

TRENDS IN PROCEEDINGS AGAINST ALLEGED OFFENDERS FOR MINOR CANNABIS OFFENCES IN NSW

Derek Goh

In response to a recommendation from the NSW Drug Summit, a cannabis cautioning scheme was established. Since April 2000 NSW police have been able to issue formal cautions, rather than initiate court proceedings, against adult offenders apprehended for minor cannabis offences (subject to conditions). Over the two years to March 2002, a formal caution was issued to more than 6,000 offenders apprehended by NSW police for possession and/or use of cannabis offences. In the first 12 months of the scheme, to March 2001, approximately 180 cautions per month were issued. In the second year of the scheme, the use of cautions almost doubled, to 335 per month. The introduction of the scheme resulted in a fall in the number of persons against whom legal proceedings to court were initiated, but not of a magnitude comparable to the use of cautions. In the 12 months prior to the introduction of cannabis cautions, court proceedings were initiated for approximately 650 minor cannabis offenders each month. This fell to about 500 per month in the first year of the scheme, but rose again slightly to 530 per month in the second year. The growth in the use of cannabis cautioning over the two years to March 2002 was most marked among males aged 30 years and over. The growth in the use of cannabis cautions was not evenly distributed across geographical regions of NSW, with particularly large annual increases occurring in the Sydney Statistical Subdivisions of Blacktown, Central Western Sydney, and Inner Sydney.

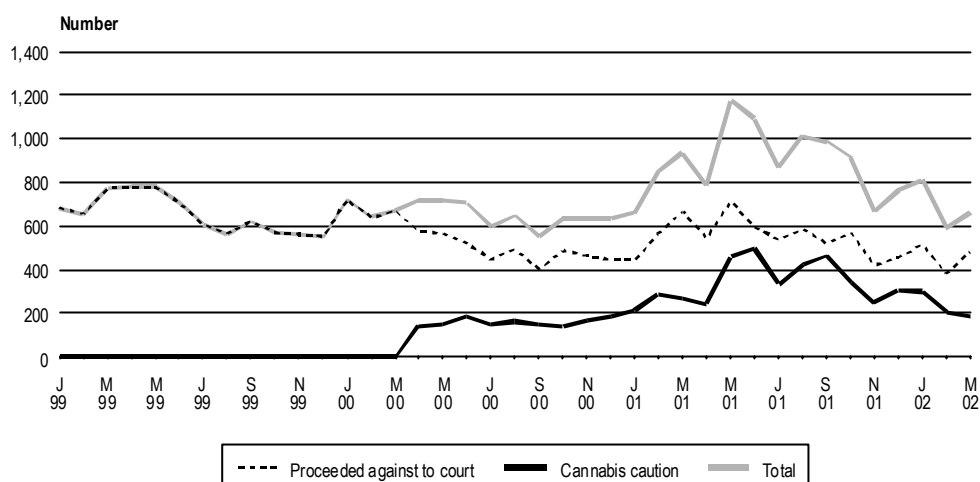
INTRODUCTION

The NSW Drug Summit was held in NSW Parliament from 17 to 21 May 1999. In July 1999, the NSW Government published a Plan of Action to address the Summit recommendations. In response to recommendation 6.7, a Cannabis Cautioning Scheme that provided for formal cautioning of adult offenders apprehended for minor cannabis offences was established.¹ Since April 2000, NSW police have had the option of issuing cannabis cautions to persons found in possession of, or using cannabis in small amounts. This paper discusses the trends in the number of cannabis cautions issued to persons aged

18 and over, for the 24 months from April 2000 to March 2002. Also considered are the characteristics of persons for whom cautions are issued, and the geographical regions where cannabis incidents that resulted in cautions occurred in the calendar year 2001. (Note that the number of cannabis cautions for each month refers to the month that the incident was recorded by NSW police.)

There are several criteria that must be met before a cannabis caution may be issued to an offender. In summary, the following criteria apply:

Figure 1: Monthly number of adult offenders proceeded against for possession and/or use of cannabis, January 1999 to March 2002



- The drug quantity found on the offender searched must be no more than 15 grams of dried cannabis and/or equipment for administration of the drug is found on offender.
- The offender must be an adult.
- Some form of identification document must verify the identity of the offender.
- Sufficient evidence to prosecute the offender must exist.
- There must be no other offence involved or detected for which a brief of evidence would be submitted.
- The cannabis found must be confirmed to be for personal use only.
- The offender must have no prior convictions for drug offences, sexual assault or violent offences.
- The offender must admit the offence, consent to the caution and sign the caution notice.
- The offender cannot be cautioned for possession or use of prohibited drugs or implements on more than two occasions.

Trends in cannabis cautions and other proceedings: April 2000 to March 2002

The NSW Police Service implemented the cannabis cautioning scheme on 3 April 2000. From April 2000, NSW police recorded details about criminal incidents and offenders for whom cannabis cautions were issued in the Computerised Operational Policing System (COPS). Figure 1 shows the number of alleged offenders aged 18 and over proceeded against to court, and who were cautioned, for incidents of *possession and/or use of cannabis*, from January 1999 to March 2002. As cannabis cautions were not introduced until April 2000, the trend for cannabis cautions only covers the 24-month period from April 2000 to March 2002. The monthly numbers of offenders for whom cannabis cautions were issued, and who proceeded to court, were tested for a statistically significant upward or downward trend.² Over the 24 months to March 2002, the number of cannabis cautions issued showed a significant upward monthly trend, with an annual increase of 81.7 per cent. From April 2000 to March 2001, cannabis cautions were issued to 2,210 offenders, while from April 2001 to March 2002, cautions were issued to 4,016 offenders. In contrast,

the monthly number of offenders who were proceeded against to court by NSW police did not show any upward or downward trend in the same 24-month period. In total, there were 6,079 offenders proceeding to court in the first 12 months of the scheme, compared with 6,333 in the second year of the scheme.

In Table 1, the average monthly number of alleged offenders for *possession and/or use of cannabis* who were proceeded against is shown for successive 6-month periods from April 1999 to March 2002. Table 1 confirms the pattern shown in Figure 1. While the average number of offenders who were proceeded against to court fell markedly in the first 12 months after the introduction of the scheme (from 620 per month in October 1999-March 2000, down to 501 in April-September 2001, and 512 in October 2000-March 2001), the decrease was not sustained into the next 6-month period (April-September 2001). Furthermore, during that 6-month period, there was a particularly large increase in the number of persons to whom cautions were issued, increasing from 212 per month in the period October 2000-March 2001, up to 404 per month in April-September 2001. These two increases combined result in a particularly high number of offenders proceeded against for *possession and/or use of cannabis* offences between April and September 2001, with an average 1,004 offenders per month proceeded against by NSW police during that period.

Table 1 also shows the proportion of offenders who were proceeded against to court, compared with those to whom cannabis cautions were issued. The use of

cautions, as a proportion of all proceedings, increased over the time period. In the first six months after the introduction of the cautioning scheme, 23 per cent of *possession and/or use of cannabis* offenders were cautioned, compared with 35 per cent in the most recent 6-month period examined.

It should be noted that the data in Figure 1 and in Table 1, for persons not cautioned, includes all persons charged with *possession and/or use of cannabis* offences who were proceeded against to court by police. Clearly, not all these persons will have been eligible for a cannabis caution, as they may not have satisfied the criteria noted earlier. (For example, they may have had other, more serious concurrent offences, or they may have been cautioned previously on more than two occasions.) For this reason we examined the monthly trend in Local Court appearances over the same time period (not shown) for persons charged with only one minor cannabis offence. Local Court records show that the trend in appearances for persons charged with only one *possession and/or use of cannabis* offence exhibits the same pattern as that shown for persons proceeding to court in Figure 1. That is, after an initial small decrease in the number of offenders appearing in court when the cautioning scheme commenced, there was no marked reduction in appearances thereafter. Moreover, the statistical test for a monthly trend over this time period indicates stability. The number of persons appearing in the NSW Local Courts for a single cannabis possession or use offence is about half the number shown in Figure 1 from police records (for any cannabis possession or use offence).

Table 1: Average monthly number of alleged offenders aged 18 and over for *possession and/or use of cannabis*, by method of police proceeding

	<i>Proceeded to court</i>		<i>Cautioned</i>		<i>Total*</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
April 1999 to September 1999	678	100	na	na	679	100
October 1999 to March 2000	620	100	na	na	622	100
April 2000 to September 2000	501	75	156	23	671	100
October 2000 to March 2001	512	69	212	29	740	100
April 2001 to September 2001	584	58	404	40	1,004	100
October 2001 to March 2002	471	63	265	35	750	100

* Includes a small number of offenders who were proceeded against by other means.

Table 2: Number of persons 18 years and over receiving cannabis cautions, by age and gender, April 2000 - March 2002

Gender	Age group	Number of cautions			Annual percentage change
		April 2000-March 2001	April 2001-March 2002	Total	
Male	18-19	503	748	1,251	48.7*
	20-24	677	1,062	1,739	56.9*
	25-29	274	600	874	119*
	30-39	278	691	969	148.6*
	40-49	106	251	357	136.8*
	50+	20	54	74	170.0*
	Total	1,858	3,406	5,264	83.3*
Female	18-19	76	103	179	35.5
	20-24	91	141	232	54.9
	25-29	54	99	153	83.3*
	30-39	64	138	202	115.6*
	40-49	25	50	75	100.0
	50+	1	7	8	**
	Total	311	538	849	73.0*
Total	18-19	590	860	1,450	45.8*
	20-24	782	1,229	2,011	57.2*
	25-29	336	712	1,048	111.9*
	30-39	347	849	1,196	144.7*
	40-49	134	304	438	126.9*
	50+	21	62	83	195.2*
	Total***	2,210	4,016	6,226	81.7*

* Indicates statistically significant upward monthly trend between April 2000 and March 2002.

** Number too small to calculate percentage change.

*** Includes 113 persons for whom gender was not recorded.

Trends in cannabis cautions, by age and gender of offenders: April 2000-March 2002

Table 2 details the gender and age of persons to whom cannabis cautions were issued for incidents of *possession and/or use of cannabis* recorded over the 24-month period April 2000 to March 2002. The number of cautions that were issued annually, the annual percentage increase in the number of cautions issued, and the results of tests for a statistically significant upward or downward monthly trend in the number of cautions over the two-year period are shown for each age group.

From Table 2, it can be seen that incidents of *possession and/or use of cannabis* involving persons in the age groups 30-39 and 50+ showed the largest percentage increase in the number of cautions issued over successive 12-month periods, with increases of 144.7 per cent and 195.2 per cent respectively. (Note, however, that the number of incidents involving persons aged 50 years and over is relatively small.)

However, the younger age groups, 18-19 and 20-24 years received the highest total numbers of cannabis cautions.

The overall number of both males and females receiving cannabis cautions showed significant upward monthly trends over the two years, with annual increases of 83.3 per cent and 73.0 per cent, respectively. Table 2 shows that the number of male offenders receiving cannabis cautions clearly exceeds the number of females. Males in the age groups 30-39 and 50+ showed the largest annual percentage increases in cautions issued over the period, (148.6% and 170.0% respectively), and males in the two younger age groups, namely 18-19 and 20-24 years, received the largest total number of cannabis cautions. The number of cautions issued to males in all age groups showed significant upward trends over the 24-month period, but for the females, only the age groups 25-29 and 30-39 showed upward trends, with increases of 83.3 per cent and 115.6 per cent respectively.

Table 3: Age and gender of persons 18 years and over receiving cannabis cautions, 2001

Gender	Age group	No. of cautions	% of total	Rate per 100,000 population
Male	18-19	752	21.6	803.6
	20-24	1,081	31.1	466.0
	25-29	630	18.1	255.6
	30-39	703	20.2	141.5
	40-49	257	7.4	54.0
	50+	51	1.5	5.7
	Total		3,474	100.0
Female	18-19	99	18.0	111.7
	20-24	148	26.9	66.4
	25-29	109	19.8	44.3
	30-39	135	24.5	27.3
	40-49	54	9.8	11.4
	50+	6	1.1	0.6
	Total		551	100.0
Total	18-19	858	21.0	470.9
	20-24	1,254	30.6	275.6
	25-29	755	18.4	153.2
	30-39	853	20.8	86.1
	40-49	316	7.7	33.3
	50+	58	1.4	3.1
	Total**		4,094	100.0

* Includes 69 persons for whom gender was not recorded.

Age and gender of persons who received cannabis cautions: January to December 2001

Table 3 shows, for the calendar year 2001, the number of persons aged 18 years and over who received cannabis cautions, categorised by the gender and age of the alleged offender. The percentage of cautions for each age group, and the rate of cannabis cautions received per 100,000 population, for different age groups are also shown in Table 3.

During the period January to December 2001, the number of males receiving cannabis cautions was far greater than the number of females; there were 3,474 males cautioned, compared with 551 females. For males, the rate per 100,000 population receiving cannabis cautions in 2001 was 142.3, and the rate for the females was 22.0. The total rate of persons receiving cannabis cautions per 100,000 population in NSW in 2001 was 82.7.

Looking at the rate per 100,000 population by age group, the age group 18-19 years showed the highest rate of cannabis cautions, with a rate of 470.9. As the

age of persons increases, the rate of cannabis cautions per 100,000 population in the age group decreases.

The rate of cannabis cautions per 100,000 population for males and females overall was 142.3 and 22.0 respectively. Males in the age group 18-19 received the highest rate of cannabis cautions per 100,000, with a rate of 803.6, followed by the 20-24 age group with a rate of 466.0. Similarly, females in the age group 18-19 showed the highest rate of cannabis cautions, with a rate of 111.7, followed by the 20-24 age group with a rate of 66.4. For both males and females, as the age group increases, the rate of persons that received cannabis cautions per 100,000 population in the age groups decreases.

The third column in Table 3 shows the percentage of cannabis cautions issued in 2001 to offenders within each age group by gender. Both males and females in the age group 20-24 had the highest proportion of cannabis cautions among all age groups: 31.1 per cent and 26.9 per cent, respectively. Persons in the age group 20-24 account for the highest proportion (30.6%) of all persons receiving cannabis cautions among all age groups.

Table 4: Number of cannabis cautions by Statistical Division, April 2000 - March 2002

<i>Statistical Division where offence occurred</i>	<i>Number of cautions</i>			<i>Annual percentage change</i>
	<i>April 2000- March 2001</i>	<i>April 2001- March 2002</i>	<i>Total</i>	
Sydney	1,348	2,812	4,160	108.6*
Inner Sydney	438	1,118	1,556	155.3*
Eastern Suburbs	90	106	196	17.8
St George–Sutherland	113	159	272	40.7
Canterbury–Bankstown	41	78	119	90.2
Fairfield–Liverpool	61	107	168	75.4
Outer South Western Sydney	91	97	188	6.6
Inner Western Sydney	33	117	150	254.5
Central Western Sydney	83	170	253	104.8*
Outer Western Sydney	82	122	204	48.8
Blacktown	48	299	347	522.9*
Lower Northern Sydney	70	100	170	42.9
Central Northern Sydney	58	170	228	193.1
Northern Beaches	71	42	113	-40.8
Gosford–Wyong	69	127	196	84.1
Hunter	130	201	331	54.6
Illawarra	130	189	319	45.4*
Richmond–Tweed	162	204	366	25.9
Mid-North Coast	86	102	188	18.6
Northern	49	73	122	49.0
North Western	59	48	107	-18.6
Central West	64	63	127	-1.6
South Eastern	70	110	180	57.1*
Murrumbidgee	50	96	146	92.0
Murray	35	72	107	105.7*
Far West	3	11	14	266.7
Total**	2,210	4,016	6,226	81.7*

* Indicates statistically significant upward monthly trend between April 2000 and March 2002.

** Includes 59 persons in custodial institutions.

Trends in cannabis cautions, by geographical region: April 2000-March 2002

The number of persons receiving cannabis cautions for incidents recorded in Sydney Statistical Subdivisions (SSD) and other NSW Statistical Divisions (SD) are shown in Table 4. The largest number of incidents for which cautions were issued occurred in the Inner Sydney SSD. For incidents recorded in the period April 2000 - March 2001, there were 438 persons in Inner Sydney SSD who received cautions compared with 1,118 persons during April 2001 - March 2002; this is an increase of 155.3 per

cent. The highest percentage increase over successive 12-month periods occurred in Blacktown SSD, with a six-fold increase, from 48 to 299 persons. The second largest significant increase was in Inner Sydney SSD. Central Western Sydney SSD, Illawarra SD, South Eastern SD and Murray SD also showed significant increases. Overall, in Sydney SD, there was an increase of 108.6 per cent between successive 12-month periods. Decreases in the number of cannabis cautions issued between these two 12-month periods were recorded in Northern Beaches SSD, North Western SD and Central West SD, although the monthly trend was not significant.

Table 5: Number of cannabis cautions by Statistical Division, 2001

<i>Statistical Division</i>	<i>No. of cautions</i>	<i>% of total</i>	<i>Rate per 100,000 population</i>
Sydney	2,861	69.9	69.1
Inner Sydney	1,126	27.5	381.9
Eastern Suburbs	136	3.3	55.0
St George—Sutherland	156	3.8	35.8
Canterbury—Bankstown	70	1.7	22.3
Fairfield—Liverpool	116	2.8	33.4
Outer South Western Sydney	140	3.4	60.4
Inner Western Sydney	105	2.6	63.9
Central Western Sydney	166	4.1	55.8
Outer Western Sydney	121	3.0	38.3
Blacktown	257	6.3	98.4
Lower Northern Sydney	107	2.6	36.1
Central Northern Sydney	154	3.8	38.0
Northern Beaches	68	1.7	29.4
Gosford—Wyong	139	3.4	46.7
Hunter	183	4.5	31.4
Illawarra	202	4.9	51.4
Richmond—Tweed	231	5.6	108.6
Mid-North Coast	95	2.3	34.5
Northern	80	2.0	46.4
North Western	57	1.4	49.0
Central West	66	1.6	38.1
South Eastern	107	2.6	58.0
Murrumbidgee	105	2.6	70.6
Murray	68	1.7	61.7
Far West	10	0.2	43.1
Total *	4,094	100.0	62.7

* Includes 29 persons in custodial institutions.

Geographical location of incidents for which cannabis cautions were issued: January-December 2001

The rate per 100,000 population of persons receiving cannabis cautions by Sydney Statistical Subdivision and other NSW Statistical Divisions in 2001 are shown in Table 5. In the year 2001, the rate per 100,000 population in NSW receiving cannabis cautions was 62.7. Inner Sydney SSD recorded the highest rate per 100,000 population with a rate of 381.9, followed by Richmond—Tweed SD with a rate of 108.6, and Blacktown SSD with a rate of 98.4. The majority of incidents for which cannabis cautions were issued in 2001 occurred in the Sydney SD, accounting for 69.9 per cent of the NSW total. Within

the Sydney SD, Inner Sydney SSD had the highest proportion, accounting for 39.4 per cent of the Sydney SD total and 27.5 per cent of the NSW total.

SUMMARY

From April 2000 to March 2002, the monthly number of offenders aged 18 and over proceeding to court for recorded incidents of *possession and/or use of cannabis* did not show any upward or downward trend. In April 2000, the NSW Police introduced cannabis cautions for these offenders who meet certain criteria. The number of cautions issued showed a significant upward monthly trend over the 24 months from April 2000 to March 2002. The average number of offenders who were proceeded against to court for minor

cannabis offences decreased significantly in the first 12 months after the introduction of the cannabis caution scheme. However, the decrease was not sustained to the end of the 24 months.

The number of cautions issued to male offenders far exceeds the number issued to female offenders. In the period from April 2000 to March 2002, male offenders received more than 6 times the number received by females. In the same period, offenders in the age groups 18-19 and 20-24 received the largest number of cautions. Offenders in older age groups, namely the age groups 30-39 and 50+ showed the largest percentage increase in the number cannabis cautions received between successive 12-month periods, April 2000 to March 2001 and April 2001 to March 2002.

In the year 2001, the rate per 100,000 population aged 18 and over receiving cannabis cautions in NSW decreases as the age of the persons in the age group increases. Persons in the age group 20-24 show the highest proportion of persons receiving cannabis cautions among all the age groups.

The rate per 100,000 males aged 18 and over in NSW receiving cannabis cautions is more than 6 times the rate for females aged 18 and over. In both the males and females, as the age group increases, the rate per 100,000 population in the age groups that received cannabis cautions decreases. Both males and females in the age group 20-24 have the highest proportion of persons receiving cannabis cautions among all the age groups.

From April 2000 to March 2002, the largest number of cannabis cautions was issued in Inner Sydney Statistical Subdivision. The majority of cannabis cautions were issued in Sydney Statistical Division, accounting for almost two-thirds of the NSW total. Both the Inner Sydney Statistical Subdivision and the Sydney Statistical Division showed a significant upward monthly trend in the number of cautions from April 2000 to March 2002.

In the year 2001, the highest rate of persons per 100,000 population receiving cannabis cautions occurred in Inner Sydney Statistical Subdivision, followed by Richmond-Tweed Statistical Division and Blacktown Statistical Subdivision. The majority of cannabis cautions issued in 2001 were in Sydney Statistical Division with more than two-thirds of the NSW total. Within the Sydney Statistical Division, Inner Sydney Statistical Subdivision recorded the highest proportion of cannabis cautions.

NOTES

1. See New South Wales Government (1999) 'NSW Drug Summit 1999: Government Plan of Action' pp.69-70.
2. The trend test used was Kendall's rank-order test (see, for example, Conover, W. J. 1980, *Practical Non-Parametric Statistics*, 2nd edition, John Wiley and Sons, pp. 256-260). A two-tailed test was used to determine whether there had been an increasing or decreasing trend in the recorded numbers of criminal incidents over the 24-month period from April 2000 to March 2002. The test for trend is not sensitive to seasonal variations; it is sensitive only to a generally increasing or generally decreasing trend over the time period.