

Offences Involving Controlled Drugs

The majority of offences involving controlled drugs, often referred to as “illegal drugs”, can be broken down into distinct groups of offences, whereby offences within a single group have similar elements which mean that they should be sentenced in a similar way. The draft guideline for drugs offences, being consulted on, contains five distinct guidelines, which cover seven separate offences. Information on these offences and how they have been grouped for the guidelines can be found in the consultation documents, for which links are provided in the Further Information section on page 20. The data presented in this document have been split into the following groups to best correspond with the five guidelines:

- Importation and exportation offences**

Relevant guideline: *Fraudulent evasion of a prohibition by bringing into or taking out of the UK a controlled drug*

- Supply offences (including the offences of supply, offering to supply, inciting to supply and possession with intent to supply (PWIT))**

Relevant guideline: *Supplying or offering to supply a controlled drug/ Possession of a controlled drug with the Intent to supply it to another*

- Production offences**

Relevant guideline: *Production of a controlled drug/ Cultivation of cannabis plant*

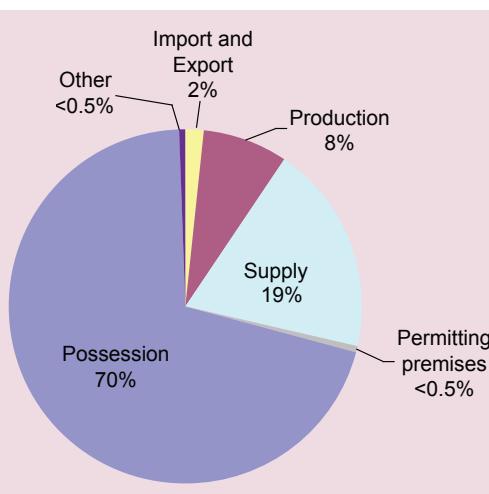
- Permitting premises (to be used) offences**

Relevant guideline: *Permitting premises to be used*

- Possession offences**

Relevant guideline: *Possession of a controlled drug*

In 2009, 50,325 sentences were handed down by the courts to adults (aged 18 and over) for offences involving controlled drugs, with the most commonly sentenced offence group being Possession. The following chart shows the proportion of all sentences received by adults for drugs offences in 2009 that fell within each of the above groups.



Classification of Drugs

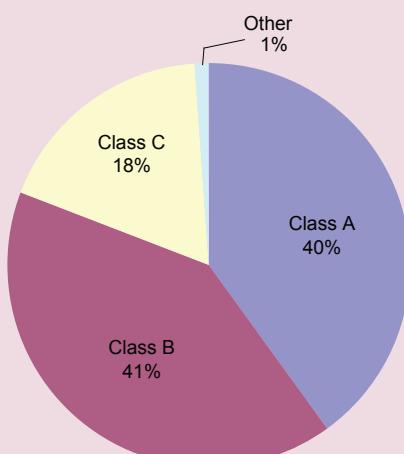
Controlled drugs are divided into three different classes; Class A, Class B, and Class C. These classes carry different levels of penalty, with Class A drugs attracting the most severe penalty as they are considered likely to cause the most serious harm to users and society. Drugs in Class A include heroin, cocaine, crack cocaine and ecstasy. Drugs in Class B include amphetamines and cannabis. Drugs in Class C include ketamine or tranquillisers.

This classification system is set out in law in the Misuse of Drugs Act 1971 and its subsequent amendments. The most recent amendment, made in 2010, is the inclusion of naphyrone and other naphthylpyrovalerone analogues (commonly known as NG1) as Class B substances. Other than new additions, the 1971 legislation has seen changes to the original classification of some drugs. For example, the reclassification of cannabis from a Class B to a Class C in 2004 and the reversal of this classification in April 2009, and the reclassification of methamphetamine (crystal meth) from Class B to Class A in 2006.

Drugs that are not controlled under the Misuse of Drugs Act 1971 and its amendments can be possessed, supplied etc. without committing an offence under the Misuse of Drugs Act 1971.

The draft guideline for drugs offences is based on the class of the drug involved. This means that all drug offences are sentenced according to the class of the drug that is involved in the offence and that there is no difference in terms of sentencing between individual drugs within the same class.

In 2009, 40% of sentences received by adults for drug offences were for Class A drugs, and 59% were for Class B and C drugs.



Legislation on Drugs Offences

The defining legislation on the misuse of drugs in the UK is the Misuse of Drugs Act introduced in 1971. Following this in 1985, the Controlled Drugs (Penalties) Act, was passed which increased the penalties for certain offences relating to controlled drugs as defined in the 1971 Act. In 2005, a further piece of legislation, the Drugs Act 2005, came into force setting out the introduction of new orders to supplement anti-social behaviour orders in cases where the offender's behaviour is affected by drug misuse or other prescribed factors.

For drug trafficking offences, the Proceeds of Crime Act 2002 sets out the powers of the court in dealing with drug traffickers and their financial gains. Prior to this, legislation in this area was covered by the Drug Trafficking Act 1994.

Other legislative Acts, which are not primarily focused on drugs offences, also place restrictions on the supply of particular substances. These include the Customs and Excise Management Act (1979) which penalises unauthorised import or export of controlled drugs and the Medicines Act (1968) which governs the manufacture and supply of prescription only drugs.

Current proposals by the government that have not yet been agreed by Parliament include the introduction of temporary class drug orders which would allow certain substances to be made illegal for a fixed period of time whilst the harmfulness of the drug is assessed. This would apply to any substance or product that is not already controlled and is being, or likely to be, misused and where misuse of the substance is capable of having harmful effects.

In December 2010, the government launched its new drug strategy: 'Reducing demand, restricting supply, building recovery: supporting people to live a drug-free life'. Although not a legislative Order, this document sets out a plan to crack down on drug supply, devolve power to local communities for tackling drug problems, and take a new approach to drug treatment which focuses on addressing all issues connected to an individual's dependency problem.

Sentencing Outcomes for Drugs Offences

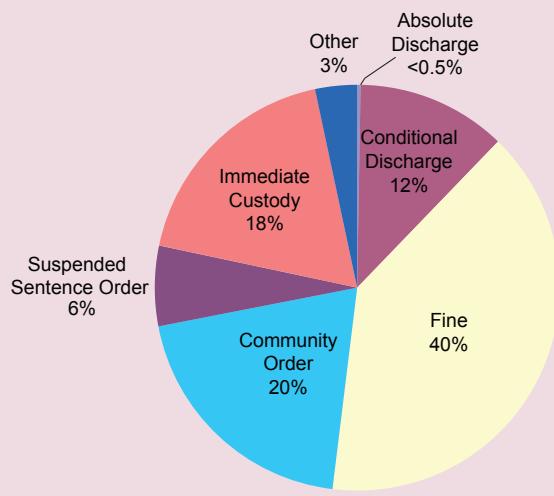
A large proportion of drugs offences are dealt with outside of the courts. For minor drugs offences, police have a range of alternatives, known as out-of-court disposals, that they can use to address the crime. For adults, these alternatives include simple and conditional cautions, penalty notices for disorder (PND) and cannabis warnings, introduced in 2004, which are specifically for the offence of possession of cannabis. In 2009, over 47,000 drugs offences committed by adults were given cautions or PNDs¹ and a further 89,100 received cannabis warnings². 69,300 cases went on to be seen in the courts, of which over 50,000 were eventually found guilty and sentenced.

For those found guilty of a drugs offence in the courts, the sentence imposed by the court is dependent on several factors. The offence group, the class of drug involved, the role played by the offender in the crime and the quantity of drugs involved, as well as the circumstances of the offender and whether they plead guilty, all have significant bearing on the sentence passed. Offenders who are shown to have a drug misuse problem can also be required to attend a drug treatment programme as part of their sentence. These are described in further detail in the next section.

In 2009, the most common outcome received by adults sentenced for drug offences was a fine. 20% of adults were sentenced to a community order whilst 18 % of adults sentenced were sent to prison.

¹ Ministry of Justice, Criminal Statistics Publication, 2009.

² Ministry of Justice, Sentencing Statistics Publication, 2009. Number of cannabis warnings issued in 2009/10..



Currently, there are no comprehensive guidelines on sentencing for drugs offences. In 2008, the Sentencing Guidelines Council (SGC) included guidelines in the wider Magistrates' Courts Sentencing Guidelines to cover the most common drugs offences sentenced at the magistrates' court. Furthermore, in 2010, the Sentencing Advisory Panel (SAP) issued advice to the SGC with proposals on sentencing ranges for drugs offences. The Sentencing Council replaced both these bodies in April 2010. It is revising this advice in order to develop a draft guideline which it is currently consulting on. Links to both of these documents can be found in the Further Information section on page 20.

Drug Rehabilitation Programmes

Regardless of the offence they commit, offenders who misuse drugs are encouraged to address their misuse through treatment programmes and support. Offenders who misuse certain specified drugs can be referred to treatment and recovery programmes at arrest (through arrest referral) or by the court (during bail proceedings or sentencing), following a positive drugs test and/or an assessment. For offenders who test positive for heroin, crack and/or cocaine, the decision to grant bail may be reversed unless they agree to have relevant interventions. If an offender refuses to provide a sample in police custody when requested or does not attend a subsequent assessment, they will have committed a separate summary offence.

A Government funded initiative, the Drug Interventions Programme (DIP) ensures that the criminal justice system works with treatment and recovery providers to identify Class A drug misusing offenders who commit crime to fund their personal habits, and engage them in appropriate treatment and recovery support as early as possible. If a drugs test has been carried out at arrest or charge and the offender is later sentenced in court, the sentencer may be informed of the outcome of the test, as well as any subsequent engagement in treatment and recovery programmes, to allow them to decide whether to include a rehabilitative requirement as part of the offender's punishment.

Recovery programmes can be based in prison or in the community. Drug Rehabilitation Requirements (DRRs) can be included as part of the conditions of a non-custodial sentence and are focused on providing support in the community alongside other community based drug treatment services. For offenders in custody, the Counselling, Assessment, Referral, Advice and Throughcare services (CARATs) provide assessments and support, alongside the Integrated Drug Treatment System (IDTS) who provide drug treatments within most HM Prisons.

Where a drug recovery programme is included as part of a non-custodial sentence, a breach of the terms of the programme may result in the offender going back to court to be re-sentenced.

Data on Sentencing Practice for Drugs Offences

The following bulletins provide statistics on the sentencing outcomes and the demographics of adults (aged 18 and over) sentenced for the five groups of drug offence identified on page 1.

When looking through these bulletins, we ask the reader to keep in mind that the sentences reflected in the data are the final sentence outcomes, after taking into account all factors of the case including whether a guilty plea was made. The ranges provided in the draft guidelines reflect the sentence that should be given *before* taking into account further factors including any reductions for a guilty plea, if one was made. Therefore, the outcomes shown should not be directly compared to the ranges provided in the draft guidelines, but should instead be used as an indication of current sentencing practice for drug offences.

It is also important to be aware of the limitations of the data. The data shown reflect the demographics of the population of sentenced adult offenders, and this may not necessarily be the same as the demographics of the full population of adults who commit drugs crimes, nor does the total number of sentences necessarily reflect the actual number of drugs crimes committed. Additionally, the data provided does not take account of the severity of the offence committed, just the type of offence. This is due to the lack of availability of data on the facts of each individual case, in particular the role of the offender and the quantity of drugs involved which are defining factors for determining the severity of a case. Therefore, any trends or variations in sentencing seen in the data may, in fact, be caused by changes or variations in the profile of the severity of crimes committed.

This bulletin provides data on the sentences received by adults (those aged 18 and over) who were found guilty of importation and exportation offences, concentrating mainly on sentences passed in 2009. Although later bulletins separate out offences involving cannabis, this has not been done for importation and exportation as it is not possible to derive the drug type involved for these particular offences.

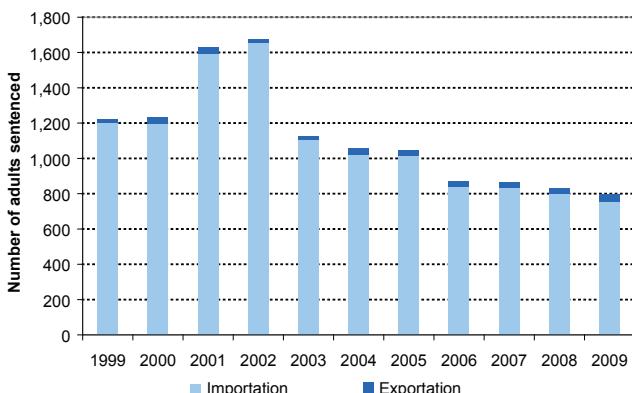
Collectively, importation and exportation offences accounted for 2% of all drugs offences sentenced in 2009. Of these, the majority (more than nine out of ten cases) were for importation rather than exportation. Most cases of importation and exportation (about 93% of them) are sentenced in the Crown Court.

Sentencing outcomes of adults sentenced for importation and exportation offences

2009 saw just under 800 adults sentenced for importation and exportation, of which 755 were for importation. Of the 800 sentences, 71% were for Class A offences and 24% for Class B or C offences.

Chart 1 below shows the total number of adults sentenced for either importation or exportation offences between 1999 and 2009.

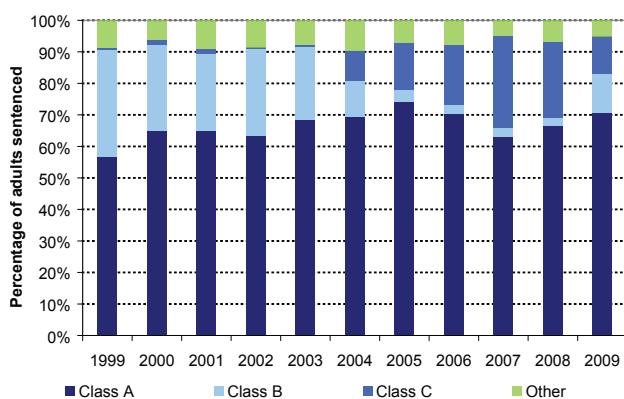
Chart 1: Number of adults sentenced for importation and exportation offences between 1999 and 2009



The most notable feature of this chart is the year-on-year decline in the total number of sentences passed for importation, following a peak in 2002. Over the period of 2002 to 2009, sentences for importation offences fell by 54% in number from 1,654 to 755.

Chart 2 below shows the proportion of sentences involving the different classes of drug between 1999 and 2009.

Chart 2: Proportion of sentences for importation and exportation offences involving each class of drug between 1999 and 2009

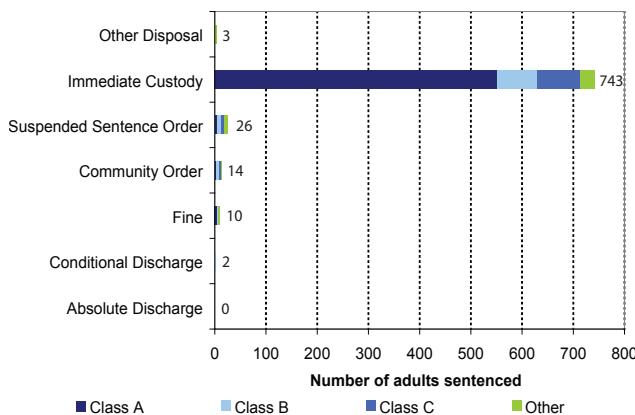


As can be seen in Chart 2, since 1999, Class A offences have remained the most commonly sentenced offences. Between 2005 and 2008, the period when cannabis was reclassified to a Class C, the proportion of Class B offences reduced significantly whilst Class C offences increased.

Under the draft guidelines, among other factors, the sentencing outcome for somebody found guilty of an importation or exportation offence will depend on the class of drug involved, the role played by the offender in the organisational chain and the quantity being transported.

Chart 3 below shows the sentencing outcome of all adults sentenced for importation and exportation in 2009. This chart breaks down the disposal types by the class of drug involved but does not take into account the quantity transported or the role of the offender as data is not available on these factors at individual case level.

Chart 3: The outcome of all sentences given to adults for importation and exportation offences in 2009



The majority of adults sentenced for importation or exportation in 2009, 93%, were sent to prison and 5% were sentenced to either a suspended sentence or a community order.

Chart 4 which follows shows how average custodial sentence lengths have varied over the last decade for those who received custodial sentences. Between 2002 and 2006, the average length of custodial sentences saw an increase across all classes of drug, rising by 27% over this time from 4 years 11 months to 6 years 3 months. The most prominent increase was for Class B offences, for which average sentence length rose from 2 years and 1 month to 5 years and 8 months, over this time. However, for Class B offences, this was followed by a fall in average sentence length between 2006 and 2009, from 5 years 8 months back to 3 years 1 month³.

In 2009, the average length of custodial sentences imposed was 6 years 5 months. For Class A offences, the average length imposed was 7 years 7 months; for

³ It is not possible to say how these trends might be related to the reclassification of cannabis as it is not possible to derive the drug type under each class for importation and exportation offences.

Class B, the average length was 3 years 1 month; and for Class C offences, the average length was 2 years 6 months. Charts 5 and 6 which follow display the actual length of all custodial sentences passed for importation and exportation in 2009 for Class A and Class B and C offences respectively.

Chart 4: Average sentence length of custodial sentences given to adults for importation and exportation between 1999 and 2009

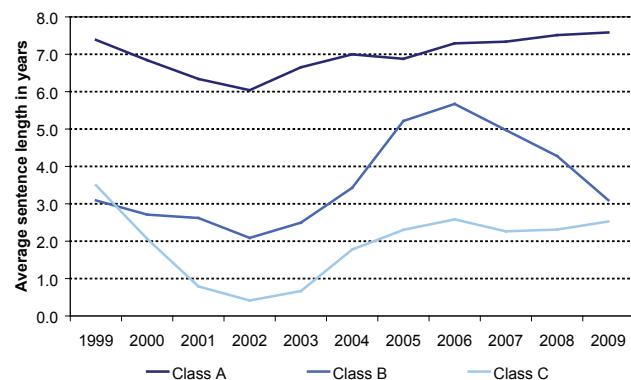
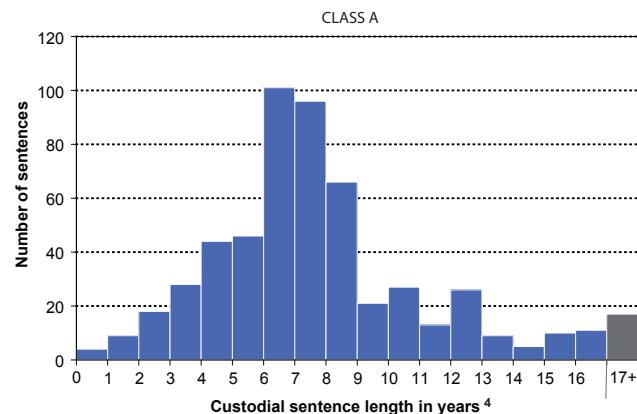


Chart 5: The lengths of all custodial sentences given to adults for importation and exportation of Class A in 2009



The most common custodial sentence length given to adults for importation and exportation of Class A drugs was exactly 6 years. For Class B and C offences, 1 and 2 year sentences were most common. However, the small number of very long custodial sentences imposed for such offences result in the slightly higher average custodial sentence lengths noted in the paragraph above.

Chart 6: The lengths of all custodial sentences given to adults for importation and exportation of Class B and C drugs in 2009

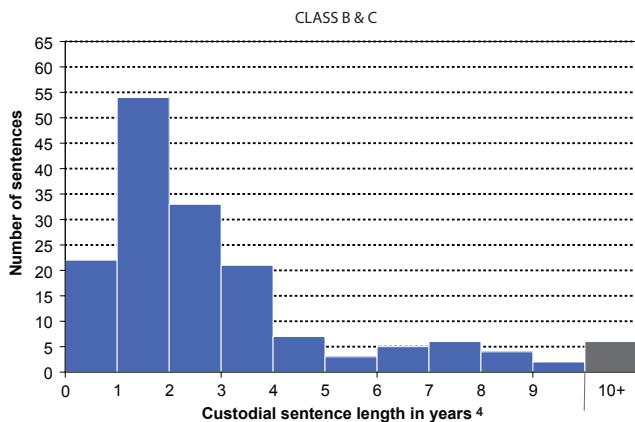


Chart 7: Age demographics of adults sentenced for importation and exportation offences in 2009

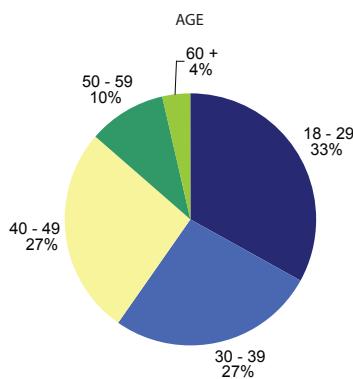


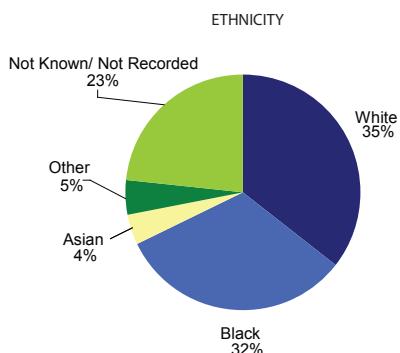
Chart 8: Perceived ethnicity of adults sentenced for importation and exportation offences in 2009

Demographics of adults sentenced for importation and exportation offences

Women made up 20% of all adults sentenced for importation and exportation in 2009. There was a wide mix of age groups across adults sentenced for these offences, with similar proportions being in each of the age brackets 18 to 29, 30 to 39, and 40 to 49.

Over a third of adults sentenced (35%) were perceived to be of white origin by the police officer dealing with their case. Black and other ethnic minority backgrounds made up 41% of those sentenced, whilst 23% did not have a perceived ethnicity recorded.

Charts 7 and 8 which follows show the age demographics and perceived ethnicity of those sentenced in 2009 for importation and exportation in more detail.



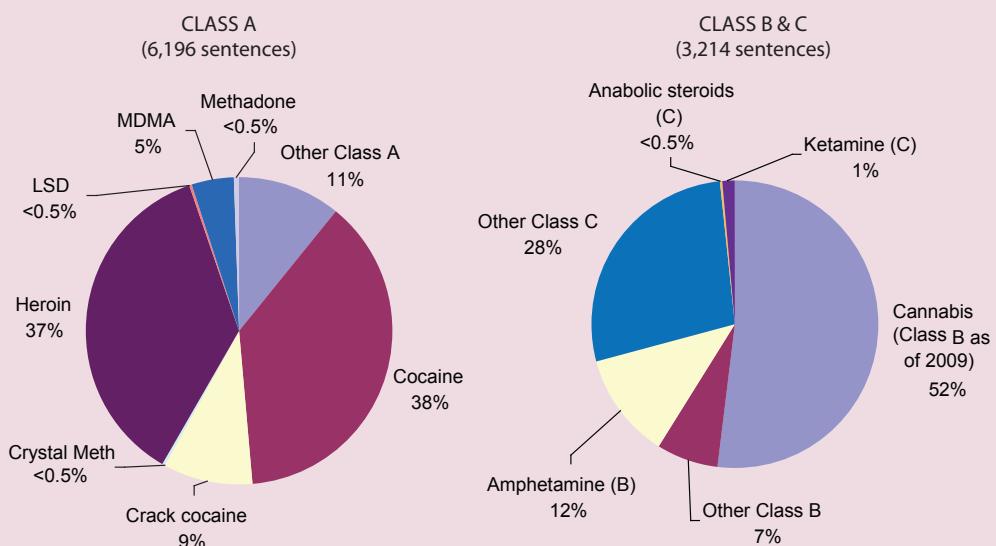
⁴ A bar between X and Y years includes sentences of exactly X years in length, but EXCLUDES sentences of exactly Y years in length.

This bulletin provides data on the sentences received by adults (those aged 18 and over) who were found guilty of the offence of supply, concentrating mainly on sentences passed in 2009. Supply offences include the offences of possession with intent to supply and incite to supply. To account for the impact of the reclassification of cannabis in 2004 and subsequent reclassification in 2009, cannabis is shown separately and is not included in the "other Class B and C" category.

Supply offences are the second most commonly sentenced drug offence, making up 19% of all drugs offences sentenced in 2009. The majority of sentences for supply offences (nine out of ten of them) are sentenced in the Crown Court.

The draft guideline is based on the class of the drug involved rather than the drug type. However, the following chart provides an indication of which drugs were most commonly sentenced under the various classifications in 2009.

The specific drug types sentenced in 2009⁵



Sentencing outcomes of adults sentenced for supply offences

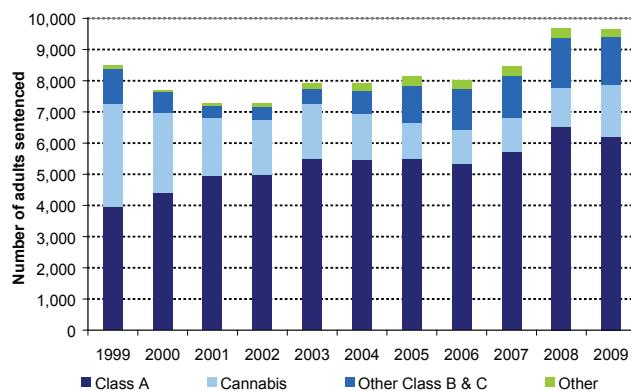
2009 saw 9,650 adults sentenced for supply offences. Chart 1 on the next page shows how the total number of adults sentenced for supply offences has varied since 1999, broken down by the class of drug involved.

Following a drop in the number of sentences passed for supply offences until 2002, the number of sentences has been steadily increasing. The largest increases can be seen in the final three years of the chart. Between 2006 and 2009, the total number of adults sentenced increased by a total of 20% from 8,011 to 9,650.

⁵ It is not possible to derive the drug type, only the drug class, for incite to supply offences. Therefore these offences have been included under the "other Class A", "other Class B" and "other Class C" sections. These offences account for a total of 4 sentences in 2009.

Another feature is the decline in the number of sentences passed for supply of cannabis over the period of the chart. Between 1999 and 2006, the number of sentences for cannabis declined by 67% from 3,287 to 1,083. However, from 2006 onwards, the number again began to rise, reaching 1,671 in 2009. On the other hand, the number of sentences passed for other Class B and C offences steadily increased from 2001 onwards, with four times as many of these offences being sentenced in 2009 compared to 2001, 1,543 sentences compared to 391. In 2009, 64% of sentences passed for supply offences were for Class A offences, 17% for cannabis and 16% for other Class B and C offences.

Chart 1: Number of adults sentenced for supply offences between 1999 and 2009



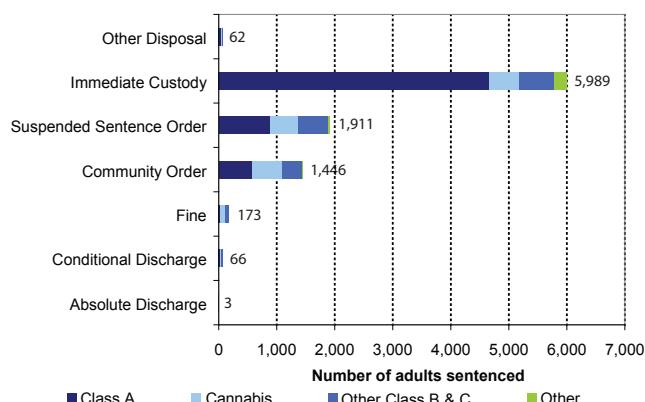
Under the draft guidelines, among other factors, the sentencing outcome for somebody found guilty of a supply offence will depend on the class of drug, the role played by the offender in the offence and the quantity of drugs involved.

Chart 2 which follows shows the sentencing outcome of all adults sentenced for supply in 2009. This chart breaks down the disposal types by the class of drug involved but does not take into account the quantity involved or the role of the offender as data is not available on these factors at individual case level.

In 2009, for Class A and other Class B and C drugs, the most common sentence received by adult offenders was immediate custody, with 75% of sentences for Class

A offences, and 39% of other Class B and C offences resulting in prison sentences. For supply of cannabis offences, the outcomes of prison or a community order were almost equally common with 31% of sentences for cannabis resulting in custody and 30% resulting in community orders.

Chart 2: The outcome of all sentences given to adults for supply offences in 2009



Average custodial sentence lengths for all classes of drug remained fairly consistent between 1999 and 2009. In 2009, the average custodial sentence length over all supply offences was 2 years 11 months. For Class A offences, the average length was 3 years 3 months, whilst for other Class B and C offences, it was 1 year 8 months and cannabis supply resulted in an average sentence of 1 year 3 months.

Charts 3, 4 and 5 on the next page display the actual length of all custodial sentences passed for Class A, cannabis and other Class B and C drugs in 2009.

The most common custodial sentence length given to adults for supply of Class A drugs was exactly 2 years. For other Class B and C and cannabis offences, the most common custodial sentence length was exactly 1 year. However, the small number of very long custodial sentences imposed for such offences result in the higher average custodial sentence lengths noted in the paragraph above.

Chart 3: The lengths of all custodial sentences given to adults for supply of Class A drugs in 2009

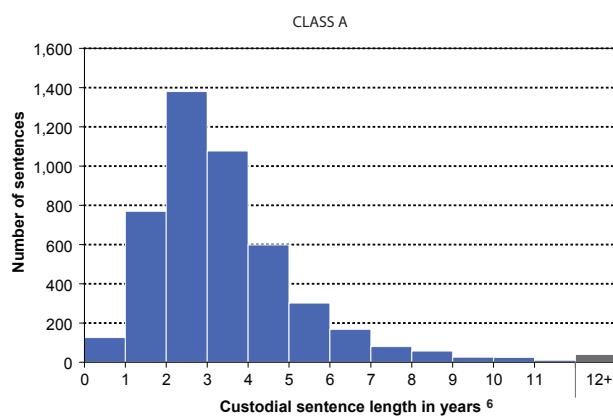


Chart 4: The lengths of all custodial sentences given to adults for supply of cannabis in 2009

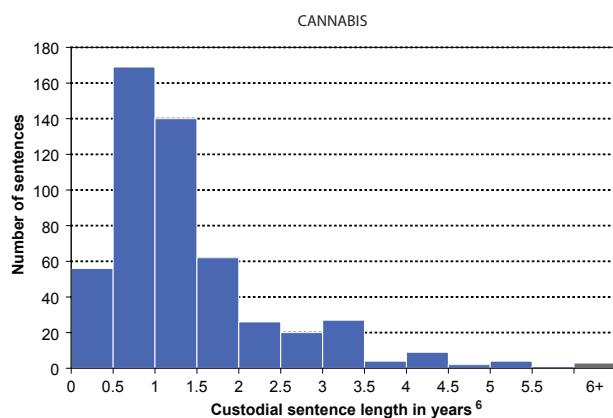
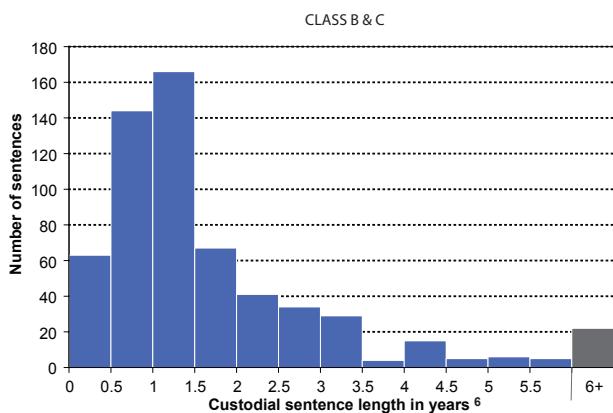


Chart 5: The lengths of all custodial sentences given to adults for supply of other Class B and C drugs (excluding cannabis) in 2009



Demographics of adults sentenced for supply offences

Women made up 10% of all adults sentenced for supply offences in 2009. The majority of adults sentenced were at the lower end of the age range, with 18 to 29 year olds making up 59% of sentences and 30 to 39 year olds making up 24%.

Just under two thirds (65%) of adults sentenced were perceived to be of white origin by the police officer dealing with their case. Black and other ethnic minority backgrounds made up 24% of those sentenced, whilst 11% did not have a perceived ethnicity recorded.

Charts 6 and 7 below show the age demographics and perceived ethnicity of those sentenced in 2009 for possession in more detail.

Chart 6: Age demographics of adults sentenced for supply offences in 2009

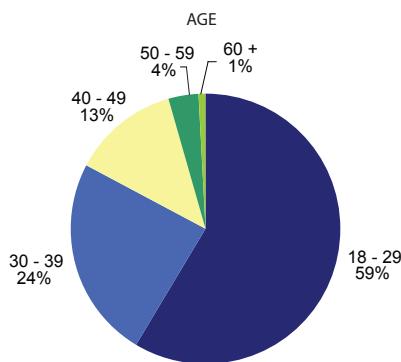
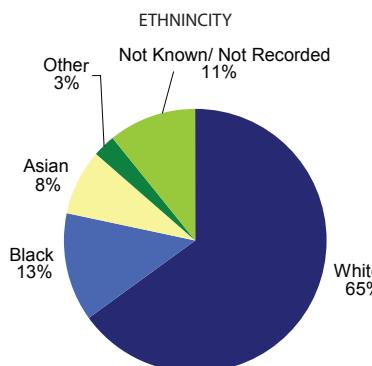


Chart 7: Perceived ethnicity of adults sentenced for supply offences in 2009



⁶ A bar between X and Y years includes sentences of exactly X years in length, but EXCLUDES sentences of exactly Y years in length.

This bulletin provides data on the sentences received by adults (those aged 18 and over) who were found guilty of production offences, concentrating mainly on sentences passed in 2009. To account for the impact of the reclassification of cannabis in 2004 and subsequent reclassification in 2009, cannabis is shown separately and is not included in the “other Class B and C” category.

Production offences increased in number over the decade up to 2009, and in 2009 it was the third most commonly sentenced drug offence, making up 8% of all drugs offences sentenced. The proportion of production cases being sentenced in the Crown Court also increased over the decade up to 2009, with 43% of cases going to the Crown Court in 2009.

Sentencing outcomes of adults sentenced for production offences

2009 saw just under 4,000 adults sentenced for production, the largest number to be sentenced for production in any single year between 1999 and 2009.

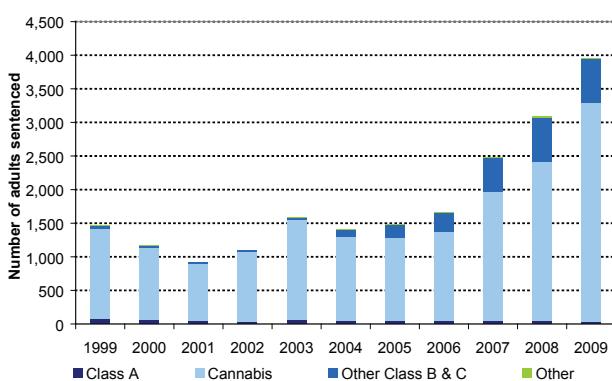
The majority of sentences for production are for offences involving cannabis, whilst Class A offences make up only a very small proportion of all sentences for production. In 2009, over four out of five production offences sentenced involved cannabis, whilst less than 1% involved Class A drugs.

Chart 1 opposite shows the total number of adults sentenced for production offences between 1999 and 2009, broken down by the class of drug involved⁷.

The most notable feature of Chart 1 is the increase in the total number of sentences passed from 2004 onwards. This is driven mainly by an increase in sentences passed for offences involving cannabis, which were 2.6 times more in number in 2009 compared to 2004, and an increase in sentences passed for the production of other Class B and C drugs, which were 6 times more in number in 2009 than in 2004.

On the other hand, the proportion of sentences for production involving Class A drugs declined from 1999 onwards; 5% of all sentences in 1999 were for Class A drugs, declining to less than 1% (30 sentences) by 2009.

Chart 1: Number of adults sentenced for production offences between 1999 and 2009

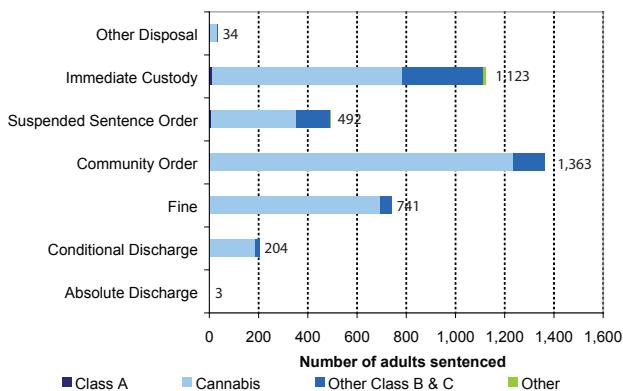


Under the draft guidelines, among other factors, the sentencing outcome for somebody found guilty of a production offence will depend on the class of drug involved, the role played by the offender and the actual or potential quantity (yield) of drugs produced.

Chart 2 on the next page shows the sentencing outcome of all adults sentenced for production in 2009. This chart breaks down the disposal types by the class of drug involved but does not take into account the actual or potential yield or the role of the offender as data is not available on these factors at individual case level.

⁷ For the purposes of this bulletin, production offences involving cannabis include both the offences of “cultivation of cannabis” and “production of cannabis” as these cannot be separated out in the data. Further details on the differences between these offences can be found on the CPS website at: http://www.cps.gov.uk/legal/d_to_g/drug_offences/#a19

Chart 2: The outcome of all sentences given to adults for production offences in 2009



For Class A and other Class B and C offences, the most common sentencing outcome for adult offenders was immediate custody. For cannabis offences, the most common outcome was a community order.

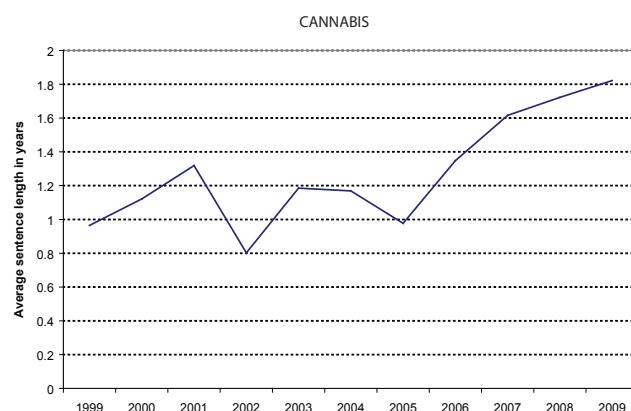
Nearly 20% of sentences for production in 2009 resulted in a fine. Of those adults receiving a fine, 93% were for offences involving cannabis, for which the average fine amount was £154. The maximum fine amount for cannabis offences received in 2009 was £2,015.

Of those adults sentenced to immediate custody for production in 2009, the majority were for offences involving cannabis. The average custodial sentence length for offences involving cannabis and for production of other Class B and C drugs was 1 year 10 months. For Class A offences, the average length was 2 years 11 months.

Chart 3 which follows shows the average custodial sentence length for production offences involving cannabis between 1999 and 2009. The other drug classes have been omitted due to the small number of cases in many years.

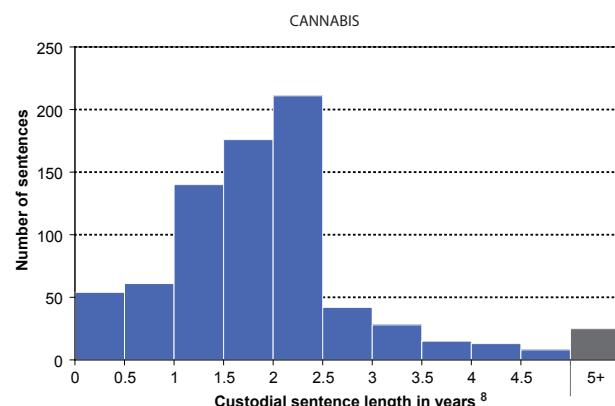
As seen in this chart, the average custodial sentence length for cannabis varied around 1 year until 2006. Between 2004 and 2005, the period when cannabis was reclassified, the average length dropped from 1 year 2 months in 2004 to 1 year in 2005. From 2005 onwards, it increased year-on-year reaching a length of 1 year 9 months in 2009, when the reclassification was reversed.

Chart 3: Average sentence length of custodial sentences given to adults for production offences involving cannabis between 1999 and 2009



Charts 4 and 5 which follow display the actual length of all custodial sentences passed for cannabis and other Class B and C drugs in 2009. Again, Class A drugs have not been included due to the very small number of cases in 2009.

Chart 4: The lengths of all custodial sentences given to adults for production offences involving cannabis in 2009



The most common custodial sentence length given to adults for production offences involving cannabis and other Class B and C drugs in 2009 was 2 years. 80% of the custodial sentences for these drug types were for 2 years or less, leading to an average custodial sentence lengths of 1 year 6 months and 1 year 9 months for cannabis and other Class B and C drugs respectively.

Chart 5: The lengths of all custodial sentences given to adults for production of other Class B and C drugs (excluding cannabis) in 2009

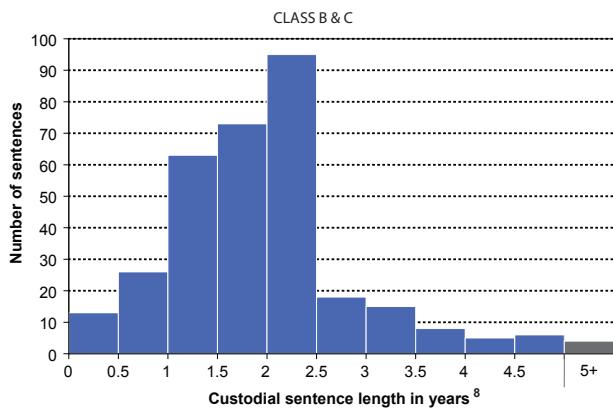


Chart 6: Age demographics of adults sentenced for production offences in 2009

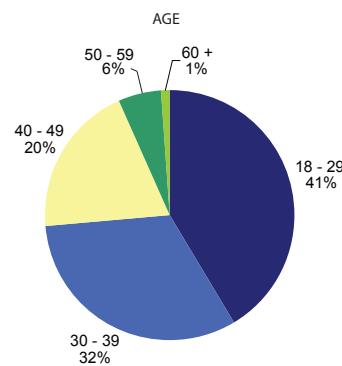
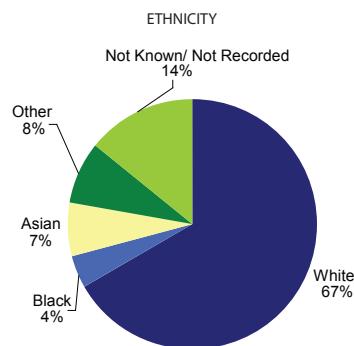


Chart 7: Perceived ethnicity of adults sentenced for production offences in 2009



Demographics of adults sentenced for production offences

Women made up 7% of all adults sentenced for production offences in 2009. The majority of adults sentenced were at the lower end of the age range, with 18 to 29 year olds making up 41% of sentences, and 30 to 39 year olds making up 32% of sentences.

Two thirds of adults sentenced for production offences were perceived to be of white origin by the police officer dealing with their case. Black and other ethnic minority backgrounds made up 19% of those sentenced, whilst 14% did not have a perceived ethnicity recorded.

Charts 6 and 7 which follow show the age demographics and perceived ethnicity of those sentenced in 2009 for possession in more detail.

⁸ A bar between X and Y years includes sentences of exactly X years in length, but EXCLUDES sentences of exactly Y years in length.

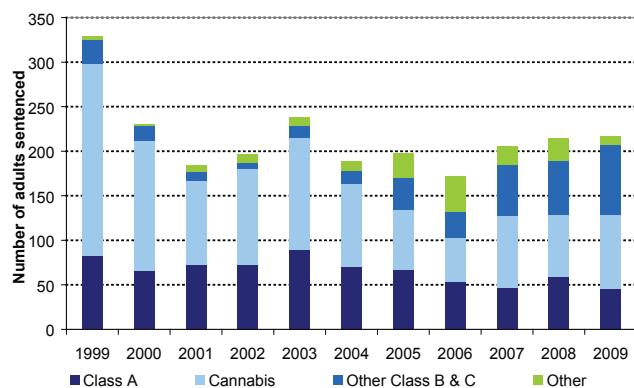
This bulletin provides data on the sentences received by adults (those aged 18 and over) who were found guilty of the offence of permitting premises to be used, concentrating mainly on sentences passed in 2009. Data on the offence of permitting premises to be used (for drug related activity) have not been provided in as much detail as other bulletins due to the very small number of sentences for this offence.

Permitting premises offences make up only a very small proportion of all sentences given to adults for drugs offences. Less than 1% of sentences are for this offence, with almost two thirds of these sentences being handed out by the Crown Court.

Sentencing outcomes of adults sentenced for permitting premises offences

2009 saw just under 220 adults sentenced for permitting premises offences. Chart 1 below shows how the total number of adults sentenced for permitting premises offences has varied since 1999, broken down by the class of drug involved.

Chart 1: Number of adults sentenced for permitting premises offences between 1999 and 2009

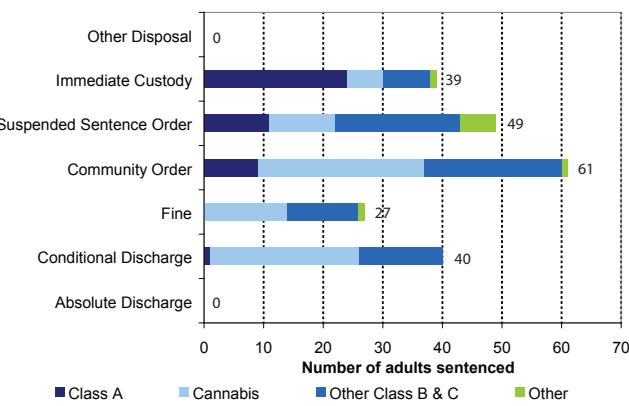


For every year between 1999 and 2009, sentences for offences involving cannabis were most common. However, the total number of sentences passed for cannabis offences declined over this time, dropping from 215 sentences in 1999 to 84 sentences in 2009. Sentences for Class A offences also declined in number, whilst sentences for other Class B and C offences rose over this time.

Under the draft guidelines, as well as the class of drug, the sentencing outcome for somebody found guilty of permitting premises will depend on a combination of factors which include the extent of the activity and the quantity involved.

Chart 2 shows the sentencing outcome of all adults sentenced in 2009. This chart breaks down the disposal types by the class of drug involved but does not take into account any other factors that may influence the sentencing outcome.

Chart 2: The outcome of all sentences given to adults for permitting premises offences in 2009



In 2009, the majority of Class A offences invited a custodial sentence, whilst the majority of cannabis and other Class B and C offences were sentenced to community orders. A similar proportion of cannabis offences instead received a conditional discharge as their outcome.

Of the 27 people sentenced to a fine, nearly all were for cannabis or other Class B and C offences. The average fine penalty for cannabis and other Class B and C offences was £165.

Of the 39 people sentenced to custody in 2009, the average sentence length was 1 year 9 months with custodial sentences ranging from a minimum of 2 months for a Class C offence to a maximum of 4 years 8 months for a Class A offence.

Demographics of adults sentenced for permitting premises offences

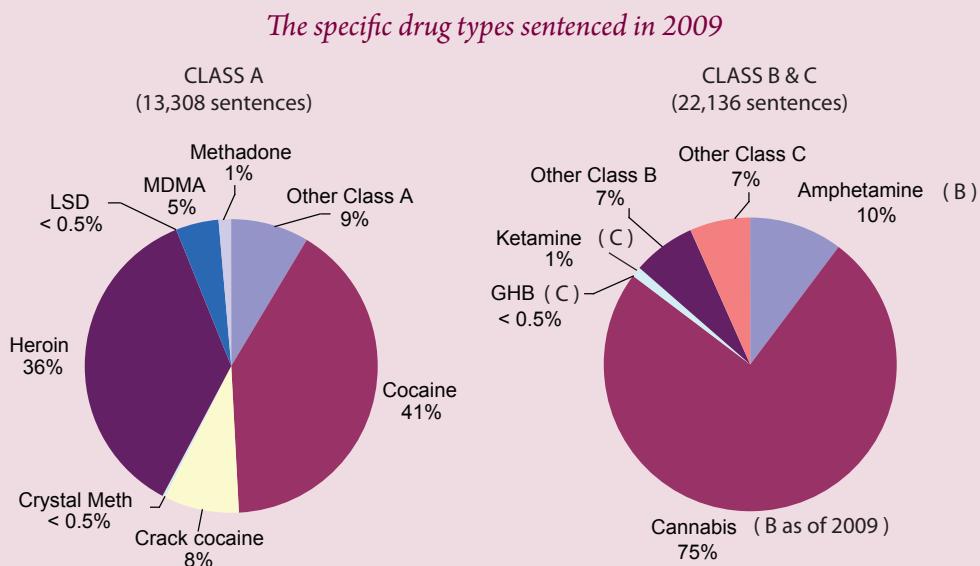
Women made up over half (51%) of all adults sentenced for permitting premises in 2009. Four in ten sentences were for an offender in the age bracket of 18 to 29 years old. Three in ten were between the ages of 30 and 39 and two in ten were between 40 and 49 years old.

Three quarters of adults sentenced were perceived to be of white origin by the police officer dealing with their case. Black and other ethnic minority backgrounds made up just over one in ten of those sentenced, whilst a similar proportion did not have a perceived ethnicity recorded.

This bulletin provides data on the sentences received by adults (those aged 18 and over) who were found guilty of possession offences, concentrating mainly on sentences passed in 2009. To account for the impact of the reclassification of cannabis in 2004 and subsequent reclassification in 2009, cannabis is shown separately and is not included in the "other Class B and C" category.

Possession offences are the most commonly sentenced drug offences, making up over two thirds of all adults sentenced for drug offences over the last ten years. The majority of possession cases, over 90% of them, are sentenced in the magistrates' courts.

The draft guideline is based on the class of the drug involved rather than the drug type. However, the following chart provides an indication of which drugs were most commonly sentenced under the various classifications in 2009.



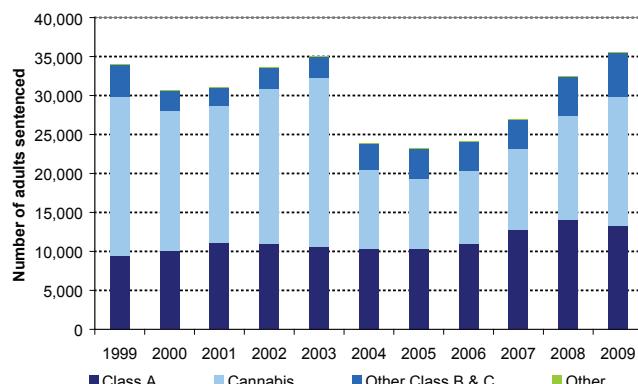
Sentencing outcomes of adults sentenced for possession offences

2009 saw just under 35,500 adults sentenced for possession, the largest number to be sentenced for possession in any single year between 1999 and 2009.

Chart 1 on the following page shows the total number of adults sentenced for possession offences between 1999 and 2009, broken down by the class of drug involved. The most notable feature is the decline in the number of sentences passed for cannabis seen in 2004, when the classification of cannabis was reduced and cannabis

warnings were introduced as a method of dealing with cannabis possession outside of the courts. In 2003, 21,578 adults were sentenced for cannabis possession, declining to 10,218 sentences in 2004. Since then, the number sentenced for cannabis possession again gradually increased, reaching 16,577 sentences in 2009. The number of sentences passed for Class A drugs also increased between 2005 and 2008, seeing a 36% increase over this time from 10,315 sentences to 14,063 sentences.

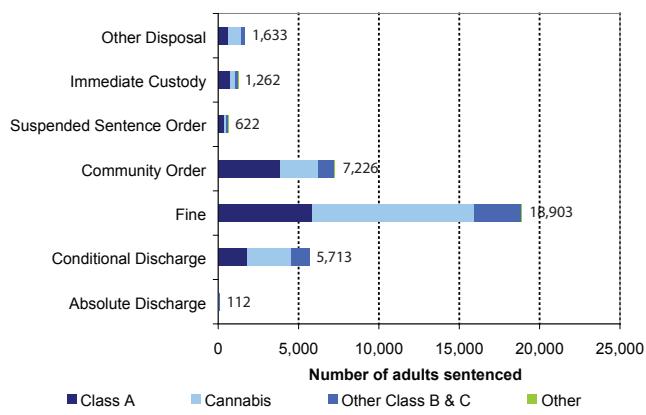
Chart 1: Number of adults sentenced for possession offences between 1999 and 2009



Under the draft guidelines, among other factors, the sentencing outcome for somebody found guilty of a possession offence will depend on the class of drug and the quantity of drug involved.

Chart 2 below shows the sentencing outcome of all adults sentenced in 2009. This chart breaks down the disposal types by the class of drug involved but does not take into account the quantity involved as data is not available on this factor at individual case level.

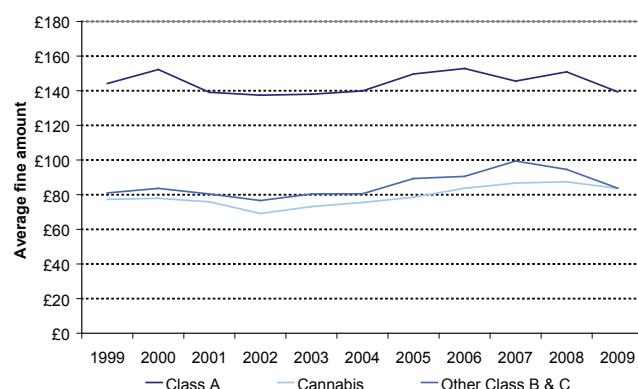
Chart 2: The outcome of all sentences given to adults for possession offences in 2009



For all classes of controlled drug, the most common outcome for adult offenders found guilty of possession offences in 2009 was a fine. The next most common outcome for offences involving Class A drugs was a community order, whilst for cannabis and other Class B and C drugs, the next most common outcome was a conditional discharge.

For those adults receiving a fine, the average fine amount in 2009 was £101. Those fined for Class A offences, on average, paid £139, whilst those fined for cannabis and other Class B and C offences paid, on average, £84. Chart 3 below displays the average fine amount for each class of drug between 1999 and 2009.

Chart 3: Average fine amounts⁹ for possession offences between 1999 and 2009



Between 2002 and 2006, the average fine amount payable on all classes of drug showed an increase. For cannabis, this rise continued until 2008, seeing an increase of £18 over that time to £87, compared with £69 in 2002. For all classes of offence, 2009 saw a decline from the previous year in the average amount payable. The maximum fine given in 2009 was for £1,700 for a Class C offence.

Of all adults sentenced for possession offences in 2009, 4% (1,263 of them) were sentenced to immediate custody of which, 61% involved Class A drugs. In 2009, the average custodial sentence length for a possession offence was 5 months. For Class A offences only, the average length was 6 months whilst cannabis offences invited, on average, sentence lengths of 2 months, and other Class B and C drugs were slightly higher at 3 months. Charts 4, 5 and 6 on the following page display the length of all custodial sentences passed in 2009.

The most common custodial sentence length received for all classes of drug was 28 days. However, a larger proportion of those going to custody for Class A drugs received sentences much longer than this, causing the average length to be higher for Class A drugs.

⁹ The average fine amounts are shown in nominal terms so do not account for the impact of inflation.

Chart 4: The lengths of all custodial sentences given to adults for possession of Class A drugs in 2009

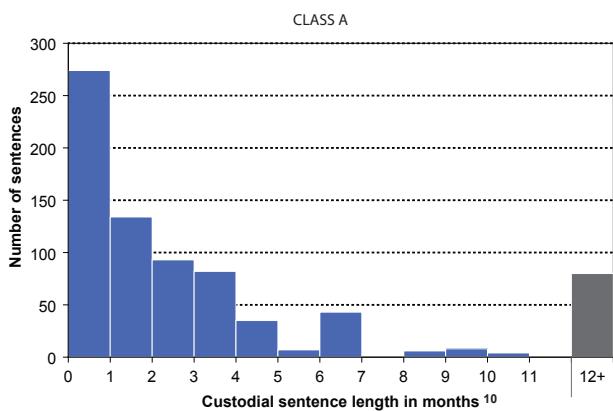


Chart 5: The lengths of all custodial sentences given to adults for possession of cannabis in 2009

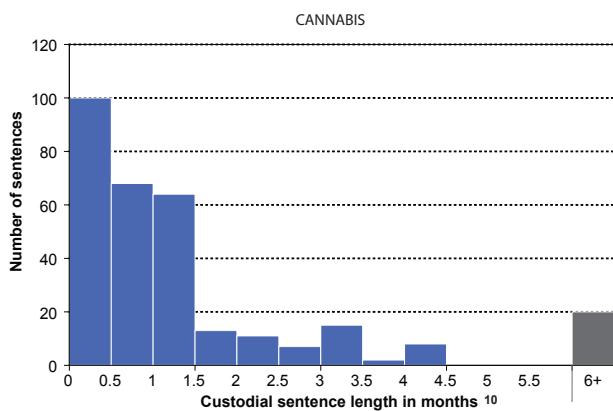
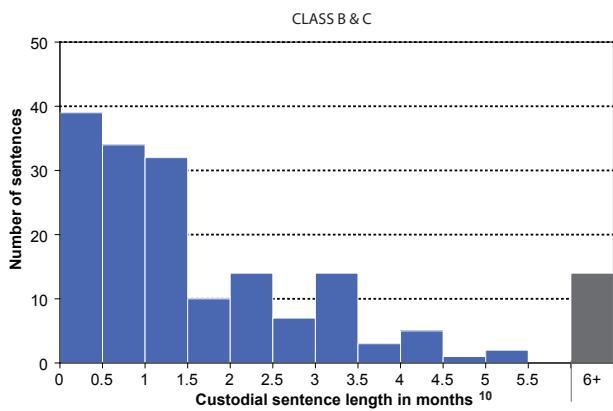


Chart 6: The lengths of all custodial sentences given to adults for possession of other Class B and C drugs (excluding cannabis) in 2009



Demographics of adults sentenced for possession offences

Women made up 8% of all adults sentenced for possession in 2009. The majority of adults sentenced were at the lower end of the age range, with 18 to 29 year olds making up 62% of sentences. Only 3% of adults sentenced were above the age of 50.

Just under two thirds (65%) of adults sentenced were perceived to be of white origin by the police officer dealing with their case. Black and other ethnic minority backgrounds made up 23% of those sentenced, whilst 12% did not have a perceived ethnicity recorded.

Charts 7 and 8 below show the age demographics and perceived ethnicity of those sentenced in 2009 for possession in more detail.

Chart 7: Age demographics of adults sentenced for offences in 2009

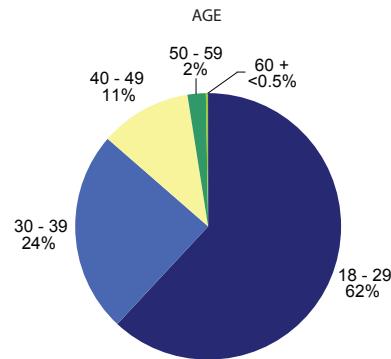
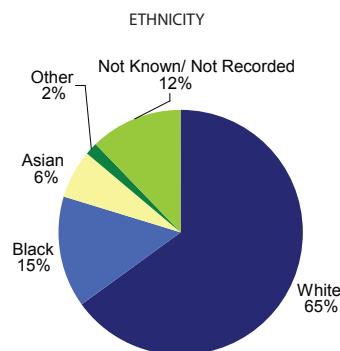


Chart 8: Perceived ethnicity of adults sentenced for possession offences in 2009



¹⁰ A bar between X and Y months includes sentences of exactly X months in length, but EXCLUDES sentences of exactly Y months in length.

Additional tables

The data behind the charts provided in the analysis and research bulletins are available for download as Excel spreadsheets at the following link:

<http://www.sentencingcouncil.org.uk/sentencing/consultations-current.htm>

Background Information

The Ministry of Justice publishes both a quarterly and annual statistical publication on sentencing data which focuses on national level trends in sentencing for all offences. This publication can be accessed via the Ministry of Justice Statistics homepage at:

<http://www.justice.gov.uk/publications/statistics.htm/>

Further information on general sentencing practice in England in Wales can be found on the Council's website or at the Ministry of Justice website at:

<http://www.justice.gov.uk/>

Alternatively, you may wish to visit the sentencing area on the Direct.gov website, which can be accessed at:

<http://sentencing.cjsonline.gov.uk/>

Further information on the 2010 Drugs Strategy: 'Reducing demand, restricting supply, building recovery: supporting people to live a drug-free life' can be found on the Home Office website at:

<http://www.homeoffice.gov.uk/drugs/>

The SAP advice issued to the SGC in 2010 on the sentencing of drugs offences can be accessed via the National Archives at the following link:

http://tna.europarchive.org/20100519200657/http://www.sentencing-guidelines.gov.uk/docs/s_g_update_10_march/sentencing_for_drug_offences.pdf

The current Magistrates' Court Sentencing Guidelines which contain some guidance on sentencing drugs offences in the magistrates' courts can be downloaded from the Council's website at:

<http://www.sentencingcouncil.org.uk/guidelines/guidelines-to-download.htm>

Consultation Documents

The consultation period for the draft drug guidelines will begin on 28 March 2011 and close on 20 June 2011. All of the consultation documents can be accessed via the Current Consultations page on the Sentencing Council website, at the following link:

<http://www.sentencingcouncil.org.uk/sentencing/consultations-current.htm>

Data Sources and Quality

The data used to compile the analysis and research bulletins have been supplied to the Sentencing Council by the Ministry of Justice who obtain it from a variety of administrative data systems compiled by courts and police forces. Every effort is made by the Ministry and the Sentencing Council to ensure that the figures presented in this publication are accurate and complete. Although care is taken in collating and analysing the returns used to compile these figures, the data are of necessity subject to the inaccuracies inherent in any large-scale recording system. Consequently, although numbers in tables and charts are shown to the last digit in order to provide a comprehensive record of the information collected, they are not necessarily accurate to the last digit shown. Details of the processes by which the Ministry of Justice validate the records in the database used to compile the bulletins can be found within their Sentencing Statistics publication at:

<http://www.justice.gov.uk/publications/sentencingannual.htm>

Where statistics are not derived from this source, footnotes have been included to indicate the published source from which the data is taken.

Notes on the Data

The data used to compile the analysis and research bulletins provide information on the sentencing outcomes of cases going through the courts between 1999 and 2009. The sentencing outcomes recorded are the final outcomes once all factors included in the decision making process have been taken into account. Therefore, care should be taken in comparing the results presented to the sentencing ranges at step two of the draft guidelines since changes may be made to the sentence at later steps of the decision making process before arriving at the final sentence (for example, guilty plea reductions).

Where custodial sentences are described, the sentence length refers to the full sentence length including time spent on licence and home detention curfew (HDC) where applicable. Average custodial sentence lengths are the average lengths over all determinate custodial sentences, therefore do not include life sentences or IPPs.

The following conventions have been applied to the data:

- Percentages derived from the data have been provided in the narrative and displayed on charts to the nearest whole percentage, except when the nearest whole percent is 0%. In some instances, this may mean that the percentages shown, for example in pie charts, do not add up 100%. Where totals have been provided, these have been calculated using unrounded data and then rounded, therefore percentages provided in the narrative may differ slightly from the sum of percentages shown on the pie charts.
- Where the nearest whole percent is 0%, the convention “< 0.5%” has been used.

Uses Made of the Data

The data in the analysis and research bulletins is used to inform public debate of the Council's work, in particular to provide the public with the key data that the Council has used to help formulate the draft guidelines on drug offences.

Contact Points for Further Information

We would be very pleased to hear your views on our analysis and research bulletins. If you have any feedback or comments, please send them to:

info@sencouncil.gsi.gov.uk

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This is the first in a series of analysis and research bulletins to be produced by the Sentencing Council. These will be accessible via the Sentencing Council's website as and when they are published. Details of the forthcoming publication dates will be updated on the Council's website at:

<http://www.sentencingcouncil.org.uk>

Further information on the Sentencing Council and their work can also be accessed at this website.