



**National Police Apprehensions
for Cannabis Offences in New Zealand,
1999-2008**

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Abstract

Aim: To examine police apprehensions for cannabis offences in New Zealand over the past nine years.

Method: We examined the number and outcomes of police apprehensions for cannabis offences in New Zealand for the years 1999-2008. Comparisons were made for the years 2004-2008 and 1999-2003.

Results: The mean number of police apprehensions per year for the 'use of cannabis' fell by 30% in the years 2004-2008 compared to 1999-2003. The mean number of prosecutions for cannabis use per year declined by 23% in 2004-2008 compared to 1999-2003. There has been a slight increase in the number of apprehensions and prosecutions for cannabis use in the past two years. In the period 2004-2008, 64% of apprehensions for cannabis use resulted in a prosecution, 26% resulted in a warning, 5% were sent to youth aid and 3% were offered diversion. The mean number of apprehensions per year for the 'supply of cannabis' fell by 29% in 2004-2008 compared to 1999-2003. The mean number of prosecutions for cannabis supply declined by 25% in the years 2004-2008 compared to 1999-2003. The number of apprehensions and prosecutions for cannabis supply increased sharply in 2008. Eighty-nine percent of apprehensions for cannabis supply were prosecuted, 7% received a warning, 2% were directed to youth aid, and <1% were offered diversion for the period 2004-2008. The mean number of apprehensions per year for the 'other' cannabis offences fell by 22% in the years 2004-2008 compared to 1999-2003. The mean annual number of prosecutions for 'other' cannabis offences fell by only 8% for the years 2004-2008 compared to 1999-2003. In the period 2004-2008, 68% of apprehensions for 'other' cannabis offences were prosecuted, 24% received a warning, 4% were directed to youth aid and 3% were offered diversion. There has been an increase in apprehensions and prosecutions for 'other' cannabis offences in the past three years.

Conclusion: There has been an overall decline in police apprehensions and prosecutions for cannabis offences over the past nine years. However, there has been some increase in apprehensions and prosecutions for cannabis offences in the past few years. Prosecutions for 'other' cannabis offences declined only slightly over the past nine years.

Introduction

The New Zealand Law Commission is currently in the process of reviewing New Zealand's *Misuse of Drugs Act 1975* (see Law Commission 2009). The *Misuse of Drugs Act 1975* is the piece of legislation which makes it a criminal offence to possess, use, produce or sell specific drug types, such as cannabis, in New Zealand (see Mathias 1988).

The Law Commission's review of the *Misuse of Drugs Act 1975* has reignited public debate about how the criminal justice system addresses low level drug offending, such as cannabis offending. The criminal justice approach to cannabis offences is determined by two processes: (1) apprehension by the police; and (2) prosecution in the courts.

In this brief research report we examined the outcomes from Police apprehensions for cannabis offences in New Zealand for the years 1999-2008. We examined data collated over the past nine years to provide an indication of how outcomes may have changed in recent years.

Method

We examined the outcomes for police apprehension for cannabis offences for each calendar year for the period 1999-2008. This data is collated by the New Zealand Police and is available via the Statistics New Zealand website (Statistics New Zealand 2009b). A police apprehension means that a police officer has determined that a person has committed a criminal offence and, where appropriate, has dealt with the incident in some manner, such as by issuing a warning, proceeding with a prosecution, recommending diversion, and so on (see Definition at: Statistics New Zealand 2009b). A single offence can generate more than one apprehension and a single offender can have more than one apprehension over a year.

New Zealand Police apprehensions for drug offences are recorded in nine categories. These detailed apprehension categories derive naturally from three broad categories of drug offending outlined in the *Misuse Of Drugs Act 1975*: (i) possession of a drug for personal use; (ii) possession of a drug with the intention of supply; and, (iii) other

miscellaneous drug offences (Mathias 1988). These three categories of the *Misuse of Drugs Act 1975* are commonly used in discussions of drug policy and are also used by the New Zealand Ministry of Justice to report conviction and sentencing statistics for drug offences. We placed the apprehension data in one of the three drug offence categories to bring it in-line with the categories used in the *Misuse of Drugs Act 1975*. The 'use of cannabis' category consisted of apprehensions for the 'procure/possess cannabis' and 'consume/smoke/ use cannabis'. The 'supply of cannabis' category consisted of apprehensions for 'import or export', 'produce/manufacture/distribute', 'sell/give/supply/administer/deal', 'possession for supply', 'cultivate' and 'conspiracy to deal' cannabis. Finally, the 'other category' included apprehensions for the possession of utensils for cannabis use (e.g. pipes), allowing premises or a motor vehicle to be used for cannabis offences, and providing a false statement related to a cannabis offence.

There are six possible outcomes following apprehension for a cannabis offence in New Zealand: 'Prosecution'; 'Warned/caution'; 'Youth aid'; 'Family conference', 'Diversion', and 'Other'. 'Prosecution' means a police officer or the Police Prosecution Service (PPS) has reviewed the case and determined a prosecution is warranted. 'Warned/ cautioned' means the police officer has warned the offender and no further action was taken. Youth aid means the offender was sent to youth services. Family conference means the offender was required to attend a family conference.

Diversion is a scheme administered by the New Zealand Police Prosecution Service which allows for offenders to be dealt with in an 'out of Court' way (New Zealand Police 2009). The scheme is intended as a means by which police can deal with offending in a pro-active fashion by encouraging rehabilitation (i.e. offering a chance to reflect on and change behaviour, or address the underlying reasons for offending) and reparation (i.e. providing an apology and material compensation to a victim or community). If an offender completes certain conditions as set out by the Police Prosecution Service the charge is withdrawn and a conviction is not recorded. Diversion is offered at the discretion of the PPS which reviews the circumstances of the offence and consults with the police officer concerned. The offender must have accepted responsibility for their action. Diversion is generally only offered for first-time offences of a non-serious nature although there is opportunity to consider special

circumstances and all offences are reviewed for eligibility for diversion. Diversion is currently available for cannabis use offences and Class C drug offences under the *Misuse of Drugs Act 1975*. The conditions of successfully completing diversion can include apologising to the victim; making material reparations to the victim; working for an approved community group; making a donation of money to an approved group; and referral to an approved counselling programme, such as alcohol and drug counselling; and participating in a restorative justice process.

It is important to note that the number of diversions recorded in the apprehension statistics tend to only count diversions which have been offered at the early part of the prosecution process. An offender may subsequently be offered diversion once a police officer, senior sergeant or the PPS has reviewed a case. The Ministry of Justice records ‘completed diversions’ at the end of the court process in their conviction and sentencing statistics and these figures provide a more accurate picture of the number of offenders who complete diversion. The number of people who are recorded as receiving diversion in these apprehension statistics are most accurately thought of as those who have been ‘recommended for diversion at the time of apprehension’ (personal correspondence, New Zealand Police, 02/09/09).

If an apprehension does proceed to a prosecution this does not necessarily mean an offender is convicted and a penalty imposed. There are a number of possible outcomes from a prosecution including: ‘not proved’ (i.e. acquitted, diverted, dismissed, discharged, not proceeded with, pardoned, struck out or withdrawn); the offender is offered diversion and therefore is not convicted; the judge discharges the offender without conviction; or the judge refers the offender to the youth court. Statistics on conviction and sentencing are maintained by the Ministry of Justice in a separate statistical series.

New Zealand Police statistics on apprehensions for cannabis offences are not directly comparable to New Zealand Ministry of Justice statistics on convictions for cannabis offences for a number of reasons, including: not all cannabis offences resolved by police result in a prosecution; police and court statistics refer to different time periods, and agencies other than the police may prosecute someone for a cannabis offence (e.g. Customs service) (Statistics New Zealand 2009a).

National police apprehensions for the cannabis use

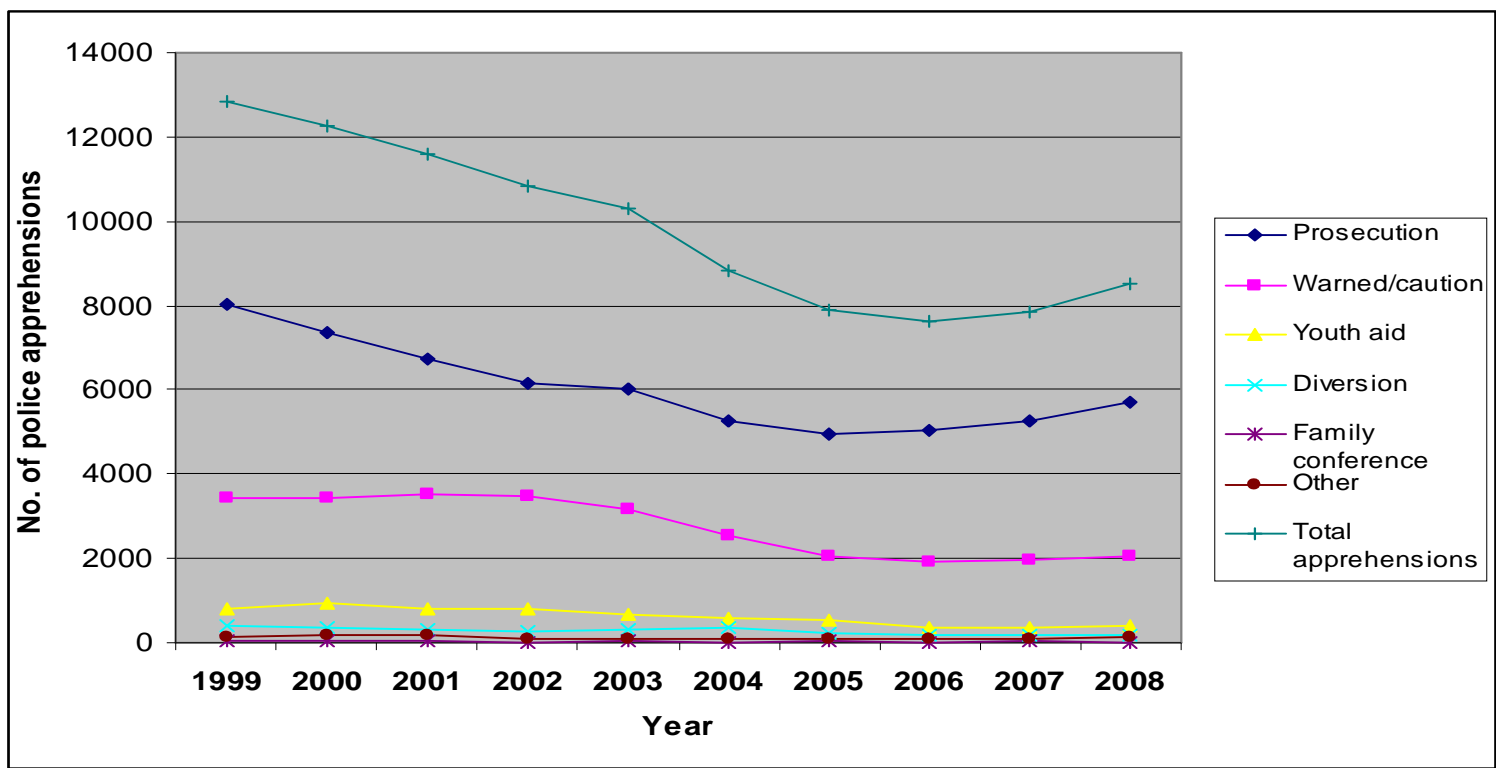
Table 1 presents the outcomes of police apprehensions for cannabis use for the calendar years 1999-2008. The mean total number of apprehensions per year for cannabis use fell by 30% in the period 2004-2008 compared to 1999-2003 (i.e. down from a mean of 11,565 apprehensions per year in 1999-2003 to a mean of 8,140 apprehensions per year in 2004-2008). However, there appears to be a slight rise in the number of apprehensions and prosecutions for cannabis use in recent years (Figure 1). Although ‘prosecution’ remains the most likely outcome following an apprehension for the use of cannabis, approximately a quarter of apprehensions for cannabis possession resulted in the police officer issuing a ‘warning’. The number of apprehensions per year for cannabis use resulting in prosecution declined by 23% in 2004-2008 compared to 1999-2003. However, the number of apprehensions for cannabis use resulting in a warning or diversion appears to have declined at a faster rate than the number of apprehensions proceeding to prosecution over this time. In the period 1999-2003, 59% of apprehensions for the use of cannabis resulted in a prosecution, 29% resulted in the officer issuing a warning, 7% were sent to youth aid, 3% were offered diversion and less than 1% were directed to a family conference. In the period 2004-2008, 64% of apprehensions for cannabis use resulted in a prosecution, 26% resulted in a warning, 5% were sent to youth aid, 3% were offered diversion and less than 1% were directed to a family conference.

Table 1: Outcomes of police apprehensions for the use of cannabis in New Zealand, 1999-2008

Outcome	Calendar year										Mean		Change (%)
	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	99-03	04-08	99-03 vs. 04-08
Prosecution	8045	7342	6742	6147	6007	5244	4970	5046	5275	5707	6857	5248	-23
Warned/caution	3442	3436	3523	3480	3171	2558	2070	1899	1945	2059	3410	2106	-38
Youth aid	793	922	815	813	687	578	526	368	344	384	806	440	-45
Diversion	395	342	324	285	320	345	216	189	164	182	333	219	-34
Family conference	45	24	26	17	30	20	30	22	27	21	28	24	-14
Other	126	199	158	86	85	83	88	89	100	149	131	102	-22
Total	12846	12265	11588	10828	10300	8828	7900	7613	7855	8502	11565	8140	-30

Source: New Zealand Police

Figure 1: Outcomes of police apprehensions for the use of cannabis in New Zealand, 1999-2008



Source: New Zealand Police

National police apprehensions for the supply of cannabis

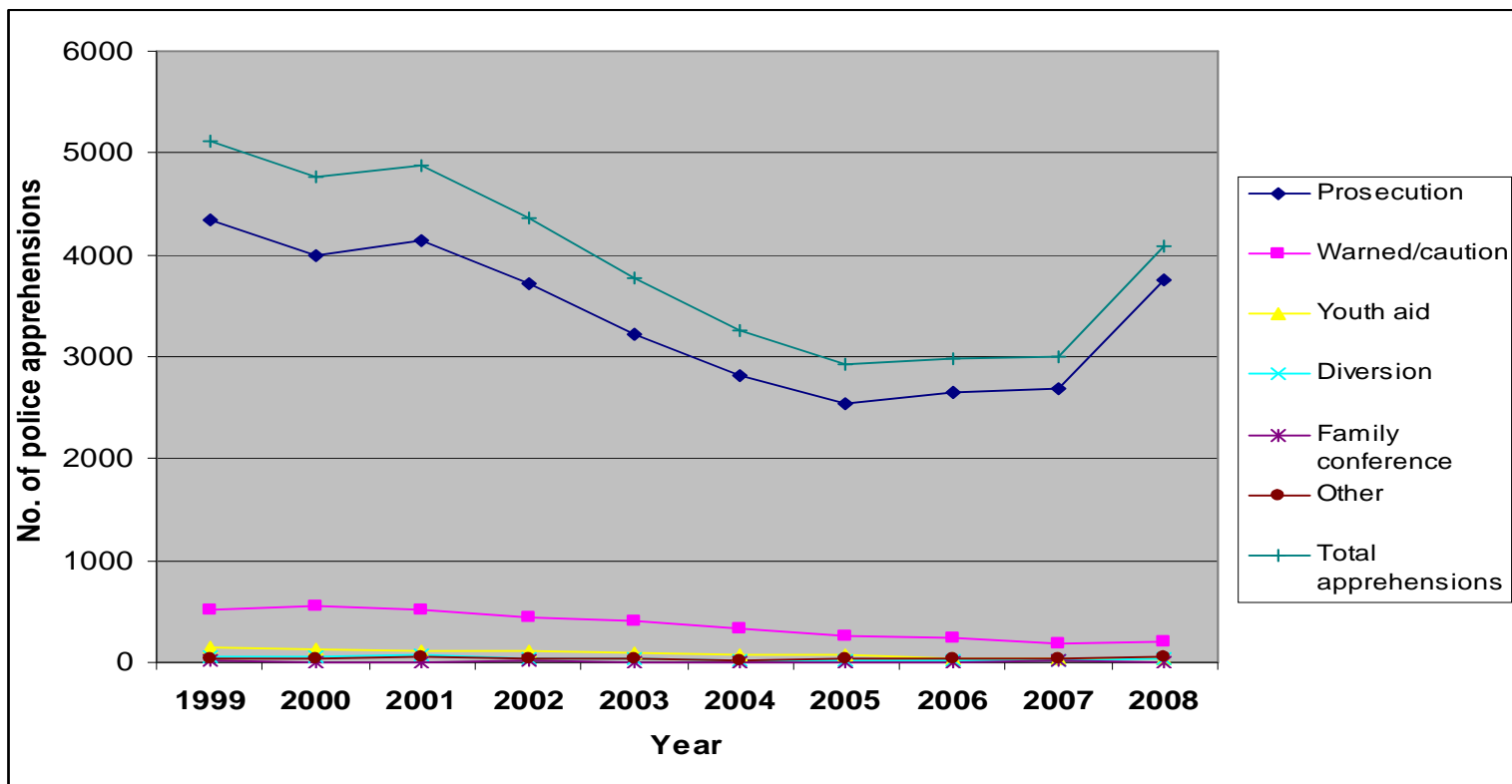
Table 2 presents the outcomes of police apprehensions for the supply of cannabis for the calendar years 1999-2008. The mean total number of apprehensions for the supply of cannabis fell by 29% in the years 2004-2008 compared to 1999-2003 (i.e. down from a mean of 4,580 apprehensions per year in 1999-2003 to a mean of 3,255 apprehensions per year in 2004-2008). The number of apprehensions per year for cannabis supply resulting in a prosecution fell by 25%, while the number of apprehensions per year resulting in the issuing of a warning, youth aid or diversion each fell by approximately 50% in the period 2004-2008 compared to 1999-2003. There was a sharp increase in the number of apprehensions and prosecutions for the supply of cannabis in 2008 (Figure 2). A high proportion of apprehensions for cannabis supply resulted in prosecution and there was a slight increase in the proportion of offences resulting in prosecution over the ten year period under examination. In the period 1999-2003, 85% of apprehensions for cannabis supply resulted in a prosecution, 11% of apprehensions received a warning, 3% were directed to youth aid, 1% were offered diversion and >1% were directed to a family conference. In the period 2004-2008, 89% of apprehensions for cannabis supply were prosecuted, 7% received a warning, 2% were directed to youth aid, <1% were offered diversion and <1% were directed to a family conference.

Table 2: Outcomes of police apprehensions for the supply of cannabis in New Zealand, 1999-2008

Outcome	Calendar year										Mean		Change (%)
	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	99-03	04-08	99-03 vs. 04-08
Prosecution	4351	3986	4134	3715	3214	2818	2536	2657	2690	3757	3880	2892	-25
Warned/caution	520	543	513	450	407	326	264	239	180	204	486	243	-50
Youth aid	146	131	112	114	84	70	73	37	42	41	117	53	-55
Diversion	51	47	65	34	36	26	19	17	21	30	47	23	-51
Family conference	17	7	3	11	8	4	7	4	19	2	9	7	-22
Other	38	44	56	34	31	19	36	33	43	60	41	38	-7
Total	5123	4758	4883	4358	3780	3263	2935	2987	2995	4094	4580	3255	-29

Source: New Zealand Police

Figure 2: Outcomes of police apprehensions for the supply of cannabis in New Zealand, 1999-2008



Source: New Zealand Police

National police apprehensions for the ‘other’ cannabis offences

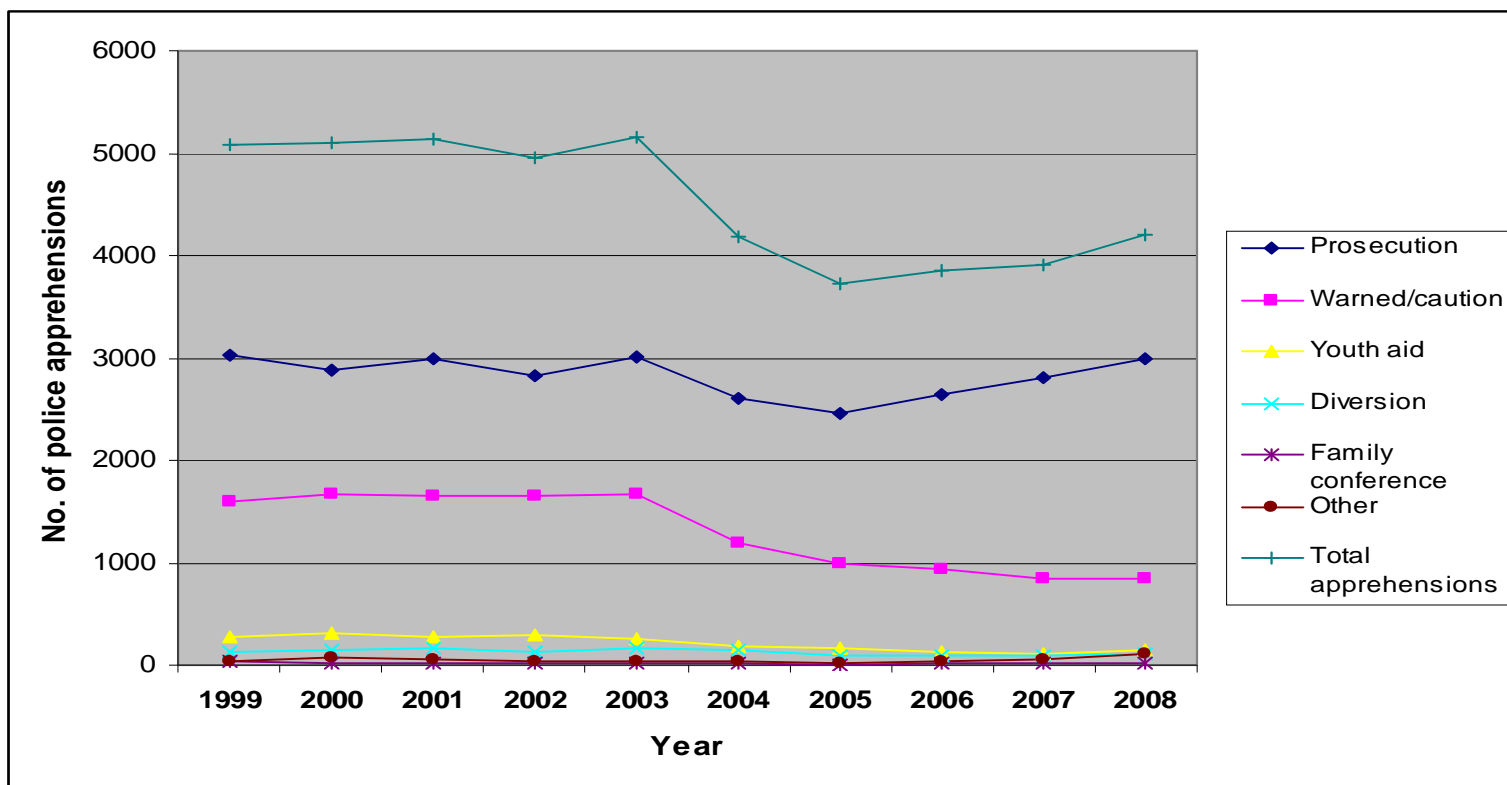
Table 3 presents the outcomes of police apprehensions for ‘other’ cannabis offences for the years 1999 to 2008. The total number of apprehensions for ‘other’ cannabis offences fell by 22% in 2004-2008 compared to 1999-2003 (i.e. down from a mean of 5,086 apprehensions per year in 1999-2003 to a mean of 3,977 apprehensions per year in 2004-2008). However, there have been increases in apprehensions and prosecutions for ‘other’ cannabis offences in the last three years (Figure 3). Warnings were more commonly used in apprehensions for ‘other’ cannabis offences although prosecution was still the most common outcome. In the period 1999-2003, 58% of apprehensions resulted in a prosecution, 32% of apprehensions received a warning, 5% were directed to youth aid, 3% were offered diversion and >1% were directed to a family conference. In the period 2004-2008, 68% were prosecuted, 24% received a warning, 4% were directed to youth aid, 3% were offered diversion and <1% were directed to a family conference. Prosecution for ‘other’ cannabis offences became a more common outcome over the ten year period. The mean annual number of prosecutions for ‘other’ cannabis offences fell by only 8%, while the likelihood of being warned fell by 42% and the likelihood of receiving diversion fell by 48% in years 2004-2008 versus 1999-2003.

Table 3: Outcomes of police apprehensions for 'other' cannabis offences in New Zealand, 1999-2008

Outcome	Calendar year										Mean		Change (%)
	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	99-03	04-08	99-03 vs. 04-08
Prosecution	3024	2878	2983	2823	3015	2607	2452	2642	2803	2995	2945	2700	-8
Warned/caution	1597	1669	1643	1656	1668	1201	988	938	843	840	1647	962	-42
Youth aid	268	304	275	294	254	180	156	132	116	147	279	146	-48
Diversion	128	149	166	134	164	147	97	96	85	111	148	107	-28
Family conference	29	22	20	11	16	10	8	10	14	14	20	11	-45
Other	35	81	46	36	41	43	24	33	51	101	48	50	+4
Total	5081	5103	5133	4954	5158	4188	3725	3851	3912	4208	5086	3977	-22

Source: New Zealand Police

Figure 3: Outcomes of police apprehensions for the 'other' cannabis offences in New Zealand, 1999-2008



Source: New Zealand Police

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