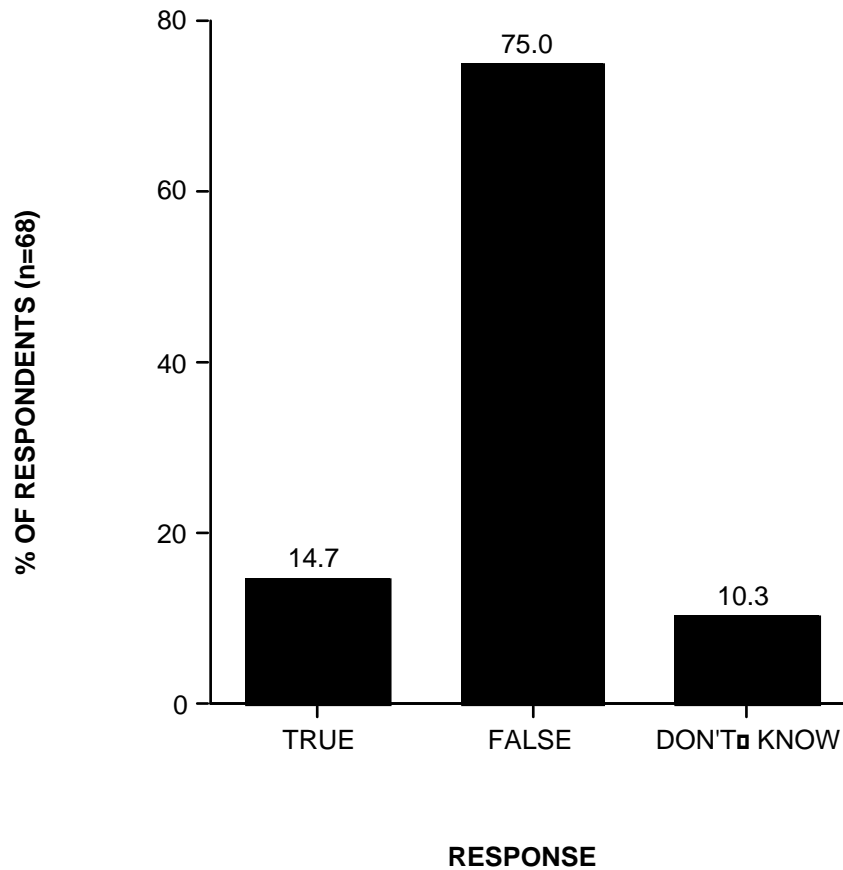
**Figure 29:** “The maximum penalty for possession of less than 100 grams of cannabis is 2 years jail and/or a fine of \$2 000” AGREE / DISAGREE

A majority of respondents (58.8%) mistakenly believed that *'police require a search warrant to search a house or vehicle where they have reason to believe cannabis may be present'*. Figure 30 shows that a further 38.2% of respondents correctly endorsed this item as false and 2.9% endorsed 'don't know'.



**Figure 30: “Police require a search warrant to search a house or vehicle where they have reason to believe cannabis may be present” AGREE / DISAGREE**

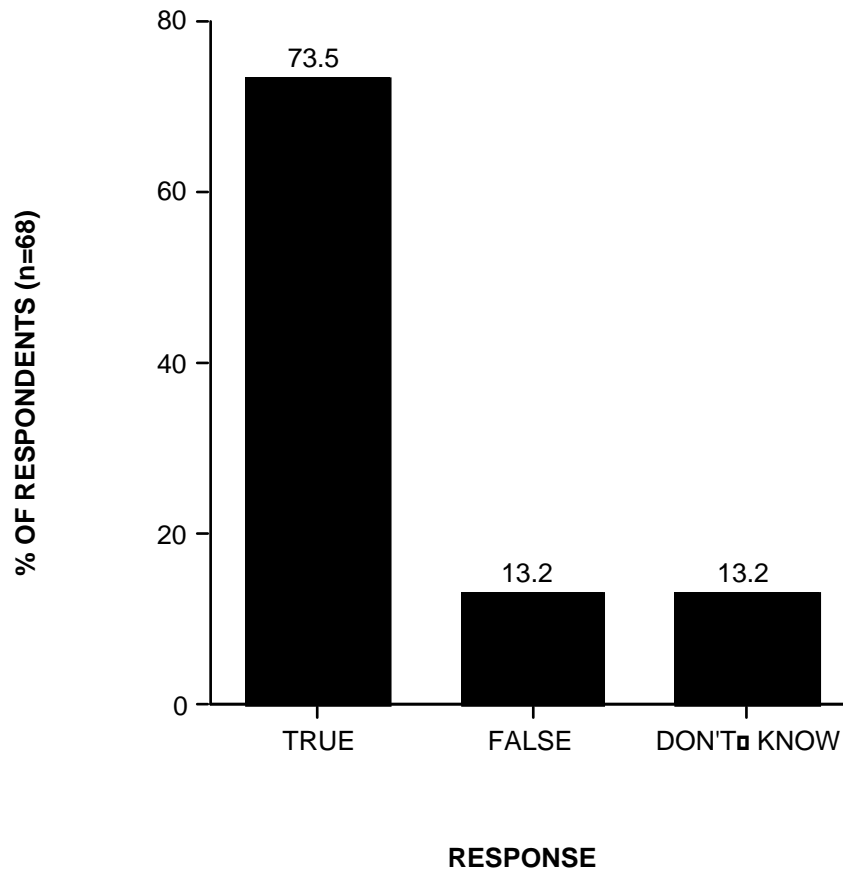
Very few respondents (14.7%) correctly endorsed the statement '*possession of less than 25 cannabis plants is regarded as a personal use offence, rather than as a sell or supply offence*' as true. Three quarters (75%) of respondents mistakenly believed the statement was false. One in ten (10.3%) respondents indicated that they did not know if the statement was true or false. Results are presented in Figure 31.



**Figure 31: “Possession of less than 25 cannabis plants is regarded as a personal use offence, rather than as a sell or supply offence” AGREE / DISAGREE**



The final statement; *'people convicted of minor cannabis offences and who fail to pay their fines face suspension of their driving/vehicle licence, or jail'* was true, and was identified as such by the majority (73.5%) of respondents. The statement was judged to be false by 13.2% of respondents and an equal proportion endorsed 'don't know' as shown in Figure 32.

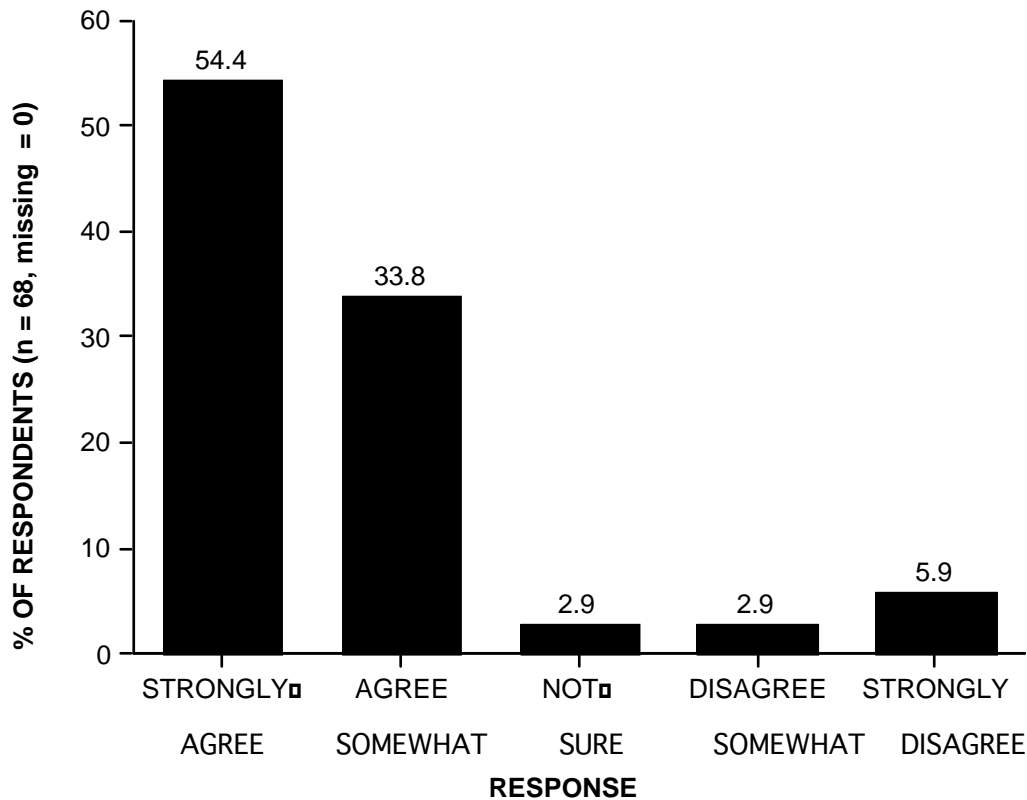


**Figure 32: “People convicted of minor cannabis offences and who fail to pay their fines face suspension of their driving / vehicle licence, or jail” AGREE / DISAGREE**

### Attitudes to law in general

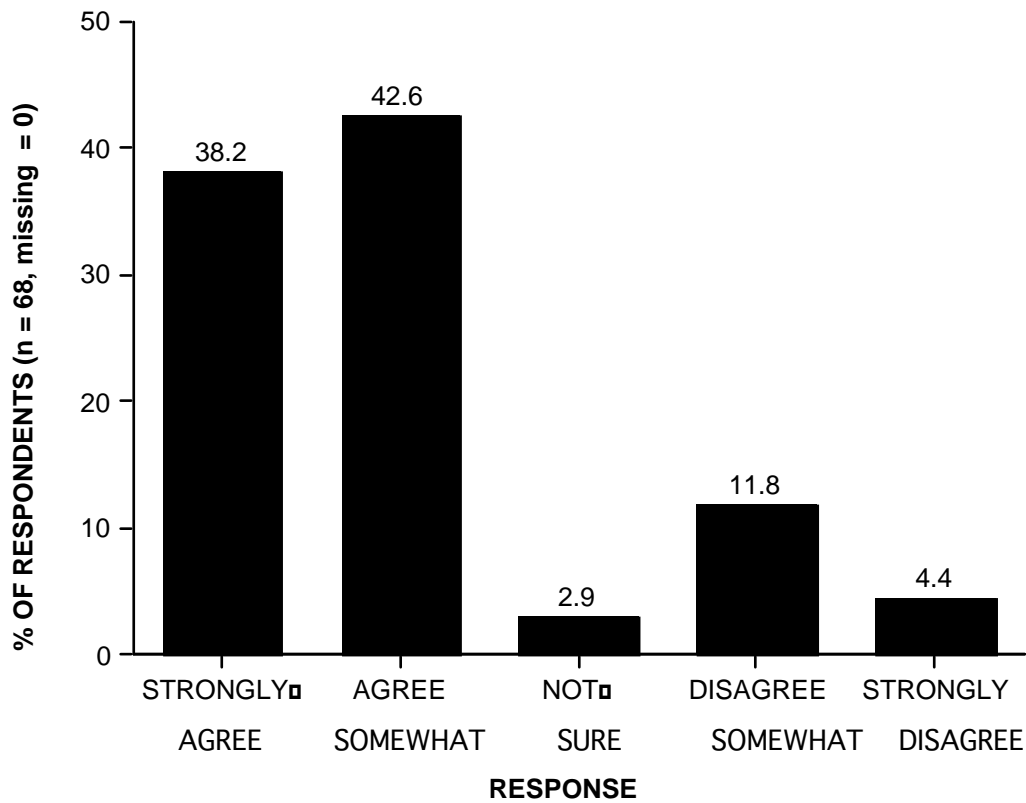
Respondents were read three statements concerning the law in general and were asked to indicate the extent to which they agreed and disagreed with each (strongly agree, agree somewhat, not sure, disagree somewhat, strongly disagree).

The vast majority of respondents (88.2%) agreed either somewhat or strongly with the first statement *'I am a law abiding person'*. Less than one in ten (8.8%) disagreed strongly or somewhat with the statement, while 2.9% were not sure whether they agreed or disagreed with the statement. Figure 33 shows responses for this item.



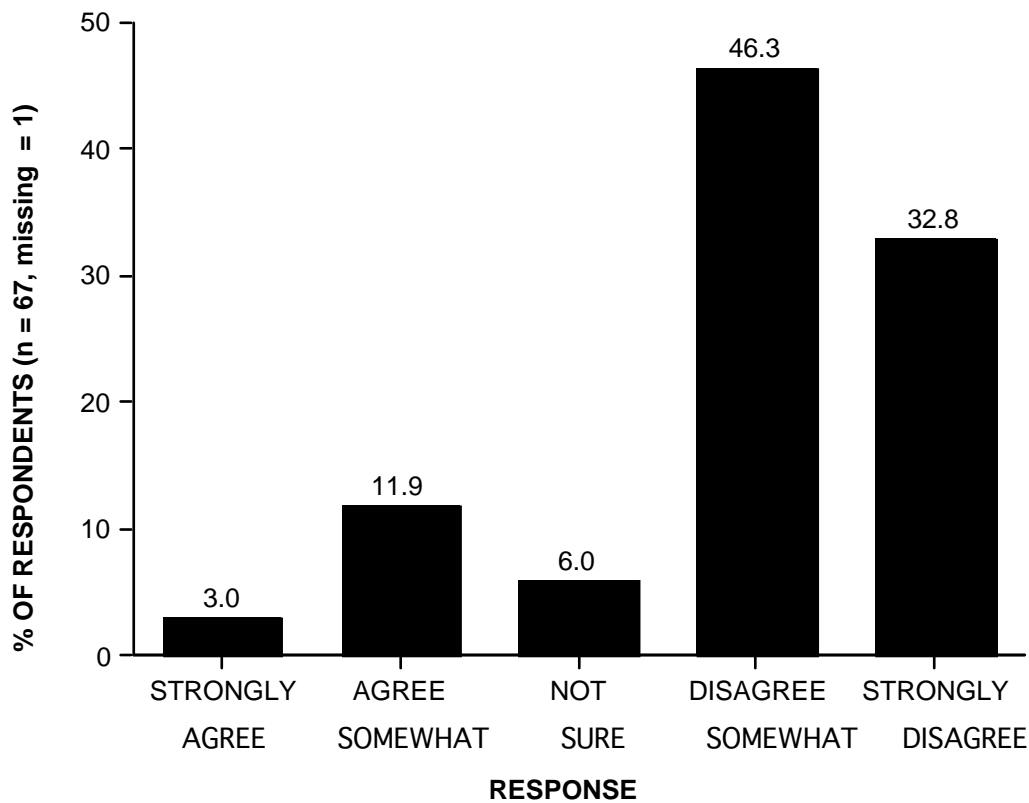
**Figure 33: "I am a law abiding person" AGREE / DISAGREE**

The second statement *'most laws are worth obeying'* was also supported by the majority of respondents; 80.9% indicated agreeing either strongly or somewhat. A further 16.2% said that they disagreed strongly or somewhat with the statement while 2.9% were not sure whether they agreed or disagreed. These results are presented in Figure 34.



**Figure 34: “Most laws are worth obeying” AGREE / DISAGREE**

In contrast to the earlier two statements, most respondents (79.1%) indicated that they disagreed either strongly or somewhat with the statement ‘*people should break laws they disagree with*’. A total of 14.9% agreed either strongly or somewhat and 5.9% were not sure whether they agreed or disagreed (Figure 35).



**Figure 35: “People should break laws they disagree with” AGREE / DISAGREE**

## Attitudes to drug laws

Four statements relating specifically to drug laws were read to respondents. For each statement respondents were asked to indicate their level of agreement (strongly agree, agree somewhat, not sure, disagree somewhat and strongly disagree).

From Figure 36 it may be seen that the vast majority of respondents (83.8%) disagreed strongly or somewhat with the statement '*strong drug laws deter illicit drug use*'. Only 14.7% agreed either strongly or somewhat that strong drug laws have a deterrent effect and 1.5% were not sure.

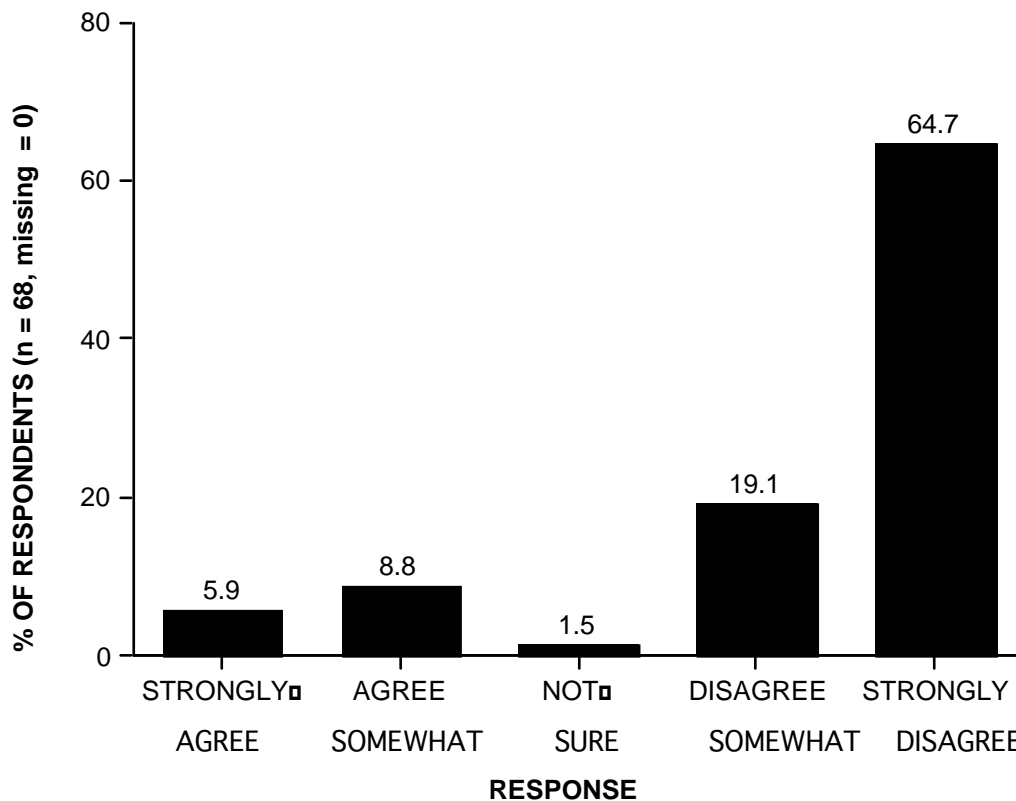
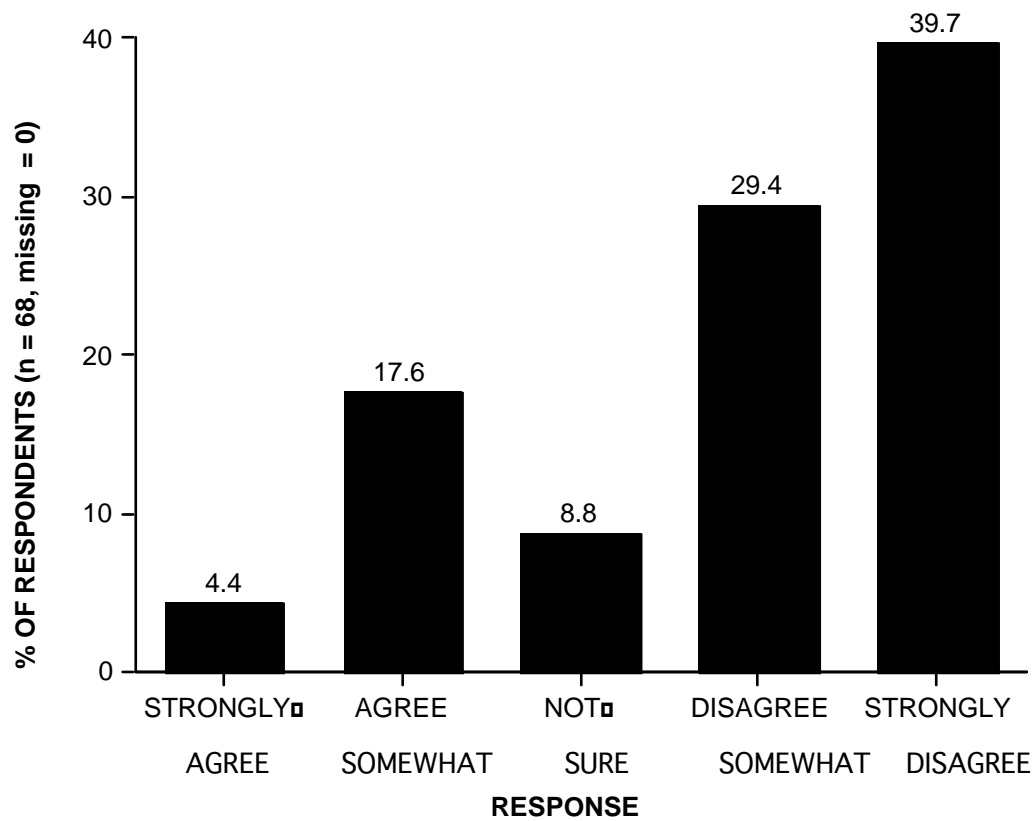


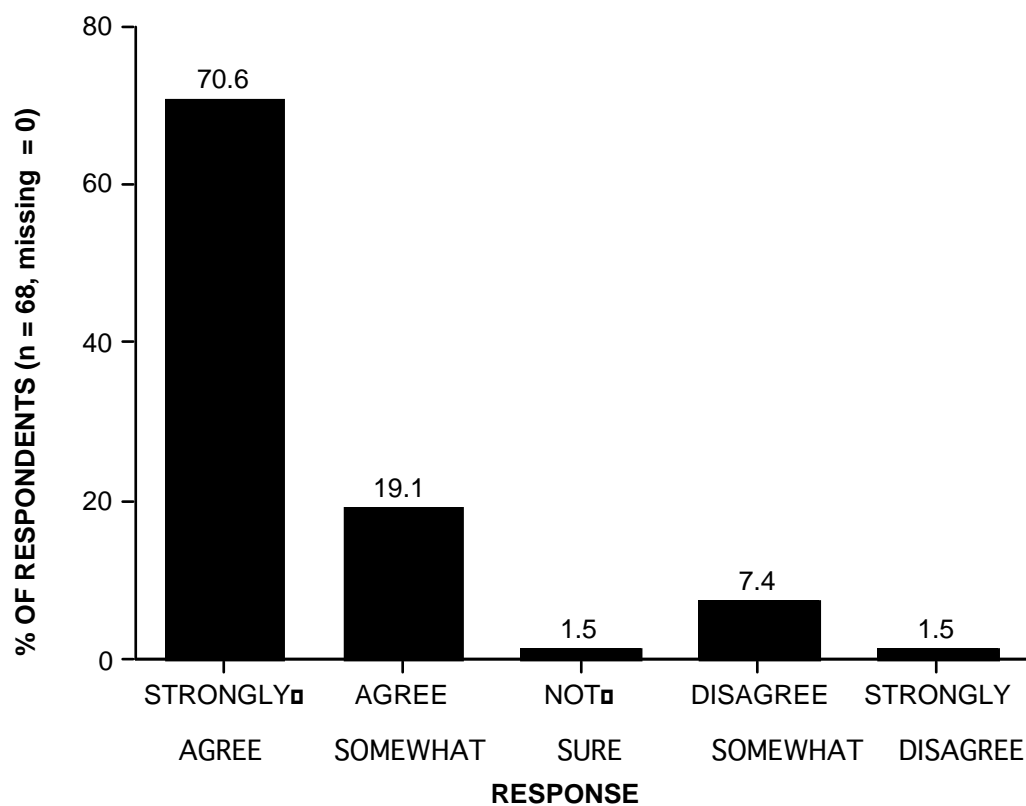
Figure 36: “Strong drug laws deter illicit drug use” AGREE / DISAGREE

In response to the statement *'penalties should be harsher for repeat drug offenders'*, 69.3% of participants expressed disagreement (either strongly or somewhat). A fifth (22.1%) endorsed agreeing strongly or somewhat with more severe penalties for repeat offenders. Six respondents (8.8%) indicated they were not sure (Figure 37).



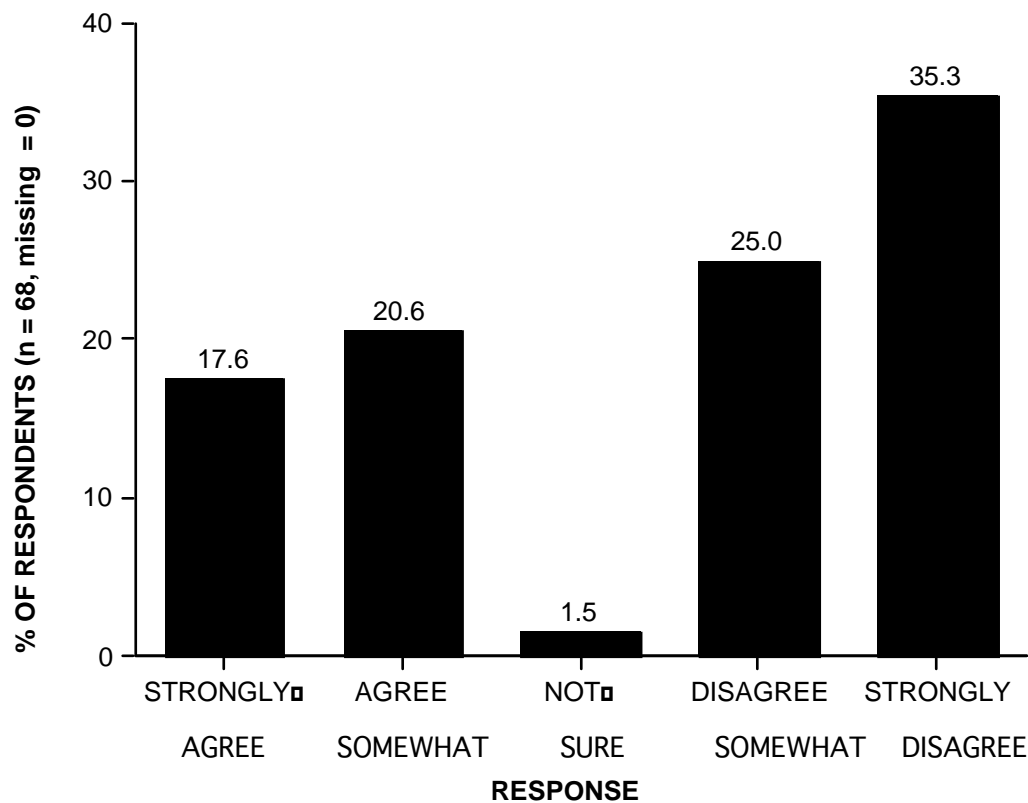
**Figure 37: "Penalties should be harsher for repeat offenders" AGREE / DISAGREE**

Nine out of ten (89.7%) respondents agreed strongly or somewhat with the statement 'cannabis use should be legal'. Less than one in ten disagreed (8.9%) while one respondent (1.5%) endorsed 'not sure' (Figure 38).



**Figure 38: "Cannabis use should be legal" AGREE / DISAGREE**

A majority (60.3%) of participants endorsed either 'strongly disagree' or 'disagree somewhat' in response to the statement '*commercial sale and supply of cannabis should remain illegal*'. A substantial minority (38.2%) felt that commercial activities should remain illegal, endorsing 'strongly agree or agree somewhat'. One respondent (1.5%) was not sure. Results are presented in Figure 39.



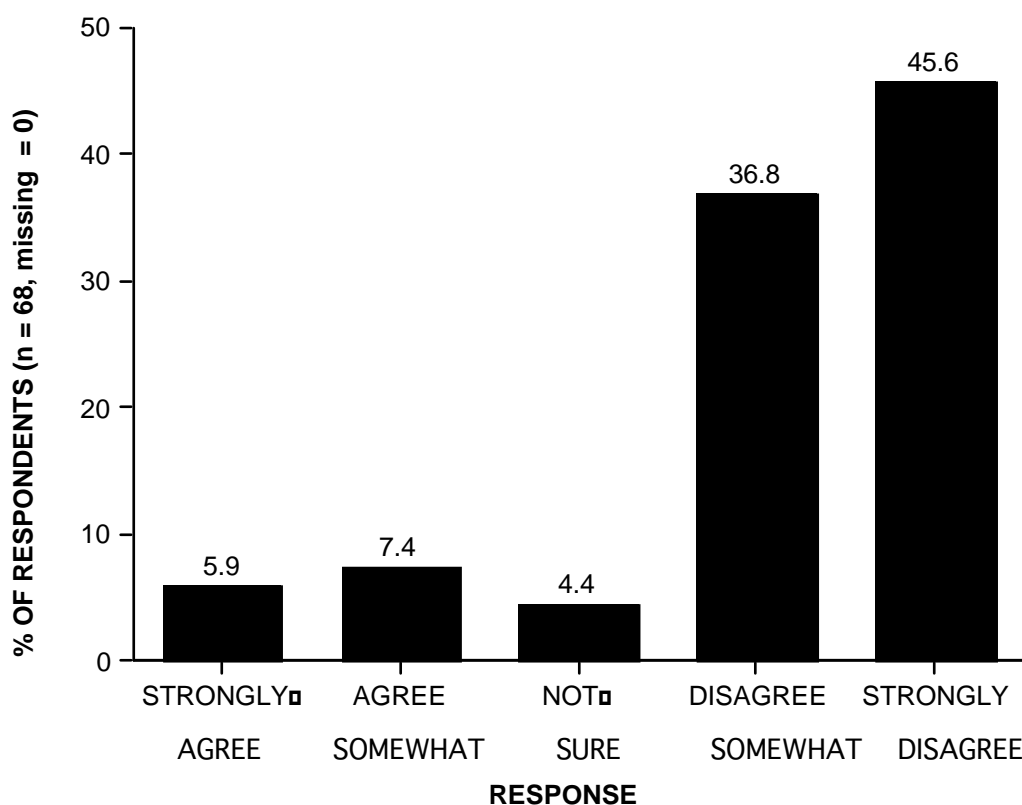
**Figure 39: “Commercial sale and supply of cannabis should remain illegal”  
AGREE / DISAGREE**



## Beliefs about impact of cannabis decriminalisation on the level of cannabis and other illicit drug use

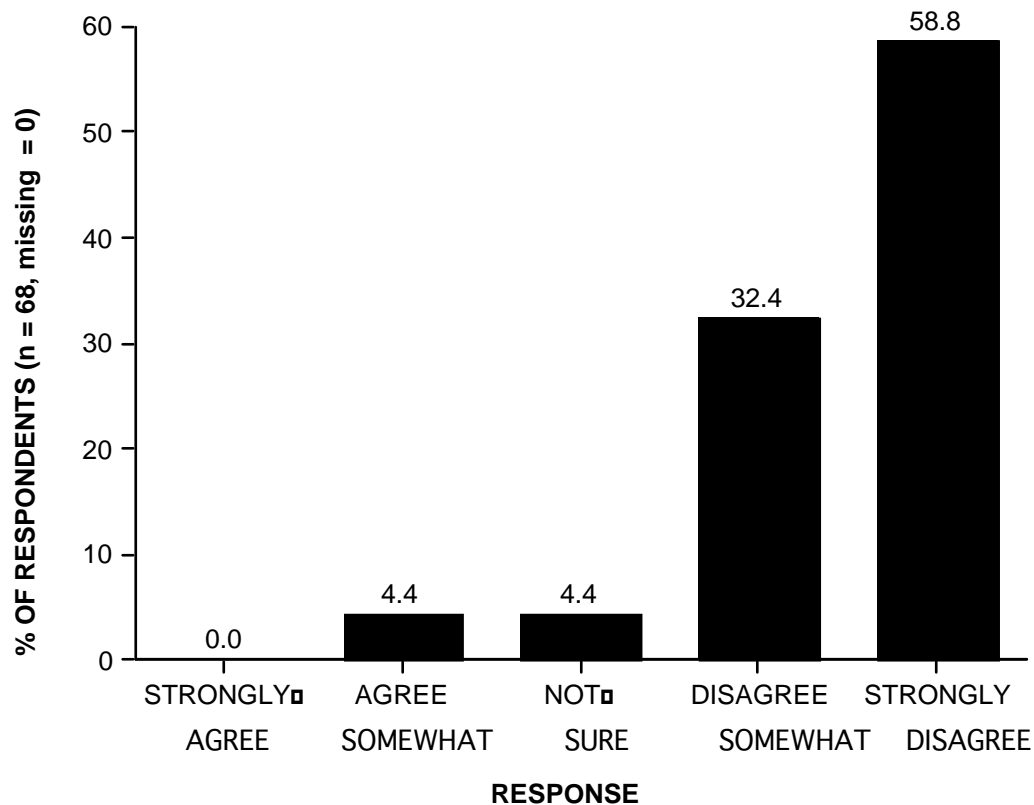
Respondents were read two statements regarding the potential impact of cannabis decriminalisation on the level of cannabis and other illicit drug use. For each statement respondents indicated their level of agreement or disagreement (strongly or somewhat).

The first statement concerning cannabis decriminalisation was *'if cannabis were decriminalised there would be a marked increase in the number of people using cannabis'*. Responses to this item are presented in Figure 40. Most respondents (82.4%) disagreed either strongly or somewhat that such an increase would occur. A further 13.3% agreed strongly or somewhat that there would be a marked increase, while 4.4% were not sure.



**Figure 40:** “If cannabis were decriminalised there would be a marked increase in the number of people using cannabis” AGREE / DISAGREE

The second statement was *'if cannabis were decriminalised there would be a marked increase in the number of people using other illicit drugs'*. The vast majority (91.2%) of respondents rejected this idea, endorsing either 'strongly disagree' or 'disagree somewhat'. 'Agree somewhat' was endorsed by 4.4% of respondents, as was 'not sure', as shown in Figure 41.

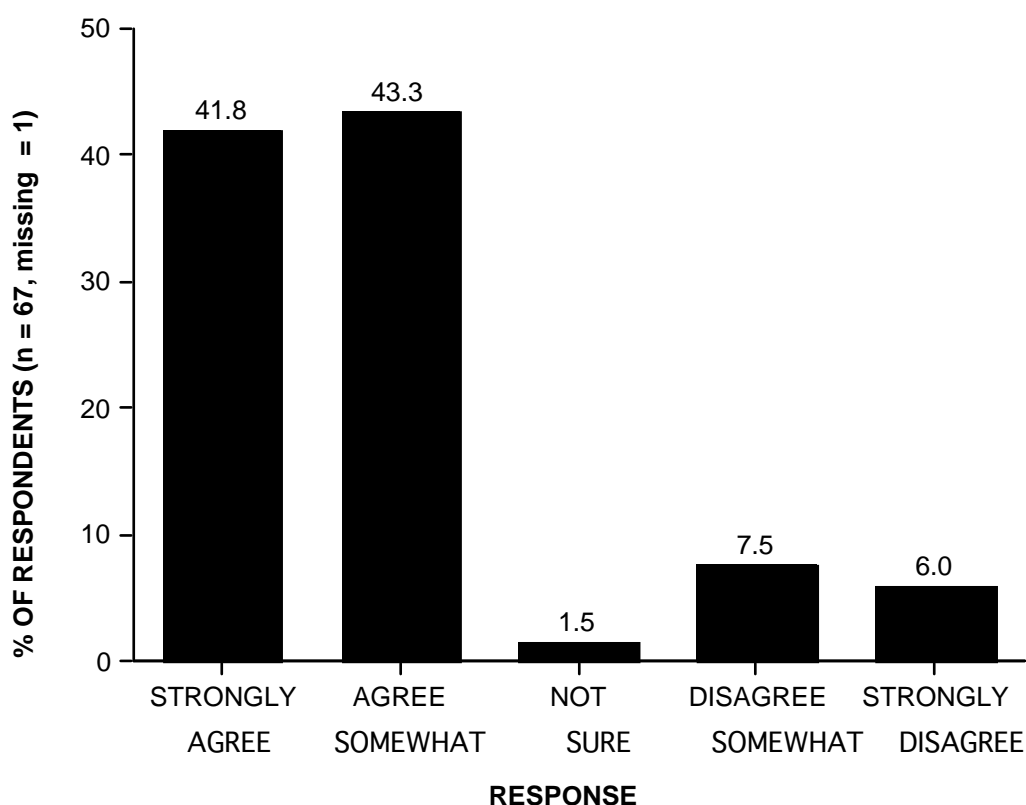


**Figure 41: "If cannabis were decriminalised there would be a marked increase in the number of people using other illicit drugs" AGREE / DISAGREE**

## Attitudes to the police

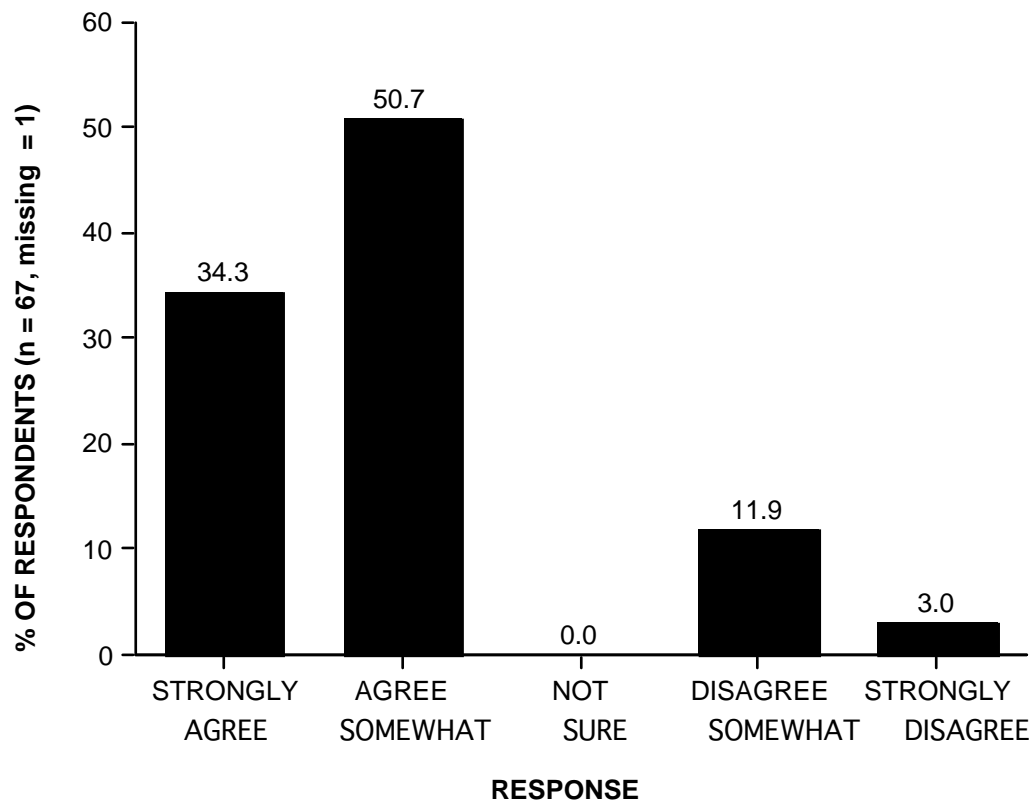
Five statements were read out concerning attitudes towards police officers. Respondents were asked to indicate the extent of their agreement or disagreement with each (strongly agree, agree somewhat, not sure, disagree somewhat, strongly disagree).

The first statement was '*police deserve respect for their role in maintaining law and order*'. There was majority support for this statement, with 85.1% of respondents agreeing either strongly or somewhat. Few respondents (13.5%) disagreed strongly or somewhat that police deserved respect for their role. Only one respondent (1.5%) was not sure whether they agreed or disagreed with the statement. This is shown in Figure 42.



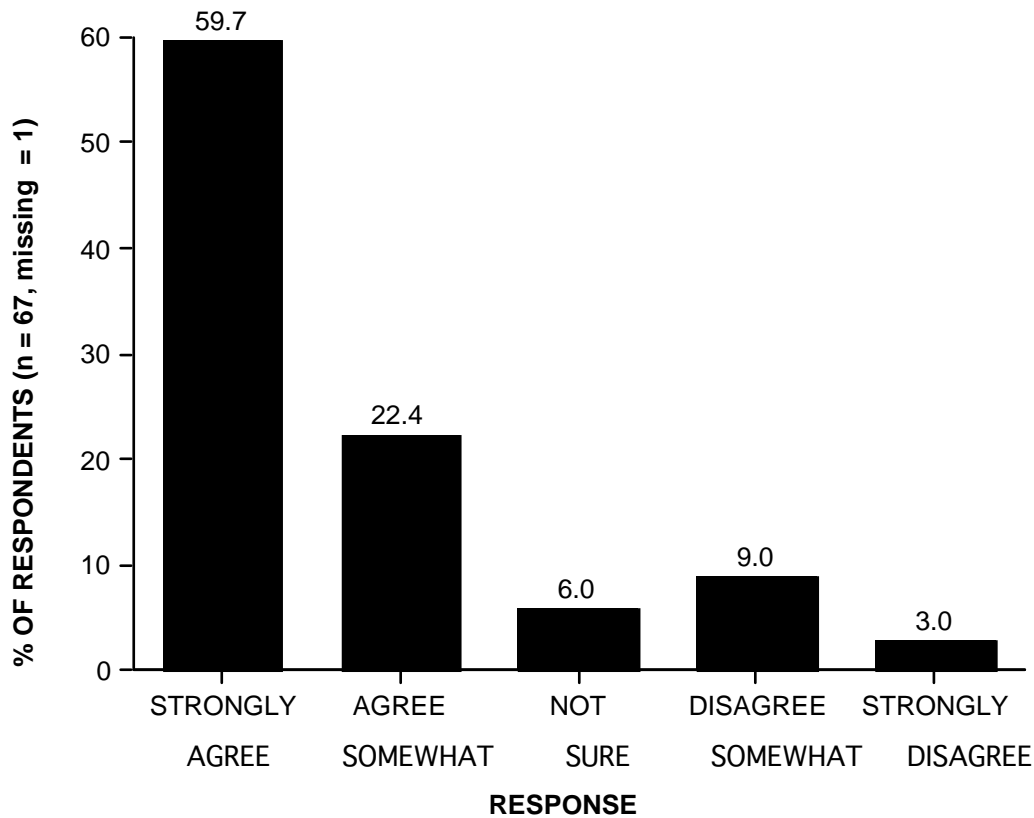
**Figure 42: “Police deserve respect for their role in maintaining law and order” AGREE / DISAGREE**

Figure 43 shows that a majority (85.0%) of respondents agreed either strongly or somewhat with the statement 'the police have a duty to enforce the laws as written'. The remainder of the sample (15%) endorsed either 'strongly disagree' or 'disagree somewhat'.



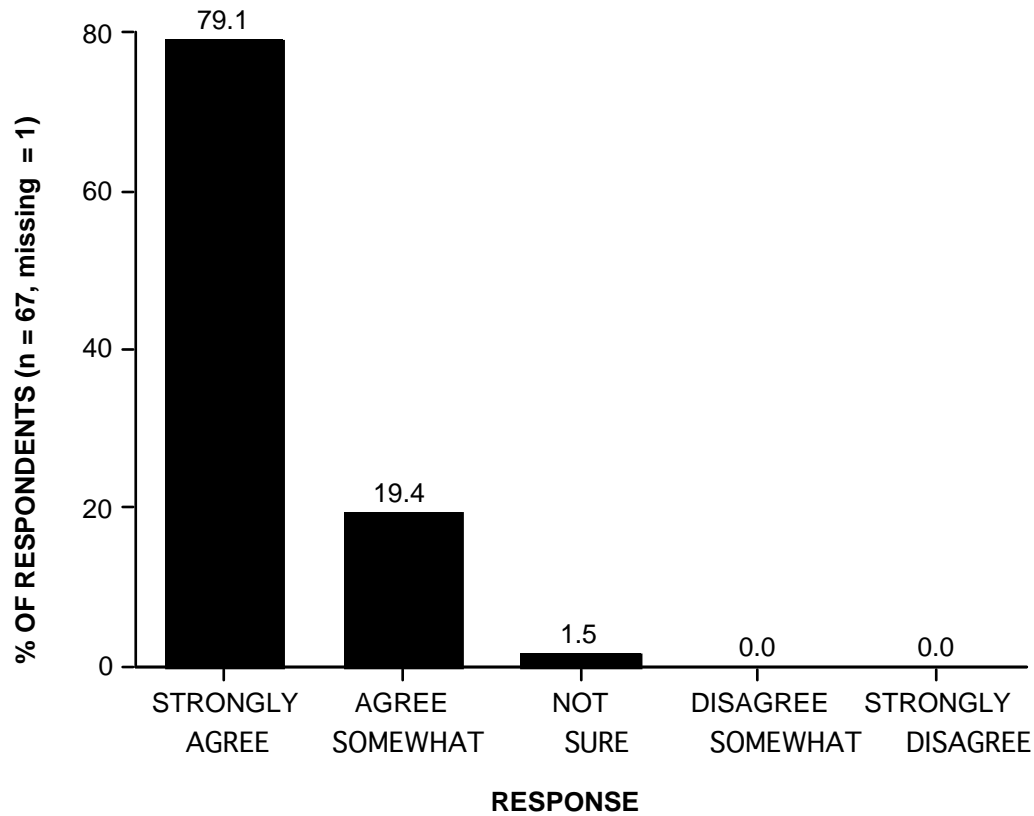
**Figure 43: "The police have a duty to enforce the laws as written" AGREE / DISAGREE**

The majority (82.1%) of respondents agreed either strongly or somewhat with the statement *'the police pick and choose how they enforce drug laws'*. Twelve percent expressed disagreement either strongly or somewhat with the statement. Four respondents (6%) endorsed 'not sure' as can be seen in Figure 44.



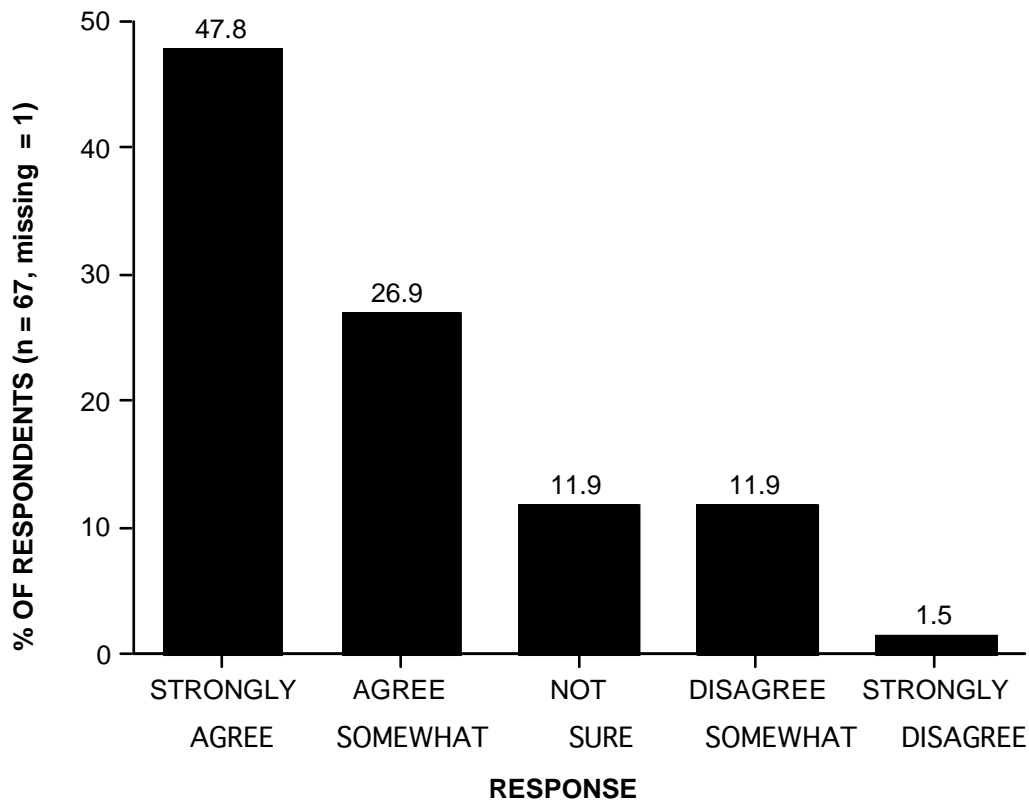
**Figure 44: "The police pick and choose how they enforce drug laws" AGREE / DISAGREE**

Figure 45 shows that there was a high level of agreement with the statement ‘*some police abuse their authority over people they suspect have broken the law*’; 98.5% of respondents endorsed either ‘strongly agree’ or ‘agree somewhat’ for this item. One respondent (1.5%) endorsed ‘not sure’ and no respondents expressed disagreement with the statement.



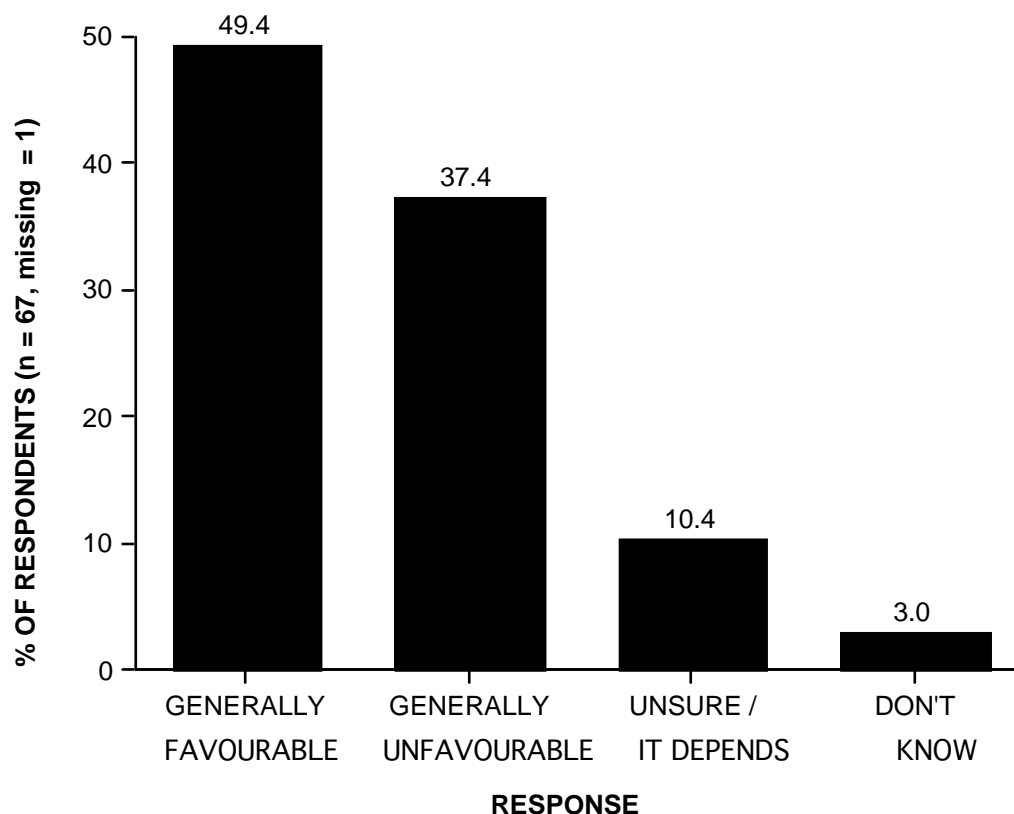
**Figure 45:** “Some police abuse their authority over people they suspect have broken the law”

Nearly three quarters (74.7%) of respondents agreed either strongly or somewhat with the statement *'police have too much power to intervene in peoples lives'*. 'Strongly disagree' or 'disagree somewhat' were endorsed by 13.4% of those interviewed, while 13.4% said they were 'not sure', as shown in Figure 46.



**Figure 46: "Police have too much power to intervene in peoples lives"  
AGREE / DISAGREE**

Respondents were asked 'how would you describe your attitude to police now?' Nearly half the sample (49.4%) described their attitude as 'generally favourable'. Over a third (37.4%) said their attitude was 'generally unfavourable'. A further 10.4% selected 'unsure / it depends, while the remaining 2.9% did not know what their attitude toward police was, as shown in Figure 47.



**Figure 47: Attitude to police now**

#### 4.15 THE CANNABIS MARKET

Respondents were asked whether they had smoked cannabis in the previous 12 months. The vast majority (86.6%, n=58) said that they had, while 13.4% had not. Those who had were asked a series of questions about the cannabis market in order to get some idea of the costs and conditions that usually effect availability or access to regular supplies of the drug. These data are presented here.



## Sources of cannabis supply previous 12 months

Respondents were asked about their main and other sources of supply of cannabis over the previous 12 months. Table 54 shows the main sources of supply. The most common main source of supply was purchase from family or friends, nominated by just under half (44.8%) of the sample, followed by growing one's own, nominated by just under a third (29.3%), and gifts from family or friends, identified by less than one fifth (17.2%) of respondents. Less than one in ten (8.6%) respondents stated that their main source of supply of cannabis over the last 12 months was purchase from a 'dealer or supplier'.

**Table 54: Main source of supply of cannabis over previous 12 months**

MAIN SOURCE OF CANNABIS	f	% RESPONDENTS
Purchase from family/friends	26	44.8
Grow own	17	29.3
Free gift from family/friends	10	17.2
Purchase from dealer/supplier	5	8.6
Total	58	100.0

*There were 10 missing cases.*

Respondents could nominate up to two other sources of supply, these are shown in Table 55. Purchase from a dealer or supplier was the most frequently nominated other source of supply, being identified by over half (51.9%) of respondents, with growing ones own the next most frequently nominated other source (40.7%).

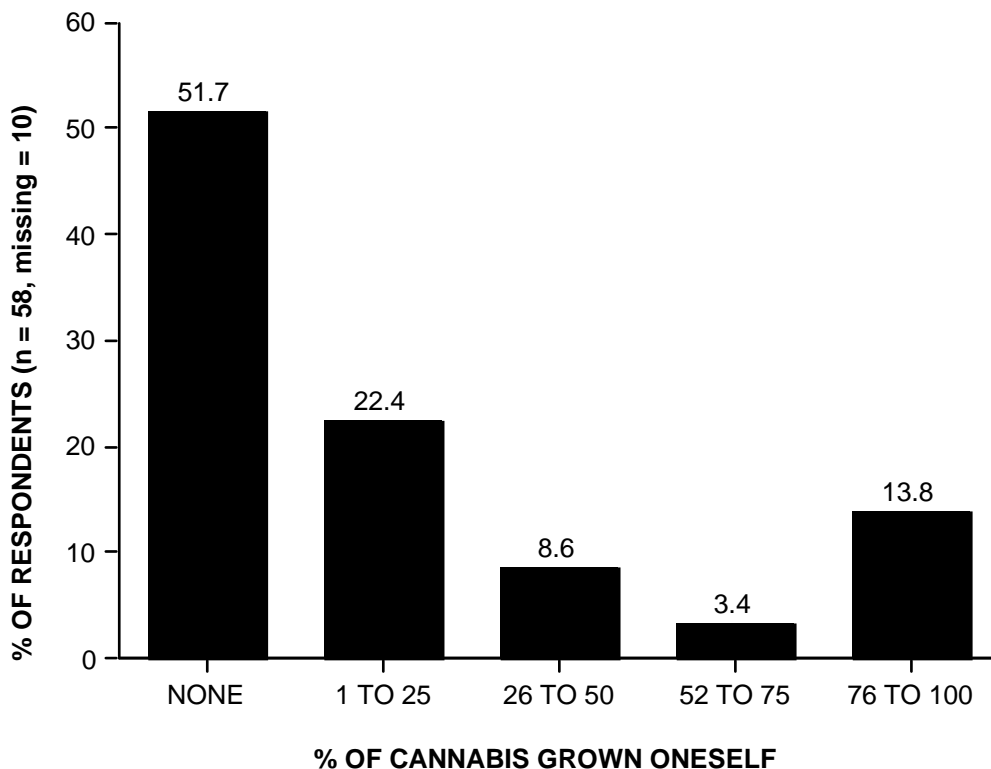
**Table 55: Other source of supply of cannabis over last 12 months**

OTHER SOURCE OF CANNABIS	f	% RESPONSES	% RESPONDENT S
Purchase from dealer/supplier	28	32.9	51.9
Grow own	22	25.9	40.7
Purchase from family/friends	21	24.7	38.9
Free gift from family/friends	14	16.5	25.9
Total	85	100.0	157.4

*There were 14 missing cases.*

### Proportion of cannabis smoked in previous 12 months that grew oneself

Respondents who said that they had smoked cannabis in the previous 12 months were asked what proportion of this they had grown themselves. These results are presented in Figure 48. Just over half (51.7%) stated that they had not grown any of the cannabis they smoked in the previous 12 months, just under a third (31.0%) had grown less than a half and just over one in six (17.2%) had grown more than half of what they had smoked, most of this latter group having grown more than 75% of what they smoked in the previous 12 months.



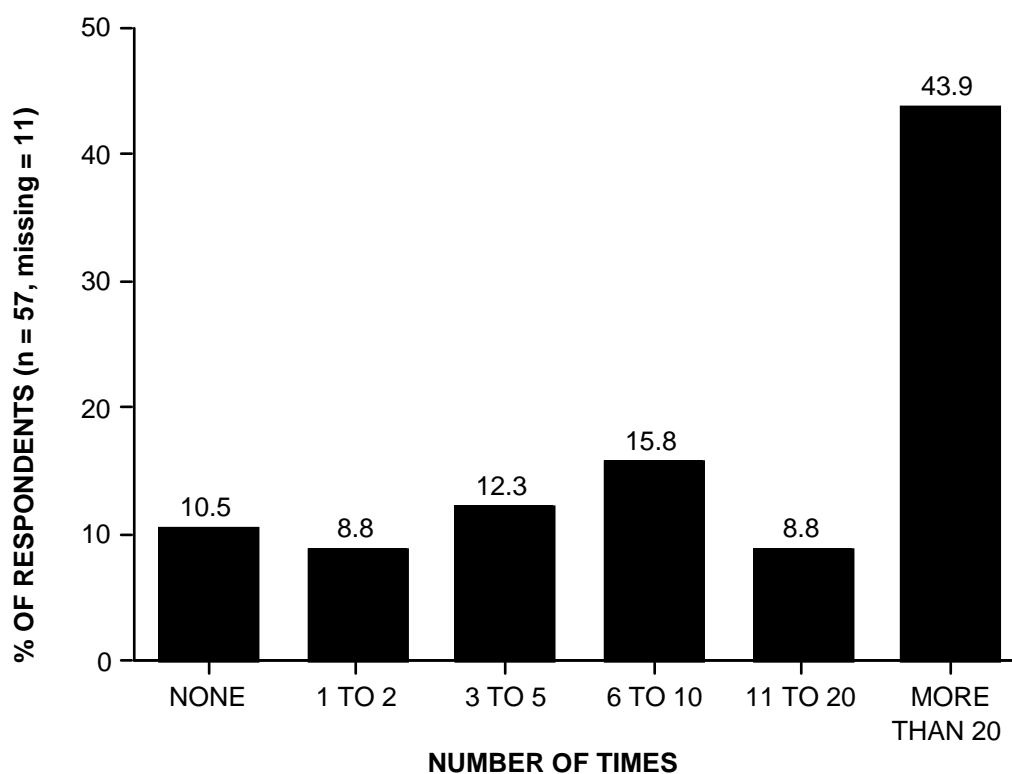
**Figure 48: Percent of cannabis smoked in last 12 months grown oneself**

### How easy cannabis is to obtain

Respondents who said that they had smoked cannabis in the previous 12 months were asked how easy cannabis was to obtain. More than half (57.1%, n=32) of respondents said that it was 'always available', just under two fifths (39.3%, n=22) said that it was 'mostly available' and a negligible proportion (3.4%, n=2) said that it was 'mostly unavailable'.

### Number of times purchased cannabis in the previous 12 months

Respondents who said that they had smoked cannabis in the previous 12 months were asked how many times they had purchased the drug over this period. These results are presented in Figure 49. The vast majority (89.5%, n=51) of those who said that they had smoked cannabis in the previous year said that they had purchased the drug on at least one occasion over this period. Just over two fifths (43.9%) of those who smoked the drug in the previous year purchased it more than twenty times in that period.



**Figure 49: Number of times purchased cannabis in previous 12 months**

### Usual amount of cannabis purchased in the previous 12 months

Respondents were asked what was the usual dollar amount of cannabis they had purchased in the previous 12 months. The average was \$86-90 (range \$25 - \$350). Just under two fifths (38.0%, n=19) of the sample usually purchased \$25 deals in the past year, a slightly smaller proportion (36.0%, n=18) usually purchased deals between \$26 and \$50, and the remainder (26.0%, n=10) of those who purchased the drug over the last year usually purchased deals between \$51 and \$350.

Respondents were asked what was the usual weight in grams of cannabis they had purchased in the previous 12 months. The average was 9.9 grams (range 1 - 56). Just under half (46.0%, n=23) usually purchased one to two grams, just under one in five (18.0%, n=9) usually purchased between three and five grams and just under a third (32.0%, n=17) purchased between six and 28 grams (one ounce). One respondent (2.0%) said that they usually purchased 56 grams (two ounces) when they bought cannabis over the last 12 months.

### Reason purchased this amount

Respondents were asked what was the reason they purchased this amount when they bought cannabis over the last 12 months. The reason given by most respondents (58.3%) was cost and economics, just over a third (35.4%) identified that it met their consumption needs, and just over one in five (22.9%) identified 'availability', and the remainder (10.4%) stated there was less risk of detection with this amount. The reasons are shown in Table 56.

**Table 56: Reasons purchased this amount**

RESPONSE	f	% RESPONSES	% RESPONDENTS
Cost, economics	28	45.9	58.3
Meets consumption needs	17	27.9	35.4
Availability	11	18.0	22.9
Less risk of detection	5	8.2	10.4
Total	61	100.0	127.1

*There were 20 missing cases.*

### Whether shared or split deals in the previous 12 months

Respondents were asked whether they had shared or split deals they had purchased in the previous 12 months. Just under one in five (18.9%) respondents said they 'always' or 'mostly' split deals, just over a third (34.0%) said they 'often' split deals. Just over two in five (43.4%) said they 'sometimes' shared or split deals while just over one in five (22.3%) 'never' did this. These results are presented in Table 57.

**Table 57: Shared or split deals when purchased cannabis over previous 12 months**

RESPONSE	f	% RESPONDENTS	CUMULATIVE %
Always	4	7.5	7.5
Mostly	6	11.3	18.9
Often	8	15.1	34.0
Sometimes	23	43.4	77.4
Never	12	22.6	100.0
Total	53	100.0	

*There were 15 missing cases.*

### Whether offered or asked for other drugs when went to purchase cannabis in the previous 12 months

Twenty five (49.0%) of the 51 respondents who had bought cannabis in the previous 12 months said they had either been offered (39.2%, n=20) or asked for (33.3%, n=17) other drugs when they went to buy cannabis in the past year. Twelve (23.5%) of the cannabis buyers had both been offered and asked for other drugs over this period. Twelve (23.5%) of the cannabis buyers had been offered hallucinogens in such circumstances and of these six had also asked for the drug in the previous year. Only one of the nine (17.6%) respondents who had been offered amphetamine had also asked for the drug. None of the five (8.8%) people who had been offered ecstasy had also asked for the drug. Only two of the seven (13.7%) people who had been offered heroin had also asked for that drug. One (1.9%) person stated that they had been offered cocaine but had not asked for this drug. There were 18 (35.3%) respondents who bought cannabis in the previous year who did purchase other drugs in that period. All but one of these (94.4%) said they also asked for these drugs in the previous 12 months. One respondent who said that they had purchased both ecstasy and amphetamine in the previous 12 months said that they had been offered, but not asked for these drugs over this period. These results are presented in Table 58.

**Table 58: Frequency other drugs offered and asked for**

RESPONSE	OFFERED ONLY	OFFERED AND ASKED FOR	ASKED FOR ONLY	PURCHASED
Hallucinogen	6	6	6	11
Amphetamine	8	1	6	8
Ecstasy	5	0	3	4
Heroin	5	2	2	3
Cocaine	1	0	0	1

*There were 43 missing cases.*

Respondents who had been offered or asked for other drugs in the previous 12 months were asked why they decided to buy these other drugs or not. These results are presented in Table 59. Clearly the most common reasons given for buying the drugs was for personal use (77.3%), or because there were some specific effects of the drugs purchased which were enjoyed (63.6%). The four respondents who gave reasons for not buying drugs other than cannabis were equally divided between the assertion that they did not use other drugs, or they feared health risks.

**Table 59: Reasons did or did not purchase other drugs**

REASON	f	% RESPONSES	% RESPONDENTS
<b>Reasons for buying</b>			
For personal use	17	43.6	77.3
Enjoy effects of these drugs	14	35.9	63.6
Got for someone else	3	7.7	13.6
Other	1	2.6	4.5
<b>Reasons for not buying</b>			
Don't use other drugs	2	5.1	9.1
Fear health risks	2	5.1	9.1
Total	39	100.0	177.2

*There were 12 missing cases.*

### **Cannabis type by amount purchased in the previous 12 months**

Respondents were asked what was the usual dollar amount of cannabis they had purchased in the previous 12 months broken down by type of cannabis purchased. Three quarters (75.0%, n=51) of all respondents said that they had purchased cannabis in the previous 12 months and responded to this question. Table 60 shows that the forms purchased by most buyers over the last 12 months were heads (96.1%) and high potency cannabis (90.2%) such as 'skunk' and 'hydro'.

Based on the figures in Table 60, the average price paid by respondents who bought cannabis in the previous 12 months was approximately \$300/oz. for cannabis heads, \$335/oz. for high potency cannabis (such as 'skunk' and 'hydro'), \$100/oz for a mix of heads and leaf. There were only four of 51 buyers who said that they purchased cannabis leaf in the past 12 months, and they paid approximately \$40/oz. Anecdotally, most buyers said that they wouldn't buy leaf. The 11 respondents who purchased hash paid approximately \$25/gm. The average price paid for hash oil was harder to determine given the small n, missing weight values for 3 cases and an outlier where the respondent said they purchased an ounce for \$150. Excluding these cases, the average price paid for hash oil was approximately \$25/gm.

**Table 60: Cannabis type by cost and amount purchased in the previous 12 months**

CANNABIS TYPE	DOLLAR COST			GRAM AMOUNT		
	f	MEAN	RANGE	f	MEAN	RANGE
Cannabis						
Head	49	122.04	25 - 350	49	11.35	1 - 28
High potency*	46	142.17	25 - 500	46	12.02	1 - 28
Mix	11	59.09	20 - 150	11	17.00	2 - 30
Leaf	4	30.00	10 - 50	3	21.00	7 - 28
Hash	11	41.36	25 - 50	10	1.80	1 - 4
Oil	8	51.87	10 - 150	6	6.00	1 - 28
Other**	24	29.16	25 - 50	24	2.12	1 - 4

\* includes skunk and hydroponically grown cannabis

\*\* includes foils, sachets and sticks

There were 51 valid cases.

### Cannabis dealing in the previous 12 months

Just over one third (35.3%, n=24) of all respondents said that they had sold cannabis in the previous 12 months.

Those who did were asked what proportion of their income in the previous year would have come from the sale of cannabis. Half (50.0%, n=12) said 'none' and a slightly smaller proportion (45.8%, n=11) said '1% to 25%' which was the next lowest response category. One respondent said that they 'did not know'.

Those who said they had sold cannabis in the past 12 months were asked to specify the approximate total amount in dollars earned from the sale of cannabis over the year. Seven of the 24 responded, the mean amount being \$144.28 (range 40 - 400).

Three (12.5%) of the 24 who sold cannabis in the previous 12 months said that they would describe themselves as 'a dealer'.

### Cannabis type by amount sold in the previous 12 months

Respondents were asked what was the usual dollar amount of cannabis they had sold in the previous 12 months broken down by type of cannabis sold. Table 61 shows that head and high potency cannabis were the form most often sold over the last 12 months and the cost and gram amount typically sold were also similar for these forms.



Based on the figures in Table 61 the forms sold by most sellers of cannabis over the last 12 months were heads (95.8%) and high potency cannabis (70.8%) such as 'skunk' and 'hydro'. The average price charged by respondents who sold cannabis in the previous 12 months was approximately \$250/oz. for cannabis heads, \$400/oz. for high potency cannabis (such as 'skunk' and 'hydro'), \$60/oz for a mix of heads and leaf. There were only two of the 24 sellers who said that they sold cannabis leaf in the past 12 months, and they charged approximately \$25/oz. Again, anecdotally, most sellers said that cannabis leaf was worthless and they would give it away or destroy it. The one respondent who sold hash charged approximately \$30/gm. and the one who sold hash oil charged \$150/oz.

**Table 61: Cannabis type by price and amount sold in the previous 12 months**

CANNABIS TYPE	DOLLAR VALUE			GRAM AMOUNT		
	f	MEAN	RANGE	f	MEAN	RANGE
Cannabis						
Head	23	85.00	10 - 350	23	9.48	1 - 35
High potency*	17	94.11	10 - 450	17	6.65	1 - 28
Mix	2	35.00	20 - 50	2	17.00	6 - 28
Leaf	2	25.00	0 - 50	1	28.00	28 - 28
Hash	1	30.00	30 - 30	1	1.00	1 - 1
Oil	1	150.00	150 - 150	1	28.00	28 - 28
Other**	9	27.22	20 - 50	9	2.22	1 - 5

\* includes skunk and hydroponically grown cannabis

\*\* includes foils, sachets and sticks

### Perceived likelihood of being charged if growing different numbers of plants

Respondents were asked what was the likelihood of being busted (arrested and charged) if they grew certain numbers of cannabis plants. More than three quarters (78.5%) believed that it was 'unlikely' or 'very unlikely' that they would get busted if they were growing one to five cannabis plants, and just over half (53.8%) thought that it was 'unlikely' or 'very unlikely' that they would get busted if they were growing six to ten cannabis plants. The vast majority (81.8%) of the sample thought that it would be 'likely' or 'very likely' that they would get busted if they were growing 11 to 24 plants, while for more than 25 plants the figure was 93.9%. These results are presented in Table 62.

**Table 62: Perceived likelihood of being charged if growing different numbers of cannabis plants**

NUMBER OF PLANTS	n	LIKELIHOOD OF BEING ARRESTED AND CHARGED			
		VERY UNLIKELY	UNLIKELY	LIKELY	VERY LIKELY
1 - 5	65	33.8	44.6	16.9	4.6
6 - 10	65	16.9	36.9	27.7	18.5
11 - 24	66	6.1	12.1	42.4	39.4
25 Or more	66	3.0	3.0	24.2	69.7

When asked if they thought they were more or less likely to get arrested and charged if they were growing cannabis to sell just over two thirds (68.7%, n=46) of the sample believed that they were 'more likely', just over a quarter (26.9%, n=18) said they were 'no more or less likely' and only a negligible proportion (4.5%, n = 3) said that they were 'less likely'.

### Whether ever been 'ripped off' as a buyer or seller of cannabis

Respondents were asked whether they had ever been 'ripped off' as a buyer or seller of cannabis. Three quarters (74.6%, n=50) of the sample said that they had been ripped off and these respondents were asked to give details. These responses are shown in Table 63.

**Table 63: How 'ripped off'**

RESPONSE	f	% RESPONSES	% RESPONDENTS
Bought low quantity or quality	37	49.3	77.1
Plants stolen	28	37.3	58.3
Ripped off as a seller	8	10.7	16.7
Other	2	2.7	4.2

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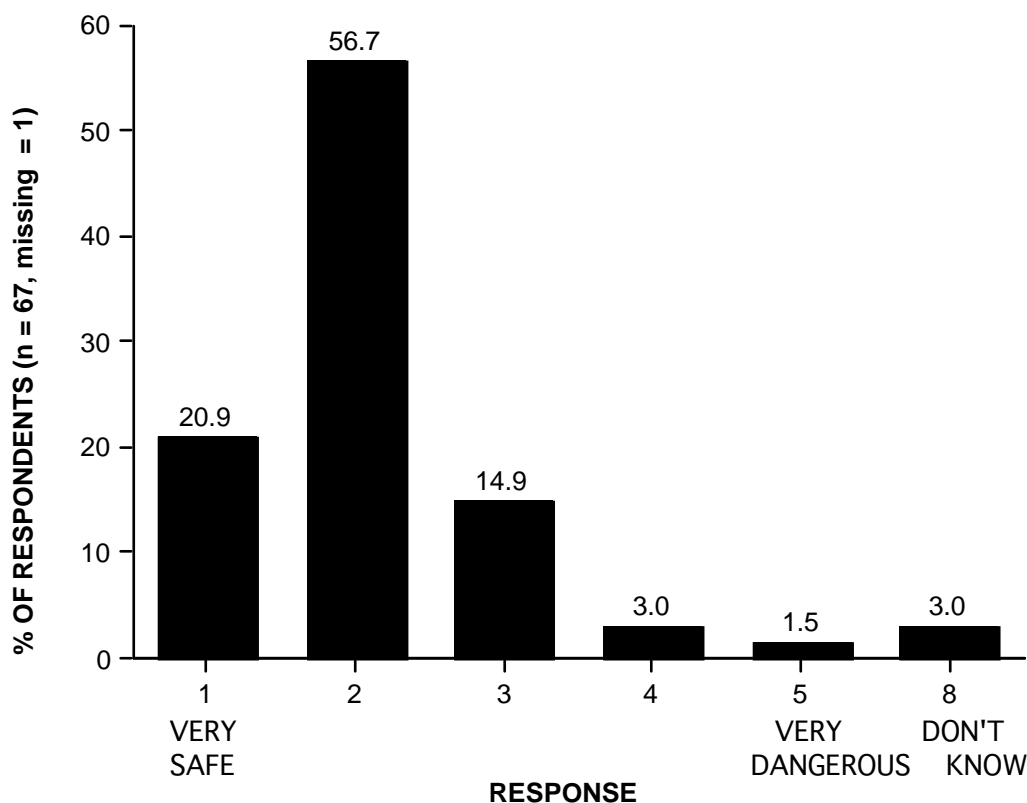
Total	75	100.0	156.3
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*There were 20 missing cases.*

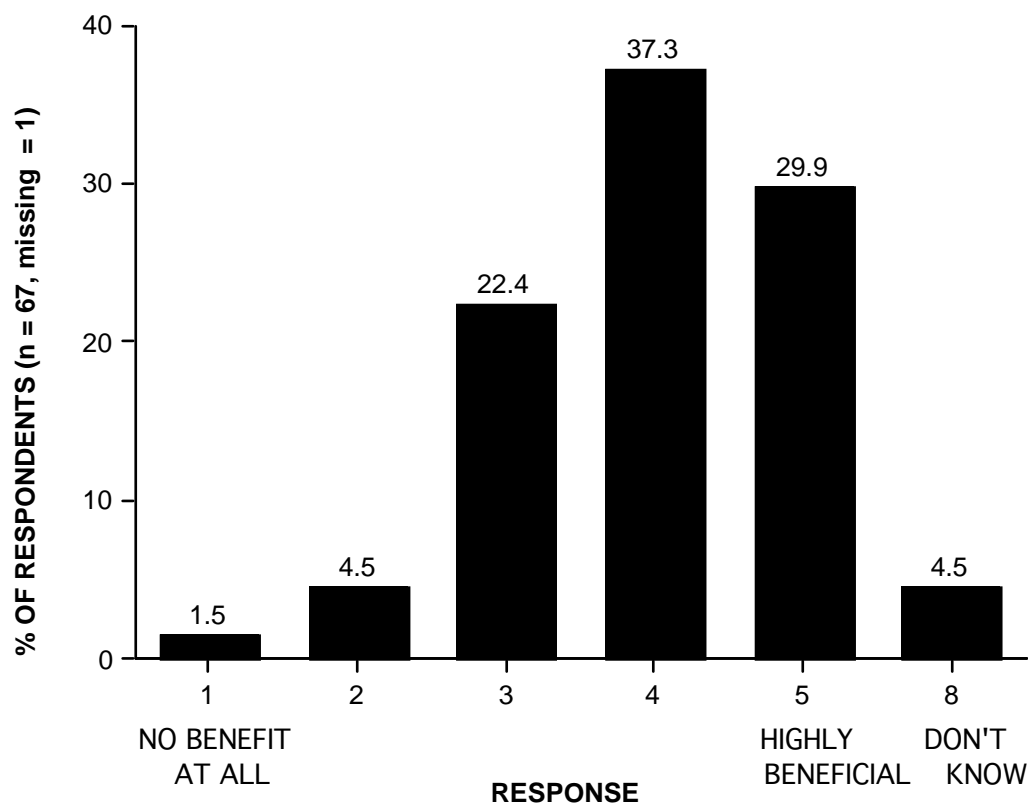
#### 4.16 ATTITUDES TO CANNABIS

Respondents were asked ‘overall, how safe or dangerous a drug do you think cannabis is? A scale of 1 to 5 was provided where 1 was equal to ‘very safe’ and 5 equalled ‘very dangerous’. From Figure 50 it may be seen that over three quarters (77.6%) of the sample rated the safety of cannabis as 1 or 2, indicating that most regard cannabis as a safe drug. A rating of 4 or 5 was endorsed by 4.5% of the sample. Ten respondents (14.9%) selected the mid point of the scale while two respondents (3.0%) felt unable to rate the safety / dangerousness of cannabis and so endorsed ‘don’t know’.



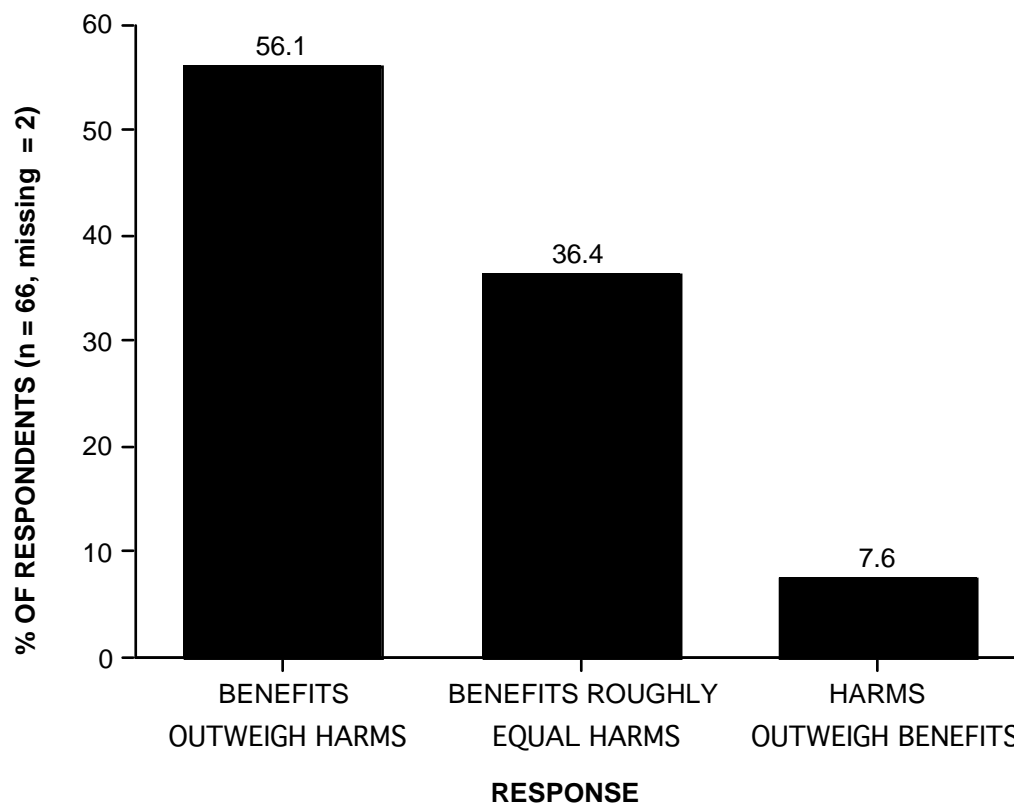
**Figure 50: Extent to which cannabis is seen as a safe or dangerous drug**

A similar 5 point rating scale was used for the question 'overall, how useful or beneficial do you think cannabis is?' with 1 being equal to 'no benefit at all' and 5 corresponding to 'highly beneficial'. More than two thirds (67.2%) of the sample endorsed 4 or 5, suggesting that most consider cannabis to have benefits. Six percent endorsed 1 or 2. Fifteen respondents (22.4%) appeared to be undecided, selecting the mid point of the scale. A further 4.5% did not know how useful or beneficial they considered cannabis to be (Figure 51).



**Figure 51: Extent to which cannabis is seen as a beneficial drug**

Respondents were asked 'which of the following best describes how you would weigh up the relative harms and benefits of cannabis?'. The response options were 'benefits outweigh harms', 'benefits roughly equal harms' and 'harms outweigh benefits'. As may be seen from Figure 52, just over half (56.1%) of respondents felt that the benefits of cannabis outweigh the harms, over one third (36.4%) thought the harms and benefits were roughly equal, while the remainder (7.6%) thought the harms of cannabis outweigh the benefits.



**Figure 52: Opinion about the relative harms and benefits of cannabis**

## Harms and benefits of cannabis use

Respondents were asked to identify up to 3 harmful effects that can result from cannabis use. No prompts were given and responses recorded verbatim. These were later coded into the broad categories seen in Table 64. The effects identified need not have been experienced by the respondents themselves.

Nearly half the respondents (49.3%) mentioned memory impairment as an adverse effect of cannabis use and almost two fifths (38.8%) mentioned respiratory diseases such as asthma. Over one quarter of the sample (26.9%) identified reduced energy levels as a concern while nearly a fifth said 'lung cancer' (19.4%) and 'paranoia, anxiety, panic' (19.4%). Dependence was only identified by one in ten (10.4%) respondents.

**Table 64: Harmful effects of cannabis use**

HARMFUL EFFECTS	COUNT	% OF RESPONSES	% OF CASES (N = 67)
Memory impairment	33	19.6	49.3
Other respiratory disease eg. Asthma	26	15.5	38.8
Low energy / lethargy / reduced motivation	18	10.7	26.9
Lung cancer	13	7.7	19.4
Paranoia, anxiety, panic	13	7.7	19.4
Adverse effect on brain functioning gene	8	4.8	11.9
Smoking related harms unspecified	7	4.2	10.4
Dependence / addiction	7	4.2	10.4
Decreased concentration	6	3.6	9.0
Increased risk of MVA and other accident	6	3.6	9.0
Decreased sperm count / damages sperm	4	2.4	6.0
Legal problems / criminal record	4	2.4	6.0
Increased risk of schizophrenia / other psychosis	3	1.8	4.5
Impairment of physical co-ordination	3	1.8	4.5
Behaviour problems	2	1.2	3.0
Financial problems	2	1.2	3.0
Munchies / weight gain	2	1.2	3.0
Bronchitis	1	.6	1.5
Genetic mutation	1	.6	1.5
Employment problems	1	.6	1.5
Other	8	4.8	11.9

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TOTAL RESPONSES	168	100.0	250.7*
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*\* exceeds 100% as up to 3 responses permitted.*



After identifying up to three possible adverse consequences of cannabis use, respondents were asked 'have you experienced any or all of these harmful effects?' The majority (88.1%) endorsed 'yes', indicating that they had experienced at least one of the harmful effects they had identified and the remainder (11.9%) endorsed 'no'.

Respondents were then asked to list up to three beneficial effects that can arise from cannabis use. Once again, no prompts were provided and answers coded into broad categories as shown in Table 65. More than three quarters (78.5%) of respondents identified relaxation and stress relief as a benefit of cannabis use. More than a third (35.4%) said that cannabis increased sociability and talkativeness. Almost a third (30.8%) of respondents said cannabis 'makes you feel good / is fun / euphoric' and a similar proportion (29.2%) said it was an aid to creativity or aesthetic appreciation.

**Table 65: Beneficial effects of cannabis use**

BENEFICIAL EFFECTS	COUNT	% OF RESPONSES	% OF CASES (N = 65)
Relaxation / relieves stress	51	30.4	78.5
More sociable / talkative	23	13.7	35.4
Makes you feel good / fun / euphoria	20	11.9	30.8
Aesthetic / creativity enhancement	19	11.3	29.2
Sleep enhancing	10	6.0	15.4
Reduces aggression / no increase in aggression	7	4.2	10.8
Pain relief	6	3.6	9.2
Improves concentration	4	2.4	6.2
Helps asthma	3	1.8	4.6
Appetite stimulation	3	1.8	4.6
Increases sex drive	3	1.8	4.6
Enlightenment / self awareness	3	1.8	4.6
Helps with chemotherapy / nausea	2	1.2	3.1
Reduces glaucoma	2	1.2	3.1
No hangover	2	1.2	3.1
Relieves boredom	2	1.2	3.1
Cheaper / better alternative to other drugs	2	1.2	3.1
Helps with PMT	1	.6	1.5
Other	5	3.0	7.7
Total responses	168	100.0	258.5*

\* exceeds 100% as up to 3 responses permitted.

Respondents were asked *'have you experienced any or all of these beneficial effects?'* Almost all respondents (97.0%) indicated that they had experienced at least one of the beneficial effects of cannabis which they had nominated, while 3 % had not.

### Most enjoyable and least enjoyable effects of cannabis use

Respondents were asked 'what for you are the three MOST enjoyable effects of using cannabis? What is it that you like about using it?' Up to three effects could be nominated and no prompts were given. Responses were later categorised as shown in Table 66. Two thirds (66.2%) of the sample identified 'relaxation / relieves stress' as one of the most enjoyable effects of cannabis use. Forty percent mentioned 'enjoy being stoned / head space / laughing' and over a third nominated 'aesthetic / creative enhancement' (36.9%) or 'makes you feel good / fun / euphoria' (33.8%). Almost a third (30.8%) of respondents suggested that being more sociable and talkative was an effect of using cannabis that they found enjoyable.

**Table 66: Most enjoyable effects of cannabis use**

MOST ENJOYABLE EFFECTS	COUNT	% OF RESPONSES	% OF CASES (N = 65)
relaxation / relieves stress	43	24.6	66.2
enjoy being stoned / head space / laughing	26	14.9	40.0
aesthetic / creativity enhancement	24	13.7	36.9
makes you feel good / fun / euphoria	22	12.6	33.8
more sociable / talkative	20	11.4	30.8
sleep enhancing	9	5.1	13.8
improves concentration	8	4.6	12.3
enlightenment / self awareness	5	2.9	7.7
increased appetite / munchies	3	1.7	4.6
ritual use of	3	1.7	4.6
pain relief	2	1.1	3.1
increases sex drive	2	1.1	3.1
no hangover	1	.6	1.5
other	7	4.0	10.8
<b>Total responses</b>	<b>175</b>	<b>100.0</b>	<b>269.2*</b>

\* exceeds 100% as up to 3 responses permitted.

The question was then asked ‘*what for you are the three LEAST enjoyable effects of using cannabis? What is it that you dislike about using it?*’ Once again respondents could list up to three effects and no prompts were given. Table 67 summarises the responses. The most common response was ‘respiratory effects of smoking’, given by 36.9% of the sample. A third (33.8%) said that experiencing paranoia or anxiety was an effect of cannabis use that they found unenjoyable. Nearly a quarter (23.1%) mentioned ‘illegality’ and the same proportion (23.1%) suggested problems with memory. Almost one in five (18.5%) responses were categorised as ‘amotivation / lethargy / laziness’.

**Table 67: Least enjoyable effects of cannabis use**

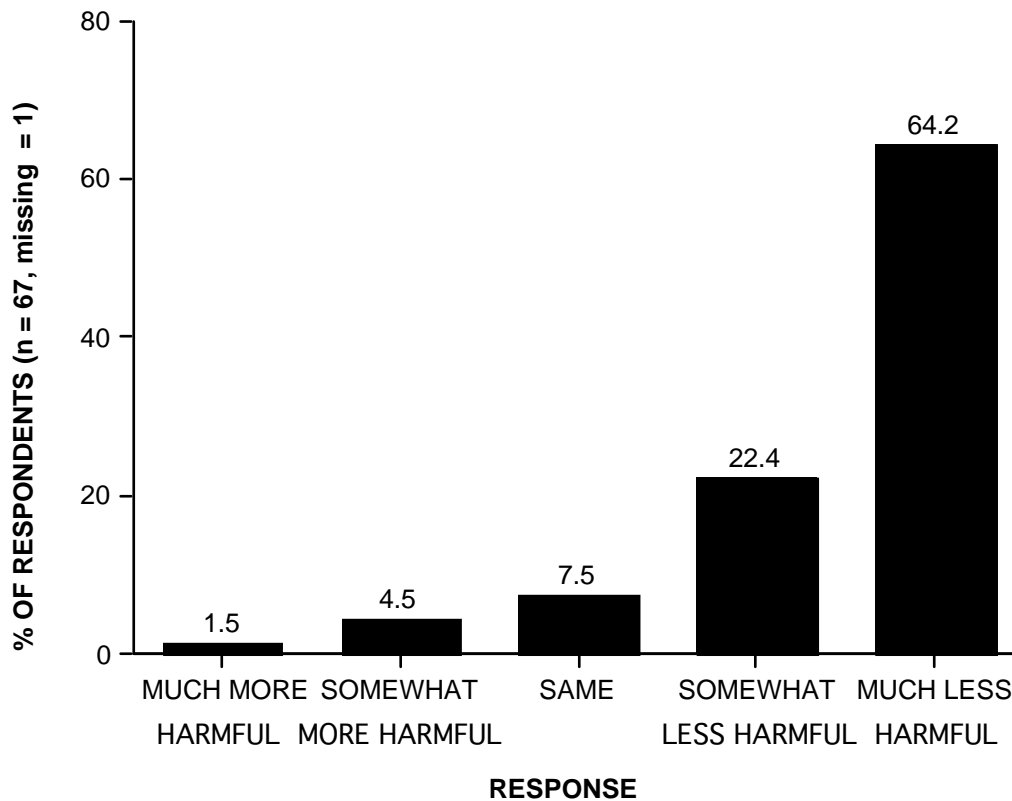
LEAST ENJOYABLE EFFECTS	COUNT	% OF RESPONSES	% OF CASES (N = 65)
Respiratory effects of smoking the drug	24	16.9	36.9
Anxiety / paranoia	22	15.5	33.8
Illegality	15	10.6	23.1
Memory problems	15	10.6	23.1
Amotivation / lethargy / laziness	12	8.5	18.5
Cost	10	7.0	15.4
Stigma	8	5.6	12.3
Munchies	6	4.2	9.2
Problems with alcohol mix	3	2.1	4.6
Red eyes	3	2.1	4.6
Next day / hangover	2	1.4	3.1
Nausea / headache	2	1.4	3.1
Unpleasant smell	2	1.4	3.1
Withdrawn / antisocial	2	1.4	3.1
Other	16	11.3	24.6
<b>Total responses</b>	<b>142</b>	<b>100.0</b>	<b>218.5*</b>

\* exceeds 100% as up to 3 responses permitted.

### Comparative harms of cannabis and other licit and illicit drugs

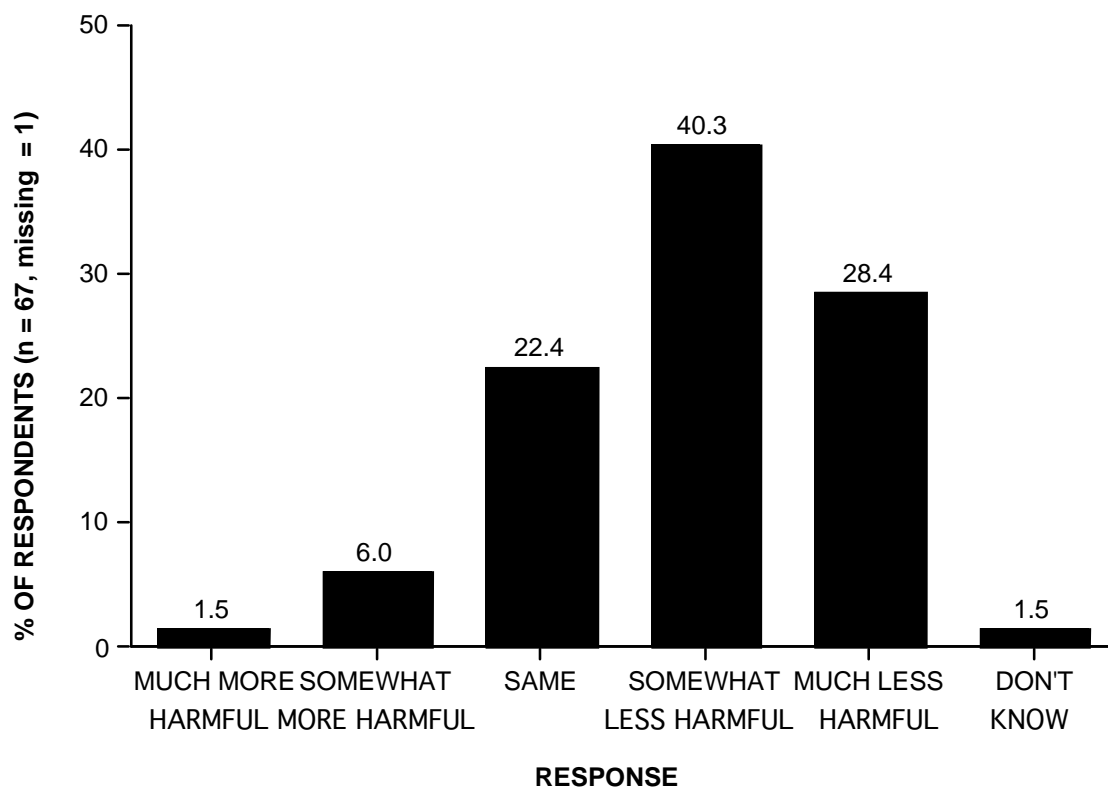
Respondents were asked to rate how harmful they believed cannabis was compared with other legal and illegal drugs (alcohol, tobacco, amphetamines, ecstasy and heroin). Cannabis could be rated as ‘much more harmful’, ‘somewhat more harmful’, ‘same’, ‘somewhat less harmful’ or ‘much less harmful’ than each of the other substances. ‘Don’t know’ was also provided as a response option.

When compared to alcohol, cannabis was regarded by the majority (86.6%) of respondents as either much less or somewhat less harmful (Figure 53). Only six percent of the sample regarded cannabis to be much more or somewhat more harmful than alcohol and the remaining 7% considered the two substances to be equivalent in terms of harm.



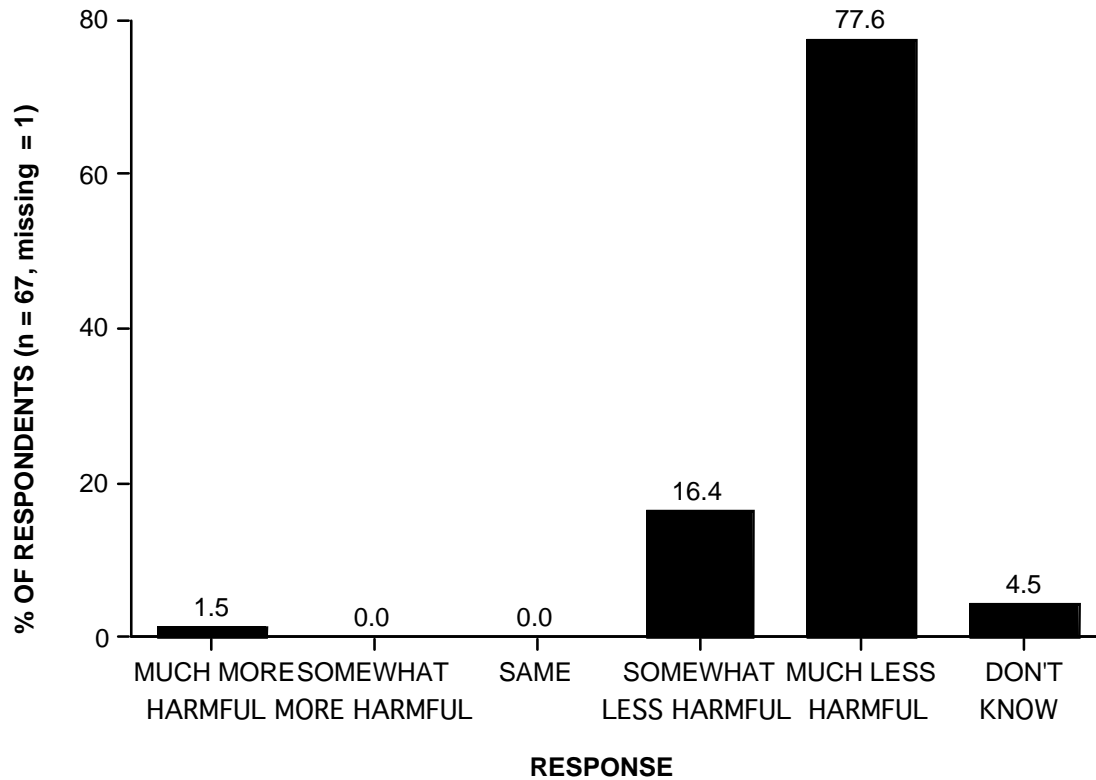
**Figure 53: Perceived harm of cannabis compared with alcohol**

Cannabis was regarded as less harmful (either much or somewhat less) than tobacco by more than two thirds of respondents (68.7%). Fifteen respondents (22.4%) thought cannabis and tobacco were of equal harm and 7.5% thought cannabis was somewhat more or much more harmful. Only one respondent (1.5%) did not know whether they considered cannabis or tobacco to be the more harmful substance. These results are shown in Figure 54.



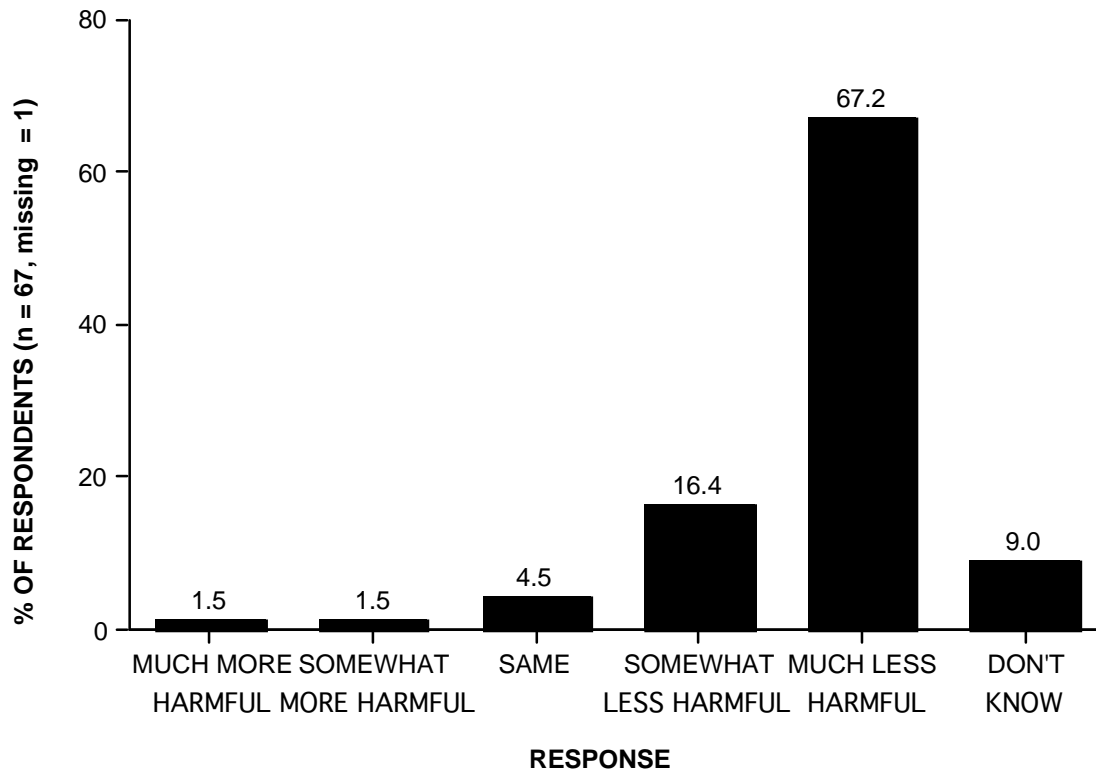
**Figure 54: Perceived harm of cannabis compared with tobacco**

As can be seen from Figure 55, almost all (94.0%) respondents regarded cannabis as either much less harmful or somewhat less harmful than amphetamines. Only one person (1.5%) considered cannabis to be much more harmful. No respondents thought the two substances were equivalent in terms of harm. The remainder of the sample (4.5%) endorsed 'don't know'.



**Figure 55: Perceived harm of cannabis compared with amphetamines**

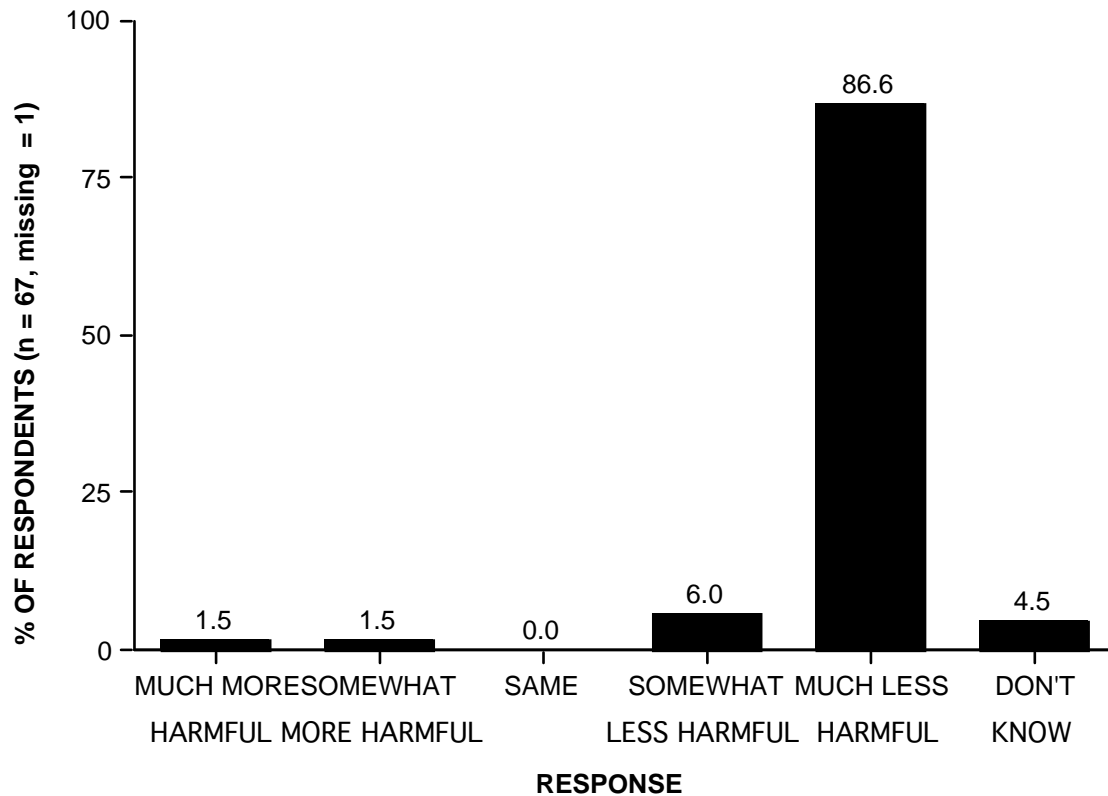
Cannabis was perceived to be somewhat less or much less harmful than ecstasy by 83.6% of the sample (Figure 56). Only 3% indicated that they believed cannabis would be somewhat or much more harmful. 'Same' was endorsed by 4.5% of respondents and 9% did not know which of the two substances they considered the more harmful.



**Figure 56: Perceived harm of cannabis compared with ecstasy**



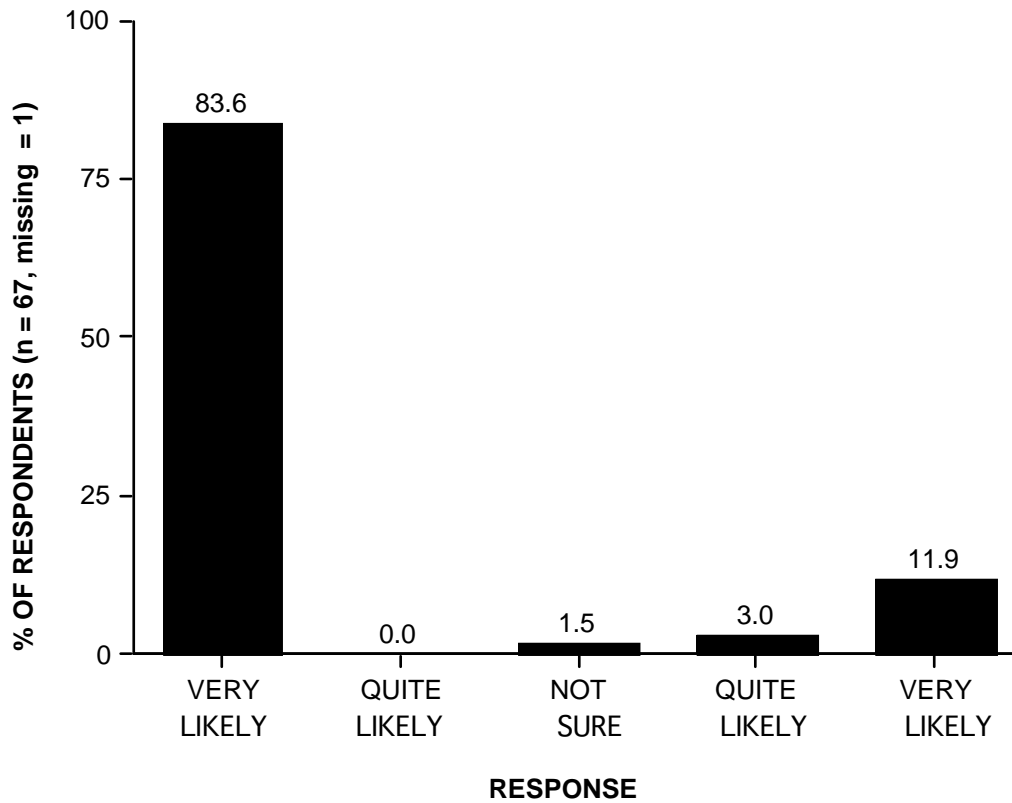
The vast majority of respondents (92.6%) thought cannabis was somewhat or much less harmful than heroin. Only two respondents endorsed cannabis as somewhat or much more harmful. 'Don't know' was selected by 4.5% of the sample. No-one thought the two substances were of equal harm (Figure 57).



**Figure 57: Perceived harm of cannabis compared with heroin**

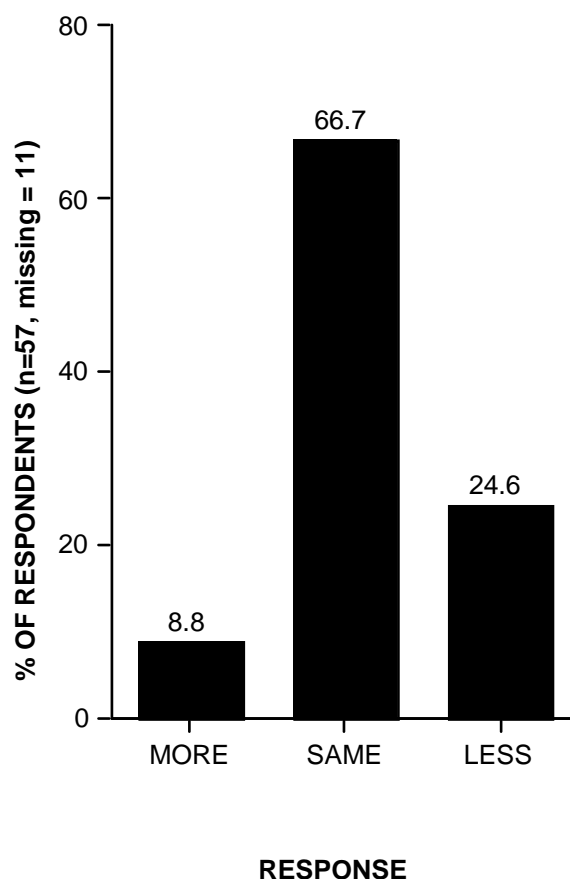
### Likelihood of cannabis use in the next 12 months

Research participants were asked to indicate how likely it was that they would use cannabis over the next 12 months. As can be seen in Figure 58 below, the vast majority of respondents (83.6%) said it was 'very likely' that they would use cannabis in the next 12 months.



**Figure 58: Likelihood of using cannabis over the next 12 months**

Respondents who answered they were ‘very likely’, ‘quite likely’ or ‘not sure’ to the question ‘*how likely are you to use cannabis in the next 12 months*’ were then asked ‘*if you are likely to use cannabis at all over the next 12 months, do you believe you will use it (more, less or the same) as you do now?*’ Of the 57 people asked this question, two thirds (66.7%) anticipated that they will use the same amount of cannabis as they do at present. Nearly a quarter estimated that they will use less (24.6%) and 8.8% said they believe they will use more over the coming year than currently (Figure 59).



**Figure 59: Anticipated level of cannabis use over the next 12 months**

#### 4.17 NEGATIVE SOCIAL CONSEQUENCES OF CANNABIS CONVICTION

Data from the ‘grid’ described in Section 3.0 was transformed to provide a record of the number and type of events which the respondent regarded as ‘negative’ and believed were ‘somewhat’ or ‘very’ related to their cannabis conviction. It was also possible to compute the time in months from their conviction to each of these events. Data from the domains of residence/living situation, relationships, employment / education, judicial involvement and travel will be presented below.

Data from the domains related to cannabis, alcohol and other drug use was not analysed due to difficulties with interpreting the change scores on these variables and because trends in these areas had been addressed by items on the quantitative questionnaire (See sections 4.8, 4.9, 4.13). There were so few responses to the ‘other’ domain that these were not analysed.

## Employment effects of conviction

Just under a third (32.4%, n=22) of the respondents identified at least one negative employment consequence which they believed was 'somewhat' or 'very' related to their cannabis conviction. Just under one in five (19.1%, n=13) stated that they were unsuccessful in at least one job application, and just under one in six (16.2%, n=11) said that they had lost at least one job due to their cannabis conviction. Just under one in ten (8.8%, n=6) said that as a result of their cannabis conviction they had stopped applying for jobs where they believed or knew that they were likely to be asked whether they had a criminal record. These responses are presented in Table 68. The average duration in months from first cannabis conviction to the first negative employment consequence was 8.1 months (range 0 to 65).

**Table 68: Negative employment consequences as result of cannabis conviction**

NEGATIVE CONSEQUENCES	f	%	
		RESPONSES	RESPONDENTS(1)
Unsuccessful job application	13	40.6	19.1
Lost job	11	34.4	16.2
Stopped applying for jobs with criminal record checks	6	18.8	8.8
Employer disciplinary action	1	3.1	1.5
Promotion held up	1	3.1	1.5
Total	32	100.0	

*(1) Percentages here are for whole WA sample ie. n=68.*

People who said they didn't get jobs because of their criminal record included:

*Well I tried pretty hard getting further in my career in the mining industry cause I was a leading hand out at Town A on the Nullabor. And I was on the way up and a lot of places seemed pretty interested in a(n) application form, and they want(ed) to see a police clearance and that's the last you hear of it. They don't sort of call you back or anything*

(312, Male, convicted in 1988 at age 18)

*All they had to do was re-do me police clearance and that, and straight up there. I kept ringing them once, twice. They kept saying "the police clearance hasn't come back". Eight weeks later they said "your police clearance has been knocked back and there's nothing we can do about it mate", so I was left with that. Well I had eight weeks no pay. All I was waiting on was the phone call and the ticket and that to fly. And they knocked it back because of possession of cannabis, which I thought was um absolutely pathetic*

(322, Male, convicted in 1995 at age 19)

One respondent who said they had avoided employment concerns by not admitting to having a criminal record, recently experienced a related negative consequence:

*Well, I applied for numerous jobs over the years and I don't tell any of the employers that I've had a criminal charge for marijuana because it might hinder my chances of getting the job. And also just recently, in March of '97, I was refused entry into the Army Reserves, based on the criminal charge that happened to me in 1991*

(366, Male, convicted in 1991 at age 20)

People who lost jobs included:

*I was Foreman doing specialised work, supervising in the factory out on site, installation start to finish basically. ... They had a job for the Reserve Bank and their scenario was they screened everybody and criminal records would not be allowed in, and hence the boss found out that I couldn't do the job and I had no job.*

(345, Male, convicted in 1991 at age 29)

*Well basically I was licensee of a cafe and being a licensee, I've got to stay out of trouble with the police. Now basically my employer wrote a letter to the judge stating for me being a holder of a licence (I) couldn't be convicted of a criminal charge. And if being convicted of a criminal charge, I would then be void of employment with them because I could not hold the licence. The judge really took no notice of this. I did get convicted thus my employer basically said "well you're hired here as the licensee. You know you're no use to us if you can't hold the licence".*

So you lost your job as a result of that?

*Yeah.*

(357, Male, convicted in 1996 at age 27)

*I was employed originally to manage a store on a temporary basis, because the manager was away, but there were lots of other things opening up with this company and the boss felt that I was brilliant to do that work and as a formality, you know, part of the company policy was to fill out one of those forms as part of the workplace agreement. Once again, do you have a criminal conviction? - yes - what was it for? - pot. And although I explained it was a tiny little pot plant, once again the curtain came down and no job. And that's happened on many occasions, because you keep having to fill out those forms.*

(364, Female, convicted in 1992 at age 38)

People who said they didn't apply jobs due to their crim record:

*Generally when you've got to fill out a form there will be a question, certainly in the fields of building and construction. Often you've got a nice organised form to fill out and there will be a question "have you any drug convictions" or generally ask the police to search your record, if you've got a criminal conviction or whatever. I will tactfully say "Look, I forgot to bring my drivers license" or "its in the car", or whatever reason, I will take the form and take it with me, and won't return it*

*because there's no point in me giving back a form that all the writing stops at the drug conviction questions, and then they know why I'm no longer filling out the form.*

(300, Male, convicted in 1995 at age 38)

*Sure, there's times when you're looking at jobs in the paper, you'll see that they'll ask for a police clearance. And there's certainly been times when I've seen a job that I otherwise would have applied for, but I haven't because they've asked for that. I don't really know what they mean by police clearance, but I assume that either I wouldn't get, when I get a piece of paper which said I had a drug conviction, which I presume would put me out of the running for the job, so I haven't bothered applying*

(301, Female, convicted in 1988 at age 25)

*So the example I use is I wanted to have a go at applying for a position at the XXXXX Department down in [a south west town]. There's a position going I think, and I had an application form, everything was fine - fill out all the necessary details and come to the last question and it was "do you have any prior convictions?" I just threw the application in the bin because I couldn't lie to them, and um didn't necessarily want them to know that I had a conviction for drug use, so it really stopped me from going in to the XXXXX Department. I know I could have actually probably contributed to that, you know what I mean, and that's coming back to the point of feeling ostracised by society - the feeling the leper - and now if anything it helps, well sort of promotes, this cynicism but (about) um the police.*

(324, Male, convicted in 1995 at age 26)

*Well I wanted to get into the police force and that was stopped immediately because of the conviction. I had applied to get on mines; that was prevented (by) having a conviction. And um, at the moment my position within the company, you've got to have a police clearance to get through to go one step up, and because at the moment I don't particularly want anyone in the company to know what I've got, so I reneged on some job offers.*

(304, Male, convicted in 1990 at age 18)

## Relationship effects of conviction

During the grid component of the interview respondents were asked about their relationship history since their arrest. One in five (20.1%, n=14) respondents identified at least one negative relationship event which they believed was 'somewhat' or 'very' related to their cannabis conviction. Table 69 shows that family disputes (16.2%) were the most common negative relationship consequences of a cannabis conviction followed by stress in primary relationship (5.9%). The average duration in months from first cannabis conviction to the first negative relationship consequence was 4.8 months (range 0 to 34).

**Table 69: Negative relationship consequences as result of cannabis conviction**

NEGATIVE CONSEQUENCES	f	% RESPONSES	% RESPONDENTS(1)
Family relationship dispute	11	50.0	16.2
Stress in primary relationship	4	18.2	5.9
Family estrangement	2	9.1	2.9
End primary relationship	1	4.5	1.5
End friendship	1	4.5	1.5
Friendship dispute	1	4.5	1.5
Other relationship	2	9.1	2.9
TOTAL (n=14)	22	100.0	32.4

(1) Percentages here are for whole group n=68.  
Respondents could give more than one response

Some of the responses from people who said that their conviction negatively impacted on family relationships included the following:

*Oh, mum cried and dad lectured, pretty predictable considering my parents...They don't know a lot about the drug use shit anyway, and as far as they're concerned... all I do is smoke tobacco and they're quite proud of me about that, because they have fairly conservative, old fashion views about drugs. Haven't got much past 1952 in that regard I don't think! Yeah, disapproving, they didn't like it. But again our relationship was strained before that and for other issues anyway.*

(301, Female, convicted in 1988 at age 25)

*I told them (parents) about the actual conviction and that they suspected that I was using other drugs as well, but they had no solid proof about it. But it did cause a lot of friction.*

(338, Male, convicted in 1995 at age 19)

*Well I think sort of in a sense aggravated my home environment with my family. You're not ready sort of. I was moving into my 20's so becoming an independent, or you'd like to think an independent individual, so I think it definitely exacerbated any intentions that might have existed that way. Not only is (respondent) coming home in*



*the middle of the night, he's coming home with a summons sort of thing. So you know, I think it did exacerbate, but I don't think greatly.*

(349, Male, convicted in 1989 at age 19)

*They (girlfriends parents) weren't too excited about it, I don't believe. Just installed what they probably thought, that I was a low-life scum. So, yeah, so I'm pretty sure that after that (the conviction) they made sure that I moved out.*

(395, Male, convicted in 1994 at age 20)

One respondent explained how their conviction negatively impacted on their primary relationship:

*Oh just the shame that my wife, family and friends everybody involved, just the shame that went with it, and knowing that I'd lose my job. Yeah, my wife, all the hardship that went with it, the stress, everything. Put a lot of stress on the marriage, lot of strain, loss of job, strain on the marriage.*

(303, Male, convicted in 1988 at age 32)

One respondent explained how their conviction negatively impacted on family court proceedings:

*My son (aged 10), who doesn't live with me, was writing me letters at the time just after the conviction, saying that he thought I was a criminal because I'd been convicted of a drug offence and I was spending money on drugs when I should have been supporting them. It was used in a number of ways by the kids to make me feel guilty that I wasn't supporting them more, that I wasn't there for them... I had a very close relationship with my two children from the previous marriage and they had spent a lot of time with me up (un)til this point... My two children were actually brought into court when these accusations were made in the family court... the fact that I'd been convicted was used as a leverage against my relationship with my kids*

(369, Male, convicted in 1992 at age 36)

Another respondent explained how their conviction negatively impacted on the relationship with their children's school:

*I've never been the best of friends with the Headmaster, but I mean, what scant respect he did have for me was just down the toilet. I tell you what yeah, I guess there was a deterioration of relations down the school and I just stopped showing up. I don't go there unless I have to.*

(335, Female, convicted in 1996 at age 36)

Another explained how their conviction negatively impacted on the relationship with others outside the family:

*My friends' parents... have put labels on me like, you know, I'm a druggie or a junkie, even though it's cannabis or just common stereotype names for drug users they've placed on me, even though I was busted for a minor cannabis offence. So I don't really appreciate it.*

(378, Male, convicted in 1996 at age 19)

## Negative accommodation consequences as result of cannabis conviction

Eleven respondents (16.2%) identified at least one negative impact on their residential status which they believed was 'somewhat' or 'very' related to their cannabis conviction. These responses are presented in Table 70.

**Table 70: Negative accommodation consequences as result of cannabis conviction**

NEGATIVE CONSEQUENCES	f	%	
		RESPONSES	RESPONDENTS(1)
Change of accommodation	8	61.5	11.8
Lost work accommodation	3	23.1	4.4
Problems paying mortgage	1	7.7	1.5
Other residence   living probs.	1	7.7	1.5
Total	13	100.0	118.2

(1) Percentages here are for whole WA sample ie. n=68.

The average duration in months from cannabis conviction to the first negative residential consequence was 3.2 months (range 0 to 12)

Many of those who changed their accommodation did so because the apprehension by police negatively impacted on their relationship with neighbours.

*Well, it's impacted in a way that I eventually left that address because the neighbours' attitudes were completely different and they treated me basically as a criminal. They had previously imagined because the house was a sort of 'mung beany' type house, looking from the front, that I may have been a pot smoker, but now it was true and with five police bashing through my doors, it looked as though I was a drug addict or a drug seller, so I was a criminal. So I left there, directly due to that actually.*

(364, Female, convicted in 1992 at age 38)

Others were concerned about the possibility of being subsequently busted.

*...because I knew the police in a small country town would be looking at me now. Once you've been done once, you know, they'd pull you over and go through your car and stuff. They did it to my friend all the time... and I didn't want it to happen to me.*

(331, Male, convicted in 1989 at age 18)

Others moved out because of the pressures that the bust placed on their relationships.

*Well, I was living with four people in Suburb A when the bust occurred. There was a lot of intra-squabbling about, you know, whose fault it was and so on and so on.*

*Like our friendships were like effected, but eventually me and my girl friend moved to Suburb B and that's where the police came to our house delivering the Summonses, but they came four times, which was quite disturbing.*

(378, Female, convicted in 1996 at age 19)

The respondent who had financial pressure due to difficulties meeting mortgage commitments after losing his job subsequent to his cannabis conviction described it as follows:

*I got the conviction (and due) to that conviction I lost a very good, important job... Straight after the court appearance, I was in crisis mode... I had a \$70,000 mortgage, that's it. I had no job, was unemployed for a good month and-a-bit before I started to get a job again. And of course, I wasn't able to get the same level of pay that I had before, stuck in a much lower income. I actually went to one stage where I had 3 jobs, just to end up with the mortgage, [and the] interest rate kept going up. [it] went from 13% up to about nearly 18%. ...[The conviction] resulted in bad health for both of us and the worry and the future and security of the house.*

(303, Male, convicted in 1988 at age 32)

One respondent who had to move from work supplied accommodation after losing his job on a mine site due to his cannabis bust described it as follows:

*I was living at a mine site south of [a north west town]. I'd been there for 5 years flying in and out, 2 weeks on and a week off. We'd had a number of searches whether we were there or not. Nothing had ever been found in my particular area. A few people have had pot possession and dismissed at the time of the conviction. I had to resign from work which I did. That way it was under favourable circumstances. The...my boss was apologetic I should say. (he had) been pretty upset himself about it. I do know that he did use it, but not around us...My wife wasn't very sympathetic when I told her. She picked me up from the Airport - she just about lost control. Pretty upset, not mad or anything, just lack of communication for a period of time, you know.*

(343, Male convicted in 1995 at age 44)

## Effects of conviction on subsequent criminal justice involvement

During the grid component of the interview respondents were asked about their involvement with the criminal justice system since their conviction. Just under a third (32.4%, n=22) of respondents identified at least one negative involvement with the criminal justice system which they believed was 'somewhat' or 'very' related to their cannabis conviction.

Table 71 shows that just under one in five (19.1%) respondents identified further enquiries from police as a negative criminal justice system consequence, just under one in seven (13.2%) said that they were found guilty of a non-cannabis offence, and just under one in ten said they were found guilty of a further cannabis offence which they believed was in some way a consequence of their prior cannabis conviction.

**Table 71: Effects of arrest or CEN on subsequent criminal justice involvement**

NEGATIVE CONSEQUENCES	f	% RESPONSES	% RESPONDENTS (1)
Police inquiry/questioning	13	41.9	19.1
Guilty non-cannabis	9	29.0	13.2
Guilty simple cannabis	6	19.4	8.8
Charged but not found guilty	1	3.2	1.5
Guilty more serious cannabis	1	3.2	1.5
Start custodial sentence	1	3.2	1.5
Total	22	100.0	45.6

(1) Percentages here are for whole WA sample ie. n=68.

Respondents could give more than one response

The average duration in months from cannabis conviction to the first related criminal justice involvement was 14.4 months (range 0 to 66)

A respondent who was pulled over for a traffic violation described how their conviction led to more intensive police inquiry:

*I didn't carry my licence on both occasions. And when I gave my name, for no apparent reason they decided they wanted to search the car*

Did they check your name on the police computer?

*Yes I gave my name and address and that's when they came in with their guns blazing. (They) went through the boot, went and checked under the seats, glove box, engine bay underneath the vehicle and under the seats... (They) weren't very friendly at all. They just went through the vehicle and then once they (had) finished they said "OK, be on your way".*

(304, Male, convicted in 1990 at age 18)

Another how their car had been searched where the only explanation appeared to be their previous cannabis conviction:

*Well, I've been searched on a couple of occasions, when the vehicle's been parked with no-one else besides a girlfriend*

And do you think your prior conviction has had...?

*I'm pretty sure by checking my up through their computer. They decided they'd have the full vehicle search and not necessarily put things back the way they were. That would be about it, just being searched and I feel it could have been because of that (the cannabis conviction).*

(371, Male, convicted in 1993 at age 25)

Another charged with being in excess of BAL .08 stated that:

*I was ... taken through, fingerprinted, photographed, all that sort of thing ... Half way through that a young policeman took me into a side room and that he was going to strip search me. Whether it was going to be a full strip search, in other words a cavity search. I had to drop my pants and my underclothes ... so he could see that I didn't have any drugs on me because of the conviction ... I didn't like that, it wasn't nice at all. That made me feel really like a criminal, dirty. (I) think it was because I had that (the first cannabis conviction) on my sheet they had to do it sort of thing.*

(331, Male, convicted in 1989 at age 18)

One respondent arrested for cannabis possession three months after the first time explained how that related to the first conviction:

*Police told me that they were coming and checking all the time and if I kept growing it they'd keep coming. Well, he told me "well we're going to keep coming back. We're just going to keep busting ya"*

(314, Female, convicted in 1988 at age 29)

Another described what happened the day after their first arrest:

*After the next day, they came round again and said that the search warrant didn't have to be present then and they could just come back any time they wanted, basically on the initial search warrant... They started snooping around again and, yeah, they found another two bongs.*

(373, Male, convicted in 1995 at age 18)

Another, charged 2 years after the first conviction for cultivation of a small number of plants did not believe the earlier conviction resulted in harsher penalties in court:

*I wasn't there so I do not know if the first one came up. I assume that they took it into consideration, but the fine was no heavier. It was still classified as a minor offence because there was no violence, nobody else was getting hurt out of it*

(372, Male, convicted in 1994 at age 22)

One respondent with three subsequent cannabis convictions described the escalating legal and financial consequences

*The way the pattern seems to be forming, is I get a fine, either I don't know about it or I can't afford to pay it and while it's still unpaid I get another fine, and I can't afford to pay that one, and then I get another one and I can't afford to pay that one... I've not been singled out at all... It's just that when I do come in contact with*



*police for whatever reason, they ask me, "you got anything you shouldn't have?" And rather than have them tear the place to pieces or lie, I just 'fess up. You know, I do the right thing, you know...*

*As a result of all these convictions I'm now pegged as a criminal, you know. If I'm asked "do you have a criminal record" for a job interview, I have to say, "yes I do", and the fact is I've never hit anyone in my life. I've never broken into a house and I've never stolen anything, but I'm still pegged as a criminal, when I haven't acted in any way criminal in my life. I've never exhibited criminal behaviour.*

(397, Male, convicted in 1990 at age 18)

### Negative travel consequences as result of conviction

Five respondents (7.4%) identified at least one negative impact on their capacity to travel overseas which they believed was 'somewhat' or 'very' related to their cannabis conviction. Three (4.4%) identified an unsuccessful visa application to Canada or the USA, one was interrogated at the Canadian border, and another cancelled their trip as they were told they wouldn't be granted a visa. There were a further six cases (8.8%) who were yet to experience any negative travel consequences but were very concerned about this possibility.

Table 72 shows that an unsuccessful visa application to Canada or the USA was the most common negative travel consequence of a cannabis conviction

**Table 72: Negative travel consequences as result of cannabis conviction**

NEGATIVE CONSEQUENCES	f	%	
		RESPONSES	RESPONDENTS(1)
Unsuccessful visa application to Canada or the USA	3	60.0	4.4
Interrogated at Canadian border	1	20.0	1.5
Didn't travel due to visa	1	20.0	1.5
Total	5	100.0	118.2

(1) Percentages here are for whole WA sample ie. n=68.

The average duration in months from cannabis conviction to the first negative travel consequence was 38.8 months (range 2 to 93).

The experiences of people considering travelling to the USA and Canada included some who had visa applications rejected:

*It was rejected due to that. It was a cannabis cultivation charge that appeared on my record and that is something that the USA will not accept and I believe that there's other countries that hold the same view on that.*

What was the response of the US Embassy?

*A flat refusal because I fell into a category on their list of people not to allow and then they told me I could reapply in another five years if I had no further convictions.*

(371, Male, convicted in 1993 at age 23)

*Yes, I was travelling to the States with a friend who had relatives there and to Canada to catch up with some old friends over there. And speaking to travel agents, they said that with a record there was no way I was getting in until that was cleared in ten years. So consequently the whole trip, I had to pretty much change my entire plans for the year.*

(375, Male convicted in 1996 at age 18)

*I didn't find that out (that I had a conviction) 'till I wanted to go to America years later and I wanted to apply for a visa. Then I found out that I was unable to and that was when I found out I had a ten year conviction. That was like a double whammy years later. I found out not only did I have the fine, which I thought was finished and over and done with, but I had a ten year conviction to contend with and that prevented me from entering into America. So I couldn't apply for the visa and I couldn't go with the business in America ... I applied for a spent conviction, received a letter saying that I would be able to reapply for an application which doesn't mean it can even be granted, on the XX of the XX month 2003.*

(339, Female convicted in 1993 at age 39)

*Well, it was quite traumatic actually. We applied for it and the gentleman at the Embassy, that I spoke to, he went right through everything and told me the options and basically what they do if it's less than 5 years. It's straight out 'no' and it depends too on how serious and everything, and mine was so minor that he suggested that I applied for a waiver visa, where you write to the people in Bangkok, whatever stating the circumstances. I actually had a letter from XXXX the arresting officer stating that he believed I was innocent, no knowledge of and did not consent. He backed my story 100% and he spoke to a gentleman at the Embassy. I had a letter from a Congressman in the United States. I had like, all sorts of supportive stuff. The gentleman in Bangkok just said an absolute no, that I was poor moral character. I had been convicted of, I was a criminal. I hadn't proved that I had been rehabilitated.*

Did they actually state how this could be demonstrated

*They say 5 years without any more convictions, but even then they still and can deny you a visa on... They find other grounds and say well, you know.... And that made me feel even worse, the fact that 'this person of low moral character' and well a \$50 fine. And even a letter from the Police officer saying that I was, you know, an innocent person that shouldn't have had to deal with it in the first place.*

(347, Female convicted in 1992 at age 27)

One respondent who did get a visa waiver recounted his experiences:

*I wanted to go to New York, (to) go to Manhattan since I was a kid. Finally got around to doing it this year, but before then I had to get a special clearance for the visa. The American visa they had where most people don't have to get a visa at all any more, they just get a waiver. They call it a waiver. I had to get a police clearance for the conviction and I had to pay 100 and something dollars to get it processed. Had to get the visa stamped, photo visa in my passport before I left you know. I didn't have to, but I didn't want to take the chance of being turned around and as it was I still got hassled at JFK. I got into JFK and I was detained in a little room like off to the side room. And this big black mumma interrogated me and hassled me out for a little while.*

(313, Male, convicted in 1989 at age 18)

One respondent who had previously had a visa waiver placed in his passport due to his cannabis conviction had problems when he subsequently wanted to go to the USA. He was told by a Travel Agent that he wouldn't need another waiver.

*And so fair enough, I booked my ticket and that was it, I was away....Finally I get to LA.... and when I finally get there it was a black lady behind the (customs bay). Showed her my passport and I had my old visa waiver form in there, and she looked at that. And I was saying you don't really need one now ... So she's sees this, ...and she didn't know what it was, so she called someone over and the other guy come up to me and said "this is for a waiver", says "have you got a waiver?" I said "no". He said "well you can't come in". I go "just like that?" (I) had my bags packed, I was in America. Like what?... "Just come with me".*

*(I) waited in this room, you know, with an electronic door and security. I took a seat with all these Mexicans. It was in a real scary place, and they had to wait there for like an hour, an hour and a half. I spent 35 hours without sleep now, and I was about to be interrogated. And they finally called me up, took me down and just gave me the third degree, you know. Everything I said, he didn't believe. I was as honest as I can... And as they interrogated me, two huge bags of cocaine behind me, and I think "god, you know, with all this". And finally, "Under US Customs Law Section so and so, you are not permitted into this country, take the next available flight home". I couldn't believe it. I sat back and just broke up, just started crying and shit... And he said there's another option that you can go to jail and wait a hearing, but it can take up to two weeks. That's like "Yeah great. Chuck me in jail" ... So I just kept pleading you know,.. And um finally he just goes "Hold on a second, might be able to get a waiver put over the phone". and then they went away and they phoned this judge and they said "OK we'll grant you a waiver and it will cost you \$100 and actually \$100 cash" Paid the \$100, and they gave me exact time to leave, that I had to be out of there. Yeah and that's just the start of it, cause when I walked out of there my luggage was gone.*

(323, Male, convicted in 1989 at age 19)

Some respondents said that they had lied about their previous conviction and this had not been detected:

*Yes, me and two of my other girlfriends were all travelling to America. I had no other convictions but it clearly stated on the form if you'd had any convictions for, say, I can't remember whether it was just drugs or whether it was anything, they made you specify and write down what happened. And I was going to lie on it because I really wanted to go, and I thought "it's not like I'm going over there to sell marijuana or anything, it's really got no impact on me going to America". So I just lied on it rather than being knocked back as to getting into that country or into any of the countries there... Got in, no problems, yeah.*

(330, Female, convicted in 1993 at age 19)

Another was told on returning to Australia that he was unlikely to be able to re-enter Canada:

*I hadn't seen my father for ten years and there was a reconciliation process going on, and he was an aboriginal... I decided at that stage to go to Canada, that's where he was...But anyway, I'm on my way and just before we hit Vancouver... they had a piece of paper and of course on there 'had you been convicted?'... I'm not going to take the risk of having myself detained and deported any way, so I said "no" and I may have done the wrong thing... any case I got to see my father and spend some time with him... And (on returning to Australia) the customs actually pulled me aside the line. I don't know how or whether they recognised me. I don't know what they had in their records, but obviously they had my police record... But in any case they*

*pulled me to one side, and they were looking at me you know, basically staring at my passport and saying "you might finding it hard getting into Canada with a drug conviction"... so I could never probably go back to Canada now. I don't think so because as soon as my name is probably on the big list... But now ... it's just the whole things snowballed, where I'm barred from a particular country it's pathetic the whole thing, it really is.*

(324, Male, convicted in 1990 at age 26)



## 5.0 SUMMARY OF RESULTS AND DISCUSSION

### Limitations of the study

The sample recruited for this study was small in number but this is not unusual for intensive studies, especially those involving the collection and analysis of qualitative data. The representativeness of the sample is discussed below.

In a large part this study is based on retrospective self-report. In this respect the study is no different from much illicit drug research and social research in general. While it was possible to validate offending histories for the majority of the sample by checking against official criminal record data it was not possible to verify the other reports of respondents.

### Representativeness of the sample

The sample was selected in order to match the age, sex and duration since apprehension of the South Australian sample. As a result the sample did not include those who were under 18 years of age when they were arrested and convicted for their first simple cannabis offence. Lenton (1995) described the sex and age distribution at arrest of the total population of West Australians convicted of cannabis possession and use as their first and most serious offence between 1990 and 1992. Comparisons between the current sample and adults from (Lenton, 1995) found no significant differences on sex or age at arrest. As cannabis possession and use charges, comprise the majority of simple cannabis charges this suggests that, despite the sampling strategy, the resulting sample is representative of the population of minor cannabis offenders in WA on these variables.

On average respondents were interviewed 51.0 months after their conviction. More than a quarter (27.9%) of respondents were interviewed within two years of their conviction, almost two-thirds (61.8%) were interviewed within five years, and the remainder by ten years. Such a distribution suggests that the sampling strategy succeeded in recruiting respondents across the spectrum of time since conviction. This was important as it was hypothesised that many of the consequences of a conviction would not eventuate for some years.

### Demographics

The sample was 72.1% male and 27.9% female, which was not significantly different from all WA first time cannabis possession and use arrestees described by Lenton (1995). The average age of respondents at interview was 27.4 years ( $sd=6.9$ , range=19 to 47). More than three quarters (76.5%,  $n=52$ ) of the sample were single and the remainder (23.5%,  $n=16$ ) were married or living with their sexual partner. Fourteen (21.9%) respondents said that they had children. Three quarters (74.6%) of respondents were Australian born. None stated that they were of Aboriginal or Torres Strait Islander descent. All but five (7.4%) respondents stated that English was the language mostly spoken in the home that they grew up in. Just under two thirds (64.7%) had completed their final year of secondary school. The vast majority (94.1%) of respondents said that they had completed a course since leaving school.

Three quarters (75.0%) of the sample said they were in employment of some kind full-time (39.7%), part-time (13.2%), or casual employment (29.4%) and six (12.2%) said that they were self-employed. Just over a quarter (27.9%) of respondents stated they were unemployed and 6 (8.8%) stated that they engaged in dealing or other crime as a form of employment. Approximately a third (33.8%) of the sample earned not more than \$12,000 in the previous

financial year and 80.9% earned not more than \$30,000. Just under half (48.5%) lived in rented accommodation, over a quarter (27.9%) lived in their parent's home and just under one in four (23.5%) owned or were buying their place of residence.

Overall the demographic characteristics of the sample suggest the sampling strategy was successful in recruiting a heterogeneous sample.

### **Criminal involvement**

Almost half (47.1%) of respondents said that prior to their first cannabis conviction they had previous contact (cautioned, summonsed, arrested, charged, or bailed) with police as a juvenile or an adult. Ten (14.7%) respondents had previously been found guilty of an offence, all of which were non-criminal offences as potential cases with criminal convictions were excluded from the sample. More than half the sample (57.4%) had friends or family who had been arrested or charged with a cannabis offence.

### **Prior drug use**

The majority of the sample had been using cannabis for many years, used cannabis on a regular basis and had a social network of people who also used cannabis. Although a minority had also used drugs other than cannabis and alcohol, this was far less frequent than their cannabis use.

On average respondents had been using cannabis for 11.4 years, the average age of first use of cannabis was 15.9 years. The vast majority (82.4%) had used in the four weeks prior to interview with more than half (53.0%) of this group having used daily over this period. Just under half (45.6%) of respondents said that during the six months prior to the arrest that led to their first cannabis conviction they were using cannabis at least once per day, the vast majority (83.1%) said they usually smoked their cannabis in a bong or pipe during this period. More than two thirds (69.1%) of respondents stated that during the six months prior to their conviction 'all, or nearly all' of their friends used cannabis. Hallucinogens were used by 36.8% of respondents, amphetamines by 26.5% and inhalants by only 10.3% respondents at least once during the six months prior to arrest, but the use of drugs other than alcohol and cannabis over this period was rare.

### **Circumstances of arrest**

The average age of respondents at arrest was 22.7 years with more than half (55.9%) the sample being under 21. The age distribution was not significantly different from all WA adult first time cannabis possession and use arrestees described by Lenton (1995).

*It was about 6.30 to 7.00 am in the morning. I was in my bed, alone in the house ... There was a knock on the door and I thought it was a friend of mine ... and I said, "nick off Bob", you know just joking. And I heard some shuffling around on the verandah and then I heard great stomping down the side and I got up because I thought "oh, my God, what is that?" And it was coming down the side of the house. Next minute a very large policeman came through the door. He'd kicked the door down. I was standing there in a cute little pair of 'jamies' (pyjamas) almost having a heart attack. He immediately pushed me against the wall. Some others followed him in. They let the others into the front. There were about five in all...they said you know, "we have a warrant, and we believe there are drugs on these premises".*



(364, Female, convicted in 1992 at age 38)

Three quarters (75.0%) of respondents stated that it was police suspicion that they were in possession of cannabis, that brought them to police attention. Over a third (36.8%) of the sample stated that the police came across them while on patrol, just under a third (30.9%) said that they were investigating another person or matter and a similar proportion (29.4%) said that suspicion that they were in possession of other drugs brought them to police attention.

The vast majority (86.8%) of respondents stated that they were present when the police investigated the matter, less than one in four (22.1%) were alone at the time of arrest while almost two thirds (61.8%) of respondents said that friends were present when the police investigated the matter. Almost half the sample were arrested in their place of residence (36.8%) or some other residence (10.3%), while a quarter (25.0%) were apprehended in a vehicle, less than one in five (17.6%) were in a public place when arrested. More than half (53.0%) of the sample stated that police did not have a warrant, just over a third (36.4%) of respondents said they did, the remainder being unsure.

Just under two thirds (71.2%) of respondents were charged with possession / use cannabis, just over a half (53.0%) with possession of a smoking implement and just under a quarter (22.7%) with minor cultivation offences. In the vast majority of cases (88.2%) cannabis was seized by police and in more than half (57.4%) smoking implements were seized. Two in five (40.0%) of respondents stated that cannabis was found by police in a house, and under a third (30.8%) said that it was found in a vehicle. Less than one in six (15.4%) said the cannabis was found on their person.

Just over half (52.9%) of the sample stated that they were under the influence of a drug at the time of their arrest. Of this group, (94.4%) were under the influence of cannabis, and a third (33.3%) of these were also under the influence of alcohol.

Together the arrest data would suggest that the majority of the arrests were opportunist, in that police became suspicious that respondents were using cannabis when they were on patrol or investigating other matters. The opportunistic nature of many minor cannabis arrests has been used to argue that removing minor cannabis offences from the criminal code would not save substantial police resources. However, one wonders what other crimes police might have been solving had they not been engaged in interviewing, searching, charging and processing these simple cannabis users that they came across in their duties. This is particularly relevant given that first time cannabis offenders have been shown to be an otherwise non-criminal section of the community (Lenton, Ferrante and Loh, 1996).

Furthermore, while it is not possible from this data to determine how many of the arrests which were not opportunist were driven by information from informers, or others, it is apparent from the qualitative accounts of the arrest that in a number of cases, the level and nature of the police response suggested that they believed that they were dealing with higher level dealers, rather than simple possession or cultivation offenders. A strategy adopted by police is to use information from individuals from low in a theoretical illicit drug supply pyramid to identify suppliers higher up the pyramid. Some of the accounts described in this study suggest that this information can also lead police across or down the pyramid, if indeed such a pyramid exists.

The fact that almost half of the arrest incidents occurred in private residences suggests that the use of cannabis in private use is not beyond the reach of the law.

### **Self reported behaviour towards police during the incident**

The vast majority of the sample said that they were cooperative (95.5%) and respectful (88.1%) to police, and two thirds (65.7%) said that they were friendly toward police at their arrest. Just over one in ten (10.4%) said that they behaved in a hostile manner toward police and a negligible proportion (4.5%) stated that they were offensive to police.

### **Reported police behaviour during the incident**

Roughly a quarter of respondents interviewed at each of the arrest scenes or the police station said that they were treated 'poorly' by police. More than half (57.3%) of the respondents said that they were intimidated by police during the incident. Less than one in six (13.2%) said they were verbally abused by the police and smaller percentages stated that they were threatened (10.2%) and offered a deal on their own charge for providing other information (10.2%). Four (5.9%) said that they were physically abused by police.

When asked about the behaviour of police at the arrest, almost two thirds (72.7%) of the sample said that police behaved lawfully, two in five (40.9%) said that they were respectful and a third (33.3%) said that they were friendly. On the negative side, a third (33.3%) said that police were hostile and under a third (27.3%) stated that they were offensive.

The vast majority (85.3%) of the sample acknowledged that by using cannabis they may be arrested from time to time and about two thirds (67.7%) agreed that they broke the law and that the police were just doing their job as law enforcers. Over half (55.5%) the sample agreed that police respected their rights as citizens throughout the incident. However, just over two fifths (42.6%) of the sample believed that they were unfairly singled out for special attention, about one quarter (26.5%) believed that the police abused their powers when arresting them and about two thirds (66.2%) believed that the police treated them as if they were a criminal.

It is perhaps not surprising that more than half the sample were 'intimidated' by police, particularly as it is not certain what this term meant to all respondents. While it is gratifying that only a small minority of respondents described verbal abuse, physical abuse and threats, this behaviour is of concern when it occurs at any level. It also seems from the qualitative data that such treatment can contribute to longer standing animosity toward police (see below). While there is clearly a great range in the experience of arrest it is of concern that a quarter of respondents believed that police had abused their powers. Whether this is due to a misunderstanding of the actual powers of police, such as the right to search without a warrant if they believe drugs are present, is not clear, but at the very least it is indicative of a public relations problem. It was apparent from the data presented here and below that the process of criminalisation of many of the respondents, described by Erickson (1980) began with their treatment by police at arrest.

### **Change in attitude to police as a result of the incident**

*(It) didn't really change. They've got to do their job. I don't disagree with them enforcing the law - I disagree with the law.*

(342, Male, convicted in 1992 at age 20)

Whilst in most cases attitudes towards the police were not changed by the incident, a large minority of respondents said that they developed more unfavourable attitudes towards the police as a result of the incident. Just under half (48.6%) of the sample said that they had become less trusting of police as a result of the incident, over two fifths (42.6%) were more fearful of police, under a third (30.9%) were more antagonistic toward police, under two fifths (39.7%) were less respectful of police and less than one in five (17.6%) said were more hostile toward police as a result of the incident.

*I always thought they'd do the right thing, be fair if you'd done something wrong. I mean if you've done something to hurt somebody, then they'd bust you but if you'd done something minor, then they'd have a bit of leniency, a bit of fairness....I suppose it strongly changed....I now think that if you're young, male, then you've got no chance at all when it comes to the cops, basically.*

(375, Male, convicted in 1996 at age 18)

It should be of concern to the police and the community generally that a significant proportion of the sample report that their attitude toward police changed for the worse as a

result of the incident. As well as attitudinal change there can also be a behavioural change which can lead to a reluctance to interact with police in a way which can compromise individual and community safety as the following quotation exemplifies.

*Well I guess it just further reduced my low opinion of the constabulary. (I) didn't think that they conducted themselves well. In a later case that occurred after this I was really reluctant to call the (local) Police. (I) did not want to call them because I'd had such a bad feeling about them, and I didn't report some stalking and prowling until it got right out of hand. And they asked me when they finally did attend, they said why didn't I report the previous incidence, and I told them I had a pretty low opinion. So yeah, it did change. I was unwilling to ask for help.*

(335, Female, convicted in 1996 at age 37)

### **Court experience**

Just under a third (30.9%) of the sample stated that they did not attend court. The vast majority (95.2%) of these pleaded guilty on the back of the summons, were not required to attend court, and were found guilty and fined 'in absentia'.

All but one (97.9%) of the 47 respondents who attended court on the cannabis charge attended a lower court, primarily the Court of Petty Sessions. Only one in five (19.1%) of those who did attend their court hearing spoke to a lawyer before the hearing day. Over half (55.3%) the sample had no representation in court, just under one in four (23.4%) had a duty lawyer, one in ten (10.6%) had a Legal Aid lawyer, and less than one in ten (6.4%) had their own lawyer. Just over three quarters (76.5%) of the whole sample faced possession/use cannabis charges, just under a half (48.5%) faced possession of implement charges and one in four (23.5%) faced cultivation charges.

Almost 100% of the sample pleaded guilty to their cannabis charges, with between approximately 90% and 95% expecting to be found guilty. All were found guilty and had their conviction recorded. The vast majority (92.6%) of the sample expected a fine and just over two thirds (69.1%) expected that they would get a criminal conviction recorded. Less than half (44.2%) the respondents expected that they would have to pay court costs. Just over one in ten (13.2%) of the sample stated that they thought that they would not get a penalty.

Whilst most (70.2%) of those who attended court said that they were given an opportunity to speak on their behalf, only 16.1% (n=5) of these said that they felt that their comments had been taken seriously by the court.

The vast majority (80.9%) of the sample used their own income to pay the fines, less than one in six (16.2%) borrowed the money from family or friends and about one in ten (10.3%) 'worked it off' through community corrections supervision. Small numbers of individuals said that they did time in jail to 'pay off' their fines (5.9%, n=4),

Sixteen (44.0%) of the 47 respondents who attended court stated that they took time off work to do so. The majority (68.7%, n=11) of these took off the day (8 hours), with the average time taken off work being 6.6 hours.

### **The court and the experience of criminalisation**

Erickson (1980) described the period which begins with arrest and culminates with the sentencing by the court as the period of 'official criminalisation' and the ensuing post sentencing consequences of conviction as 'social criminalisation'. As noted above, in the present study some of the respondents chose not to appear in court but pleaded guilty on the form printed on the back of the summons and had their case heard 'in absentia'.

The vast majority (85.3%) of the sample did not believe that having a criminal record had no serious consequences, and over three quarters (76.6%) of those who appeared in court did not believe that it was good for them to have done so, whilst over half (57.1%) of those who did not appear in court thought it was good that they did not. Approximately three quarters (76.6%) of those who appeared in court said it made them feel like a criminal. Yet those who did not appear in court were evenly divided on whether it made them feel less like a criminal. The sample was roughly evenly divided on whether the fine and costs caused them financial hardship. Just under two thirds (64.7%) of the sample did not agree that the penalty was reasonable given the nature of the offence. The vast majority (82.4%) stated that they saw their sentence as 'unjust', three quarters (75.0%) saw it as 'too harsh', yet most (65.5%) thought it was customary for their kind of offence. The fact that so many saw their penalty as unjust and too harsh is consistent with the poor deterrent effects of the conviction and the attitudes to the drug laws described below.

*Going to court or, basically, just feeling, as I say like a criminal felt, like I'd demeaned myself. And had I a obviously lower opinion of myself afterwards (compared) to the experience that I'd had.*

(307, Male, convicted in 1990 at age 22)

Whilst the public nature of the appearance in open court obviously contributed to the experience of being criminalised by some of those who did appear in court, such as the respondent above, some of those who did not appear in court seemed not to have appreciated the extent of the informal consequences of a conviction (social criminalisation) when their experience of the formal consequences of conviction did not include a court appearance.

*Yeah, that's the way I would have preferred (not appearing in court), but because it was so covert to a degree, it didn't feel like a conviction you know ... It was a piece of paper you know... I pleaded guilty... It was a matter of just writing it on the appropriate slots on the paper. After that it almost seemed a bit of a relief to a certain degree that it was over and done with that. I mailed it back, and then once the fine had come back it wasn't a big a drama as I thought it was going to be. I mean, I made it much bigger in my mind, but obviously I wasn't realising the effects of the conviction afterwards, like when I went to do certain things like travelling*

(324, Male, convicted in 1990 at age 26)

Almost all (94.6%) of the sample stated that their friends found out about the conviction, approximately half said that their partner (47.0%), their parents (47.0%), or other family (50.0%) found out. In approximately a quarter of cases their employer (26.5%) or neighbours (25.0%) found out about their conviction. Only 13.2% of respondents said that, as far as they knew, any of the people who had found about their criminal record thought of them 'as a criminal'. In the vast majority of cases where parents (84.4%), other family (80.0%) and friends (85.7%) found out about the conviction they were 'mostly supportive'. In more than six in ten cases where the respondent's partner, neighbours or others found out about it they were mostly supportive. In just over half (56.3%) the cases where an employer found out

about the conviction they were supportive, and in a quarter (25.0%) of cases they were 'critical or unsupportive'.

*They know I smoke pot, but that's one thing and to actually have a criminal son, I felt it was another thing and so I kept it from them. I think I felt, well, I still feel that it would change their perception of me and I wouldn't expect them to be understanding.*

(334, Male, convicted in 1994 at age 23)

Just under two thirds of respondents avoided telling their parents, most (73.0%) because they were concerned about their disapproval. Just over half (53.0%) the sample said they avoided telling their employer, most because of concerns about what this would mean for their employment

*My employer. Yeah I thought that if they knew, it would make a difference to whether I had a job or not.*

(302, Female, convicted in 1990 at age 19)

Clearly one way the social impacts of criminalisation accrue is by others finding out about the conviction. The data presented here show that respondents tried actively to prevent those who they thought would be negatively effected by this information from finding out about the conviction.

### **Deterrent effect of conviction on drug use**

More than two thirds (70.6%) of the sample said that it did not at all effect their use of cannabis in the month after arrest, just under two fifths (17.6%) said that it effected their use 'somewhat', and just over one in ten (11.8%) said that it effected their use 'a great deal'. The vast majority (89.7%, n=61) of the sample said that it did at all not effect their use of drugs other than cannabis during the month after arrest.

On face value it would be expected that if a conviction was to have a deterrent impact on drug use, its effect would be greater soon after the arrest when the memory of the arrest is fresh and, presumably arrestees would be wary of police returning to make another arrest as data from elsewhere in this report suggests they sometimes did. While for many the court hearing and formal conviction would not have occurred within a month of their arrest the fact that so many respondents said that their use of cannabis or other drugs was not at all effected challenges the deterrent effect of a conviction.

A comparison of cannabis use in the six month periods before arrest and after conviction showed no significant differences suggesting that cannabis use for the group as a whole was not effected by their arrest and conviction. Similarly there was no difference between the proportion of friends that respondents said used cannabis across the same periods. That these results were consistent with the one month findings is not surprising given the retrospective nature of the data collection. They were, however, also reflected in the more general ratings of the effects of a conviction on drug use and the intention to use the drug in the future.

The vast majority (80.9%) of the sample said the conviction did not effect their use of cannabis at all, less than one in ten (7.4%) said that it effected their use somewhat, and just over one in ten (11.8%) said that it effected their use a great deal. The vast majority (94.1%) of the sample said that their cannabis conviction did not at all effect their use of drugs other

than cannabis in the six months after conviction, and the remainder (5.9%) said that it effected their use somewhat.

The vast majority (86.8%) of respondents said that contact with the police or court had not resulted in them reducing their use of cannabis. When asked in what way it effected their use of cannabis now, the vast majority (79.4%) said that it did not effect their current use of cannabis, just under one in five (17.6%) said that they continued to smoke the drug but were more discreet and less open about it. Four (5.9%) respondents said that they had stopped using the drug for reasons not connected with their conviction. Only three (4.4%) respondents said that they stopped smoking for fear of another conviction. There were two (2.9%) individuals who said that they defiantly smoked more cannabis as a consequence of their first cannabis conviction.

*The cannabis use was less frequent after I got busted... It was probably because ... I kind of got busted... But it wasn't soon long after that (I was) smoking regularly again and...it was, you know, five times a week or virtually everyday after work.*

(005, Male, convicted in 1988 at age 21)

Respondents were asked if they were still using cannabis why they continued to use despite having been convicted of a cannabis offence in the past. Almost two thirds (61.9%) of respondents said that they did so because they enjoyed it, just over two fifths (41.3%) didn't see it as a criminal activity, a quarter (25.4%) saw it as victimless or harmless, and just over one in five (22.2%) said they disagreed with the cannabis laws.

*I don't see that I'm doing anything wrong. For me to stop using it I (emphasis) would need to think that there was something wrong with it, or anything like that. I don't see myself as a criminal. I see the law as being at fault here, not me, so I am not about to stop when I don't see that I am doing anything wrong.*

(036, Male, convicted in 1993 at age 27)

More than three quarters (78.7%) said that another cannabis conviction would not be more or less likely to effect their use of cannabis than their first conviction, less than one in six (14.8%) said it would be more likely to effect it and a small minority (6.6%) said it would be less likely to effect it. The twelve respondents who said they would change their use of cannabis if caught again were asked how they would change it. Five (41.7%) said that they would continue using the same amount of the drug but use it more discretely, four (33.3%) said that they would stop using it all together and three (25.0%) said that they would use it less frequently.

The vast majority of respondents (83.6%) said it was 'very likely' that they would use cannabis in the next 12 months, and the two thirds (66.7%) who said that they would use cannabis in that period anticipated that they will use the same amount of cannabis as they do at present.

Together these results suggest that for the vast majority of these offenders their arrest, and conviction had little impact on their use of cannabis. Furthermore there is little in the quantitative or qualitative data to suggest that subsequent involvement in the criminal justice system is likely to result in more than a small minority reducing their use of the drug. The qualitative data suggest that the poor deterrence effect is due in no small part to many seeing the cannabis laws as unjust, and the use of cannabis as a 'victimless crime'.

### **Self perception as criminal**

Whereas prior to their conviction only a small proportion (5.9%) of respondents said that they sometimes thought of themselves as a criminal, respondents were more likely to see themselves as 'a criminal' at the time of their conviction (25.0%), or since their conviction (20.6%). There were no differences between the proportions of respondents who saw themselves as 'a criminal' at conviction versus since conviction. This suggests that for the minority of respondents who did begin to see themselves in some way as a criminal following their first cannabis conviction, in most cases this criminal identity appears to be maintained over a long period of time.

### **Knowledge of cannabis law in Western Australia**

Given that this sample had received a cannabis conviction, in general the sample's knowledge of the laws which apply to cannabis in WA was poor. In all but one of the knowledge questions not more than half the respondents gave a correct response. Half (50.0%) of the respondents knew that being in possession 100 grams of cannabis or more is deemed a sell or supply offence regardless of the person's intention'. Less than one in ten (8.8%) knew that the maximum penalty for possession of a bong or pipe is 3 years jail and/or a fine of \$3,000. Almost two in five (42.6%) knew that a person on premises where they know cannabis is being smoked is committing an offence even if they do not smoke it themselves. The same proportion (42.6%) also knew that the maximum penalty for possession of less than 100 grams of cannabis is 2 years jail and/or a fine of \$2 000. Just under two in five (38.2%) knew that police do not require a search warrant to search a house or vehicle where they have



reason to believe cannabis may be present. Very few respondents (14.7%) knew that possession of less than 25 cannabis plants is regarded as a personal use offence, rather than as a sell or supply offence. Almost three quarters (73.5%) of respondents knew that people convicted of minor cannabis offences and who fail to pay their fines faced suspension of their driving/vehicle licence, or jail. It is encouraging that the majority correctly answered this question which relates to the most recent change to the law which had received considerable coverage in the media. This suggests that a media education campaign may increase knowledge of the cannabis laws.

### **Attitudes to drug laws, police and laws in general**

Despite their transgression of the cannabis laws, the majority of respondents saw themselves as largely law abiding and had respect for the role of police as law enforcers and the rule of law in general. The vast majority of respondents (88.2%) believed that they were a law abiding person, and a similar proportion (80.9%) believed that most laws are worth obeying. Similarly the vast majority of respondents (79.1%) did not believe that people should break laws they disagree with.

While in general attitudes to police were favourable, attitudes to police enforcement of the drug laws were more unfavourable. The vast majority (85.1%) of the sample believed that police deserve respect for their role in maintaining law and order and a similar proportion (85.0%) believed that police have a duty to enforce the laws as written. Yet almost the same proportion (82.1%) believed that the police pick and choose how they enforce drug laws, and almost the entire sample (98.5%) believed that some police abuse their authority over people they suspect have broken the law, three quarters (74.7%) believing that police have too much power to intervene in peoples lives. Half the sample stated that their overall attitude to police was favourable and almost two in five (37.4%) said that it was unfavourable.

The majority shared a lack of support for punitive drug laws, a high level of support for cannabis use being legal. A few more than a third supported for commercial supply of cannabis remaining illegal. The vast majority of respondents (83.8%) did not believe that strong drug laws deter illicit drug use, and over two thirds (69.3%) did not believe that penalties should be harsher for repeat drug offenders. Nine out of ten (89.7%) believed that cannabis use should be legal, and just under two thirds (60.3%) did not believe that the commercial sale and supply of cannabis should remain illegal. While the vast majority of the sample saw those who engaged in the sale or supply of commercial quantities (95.3%) and cultivation of commercial quantities (88.4%) as criminals, only a quarter (25.6%) of respondents saw those who sold or supplied small amounts of cannabis for personal use as criminals and none saw those who possess, use or cultivate small amounts for personal use as criminals

The findings that the majority of respondents were law abiding and had respect for the law and police in general, but not for the cannabis laws and their enforcement by police, is remarkably similar to the findings of the earlier Canadian research (Erickson, 1980; Erickson and Murray, 1986).

### **Attitudes to cannabis**

More than three quarters (77.6%) of the sample regarded cannabis as a safe drug, and more than two thirds (67.2%) said that they believed cannabis was beneficial. Just over half (56.1%) of respondents felt that the benefits of cannabis outweigh the harms, over one third

(36.4%) thought the harms and benefits were roughly equal, while the remainder (7.6%) thought the harms of cannabis outweigh the benefits.

Most respondents (82.4%) did not believe that if cannabis was decriminalised there would be a marked increase in the number of people using cannabis. A larger proportion (91.2%) did not believe that if cannabis was decriminalised there would be a marked increase in the number of people using other illicit drugs'

When asked to identify harmful effects that can result from cannabis use the most common responses were memory impairment (49.3%), respiratory diseases such as asthma (38.8%), reduced energy levels (26.9%), lung cancer (19.4%) and paranoia, anxiety, panic (19.4%). Dependence was only identified by one in ten (10.4%) respondents. The vast majority (88.1%) of the sample indicated that they had experienced at least one of the harmful effects which they had identified.

Benefits of cannabis identified most often included relaxation and stress relief (78.5%), increased sociability and talkativeness (35.4%), makes you feel good / is fun / euphoric (30.8%), or was an aid to creativity or aesthetic appreciation (29.2%). Almost all respondents (97.0%) indicated that they had experienced at least one of the beneficial effects of cannabis use they had nominated.

The most enjoyable effects of cannabis identified by the largest numbers of respondents were relaxation and stress relief (66.2%), enjoying the intoxication (being stoned / head space / laughing) (40.0%), enhancement of aesthetics and creativity (36.9%) or elevated mood (makes you feel good / fun / euphoria) (33.8%).

The least enjoyable effects of cannabis identified by the largest numbers of respondents were the respiratory effects of smoking (36.9%), paranoia or anxiety (33.8%), illegality (23.1%), problems with memory (23.1%), and amotivation (lethargy, laziness) (18.5%).

The majority of respondents saw cannabis as less harmful than alcohol (86.6%), tobacco (68.7%), amphetamines (94.0%), ecstasy (83.6%), and heroin (92.6%).

It is of interest that the majority of each group viewed cannabis as a 'safe' drug, yet were also able to identify potential harms from using the drug and furthermore stated that they had personally experienced some of these harms. It would appear that for the majority of respondents a 'safe' drug does not mean a 'harm-free' drug. The results suggest that there is a need for community education about cannabis and, for those people who continue to use the drug despite its legal proscription, harm reduction based education may be of some merit.

### **Employment effects of conviction**

The vast majority of the sample (86.7%) stated that they had made at least one job application and more than three quarters (76.3%) of these stated that they had been asked whether they had a criminal record on at least one of these occasions. On the first time they were asked, just over half (51.3%) denied that they had a criminal record and in the majority of these cases (86.9%) the employer did not discover that they had one. On the first time they were asked just under a half (44.5%) admitted that they had a criminal record and most of these (85.0%) said that it was cannabis-related.

Just over a quarter (25.6%) of those who said that they had applied for a job and their prospective employer had found out about their criminal record said that they were 'never'

offered a job when this happened, just under a quarter (23.3%) said that they were 'sometimes' offered a job. Almost two in five (37.2%) respondents said they did not know whether their criminal record had adversely effected their hiring.

Just under a third (32.4%) of the respondents identified at least one negative employment consequence which they believed was related to their cannabis conviction. Just under one in five (19.1%) stated that they were unsuccessful in at least one job application, and just under one in six (16.2%) said that they had lost at least one job due to their cannabis conviction. Just under one in ten (8.8%) said that as a result of their cannabis conviction they had stopped applying for jobs where they believed or knew that they were likely to be asked whether they had a criminal record. The average duration in months from cannabis conviction to the first negative employment consequence was 8.1 months (range 0 to 65).

*I was employed originally to manage a store on a temporary basis, because the manager was away, but there were lots of other things opening up with this company and the boss felt that I was brilliant to do that work and as a formality, you know, part of the company policy was to fill out one of those forms as part of the workplace agreement. Once again, do you have a criminal conviction? - yes - what was it for? - pot. And although I explained it was a tiny little pot plant, once again the curtain came down and no job. And that's happened on many occasions, because you keep having to fill out those forms.*

(364, Female, convicted in 1992 at age 38)

*I was Foreman doing specialised work, supervising in the factory out on site, installation start to finish basically. ... They had a job for the Reserve Bank and their scenario was they screened everybody and criminal records would not be allowed in, and hence the boss found out that I couldn't do the job and I had no job.*

(345, Male, convicted in 1991 at age 29)

Together these results provide clear evidence that a cannabis conviction has a negative impact on subsequent employment for a third of the sample. Furthermore for some, the first time they experienced a negative employment consequence may be some years after their arrest and conviction. While some respondents found that if they lied about their conviction they were able to avoid these consequences, others found that their true history was discovered. It is likely that as computer storage and retrieval of criminal record data becomes more efficient, without restrictions on access, the negative employment consequences of a minor cannabis conviction in WA will grow.

### **Relationship effects of conviction**

One in five (20.1%) respondents identified at least one negative relationship event which they believed was related to their cannabis conviction. Family disputes (16.2%) were the most common negative relationship consequences followed by stress in a primary relationship (5.9%). This is not surprising given the data described above regarding impact of a conviction on employment and the experience of being seen as a criminal, both of which would likely contribute to problems in primary and family relationships. As one respondent put it:

*Oh just the shame that my wife, family and friends everybody involved, just the shame that went with it, and knowing that I'd lose my job. Yeah, my wife, all the hardship that went with it, the stress, everything. Put a lot of stress on the marriage, lot of strain, loss of job, strain on the marriage.*

(303, Male, convicted in 1988 at age 32)

### **Negative accommodation consequences of conviction**

Eleven respondents (16.2%) identified at least one negative impact on their accommodation status which they believed was related to their cannabis conviction. Eight respondents (11.8%) changed their accommodation as a result of the conviction, three (4.4%) losing work provided accommodation when they lost their jobs as a result of the conviction. The average duration in months from cannabis conviction to the first negative residential consequence was 3.2 months (range 0 to 12), that is, quite soon after the arrest or conviction.

As with the situation with relationship consequences, many of the accommodation consequences experienced by respondents appeared related to loss of employment, or being seen as a criminal - for example, by neighbours after police had raided one's home. Others chose to move as they were concerned about further police attention:

*Well, it's impacted in a way that I eventually left that address because the neighbours' attitudes were completely different and they treated me basically as a criminal. They had previously imagined because the house was a sort of 'mung beany' type house, looking from the front, that I may have been a pot smoker, but now it was true and with five police bashing through my doors, it looked as though I was a drug addict or a drug seller, so I was a criminal. So I left there, directly due to that actually.*

(364, Female, convicted in 1992 at age 38)

Initially the accommodation section of the retrospective record (the 'grid') was only included as an anchor for other observations. Effects of the arrest and conviction on changes in accommodation were not anticipated, but were significant and at the very least inconvenient for a number of individuals.

### Effects of conviction on subsequent criminal justice involvement

When asked in general about their involvement with the criminal justice system after their conviction a total of nineteen (27.9%) respondents stated that they had been charged with at least one other offence since their cannabis conviction, five (7.3%) with at least two offences, five (7.3%) with at least three offences, and three (4.4%) with at least four offences. The most common subsequent charges were cannabis charges, followed by driving charges.

The average duration from cannabis conviction to next charge was 21.0 months (range 0 to 67). In the vast majority (93.7%) of subsequent charges respondents were found guilty. Ten (52.6%) of 19 respondents who had received at least one charge since their first cannabis conviction said that their criminal record pertaining to their cannabis conviction had been referred to as part of the arrest or court process. These findings concur with those of Lenton, Ferrante and Loh (1996) suggesting that the majority of first time cannabis offenders are in many ways, apart from their cannabis use, a non-criminal section of the community.

Just under a third (32.4%) of respondents identified at least one negative involvement with the criminal justice system which they believed was related to their cannabis conviction. Just under one in five (19.1%) respondents identified further enquiries from police as a negative criminal justice system consequence, just under one in seven (13.2%) said that they were found guilty of a non-cannabis offence, and just under one in ten (8.8%) that they were found guilty of a further cannabis offence which they believed was in some way a consequence of their prior cannabis conviction. The average duration in months from cannabis conviction to the first related criminal justice involvement was 14.4 months (range 0 to 66).

Boardhurst and Loh (1995) have shown that once arrested and convicted, a young person is at increased risk of more scrutiny from police than they would be had they no such conviction and the likelihood of being re-arrested increases. More respondents in the WA sample were subject to more scrutiny from police which in many cases resulted in further convictions. Some of these events appeared to be the result of police who made the original arrest following this up, as in this case:

*Police told me that they were coming and checking all the time and if I kept growing it they'd keep coming. Well, he told me "well we're going to keep coming back. We're just going to keep busting ya"*

(314, Female, convicted in 1988 at age 29)

Others were the result of the original conviction appearing in the police computer which is accessed by police on patrol through cross checking with a driver's licence. For example a respondent who was pulled over for a traffic violation described how their conviction led to more intensive police inquiry:

*I didn't carry my licence on both occasions. And when I gave my name, for no apparent reason they decided they wanted to search the car... (They) went through the boot, went and checked under the seats, glove box, engine bay underneath the vehicle and under the seats... (They) weren't very friendly at all. They just went*

*through the vehicle and then once they (had) finished they said "OK, be on your way".*

(304, Male, convicted in 1990 at age 18)

It is likely that under the current system at times police exercise their discretion not to charge minor cannabis offenders and instead informally warn them. Anecdotal reports suggest that it is not uncommon for people who have been formally cautioned or had no conviction recorded to be subject to further police attention after a 'licence check'. It may be that such events are a result of the efficient computer access to offender records that the WA police have, rather than the conviction per se. However, if formal cautioning provisions are more frequently used with minor cannabis offences as has recently been proposed, this could result in more cannabis offenders having a snowballing involvement with the law and produce a netwidening effect similar to that which appears to have occurred in South Australia.

### **Negative travel consequences as result of conviction**

Five respondents (7.4%) identified at least one negative impact on their capacity to travel overseas which they believed was 'somewhat' or 'very' related to their cannabis conviction. Three (4.4%) identified an unsuccessful visa application to Canada or the USA, one was interrogated at the Canadian border, and another cancelled their trip as they were told they wouldn't be granted a visa. There were a further six cases (8.8%) who were yet to experience any negative travel consequences but were very concerned about this possibility.

*(The visa) was rejected due to that. It was a cannabis cultivation charge that appeared on my record and that is something that the USA will not accept... A flat refusal because I fell into a category on their list of people not to allow and then they told me I could reapply in another five years if I had no further convictions.*

(371, Male, convicted in 1993 at age 23)

One reason for the small number of respondents who had a tangible negative travel consequence of conviction may be that the exposure time may not have been long enough for travel effects to be evident in a larger number of respondents. Two fifths (41.2%) of the sample were interviewed not more than 38 months after their conviction, yet the average duration in months from cannabis conviction to the first related criminal justice involvement was 38.8 months. One respondent explained how the travel restrictions can only emerge some years after conviction:

*I didn't find that out (that I had a conviction) 'till I wanted to go to America years later and I wanted to apply for a visa. Then I found out that I was unable to and that was when I found out I had a ten year conviction. That was like a double whammy years later. I found out not only did I have the fine, which I thought was finished and over and done with, but I had a ten year conviction to contend with and that prevented me from entering into America. So I couldn't apply for the visa and I couldn't go with the business in America ... I applied for a spent conviction, received a letter saying that I would be able to reapply for an application which doesn't mean it can even be granted, on the XX of the XX month 2003.*

(339, Female convicted in 1993 at age 39)

Once again the issue here is that as data storage and retrieval systems become more sophisticated, the capacity of a minor cannabis convictions having an actual, as opposed to possible, restricting impact on the capacity of people with such records to obtain visas for

overseas travel will increase. It would appear likely that the development of data bases such as The National Exchange of Police Information system (NEPI) will further increase the likelihood of such social impacts of a minor cannabis conviction.

According to personal communication (McDonald, personal communication, May 1997) the NEPI system reflects an agreement made between all state and territory law enforcement agencies to download their respective criminal records to one, central database. The database, located in Sydney, is a repository of police criminal intelligence information and is updated regularly on a weekly or fortnightly basis. All information is held on the National Names Index (NNI), the main format for the files held.

NEPI is claimed to have a high level of security, with access restricted to the AFP, Department of Immigration, various security agencies including ASIO, and other investigative or intelligence agencies belonging to the government or approved bodies. Outside groups such as Embassies are also granted access to some information on the NNI, as they need to assess applicants for passports and visas, as well as assess potential security risks (e.g. criminals/terrorists). All embassy checks are conducted by the Australian Federal Police, as is the case for other security cleared non-government organisations and agencies.

While people with a criminal record in Western Australia can apply to have their conviction expunged after ten years since their last conviction, in practice this does not mean that the record is deleted, but rather that it is flagged in the system in such a way that it does not appear on non-police related criminal record checks. However, there does not appear to be any capacity for such records to be expunged from the NEPI data base.

### **Obtaining cannabis in the previous 12 months**

The vast majority (86.6%) of the sample said that they had smoked cannabis in the 12 months prior to interview and these respondents were asked about their experience of the cannabis market. More than half (57.1%) said that it was 'always available', two fifths (39.3%) said that it was 'mostly available'. The most common main source of supply was purchase from family or friends (44.8%), of the sample, followed by growing one's own (29.3%), and gifts from family or friends (17.2%). Less than one in ten (8.6%) respondents stated that their main source was a 'dealer or supplier'. Just over half (51.7%) stated that they had not grown any of the cannabis that they smoked in the previous 12 months, just under a third (31.0%) had grown less than a half and just over one in six (17.2%) had grown more than half of what they had smoked.

The vast majority (89.5%) said that they had purchased the drug on at least one occasion and just over two fifths (43.9%) said that they had purchased cannabis more than twenty times in the previous year. The average was \$86-90 (range \$25 - \$350). Just under two fifths (38.0%) usually purchased \$25 deals in the past year, a slightly smaller proportion (36.0%) usually purchased deals between \$26 and \$50, and the remainder (26.0%) of those who purchased the drug over the last year usually purchased deals between \$51 and \$350. The reason given for buying this amount was cost and economics (58.3%), it met their consumption needs (35.4%), availability (22.9%), and less risk of detection (10.4%). Just over two in five (41.2%) said that they often or mostly shared or split deals with friends, just over two in five (43.4%) said that they 'sometimes' did it. The forms purchased by most buyers over the last 12 months were heads (96.1%) and high potency cannabis (90.2%) such as 'skunk' and 'hydro'.

### **Availability of other drugs when buying cannabis**

Twenty five (49.0%) of the 51 respondents who had bought cannabis in the previous 12 months said they had either been offered (39.2%, n=20) or asked for (33.3%, n=17) other drugs when they went to buy cannabis in the past year. There were 18 (35.3%) respondents who bought cannabis in the previous year who also purchased other drugs during that period. All but one of these (94.4%) said that they also asked for these drugs in the previous 12 months. One respondent who said that they had purchased both ecstasy and amphetamine in the previous 12 months said that they had been offered, but not asked for these drugs over this period. These results suggest that those purchasing cannabis in the black market were exposed to other drugs, and that many were offered drugs that they had not asked for.



Although nearly all who did purchase other drugs over the past year had asked for these drugs it is not possible to say from this data whether they had first been offered the drugs by a dealer prior to seeking them out and /or purchasing them. Those who did purchase drugs other than cannabis said they did this for personal use (77.3%), or because there were some specific effects of the drugs purchased which were enjoyed (63.6%).

## Providing cannabis in the previous 12 months

Just over one third (35.3%, n=24) of all respondents said that they had sold cannabis in the previous 12 months. Three (12.5%) of these said that they would describe themselves as 'a dealer'. Those who sold cannabis last year were asked what proportion of their income in that period would have come from the sale of cannabis. Half (50.0%) said 'none' and most of the remainder said (45.8%) said '1% to 25%' which was the next lowest response category. Those who said that they had sold cannabis in the past 12 months were asked to specify the amount of money earned. Only seven of the 24 gave the approximate total amount in dollars earned from the sale of cannabis over the year, the mean amount being \$144 (range 40 - 400). The forms sold by most sellers of cannabis over the last 12 months were heads (95.8%) and high potency cannabis (70.8%) such as 'skunk' and 'hydro'.

## Cannabis prices in the previous 12 months

The average price paid by respondents who bought cannabis in the previous 12 months was approximately \$300/oz. for cannabis heads, \$335/oz. for high potency cannabis (such as 'skunk' and 'hydro'), \$100/oz for a mix of heads and leaf. There were only four of the 51 buyers who said that they purchased cannabis leaf in the past 12 months, and they paid approximately \$40/oz. Anecdotally, most buyers said that they wouldn't buy leaf. The 11 respondents who purchased hash paid approximately \$25/gm. The average price paid for hash oil was harder to determine but was likely to be approximately \$25/gm.

The average price charged by respondents who sold cannabis in the previous 12 months was approximately \$250/oz. for cannabis heads, \$400/oz. for high potency cannabis (such as 'skunk' and 'hydro'), \$60/oz for a mix of heads and leaf. There were only two of the 24 sellers who said that they sold cannabis leaf in the past 12 months, and they charged approximately \$25/oz. Again, anecdotally, most sellers said that cannabis leaf was worthless and they would give it away or destroy it. The one respondent who sold hash charged approximately \$30/gm. and the one who sold hash oil charged \$150/oz.

It is extremely difficult to assess the 'average' price for cannabis (de Launey, 1996). Prices will likely vary according to the time of the year, the quality of the product (appearance, potency, etc), the weight of the product (ie buying in bulk is usually cheaper), the level of demand, the level of availability, the relationship between the buyer and the seller, the level of the seller in the supply pyramid, and the experience and knowledge of the buyer. Notwithstanding these factors the data collected from WA respondents who either bought or sold cannabis in the 12 months prior to interview would suggest that the price of cannabis heads was \$250-\$300 per ounce, high potency cannabis (such as 'skunk' and 'hydro') was \$300-\$400 per ounce, and mix of heads and leaf \$60-\$100 per ounce. Both buyers and sellers tended to suggest that cannabis leaf on its own, being of very low potency, had little value in the market, with many sellers saying they gave it away for free. However, given the factors effecting price described above, it was not surprising that a small number of respondents had bought or sold cannabis leaf for \$25-\$40 per ounce. Hash seemed to sell for between \$25 and \$30 per gram. The small number of buyers and sellers of hash oil mitigates drawing inferences on its approximate price in the WA market in the 12 months prior to interview.

## Perceived risk of detection if growing

While more than three quarters (78.5%) believed that it was 'unlikely' or 'very unlikely' that they would get arrested if they were growing one to five cannabis plants, the vast majority

(81.8%) of the sample thought that it would be 'likely' or 'very likely' that they would get arrested if they were growing 11 to 24 plants, while for more than 25 plants the figure was 93.9%. Just over two thirds (68.7%, n=46) of the sample believed that they were 'more likely' likely to get arrested and charged if they were growing cannabis to sell, than if they were growing it for personal use. If the likelihood of detection is one of the most important indicators of the deterrent value of a law, then it would appear that, among this group at least, the law is not effectively deterring small scale cannabis cultivation for personal use.

### **Being 'ripped off'**

Three quarters (74.6%, n=50) of the sample said that they had (ever) been 'ripped off' as a buyer or seller. Of these more than three quarters (77.1%) bought cannabis that was of low quality or quantity and more than half (58.3%) reported having plants stolen.

## 6.0 REFERENCES

- Atkinson, L. and McDonald, D. (1995) *Cannabis the law and social impacts in Australia* (Trends and Issues in Crime and Criminal Justice). Canberra: Australian Institute of Criminology.
- Boardhurst, RG. and Loh, NSN. (1995) Re-arrest probabilities for the 1984 to 1993 apprehended Western Australian population: a survival analysis. *Quarterly Journal of Criminology*; 11:289-313.
- Christie, P. (1991) *The effects of cannabis legislation in South Australia on levels of cannabis use*. Adelaide: Drug and Alcohol Services Council.
- Christie-Johnson, J. (1995) The impact of the legislative options for cannabis on school education and public sector employment opportunities in Australia. In D. McDonald and L. Atkinson (Eds.) *Social Impacts of the Legislative Options for Cannabis in Australia (Phase 1 Research): A Report to the National Drug Strategy Committee*, Canberra: Australian Institute of Criminology.
- de Launey, C. (1996) The real value of a cannabis plant. *Alternative Law Journal*, 21:127-130.
- Erikson, P. (1980) *Cannabis criminals: the social effects of punishment on drug users*. Toronto, Addiction Research Foundation.
- Erikson, PG. and Murray, GF. (1986) Cannabis criminals revisited. *British Journal of Addiction* 81:81-85.
- Le Dain Commission of Inquiry into the Non-Medical Use of Drugs* (1972) Ottawa: Information Canada.
- Lenton, S. (1995) Cannabis offenders in the Western Australian criminal justice system. In D. McDonald and L. Atkinson (Eds.) *Social Impacts of the Legislative Options for Cannabis in Australia (Phase 1 Research): A Report to the National Drug Strategy Committee*, Canberra: Australian Institute of Criminology.
- Lenton, S., Ferrante, A. and Loh, N. (1996) Dope busts in the West: Minor cannabis offences in the Western Australian criminal justice system. *Drug and Alcohol Review*, 15(4), 335-341.
- McDonald, D. and Morrisson, S. (1995) A comparison of the social impacts of the legislative options for cannabis and their enforcement: An overview of the literature. In D. McDonald and L. Atkinson (Eds.) *Social Impacts of the Legislative Options for Cannabis in Australia (Phase 1 Research): A Report to the National Drug Strategy Committee*, Canberra: Australian Institute of Criminology.
- McDonald, K, (personal communication, May 1997) Senior Constable Ken McDonald, Officer in Charge, Criminal Records Section, Perth Central Police Headquarters, WA Police Service.
- Qualitative Solutions and Research Pty. Ltd. (1997) *NUDIST Release V 4.0*, Melbourne: Qualitative Solutions and Research Pty. Ltd.
- SPSS Inc. (1993) *SPSS for Unix: Base System User's Guide, Release 5.0*, Chicago: SPSS Inc.

Stimson, G.V. and Oppenheimer, E. (1982) *Heroin Addiction: treatment and control in Britian*. London: Tavistock Publications.