Sentencing Council

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

Part 3 - How the new guidelines might work

An easyread version of
Drug Offences Guideline Public consultation

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 22.

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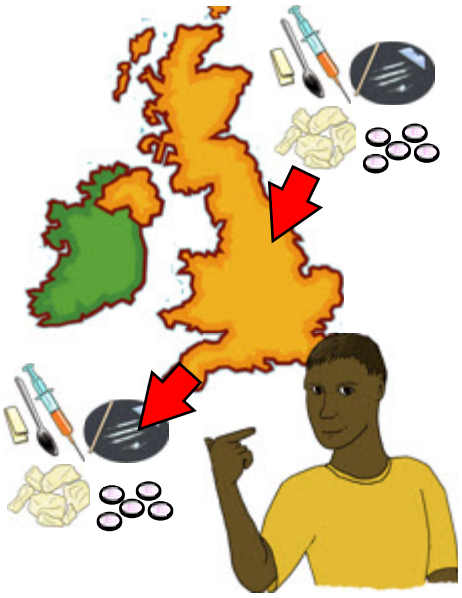
How the new guidelines might work

Here we look at some examples of different types of people, how they offend and what sort of **sentence** they might get.

We would like you to let us know if you think we have got the **sentences** right.



1. Importing drugs into this country

Main organiser

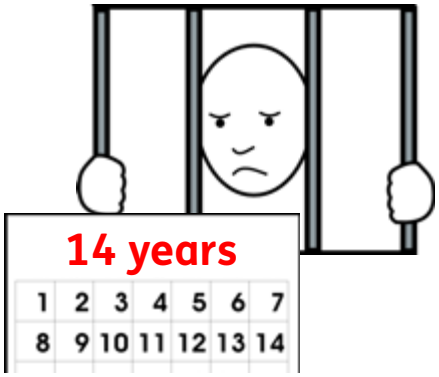
This is an **offender** who is at the centre of things and stands to make the most money.

They might be the person who put up the money to buy the drugs.

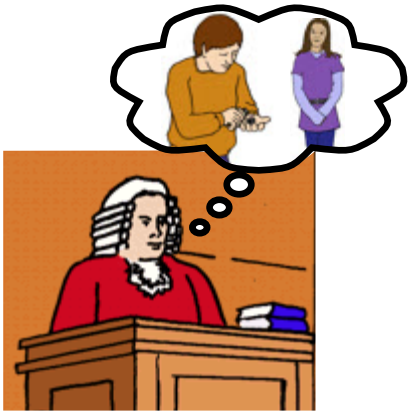
Or they might use a fake business to hide their drug dealing and the money they make from it.

For example, if an **offender** put up the money to buy 8kg of cocaine from Colombia and used other people to get it here, they would be seen as playing a "**leading role**".

We have already seen from the chart on pages 8 and 9 of part 2 that 8kg of a **Class A drug** counts as a "very large" amount.



So the **starting point** for a **sentence** is 14 years in prison.



The **offender** could expect to get anything between 12-16 years depending on what else had to be taken into account.

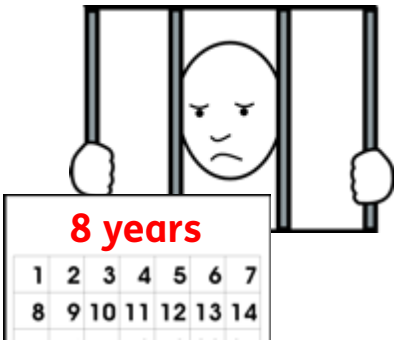
Middle man (or woman)

This is an **offender** who works for someone else and is paid to carry out a crime or crimes for them.

For example they might see to it that a lorry brings in someone else's drugs to this country.

Say this was 2kg of heroin (a **Class A drug**) that was hidden in a lorry full of flowers.

This would be seen as a "**significant**" role and a "large" amount.



Under the guidelines the **starting point** for a **sentence** is 8 years in prison.

Depending on what else had to be taken into account, the **offender** could expect a **sentence** ranging from 7 years 6 months to 9 years in prison.

A drug "mule"

This is someone who carries drugs for another person from one country to another.

They hide the drugs, either in their luggage, or by swallowing them or hiding them in their body.

Usually they are only paid a small amount, if anything, for doing this.

Often they are made to commit the offence against their will.

An **offender** bringing in 783g of cocaine (a **Class A drug**) by swallowing it would be seen as having a “subordinate “ role with a “large” amount of drugs.

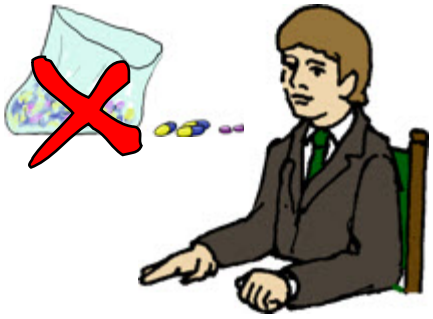
The **starting point** for a **sentence** is 6 years 6 months in prison.

Depending on what else had to be taken into account, the **offender** could expect to be **sentenced** to anything from 6 years to 7 years 6 months in prison.

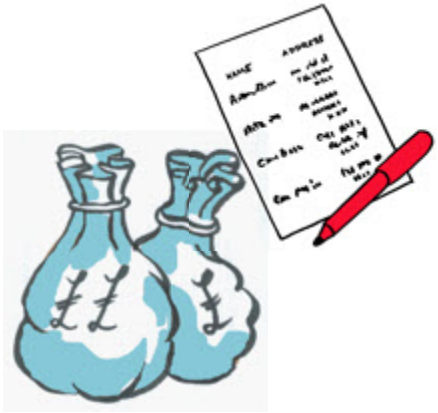
2. Supplying drugs

Main organiser

This is someone who sells drugs to make money.

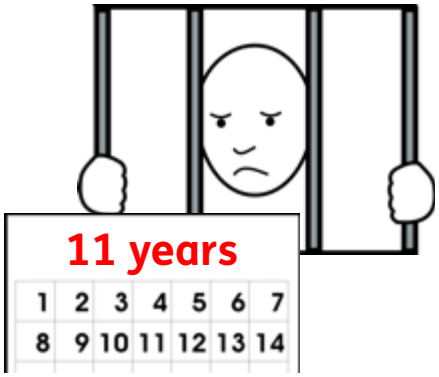


They will probably be a professional criminal and not a drug user themselves.



They will usually be found with things like a list of names of customers, scales for weighing drugs and large amount of cash.

An **offender** like this who supplies 1kg of cocaine (a **Class A drug**) will be seen as having a "**leading role**" with a "large" amount.



The **starting point** for a **sentence** is 11 years in prison.

The **offender** can expect to get anything from 9 years to 13 years depending on what else has to be taken into account.

Street dealer

This is an **offender** who regularly sells small amounts of drugs to drug users.

An **offender** who sells 2 wraps (about 1g) of heroin (a **Class A drug**) will be seen as having a "**leading role**" but with a "very small" amount.

The **starting point** for a **sentence** is 5 years 6 months in prison.

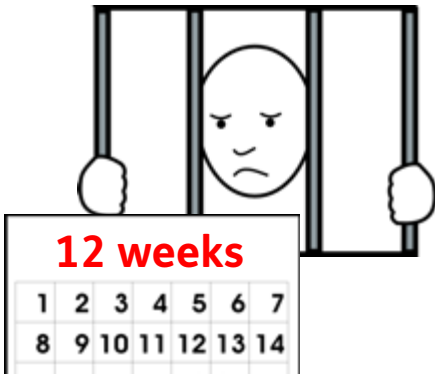
The **offender** can expect to get a **sentence** of anything from 4 years 6 months to 7 years in prison.

Supply not for profit

This is an **offender** who gives or sells drugs to others, usually their friends, but who does not make money out of it.

They are likely to use drugs now and again but not be an addict.

Under our guidelines, an **offender** who has joined with 3 friends to buy a 1kg bag of cannabis (a **Class B drug**) to share would be seen as having a "subordinate" role.



The amount would be seen as "medium". So the **starting point** for a **sentence** is 12 weeks prison.

The **offender** could expect to get a **sentence** of a high level **community order** up to 26 weeks in prison.

3. Making or growing cannabis

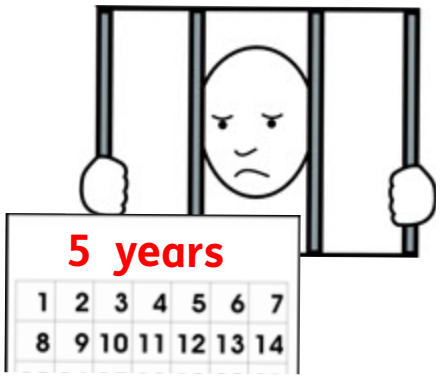
Commercial grower

This is an **offender** who grows a lot of cannabis plants to sell the drug to make money.

They will have spent money on equipment to water the plants and electric lights to help them grow.

Under the new guidelines an **offender** who buys this equipment and uses a warehouse to grow 100 plants would be seen as having a "**leading role**".

The amount would be seen as "large".



So the **starting point** for a **sentence** is 5 years in prison.

The **offender** could expect a **sentence** of between 4 years and 6 years in prison.

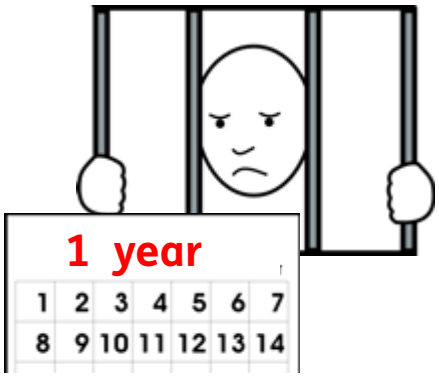
A drugs "gardener"

This is an **offender** who is employed by others to look after cannabis plants while they are growing.

They will usually have to see that the plants get enough water and the electric lighting they need to grow.

They will be paid a small amount. Or they may get free accommodation.

Under the draft guidelines, an **offender** who acts as “gardener” to grow 100 plants would be seen as having a “subordinate” role.



But the amount would be seen as “large”. So the **starting point** for a **sentence** is 1 year in prison.

The **offender** could expect to get a **sentence** between a high level **community order** up to 2 years in prison.

Producing for your own use

This is an **offender** who grows 3 or 4 cannabis plants for his or her own use.

Under the draft guidelines, someone who grows 4 cannabis plants (a **Class B drug**) for his or her own use would be treated as a “subordinate” role.

The amount would be seen as “very small”.

The **starting point** for a **sentence** would be a fine.

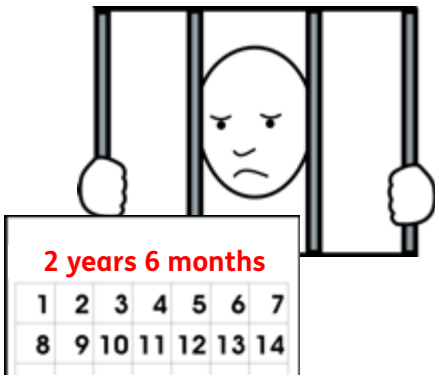
The **offender** could expect to get anything from a discharge to a low level **community order**.

4. Permitting your premises to be used

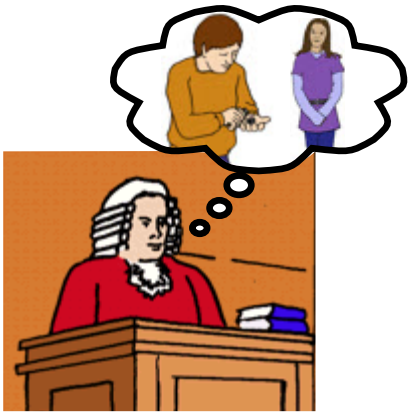
This is when someone allows their place to be used for drugs.

Under the draft guidelines, if an **offender** who was a drug user let a large number of other people come to his or her flat to smoke crack cocaine (a **Class A drug**) every day they would be treated as a "Category 1" case.

This means the matter is seen as more serious because the drug taking is happening every day.



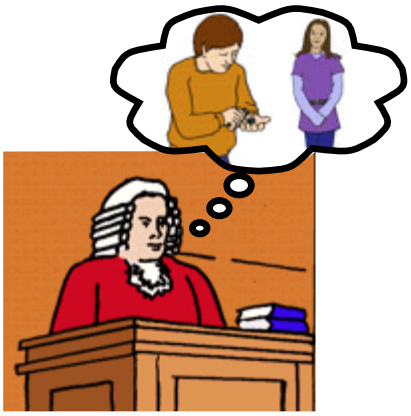
So the **starting point** for a **sentence** is 2 years and 6 months in prison.



The **offender** could expect to get a **sentence** of between 18 months up to 4 years in prison.

But the **sentence** could be less if not so much drug taking is involved, and the **offender** does not make any money from allowing their flat to be used.

In this case, for a **Class A drug**, the starting **sentence** would be a medium level **community order**.



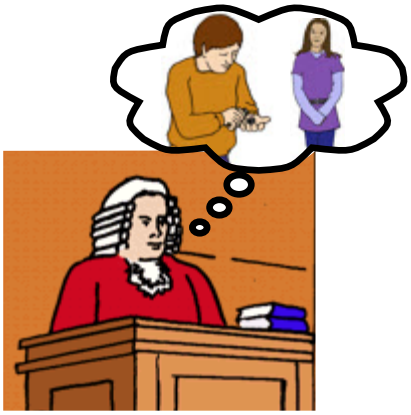
And the **offender** could expect to get anything from a low level to a high level **community order**.

5. Possession of drugs

This is when an **offender** is found with drugs or in control of drugs.

Under the draft guideline, an **offender** found with 4 wraps (about 2g) of heroin (a **Class A drug**) will be treated as what is called a Category 3 offence.

The **starting point** for a **sentence** is a medium level **community order**.



And the **offender** can expect to get anything from a low level **community order** up to 26 weeks in prison.

An **offender** who was found with 2g of cannabis (a **Class B drug**) would be treated as a Category 4 case.

The **starting point** for a **sentence** in this case would be a Band A fine.

The **offender** could expect to get anything from a discharge up to a low level **community order**.

Question 9

Do you agree with these ranges of **sentences** for these types of offences?

Victims

By law, the **Sentencing Council** has to take into account what effect (or impact) a decision about a **sentence** might have on victims.

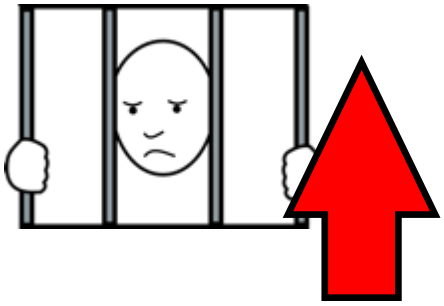
But it is not always easy to decide who the victim is when it comes to **drugs offences**.

The Council is aware that if drug offending is happening a lot it can have a big impact on a local community.

So the draft guidelines ask the courts to take into account any effect the **drug offences** had on the local community.

This might be done through a “community impact statement” read out in court.

If it is shown that the local community is badly affected, that makes the offence more serious.



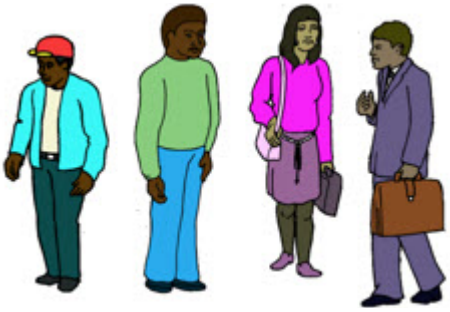
The **offender** could then expect a longer **sentence**.

We would like to hear the views of victims and organisations who speak up for victims.

Question 10

Can you think of any other ways in which the Council can take into account the views of victims?

Equality and diversity



The Council has produced an equality impact assessment to look at how its plans might affect people from minority ethnic groups.

We have also contacted a number of organisations who have an interest in this area to ask for their views.

Question 11

Is there any other way we should consider equality and diversity as part of this consultation?

Public confidence

The **Sentencing Council's** proposed guidelines are aimed at helping courts come to a fair decision about **sentences**.

But we also want to make the system clearer to the public.

And we want the public to have confidence in the **sentences** handed down by the courts.

We look forward to hearing your views.

Question 12

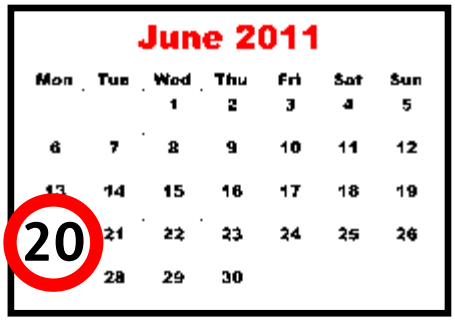
Are there any other points that you would like to make?

Please send your answers to:

Katharina Walsh
Office of the Sentencing Council
Steel House, 11 Tothill Street
London
SW1 9LJ

Or email:

consultation@sentencingcouncil.gsi.gov.uk



We need to hear from you by
Monday, 20th June 2011 at the latest.

What some of the words mean

Class A drugs	The most harmful drugs. These include heroin, cocaine, ecstasy, and crack.
Class B Drugs	Drugs that are harmful, but not as harmful as Class A drugs. These include amphetamines and cannabis.
Class C Drugs	The least harmful illegal drugs. These include tranquilisers and ketamine.
Commercial grower	An offender who grows cannabis to sell it to other people.
Community order	An order that makes you do certain things in the community instead of going to prison.
Drug mule	Someone who carries drugs for another person from one country to another.
Drug Offences	Crimes that have to do with drugs.
Importing	Bringing something into the UK or taking something out of the UK.
Leading Role	A person who is very involved in a crime. For example, planning to import drugs.

What some of the words mean

Main organiser	An offender who is at the centre of a crime and stands to make the most money.
Middle man or woman	An offender who works for someone else and is paid to do crimes for them.
Offender	Someone who has committed a crime.
Permitting premises	Letting your place be used for drugs crimes.
Possession of a controlled drug	Crimes that have to do with carrying drugs or having them with you.
Sentence	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.
Sentencing Council	An independent organisation that helps make sure sentencing works the same across all courts, and that the public understand sentencing better.
Significant role	A person who is quite involved in a crime. For example, helping to sell drugs.

What some of the words mean

Starting point	A sentence that is used as an example so a judge can choose the sentence for someone who is guilty of a crime.
Street dealer	An offender who sells small amounts of drugs to drug users.
Supplying	Helping someone get a drug. This can be selling it or giving it to them for free.

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