

**We want to hear what you think  
about sentencing for Drug Offences**



## **Part 2 - Deciding what sentence an offender should get**



An easyread version of  
Drug Offences Guideline Public consultation

[www.sentencingcouncil.org.uk](http://www.sentencingcouncil.org.uk)

Some words in this paper may be hard to understand.

We have written these words in **bold blue** text and have put a list of these words on page 28.



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# Deciding what sentence an offender should get



**The Sentencing Council** has come up with 5 separate step-by-step guidelines for each of the different types of **drug offences** we set out in Part 1.



You can find all of our guidelines at **[www.sentencingcouncil.org.uk](http://www.sentencingcouncil.org.uk)**

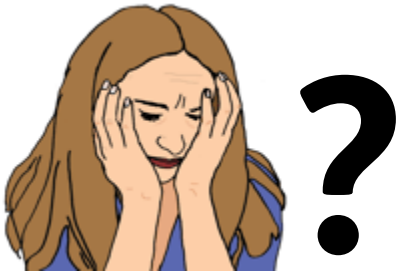


For example, the guideline on **supplying** (giving or selling) **illegal** drugs says the first step should be to decide how serious the offence is.



To do this, the court should look at:

- the harm that has been caused



- the harm that might have been caused

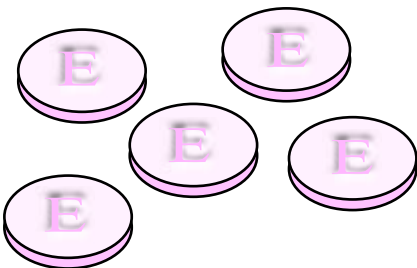


- the harm that the **offender** meant to cause.

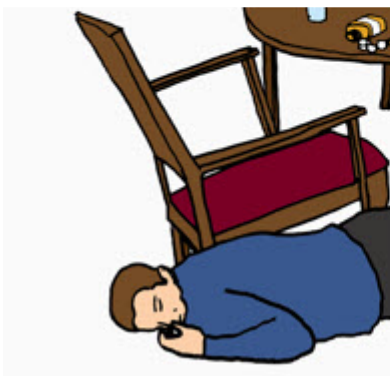


We believe that the amount of drugs involved is important because it can show the harm.

For example, 5kg of cocaine could cause harm to a lot of people.



But 5 tablets of ecstasy are more likely to be used by someone for their own personal use.



This means they are only likely to harm themselves.



## What do the courts see as “large” or “small” amounts of drugs?

For offences of **supplying** (giving or selling) drugs to people, or **importing** (bringing drugs into the country) these are the proposed guidelines:



### Heroin or cocaine

Very Large: 2.5kg - 10kg

Large: 500g - 2.49kg

Medium: 50g - 499.9g

Small: 5g - 49.9g

Very Small: up to 4.9g



### Ecstasy

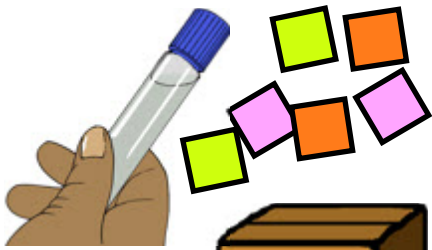
Very Large: 5,000-20,000 tablets

Large: 1,000-4,999 tablets

Medium: 100-999 tablets

Small: 20-99 tablets

Very Small: up to 19 tablets



## LSD



Very Large: 2,500-10,000 squares



Large: 500-2,499 squares



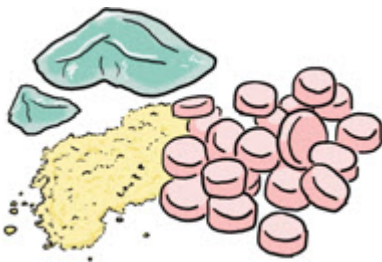
Medium: 50-499 squares



Small: 10-49 squares



Very Small: up to 9 squares



## Amphetamine



Very Large: 10kg-40kg



Large: 2.5kg-9.99kg



Medium: 250g-2.49kg



Small: 20g-249.9g



Very Small: up to 19.9g





## Cannabis



Very Large: 100kg-400kg



Large: 25kg-99.9kg



Medium: 1kg-24.9kg



Small: 100g-999.9g



Very Small: up to 99.9g



## Ketamine



Very Large: 2.5kg-10kg



Large: 500g-2.49kg



Medium: 50g-499.9g



Small: 5g-49.9g



Very Small: up to 4.9g



## Question 2

Do you agree that we have got these amounts right?

## The role of the offender



We also believe how big a role the **offender** plays in the offence is important.



They may play a “**leading role**”, in other words they are very involved in the offence.



Or they may have a “**significant**” role, which means they are quite involved.

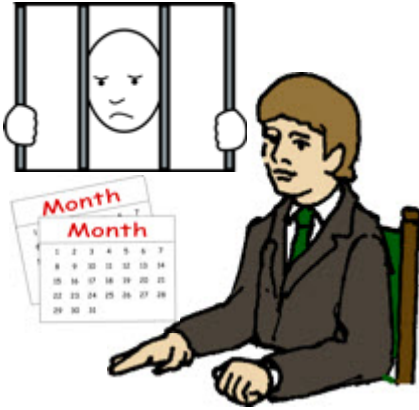


Or a “**subordinate**” role means they play a small part in the offence.



For example a **street dealer** might keep a stock of drugs which they regularly supply to drug users and make a lot of money from it.

They would be seen as playing a “**leading role**”.



We believe they should have a higher **sentence** than someone who does less. For example a person who just buys drugs for their own use.



On the next few pages is a chart to give an idea of the sort of **sentence** different **offenders** could expect for an offence involving **Class A** drugs.

Courts are given a different chart for each of the different classes of drugs.



The **starting point** is the **sentence** that the court will have in mind for an offence before other things are taken into account.

For example if it is a first offence, the **sentence** may be less than the **starting point**.



But if there have been a lot of other past offences, the **sentence** may be more than the **starting point**.

# Supplying Class A Drugs



**Leading role**



**Significant role**



**Subordinate role**



**Very Large amount**

**Starting point:**  
14 years  
in prison

**Range:**  
12-16 years  
in prison

**Starting point:**  
10 years  
in prison

**Range:**  
9-12 years  
in prison

**Starting point:**  
8 years  
in prison

**Range:**  
7 years  
6 months  
to 9 years  
in prison



**Large amount**

**Starting point:**  
11 years  
in prison

**Range:**  
9 - 13 years  
in prison

**Starting point:**  
8 years  
in prison

**Range:**  
7 years  
6 months to  
9 years  
in prison

**Starting point:**  
6 years  
6 months  
in prison

**Range:**  
5 years to  
7 years  
6 months  
in prison



**Medium amount**

**Starting point:**  
9 years  
in prison

**Range:**  
7 years  
6 months  
to 11 years  
in prison

**Starting point:**  
6 years  
6 months  
in prison

**Range:**  
5 years to  
7 years 6 months  
in prison

**Starting point:**  
4 years  
in prison

**Range:**  
3 years  
6 months to  
5 years  
in prison

# Supplying Class A Drugs



**Leading role**



**Significant role**



**Subordinate role**



**Small amount**

**Starting point:**  
7 years  
in prison

**Range:**  
5-8 years  
in prison

**Starting point:**  
4 years  
in prison

**Range:**  
3 years  
6 months to  
5 years  
in prison

**Starting point:**  
2 years  
6 months  
in prison

**Range:**  
High level  
**Community Order** to  
3 years  
6 months  
in prison



**Very small amount**

**Starting point:**  
5 years  
6 months  
in prison

**Range:**  
4 years  
6 months to  
7 years  
In prison

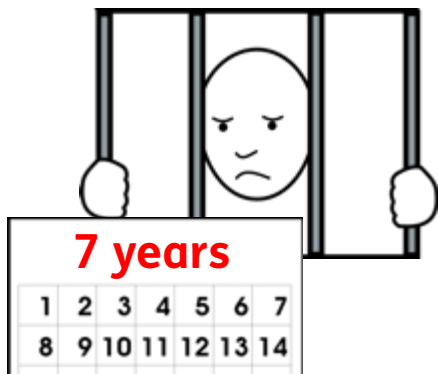
**Starting point:**  
3 years  
in prison

**Range:**  
2 years to  
4 years  
6 months  
in prison

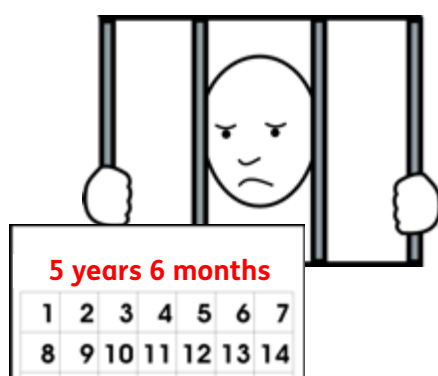
**Starting point:**  
26 weeks  
in prison

**Range:**  
High level  
**Community Order** to  
2 years  
in prison

Here is an example:



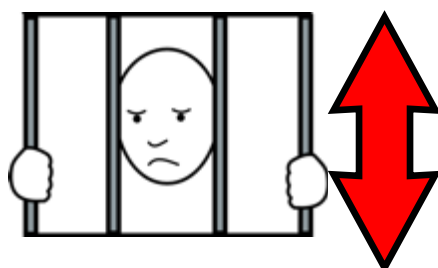
Using this chart it can be seen that an **offender** who played a “**leading role**” in an offence with a ‘very small’ amount of drugs would get between 4 years 6 months and 7 years in prison.



You will see that the “**starting point**” in that case is 5 years 6 months in prison.



This means that the judge or magistrate begins with this **sentence** in mind.



He or she will then look at reasons for giving a shorter or longer **sentence**.





## Some reasons why an offender might get a longer sentence:

- putting others in greater danger than usual, for example by mixing drugs with harmful substances



- if others are present when the offence is committed, especially children or people who do not use drugs



- trying to hide or get rid of evidence.

## Some reasons why an offender might get a shorter sentence:



- if they are caught **supplying** a drug that they are addicted to



- if they do not realise what sort of drug they are dealing with



- if they can show that they have tried to stop offending and / or tried to stop taking drugs.





### Question 3

Do you agree with these reasons for giving **offenders** a longer or shorter **sentence**?



If you do not agree, please tell us which you want to change and why you want to change them.



Remember, these examples are for people charged with **supplying** drugs (giving or selling drugs to people).



Some of these examples are also true for other offences.



But each offence has its own reasons for getting a shorter or longer **sentence**.

# Importing drugs

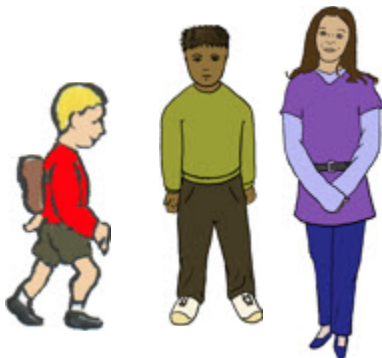


Reasons for getting a longer **sentence** include:

- if people try very hard to hide drugs or not get caught



- if someone is a professional person who helps to hide a crime or crimes



- if an **offender** uses other people such as children.

# Making or growing drugs



Reasons for getting a longer **sentence** include:

- if the **offender** also steals electricity or water from someone else



- if there is a lot of special equipment and the **offender** is making or growing a lot of drugs, or has been doing it for a long time



- if the **offender** has been making a lot of money from drugs



- if the **offender** is likely to be **supplying** the drug to others.

# Allowing your place to be used

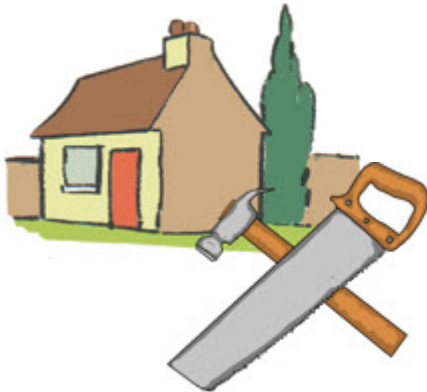


Reasons for getting a longer **sentence** include:

- your place has been used for drugs most days, for example a crack house



- a lot of drugs are involved



- if your place has been changed in some way to allow offences involving drugs



- if your place is near a school.



## Possession of drugs

This means being found to have drugs.



Reasons for getting a longer **sentence** include:

- if you are found to have a drug in a school or licenced premises.

## Differences



Allowing your house to be used by people to take drugs is treated a bit differently from selling drugs.

This depends on how often it is used and what you did.



**Possession** can also be treated differently. Here it depends on how much of the drug you have.



### Question 4

Do you agree with these different ways of looking at different offences? If not please tell us which ones you do not agree with and why.





## Possession of a drug in prison

Being found with any drugs at all in prison is seen as very serious.



This is because drugs are a big problem in prisons.



Drugs in prison make it harder for prisoners who are trying to give up taking drugs.



They also lead to other crime and are often used instead of money in prison.



For this reason, someone found with drugs in prison should get a more serious sentence.



## Question 5

Do you agree that someone found with drugs in prison (no matter how big or small the amount) should be given a longer **sentence** than people found with drugs outside prison?



Earlier we talked about what is seen as a large or small amount of drugs when people are charged with **supplying**. (see pages 8 and 9).





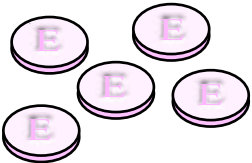
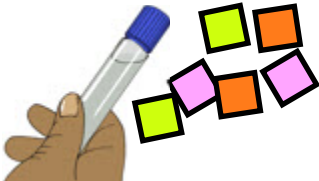
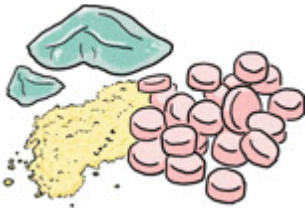


The same amounts also apply when people are charged with **importing drugs** into this country.



But as you will see from the chart on the next page, the courts look at things differently when it comes to **possession of drugs** (which means being found with drugs).

## Possession offences

			
	<b>Large amount</b>	<b>Small amount</b>	<b>Very small amount</b>
 <b>Heroin or cocaine</b>	5g - 10g	1g - 4.9g	Up to 0.9g
 <b>Ecstasy</b>	10-20 tablets	3-9 tablets	Up to 2 tablets
 <b>LSD</b>	5-10 squares	3-4 squares	Up to 2 Squares
 <b>Amphetamine</b>	5g - 10g	1g - 4.9g	Up to 0.9g



## Possession offences



**Cannabis**



**Large  
amount**

25g-50g



**Small  
amount**

10g-24.9g



**Very small  
amount**

Up to 9.9g



**Ketamine**

5g-10g

1g-4.9g

Up to 0.9g



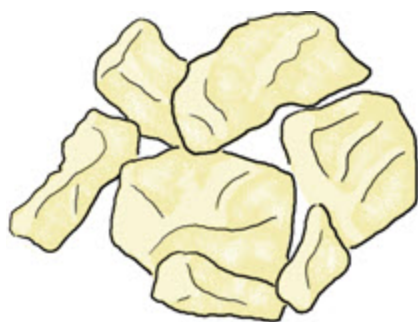
### Question 6

Do you agree with these amounts when it comes to people who are found to be in possession of drugs?

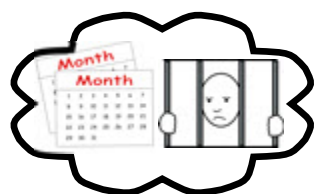
## How pure a drug is



Pure drugs are stronger than drugs that are mixed (or “cut”) with other substances.



So a small amount of pure drugs could cause more harm than a larger amount of less pure drugs.



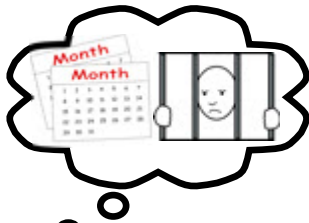
## How should the courts deal with this?

At the start of a case, when courts are deciding how serious an offence is, the **Sentencing Council** believes that they should not take into account how pure the drugs are.





Instead they should look at the amount of drugs involved in the offence.



Then, at the next stage, when they are thinking about the sort of **sentence** that the **offender** should be given, they can take into account how pure the drugs turn out to be.



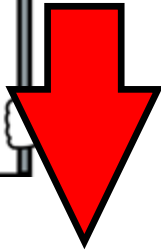
### Question 7

Do you agree that this is the right way to deal with how pure drugs are?



## Use of drugs to help with a medical condition

People who are charged with having cannabis often say they use it to help with a medical condition.



The Council has looked at whether people like this should get a lower **sentence**.



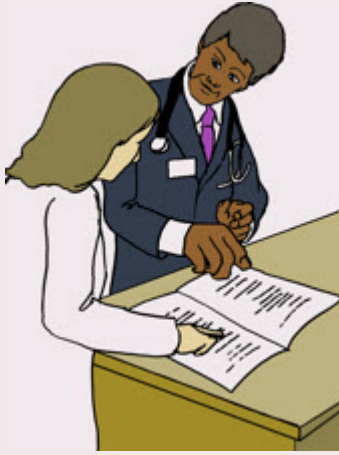
But one problem is that not all doctors agree that cannabis really does help with medical conditions.



Also courts would need to hear good medical evidence that a person's condition was helped by cannabis.



This could lead to delays while the courts waited for a doctor to be found who could give evidence.



## Question 8

Do you think people should get a lower **sentence** if they have doctor's evidence that a drug they are using is helping their medical condition?

## What some of the words mean

<b>Class A drugs</b>	The most harmful drugs. These include heroin, cocaine, ecstasy, and crack.
<b>Class B Drugs</b>	Drugs that are harmful, but not as harmful as Class A drugs. These include amphetamines and cannabis.
<b>Class C Drugs</b>	The least harmful illegal drugs. These include tranquilisers and ketamine.
<b>Committed drugs offences</b>	When someone did a crime that had something to do with drugs.
<b>Community order</b>	An order that makes you do certain things in the community instead of going to prison.
<b>Drug Offences</b>	Crimes that have to do with drugs.
<b>Illegal</b>	When something is against the law.
<b>Importing</b>	Bringing something into the UK or taking something out of the UK.
<b>Leading Role</b>	A person who is very involved in a crime. For example, planning to import drugs.
<b>Offender</b>	Someone who has committed a crime.
<b>Possession of a controlled drug</b>	Crimes that have to do with carrying drugs or having them with you.

## What some of the words mean

<b>Sentence</b>	Something that someone must do because of a crime they have committed. They might need to pay money, go to prison, or have a High Level Community Order.
<b>Sentencing Council</b>	An independent organisation that helps make sure sentencing works the same across all courts, and that the public understand sentencing better.
<b>Significant role</b>	A person who is quite involved in a crime. For example, helping to sell drugs.
<b>Starting point</b>	A sentence that is used as an example so a judge can choose the sentence for someone who is guilty of a crime.
<b>Street dealer</b>	An offender who sells small amounts of drugs to drug users.
<b>Supplying</b>	Helping someone get a drug. This can be selling it or giving it to them for free.



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