

**CANNABIS OFFENDERS IN THE
WESTERN AUSTRALIAN
CRIMINAL JUSTICE
SYSTEM**

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EXECUTIVE SUMMARY

This report provides statistical information on the processing of persons charged with cannabis related offences through the criminal justice system in Western Australia (WA). It was prepared for The Australian Institute of Criminology as part of phase one of research into the social impact of various actual and potential legislative responses to cannabis to be considered at the Ministerial Council on Drug Strategy meeting in April 1995. The individual record data presented in this report was provided by the Crime Research Centre (CRC) at the University of Western Australia. Most of the data presented in the main body of the report covers the counting period 1990 to 1993. However, in order to allow ease of comparison with data from other jurisdictions, data are presented in this summary for the most recent year available.

MAIN FINDINGS

Arrest Data

In 1993 there were 9,272 cannabis related charges (552.7 per 100,000 pop.¹). There were 3,670 distinct persons with a cannabis related charge as their most serious offence. Cannabis charges comprised 11.7% of all charges issued and were 85.3% of all drug charges issued in that year. In 1983-84 approximately 96% of all drug charges were cannabis related (Wardlaw, 1986).

During 1993 half (49.1%) of the cannabis charges were for possession/use, 30.7% were for possession of implement, 14.0% were for make/grow offences, and a smaller proportion (6.0%) were for trafficking. The proportion of possession and use charges which were cannabis related declined from 90.1% in 1990 to 80.0% in 1993. This was likely due to a growth in the use of other drugs such as amphetamine. During 1993 in 13.0% of the apprehensions or arrests for possession/use of cannabis the person was held in custody prior to facing court. In contrast 23.2% of all arrests in 1993 resulted in custody pending trial (Ferrante, Loh and Broadhurst, 1994). Aboriginals are less represented in cannabis possession and use offences than they were in all arrests. The majority of cannabis possession/use charges in 1993 were made against males (85.2%), non-Aboriginals (93.9%), and adults (90.6%). Juveniles comprised a slightly larger proportion (12.9%) of those arrested for a possessing a smoking implement than they were for possession of cannabis itself (9.4%). Young adults (18 to 21 years of age) comprised 29.5% of all possession/use cannabis charges issued in 1993.

In 1992 there 2,720 distinct persons charged with cannabis possession/use as their most serious offence and for 1,132 (41.6%) of these (68.3 per 100,000 pop.²) this was their first arrest. From 1990 to 1993 there were 9,727 distinct persons charged with cannabis possession and use as

1 Calculated using estimated total resident population in WA as at 30 June 1993 of 1,677,616 persons. Australian Bureau of Statistics (1994) Catalogue No. 3204.5.

2 Calculated using estimated total resident population in WA as at 30 June 1992 of 1,657,350 persons. Australian Bureau of Statistics (1994) Catalogue No. 3203.5.

their most serious offence and for 42.9% of these this was their first arrest. Women comprised 23.3% of first-time arrestees, Aboriginals 1.2% and juveniles 16.2%. Six months after initial arrest 8.9% of these first time arrestees had been re-arrested, by 18 months this figure had risen to 19.3%, by 30 months it was 29.3% and by 42 months 35.4% had been re-arrested. Data collected over the period 1984 - 1993 indicates the most common most serious second offences were driving a vehicle under the influence of alcohol or drugs (24.8% of most serious second arrests) and another possess/use cannabis offence (18.9% of most serious second arrests). Younger first-time cannabis users were more likely to be re-arrested than older offenders.

Court Data

There were 1,432 cannabis related charges (87.5 per 100,000 pop.¹) finalised in the Children's Court and Panel during 1991 which comprised 3.6% of all charges and 90.6% of all drug charges finalised in that court. Over half (54.5%) of these cannabis charges finalised were for possession/use, 33.4% were for possession of implement which respectively comprised 68.7% and 17.2% of the persons appearing before the Children's Court or Panel on cannabis related charges. Among possession/use charges finalised in 1991 the most common outcome was dismissal, occurring in 40.6% of charges, 32.3% resulted in non-custodial orders and 20.1% in a fine.

There were 9,518 cannabis related charges (574.3 per 100,000 pop.²) finalised in the lower court (Court of Petty Sessions) in 1992 which comprised 11.6% of all charges and 85.8% of all drug charges finalised in that court. In 1992 cannabis related charges were finalised in the lower court against 4,715 distinct persons where this was their most serious offence. Over half (51.6%) of the cannabis charges finalised in the lower court in 1992 were for possession/use, 15.4% were for make/grow offences and 4.5% were for trafficking. Estimates based on arrest data indicate that 28.4% of charges were for possession of implement. Males were responsible for 84.6% of all possession/use charges finalised in the court and Aboriginals only 4.2%. Just over a third (35.6%) of possession/use charges finalised in the lower courts were against 18 to 21 year olds, with 72.7% of adults so charged being under 30 years of age. Almost all of the cannabis charges finalised in the lower court during 1992 resulted in conviction. Only 0.7% of cannabis possession use charges against persons found guilty in the lower court resulted in a custodial sentence, compared to 20.1% possession/use charges for drugs other than cannabis, and 9.3% of all charges issued in 1992 (Broadhurst, Ferrante and Loh, 1993). Nine (0.3%) persons charged in the lower court with cannabis possession/use as their most serious offence received a custodial sentence during 1992.

¹ Calculated using estimated total resident population in WA as at 30 June 1991 of 1,636,067 persons. Australian Bureau of Statistics (1994) Catalogue No. 3203.5.

² Calculated using estimated total resident population in WA as at 30 June 1992 of 1,657,350 persons. Australian Bureau of Statistics (1994) Catalogue No. 3203.5.

Although limited by small numbers, and without controlling for factors such as prior convictions, there is suggestive evidence that Aboriginals found guilty of cannabis possession/use in the lower courts in WA during 1992 were more likely to be sentenced to custody, less likely to be fined, and were more likely to receive a non-custodial sentence (eg. probation, Community Service Order) than their non-Aboriginal counterparts. Charges against women were less likely to incur a fine for possession/use cannabis (89.3% for women, compared to 98.9% for men) and more likely (3.2%) than those against men (1.3%) to result in no penalty.

Prison Data

In 1993 there were 158 cannabis related prison receivals (9.4 per 100,000 pop.¹) in WA which comprised 2.6% of all receivals and 52.1% of all those which were drug related. There were 146 distinct persons imprisoned with a cannabis related most serious offence in 1993. The number of persons imprisoned for possession/use cannabis as their most serious offence decreased from 114 in 1990 to 53 in 1993. In 1993 38.6% of the cannabis receivals were for possession/use, 37.9% were for trafficking, 12.0% for possession of implement and 10.1% were for make/grow offences. There was a decline in the proportion of possession/use offences which were cannabis related from 74.9% in 1990 to 58.1% in 1993, probably reflecting increased use of other substances.

Although in 1993 78.6% of all receivals for cannabis possession/use in WA prisons were males, the proportion of females has increased from 7.2% in 1990 to 21.4% in 1993. In the same year women were more represented, and Aboriginals less represented, in possession/use prison receivals than they were in all receivals. Over half (55.7%) of prison receivals for cannabis possession/use in 1993 were between the ages of 18 and 25. In 1993 95.1% of charges against persons received in prison for possession/use of cannabis were the result of fine default and 85.3% of possession use receivals resulted in prison terms of less than 2 months.

Community Based Orders

There were 116 cannabis related probation orders (6.9 per 100,000 pop.¹) issued in WA in 1993 which comprised 4.2% of all such orders and 61.4% of all those which were drug related. Over half (56.4%) of the cannabis related probation orders received were for possession/use offences, 30.0% were for trafficking, 10.2% were for make/grow offences. Three quarters (75.8%) of cannabis possession/use probation orders were given to males, 4.5% to Aboriginals and 3.0% to juveniles. There were 81 cannabis related Community Service Orders (CSOs) (4.8 per 100,000 pop.¹) issued in WA in 1993 which comprised 4.3% of all CSOs and 64.8% of all those which were drug related. The majority (55.5%) of the cannabis related CSOs received were for possession/use offences, 32.1% were for trafficking and 9.9% were for make/grow offences.

¹ Calculated using estimated total resident population in WA as at 30 June 1993 of 1,677,616 persons. Australian Bureau of Statistics (1994) Catalogue No. 3204.5..

Three quarters (77.8%) of cannabis possession/use CSOs were given to males, 2.2% to Aboriginals and 2.2% to Juveniles. There were 1,306 cannabis related Work Development Orders (WDOs) (77.8 per 100,000 pop.¹) issued in WA in 1993 which comprised 9.7% of all such orders and were 89.1% of all those which were drug related. Just under three quarters (72.1%) of the cannabis related WDOs received were for possession/use offences, 14.1% were for make/grow, and 10.0% were for a range of other charges. Proportions of cannabis possession/use WDOs given to males (78.6%) and Aboriginals (7.3%) were higher than the proportions of these groups given other non-custodial sentences. However, in 1993 no juveniles were given cannabis possession/use WDOs.

IMPLICATIONS FOR FURTHER RESEARCH

Those persons arrested for first time with a simple cannabis charge as their most serious offence are a critical group to study in determining the social impact of current legislative responses to cannabis. In particular, it is on this group that the impact of a cannabis related criminal record can be studied. Clearly many of the effects of a criminal conviction may only eventuate some years after the conviction. The data base at the Crime Research Centre at the University of WA affords a unique opportunity to conduct such an investigation within a relatively short time frame. Using this data base one can retrospectively identify persons who were convicted up to ten years previously and using contact procedures already established, interview them in the present to record their account of the impact of the conviction. Researchers from both the Crime Research Centre and the National Centre for Research into the Prevention of Drug Abuse have prepared a brief research proposal (Appendix 2) which provides an outline of such a potential project.

INTRODUCTION

This report provides statistical information on the processing of persons charged with cannabis related offences through the criminal justice system in Western Australia (WA). It was prepared for The Australian Institute of Criminology as part of phase one of research into the social impact of various actual and potential legislative responses to cannabis to be considered at the Ministerial Council on Drug Strategy meeting in April 1995.

The individual record data presented in this report was provided by the Crime Research Centre (CRC) at the University of Western Australia. Funding for the engagement of the CRC in the retrieval of this data was provided by the National Crime Prevention Fund. Data was collected from the police, the courts and correctional services and on the persons arrested. The bulk of the report contains data for the counting period 1990 to 1993 by calendar year. However, in some areas data was not available for this four years so the counting period is restricted. Description of the data source and counting rules have been adapted from material provided by the CRC.

Examination of data provided by the CRC revealed a small number anomalies and errors in some areas, all of which were traced to changes in data entry conventions in the government departments which were the source of the data. Where possible these errors were corrected and as a result some of the data presented in this report will not exactly match that provided in other government and research reports based on the same data set. In a small number of places where such anomalies could not be corrected, or where there was missing data, existing data were used to make a best estimate rather than using corrupted data. Where this has been done notes made in relevant tables indicating where estimations have been used and the estimation procedure is described. The data presented in this report comprise the most accurate and comprehensive picture of criminal justice statistics on cannabis offenders in WA.

It is important to acknowledge that without the use of the data compiled by the CRC this report would not have been possible. The support of Professor Richard Harding Director of the CRC in agreeing to the request and allocating resources to provide the data at short notice is acknowledged. In addition particular thanks go to Anna Ferrante, and Nini Loh, for the retrieval and clear presentation of the raw data, assistance with interpretation and their good natured co-operation during the iterations of data cleaning and further analysis beyond that which was envisaged at the time of contracting the involvement of the CRC in this project.

CANNABIS RELATED DRUG LAW IN WA

Under the WA Misuse of Drugs Act 1981 schedules V and VI and section 6 (2) 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 cannabis resin or less than 80 cigarettes containing cannabis is guilty of a

criminal offence and subject to a maximum penalty of \$2,000 or 2 years imprisonment, or both. This quantity threshold for the lowest scale cannabis offence in WA is four to five times higher than that in SA and the ACT.

Under schedules V and VI and section 11 (a) and (b) of the Act, drug dealing or trafficking, described as 'intent to sell or supply' is defined as being in possession of not less than 25 cannabis plants, 100 grams cannabis, 20 grams cannabis resin, or 80 cigarettes each containing any portion of cannabis. Under section 34 (1) persons found guilty of trafficking or manufacture/grow offences are liable to a fine not exceeding \$100,000, or to imprisonment for a term of up to 25 years or both.

Under section 5 (1) (d) of the Misuse of Drugs Act 1981 a person commits a simple offence when "he has in his possession: (i) any pipes or other utensils for use in connection with the smoking of a prohibited drug or prohibited plant; or (ii) any utensils used in connection with the manufacture or preparation of a prohibited drug or prohibited plant for smoking, in or on which pipes or utensils there are detectable traces of a prohibited drug or prohibited plant". Under section 34 (1) (e) a person convicted of this offence is "liable to a fine not exceeding \$3,000 or to a term of imprisonment not exceeding 3 years or both".

ARREST DATA

Information about police apprehensions or arrests is a crucial measure of law enforcement activity. For offenders it is the gateway into the criminal justice system. Arrest data are the basic official measure of offending. However, because arrests relates to alleged offending it over-counts the frequency of official records of offending as not all persons arrested are charged in court or convicted. This section describes characteristics of persons arrested for cannabis offences during the calendar years from 1990 to 1993.

DATA SOURCE AND COUNTING RULES

Data about police apprehensions (arrest or summons) are derived from the police P18 form which are extracted and supplied to the CRC in unit record form. Apprehension records contain details about the alleged offender (age, sex, race, place of birth, occupation, address and physical description), identity checks, details of the charge (including date of alleged offence), bail or custody arrangements, information about the arresting/summonsing officer and station/squad. The P18 form is not completed in the case of a juvenile first offender who will appear before the Children's (Suspended Proceedings) Panel or who is cautioned.

In most cases charge data are presented. In these cases all offences charged are counted as separate events, even though an arrest may involve one or more charges being laid. So an arrest involving several charges is not counted as a single event but rated as several events (one for

each separate charge). However, summary tables of by offence type are also presented for distinct persons. In these cases distinct persons arrested during the counting period are counted once, even though they may have been arrested on more than one occasion for more than one offence/charge. If the same person is re-arrested in a subsequent year then they will appear as a separate person for this counting period.

If there were more than one during the period in order to describe distinct persons only the charge that was the most serious is counted. Most serious offence (MSO) is selected on the basis of a Seriousness Index compiled by the CRC (Appendix A).

POLICE CHARGES LAID AT ARREST WA 1990-1993

Over the counting period there were 340,136 separate arrests or charges made by police in Western Australia involving 151,701 distinct persons. Of these charges, 45,969 (15%) were drug related. There were 40,873 cannabis related charges over the period which comprised 12.0% of all charges issued and were 88.9% of all drug charges. This compares with data from 1983-84 where approximately 96% of all drug charges were cannabis related (Wardlaw, 1986). Cannabis and other drug charges for the period 1990 to 1993 are presented in Table 1.

INSERT

TABLE 1
POLICE CHARGES LAID AT ARREST IN WA 1990-1993

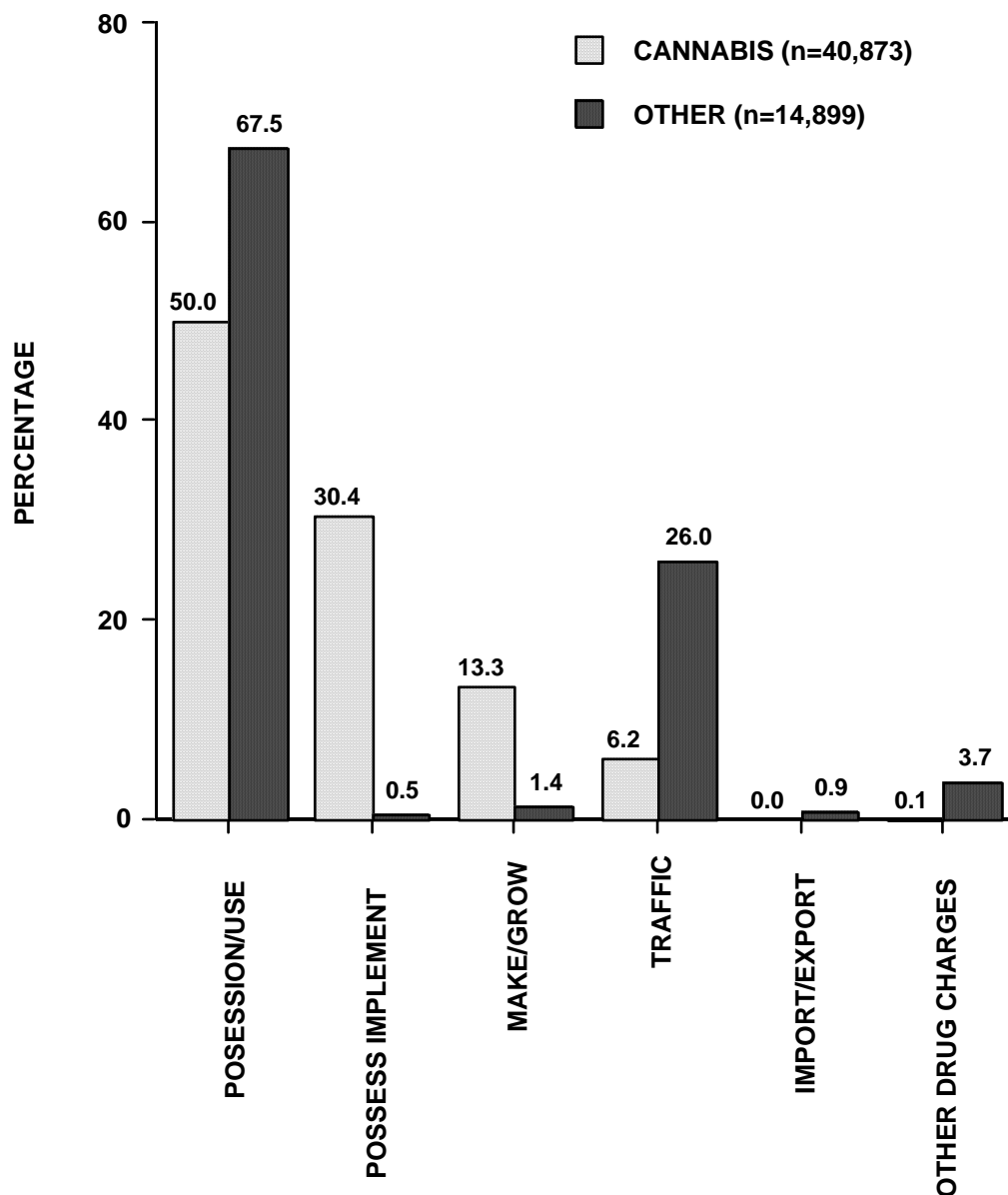


FIGURE 1: CANNABIS AND OTHER DRUGS BY DRUG CHARGE WA 1990-1993

Figure 1 presents drug charge data for cannabis and other drugs aggregated over the four year period. It shows that 50.0% of the cannabis charges were for possession/use, 30.4% were for possession of implement, 13.3% were for make/grow offences and a 6.2% were for trafficking. A greater proportion (67.5%) of non-cannabis drug charges were for possession/use, and 26.0% were for trafficking. Of charges for drugs other than cannabis possession of implement comprised only 0.5% of charges, make/grow only 1.4% and import export only 0.9%, however,

this is likely to be an underestimate¹. The vastly different proportions of possess implement offences between cannabis and other drugs most likely reflects the stipulation of possession of a smoking implement as an offence under the WA Misuse of drugs Act (1981) [Section 5 (1) (d)] whereas the legal position of those possessing needles and syringes is less clear (Lenton, 1994).

Table 2 shows that on average over the counting period the vast majority (85.5%) of all possession and use charges were cannabis related. However, there was a decline in the proportion of possession and use charges which were cannabis related from 90.1% in 1990 to 80.0% in 1993. This may be due to a growth in the use of other drugs such as amphetamine (Lenton, 1993). The apparent increase in the proportion of import/export charges that are cannabis related is unreliable due to the small number of such charges (Table 1). It is of interest that on average over the years from 1990 to 1994 cannabis charges comprise the vast majority (85.5%) of possession/use charges, but a smaller proportion (65.8%) of sell/supply charges and almost all (99.8%) of make/grow charges.

TABLE 2
PERCENT OF DRUG CHARGES THAT ARE CANNABIS RELATED
WA 1990-1993

	1990	1991	1992	1993	AVERAGE %
% of possession/use charges that are cannabis related	90.1	86.7	85.2	80.0	85.5
% of possess implement charges that are cannabis related	99.7	99.8	99.9	99.9	99.8
% of make/grow charges that are cannabis related	99.0	98.2	98.6	99.5	98.8
% of traffic (sell/supply) charges that are cannabis related	67.3	67.6	71.8	57.1	65.9
% of import/export charges that are cannabis related	31.6	11.8	18.2	50.0	27.9
% of total drug charges that are cannabis related	91.9	89.6	88.8	85.3	88.9

DISTINCT PERSONS CHARGED WA 1990-1993

Of the 151,701 distinct persons charged over the counting period there were 19,258 (12.7%) whose MSO was drug related. Of these, 12,763 (66.3%) persons were charged with a cannabis

¹ The source of this data is primarily WA Police records, although according to the CRC data from the Australian Federal Police is also sometimes included. Data from the Customs Department is not routinely collected and as such the figures presented here are probably an under-reporting of import/export offences.

related MSO. Distinct persons charged with cannabis and other drug offences for the period 1990 to 1993 are presented in Table 3. No clear trends are evident in this data.

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TABLE 3
DISTINCT PERSONS CHARGED (MOST SERIOUS OFFENCE) ^[1] IN WA 1990-1993

Figure 2 presents data for distinct persons (by most serious offence) charged with cannabis and other drug offences aggregated over the four year period. The majority (57.5%) of these were charged with possession/use, 23.5% with making or growing, 11.4% with possession of implement, and 7.6% with trafficking. There were negligible charges for import/export of cannabis. These figures contrast with those for drugs other than cannabis where almost all persons charged were accounted for by possession/use (48.2%) and trafficking (43.7%) offences. A small proportion (3.7%) were charged with 'other charges', and make/grow (2.6%) offences. These data show that a negligible proportion (1.7%) of persons were charged with import/export of drugs other than cannabis, however, this may reflect the data source¹.

¹ The source of this data is primarily WA Police records, although according to the CRC data from the Australian Federal Police is also sometimes included. Data from the Customs Department is not routinely collected and as such the figures presented here are probably an under-reporting of import/export offences.

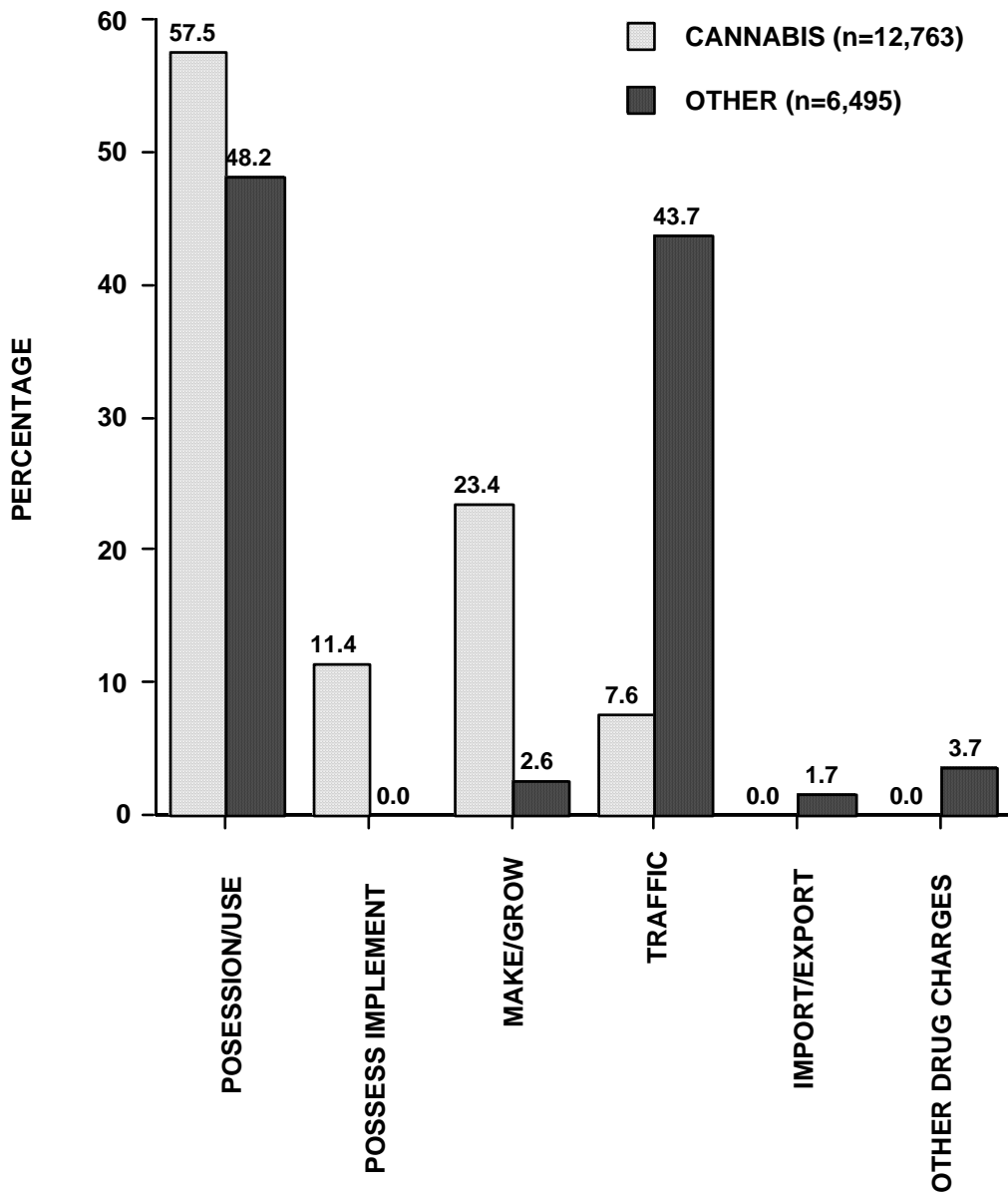


FIGURE 2:. **DISTINCT PERSONS CHARGED WITH CANNABIS AND OTHER DRUG OFFENCES BY DRUG CHARGE WA 1990-1993**

The relative proportion of persons charged with drug offences that were cannabis related was similar to that for the charge data. Table 4 shows that on average over the counting period the vast majority (89.2%) of persons whose most serious charge was drug possession and use were charged with a cannabis related offence. Over the counting period the decline is evident in the proportion of persons charged with cannabis related drug possession/use offence from 93.6% to 84.0%. Just over half (55.8%) of those charged with selling and supplying, and almost all (98.7%) those charged with make and grow offences were cannabis related.

TABLE 4
PERCENT OF DISTINCT PERSONS CHARGED WITH VARIOUS
OFFENCES THAT ARE CANNABIS RELATED
WA 1990-1993

	1990	1991	1992	1993	AVERAGE %
% of persons charged with possession/use offences that are cannabis related	93.6	90.7	88.7	84.0	89.2
% of persons charged with possess implement offences that are cannabis related	99.8	100.0	100.0	99.8	99.9
% of persons charged with make/grow offences that are cannabis related	99.4	97.7	98.3	99.4	98.7
% of persons charged with traffic (sell/supply) offences that are cannabis related	58.5	57.4	62.0	45.1	55.8
% of persons charged with import/export offences that are cannabis related	29.4	12.5	25.0	50.0	29.2
% of persons charged with total drug offences that are cannabis related	93.3	88.6	87.6	83.4	88.2

The lower relative percentage of persons charged with cannabis sell/supply (55.8%) compared to the relative percentage of such charges (65.9%) is of interest but will require further analysis of the data. It may be due to a relatively higher ratio of trafficking charges per person charged for cannabis (2.0 trafficking charges per person) compared to that for other drugs (1.3 trafficking charges per person) which may occur because of the different forms of cannabis (cannabis leaf and flowering tops, resin and oil) which attract separate sell supply cannabis charges. Alternatively it could be due to the counting rule used to determine most serious offence. Anecdotally it would appear that many people who deal in drugs other than cannabis will also

deal in cannabis, whereas there are a fair proportion of 'mull' dealers who deal in cannabis alone. On the CRC Seriousness index (Appendix A) dealing in drugs other than cannabis is given a higher seriousness rating (2) than is dealing in cannabis (9). Therefore persons apprehended for dealing who were dealing in cannabis and other drugs would appear in the 'other drug' category rather than that for cannabis. As all charges are included in the charge data the relative proportion of cannabis offences is greater.

ARREST PROCESSING

During 1993 13.0% of the apprehensions or arrests for possession/use of cannabis the person was held in custody, 46.9% of cases they were bailed, and 40.1% of cases they were issued with a summons. The distributions for possess implement and make/grow charges were somewhat similar. However, the majority (82.5%) of trafficking charges resulted in the individuals being placed on bail, reflecting the relative seriousness of these charges. Ferrante, Loh and Broadhurst (1994) provide arrest processing data for all charges in WA during 1993. With unknown cases excluded their data suggest that 23.2% of all charges resulted in custody pending trial, 58.5% of charges were bailed, and 18.2% resulted in summons. Table 5 provides arrest processing data for cannabis offences in 1993.

TABLE 5
CANNABIS CHARGES BY ARREST PROCESSING WA 1993

CHARGE (ANCO code) ^[1]	Bail		Custody		Summons		Un-known	Total
	n	%	n	%	n	%	n	n
Possess/use ^[2] (617)	1947	46.9	538	13.0	1669	40.1	399	4553
Possess implement ^[3]	1156	45.0	296	11.5	1117	43.5	282	2851
Make/grow (667)	560	48.5	115	9.9	480	41.6	146	1301
Traffic ^[4] (657)	414	82.5	54	10.8	34	6.7	55	557
Import/export (647)	1	50.0	1	50.0	0	0.0	0	2
Other cannabis charges ^[5]	3	0.4	0	0.0	5	0.6	0	8

[1] ANCO codes for cannabis.

[2] Defined by quantity under Schedule V and VI of the WA Misuse of Drugs Act 1981. 'Possession and use' of cannabis is defined as being in possession of <25 plants, <100 grams cannabis, <20 grams cannabis resin, or <80 cigarettes each containing any portion of cannabis.

[3] Cannabis data relates to Offence Code 129, non-cannabis to 212.

[4] Defined by quantity under Schedule V and VI of the WA Misuse of Drugs Act 1981. 'Intent to sell or supply' cannabis is defined as being in possession of not less than 25 plants, 100 grams cannabis, 20 grams cannabis resin, or 80 cigarettes each containing any portion of cannabis.

[5] Cannabis data relates to Offence Codes 423,557-559, 561-563, 1457, 1621, 1657, non-cannabis to other drugs under ANCO 699.

CHARACTERISTICS OF PERSONS COMMITTING OFFENCES

An examination of all cannabis related charges indicated that there was little difference between the various charges with respect to the gender and Aboriginality. Consequently for brevity cannabis possession/use data are presented here for these variables. The distribution for age, and whether the offender was a juvenile or an adult did differ from one offence to another and therefore these data are presented for all cannabis offences.

Gender

Table 6 shows that over the counting period the vast majority (85.5%) of all cannabis possession/use offences were committed by males. The gender ratio remaining almost unchanged over the four years. In 1993 84.2% of all arrests in WA involved males (Ferrante, Loh and Broadhurst, 1994).

TABLE 6
CHARGES CANNABIS POSSESSION/USE [1] BY GENDER
WA 1990-1993

GENDER	1990		1991		1992		1993		AVERAGE %
	n	%	n	%	n	%	n	%	
Male	4185	85.8	4611	85.7	4753	85.1	3881	85.2	85.5
Female	694	14.2	767	14.3	831	14.9	672	14.8	14.5
Unknown	12		26		9		0.0		
Total	4891	100.0	5404	100.0	5593	100.0	4553	100.0	100.0

[1] Defined by quantity under Schedule V and VI of the WA Misuse of Drugs Act 1981. 'Possession and use' of cannabis is defined as being in possession of <25 plants, <100 grams cannabis, <20 grams cannabis resin, or <80 cigarettes each containing any portion of cannabis.

Aboriginality

Cannabis possession/use offences are committed predominantly by non-Aboriginals. It can be seen in Table 7 that over the counting period only 5.0% of charges for cannabis possession and use were laid against Aboriginals. There was some indication of a trend from 4.0% in 1990 to 6.1% in 1993. Aboriginals were less represented in cannabis possession and use offences than they were in all arrests. In 1993 28.6% of all apprehensions involved Aboriginals (Ferrante, Loh and Broadhurst, 1994).

TABLE 7
CHARGES CANNABIS POSSESSION/USE [1] BY ABORIGINALITY
WA 1990-1993

ABORIGINALITY	1990		1991		1992		1993		AVERAGE
	n	%	n	%	n	%	n	%	%
Aboriginal	197	4.0	268	5.0	281	5.0	276	6.1	5.0
Other	4653	95.9	5108	95.0	5290	95.0	4262	93.9	95.0
Unknown	41		28		22		15		
Total	4891	100.0	5404	100.0	5593	100.0	4553	100.0	100.0

[1] Defined by quantity under Schedule V and VI of the WA Misuse of Drugs Act 1981. 'Possession and use' of cannabis is defined as being in possession of <25 plants, <100 grams cannabis, <20 grams cannabis resin, or <80 cigarettes each containing any portion of cannabis.

Juveniles

Overall offence trends for juveniles and adults can be seen in Table 8. No clear trends in offence type over time are evident. Figure 3 shows that over the counting period possession/use charges comprised 48.8% of the cannabis charges laid against juveniles and 50.1% of those against adults. Juveniles were more likely to be charged with a possess implements charge (37.6%) than were adults (29.4%). More charges (13.9%) against adults were for make/grow than for juveniles (8.3%). Trafficking charges comprised only 4.9% of charges against juveniles while they were 6.4% of those against adults. The differential charge profile between juveniles and adults is consistent with living arrangements. One would expect juveniles would be more likely to smoke cannabis outside the family home than would adults and therefore may be more likely to be in possession of a smoking implement in a public place where they are more likely to come to the attention of police. However, adults being owners or occupiers of property have more of an opportunity to cultivate cannabis than juveniles.

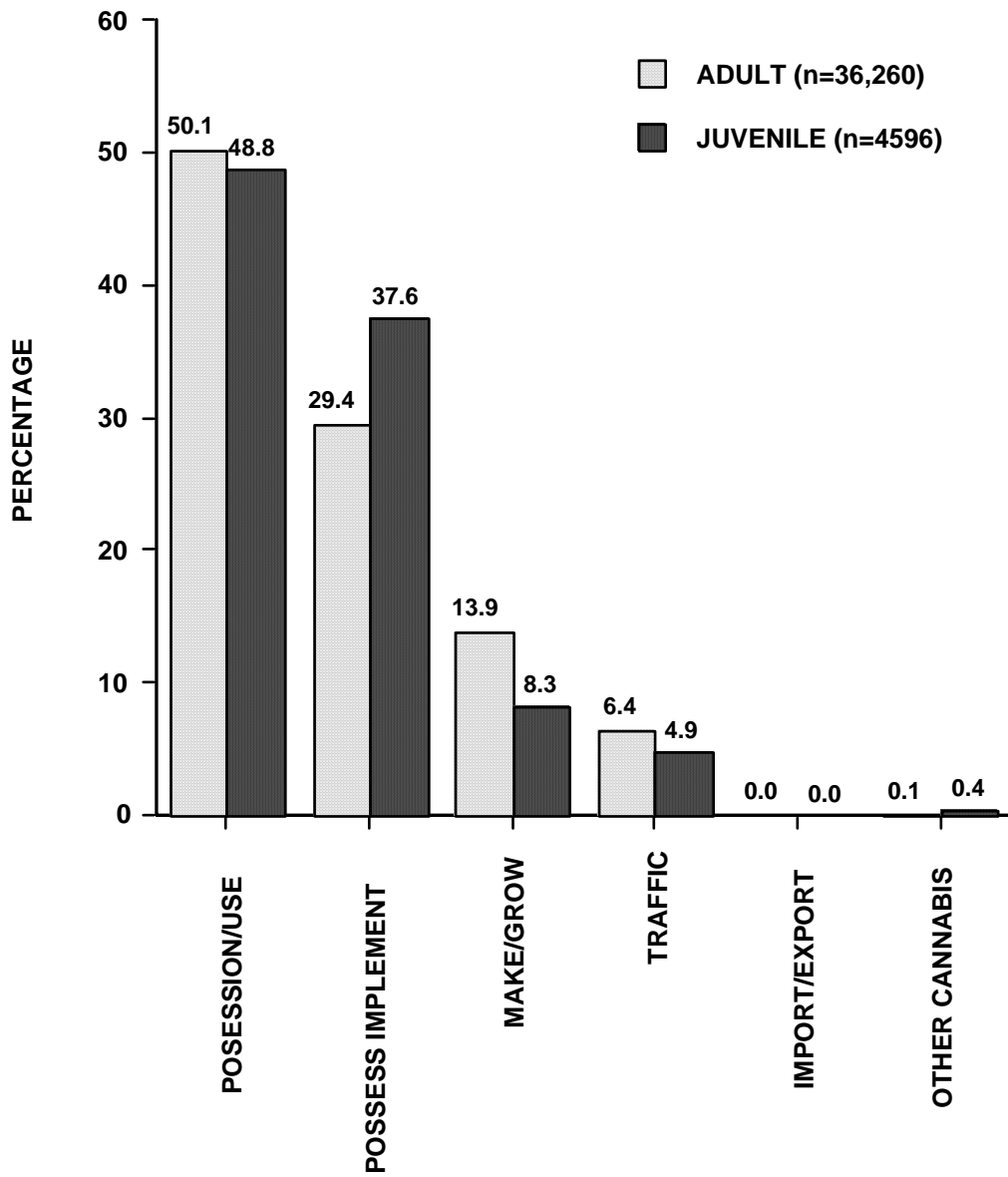


FIGURE 3: ALL CHARGES CANNABIS BY JUVENILE/ADULT WA 1990-1993

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TABLE 8
ALL CHARGES CANNABIS BY JUVENILE/ADULT IN WA 1990-1993

Table 9 shows that over the counting period 11.3% of all cannabis charges were against juveniles, defined in WA as those under 18 years of age. Juveniles made up 11.0% of all cannabis possession/use charges, 13.9% of all possess implement charges, 8.7% of all sell/supply charges and 7.0% of all make/grow charges. A clear trend is evident in the declining proportion of juveniles arrested for cannabis possession/use, implements, and total cannabis charges from 1990-91 to 1992-93. This coincides with the introduction of two reforms to the juvenile system in 1991. With the introduction of the formal cautioning system in August of that year police could formally caution a juvenile for a minor offence rather than charge the offender or bring them before a Children's Panel of the *Children's Court Amendment Act (No.2) 1991*. This Act, which extended the provisions of the recently introduced Children's Panel to cover children over the age of 16, diverts young first offenders away from the more formal processes of the Children's Court. Although an appearance is recorded, no criminal conviction or criminal record is acquired. However, drug trafficking and other serious offences are excluded from this Act (Broadhurst, Ferrante and Loh, 1993). This appears to be reflected in the trafficking, and make/grow data presented here where the trend is less clear.

TABLE 9
PERCENT OF CANNABIS CHARGES THAT ARE AGAINST JUVENILES
WA 1990-1993

	1990	1991	1992	1993	AVERAGE %
% of cannabis possession/use charges that are against juveniles	12.8	12.3	9.4	9.4	11.0
% of cannabis possess implement charges that are against juveniles	15.5	15.0	12.2	12.9	13.9
% of cannabis make/grow charges that are against juveniles	7.7	8.1	5.5	6.8	7.0
% of cannabis traffic (sell/supply) charges that are against juveniles	7.8	12.4	8.5	6.1	8.7
% of cannabis import/export charges that are against juveniles	0.0	0.0	0.0	0.0	0.0
% of cannabis total drug charges that are against juveniles	12.9	12.6	9.6	9.9	11.3

NB Unknown cases have been excluded from this table therefore percentages are adjusted.

Age

A breakdown of cannabis possession/use offences by age for each of the years in the counting period is presented in Table 10. Notably, charges against under 14 year olds comprise a negligible proportion (0.2%) of the total whereas those against young adults (18 to 21 years of age) comprise almost a third (31.2%) of all charges. Changes to juvenile processing are evident

as described above and are reflected in a trend over time in mean age and in the proportion in the oldest age category. The mean age has increased from 23.9 years in 1990 to 25.2 years in 1993. The proportion of those 30 and over who are reflected in the charge statistics, increases from 17.9% in 1990 to 25.0% in 1993.

TABLE 10
CHARGES CANNABIS POSSESSION/USE [1] BY AGE IN YEARS
WA 1990-1993

AGE	1990		1991		1992		1993		AVERAGE
	n	%	n	%	n	%	n	%	%
Under 14	6	0.1	11	0.2	10	0.1	7	0.1	0.2
14 to 17	621	12.7	655	12.1	518	9.3	423	9.3	10.8
18 to 21	1551	31.7	1676	31.0	1806	32.3	1345	29.5	31.2
22 to 25	1124	23.0	1134	21.0	1157	20.7	983	21.6	21.5
26 to 29	715	14.6	789	14.6	866	15.5	654	14.4	14.8
30 to 33	424	8.7	539	10.0	563	10.1	474	10.4	9.8
34 to 37	242	4.9	301	5.5	349	6.2	327	7.18	6.0
38 to 41	113	2.3	167	3.1	181	3.2	192	4.2	3.2
42 and over	93	1.9	133	2.5	142	2.5	148	3.2	2.5
Unknown	2		3		1		0		
Total	4891	100.0	5404	100.0	5593	100.0	4553	100.0	100.0
Mean Age (years)	23.9		24.4		24.7		25.2		24.6

[1] Defined by quantity under Schedule V and VI of the WA Misuse of Drugs Act 1981. 'Possession and use' of cannabis is defined as being in possession of <25 plants, <100 grams cannabis, <20 grams cannabis resin, or <80 cigarettes each containing any portion of cannabis.

FIRST TIME ARRESTEES

Persons whose first arrest is for cannabis offences are of interest in evaluating the impact of current cannabis laws. If found guilty these first time arrestees receive a criminal record as a result of their conviction. A criminal conviction has for a long time been recognised as a most severe and often life lasting harmful consequence of cannabis use (Le Dain Commission, 1972). This section presents data on distinct persons charged for the first time in the counting period 1990 to 1993 whose MSO is cannabis possession/use. Data on first-time arrested cannabis users were extracted from a larger data set held by the CRC comprising of apprehension records collected from WA Police of persons first arrested between April 1 1984 and June 30 1993 (Broadhurst, and Loh, 1995).

Gender, age, Aboriginality and re-offending data are presented for the 1990-1993 counting period. However, information about employment status and the nature of the second offence for those re-arrested was only available for this report in aggregated form for the period 1984 to 1993 and is thus presented for this longer counting period.

Description and re-offending

From 1990 to 1993 there were 9727 distinct persons charged with cannabis possession and use as their most serious offence (DPCPMSO). This data is presented in Table 11. On average for 42.9%¹ of these persons this was their first arrest. If convicted these persons would receive a criminal record from their cannabis possession/use offence. Re-arrest data up until 30 June 1993 are also presented for this group. Because the likelihood of arrest is dependent on the amount of follow-up time, the data are said to be censored, since insufficient time had elapsed, in some cases, between arrest and the chances of re-arrest. At the extreme, an individual arrested on the cut-off date of 30 June 1993 would have had no opportunity to be re-arrested whilst someone arrested on 1 January 1990 would have 42 months to re-offend. For the purposes of this report it is possible to say that by 6 months after initial arrest 8.9% of DPCPMSO who were first time arrestees had been re-arrested, by 18 months this figure had risen to 19.3%, by 30 months was 29.3% and by 42 months 35.4% had been re-arrested. This means that 64.6% of first-time cannabis users arrested in the period 1990 to 1993 had not been re-arrested as at 30 June 1993.

TABLE 11
FIRST TIME ARRESTEES CHARGED WITH CANNABIS POSSESSION/USE
[1] AS MOST SERIOUS OFFENCE [2] AND LIKELIHOOD OF
SUBSEQUENT ARREST WA 1990-1993

	1990	1991	1992	1993
Distinct persons charged with cannabis possess/use as most serious offence (DPCPMSO)	2439	2530	2720	2038
No of DPCPMSO who were arrested for the first time	1055	1108	1132	503 ^[3]
% of DPCPMSO who were arrested for the first time	43.3	43.8	41.6	49.0 ^[3]
No of DPCPMSO first time arrestees who were re-arrested by 30 June 1993	373	325	219	45 ^[3]
% of DPCPMSO first time arrestees who were re-arrested by 30 June 1993	35.4	29.3	19.3	8.9
Months available to re-offend	30-42	18-30	6-18	0-6

1. Data from 1993 have been excluded from this calculation as the data base used to determine whether this was a first arrest does not go beyond 30 June 1993.

- [1] Defined by quantity under Schedule V and VI of the WA Misuse of Drugs Act 1981. 'Possession and use' of cannabis is defined as being in possession of <25 plants, <100 grams cannabis, <20 grams cannabis resin, or <80 cigarettes each containing any portion of cannabis.
- [2] Seriousness as defined by Crime Research Centre's Seriousness Index (Appendix 1).
- [3] Data from 1993 have been excluded from this calculation as the data base used to determine whether this was a first arrest does not go beyond 30 June 1993.

Arrest processing

From 1990 to 1992 11.2% of first time arrestees charged with cannabis possession/use as most serious offence were held in custody prior to appearing in court, just under a half 47.9% were bailed and 40.7% were issued with a summons. These data are presented in Table 12. Note that at the time of writing data for this group for 1993 was not available.

TABLE 12
ARREST PROCESSING OF FIRST TIME ARRESTEES CHARGED WITH
CANNABIS POSSESSION/USE [1] AS MOST SERIOUS OFFENCE [2]
WA 1990-1992

PROCESSING	1990		1991		1992		AVERAGE
	n	%	n	%	n	%	%
Bail	599	57.5	489	44.4	474	41.9	47.9
Custody	170	16.4	101	9.2	97	8.6	11.4
Summons	272	26.1	510	46.4	560	49.5	40.7
Unknown	14		8		1		
Total	1055	100.0	1108	100.0	1132	100.0	100.0

[1] Defined by quantity under Schedule V and VI of the WA Misuse of Drugs Act 1981. 'Possession and use' of cannabis is defined as being in possession of <25 plants, <100 grams cannabis, <20 grams cannabis resin, or <80 cigarettes each containing any portion of cannabis.

[2] Seriousness as defined by Crime Research Centre's Seriousness Index (Appendix 1)

Characteristics of first time arrestees charged with cannabis possession/use

Table 13 shows that from 1990 to 1992 the vast majority (76.7%) of first time arrestees whose most serious offence was cannabis possession and use were males. There was a trend towards more of these persons being female over the three years from 22.2% female in 1990 to 25.6% in 1993. Almost all (98.8%) of this group were non-Aboriginals. Charges against juveniles comprised 16.2% of all charges against first time arrestees whose most serious offence was cannabis possession/use. The proportion of charges against juveniles in this group halved from 20.1% in 1990 to 10.1% in 1993. This most likely reflects the impact of the cautioning and the panel systems described above which are specifically targeted at first time offenders. The proportion of persons in the 18 to 21 year old group has increased from 35.3% in 1990 to 41.2% in 1992 and over the whole period comprises 37.4% of charges for possession/use in this group.

TABLE 13
FIRST TIME ARRESTEES CHARGED WITH CANNABIS
POSSESSION/USE [1] AS MOST SERIOUS OFFENCE [2] BY GENDER,
ABORIGINALITY AND AGE WA 1990-1992

	1990		1991		1992		AVERAGE
	n	%	n	%	n	%	%
GENDER							
Male	818	77.8	841	76.8	851	75.4	76.7
Female	233	22.2	254	23.2	277	25.6	23.3
Unknown	4		13		4		
ABORIGINALITY							
Aboriginal	13	1.2	11	1.1	15	1.4	1.2
Other	1030	98.8	1083	98.9	1115	98.6	98.8
Unknown	12		14		2		
AGE							
Under 18	212	20.1	209	18.9	114	10.1	16.2
18 to 21	372	35.3	396	35.7	466	41.2	37.5
22 to 25	231	21.9	230	20.8	209	18.5	20.3
26 to 30	118	11.2	119	10.7	147	13.0	11.7
30 and Over	122	11.5	154	13.9	196	17.2	14.3
Total	1055	100.0	1108	100.0	1132	100.0	100.0

[1] Defined by quantity under Schedule V and VI of the WA Misuse of Drugs Act 1981. 'Possession and use' of cannabis is defined as being in possession of <25 plants, <100 grams cannabis, <20 grams cannabis resin, or <80 cigarettes each containing any portion of cannabis.

[2] Seriousness as defined by Crime Research Centre's Seriousness Index (Appendix 1)

As discussed above, occupation data shown in Table 14, are presented for the period 1984-1993. In a large number of first time cannabis possession/use cases (28.7%) occupation could not be classified or were classified as 'unknown'. Included in the unclassified occupational category were many cases where the police description was simply "unemployed". Unfortunately, police recording practices were not standardised and the employment status of arrestees was not routinely recorded. Where known, however, 50.0% of first time arrested persons were from "blue collar" occupations.

TABLE 14
FIRST TIME ARRESTEES CHARGED WITH CANNABIS
POSSESSION/USE [1] AS MOST SERIOUS OFFENCE [2] BY
OCCUPATION IN WA 1984-1993

OCCUPATION	n	%
Blue collar	4,810	50.0
White collar	1,871	19.4
Unknown	2,759	28.7
Not in workforce	187	1.9
Total	9,627	100.0

[1] Defined by quantity under Schedule V and VI of the WA Misuse of Drugs Act 1981. 'Possession and use' of cannabis is defined as being in possession of <25 plants, <100 grams cannabis, <20 grams cannabis resin, or <80 cigarettes each containing any portion of cannabis.

[2] Seriousness as defined by Crime Research Centre's Seriousness Index (Appendix 1)

Most serious offence at next arrest

Data aggregated for the period 1984 to 1993 suggests that the majority of most serious second offences committed by those first time arrestees charged with possession/use cannabis who are re-arrested are relatively minor, 24.8% being driving a vehicle under the influence of alcohol or drugs, 18.9% for another possess/use cannabis offence, 5.0% for other minor drug offences and 4.2% for make/grow cannabis.

TABLE 15
FIRST TIME ARRESTEES CHARGED WITH CANNABIS
POSSESSION/USE [1] AS MOST SERIOUS OFFENCE [2] BY SECOND
CHARGE (MOST SERIOUS OFFENCE [2]) WA 1984-1993

MOST SERIOUS SECOND OFFENCE	n	%
Driving Under the Influence (alcohol or drugs)	881	24.8
Cannabis possess/use	670	18.9
Theft	278	7.8
Other (minor) drug offences	177	5.0
Make/grow cannabis	148	4.2
Resist/hinder police	141	4.0
Other good order	107	3.0
Miscellaneous other offences^[3]	1150	32.3
Total	3552	100.0

[1] Defined by quantity under Schedule V and VI of the WA Misuse of Drugs Act 1981. 'Possession and use' of cannabis is defined as being in possession of <25 plants, <100 grams cannabis, <20 grams cannabis resin, or <80 cigarettes each containing any portion of cannabis.

[2] Seriousness as defined by Crime Research Centre's Seriousness Index (Appendix 1)

[3] This category incorporates over 50 offence codes which occur at very low or negligible frequency.

Characteristics of those re-arrested

Data aggregated for the period 1984 to 1993 suggests that of the 7,336 male non-Aborigines, 2,959 (40.3%) were re-arrested, while a quarter (25.1%) of female non-Aborigines (529 out of 2,105) were re-arrested. High proportions of both male and female Aborigines were re-arrested (52.5% and 51.3% respectively) but numbers in both instances were small. A breakdown by age provided in Table 16 indicates that younger first-time cannabis users are more likely to re-offend than older offenders.

TABLE 16
FIRST TIME ARRESTEES CHARGED WITH CANNABIS
POSSESSION/USE [1] AS MOST SERIOUS OFFENCE [2] WHO ARE
CHARGED WITH A SECOND OFFENCE BY AGE WA 1984-1993

AGE	TOTAL NUMBER	NUMBER RE-ARRESTED	% RE-ARRESTED
10 - 17	1771	1083	61.1
18 - 20	2901	1719	40.6
21 - 24	2415	692	28.7
25 - 29	1421	367	22.4
30 - 34	644	144	25.8
35 and Over	474	87	18.4
Unknown	1	0	0.0
Total	9627	3552	100.0

[1] Defined by quantity under Schedule V and VI of the WA Misuse of Drugs Act 1981. 'Possession and use' of cannabis is defined as being in possession of <25 plants, <100 grams cannabis, <20 grams cannabis resin, or <80 cigarettes each containing any portion of cannabis.

[2] Seriousness as defined by Crime Research Centre's Seriousness Index (Appendix 1)

MAIN FINDINGS ARREST DATA

From 1990 to 1993 there were 40,873 cannabis related charges which were brought against 12,763 persons. These comprised 12.0% of all charges issued and were 88.9% of all drug charges. In 1983-84 approximately 96% of all drug charges were cannabis related (Wardlaw, 1986).

Half (50.0%) of the cannabis charges were for possession/use, 30.4% were for possession of implement, 13.3% were for make/grow offences, and a smaller proportion (6.2%) were for trafficking.

The proportion of possession and use charges which were cannabis related declined from 90.1% in 1990 to 80.0% in 1993. This was likely due to a growth in the use of other drugs such as amphetamine.

During 1993 in 13.0% of the apprehensions or arrests for possession/use of cannabis the person was held in custody prior to facing court. Aboriginals are less represented in cannabis possession and use offences than they were in all arrests.

The majority of cannabis possession/use offences from 1990 to 1993 were committed by males (85.5%), non-Aboriginals (95.0%), and adults (89.0%). Juveniles comprised a slightly larger proportion (13.9%) of those arrested for a possessing a smoking implement than they were for possession of cannabis itself (11.0%). Young adults (18 to 21 years of age) comprise 31.2% of all possession/use cannabis charges.

From 1990 to 1993 there were 9727 distinct persons charged with cannabis possession and use as their most serious offence and for 42.9% of these this was their first arrest. Women comprised 23.3% of first-time arrestees, Aboriginals 1.2% and juveniles 16.2%. Six months after initial arrest 8.9% of these first time arrestees had been re-arrested, by 18 months this figure had risen to 19.3%, by 30 months it was 29.3% and by 42 months 35.4% had been re-arrested. Data collected over the period 1984 - 1993 indicates the most common most serious second offences were driving a vehicle under the influence of alcohol or drugs (24.8% of most serious second arrests) and another possess/use cannabis offence (18.9% of most serious second arrests). Younger first-time cannabis users were more likely to be re-arrested than older offenders.

COURT DATA

Court data provides information about actual numbers appearing before the judicial system and the sentences imposed. Data in this section is presented in a format similar to that for arrest data. However, as the court data are only recorded to the level of the ANCO code rather than the offence code it has been necessary to estimate the proportion of other offences (ANCO 699) which are cannabis related and which of these are possession of implements. Although because of delays in court processing many arrest cases in any one year will be dealt with in the courts over the subsequent year it was decided that the arrest proportions for these offences for each year would be used to estimate the corresponding court data for these offences. In addition frequency data for all ANCO 699 offences are presented in the tables.

CHILDREN'S COURT AND CHILDREN'S PANEL DATA

Data Source and Counting Rules

Data on the activity of the Children's Court are extracted from records derived from the police P41 form. This form contains summary information derived from the complaint form (DCD 292) or equivalent about the age, sex, race, offences charged, legal representation, court location, outcome of charges and penalties (if any). It should be noted that the record does not confirm or validate the information provided by police on the original charge or complaint. The data includes details of cases before the Children's Panel. Plea entered, legal representation and details of acquittals (either in relation to individuals or offences) are not, however, recorded by the Children's Court registry. It should be noted that the Children's Panel cannot deal with matters where guilt is disputed. Therefore Children's Court data consists of charges finalised before the court, it does not include all charges heard as acquittals are excluded.

Data are presented for all counts of charges or offences and for distinct persons (by the most serious offence) appearing before the Court. Unlike arrests, a unit record is provided for each offence brought to Court including multiple incidents of the same offence type if there were more than one. The number of alleged offences is therefore the count in tables describing all charges.

A change in the coding convention used by data entry staff in the Police Department from 1992 meant that all drug related charges were no longer distinguished by drug type. For example 'possession/use cannabis' data was coded as 'possess/use deleterious drug' or 'possess a quantity of a drug'. In order to determine the number of cannabis offences for 1992 and 1993 a further interrogation of the data base is required which was not feasible within the time constraints of the current project.

CHILDREN'S COURT AND PANEL APPEARANCES IN WA 1990-1991

Over the period 1990 to 1991 there were 78,978 charges finalised by the Children's Court and Children's Panel in WA involving 20,268 distinct persons. Of these charges, 3025 (3.8%) were drug related. There were 2760 cannabis related charges over the period which comprised 3.4% of all charges finalised and were 91.2% of all drug charges finalised.

All Charges Finalised

Figure 4 shows that 54.4% of the cannabis charges finalised in the Children's Court and Panel during 1990 and 1991 were for possession/use, 35.0% were for possession of implement, 7.7% were for make/grow offences and 2.7% were for trafficking. A far greater proportion (90.9%) of non-cannabis drug charges were for possession/use, and 5.7% were for trafficking. Cannabis and other drug charges finalised in the Children's Court and Children's Panel during 1990 and 1991 are presented in Table 17.

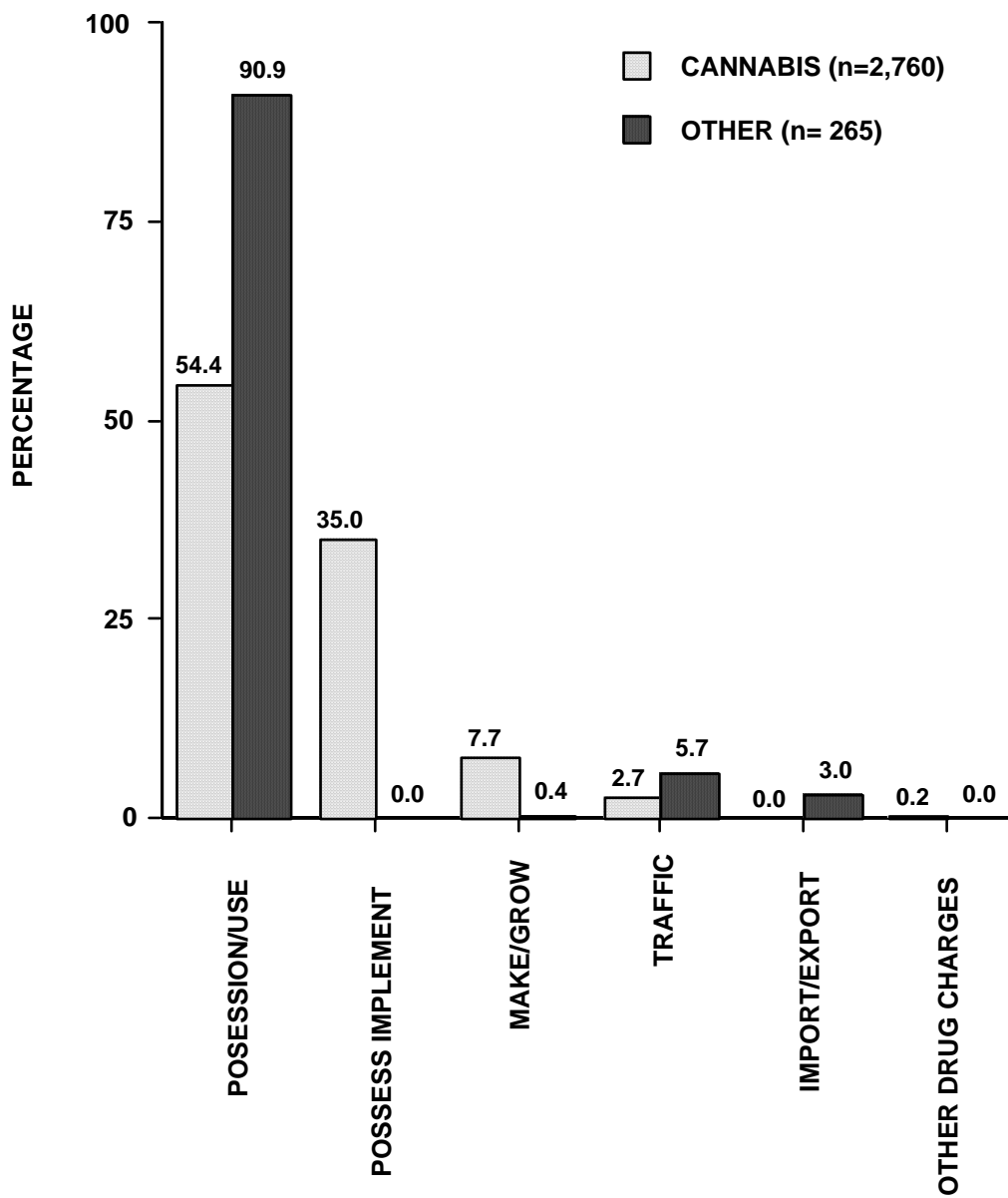


FIGURE 4: CHILDREN'S COURT AND PANEL CHARGES CANNABIS AND OTHER DRUGS WA 1990-1991

TABLE 17
CHILDREN'S COURT AND PANEL CHARGES FINALISED WA 1990-1991

	1990				1991			
	Cannabis		Other Drug		Cannabis		Other Drug	
CHARGE (ANCO code) ^[1]	n	%	n	%	n	%	n	%
Possess/use ^[2] (617)	721	54.3	105	89.7	780	54.5	136	91.9
Possess implement ^[3]	486	36.6	0	0.0	479	33.4	0	0.0
Make/grow (667)	91	6.8	0	0.0	121	8.4	1	0.7
Traffic ^[4] (657)	23	1.7	9	7.7	52	3.6	6	4.1
Import/export (647) ^[5]	0	0.0	3	2.6	0	0.0	5	3.3
Other drug charges ^[6]	7	0.5	0	0.0	0	0.0	0	0.0
Total charges (by drug)	1328	100.0	117	100.0	1432	100.0	148	100.0
Total other charges (699)	493				479			
Total drug charges	1445				1580			
Total Charges	39270				39708			

[1] ANCO codes for cannabis.

[2] Defined by quantity under Schedule V and VI of the WA Misuse of Drugs Act 1981. 'Possession and use' of cannabis is defined as being in possession of <25 plants, <100 grams cannabis, <20 grams cannabis resin, or <80 cigarettes each containing any portion of cannabis.

[3] Cannabis data relates to Offence Code 129, non-cannabis to 212.

[4] Defined by quantity under Schedule V and VI of the WA Misuse of Drugs Act 1981. 'Intent to sell or supply' cannabis is defined as being in possession of not less than 25 plants, 100 grams cannabis, 20 grams cannabis resin, or 80 cigarettes each containing any portion of cannabis.

[5] The source of this data is primarily WA Police records, although according to the Crime Research Centre data from the Australian Federal Police is also sometimes included. Data from the Customs Department is not routinely collected and as such the figures here presented are probably an under-reporting of import/export offences.

[6] Cannabis data relates to Offence Codes 423,557-559, 561-563, 1457, 1621, 1657, non-cannabis to other drugs under ANCO 699. ANCO 699 includes 42 'other' offences such as possession of paraphernalia, forge prescription, being found on premises.

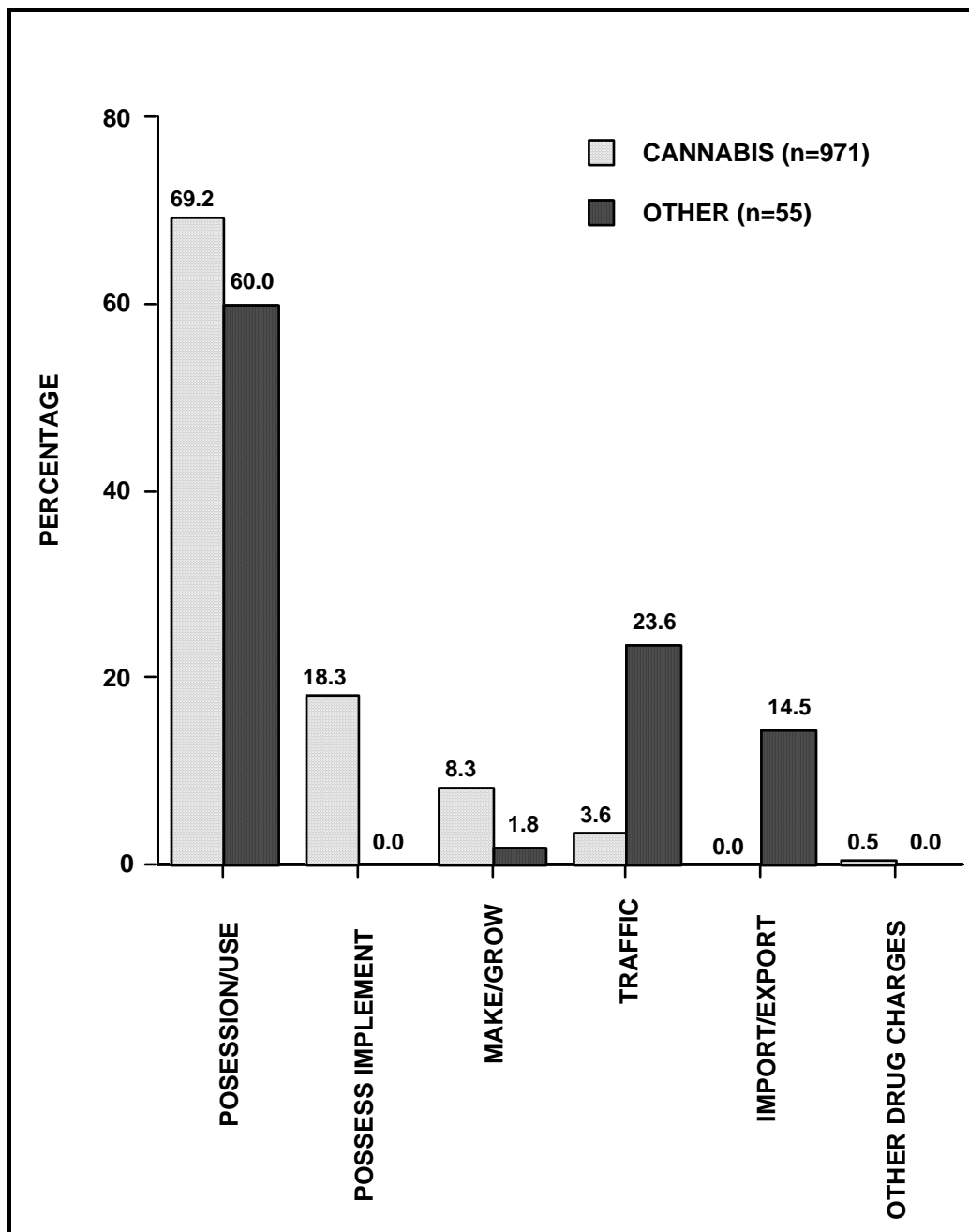
Table 18 shows that cannabis comprised the vast majority if not all the drug related charges finalised in the Children's Court and Panel during 1991 and 1992. Cannabis charges comprised 100% of all possess implement charges, 99.6% of all make/grow charges, 86.2% of all possession/use charges and 80.8% of traffic charges. Overall, 91.2% of drug related charges finalised before the Children's Court were cannabis related.

TABLE 18
CHILDREN'S COURT AND PANEL PERCENT OF DRUG CHARGES
FINALISED THAT WERE CANNABIS RELATED WA 1990-1991

	1990	1991	AVERAGE %
% of possession/use charges finalised that are cannabis related	87.3	85.2	86.2
% of possess implement charges finalised that were cannabis related	100.0	100.0	100.0
% of make/grow charges finalised that were cannabis related	100.0	99.2	99.6
% of traffic (sell/supply) charges finalised that were cannabis related	71.9	89.6	80.8
% of import/export charges finalised that were cannabis related	0.0	0.0	0.0
% of total drug charges finalised that were cannabis related	91.9	90.6	91.2

Distinct Persons

Figure 5 shows that 69.2% of the persons appearing before the Children's Court or Panel on cannabis related charges during 1990 and 1991 were charged with possession/use offences and 18.3% were charged with possession of an implement as their most serious offence. Whilst the majority (60.0%) of those charged with a non-cannabis offence were charged with possession/use, 23.6% were charged with trafficking. Interpretation of import /export offences are compromised by the small numbers involved. Distinct Persons charged with cannabis and other drug charges finalised in the Children's Court and Children's Panel during 1990 and 1991 are presented in Table 19.



**FIGURE 5: CHILDREN'S COURT AND PANEL DISTINCT PERSONS (BY MOST SERIOUS OFFENCE) [1]
CANNABIS AND OTHER DRUGS WA 1990-1991**

TABLE 19
CHILDREN'S COURT AND PANEL DISTINCT PERSONS (MOST SERIOUS OFFENCE) [1] WA 1990-1991

	1990				1991			
	Cannabis		Other Drug		Cannabis		Other Drug	
CHARGE (ANCO code) ^[2]	n	%	n	%	n	%	n	%
Possess/use ^[3] (617)	345	69.7	15	57.7	327	68.7	18	62.1
Possess implement ^[4]	96	19.4	0	0.0	82	17.2	0	0.0
Make/grow (667)	39	7.9	0	0.0	42	8.8	1	3.4
Traffic ^[5] (657)	10	2.0	8	30.8	25	5.2	5	17.2
Import/export (647) ^[6]	0	0.0	3	11.5	0	0.0	5	17.2
Other drug charges ^[7]	5	1.0	0	0.0	0	0.0	0	0.0
Total persons (by drug)	495	100.0	26	100.0	476	100.0	29	100.0
Total persons drug charged	521				505			
Total persons charged	10513				9755			

[1] Seriousness as defined by Crime Research Centre's Seriousness Index (Appendix 1).

[2] ANCO codes for cannabis.

[3] Defined by quantity under Schedule V and VI of the WA Misuse of Drugs Act 1981. 'Possession and use' of cannabis is defined as being in possession of <25 plants, <100 grams cannabis, <20 grams cannabis resin, or <80 cigarettes each containing any portion of cannabis.

[4] Cannabis data relates to Offence Code 129, non-cannabis to 212.

[5] Defined by quantity under Schedule V and VI of the WA Misuse of Drugs Act 1981. 'Intent to sell or supply' cannabis is defined as being in possession of not less than 25 plants, 100 grams cannabis, 20 grams cannabis resin, or 80 cigarettes each containing any portion of cannabis.

[6] The source of this data is primarily WA Police records, although according to the Crime Research Centre data from the Australian Federal Police is also sometimes included. Data from the Customs Department is not routinely collected and as such the figures here presented are probably an under-reporting of import/export offences.

[7] Cannabis data relates to Offence Codes 423,557-559, 561-563, 1457, 1621, 1657, non-cannabis to other drugs under ANCO 699. ANCO 699 includes 42 'other' offences such as possession of paraphernalia, forge prescription, being found on premises

Table 20 shows that apart from those charged with trafficking offences, cannabis offenders comprised almost all the persons appearing before the Children's Court and Children's Panel for various drug charges during 1990 and 1991.

TABLE 20
CHILDREN'S COURT AND PANEL PERCENT OF TOTAL PERSONS FOUND
GUILTY OF VARIOUS OFFENCES THAT WERE CANNABIS RELATED
WA 1990-1991

	1990	1991	AVERAGE %
% of persons found guilty of possession/use offences that were cannabis related	95.8	94.8	95.3
% of persons found guilty of possess implement offences that were cannabis related	100.0	100.0	100.0
% of persons found guilty of make/grow offences that were cannabis related	100.0	97.7	98.8
% of persons found guilty of traffic (sell/supply) offences that were cannabis related	55.5	83.3	69.4
% of persons found guilty of import/export offences that were cannabis related	0.0	0.0	0.0
% of persons found guilty of total drug offences that were cannabis related	95.0	94.2	94.6

Characteristics of Persons Found Guilty before Children's Courts for Cannabis Possess/Use Offences

Table 21 presents the available data on the characteristics of persons found guilty before the Children's Courts and Panel for possession/use of cannabis during 1990 and 1991. Of all charges 87.5% were against males who comprised 84.5% of all persons found guilty. Aboriginals were responsible for 7.8% of all charges finalised but where only 2.5% of those charged in the Children's Court for possession/use of cannabis during this period. Three quarters (75.7%) of these charges against finalised in the Children's Court were against those between 16 and 18 years of age.

**INSERT
TABLE 21**

**CHILDREN'S COURT AND PANEL APPEARANCES FOR CANNABIS
POSSESSION/USE ^[1]CHARGES AND DISTINCT PERSONS APPEARING (BY
MOST SERIOUS OFFENCE) ^[2] BY GENDER, ABORIGINALITY AND AGE IN WA
1990 and 1991**

Penalties Given to Persons Found Guilty of Cannabis Possession/Use in Children's Court and Panel

Table 22 presents the available data on the penalties given to those found guilty of Cannabis possession/use who appeared before the Children's Courts in WA in 1990 and 1991. Custodial penalties were the least frequent outcome being 5.4% of all charges. Dismissal, which includes discharge with no penalty and dismissed with no conviction recorded (Ferrante, Loh and Broadhurst, 1994) was the most frequent outcome occurring in 42.1% of these charges. Just under a third (30.4%) of charges resulted in non-custodial orders including probation, community service orders, good behaviour bonds and suspended sentences. About one fifth (22.1%) of charges resulted in a fine.

TABLE 22
CHILDREN'S COURT AND PANEL CANNABIS POSSESSION/USE [1] CHARGES
FINALISED AND DISTINCT PERSONS (MOST SERIOUS OFFENCE) [2] BY
PENALTY WA 1990 and 1991

	1990				1991				AVERAGE %	
	Charges		Distinct Persons		Charges		Distinct Persons		Charges	Distinct Persons
PENALTY	n	%	n	%	n	%	n	%		
Dismissed	315	43.7	215	62.3	317	40.6	203	62.1	42.1	62.2
Fine	174	24.1	75	21.7	157	20.1	69	21.1	22.1	21.4
Non-custodial	205	28.4	55	15.9	252	32.3	54	16.5	30.4	16.3
Custodial	27	3.7	0	0.0	54	6.9	1	0.3	5.4	0.1
	721	100.0	345	100.0	780	100.0	327	100.0	100.0	100.0

[1] Defined by quantity under Schedule V and VI of the WA Misuse of Drugs Act 1981. 'Possession and use' of cannabis is defined as being in possession of <25 plants, <100 grams cannabis, <20 grams cannabis resin, or <80 cigarettes each containing any portion of cannabis.

[2] The counting rule for distinct persons convicted is to select the record incurring the 'most serious penalty', or the 'most serious offence', selected on the basis of the Seriousness Index compiled by the CRC (Appendix A), if acquitted or withdrawn.

LOWER COURT (COURTS OF PETTY SESSIONS) DATA

Data Source and Counting Rules

Lower court data are only available for the 1992 calendar year. Lower court data have been extracted from WA Police apprehension records ('buff copy' of the police P18 form). These record the penalties arising from charges laid only by police and therefore do not include matters prosecuted by other agencies. Also excluded are less serious traffic offences dealt with by way

of summons or by the automatic expiation procedures of the Justices Act which do not apply to drug offences. Thus, these data refer only to those cases resulting from the most serious charges laid by police in a lower court. Police records are constructed in such a way that the alleged offences (and other information) of individuals acquitted are suppressed for 'on-line' interrogation purposes but are preserved for statistical purposes. Police records do not report the plea entered, the composition of the tribunal or whether the defendant was represented by legal counsel. Quantum information (or the 'amount' of penalty) is also limited. The data reported here include details on the offences resulting in conviction, acquittal or withdrawal, the penalties imposed, the age, race and sex of defendants.

Data is counted in two ways: firstly, a count of all charges finalised and secondly, a count of distinct persons (defendants) during the counting period. The counting rule for distinct persons simply selects the record incurring the 'most serious penalty' if the person has been convicted, or the 'most serious offence', selected on the basis of the Seriousness Index compiled by the CRC (Appendix A), if acquitted or withdrawn.

LOWER COURT (COURTS OF PETTY SESSIONS) APPEARANCES 1992

During 1992 81,880 police charges involving 32,175 individuals were finalised in the Court of Petty Sessions, an average of 2.5 cases per person. Of these charges, 11096 (13.6%) were drug related. There were 9,518 cannabis related charges over the period which comprised 11.6% of all charges and were 85.8% of all drug charges finalised in the lower courts. Cannabis charges were finalised in the Court of Petty Sessions against 4715 distinct persons, comprising 87.0% of all persons charged with drug offences in that court. Data on all charges and distinct persons charged for cannabis and other drug offences heard in the Court of Petty Sessions during 1992 are presented in Table 23. The percentage of all drug use charges finalised in this court which were cannabis related are presented in Table 24.

TABLE 23
LOWER COURT (PETTY SESSIONS) APPEARANCES (ALL CHARGES) AND
DISTINCT PERSONS (BY MOST SERIOUS OFFENCE) ^[1] WA 1992

	ALL CHARGES				DISTINCT PERSONS			
	Cannabis		Other Drug		Cannabis		Other Drug	
CHARGE (ANCO code) ^[2]	n	%	n	%	n	%	n	%
Possess/use ^[3] (617)	4916	51.6	1321	83.7	2739	58.1	536	76.4
Possess implement (est.) ^[4]	2700	28.4	3	0.2	661	14.0	0	0.0
Make/grow (667)	1463	15.4	47	3.0	1028	21.8	35	5.0
Traffic ^[5] (657)	428	4.5	137	8.7	285	6.0	76	10.8
Import/export (647) ^[6]	0	0.0	12	0.8	0	0.0	6	0.9
Other drug charges (by drug) (est.) ^[7]	11	0.1	58	3.6	2	0.1	49	6.9
Total charges (by drug) (est.) ^[7]	9518	100.0	1578	100.0	4715	100.0	702	100.0
Total Other drug charges (impl. + oth.)	2772				712			
Total drug charges	11096				5417			
Total Charges	81880				32175			

[1] The counting rule for distinct persons convicted is to select the record incurring the 'most serious penalty', or the 'most serious offence', selected on the basis of the Seriousness Index compiled by the CRC (Appendix A), if acquitted or withdrawn.

[2] ANCO codes for cannabis.

[3] Defined by quantity under Schedule V and VI of the WA Misuse of Drugs Act 1981. 'Possession and use' of cannabis is defined as being in possession of <25 plants, <100 grams cannabis, <20 grams cannabis resin, or <80 cigarettes each containing any portion of cannabis.

[4] As other "total other drug charges" (ANCO 699) are not broken down by offence code to level of drug type in court data these figures have been estimated using Police arrest data for all charges and distinct persons for 1992.

[5] Defined by quantity under Schedule V and VI of the WA Misuse of Drugs Act 1981. 'Intent to sell or supply' cannabis is defined as being in possession of not less than 25 plants, 100 grams cannabis, 20 grams cannabis resin, or 80 cigarettes each containing any portion of cannabis.

[6] The source of this data is primarily WA Police records, although according to the Crime Research Centre data from the Australian Federal Police is also sometimes included. Data from the Customs Department is not routinely collected and as such the figures here presented are probably an under-reporting of import/export offences.

[7] As other "total other drug charges" (ANCO 699) are not broken down by offence code to level of drug type in court data these figures have been estimated using Police arrest data for all charges and distinct persons for 1992.

TABLE 24
PERCENT OF LOWER COURT (PETTY SESSIONS) APPEARANCES
(ALL CHARGES) AND DISTINCT PERSONS (BY MOST SERIOUS
OFFENCE) [1] THAT ARE CANNABIS RELATED WA 1992

	Charges	Distinct Persons
% of possession/use that are cannabis related	78.8	83.6
% of possess implement that are cannabis related [2]	99.9	100.0
% of make/grow that are cannabis related	96.9	96.7
% of traffic (sell/supply) that are cannabis related	75.8	78.9
% of import/export that are cannabis related	0.0	0.0
% of total drug that are cannabis related	85.8	87.0

[1] The counting rule for distinct persons convicted is to select the record incurring the 'most serious penalty', or the 'most serious offence', selected on the basis of the Seriousness Index compiled by the CRC (Appendix A), if acquitted or withdrawn.

[2] As other "total other drug charges" (ANCO 699) are not broken down by offence code to level of drug type in court data these figures have been estimated using Police arrest data for all charges and distinct persons for 1992.

All Charges Finalised

Over half (51.6%) of the cannabis charges were for possession/use, 15.4% were for make/grow offences and 4.5% were for trafficking. Estimates based on arrest data (see note 7 Table 23) indicate that under a third (28.4%) of charges were for possession of implement. A far greater proportion (83.7%) of non-cannabis drug charges were for possession/use, however, proportionally trafficking were twice as common (8.7%) among non-cannabis charges than they were for cannabis. Import/export and, according to estimates based in arrest data, possession of implements, made up a negligible proportion of charges for drugs other than cannabis heard in the lower courts during 1992.

Distinct Persons

Persons charged with cannabis possession/use comprised 58.1% of all persons charge with a cannabis related most serious offence appearing before the Court of Petty Sessions. Possession/use offenders comprised a larger proportion (76.4%) of non-cannabis offenders appearing before the Court. Make/grow (21.8%) and possess implement (14.0%) offenders comprised a larger proportion of persons charged before the Court with cannabis offences than they did for other drugs, yet those charged with import/export were a smaller percentage of the cannabis group. Table 24 shows that apart from import/export cannabis offenders comprised the vast majority of persons appearing before the Court of Petty Sessions on drug charges.

Characteristics of Persons Appearing before Lower Courts for Cannabis Possess/Use, Make/Grow and Traffic Offences

This section presents the available data on the characteristics of persons charged before the lower courts in WA for a selection of drug offences in 1992. Unfortunately data on possess/traffic charges are not presented for the reason described above, and no reliable estimates of characteristics of persons so charged could be made based on other available data.

Tables 25 and 26 show that the majority of persons appearing before the court of petty sessions for cannabis possession/use, make/grow and traffic offences were males. For example 84.6% of all finalised possession/use charges were committed by males and comprised 82.2% of distinct persons. Women accounted for a larger proportion of trafficking offences than they did possess/use or make/grow charges. Females were responsible for 17.5% of trafficking charges and comprised 21.4% of persons so charged in the lower courts.

TABLE 25
LOWER COURT (PETTY SESSIONS) CANNABIS RELATED SELECTED OFFENCES (ALL CHARGES) BY GENDER AND ABORIGINALITY WA 1992

	Gender				Aboriginality			
	Male		Female		Aboriginal		Other	
CHARGE (ANCO code) ^[1]	n	%	n	%	n	%	n	%
Possess/use ^[2] (617)	4161	84.6	755	15.4	204	4.2	4711	95.8
Make/grow (667)	1255	85.7	208	14.3	41	2.8	1421	97.2
Traffic ^[3] (657)	353	82.5	75	17.5	27	6.3	399	93.7

[1] ANCO codes for cannabis.

[2] Defined by quantity under Schedule V and VI of the WA Misuse of Drugs Act 1981. 'Possession and use' of cannabis is defined as being in possession of <25 plants, <100 grams cannabis, <20 grams cannabis resin, or <80 cigarettes each containing any portion of cannabis.

[3] Defined by quantity under Schedule V and VI of the WA Misuse of Drugs Act 1981. 'Intent to sell or supply' cannabis is defined as being in possession of not less than 25 plants, 100 grams cannabis, 20 grams cannabis resin, or 80 cigarettes each containing any portion of cannabis.

[4] The source of this data is primarily WA Police records, although according to the Crime Research Centre data from the Australian Federal Police is also sometimes included. Data from the Customs Department is not routinely collected and as such the figures here presented are probably an under-reporting of import/export offences.

TABLE 26
LOWER COURT (PETTY SESSIONS) DISTINCT PERSONS (BY MOST SERIOUS OFFENCE) [1] CANNABIS RELATED SELECTED OFFENCES BY GENDER AND ABORIGINALITY IN WA 1992

CHARGE (ANCO code)[2]	Gender				Aboriginality			
	Male		Female		Aboriginal		Other	
	n	%	n	%	n	%	n	%
Possess/use [3] (617)	2253	82.2	486	17.8	84	3.1	2655	96.9
Make/grow (667)	873	84.9	155	15.1	20	1.9	1007	98.1
Traffic [4] (657)	224	78.6	61	21.4	18	6.3	266	93.7

[1] The counting rule for distinct persons convicted is to select the record incurring the 'most serious penalty', or the 'most serious offence', selected on the basis of the Seriousness Index compiled by the CRC (Appendix A), if acquitted or withdrawn.

[2] ANCO codes for cannabis.

[3] Defined by quantity under Schedule V and VI of the WA Misuse of Drugs Act 1981. 'Possession and use' of cannabis is defined as being in possession of <25 plants, <100 grams cannabis, <20 grams cannabis resin, or <80 cigarettes each containing any portion of cannabis.

[4] Defined by quantity under Schedule V and VI of the WA Misuse of Drugs Act 1981. 'Intent to sell or supply' cannabis is defined as being in possession of not less than 25 plants, 100 grams cannabis, 20 grams cannabis resin, or 80 cigarettes each containing any portion of cannabis.

Tables 25 and 26 show that charges against Aboriginals appearing before the court of petty sessions for cannabis possession/use, make/grow and traffic offences comprised only a small proportion of such charges and distant persons charged. Only 4.2% of charges for possession/use were against Aboriginals who comprised 3.1% of distinct persons so charged. Although it appears that Aboriginals accounted for a larger proportion of trafficking offences than they did possess/use or make/grow charges the small number of Aboriginal offenders make interpretation difficult.

Table 27 and 28 show that 35.6% of possession/use charges heard in the lower courts were against 18 to 21 year olds, with 72.7% of adults so charged being under 30 years of age. Higher proportions of make/grow charges heard in these courts were committed by older offenders. The pattern for trafficking offences tended to follow that for possession/use. The largest proportion of trafficking charges (26.4%) were found among 18 to 21 year olds.

INSERT

TABLE 27

**LOWER COURT (PETTY SESSIONS) CANNABIS RELATED SELECTED
OFFENCES (ALL CHARGES) BY AGE WA 1992**

TABLE 28

**LOWER COURT (PETTY SESSIONS) CANNABIS RELATED SELECTED
OFFENCES BY AGE DISTINCT PERSONS
(BY MOST SERIOUS OFFENCE) WA 1992**

Outcomes of Charges Against of Persons Appearing before Lower Courts for Cannabis and Other Drug Offences

Table 29 presents the available data on the outcomes of charges against those appearing before the lower courts in WA for the same selection of drug offences in 1992. Data on possess implement charges are not presented for the reason described above, and no reliable estimates of outcomes for this charge could be made based on other available data. Almost all of the cannabis charges for possession/use (98.8%), make/grow (99.2%) and trafficking (97.4%) resulted in conviction, overall only 0.4% lead to an acquittal and 0.8% were withdrawn. Marginally higher rates of withdrawal (1.7%) and acquittal (2.5%) are evident for these three charges involving drugs other than cannabis.

INSERT
TABLE 29
**LOWER COURT (PETTY SESSIONS) CANNABIS RELATED APPEARANCES (ALL
CHARGES) DRUG TYPE BY OUTCOME WA 1992**

Characteristics of Persons by Outcomes of Cannabis Related Charges

Table 30 presents the outcome of cannabis charges in the lower courts during 1992 for men versus women and Table 31 that for Aboriginals and non-Aboriginals. Rates of conviction were very similar. Although women appear to be more likely to be found not guilty, the small number of cases here renders such an interpretation merely suggestive. The same problem limits interpretation of outcome data for Aboriginals.

INSERT
TABLE 30
**LOWER COURT (PETTY SESSIONS) CANNABIS RELATED APPEARANCES (ALL
CHARGES) GENDER BY OUTCOME WA 1992**

INSERT
TABLE 31
LOWER COURT (PETTY SESSIONS) CANNABIS RELATED APPEARANCES (ALL
CHARGES) ABORIGINALITY BY OUTCOME WA 1992

Penalties Given to Persons Found Guilty of Cannabis and Other Drug Offences in Court of Petty Sessions

Table 32 presents the available data on the outcomes of charges against those appearing before the lower courts in WA for a selection of drug offences in 1992. As described above, data on possess implement charges were not available, and no reliable estimates of outcomes for this charge could be made based on other available data. The table shows that cannabis possession/use charges are more likely to result in a fine than are those for possession offences involving drugs other than cannabis. Almost all (94.1%) cannabis possession/use offences resulted in a fine being imposed compared to 73.8% of charges for possession and use of other drugs. Of those cannabis possession use charges against persons found guilty in the lower court 33 (0.7%) resulted in a custodial sentence. One in five (20.1%) possession/use charges for drugs other than cannabis resulted in a custodial sentence being issued. Note that fine defaults which result in custody are not included here. Table 33 shows that nine (0.3%) distinct persons charged with cannabis possession /use offences found guilty before the lower courts were sentenced to custody, compared to 31 (5.9%) distinct persons charged with possession and use of other drugs who were so sentenced.

INSERT
TABLE 32
LOWER COURT (PETTY SESSIONS) APPEARANCES IN WA 1992
DRUG TYPE BY PENALTY FOR ALL CHARGES

INSERT
TABLE 33
LOWER COURT (PETTY SESSIONS) APPEARANCES IN WA 1992
DRUG TYPE BY CHARGE BY PENALTY DISTINCT PERSONS (BY MOST SERIOUS
OFFENCE) [1]

Characteristics of persons by penalties for those found guilty of cannabis related charges

There is suggestive evidence that Aboriginals found guilty of cannabis possession/use in the lower courts in WA during 1992 were more likely to be sentenced to custody, less likely to be fined, and were more likely to receive a non-custodial sentence (eg. probation, Community Service Order) than their non-Aboriginal counterparts. Although again limited by small numbers in some cells, Table 34 shows that 3.0% of the possession/use cannabis charges against Aboriginals resulted in a custodial sentence, 6.9% a non-custodial sentence, and 89.6% a fine being imposed. This compared to 0.6% of such charges against non-Aboriginals receiving a custodial sentence, 3.5% a non-custodial sentence and 94.3% a fine. Table 35 shows that 2 (2.4%) of 83 Aboriginals found guilty in the lower courts whose most serious offence was possession and use of cannabis were sentenced to custody, compared 7 (0.3%) of 2627 non-Aboriginals.

INSERT
TABLE 34
LOWER COURT (PETTY SESSIONS) APPEARANCES IN WA 1992
DRUG TYPE BY PENALTY FOR ALL CHARGES BY ABORIGINALITY

INSERT
TABLE 35
LOWER COURT (PETTY SESSIONS) APPEARANCES IN WA 1992
DRUG TYPE BY PENALTY FOR ALL DISTINCT PERSONS (BY MOST SERIOUS
OFFENCE) ^[1] BY ABORIGINALITY

Overall one percent of charges against males for cannabis possess/use, make/grow, and traffic offences resulted in a custodial sentence being imposed. No such charges against females resulted in custodial sentence being issued. This data is presented in Table 36. It appears that the majority of the difference was accounted for by non-custodial sentences which, for example comprised only 3.0% of possession/use convictions against males, but 7.0% against females. Charges against women were also less likely to incur a fine for this offence (89.3% for women, compared to 98.9% for men) and more likely (3.2%) than those against men (1.3%) to result in no penalty. Table 37 shows that none of 481 women found guilty in the lower courts whose most serious offence was possession and use of cannabis were sentenced to custody, compared to nine (0.4%) of 2229 males.

TABLE 36 HERE

TABLE 37 HERE

MAIN FINDINGS COURT DATA

There were 2,760 cannabis related charges finalised in the Children's Court and Panel over the period 1990 to 1991 which comprised 3.4% of all charges and 91.2% of all drug charges finalised. Over half (54.4%) of these cannabis charges finalised were for possession/use, 35.0% were for possession of implement which respectively comprised 69.2% and 18.3% of the persons appearing before the Children's Court or Panel on cannabis related charges. Among possession/use charges finalised the most common outcome was dismissal, occurring in 43.1% of charges, 30.4% resulted in non-custodial orders and 22.1% in a fine.

There were 9,518 cannabis related charges in 1992 which comprised 11.6% of all charges and 85.8% of all drug charges finalised in the lower court (Court of Petty Sessions). Cannabis charges were finalised in the lower court against 4,715 distinct persons, comprising 87.0% of all persons charged with drug offences in that court.

Over half (51.6%) of the cannabis charges heard in the lower court in 1992 were for possession/use, 15.4% were for make/grow offences and 4.5% were for trafficking. Estimates based on arrest data indicate that 28.4% of charges were for possession of implement. Males were responsible for 84.6% of all possession/use charges finalised in the court and Aboriginals only 4.2%. Just over a third (35.6%) of possession/use charges finalised in the lower courts were against 18 to 21 year olds, with 72.7% of adults so charged being under 30 years of age.

Almost all of the cannabis charges finalised in the lower court resulted in conviction. Only 0.7% of cannabis possession use charges against persons found guilty in the lower court resulted in a custodial sentence, compared to 20.1% possession/use charges for drugs other than cannabis. Nine (0.3%) persons charged in the lower court with cannabis possession/use as their most serious offence received a custodial sentence during 1992.

Although limited by small numbers, and without controlling for factors such as prior convictions, there is suggestive evidence that Aboriginals found guilty of cannabis possession/use in the lower courts in WA during 1992 were more likely to be sentenced to custody, less likely to be fined, and were more likely to receive a non-custodial sentence (eg. probation, Community Service Order) than their non-Aboriginal counterparts.

Charges against women were less likely to incur a fine for possession/use cannabis (89.3% for women, compared to 98.9% for men) and more likely (3.2%) than those against men (1.3%) to result in no penalty.

PRISON DATA

Information about the number of cannabis -related imprisonment's is an important aspect of the social and economic costs of the current legislative system which applies to cannabis in Western Australia. This section describes characteristics of persons imprisoned for cannabis offences during the calendar years from 1990 to 1993. It should be noted that it includes persons so convicted from lower and higher courts, including those charged with the more serious cannabis related offences, such as large scale cultivation and distribution.

Data Source and Counting Rules

The prison data have been extracted from the computerised records of the Corrective Services Division of the Ministry of Justice. In most cases data are presented by both all persons received in prisons (unsentenced and sentenced) and for all distinct persons (by the most serious offence) for the counting period 1990-1993. Similar counting rules to those already described apply except that for prison data the most serious offence is determined by the longest sentence.

PRISON RECEIVALS 1990-1993

Over the counting period there were 19,163 distinct individuals received by prisons in WA and they accounted for 24,593 separate receivals. Of these receivals, 1,252 (5.1%) were drug related. There were 791 cannabis related receivals resulting in imprisonment in WA which comprised 3.2% of all receivals and were 63.2% of all those which were drug related. Cannabis and other drug receivals received by WA prisons over the period 1990 to 1993 are presented in Table 38.

INSERT

TABLE 38
DRUG RELATED RECEIVALS (ALL CHARGES) TO WA PRISONS 1990-1993

Figure 6 shows that 47.3% of the cannabis receipts were for possession/use, 23.0% were for trafficking, 15.3% for possession of implement and 13.6% were for make/grow offences. Just under half (47.7%) of non-cannabis drug receipts were for trafficking whilst only 38.0% were for possession/use. For drugs other than cannabis, possession of implement comprised only 1.7% make/grow only 3.0% and import export only 8.2% of receipts.

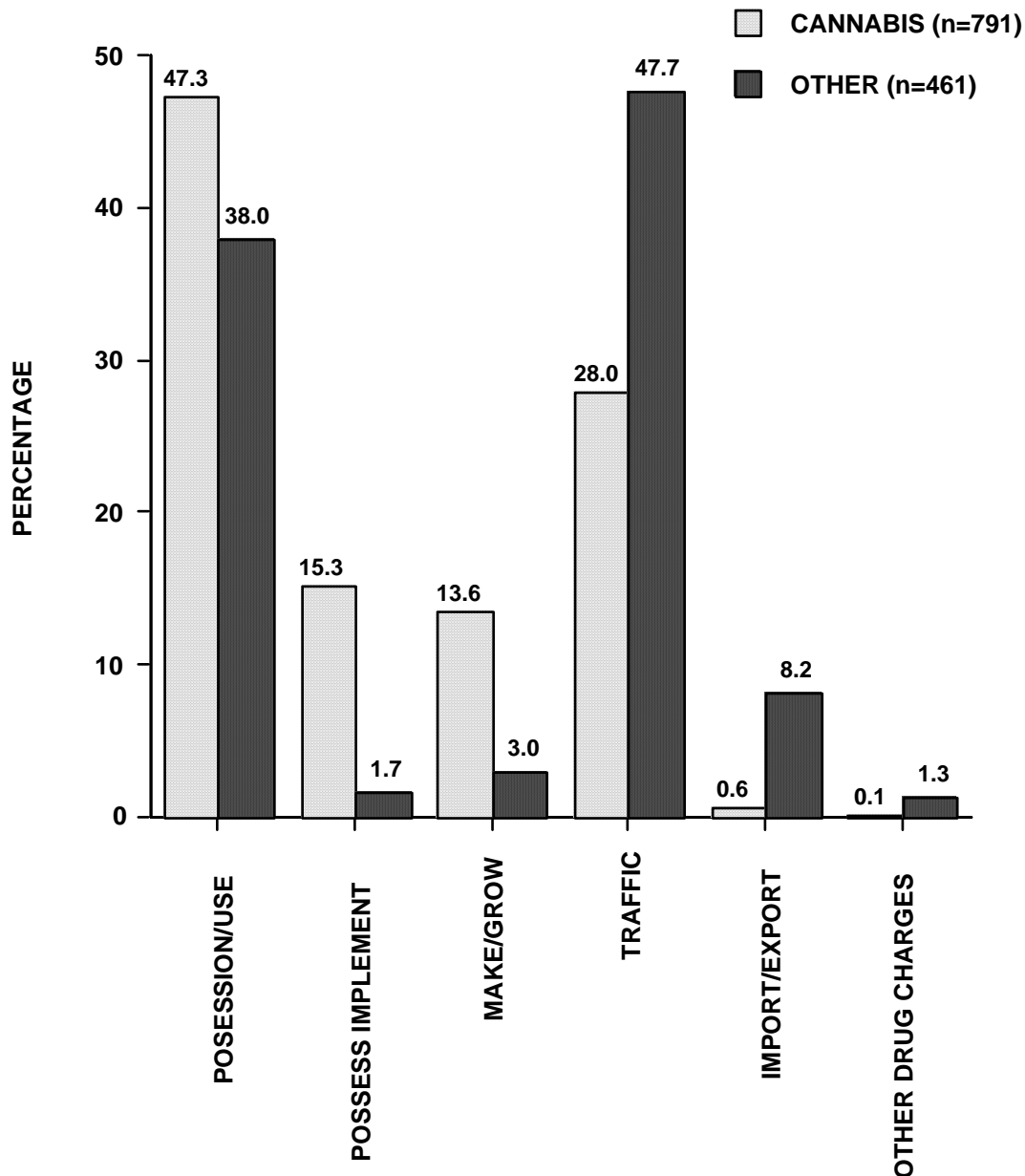


FIGURE 6: DRUG RELATED PRISON RECEIVALS BY DRUG CHARGE WA 1990-1993

Table 39 shows that on average over the counting period 66.7% of all possession and use prison receivals were cannabis related. However, there was a decline in these from 74.9% in 1990 to 58.1% in 1993. A similar decline is evident in the proportion of make/grow charges which were cannabis related from 94.2% in 1990 to 69.5% in 1993 and of cannabis trafficking from 55.7 to 41.4% over the same period . These may be due to a growth in the use of other drugs such as amphetamine (Lenton, 1993), and the presence of other drug manufacturing such as homebake (Lenton, Reynolds, and Charlton, 1994). The apparent increase in the proportion of import/export charges that are cannabis related is unreliable due to the small number of such charges (Table 38). On average over the years from 1990 to 1993 cannabis charges comprise the vast majority of possess implement (92.6%) and make/grow (87.0%) prison receivals in WA.

TABLE 39
PERCENT OF DRUG RELATED PRISON RECEIVALS THAT ARE CANNABIS
RELATED WA 1990-1993

	1990	1991	1992	1993	AVERAGE %
% of possession/use receivals that are cannabis related	74.9	62.0	71.7	58.1	66.7
% of possess implement receivals that are cannabis related	100	100	80.0	90.5	92.6
% of make/grow receivals that are cannabis related	94.2	91.4	93.1	69.5	87.0
% of traffic (sell/supply) receivals that are cannabis related	55.7	46.5	41.9	41.4	46.4
% of import/export receivals that are cannabis related	7.7	0.0	6.7	28.6	10.8
% of total drug receivals that are cannabis related	74.0	62.8	61.3	52.1	62.5

Distinct Persons Received

Of the 19,163 distinct individuals received by prisons in WA there were 1,099 (5.7%) distinct persons whose MSO was drug related. Of these, 676 (61.6%) persons were charged with a cannabis related MSO. The number of distinct persons received in WA prisons with cannabis possession/use as their MSO was 114 in 1990 and by 1993 had reduced to 53 persons. Distinct persons charged with cannabis and other drug charges received by WA prisons over the period 1990 to 1993 are presented in Table 40.

INSERT

TABLE 40
DRUG RELATED RECEIVALS TO WA PRISONS 1990-1993 DISTINCT PERSONS
(BY MOST SERIOUS OFFENCE)

Figure 7 shows that just under half (44.1%) of these were charged with possession/use, 26.3% with trafficking, 14.5% with making or growing and 14.2% with possess implement. There were negligible charges for import/export of cannabis. These figures contrast with persons received in WA prisons for drugs other than cannabis of which 50.7% were accounted for by trafficking, compared to only one third 34.1% for possession/use .

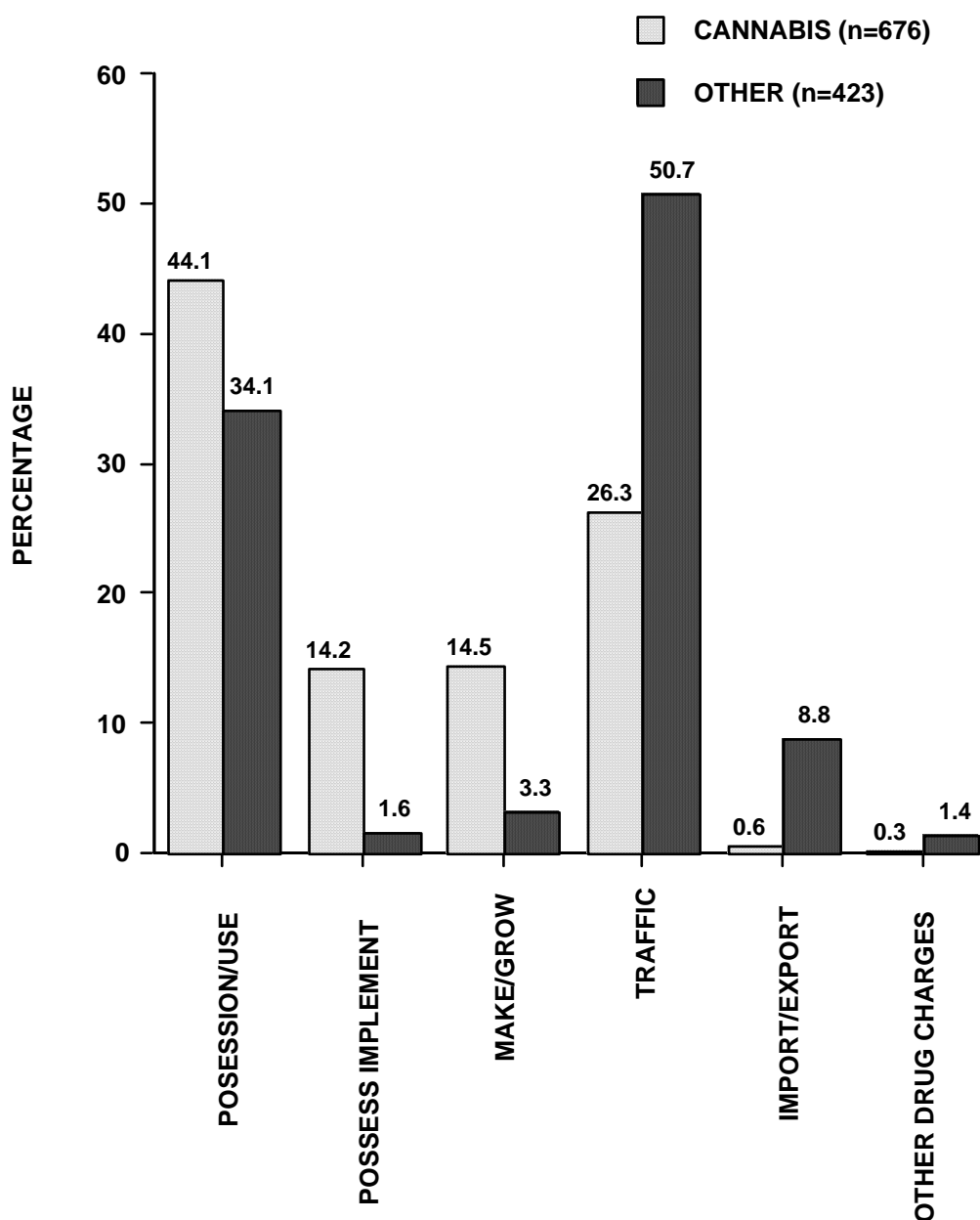


FIGURE 7: DRUG RELATED DISTINCT PERSONS PRISON RECEIVED BY DRUG CHARGE WA 1990-1993

The relative proportion of persons received by prisons with drug offences that were cannabis related was similar to that for the charge data. These data are presented in Table 41.

TABLE 41
PERCENT OF DRUG RELATED PRISON RECEIVALS DISTINCT PERSONS
(BY MOST SERIOUS OFFENCE) ^[1] THAT ARE CANNABIS RELATED
WA 1990-1993

	1990	1991	1992	1993	AVERAGE %
% of possession/use receivals that are cannabis related	74.0	64.2	69.6	57.6	66.4
% of possess implement receivals that are cannabis related	100.0	100.0	81.8	85.0	91.7
% of make/grow receivals that are cannabis related	93.5	90.9	93.0	68.1	86.4
% of traffic (sell/supply) receivals that are cannabis related	55.9	45.9	42.8	41.5	46.5
% of import/export receivals that are cannabis related	7.7	14.3	6.7	28.6	14.3
% of total drug receivals that are cannabis related	71.8	62.7	59.4	51.4	61.3

Characteristics of Persons Received

Prison receivals for cannabis possession/use data are presented in Table 42 for gender, Aboriginality and age. Over the counting period 88.7% of all receivals for cannabis possession/use in WA prisons were males, however, the proportion of females has increased from 7.2% in 1990 to 21.4% in 1993. In 1993 12.5% of all prison receivals were women (Ferrante, Loh and Broadhurst, 1994). Aboriginals comprised on average 12.6% of cannabis possession/use offences received by WA prisons over the counting period. There was some indication of a trend from 9.9% in 1990 to 19.7% in 1993. Aboriginals are less represented in cannabis possession/use prison receivals than they are in all receivals. In 1993 60.4% of all prison receivals were Aboriginals (Ferrante, Broadhurst and Loh, 1994). A quarter (26.7%) of the receivals for cannabis possession/use were of persons between 18 and 25 years of age and 26.2% were of those from 22 to 25 years of age. The mean age of distinct persons received in WA prisons whose most serious offence was possession/use of cannabis varied little year over the four year period and averaged 26.6 years.

TABLE 42
CANNABIS POSSESSION/USE [1] PRISON RECEIVALS BY GENDER,
ABORIGINALITY AND AGE WA 1990-1993

	1990		1991		1992		1993		AVERAGE
GENDER	n	%	n	%	n	%	n	%	%
Male	141	92.8	66	88.0	77	89.5	48	78.6	88.7
Female	11	7.2	9	12.0	9	10.5	13	21.4	11.3
ABORIGINALITY	n	%	n	%	n	%	n	%	%
Aboriginal	14	9.2	14	18.7	7	8.1	12	19.7	12.6
Other	138	90.8	61	81.3	79	91.9	49	80.3	87.4
AGE	n	%	n	%	n	%	n	%	%
18 to 21	41	27.0	23	30.6	23	26.7	13	21.3	26.7
22 to 25	51	33.5	12	16.0	14	16.2	21	34.4	26.2
26 to 29	25	16.4	19	25.3	15	17.4	8	13.1	17.9
30 to 33	15	9.9	14	18.7	19	22.1	7	11.5	14.7
34 to 37	10	6.6	3	4.0	6	7.0	6	9.8	6.7
38 to 41	8	5.3	2	2.7	5	5.8	5	8.2	5.3
42 and over	2	1.3	2	2.7	4	4.7	1	1.6	2.4
Total	152	100.0	75	100.0	86	100.0	61	100.0	100.0
Mean Age (years)	25.6		26.3		27.5		27.1		26.6

[1] Defined by quantity under Schedule V and VI of the WA Misuse of Drugs Act 1981. 'Possession and use' of cannabis is defined as being in possession of <25 plants, <100 grams cannabis, <20 grams cannabis resin, or <80 cigarettes each containing any portion of cannabis.

Sentence Status

Over the 1990 to 1993 period the sentence status received for available drug charges did not change greatly over time. Consequently data are presented here for 1993 receivals and distinct persons received by charge and sentence status. Table 43 shows that 95.1% of charges against persons received in prison for possession/use of cannabis were the result of fine default, 3.3% were available for parole and the remainder were given a finite sentence. The majority (87.5%) of make/grow receivals were also fine defaulters, yet 76.7% of trafficking receivals were sentenced to prison with eligibility for parole.

TABLE 43
SENTENCE STATUS CANNABIS RELATED PRISON
RECEIVALS WA 1993

CHARGE (ANCO code) ^[1]	Fine default		Finite		Parole	
	n	%	n	%	n	%
Possess/use ^[2] (617)	58	95.1	1	1.6	2	3.3
Make/grow (667)	14	87.5	0	0.0	2	12.5
Traffic ^[3] (657)	11	18.3	3	5.0	46	76.7
Import/export (647)	0	0.0	1	50.0	1	50.0

[1] ANCO codes for cannabis.

[2] Defined by quantity under Schedule V and VI of the WA Misuse of Drugs Act 1981. 'Possession and use' of cannabis is defined as being in possession of <25 plants, <100 grams cannabis, <20 grams cannabis resin, or <80 cigarettes each containing any portion of cannabis.

[3] Defined by quantity under Schedule V and VI of the WA Misuse of Drugs Act 1981. 'Intent to sell or supply' cannabis is defined as being in possession of not less than 25 plants, 100 grams cannabis, 20 grams cannabis resin, or 80 cigarettes each containing any portion of cannabis.

Table 44 shows that the sentence status for the most serious offence of distinct persons received are similar to data for all receivals.

TABLE 44
SENTENCE STATUS CANNABIS RELATED DISTINCT PERSONS
(MOST SERIOUS OFFENCE) ^[1] RECEIVED BY PRISONS
WA 1993

CHARGE (ANCO code) ^[2]	Fine default		Finite		Parole	
	n	%	n	%	n	%
Possess/use ^[3] (617)	50	94.3	1	1.9	2	3.8
Make/grow (667)	13	86.7	0	0.0	2	13.3
Traffic ^[4] (657)	10	16.9	3	5.1	46	78.0
Import/export (647)	0	0.0	1	50.0	1	50.0

[1] Seriousness as defined according to penalty severity such that the most severe penalty is imprisonment, followed by community service order, probation, bond, loss of driver's licence, fine, restitution and other orders. If an individual has two charges of the same severity, the one which attracts the longer period or larger fine is selected. This severity rating and selection rule follows that suggested in the report by the ABS, Western Australian Office, "The Development of National Criminal Court Statistics: User Requirements Discussion Paper", November 1991.

[2] ANCO codes for cannabis.

[3] Defined by quantity under Schedule V and VI of the WA Misuse of Drugs Act 1981. 'Possession and use' of cannabis is defined as being in possession of <25 plants, <100 grams cannabis, <20 grams cannabis resin, or <80 cigarettes each containing any portion of cannabis.

[4] Defined by quantity under Schedule V and VI of the WA Misuse of Drugs Act 1981. 'Intent to sell or supply' cannabis is defined as being in possession of not less than 25

plants, 100 grams cannabis, 20 grams cannabis resin, or 80 cigarettes each containing any portion of cannabis.

Length of Sentence

The majority (61.0%) of cannabis possession/use receivals to WA prisons over the period 1990 to 1993 received a sentence of 8 days to under a month while 18.7% were sentenced to up to a week of custody. These data, presented in Table 45 indicate that 90.7% of possession use receivals resulted in prison terms of less than 2 months. The small proportion (1.3%) of terms over 12 months duration appear to be due to larger quantities of cannabis and/or multiple charges. For example inspection of the unit record data revealed that the person sentenced in 1993 to over 2 years jail was sentenced for over 5 years on a total of 28 charges.

TABLE 45
PRISON RECEIVALS CANNABIS POSSESSION/USE [1] BY LENGTH
OF SENTENCE WA 1990-1993

AGE	1990		1991		1992		1993		AVERAGE %
	n	%	n	%	n	%	n	%	
Under 8 days	30	19.7	16	21.3	12	14.0	12	19.7	18.7
8 days - < 1 month	95	62.5	48	64.0	52	60.5	33	54.1	61.0
1 - < 2 months	13	8.6	6	8.0	15	17.4	7	11.5	11.0
2 - < 3 months	5	3.3	1	1.3	4	4.6	2	3.3	3.2
3 - < 6 months	6	3.9	3	4.0	1	1.2	4	6.5	3.7
6 - < 12 months	2	1.3	1	1.3	0	0.0	1	1.6	1.1
1 - < 2 years	1	0.6	0	0.0	1	1.1	1	1.6	0.8
2 years and over	0	0.0	0	0.0	1	1.1	1	1.6	0.5
Total	152	100.0	75	100.0	86	100.0	61	100.0	100.0

[1] Defined by quantity under Schedule V and VI of the WA Misuse of Drugs Act 1981. 'Possession and use' of cannabis is defined as being in possession of <25 plants, <100 grams cannabis, <20 grams cannabis resin, or <80 cigarettes each containing any portion of cannabis.

MAIN FINDINGS PRISON DATA

From 1990 to 1993 there were 791 cannabis related prison receivals resulting in imprisonment in WA which comprised 3.2% of all receivals and 63.2% of all those which were drug related. There were 676 distinct persons imprisoned with a cannabis related most serious offence over this period. Numbers imprisoned per year for possession/use cannabis decreased from 114 in 1990 to 53 in 1993.

Just under half 47.3% of the cannabis receivals were for possession/use, 23.0% were for trafficking, 15.3% for possession of implement and 13.6% were for make/grow offences. There

was a decline in the proportion of possession/use offences which were cannabis related from 74.9% in 1990 to 58.1% in 1993, probably reflecting increased use of other substances.

Although 88.7% of all receipts for cannabis possession/use in WA prisons were males, the proportion of females has increased from 7.2% in 1990 to 21.4% in 1993. Women are more represented, and Aboriginals less represented, in possession/use prison receipts than they are in all receipts. Over half (52.9%) of prison receipts for cannabis possession/use were between the ages of 18 and 25.

Almost all (95.1%) of charges against persons received in prison for possession/use of cannabis were the result of fine default and 90.7% of possession use receipts resulted in prison terms of less than 2 months.

COMMUNITY BASED ORDERS DATA

DATA SOURCE AND COUNTING RULES

Data have been extracted from the computerised records of the Corrective Services Division of the Ministry of Justice for orders issued during the years 1990 to 1993. Probation Orders are non-custodial penalties which enable a court to place an offender under supervision after conviction of an offence. A Probation Order has a minimum of six months and a maximum of five years duration; and may be subject to special conditions such as substance abuse counselling.

Community Service Orders (CSOs) are non-custodial penalties which may require an offender to undertake between 40 and 240 hours of unpaid work at an approved charitable or voluntary organisation, to be completed within 12 months. CSOs are frequently combined with Probation Orders, however because of recording practices the combined order is not counted as a separate order. Therefore, adding CSOs and Probation Orders will overcount the number of individuals actually dealt with by means of either CSO, Probation Order or both.

Work and Development Orders (WDOs) are non-custodial penalties which serve as an alternative to imprisonment for some offenders. Usually, an individual may, in default of a fine, convert the period of default imprisonment to a WDO. Under these orders, offenders are provided with a supervised program of community work and personal development activities. The orders became available effective 1 March 1989 and 663 such orders were issued in calendar year 1989.

The counting rule applied is that, for each type of order, all new orders issued during the counting period (the calendar year) are counted in the 'all orders' category. Note that data is not available for all persons but is presented for all charges in each case.

PROBATION 1990-1993

Over the counting period there were 10,216 probation orders issued of which 695 (6.8%) were drug related. There were 441 cannabis related probation orders issued in WA which comprised 4.3% of all such orders and were 63.4% of all those which were drug related. These data are shown in Table 46.

INSERT

TABLE 46
DRUG RELATED PROBATION ORDERS (ALL CHARGES) 1990-1993

Figure 8 shows that three fifths (59.9%) of the cannabis related probation orders received were for possession/use offences, 27.0% were for trafficking, 8.8% were for make/grow offences, and the remainder 4.4% were for a range of other charges. A larger proportion (40.5%) of probation orders for drugs other than cannabis were for trafficking offences

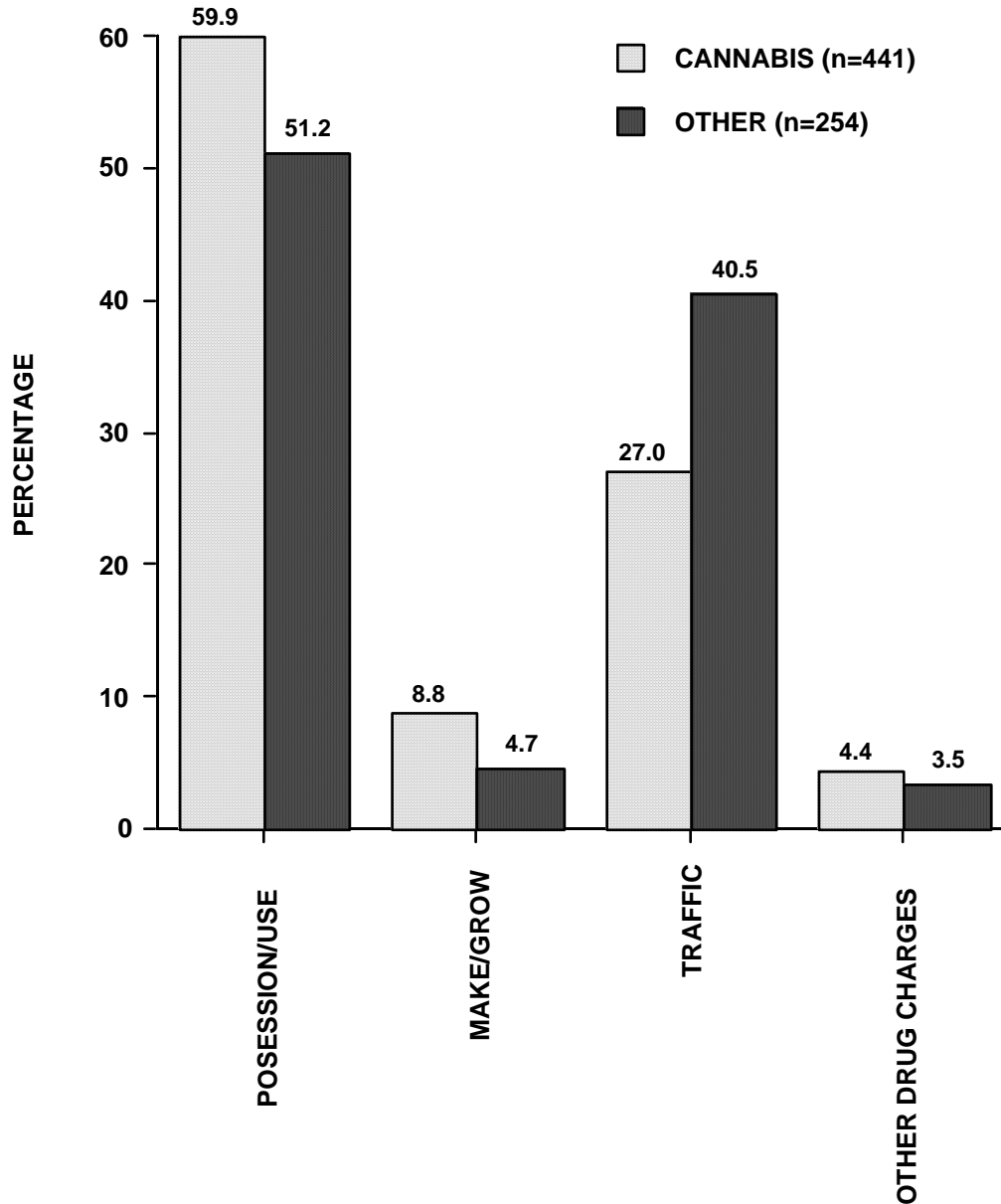


FIGURE 8: DRUG RELATED PROBATION ORDERS BY DRUG CHARGE WA 1990-1993

Table 47 shows a declining trend in both the proportion of possession/use, trafficking and total probation orders that were cannabis related. In 1990 72.8% of drug related probation orders were cannabis related and by 1993 this had dropped to 61.4%. In 1990 72.2% of possession/use probation orders were cannabis related and by 1993 they comprised only 62.8%. The proportion of cannabis related probation orders issued for trafficking declined from 68.7% in 1990 to 53.8% in 1993. As suggested above these declines are consistent with a growth in use and arrests of drugs other than cannabis. Due to the small numbers of make/grow probation orders it is not possible to interpret trends over time for this data.

TABLE 47
PERCENT OF DRUG RELATED PROBATION ORDERS THAT ARE
CANNABIS RELATED WA 1990-1993

	1990	1991	1992	1993	AVERAGE %
% of possession/use POs that are cannabis related	72.2	63.0	69.1	62.8	66.8
% of make/grow POs that are cannabis related	86.7	58.3	77.8	80.0	75.7
% of traffic (sell/supply) POs that are cannabis related	68.7	44.1	54.5	53.8	55.3
% of total drug POs that are cannabis related	72.8	55.3	64.2	61.4	63.4

Characteristics of persons given probation for cannabis possession/use

Table 48 shows that three quarters (75.0%) of cannabis possession/use probation orders were given to males. The relatively high proportion of females given such probation orders is reflected in higher rates in other non-custodial sentencing options. The proportion (5.7%) of Aboriginal probation orders for possession/use is similar to the proportion arrested for the offence who are Aboriginals (5.0%). In comparison, 79.3% of all probation orders issued in the state over 1993 were given to males and 21.8% were given to Aboriginals (Ferrante, Loh and Broadhurst, 1994). Juveniles comprised 6.8%, while those in the range 18 to 25 years comprised over half (55.4%) of those receiving probation for cannabis possession/use.

TABLE 48
PROBATION ORDERS CANNABIS POSSESSION/USE [1] BY GENDER,
ABORIGINALITY AND AGE WA 1990-1993

	1990		1991		1992		1993		AVERAGE
	n	%	n	%	n	%	n	%	%
GENDER									
Male	58	74.3	39	73.6	51	76.1	50	75.8	75.0
Female	20	25.7	14	26.4	16	23.9	16	24.2	25.0
ABORIGINALITY	n	%	n	%	n	%	n	%	%
Aboriginal	4	5.1	2	3.8	6	8.9	3	4.5	5.7
Other	74	94.9	50	96.2	61	91.1	62	93.9	94.3
Unknown	0		1		0		1	1.5	
AGE	n	%	n	%	n	%	n	%	%
Under 18	11	14.1	2	3.8	3	4.5	2	3.0	6.8
18 to 21	27	34.6	15	28.3	25	37.3	26	39.4	35.3
22 to 25	16	20.5	13	24.5	14	20.9	10	15.2	20.1
26 to 29	13	16.7	6	11.3	10	14.9	4	6.1	12.5
30 to 33	4	5.1	5	9.4	4	5.9	10	15.2	8.7
34 to 37	2	2.6	6	11.3	6	8.9	7	10.6	8.0
38 to 41	3	3.8	5	9.4	2	3.0	5	7.5	5.7
42 and over	2	2.6	1	1.9	3	4.5	2	3.0	3.0
Total	78	100.0	53	100.0	67	100.0	66	100.0	100.0

[1] Defined by quantity under Schedule V and VI of the WA Misuse of Drugs Act 1981. 'Possession and use' of cannabis is defined as being in possession of <25 plants, <100 grams cannabis, <20 grams cannabis resin, or <80 cigarettes each containing any portion of cannabis.

COMMUNITY SERVICE ORDERS 1990-1993

Over the counting period there were 8,004 CSOs issued of which 528 (6.6%) were drug related. There were 381 cannabis related CSOs in WA which comprised 4.7% of all CSOs and were 72.2% of all those which were drug related. These data are shown in Table 49.

INSERT

TABLE 49
DRUG RELATED COMMUNITY SERVICE ORDERS WA 1990-1993

Figure 9 shows that 58.0% of the cannabis related CSOs received were for possession/use offences, 27.0% were for trafficking, 11.8% were for make/grow offences, and the remainder (3.1%) were for a range of other charges. In comparison, 47.6% of CSOs for drugs other than cannabis were for trafficking.

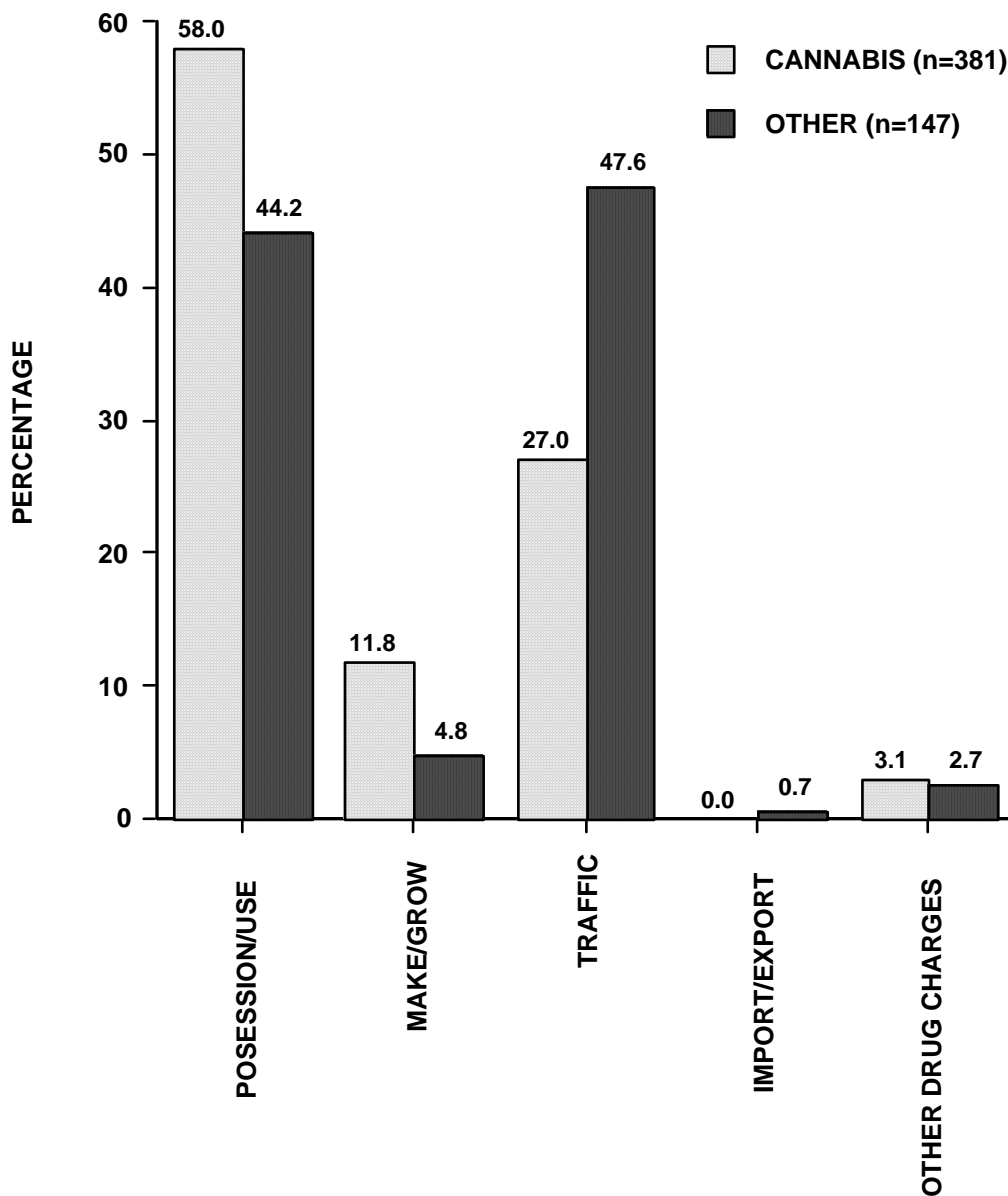


FIGURE 9: DRUG RELATED COMMUNITY SERVICE ORDERS BY DRUG CHARGE WA 1990-1993

Table 50 shows a declining trend in both the proportion of possession/use and total CSOs that were cannabis related. In 1990 83.0% of drug related CSOs were cannabis related and by 1993 this had dropped to 54.2%. In 1990 83.2% of CSOs were cannabis related and by 1993 they comprised only 70.3%. The proportion of cannabis related CSOs issued for trafficking declined from 68.0% in 1990 to 54.2% in 1993. As suggested above these declines are consistent with a growth in use and arrests of drugs other than cannabis. Due to the small numbers of make/grow CSOs it is not possible to interpret trends over time for this data.

TABLE 50
PERCENT OF DRUG RELATED COMMUNITY SERVICE ORDERS THAT
ARE CANNABIS RELATED WA 1990-1993

	1990	1991	1992	1993	AVERAGE %
% of possession/use POs that are cannabis related	83.2	75.4	77.3	70.3	76.6
% of make/grow POs that are cannabis related	100.0	76.9	77.8	80.0	83.7
% of traffic (sell/supply) POs that are cannabis related	68.0	54.9	65.3	54.2	60.6
% of total drug POs that are cannabis related	83.0	63.6	72.4	64.8	70.9

Characteristics of persons given CSOs for cannabis possession/use

Table 51 shows that over the period 1990 to 1993 proportions of cannabis possession/use CSOs given to males (75.1%), Aboriginals (5.4%) and Juveniles (4.5%) were very similar to the rates for probation orders. During 1993 77.8% of CSOs issued for Cannabis possession/use were issued to males, and 2.2% to Aboriginals. In comparison 81.9% of all CSOs issued during 1993 were given to males and 22.1% were given to Aboriginals (Ferrante, Loh and Broadhurst, 1994).

TABLE 51
COMMUNITY SERVICE ORDERS CANNABIS POSSESSION/USE [1] BY
GENDER, ABORIGINALITY AND AGE
WA 1990-1993

	1990		1991		1992		1993		AVERAGE %
	n	%	n	%	n	%	n	%	
GENDER									
Male	61	77.2	36	78.3	34	66.7	35	77.8	75.1
Female	18	22.8	10	21.7	17	33.3	10	22.2	24.9
ABORIGINALITY	n	%	n	%	n	%	n	%	%
Aboriginal	4	5.1	1	2.2	6	12.0	1	2.2	5.4
Other	74	94.9	45	97.8	44	88.0	44	97.8	94.6
Unknown	1		0		1		0		
AGE	n	%	n	%	n	%	n	%	%
Under 18	4	5.1	3	6.5	2	3.9	1	2.2	4.5
18 to 21	31	39.2	11	23.9	16	31.4	11	24.4	31.2
22 to 25	19	24.1	8	17.4	10	19.6	9	20.0	20.8
26 to 29	12	15.2	11	23.9	11	21.6	5	11.1	17.6
30 to 33	7	8.9	5	10.9	6	11.8	6	13.3	10.8
34 to 37	1	1.3	3	6.5	4	7.8	7	15.6	6.8
38 to 41	3	3.8	3	6.5	1	2.0	6	13.3	5.9
42 and over	2	2.5	2	4.3	1	2.0	0	0.0	2.3
Total	79	100.0	46	100.0	51	100.0	45	100.0	100.0

[1] Defined by quantity under Schedule V and VI of the WA Misuse of Drugs Act 1981. 'Possession and use' of cannabis is defined as being in possession of <25 plants, <100 grams cannabis, <20 grams cannabis resin, or <80 cigarettes each containing any portion of cannabis.

WORK DEVELOPMENT ORDERS 1990-1993

Over the counting period there were 43,050 WDOs issued of which 4680 (10.9%) were drug related. There were 4240 cannabis related WDOs issued in WA which comprised 9.8% of all such orders and were 90.6% of all those which were drug related. These data are shown in Table 52.

INSERT

TABLE 52
DRUG RELATED WORK DEVELOPMENT ORDERS (ALL CHARGES) 1990-1993

Just under three quarters (72.2%) of the cannabis related WDOs received were for possession/use offences, 13.7% were for make/grow, and 10.6% were for a range of other charges. Trafficking comprised only 3.5% of cannabis related WDOs. These data are presented in Figure 10.

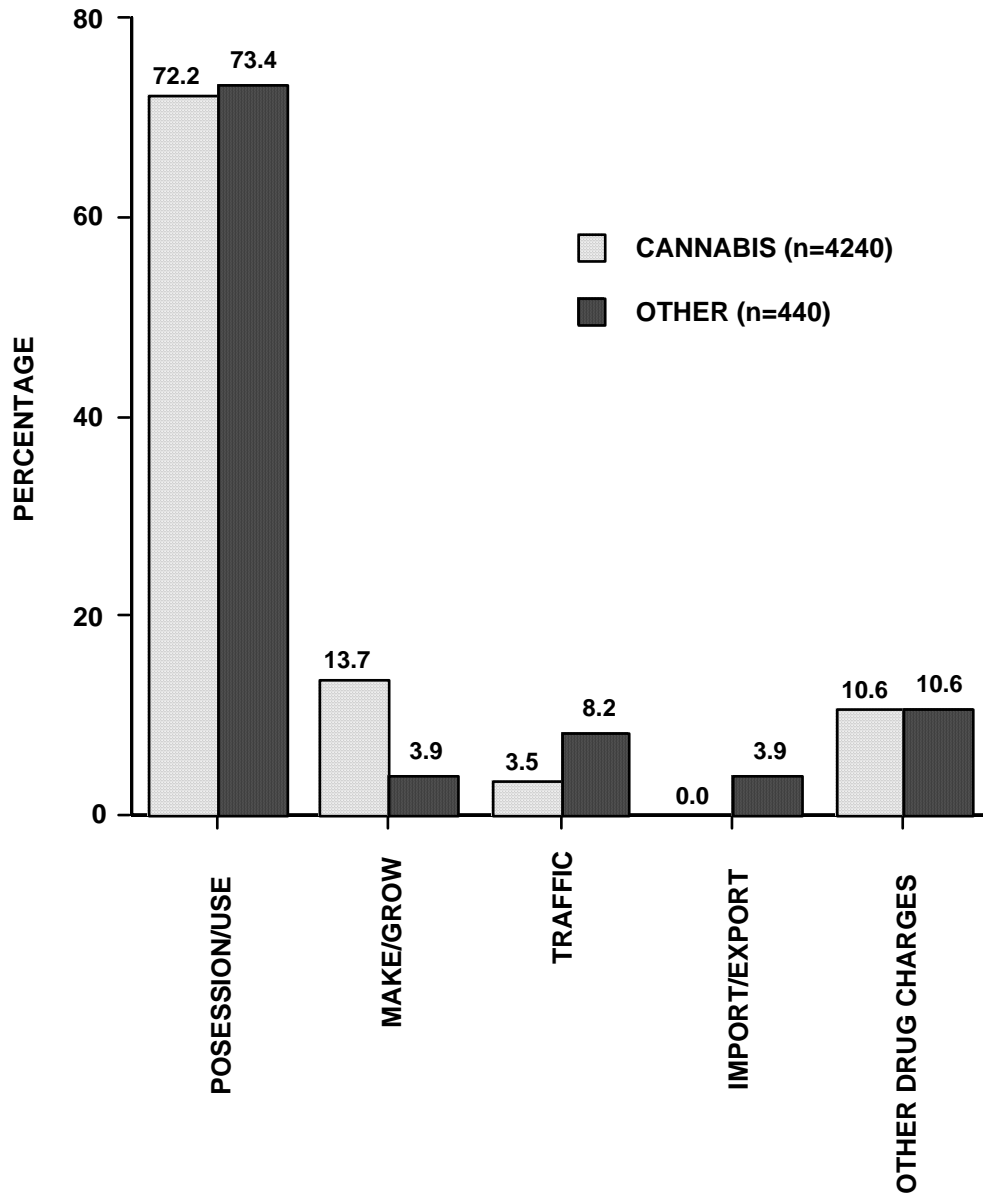


FIGURE 10: DRUG RELATED WORK DEVELOPMENT ORDERS BY DRUG CHARGE WA 1990-1993

Table 53 shows that cannabis related charges comprised a greater proportion (91.1%) of possession and use WDOs than they did in other non-custodial sentences over the counting period. A gradual declining trend is evident in both the proportion of possession/use and total WDOs that were cannabis related. In 1990 93.6% of drug related WDOs were cannabis related and by 1993 this had dropped to 89.1%. In 1990 94.1% of possession/use WDOs were cannabis related and by 1993 they comprised 88.5%. The proportion of cannabis related WDOs issued for trafficking declined from 94.4% in 1990 to 75.4% in 1993. The proportions of make/grow WDOs remained fairly constant over time.

TABLE 53
PERCENT OF DRUG RELATED WORK DEVELOPMENT ORDERS THAT ARE
CANNABIS RELATED WA 1990-1993

	1990	1991	1992	1993	AVERAGE %
% of possession/use WDOs that are cannabis related	94.1	91.2	90.8	88.5	91.1
% of make/grow WDOs that are cannabis related	98.8	98.0	98.4	97.9	98.3
% of traffic (sell/supply) WDOs that are cannabis related	94.4	82.6	79.6	75.4	83.0
% of total drug WDOs that are cannabis related	93.6	91.0	90.8	89.1	91.1

Characteristics of persons given WDOs for cannabis possession/use

Table 54 shows that proportions of cannabis possession/use WDOs given to males (81.3%) and Aboriginals (7.1%). These were higher than the proportions of these groups given other non-custodial sentences. Juveniles, however, comprised a negligible proportion (0.1%) of cannabis possession/use WDOs presumably because this penalty is seen as less appropriate for young people many of whom will have schooling commitments during working hours. Comparing cannabis related WDOs to those for all offences, during 1993 79.6% of all WDOs were issued to males, 24.8% to Aboriginals and 50.4% were issued to offenders 25 years of age or less (Ferrante, Loh and Broadhurst, 1994). In 1993 78.6% of cannabis possession/use WDOs were issued to males, 7.1% to Aboriginals and 57.2% to those 25 years of age or less.

TABLE 54
WORK DEVELOPMENT ORDERS CANNABIS POSSESSION/USE [1] BY
GENDER, ABORIGINALITY AND AGE WA 1990-1993

	1990		1991		1992		1993		AVERAGE %
	n	%	n	%	n	%	n	%	
GENDER									
Male	215	79.3	614	84.3	921	82.0	740	78.6	81.3
Female	56	20.7	114	15.7	202	18.0	202	21.4	18.7
ABORIGINALITY	n	%	n	%	n	%	n	%	%
Aboriginal	20	7.6	48	6.8	76	6.9	66	7.3	7.1
Other	243	92.4	655	93.2	1023	93.1	838	92.7	92.9
Unknown	8		25		24		38		
AGE	n	%	n	%	n	%	n	%	%
Under 18	2	0.7	1	0.1	1	0.1	0	0.0	0.1
18 to 21	93	34.3	246	33.8	377	33.6	282	29.9	32.6
22 to 25	64	23.6	180	24.7	260	23.2	248	26.3	24.5
26 to 29	41	15.1	135	18.5	201	17.9	150	15.9	17.2
30 to 33	33	12.2	73	10.0	119	10.6	115	12.2	11.1
34 to 37	20	7.4	51	7.0	81	7.2	71	7.5	7.3
38 to 41	11	4.1	19	2.6	54	4.8	50	5.3	4.4
42 and over	6	2.2	21	2.9	30	2.6	26	2.7	2.7
Total	271	100.0	728	100.0	1123	100.0	942	100.0	100.0

[1] Defined by quantity under Schedule V and VI of the WA Misuse of Drugs Act 1981. 'Possession and use' of cannabis is defined as being in possession of <25 plants, <100 grams cannabis, <20 grams cannabis resin, or <80 cigarettes each containing any portion of cannabis.

MAIN FINDINGS COMMUNITY BASED ORDERS

There were 441 cannabis related probation orders issued in WA from 1990 to 1993 which comprised 4.3% of all such orders and 63.4% of all those which were drug related. Three fifths (59.9%) of the cannabis related probation orders received were for possession/use offences, 27.0% were for trafficking, 8.8% were for make/grow offences. Three quarters (75.0%) of cannabis possession/use probation orders were given to males and 5.7% to Aboriginals.

There were 381 cannabis related Community Service Orders (CSOs) issued in WA from 1990 to 1993 which comprised 4.7% of all CSOs and 72.2% of all those which were drug related. The majority (58.0%) of the cannabis related CSOs received were for possession/use offences, 27.0% were for trafficking and 11.8% were for make/grow offences. Proportions of cannabis possession/use CSOs given to males (75.1%), Aboriginals (5.4%) and Juveniles (4.5%) were very similar to the rates for probation orders.

There were 4240 cannabis related WDOs in WA which comprised 9.8% of all such orders and were 90.6% of all those which were drug related. Just under three quarters (72.2%) of the cannabis related WDOs received were for possession/use offences, 13.7% were for make/grow, and 10.6% were for a range of other charges. Proportions of cannabis possession/use WDOs given to males (81.3%) and Aboriginals (7.1%) were higher than the proportions of these groups given other non-custodial sentences. Juveniles, however, comprised a negligible proportion (0.1%) of cannabis possession/use WDOs.

IMPLICATIONS FOR FURTHER RESEARCH

Those persons arrested for first time with a simple cannabis charge as their most serious offence are a critical group to study in determining the social impact of current legislative responses to cannabis. In particular, it is on this group that the impact of a cannabis related criminal record can be studied. Clearly many of the effects of a criminal conviction may only eventuate some years after the conviction. The data base at the Crime Research Centre at the University of WA affords a unique opportunity to conduct such an investigation within a relatively short time frame. Using this data base one can retrospectively identify persons who were convicted up to ten years previously and using contact procedures already established, interview them in the present to record their account of the impact of the conviction. Researchers from both the Crime Research Centre and the National Centre for Research into the Prevention of Drug Abuse have prepared a brief research proposal (Appendix 2) which provides an outline of such a potential project.

If the data from WA is representative of that from other jurisdictions it will be critical, to determine, or estimate, the number of possess implement related court appearances. In WA possess implement data for the courts were collapsed for all drugs for under the other drug category ANCO Code 699, thus under-representing the number of cannabis charges. In this report, analysis was possible for charge data down to the offence code. In WA, possess smoking implement charges comprised over 95% of all other drug charges for arrest data. Therefore it may be that in other jurisdictions arrest data can be used to similarly estimate the proportion of cannabis implement offences, and thus total cannabis offences for the courts.

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APPENDIX 1
SERIOUSNESS INDEX

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APPENDIX 2
BRIEF RESEARCH PROPOSAL

BRIEF RESEARCH PROPOSAL

The following is an outline of a potential project to investigate the actual impact of conviction on first time simple cannabis offenders in a high enforcement jurisdiction. It is envisaged that such a project would be conducted within phase 2 of research into the social impact of various actual and potential legislative responses to cannabis.

PROJECT TITLE:

An analysis of the impact of conviction on first-time cannabis (possession/use) offenders in Western Australia, 1984-1993.

RESEARCHERS

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Crime Research Centre (CRC)

PROJECT DETAILS

Description of project

The project comprises of three components. The first component will identify and describe first-time cannabis offenders (possession/use) in Western Australia between 1984 and 1993. Arrest records from this period will be analysed and those offenders whose most serious offence at the time of first arrest was possession/use of cannabis will be labelled as 'first-time cannabis offenders'. These offenders will be further classified into two sub-categories - those that did not re-offend after first conviction (non-recidivists) and those that did (recidivists).

The second component of the study will involve qualitative field research to follow-up individuals who did not re-offend after first (and only) conviction i.e. non-recidivists. The field work will follow-up individuals from a number of time-periods to capture a range of short, medium and long-term (up to ten years) effects and issues.

The third component of the project will involve the quantitative 'criminal career' analysis of arrest records of those individuals who did re-offend after first conviction i.e. recidivists.

Aims and hypotheses

The proposed aims of this project are:

to establish a profile of first-time cannabis users (arrested persons) in Western Australia and determine any differences between recidivist and non-recidivist sub-groups within this population and between this population and the larger population of offenders;

to describe and assess the formal and informal effects of criminal conviction on non-recidivist cannabis offenders i.e. individuals whose only conviction (arrest) has been for possession or use of cannabis;

to describe the offending patterns of recidivists i.e. individuals first arrested of cannabis possession or use and who subsequently re-offend, and to calculate the general risks of re-offending for the major sex, age and offence groups found in this population.

Potential hypotheses:

That there is a distinguishable difference in the 'types' of cannabis users convicted - a majority that are basically law abiding with no other involvement in criminal activities, and those whose use of cannabis use is part of a wider offending lifestyle.

That the impact of a criminal conviction on the non-recidivist group is substantial, broad ranging, long term and highly punitive.

That the risks of re-offending increase as more re-offending occurs. Exploring the relationship between criminal behaviour and cannabis use. Patterns of offending - progression to more serious drug types ; to more serious drug offences; association with other offence types.

Quantitative analysis of the recidivist component of first-time cannabis use population will be conducted at the CRC using existing 'criminal career' research tools. Estimates of the likelihood of re-offending for the major sex, age and offence groups found in the recidivist population will be calculated. Various probability estimates will be computed, such as:

- re-arrest for a further possess/use cannabis
- re-arrest for a further possess/use offence (any drug type)
- re-arrest for any cannabis-related offence
- re-arrest for any drug offence
- re-arrest for any offence

Further analysis of each subsequent re-arrest can also be conducted.

Potential significance and background

The social, personal, and economic costs to individuals charged with simple cannabis offences under existing legislative frameworks of prohibition are largely hidden.

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 can have serious and long lasting impact on a person. Having a criminal record can adversely affect ones future or current employment, the capacity to be admitted to 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 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 a criminal conviction 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 include both the direct consequences described above as well as the 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.

The only published study on the effects of a criminal conviction (Erikson, 1980) on first time cannabis offenders was conducted in the early 1970's in Canada. It found that one year after their conviction offenders were:

- economically worse off with twice as many either not working or not in school compared to their situation at the time of their conviction
- likely to have had frequent job changes and periods of unemployment and that none of these costs was found to be related to the nature of the sentence received
- concerned about the effect of criminal record on employment
- respectful of the law in general, however, disrespect for the cannabis prohibition remained high. Over the 12 months since conviction a degree disrespect had emerged for the courts themselves which had not been present earlier.
- Deterrence effects were found to be limited. While 8% reported no cannabis use in the past year, and 8% used it once a month or less, for the greater majority relatively moderate or high levels of use had persisted.

Clearly many of the effects of a criminal conviction may only eventuate some years after the conviction. For example a person convicted when they are 18 years of age may experience the

costs of the conviction when they are unable to travel to North America when they are in their late twenties.

As far as these researchers are aware, internationally there has never been study of the long term effects of a cannabis conviction. As such the costs of the current system have not been adequately documented. The data base at the CRC provides a unique opportunity to conduct such an investigation within a relatively short time frame by retrospectively identifying persons who were convicted up to ten years previously and interviewing them in the present to record their account of the impact of the conviction. The CRC data base will enable comparison of the resulting sample with non-responders to determine the sample representativeness, and self-reports of such things as subsequent convictions will able to be validated with criminal justice information on the data base.

Issues to be clarified

Contacting potential subjects - As noted above the WA Police Department have in previous research contacted by mail potential subjects, described the project and invited them to participate. Whether similar mechanisms could be employed in such a project is yet to be determined. However, the CRC and the Police Department both report to the Attorney General. Support from MCDS for such a project would likely facilitate negotiations at a state level.

University ethics committee approval - The project would need to be approved by the relevant institutional ethics committee(s). Such a project raises issues of ethical concern which will need to be addressed. Although not documented here, the researchers have begun to address these issues in planning the project.

Budget and resourcing

These items are yet to be costed, however, as an estimate full cost recovery would entail :

ITEM	DESCRIPTION	COST
Staffing	Research Fellow NCRPDA (0.5 FTE for 18 months)	38,000
	Senior Analyst/Programmer CRC (1.0 FTE for 3 months)	13,000
	Research Officer CRC (1.0 FTE for 3 months)	10,000
	Research Officer (interviewing) (1.0 FTE for 12 months)	38,000
Data base/ computing		12,000
Sundries	Payment of interviewees (100 x \$20-00)	2,000
	Travel and consumables	3,000
TOTAL		\$116, 000

Time frame

Stage 1 : 1 month (full time)

Stage 2 : 12-18 months (half time)

Stage 3 : 4 months (full time)

Completion of reports : 24 months from commencement

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