

Cannabis: a political garden tool

This paper aims to discuss how institutional racism plays a part in the continued criminalisation of cannabis in the United Kingdom. I will start with a short history of usage and attitudes toward cannabis in the United Kingdom, mainly England. I will then assess the relationship that the criminal justice system has with cannabis and its users, and delve into how racial bias operates within law enforcement, using stop and search as a point of focus. This paper will explore how these biases lead to a disproportionate application of the law on certain groups of people. It will be argued while using Canada as point of comparison, that cannabis is being used in the United Kingdom as a political tool to favour voters of certain demographics, and that while more research is needed to fully assess the effects of cannabis, the reasoning behind maintaining cannabis' status as a dangerous substance is both absurdly hypocritical and entirely no longer necessary.

Medicinal, recreational, and the law

The United Kingdom first listed cannabis as a prohibited drug in 1928 by adding it to the Dangerous Drugs Act 1920 in accordance with the International Opium Convention 1912. For an immeasurable amount of time the cannabis plant has been used recreationally, medicinally, and industrially across the planet, including many former British colonies and overseas territories.¹ The Misuse of Drugs Act currently lists cannabis and cannabis derivatives as Class B controlled drugs.² This classification means that it is a criminal offence in the United Kingdom to possess, grow, or supply cannabis to others. Section 6 of the act outlines the cultivation of any species of cannabis plant as a specific offence. Cannabis related offences are punishable through schedule 4 of the act. On indictment production or supplying of cannabis could result in up to fourteen years in prison, whilst possession alone, up to five years in prison, (an unlimited fine, or both).

In 2004 cannabis was moved from Class B to Class C, which holds less prison time for possession while retaining the same fourteen years penalty for production and supply.³ This was done after the Advisory Council claimed that even though cannabis was harmful, it was not as harmful as other Class B drugs; amphetamines, methylamphetamine, barbiturates, and codeine.⁴ Another driving point was to take the pressure off arrests for possession of small amounts of cannabis to shift the focus of law enforcement toward other more dangerous drugs and crime.⁵ This reclassification only stood for five years as cannabis returned to Class B in 2009 against the

¹ Mohamed Ben Amar, 'Cannabinoids in Medicine: A Review of Their Therapeutic Potential' (2006) 105 *Journal of Ethnopharmacology* 1.

² Misuse of Drugs Act 1971, Schedule 2 Part II.

³ *ibid* Schedule 4.

⁴ Patrick McCrystal and Kerry Winning, 'Cannabis Reclassification: What is the Message to the Next Generation of Cannabis Users?' (2009) 15 *Child Care in Practice* 57.

⁵ 'Cannabis Reclassification' (*Press Releases*, 28 January 2005)

<https://web.archive.org/web/20050412170503/http://www.homeoffice.gov.uk/n_story.asp?item_id=1222> accessed 20 April 2020.

advice of the Advisory Council.⁶ Currently in the United Kingdom a person can get a warning or Penalty Notice for Disorder (PND) for possession of small amounts instead of being arrested.⁷

The United Kingdom was once the world's largest exporter of cannabis for medical and scientific use, producing around 95,000 kilograms of cannabis in the year 2016.⁸ In 2015, that production was at 41,706 kilograms.⁹ For a country so determined to prohibit the use and supply of cannabis within its borders, it is quite ironic that businesses are being licensed for production for export, and that production doubled in that year.

Law and Enforcement: stop and search and racial bias

Canada, having legalised recreational cannabis in October 2018, will be used as a point of comparison to explore the UK's complex legal and political relationship with cannabis. While recreational cannabis is still considered illegal in most of the world, many countries seem to not strictly enforce their laws. In pre-legalised Canada, cannabis use became increasingly socially acceptable. The enforcement of possession laws became less and less important to society, which was reflected in the prioritisation used by the police.¹⁰ While unregulated sales remained illegal post the legalisation of medical cannabis in 2001, there still existed brick and mortar dispensaries where the public was able to purchase cannabis illegally. For the most part, law enforcement would leave them to their business unless they suspected a connection to gang violence, sale to minors, or other crime. It was common to see them reopen after being raided and shutdown.¹¹

Law enforcement in the United Kingdom has a lot of say about the way that perpetrators of cannabis-related crimes are dealt with. The Association of Chief Police Officers (ACPO) in the UK released an official policing guideline for cannabis possession for personal use in 2009 following the substance's return to a Class B status in the UK.¹² This document outlines whether a warning or PND should be issued in place of an arrest and explains the

⁶ McCrystal and Winning (n 4).

⁷ Simon Byrne, 'ACPO Guidance on Cannabis Possession for Personal Use: Revised Intervention Framework' (Association of Chief Police Officers, 28 January 2009).

⁸ '420: Seven Charts on How Cannabis Use Has Changed' (*BBC News*, 20 April 2019) <www.bbc.com/news/uk-47950785> accessed 12 March 2020.

⁹ 'Comments on the Reported Statistics on Narcotic Drugs' (International Narcotics Control Board, 18 October 2012) <www.incb.org/documents/Narcotic-Drugs/Technical-Publications/2016/NAR_Part_II_Comments_EN.pdf> accessed 28 April 2020.

¹⁰ Marc I D'Eon, 'Police Enforcement of Cannabis Possession Laws in Canada: Changes in Implementation by Street-Level Bureaucrats' (Master's thesis, University of Saskatchewan 2017) <<https://harvest.usask.ca/bitstream/handle/10388/8450/DEON-THESIS-2018.pdf?sequence=1&isAllowed=y>> accessed 28 April 2020.

¹¹ Zach Dubinsky and Lisa Mayor, 'Who's Really behind Toronto's Chain of Illegal Pot Shops That Won't Quit?' (*CBC News*, 19 July 2019) <www.cbc.ca/news/canada/toronto/toronto-cafe-cannabis-dispensaries-1.5217307> accessed 28 April 2020; Robert Benzie, 'Trudeau urges police to "enforce the law" on marijuana' (*The Star*, 3 December 2016) <www.thestar.com/news/queenspark/2016/12/03/trudeau-urges-police-to-enforce-the-law-on-marijuana.html> accessed 4 May 2020.

¹² Byrne (n 7).

'escalation policy' used to determine which of the three the perpetrator will receive. To determine the severity of the possession they look at 'aggravating factors' such as whether they were caught in a public place, whether a young person is involved or could be exposed to drug use, and repeat offences.¹³ This document states the purpose of these 'aggravating factors' as 'The circumstances of the offence form part of the consideration in determining whether an arrest can be made and justified'.¹⁴ So in theory as per this document an adult over the age of 18 with no prior history caught in possession of cannabis for personal use and not falling under any of the aggravating factors should be let off with a warning (which would not show up on a standard criminal record check) even though it is a Class B illicit drug.

There are two important points regarding these guidelines. The first is that even though cannabis at this point had returned to Class B status, it was not being treated the same as other Class B substances – it is now being treated more leniently by law enforcement in comparison to other Class B substances. These more forgiving rules send a message to the public that even though cannabis was moved back to Class B status, it is accepted to be not as 'sinister' as the others. It begs the question of whether moving the drug back to Class B even had any bearing or real practical purpose. Herein lies an interesting unsynchronized relationship between the statute regarding the legality of cannabis and the approaches taken by law enforcement. Law enforcement is seemingly doing a better job than legislature at keeping up with public opinion by relaxing their approaches. Secondly, while they cover England, Wales, and Northern Ireland in a uniform manner, they are just that: guidelines. Each local policing authority has the prerogative of deciding how they may deal with a case of cannabis possession.¹⁵

What is evident is that this prerogative is used, to varying degrees. Some policing authorities, such as Durham, have made public statements in which they have announced they will not be targeting individuals for possession for personal use.¹⁶ An article in the *Canterbury Journal* interviews a resident that describes the city as 'weed central', indicating the city even has its own cannabis club (the *Canterbury Cannabis Collective*) that lobbies politicians at Westminster.¹⁷ It would suffice to say that being affiliated with this cannabis club would be enough to fulfil the 'reasonable belief' that law enforcement needs to target someone. They are lobbying openly for the legalisation of cannabis, which indicates that law enforcement is largely just allowing it to happen. So, if the people want recreational cannabis legalised

¹³ *ibid* 4.

¹⁴ *ibid* 9.

¹⁵ Tom Harper, 'Police "Going Soft" on Cannabis Users' (*The Times*, 6 April 2019) <www.thetimes.co.uk/article/police-going-soft-on-cannabis-users-pzb3m5q7h> accessed 2 May 2020.

¹⁶ Damian Gayle, 'Durham Police Stop Targeting Pot Smokers and Small-Scale Growers' (*The Guardian*, 22 July 2015) <www.theguardian.com/society/2015/jul/22/durham-police-stop-targeting-pot-smokers-and-small-scale-growers> accessed 25 April 2020.

¹⁷ Pub Spy, 'Canterbury is "weed central" so why don't we just legalise it, say potheads' (*The Canterbury Journal*, 2 March 2018) <www.canterburyjournal.co.uk/canterbury-weed-central-dont-just-legalise-say-potheads/> accessed 28 April 2020.

(or are indifferent to it), and law enforcement has begun acknowledging that it is not a priority for them to police, why has Westminster not caught up?

Interestingly, in the same article another interviewee who is opposed to legalisation said she thinks, 'it'll increase the number of people smoking it by making it socially acceptable, like areas of Canada where people started smoking it openly and regularly once it had been legalised.'¹⁸ This is statistically not true. According to Statistics Canada, self-reported cannabis use amongst Canadians rose from 14.9% before legalisation to 16.8% after legalisation. However, most of that difference of 1.9% could simply be accounted for by less hesitation to admit usage once it was not a criminal offence since results are self-reported. Additionally, respondents were to only report on whether they used in the three months prior to being surveyed.¹⁹ So this is evidence of some apparent misconceptions about legalisation, and while a lax attitude from law enforcement may make cannabis users in those areas very happy, it is arguable that this prerogative in law enforcement's hands is a detriment to equal treatment of perpetrators of the same crime from different backgrounds.

There are many facets to consider when discussing the United Kingdom's relationship to cannabis. For one, it is not a plant native to the country and its use was introduced during the colonial period mostly through the Indian subcontinent.²⁰ In South Asia, cannabis was widely used medicinally and recreationally and is considered in Hindu Ayurveda to be one of five sacred plants that relieve anxiety.²¹ While many may think of cannabis in the context of a relaxed Caribbean stereotype (or even particularly Jamaican), the plant was first introduced to the Caribbean through the movement of Indian indentured workers brought there by the British regime.²² The origins of this plant are culturally and socially connected to (but not exclusively) two racial groups, people of South Asian and of African descent. Its history plays a part in the way that it is viewed socially. It is no secret that both of these racial groups have faced tribulations at the hands of British colonialism, the legacy of which still lingers.

One of these tribulations that has spilt into our modern existence is the entrenched racism that plagues the criminal justice system in the United Kingdom, of which law enforcement plays a huge part. The demonisation of dark skin leads to a disproportionate treatment of people of colour by law enforcement, and a disproportionate number of arrests and convictions. Crimes involving cannabis are one of the ways in which this disproportionality is manifested, but it is in no way the only one.

¹⁸ *ibid.*

¹⁹ Michelle Rotermann, 'What has changed since cannabis was legalized?' (*Statistics Canada*, 19 February 2020) <www150.statcan.gc.ca/n1/pub/82-003-x/2020002/article/00002-eng.htm> accessed 28 April 2020.

²⁰ Leslie L Iversen, *The Science of Marijuana* (OUP 2008).

²¹ Chris Conrad, *Hemp for Health: The Medicinal and Nutritional Uses of Cannabis Sativa* (Healing Arts Press 1997).

²² Ivelaw Lloyd Griffith, *Drugs and Security in the Caribbean: Sovereignty under Siege* (Pennsylvania State UP 1997).

Stop and Search, and the Macpherson Report

The Stephen Lawrence Inquiry, which in 1999 generated the Macpherson Report, followed the racially motivated murder of Stephen Lawrence in 1993.²³ It was an important conversation-starter on the processes used when investigating a racially charged crime, in this case the murder of a black British teenager by a group of white youths.

Under 'stop and search' police officers can search you if they have 'reasonable grounds' to suspect you are carrying illegal drugs (or similar), or without reasonable grounds if it was approved by a senior officer.²⁴ According to the Home Office, as of the 2011 census, persons of black ethnicity comprise about 4% of the population of the UK, yet the Ministry of Justice reports that they are involved in about 20% of all drug stop and searches as well as prosecutions for cannabis.²⁵ With people of black ethnicity there is also a higher number of prosecutions than there are stop and searches in comparison with people of white ethnicity.

The racial element of these statistics is clear. If only 4% of the population is represented by black ethnicity, why are they involved in 20% of the searches? There is no correlation to suggest people of black ethnicity consume more cannabis in the UK. According to statistics on drug misuse available through the UK Government's website, in the 2018/2019 findings of adults aged 16 to 59, 8% of the white respondents versus 6.7% of the 'Black or Black British' respondents reported use of cannabis in the previous year.²⁶

Stop and search gives individual police officers the power to use their own judgement to decide whether a person may be involved in a crime of some sort without seeing a crime being committed (in this case, in possession or planning to supply illicit drugs). Stop and search methods have been thoroughly scrutinised and continuously reformed as many do believe that they are not effective or an efficient use of law enforcement's time and resources.²⁷ The idea of law enforcement being able to search anyone they feel necessary could lead to a gross misuse of power.

²³ William MacPherson, *The Stephen Lawrence Inquiry* (The Stationery Office 1999).

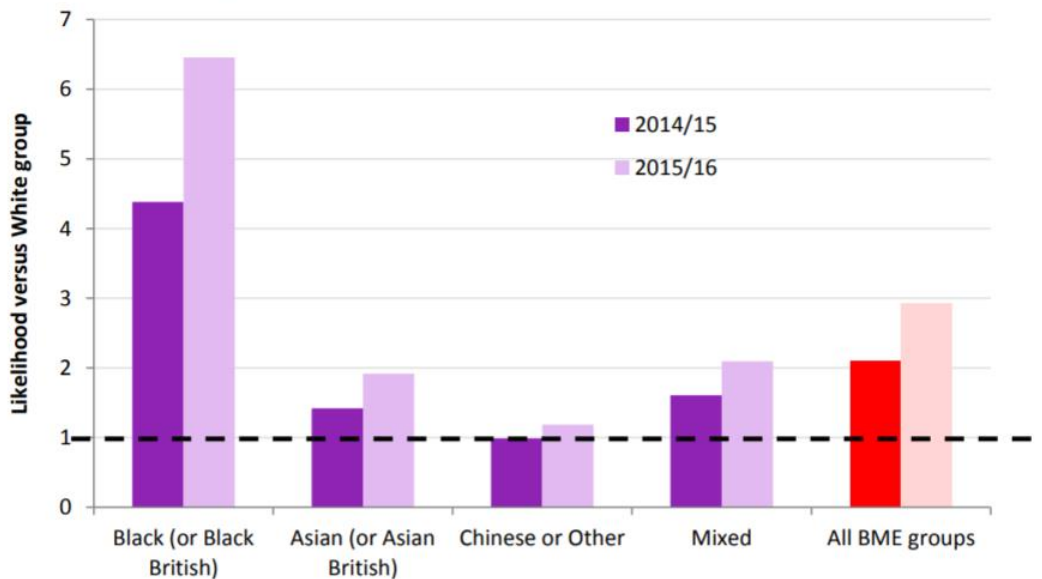
²⁴ Government Digital Service, 'Police Powers to Stop and Search: Your Rights' (GOV.UK, February 23, 2017) <www.gov.uk/police-powers-to-stop-and-search-your-rights> accessed 28 April 2020.

²⁵ Benzie (n 11).

²⁶ 'Drug Misuse: Findings from the 2018 to 2019 Crime Survey for England and Wales' (Home Office, 19 September 2019), 18. Available at <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/832533/drug-misuse-2019-hosb2119.pdf>. See Figure 3.1 'Proportion of 16 to 59 Year Olds Reporting Use of Illicit Drugs in the Last Year by Personal Characteristics'.

²⁷ 'Stop and Search: How successful is the police tactic?' (*BBC News*, 4 April 2018) <www.bbc.co.uk/news/uk-43641009> accessed 28 April 2020.

Figure 4.8 Likelihood¹ of being stopped and searched by self-defined ethnic group, compared with those from White ethnic groups, England and Wales², year ending 31 March 2015 compared with 2016



Source: [Stop and search table SS 13](#), Home Office

Chart notes:

1. A likelihood of 1 indicates that the ethnic group is equally as likely to be stopped as those who are White.
2. Population breakdowns are based on the 2011 census. It is likely that ethnicity breakdowns have changed since 2011. Such changes are not accounted for in the figures. Therefore, these figures should be considered estimates only.

Figure 1²⁸

Figure 1 illustrates the bias that exists within this system of law enforcement. The dotted flat line represents the likelihood of a person of white ethnicity being stopped within the years 2014-2016. Every non-white group surveyed had a higher probability of being involved in a stop and search. The black community does not consume more cannabis, and therefore should not be any more likely than someone of white ethnicity to be in possession of cannabis. Yet black individuals are still 6.5 times more likely to be stopped. According to the same data bank, people of black ethnicity used all surveyed drugs (powder cocaine, ecstasy, hallucinogens, amphetamines, mephedrone, ketamine and cannabis) less commonly than those of white ethnicity.²⁹ The obvious link: racial bias.

By this logic, police officers are, even unconsciously, under the impression that a black person is more likely to be involved in something illegal. The result of that is that the black population are being disproportionately affected by the law – a gross miscarriage of justice. We as citizens may want to believe that these statistics are an improvement, that the racial bias in the United Kingdom is a work in positive progress. However, 'figures for 1997/98 show that "black people were, on average, five times

²⁸ Jodie Hargreaves, Chris Linehan, and Chris McKee, 'Police powers and procedures, England and Wales, year ending 31 March 2016' (Home Office, 27 October 2016), 26.

²⁹ 'Stop and Search...' (n 28).

more likely to be stopped and searched by the police than white people.” Black people are also “more likely to be arrested than white or other ethnic groups.”³⁰ Many of these statistics are also based on self-identified ethnicity, where as to clearly see a bias or prejudice, one must know what others assume that person’s ethnicity to be. What they identify themselves as, may be a useful indicator of how others view them, but it does not necessarily facilitate an understanding of the exact impact of racial identity on law enforcement.

The Macpherson Report is arguably one of the most important modern documents outlining the racial biases within the UK’s criminal justice system. What it found was astonishing evidence exposing racial bias within the response and investigation of the death of Stephen Lawrence. No police officer on the scene performed any form of first aid after finding him, nor did they check his vitals to see if he was still alive.³¹ The victim’s parents reported being treated unprofessionally with insensitivity and were deprived of information regarding the case which they were entitled to. There was evidence suggesting that the perpetrators were not arrested for the crime, because they were white even though they were suspects with sufficient evidence to procure a warrant.

In general, they found that there was a lack of enthusiasm to find the murderers of a black man by white suspects.³² While murder is beyond the scope of this essay, the findings of this report solidify the notion that in multiple ways people of black ethnicity are victims to the institutional racism present in the criminal justice system.

Cannabis and politics

The current Prime Minister of Canada Justin Trudeau and his Liberal Party’s political crusade to legalise recreational cannabis use in Canada sat on two very important points: to make it harder for minors to access cannabis, and to tackle gang violence associated with cannabis sales.³³ Legalisation of cannabis was just one of the ways in which Justin Trudeau managed to rally two unlikely voter demographics: people of colour, and young voters between the age of 18-25. This won him two consecutive federal elections, while remaining at the time relatively appealing to the older voters.³⁴ With the changing demographic in Canada, rallying these voters was, and remains, a key political tool to holding power.

He, like his father, former Prime Minister the late Pierre Elliott Trudeau, prized multiculturalism in his political platform – a concept very important to the Canadian identity and society. The Canadian Multiculturalism Act is a law

³⁰ MacPherson (n 23).

³¹ *ibid.*

³² *ibid.*

³³ Benzie (n 11).

³⁴ ‘Youth Voter Turnout in Canada’ (Publication No. 2016-104-E, Library of Parliament, Canada, 13 October 2016). Available at <https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/2016104E>.

passed in 1985 by the late Trudeau outlining all the ways in which it is expected that multiculturalism is to be upheld by the federal government. This includes, but is not limited to, 'ensur[ing] that all individuals receive equal treatment and equal protection under the law, while respecting and valuing their diversity.'³⁵ This policy of upholding diversity is part of the Canadian constitution.

The closest comparable statute existing in the United Kingdom is the Equality Act 2010. This piece of legislation covers a wider breadth of demographical information that may lead to discrimination, including, but not limited to, race, religion, gender, and age. Section 1 of the Act outlines the duty that public figures such as ministers, courts, police, and councils have toward socio-economic inequalities:

An authority to which this section applies must, when making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage.³⁶

What is compelling is that Section 3 states that any breach of section 1 'does not confer a cause of action at private law,'³⁷ which limits how these public bodies are held accountable for breaching the Act and is realistically mostly just applicable to employers' relations with employees. The purpose of this act reads like a guide on what your legal options are if you feel that you were wrongly discriminated in the workplace by any of the protected demographics.

The purpose of the Canadian Multiculturalism Act is to focus much more on the acts and efforts that are expected of the Federal Government to uphold the integrity of diversity by recognising differences and adopting practices to accommodate them. This also includes promoting the use of languages other than English and French, the two official languages.³⁸ The entrenchment of this Act into the Canadian constitution, and the language used within it, shows just how important it is to Canadian society, run by a liberal government, as it holds everyone, including federal bodies, accountable for nurturing diversity in Canada. Whether or not it always plays out that way is beyond the scope of this paper.

There is a political connection with the way in which cannabis is 'officially' viewed versus the way that it is socially viewed when comparing Canada and the United Kingdom. Dalhousie University in Halifax published a study suggesting that 68% of Canadians (another 6.9% were indifferent) supported the legalisation of recreational marijuana in September 2017.³⁹ In a

³⁵ Canadian Multiculturalism Act 1985 s3(1)(e).

³⁶ Equality Act 2010 s1(1).

³⁷ *ibid* s3.

³⁸ *ibid* s3(1)(i).

³⁹ Sylvain Charlebois and Simon Somogyi, 'Marijuana-infused food and Canadian consumers' willingness to consider recreational marijuana as a food ingredient' (September 2017)

poll by YouGov for the Conservative Drug Policy Reform Group in the UK, 48% supported legalisation while only 24% opposed.⁴⁰ If that was not enough, a government survey found in 2017/2018 that 30% of adults aged 16 to 64 have tried cannabis at least once.⁴¹ If the majority of the country is supportive or indifferent to the legalisation of recreational cannabis, why are the two governments approaching the idea so differently? This puts into question the strength of democracy in the United Kingdom as well, since the existing legislation does not reflect public opinion.

In 2019 three Members of Parliament from three parties visited Canada in order to evaluate the legal cannabis sector first-hand. Not surprisingly, the Liberal Democrat and Labour MPs later declared that they would support a change in 'cannabis legislation in the next five to ten years'. Only the Conservative MP did not show support for cannabis legalisation following the visit.⁴² The Conservative Party of the UK has historically maintained that cannabis should remain an illegal substance.⁴³ There have also been allegations of racism linked to the Conservative Party and its leaders. One such point is the commentary on Enoch Powell's 'Rivers of Blood' speech in 1968 which, riddled with racist undertones, was aimed against the 1968 Race Relations Bill.⁴⁴ This bill made it illegal to refuse employment, public services, or housing to any person based on colour, race, or ethnic origin.⁴⁵ More recently, the current Prime Minister Boris Johnson has been quoted numerous times making racist comments. An article for the Guardian mentions that in articles written by Johnson before becoming Prime Minister he has referred to black people as 'piccaninnies with watermelon smiles' as well as claiming that the police were 'cowed' by the Macpherson Report.⁴⁶ While these claims were not made while he was in office, they are a glimpse into the rhetoric that has been accepted by the Conservative Party.

An NHS study suggested that while around 10% of cannabis users may develop an addiction to cannabis, 32% of tobacco users and 15% of alcohol users will become addicted to tobacco and alcohol, respectively.

<<https://cdn.dal.ca/content/dam/dalhousie/pdf/management/News/Preliminary%20results%20cannibis-infused%20foods%20EN.pdf>> accessed 28 April 2020.

⁴⁰ Elena Mazneva, 'U.K. Legalizing Cannabis Supported by Near-Majority of Voters' (*Bloomberg*, 14 July 2019) <www.bloomberg.com/news/articles/2019-07-14/u-k-legalizing-cannabis-supported-by-near-majority-of-voters> accessed 28 April 2020.

⁴¹ 'Drug Misuse: Findings from the 2017/18 Crime Survey for England and Wales' (Home Office, July 2018). Available at

<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/729249/drug-misuse-2018-hosb1418.pdf>.

⁴² Emily Ledger, 'Cannabis Policy of the Political Parties – the Conservatives' (*The Cannabis Exchange*, 30 November 2019) <<https://canex.co.uk/political-party-views-the-conservatives-cannabis-policy/>> accessed 26 April 2020.

⁴³ *ibid.*

⁴⁴ Michael Savage, 'Fifty Years on, what is the legacy of Enoch Powell's "rivers of blood" speech?' (*The Guardian*, 15 April 2018) <www.theguardian.com/world/2018/apr/14/enoch-powell-rivers-blood-legacy-wolverhampton> accessed 26 April 2020.

⁴⁵ Race Relations Act 1968.

⁴⁶ Frances Perraudin, 'New controversial comments uncovered in Historical Boris Johnson articles' (*The Guardian*, 9 December 2019) <www.theguardian.com/politics/2019/dec/09/new-controversial-comments-uncovered-in-historical-boris-johnson-articles> accessed 27 April 2020.

There is also no recorded case of death caused by cannabis in the United Kingdom.⁴⁷ Alcoholchange.org has compiled statistics from the government showing that 24% of adults in England and Scotland regularly drink more than what is considered low-risk⁴⁸; they found that in 2016 there were 9,214 alcohol-related deaths.⁴⁹ The Office for National Statistics found that 14.7% of adults over 18 years of age smoked cigarettes in the UK in 2018. In the same year there were 77,800 deaths attributed to smoking tobacco in the UK.⁵⁰ So, on the basis of death and addiction, cannabis seems to be relatively low risk compared to two substances that are legal and regulated. Yet, it is health concerns that are repeatedly cited when officials are asked about why there has been no significant movement toward legalisation of cannabis.⁵¹

Conclusion: A long road to legalisation

There is a worldwide shift happening in terms of social views of cannabis use. In Canada, while cannabis was still illegal it was clearly not a major concern of law enforcement, and there seems to be a similar attitude in the United Kingdom where other forms of crime take a greater importance. There is a complex web of connection between institutionalised racism, parliament, law enforcement, and politics regarding cannabis. There is a visible lag when it comes to legislation and law enforcement being up to date with social attitudes and there is clearly a disconnect between them. It seems even law enforcement does not stand on the same side of legalisation as current legislation. They seem to be shifting toward polled public attitudes that possession of cannabis and personal recreational use should not be criminalised.

Talking about the impact of a law moves far past the wording of the provision or the sentencing for the crime. Law enforcement is a key piece of the system that perpetuates this racial oppression. Even with the public support for cannabis legalisation, changing social attitude, and the prevalence of usage it does not necessarily look like the English Parliament will be pushing any bills forward to make that a reality anytime soon, especially not under a Conservative government.

⁴⁷ Maria Correa, 'How Close Is the UK to Legalising Cannabis?' (*The Lawyer Portal*, 8 January 2019) <www.thelawyerportal.com/blog/how-close-is-the-uk-to-legalising-cannabis> accessed 26 April 2020.

⁴⁸ 'Alcohol Statistics' (*Alcohol Change UK*, 2 March 2020) <<https://alcoholchange.org.uk/alcohol-facts/fact-sheets/alcohol-statistics>> accessed 27 April 2020.

⁴⁹ Melissa Bennett, 'Dataset: Alcohol-related deaths in the UK' (ONS, 7 November 2017) <www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/causesofdeath/datasets/alcoholrelateddeathsintheunitedkingdomreferencetable1> accessed 26 April 2020.

⁵⁰ Danielle Cornish and others, 'Adult smoking habits in the UK: 2018' (ONS, 2 July 2019) <www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/healthandlifeexpectancies/bulletins/adultsmokinghabitsingreatbritain/2018> accessed 26 April 2020.

⁵¹ Advisory Council on the Misuse of Drugs, 'Cannabis: Classification and Public Health' (Home Office, April 2008) <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/119174/acmd-cannabis-report-2008.pdf> accessed 27 April 2020.

By looking at two multicultural countries we are able to see how political differences impact the legality of cannabis. The uses of cannabis in many other countries are tied to cultural significance as well as social tolerance such as in India, mentioned previously. Cannabis is not the problem; it is the connection to organised crime and violence which can be tackled through government regulation. This has been shown in the data gathered by statistics Canada showing that in every province and territory, legalisation has brought at minimum a 26% decrease in police reported cannabis offences.⁵²

It is important that we continue to question the legitimacy of the claims the government makes about why they refuse to legalise and regulate cannabis as well as the institutionalised racism involved. There is evidence to suggest that the government has been using cannabis as a proverbial 'garden tool' to weed-out groups that they choose to target, or they believe are less important, and there is plenty of evidence showing that it is the black community that received the short end of that stick. All should be equal before the law, but this is virtually impossible to uphold when the law is represented through people, because people make judgements based on their inherent biases. There is no one statistic, statute, or study that will conclusively prove that politicians through the ages have used cannabis to paint a target on the backs of the black community, but there is evidence of it everywhere.

With the information that we do have in consideration, cannabis is no more dangerous to human health than alcohol and tobacco. Continuing to demonise cannabis and insist that it should have no place in the UK's society is hypocritical. Based on the attitudes of the public, as well as law enforcement, its criminal status is also completely unnecessary. There are better things for the justice system to be focusing on, and worse things to be keeping out of society.

⁵² Gregory Moreau, 'Police-reported cannabis offences in Canada, 2018: Before and after legalization' (*Statistics Canada*, 24 July 2019) <www150.statcan.gc.ca/n1/pub/11-627-m/11-627-m2019055-eng.htm> accessed 27 April 2020.

Bibliography

Primary sources

Cases

R v Quayle (Barry) [2005] EWCA Crim 1415, [2005] 1 WLR 3642

Legislation (UK)

Dangerous Drugs Act 1920

Equality Act 2010

Misuse of Drugs Act 1971

Police and Criminal Evidence Act 1984

Race Relations Act 1968

Legislation (outside of UK)

Canadian Multiculturalism Act 1985

Cannabis Act 2018 (Canada)

International Opium Convention 1912

Secondary Sources

— — ‘420: Seven Charts on How Cannabis Use Has Changed’ (BBC News, 20 April 2019) <www.bbc.com/news/uk-47950785> accessed 12 March 2020

— — ‘Alcohol Statistics’ (Alcohol Change UK, 2 March 2020) <<https://alcoholchange.org.uk/alcohol-facts/fact-sheets/alcohol-statistics>> accessed 27 April 2020

— — ‘Cannabis Reclassification’ (Press Releases, 28 January 2005) <https://web.archive.org/web/20050412170503/http://www.homeoffice.gov.uk/n_story.asp?item_id=1222> accessed 20 April 2020

— — ‘Comments on the Reported Statistics on Narcotic Drugs’ (International Narcotics Control Board, 18 October 2012) <www.incb.org/documents/Narcotic-Drugs/Technical-Publications/2016/NAR_Part_II_Comments_EN.pdf> accessed 28 April 2020

— — ‘Drug Misuse: Findings from the 2017/18 Crime Survey for England and Wales’ (Home Office, July 2018), available at <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/729249/drug-misuse-2018-hosb1418.pdf>

— — ‘Drug Misuse: Findings from the 2018 to 2019 Crime Survey for England and Wales’ (Home Office, 19 September 2019), available at <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/832533/drug-misuse-2019-hosb2119.pdf>

— — ‘Stop and Search: How successful is the police tactic?’ (BBC News, 4 April 2018) <www.bbc.co.uk/news/uk-43641009> accessed 28 April 2020

— — ‘When Can the Police Search Me?’ (Steps to Justice, 2 November 2018) <<https://stepstojustice.ca/questions/criminal-law/when-can-police-search-me/>> accessed 26 April 2020

— — ‘Where Does Bolivia Stand on Drug Decriminalization and Legalization?’ (Andean Information Network, 12 April 2012) <<http://ain-bolivia.org/2012/04/where-does-bolivia-stand-on-drug-decriminalization-and-legalization/>> accessed 28 April 2020

— — ‘Youth Voter Turnout in Canada’ (Publication No. 2016-104-E, Library of Parliament, Canada, 13 October 2016)

Advisory Council on the Misuse of Drugs, ‘Cannabis: Classification and Public Health’ (Home Office, April 2008) <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/119174/acmd-cannabis-report-2008.pdf> accessed 27 April 2020

Amar MB, ‘Cannabinoids in Medicine: A Review of Their Therapeutic Potential’ (2006) 105 *Journal of Ethnopharmacology* 1

Bennett M, ‘Dataset: Alcohol-related deaths in the UK’ (ONS, 7 November 2017) <www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/causeofdeath/datasets/alcoholrelateddeathsintheunitedkingdomreferencetable1> accessed 26 April 2020

Benzie R, ‘Trudeau urges police to “enforce the law” on marijuana’ (The Star, 3 December 2016) <www.thestar.com/news/queenspark/2016/12/03/trudeau-urges-police-to-enforce-the-law-on-marijuana.html> accessed 4 May 2020

Bowden O, ‘Canada’s Lack of Race-Based COVID-19 Data Hurting Black Canadians: Experts’ (Global News, 2 May 2020) <<https://globalnews.ca/news/6892178/black-canadians-coronavirus-risk/>> accessed 28 April 2020

Boyd A, ‘Race-Based Coronavirus Data Not Needed in Canada Yet, Health Officials Say’ (The Star, 11 April 2020) <www.thestar.com/news/canada/2020/04/10/race-based-coronavirus-data-not-needed-in-canada-yet-health-officials-say.html> accessed 28 April 2020

Burns C, ‘Three NHS Prescriptions for Medical Cannabis Dispensed in the Community’ (Pharmaceutical Journal, 17 May 2019) <www.pharmaceutical-journal.com/news-and-analysis/news/three-nhs-prescriptions-for-medical-cannabis-dispensed-in-the-community/20206560.article> accessed 28 April 2020

Byrne S, 'ACPO Guidance on Cannabis Possession for Personal Use: Revised Intervention Framework' (Association of Chief Police Officers, 28 January 2009)

Casciani D, 'Troubled History of Stop and Search' (BBC News, 7 September 2002) <<http://news.bbc.co.uk/1/hi/uk/2246331.stm>> accessed 28 April 2020

Charlebois S and Somogyi S, 'Marijuana-infused food and Canadian consumers' willingness to consider recreational marijuana as a food ingredient' (September 2017)
<<https://cdn.dal.ca/content/dam/dalhousie/pdf/management/News/Preliminary%20results%20cannibis-infused%20foods%20EN.pdf>> accessed 28 April 2020

Child K, 'The Highest Court Has Spoken: You Are Allowed to Smoke – and Grow – Dagga at Home' (Sunday Times, 18 September 2018)
<<https://www.timeslive.co.za/news/south-africa/2018-09-18-ban-on-private-use-of-dagga-at-home-is-ruled-unconstitutional/>> accessed 22 April 2020

Conrad C, *Hemp for Health: The Medicinal and Nutritional Uses of Cannabis Sativa* (Healing Arts Press 1997)

Cornish D and others, 'Adult smoking habits in the UK: 2018' (ONS, 2 July 2019)
<www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/healthandlifeexpectancies/bulletins/adultsmokinghabitsingreatbritain/2018> accessed 26 April 2020

Correa M, 'How Close Is the UK to Legalising Cannabis?' (The Lawyer Portal, 8 January 2019) <www.thelawyerportal.com/blog/how-close-is-the-uk-to-legalising-cannabis> accessed 26 April 2020

D'Eon MI, 'Police Enforcement of Cannabis Possession Laws in Canada: Changes in Implementation by Street-Level Bureaucrats' (Master's thesis, University of Saskatchewan 2017)
<<https://harvest.usask.ca/bitstream/handle/10388/8450/DEON-THESIS-2018.pdf?sequence=1&isAllowed=y>> accessed 28 April 2020

Dubinsky Z and Mayor L, 'Who's Really behind Toronto's Chain of Illegal Pot Shops That Won't Quit?' (CBC News, 19 July 2019)
<www.cbc.ca/news/canada/toronto/toronto-cafe-cannabis-dispensaries-1.5217307> accessed 28 April 2020

Gayle D, 'Durham Police Stop Targeting Pot Smokers and Small-Scale Growers' (The Guardian, 22 July 2015)
<www.theguardian.com/society/2015/jul/22/durham-police-stop-targeting-pot-smokers-and-small-scale-growers> accessed 25 April 2020

— — 'Medicinal Cannabis: How Two Heartbreaking Cases Helped Change Law' (The Guardian, 26 July 2018)
<www.theguardian.com/society/2018/jul/26/medicinal-cannabis-how-two-heartbreaking-cases-helped-change-law> accessed 12 March 2020

Gesley J, 'Decriminalization of Narcotics: Netherlands' (Library of Congress, 1 July 2016) <www.loc.gov/law/help/decriminalization-of-narcotics/netherlands.php> accessed 1 May 2020

Government Digital Service, 'Police Powers to Stop and Search: Your Rights' (GOV.UK, February 23, 2017) <www.gov.uk/police-powers-to-stop-and-search-your-rights> accessed 28 April 2020

Grant T and Balkissoon D, 'How Canada's Racial Data Gaps Can Be Hazardous to Your Health' (The Globe and Mail, 11 February 2019) <www.theglobeandmail.com/canada/article-how-canadas-racial-data-gaps-can-be-hazardous-to-your-health-and/> accessed 28 April 2020

Griffith IL, *Drugs and Security in the Caribbean: Sovereignty under Siege* (Pennsylvania State University Press 1997)

Haines G, 'Everything You Need to Know about Marijuana Smoking in the Netherlands' (The Telegraph, 21 February 2017) <www.telegraph.co.uk/travel/destinations/europe/netherlands/amsterdam/articles/everything-you-need-to-know-about-smoking-marijuana-in-the-netherlands/> accessed 22 April 2020

Hakim P and Combs C, 'Uruguay's Marijuana Experiment' (The Los Angeles Times, 21 August 2013) <www.latimes.com/opinion/la-xpm-2013-aug-21-la-oe-hakim-uruguay-legalizing-marijuana-20130821-story.html> accessed 28 April 2020

Hargreaves J, Linehan C, and McKee C, 'Police powers and procedures, England and Wales, year ending 31 March 2016' (Home Office, 27 October 2016)

Harper T, 'Police "Going Soft" on Cannabis Users' (The Times, 6 April 2019) <www.thetimes.co.uk/article/police-going-soft-on-cannabis-users-pzb3m5q7h> accessed 2 May 2020

Iversen LL, *The Science of Marijuana* (Oxford University Press 2008)

Joshi M and Gibson A, 'How Close Is The UK To Legalising Cannabis? An Analysis' (The Lawyer Portal, 14 April 2020) <www.thelawyerportal.com/blog/how-close-is-the-uk-to-legalising-cannabis/> accessed 26 April 2020

Kassam A, 'Barcelona's Booming Cannabis Clubs Turn Spain into "Holland of the South"' (The Guardian, 4 August 2014) <www.theguardian.com/world/2014/aug/04/catalonia-holland-of-south-tightens-rules-barcelona-cannabis-clubs> accessed 28 April 2020

Ledger E, 'Cannabis Policy of the Political Parties – the Conservatives' (The Cannabis Exchange, 30 November 2019) <<https://canex.co.uk/political-party-views-the-conservatives-cannabis-policy/>> accessed 26 April 2020

MacPherson W, *The Stephen Lawrence Inquiry* (The Stationery Office 1999)

Mazneva E, 'U.K. Legalizing Cannabis Supported by Near-Majority of Voters' (Bloomberg, 14 July 2019) <www.bloomberg.com/news/articles/2019-07-14/u-

k-legalizing-cannabis-supported-by-near-majority-of-voters> accessed 28 April 2020

McCrystal P and Winning K, 'Cannabis Reclassification: What is the Message to the Next Generation of Cannabis Users?' (2009) 15 Child Care in Practice 57

Mitta M, 'Recreational Use of Marijuana: Of Highs and Laws' (Times of India, 10 November 2012) <<https://timesofindia.indiatimes.com/india/Recreational-use-of-marijuana-Of-highs-and-laws/articleshow/17165524.cms?referral=PM>> accessed 28 April 2020

Moreau G, 'Police-reported cannabis offences in Canada, 2018: Before and after legalization' (Statistics Canada, 24 July 2019) <www150.statcan.gc.ca/n1/pub/11-627-m/11-627-m2019055-eng.htm> accessed 27 April 2020

Paul S, 'We Be Burnin'' (Recorded song, Atlantic Records 2005)

Perraudin F, 'New controversial comments uncovered in Historical Boris Johnson articles' (The Guardian, 9 December 2019) <www.theguardian.com/politics/2019/dec/09/new-controversial-comments-uncovered-in-historical-boris-johnson-articles> accessed 27 April 2020

Pub Spy, 'Canterbury is "weed central" so why don't we just legalise it, say potheads' (The Canterbury Journal, 2 March 2018) <www.canterburyjournal.co.uk/canterbury-weed-central-dont-just-legalise-say-potheads/> accessed 28 April 2020

Rotermann M, 'What has changed since cannabis was legalized?' (Statistics Canada, 19 February 2020) <www150.statcan.gc.ca/n1/pub/82-003-x/2020002/article/00002-eng.htm> accessed 28 April 2020

Savage M, 'Fifty Years on, what is the legacy of Enoch Powell's "rivers of blood" speech?' (The Guardian, 15 April 2018) <www.theguardian.com/world/2018/apr/14/enoch-powell-rivers-blood-legacy-wolverhampton> accessed 26 April 2020

Teigen A and McInnes K, 'Cannabis Overview' (National Conference of State Legislatures, 17 October 2019) <www.ncsl.org/research/civil-and-criminal-justice/marijuana-overview.aspx> accessed 22 April 2020

Wayne J, 'Smoking Marijuana Legalized in Georgia' (Georgia Today, 30 July 2018) <<http://georgiatoday.ge/news/11592/Smoking-Marijuana-Legalized-in-Georgia>> accessed 22 April 2020