

In **February 2012**, the Sentencing Council's Drug Offences Definitive Guideline came into force. It includes guidelines for sentencing offences of importation/exportation, supply, possession with intent to supply, production, permitting premises to be used, and possession. This is an overview of the findings from the assessment of the guideline's impact, which uses information that magistrates and district judges kindly provided when the Council collected data in selected magistrates' courts in 2015/2016.

What happened to sentencing after the guideline was introduced?

Comparing the 12 months before the Drug Offences Guideline came into force with the 12 months after, sentencing severity across all drug offences covered by the guideline showed a **very small decrease**.

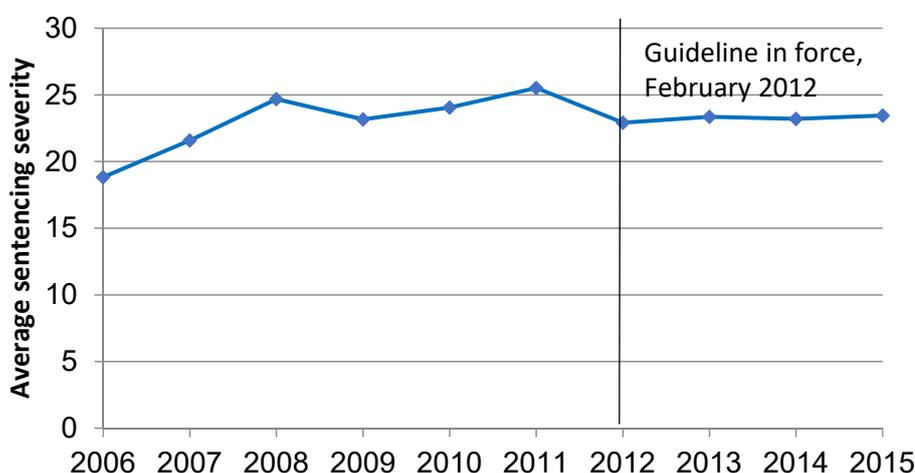
What do you mean by sentencing severity?

When we evaluate guidelines, we convert all types of sentence into a severity scale with scores ranging from 0 to 100, representing the full range of sentencing outcomes from discharge (at 0) to 20 years' custody (at 100). This allows us to compare different types of sentence, as well as different sentence lengths, in a meaningful way. So the decrease in sentencing severity overall means that sentence levels went down a little after the guideline came into effect.

What about individual offences?

For most offences, the guideline aimed to make sentencing practice more consistent, rather than to change sentence levels in any way. For these offences where no change was intended, there were some shifts in sentencing severity at the point at which the guideline came into force, but these were small, equivalent to small changes in the types of disposal or in sentence length.

Graph 1: Sentencing severity for production of class B and cultivation of cannabis



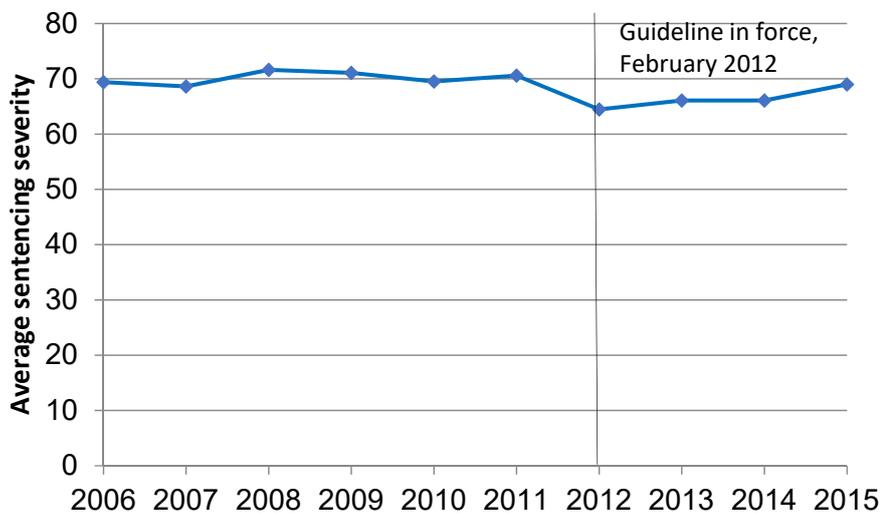
For example, for **production of class B drugs and cultivation of cannabis**, the graph shows how sentence severity fell initially, then stabilised following introduction of the guideline.

Similarly, for another offence, **possession class A**, sentencing severity fell slightly at the point at which the guideline took effect, then flattened thereafter. We also found that **survey data from the magistrates' courts** suggested that magistrates and district judges place emphasis on the amount of drug in the offender's possession when sentencing these cases, a factor which is not in the guideline, and which the Council may consider for inclusion in the future.

What happened to sentences for drug mules?

There was one notable exception to the Council's general aim to consolidate sentencing practice rather than alter it: for so called 'drug mules' (those convicted of carrying drugs across international borders for someone else), the Council aimed to reduce sentencing severity, because research shows that such offenders are often involved through coercion and exploitation, and hence may deserve a more lenient sentence than they might previously have received. The graph below shows how sentencing for offenders convicted of **importation class A offences** (which include drug mules) changed after the guideline came into force.

Graph 2: Sentencing severity for importation of class A drugs



Here we see a reduction in sentencing severity at the point the guideline came into effect. We think the rising trend from 2014 might be due to external factors, for example, higher purity drugs and a different mix of cases being seen by the courts.

What next?

Whilst the guideline led to some small unanticipated changes in sentencing severity, its overall effect is not considered to be a cause for concern. However, drug offending is likely to change over time as, for example, new drugs emerge and the nature of offending changes. There were also indications in this research that some drug offending may be becoming more serious. The Council has therefore decided to undertake further research to examine how the guideline may be revised to ensure that it fully reflects the type of offending coming before the courts today and is flexible enough to work well in the future.