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# Mid West–Gascoyne District police officers’ experience with the Cannabis Infringement Notice Scheme.

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**Running head: CANNABIS INFRINGEMENT NOTICE SCHEME**

**Mid West–Gascoyne District Police  
Officers’ Experience with the Cannabis  
Infringement Notice Scheme**

Kara Wright

Submitted in partial fulfilment of the requirements for the

Degree of Master of Criminal Justice

2012

The Faculty of Business and Law

Edith Cowan University



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## Abstract

Cannabis is currently the most frequently used illicit drug in Australia. Research has revealed a range of health, economic, criminal and social consequences associated with the drug. The widespread use of cannabis and the consequences associated with its use has ignited strong political and social debate as to what response should be taken to minimise the harmful effects of the drug.

In order to reduce the harms associated with cannabis, and in line with the national harm minimisation framework, the Western Australia (WA) Cannabis Infringement Notice (CIN) scheme commenced in 2004. The introduction of the CIN scheme as part of the *Cannabis Control Act 2003* (WA) aimed to divert minor, first-time cannabis offenders into cannabis education sessions.

As police are gatekeepers to the criminal justice system they play an important role in the diversion of cannabis offenders away from the justice system. As such, police officers' experience with the CIN scheme is a valuable source of information to guide well informed cannabis related policy and legislation.

Despite the significance of research related to police officers' experiences with cannabis policy and legislation, a review of the literature reveals that the existing body of research has neglected regional police officers' understanding of and experience with cannabis legislation.

As a result, this qualitative research seeks to explore regional police officers' perceptions towards, and experience with, the WA CIN scheme. Developing an understanding of the CIN scheme from the perspective and experience of police officers is essential if we are to begin developing and implementing more effective cannabis policies.

This research is focused on Mid West–Gascoyne District police officers' experience with the CIN scheme. A phenomenological approach has been adopted so the focus remains on police officers' lived experience. Data was collected through semi-structured interviews with ten operational police officers.

Analysis reveals that police officers' experience with the CIN scheme centres around three key themes: their knowledge of the scheme, the surrounding circumstances they are faced with when implementing the scheme, and their perceptions of cannabis as a drug and of cannabis users.

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### Acknowledgements

First of all, I would like to thank my participants for their time and honesty. It is my hope that this thesis provides police officers with a voice in the cannabis policy debate.

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## List of Acronyms

ADD	All Drug Diversion
ASGC	Australian Standard Geographical Classification
CCA	<i>Cannabis Control Act 2003 (WA)</i>
CEN	Cannabis Expiation Notice
CES	Cannabis Education Session
CIN	Cannabis Infringement Notice
CLRA	<i>Cannabis Law Reform Act 2010 (WA)</i>
DUMA	Drug Use Monitoring Australia
FER	Fines Enforcement Registry
IDDI	Illicit Drug Diversion Initiative
LAC	Local Area Command
LSD	Lysergic acid diethylamide
MDA	<i>Misuse of Drugs Act 1981 (WA)</i>
MWGD	Mid-West–Gascoyne District
NDS	National Drug Strategy
NDSHS	National Drug Strategy Household Survey
SA	South Australia
THC	Tetrahydrocannabinol
UK	United Kingdom
US	United States
WA	Western Australia

### Organisation of Thesis

This research explores Mid West–Gascoyne District police officers’ experience with the Western Australia Cannabis Infringement Notice Scheme. The purpose of the first chapter of this thesis is to provide a broad background to the research area and to establish the importance of evaluating regional police officers’ experience with the cannabis legislation they are implementing. The second chapter outlines the empirical, qualitative approach of phenomenology adopted in this research. Chapter three focuses on key findings generated from this study. The final chapter of the thesis draws on the results to provide an overall understanding of Mid West–Gascoyne District police officers’ experience with the Cannabis Infringement Notice Scheme.



## **Mid West–Gascoyne District Police Officers’ Experience with the Cannabis Infringement Notice Scheme**

This chapter explains the significance of this research. The chapter begins with a general definition of cannabis, which leads into a discussion of the harms associated with cannabis use, based on the psychological and sociological literature. Cannabis legislation reforms and the importance of researching local police officer perceptions are then discussed. The chapter ends with a brief summary and a list of key research questions.

### **Cannabis**

Cannabis is the most commonly used illicit drug in Australia, with a reported one in every three Australians aged 14 years or over having used it at least once (Australian Institute of Health and Welfare, 2008a). Despite its prevalence and the general notion that it is a relatively harmless drug, it can have severe consequences for individual users, their families and the wider community (Healey, 2004). In addition to the physical harm cannabis causes, the growing body of scientific literature suggests there is a strong link between cannabis use and mental illnesses such as depression and schizophrenia, implying that its use may be more detrimental than once thought (Policy, 2007). Other adverse outcomes associated with cannabis use include economic loss, social disruption and drug dependency, all of which can lead to such ills as family tension, family violence, sexual exploitation and child neglect (Hall & Pacula, 2003; Putt & Delahunty, 2006).

The classification of cannabis is often disputed as it is a depressant drug with hallucinogenic properties. Cannabis is a psychoactive drug consisting of chemical compounds which affect the central nervous system and alter functioning of the body, including the capability to modify behavioural or psychological functioning (Weiten, 2002). The depressant agents found in cannabis suppress central nervous system activity, producing feelings of calmness and relaxation in the user, whilst its hallucinogenic substances alter the user’s perceptions of events and distort thoughts and feelings, provoking delusions, hallucinations and paranoia (New South Wales Department of Health, 1986). These psychoactive effects are largely produced by

delta-9-tetrahydrocannabinol (THC), the significant active chemical ingredient found in the cannabis sativa plant (Hall & Pacula, 2003).

The resin covering the flowering and upper leaves of Cannabis sativa has a high THC content; and it is the amount of resin present which determines the potency of the plant (Hall & Pacula, 2003). Along with THC the plant contains a further 66 cannabinoids (cannabis molecules) which are exclusive to it, although the psychoactive effects of these cannabinoids separately are notably weaker than that of THC. The plant contains a further 340 chemical ingredients of which the pharmacology is unknown (Drug and Alcohol Office, 2006b). Three different forms of cannabis can be derived from the plant. These include hemp, hashish and marijuana (Walters, 1993). Due to advancements in cultivation methods, plant selection and cloning, preparations of cannabis are now far more potent than they were thirty years ago. These increasingly potent forms of cannabis expose users to acute intoxication and puts them at even greater risk of harms associated with the plant's use (Hall & Swift, 2000).

The effects of using cannabis are complex and vary between each user. Effects depend on a number of factors including dosage, preparation and the rate and method of administration. Additionally, the psychological effects of cannabis use are extremely diverse and are influenced by individual attitudes, personality, prior experience with cannabis or other drugs and the environment in which the drug is taken (Hall & Pacula, 2003). Once cannabis is consumed it can produce a feeling of euphoria. This 'high' feeling is the most likely reason for the prevalent and chronic use of the drug by recreational users. Other primary effects sought by cannabis users include relaxation, infectious laughter, enhancement of pleasure and communication and alterations in perception (Healey, 2004), with the intensity of the high experienced by the user being directly related to the dose (Ashton, 1999).

Research on the pernicious effects of cannabis is not conclusive but there are clear and worrying indicators that cannabis use can cause significant harm. Cannabis can impair several aspects of cognitive function; it significantly affects short-term memory (Heishman, Huestis, Henningfield, & Cone, 1990; Ranganathan & D'Souza, 2006) and is associated with reduced motor skill performance (Ashton, 2001;



Heishman, Huestis, Henningfield, & Cone, 1990). Research also indicates that cannabis use can significantly impair driving ability (O'Kane, Tutt, & Bauer, 2002). One population-based case control study in New Zealand indicated that habitual use of cannabis is strongly associated with car crash injury (Blows et al., 2005). Other health effects include increased reaction time and heart rate (Ashton, 2001) as well as impaired eye movement and concentration (Ashton, 1999). Cannabis use may also result in adverse behavioural and mood effects such as feelings of fear, anxiety, depression and panic (Hall, Degenhardt, & Lynskey, 2001). High doses may lead to thought fragmentation, mental confusion or paranoia, and may initiate a schizophrenic episode in a user who has a pre-existing condition of schizophrenia (Ashton, 2001).

In 2005 a longitudinal study by Fergusson and colleagues examined the association between cannabis use and psychosis in a sample of 1000 New Zealanders. Findings showed that the rate of psychotic symptoms exhibited by daily cannabis users was 150% greater than for non users even when other external factors were taken into consideration (Fergusson, Horwood, & Ridder, 2005). Although cannabis alone will not cause a mental illness, it may act as a stimulant to exacerbate an already existent mental instability or condition within the user (Hamilton, King, & Ritter, 2004).

It is well documented that long-term exposure to cannabis can be toxic, leading to effects such as chronic bronchitis and lung cancer (Ashton, 2001), a decrease in motivation and concentration and impairment of both short-term and long-term memory (Strang, Whitton, & Hall, 2000). Additionally, long-term users are extremely susceptible to becoming physically and psychologically dependent on cannabis (Iversen, 2004).

Adolescents are particularly vulnerable to the pernicious effects of cannabis use (Patton et al., 2002), which is of great concern given the trend of increasing cannabis use among young people in Australia (Clearinghouse, 2004). Results from the 2010 National Drug Strategy Household Survey indicate that cannabis is the illicit drug most commonly used by young people, with an estimated 16% of teenagers (aged 14 to 19 years) having used cannabis (Australian Institute of Health and Welfare, 2011). One longitudinal study found that use during childhood and adolescence may

increase the risk of major depression by up to 17%, highlighting the psychiatric implications of early drug use (Brook, Brook, Zhang, Cohen, & Whiteman, 2002).

In 2000 the Western Australian Drug Abuse Strategy Office commissioned a report in response to community concern about the increased rate of cannabis use amongst young adults. The report examined the contributory effects of cannabis and other drugs towards the deaths of 571 young Western Australians aged 15 to 24 years who suicided between 1986 and 1998. This report was based on clinical, toxicological and other forensic data from the State Coroner's records. Post mortem analysis found that 20% of young males and 11% of young females had positive toxicology results for cannabis, making it the most commonly detected illicit substance in all young suicide victims.

Whilst the report suggests that cannabis is the main illicit drug associated with youth suicide, further analysis found the majority of drugs were not present in isolation, as 41% of male and 38% of female suicides had a combination of two or more drugs present in their toxicology analysis (including alcohol and illicit or licit drugs). These findings highlight the complex nature of drug use and the need for more longitudinal control studies to determine the extent to which other factors may contribute to increased risk of suicide (Hillman, Silburn, Green, & Zubrick, 2000).

Apart from the psychological and behavioural effects on individuals, the use of cannabis can have a dramatic impact on society. Several studies highlight the association between cannabis use and crime. One study by Prichard and Payne (2005) examined the criminal behaviour and drug and alcohol use of juveniles aged 10 to 17 years in detention centres. They found that 94% of the juveniles in the study used cannabis, with a reported 63% having used it regularly. In addition, 77% of all drug charges dealt with by the Western Australian Children's Court from 2002 to 2006 were cannabis-related. Supplementary data collected through the Drug Use Monitoring project in Australia (DUMA) has revealed extremely high rates of cannabis use among police detainees. The most recent DUMA annual report found that nearly half (48%) of participating adult detainees used cannabis prior to their arrest, a slight decrease from 49% in 2007 (Gaffney, Jones, Sweeney, & Payne, 2010).

Cannabis users' behaviour is often destructive to their social and familial relationships and is likely to increase their risk of contact with the criminal justice system. Potential responses from the criminal justice system include arrest, fine, suspension of driver's licence, diversion to education or treatment services and imprisonment (Van Het Loo, Hoorens, Van 'T Hof, & Kahan, 2003). It is important to note that a convicted offender is subject to a criminal record, which can negatively impact on employment and travel opportunities and may result in refusal of admission to education courses (Single, Christie, & Ali, 2000).

Furthermore, cannabis imposes significant costs on the Australian economy. Collins and Lapsley (2008) estimate over eight billion dollars' worth of social costs of illicit drug abuse between 2004 and 2005, the two major costs being net production loss and law enforcement costs. The prosecution of cannabis offenders depletes the resources of the police, courts, judiciary and welfare organisations, which can have negative flow-on effects for society (Hall & Pacula, 2003). According to Atkinson and McDonald (1995) over \$300 million per year is spent on cannabis law enforcement in Australia, which equates to approximately three quarters of the total cost of drug enforcement. These funds are spent on aspects of the criminal justice system such as court costs or corrective services to rectify issues associated with cannabis use, which reduces the amount of funding available for other purposes such as educating society about the harms associated with cannabis use (Hall & Pacula, 2003). The costs related to cannabis law enforcement are therefore an important consideration when discussing cannabis policy and legislative reform.

The consequences of cannabis use continue to provoke social and political debate in Australia (Hall & Pacula, 2003). The gateway hypothesis has been a constant factor in these debates suggesting a direct cause and effect relationship between cannabis use and other illicit drug use (Melberg, Bretteville-Jensen, & Jones, 2007). Whilst MacCoun (1998) asserts that progression into other drugs may reflect the fact that users have easier access to cannabis and are likely to use it before other drugs, several other studies provide evidence of an association between cannabis and subsequent use of other illicit drugs. These include early longitudinal research by Kandel (1975) based on random samples of high school students in New York,

which indicate that cannabis use may be a stepping stone to more dangerous illicit drug use. Kandel (1975) found that 26% of cannabis users progress to Lysergic Acid Diethylamide (LSD), amphetamine and heroin use, compared to 1% of non cannabis users. These trends appear to be consistent across time. For example, Kandel (1984) demonstrated that 7% of participants who had never used cannabis had used other drugs whilst 84% of daily cannabis users had used other drugs. Osgood et al. (1988) found that students who had used cannabis during their senior year of high school were significantly more likely to progress to more dangerous illicit drug use one to two years later on. Lynskey et al. (2003) also found that individuals who used cannabis by age 17 were four times more likely than their co-twin to use cocaine and crack cocaine, and five times more likely to use hallucinogens (Lynskey et al., 2003).

In general these findings highlight that cannabis use, especially heavy use, may increase the chance of progressing to other illicit drug use (Donnelly & Hall, 1994). However, it should be stressed that a direct cause and effect relationship is extremely difficult to prove as no research is able to include all potential variables when determining causal linkages between cannabis and other illicit drug use (Kandel, 1989). The research presented in this section demonstrates that cannabis is an extremely complex drug with multifaceted harmful effects on both the user and society. The political and social debate surrounding cannabis use not only provides a greater understanding of cannabis related issues but signifies a pressing need to reduce the harm caused by cannabis (Fries, 2003). In order to devise effective cannabis policy, factual and rigorous research is required and any amendments to cannabis legislation will need to consider the current cannabis market and cannabis users (Van Het Loo et al., 2003).

### **National Picture of the Cannabis Market and Users**

The Illicit Drug Data Report provides a statistical overview of the illicit drug market in Australia. This report is provided by State and Territory law enforcement agencies and drug analytical laboratories working in co-operation. The 2009 to 2010 report shows that cannabis was detected on 1454 occasions with a total weight of 19.6 kilograms. Of the 1454 detections, 86% involved seeds, imported primarily by mail but also found on airflight passengers (Australian Crime Commission, 2011). It is not

surprising that cannabis continues to account for the greatest proportion of illicit drug seizures in Australia; the reported 44,736 cannabis seizures from 2009 to 2010 were the second highest of the decade. Cannabis continued to represent the greatest proportion of national drug arrests in Australia, accounting for over two thirds of arrests in 2009 to 2010. The Illicit Drug Data Report notes that although cannabis cultivation remains a global problem, the importation of the drug into Australia is economically unattractive due to poor prices and ample supplies from domestic produce; the majority of cannabis used is domestically cultivated and remains readily available to users (Australian Crime Commission, 2011).

The National Drug Strategy Household Survey (NDSHS), conducted regularly to assess the extent of illicit drug use in Australia, provides the most comprehensive national results. The 2010 survey questioned 26,648 participants over the age of 12 on their drug use behaviour, patterns of use and attitudes towards drugs. A computer-assisted telephone interview and a drop-and-collect method were used for data collection (Australian Institute of Health and Welfare, 2011). Results from the survey indicated that the most commonly used drug in Australia was cannabis, with a reported one in every three Australians (35.4%) aged 14 years or older having used cannabis at least once in their lifetime and a reported 10.3% of people having used cannabis within the last year. The average age for commencing cannabis use was 18.5, with a higher percentage of males (38.9%) than females (32.0%) having ever used the drug.

Overall, the number of people in Australia using cannabis increased from 1.6 million in 2007 to 1.9 million in 2010. In 2010 the proportion of people who had used cannabis within the last 12 months had significantly increased from 9.1% to 10.3%, an increase reflected in both female and male use (Australian Institute of health and Welfare, 2011). When respondents were asked if they had had the opportunity to use cannabis or had been offered cannabis in the last 12 months, 17.9% said that the drug was available to them and 36.5% said it would be easy to obtain. Some 65.9% of recent users indicated that they received their supply of cannabis from a friend or acquaintance, and a further 20.8% obtained cannabis directly from a dealer.

Questions on polydrug use with recent drug users indicated that 85.2% of

respondents used cannabis in conjunction with alcohol, 73.1% had used “meth” or amphetamines at the same time as cannabis and 74.3% had used ecstasy with cannabis, indicating high levels of concurrent drug use (Australian Institute of Health and Welfare, 2011). Overall these results display a high percentage of the population engaging in cannabis and polydrug use.

The methodology employed by the NDSHS is not beyond critique. As the sample consisted of participants residing in households the results cannot be generalised to the homeless, or people living in institutional settings such as rehabilitation centres, hospitals and prisons. As cannabis users are committing an illegal act they can be marginalised, and are therefore difficult to survey. As estimates of cannabis use are statistically higher for people residing in institutions, the above findings are likely to underestimate actual practice (Australian Institute of Health and Welfare, 2008a). One should also be cautious when drawing firm conclusions based on the findings of the NDSHS as the results are derived from self reported data. When self reporting, respondents can provide incorrect answers if they do not interpret the question as expected or if they are unable to identify the drug a dealer has provided them with (Australian Institute of Health and Welfare, 2008a). Despite these methodological limitations, the results highlight the widespread use of cannabis in Australia and the difficulties policy makers are faced with when drafting policy to control cannabis use effectively.

### **The Principle of Harm Minimisation**

The policy context in which this research is situated is Australia’s National Drug Strategy (NDS) 2010–2015. The basis of the NDS is the principle of harm minimisation, which aims to counter the adverse health, social and economic consequences of licit and illicit drugs on Australian society (Morrison & Burdon, 1999). This principal acknowledges that drug use will continue to occur within any society, but aims to reduce the drug-related harm to the individual and the wider community through three intervention areas. These are:

- Supply reduction;
- Demand reduction; and

- Harm reduction through treatment and rehabilitation (Commonwealth of Australia, 2011).

Police play a strong role in addressing these three priorities. In order for harm minimisation to be effective police must have the knowledge and skills to deal with individuals affected by drugs and know where to direct those who require intervention by health or welfare staff. Ultimately, “the success of the NDS will rely upon the adoption of harm minimisation as the guiding principle by law enforcement as well as health, education and other government sectors” (Morrison & Burdon, 1999, p. 9).

To reduce the harms associated specifically with cannabis use, the National Cannabis Strategy 2006–2009 was developed to “reduce the availability and demand for cannabis, and minimise related harms within the Australian community” (Ministerial Council on Drug Strategy, 2006, p. 8). The strategy identified four priority areas:

- Enhanced community knowledge of cannabis;
- Prevention of cannabis use;
- Prevention of cannabis-related problems; and
- Being responsive to cannabis related problems through the provision of effective interventions, tools and treatment options for users.

The Commonwealth Government is currently in the process of developing the next cannabis strategy phase, although the current National Drug Strategy does provide a framework for alcohol and other illicit drugs, including cannabis. Under the constitution the Commonwealth Government is responsible for international drug treaties and drug law enforcement at the border; however, each state and territory has power to enact independent cannabis legislation (Hall, 2008). In Australia five legislative options exist for cannabis.

### **Cannabis Legislation**

The first legislative option is total prohibition, which prohibits the use, possession, supply and distribution of cannabis through the enforcement of criminal penalties,

including imprisonment. This policy aims to reduce substantially the consumption of cannabis in society by legislation alone, but often leads to increased law enforcement and associated resource costs attributed to this unrealistic goal (Macdonald, Moore, Norberry, Wardlaw, & Ballenden, 1994).

The second legislative option is prohibition with civil penalties. This policy option still adheres to a prohibitionist approach whereby the use, supply and possession of cannabis is regarded as a criminal offence; but a civil sanction such as a monetary payment, may be imposed on the user rather than a criminal sanction such as imprisonment. This approach is more cost effective than the total prohibition policy, with a more attainable goal of diverting users from the criminal justice system. Prohibition with civil penalties results in a more positive outcome for the user who does not acquire a criminal record (Macdonald et al., 1994).

Under the third legislative option, partial prohibition, the commercial production and supply of cannabis is deemed a criminal offence but personal use and possession of the drug is allowed. This option is intended to target and prosecute the suppliers of cannabis; it results in more positive outcomes for users as they are often diverted from the criminal justice system (Macdonald et al., 1994).

The fourth legislative option is regulation. Under this approach the production and supply of cannabis is regulated within a controlled system and any trafficking which occurs externally is subject to criminal penalties. This option acknowledges that cannabis use will continue under any legislative approach and attempts to ensure that any use happens in a safe and controlled environment (Macdonald et al., 1994).

Finally, the fifth option is free availability, which would allow the production, importation, supply, possession and sale of cannabis with no criminal penalties or restrictions (Macdonald et al., 1994). Whilst this approach was operational in Australia until the 1920s, state and territory governments are no longer empowered to adopt it as they are constrained by their duty to adhere to the United Nations Drug Conventions, which restrict the use of drugs to medical or research purposes (Drug and Alcohol Office, 2007).



To implement effective legislation the advantages and disadvantages of all five options need to be considered. The development of any policy or legislation is often influenced by a number of factors, such as the likely impact on prevalence rates of the drug, the harms associated with the drug, accessibility and any other cultural, legal, economic and political issues (Hamilton, King, & Ritter, 2004).

For cannabis legislation to be considered successful it must be supported by the majority of the general public, and it is therefore important to evaluate public attitudes towards cannabis policy (Lenton, 2004). The 2010 NDSHS revealed that 34% of respondents felt that possession of small quantities of cannabis should constitute a criminal offence. Therefore, it could be suggested that over half of the Australian community supports the decriminalisation of the use and possession of small amounts of cannabis. As public attitudes have the capacity to facilitate change in cannabis policy and legislative reform, it is clear that attitudes towards cannabis law enforcement requires further examination.

Legislation in each Australian jurisdiction has adopted a prohibitionist approach to cannabis whereby all activities associated with the drug are illegal (McLaren & Mattick, 2006). Despite this, the specifics of cannabis legislation differ between each state and territory, and police powers of discretion and diversionary processes also differ between each jurisdiction (Van Het Loo et al., 2003). However, it is important to note that all states and territories aim to divert negligible and non-violent cannabis offenders from the criminal justice system (Foundation, 2005).

Diversion can be implemented in a number of ways, and can occur at any stage throughout the criminal justice system:

- Pre-arrest. This occurs prior to the charge being laid and is also known as police diversion.
- Pre-trial. This occurs when the charge is made but diversion occurs before the matter is contested in court: for example, a condition of bail.
- Pre-sentence. Sentencing of the offender is delayed so the offender has an opportunity to attend treatment options.

- Post-sentence. This occurs as part of the sentencing process: for example, suspended sentences and drug courts.
- Pre-release. This occurs when the offender is put on parole (Spooner, Hall, & Mattick, 2001).

Although this research acknowledges that various diversion strategies exist, it will focus specifically on pre-arrest diversion as this relates to the Cannabis Infringement Notice (CIN) scheme.

Pre-arrest diversion includes informal warnings or formal cautions issued by police before an arrest has been made. These warnings or fines can occur on the spot, with the fine outlining certain procedures that an offender must abide by. The fines are recorded on a police database so that the offender's compliance with certain procedures can be tracked and monitored. Cautioning fines may include payment of a fine or referral to a treatment or education class (Spooner, Hall, & Mattick, 2001).

Pre-arrest diversions have been a controversial and much disputed subject within the field of policing, where opinions differ as to whether it is an advantageous or harmful approach. Arguments advanced for this approach are that:

- The offender is not charged and does not acquire a criminal record for a minor cannabis offence;
- It reduces potential harm for the offender caused by arrest and formal prosecution (such as job loss, travel and education opportunities);
- It reduces police paperwork;
- It relieves overburdened courts;
- It improves access to health agencies for the offender; and
- It provides cost benefits to the community (Spooner, Hall, & Mattick, 2001).

Arguments aimed against the use of police diversion are related mainly to the inconsistent use of discretionary powers issued to police. Police discretion is the basis upon which an officer can make decisions based on his own judgment (Morrison & Burdon, 1999). While discretion is a central feature of pre-arrest

diversionary programs, its use often comes under close scrutiny by both the media and the public. Police diversion can lead to discrimination against racial minorities or low socio-economic groups as there is no visible accountability mechanism to address uniformity of application. Discretion also has the potential to lead to corruption if officers accept bribes in return for leniency.

Concerns associated with pre-arrest diversion for cannabis related offences are that:

- It is often perceived as a ‘soft approach’ by the community;
- It may lead to increased cannabis use; and
- It can lead to net-widening whereby those individuals who may have been previously cautioned are now dealt with more formally.

Given growing social concern about the link between drugs and crime, the Illicit Drug Diversion Initiative (IDDI) was introduced in 1999. The aim of the IDDI is to ensure that first-time, minor drug offenders are diverted from the courts into treatment and education services (Putt, 2008). Since the IDDI’s introduction each Australian state and territory has enacted at least one police diversionary programme targeting cannabis offenders. Although each jurisdiction has enacted a programme to suit jurisdictional priorities, common features include involvement of an education option, reliance on police as the referral source (although referral may be mandatory or discretionary) and a focus on individuals in possession of minor amounts of cannabis (Payne, Kwiatkowski, & Wundersitz, 2008).

In 2010, Western Australia had two police drug diversion programs in place, the CIN scheme and the All Drug Diversion (ADD). Both programs are discretionary in that people aged 18 years of age or above can be diverted for possession of small drug quantities or paraphernalia. The CIN scheme relates specifically to cannabis, and the ADD is available to people found in possession of drugs other than cannabis. No admission of guilt is required, but offenders are unlikely to be diverted if they contest their guilt. Furthermore, an offender must verbally consent to a diversion to receive one (Payne et al., 2008).

### **International Context of Cannabis Policies and Laws**

Due to growing law enforcement costs associated with cannabis and the increasing number of cannabis users, cannabis policy and legislation has remained an important consideration in many Western countries since the 1970s (Single et al., 2000). Although cannabis policies and laws differ greatly between each nation, a report prepared for the 2009 United Nations Strategic Drug Policy Review suggests a regulated market might minimise the harm caused by the current position of international prohibition. The report suggests that taxation, minimum age requirements and the labelling of potency limits on cannabis should be explored to protect young people from the increasingly potent forms of cannabis available (Campbell, 2008). Such conclusions are likely to intensify public debate on the reform of cannabis control laws, establishing the importance of cannabis-related research to guide policy discussion.

The United States drug policy differs from the Australian principle of harm minimisation as its focus is on the total elimination of drug use through zero tolerance and total prohibition (Single et al., 2000). This policy is based on the philosophical rationale that all illicit drug use is extremely harmful to the user and destroys the social fabric of society. The American legislation does not differentiate between various classes of drugs such as cannabis and heroin. There is a deeply held belief that all drugs are addictive and any experimentation will ultimately end in dependency. Drug use is thought to be inextricably linked to crime; therefore, all users are criminals and policy must be punitive (McDonald et al., 1994).

After half a century of total prohibition in the United States, the reduction of penalties for cannabis use or possession has gained little support from the American government and is strongly opposed by both law enforcement departments and health agencies. According to American law, the sale, cultivation or manufacture of cannabis is a felony offence where the possession of one kilogram or less is punishable by up to one year in jail and a fine of up to \$2,000 (Boire, 1996). Even though possession and use is an arrestable offence, cannabis is still the most commonly used illicit drug in America, with approximately 14.4 million monthly users (Substance Abuse and Mental Health Services Administration, 2008). An

estimated \$7.5 billion is spent annually on cannabis law enforcement, with 700,000 offenders arrested each year (Gettman, 2005). It has been suggested that these statistics show “federal laws and policies to control the effects of the use and sale of marijuana are a failure” (Gettman, 2005, p. 17).

In contrast to the American approach to the war on drugs, the Dutch government has adopted a regulated availability approach, where the production, distribution and sale of cannabis are controlled by government agencies. The intent of this approach is to separate the soft from the hard drug markets; it was a response to increasing cannabis use in Dutch society during the mid 1970s and strong public opposition to harsh penalties for minor cannabis offences (Macdonald et al., 1994). Amendments to the *Opium Act* in 1976 saw an increase in criminal penalties for drugs associated with unacceptable risks, such as heroin, cocaine, LSD and amphetamines, while penalties against the personal use of cannabis became more relaxed (MacCoun & Reuter, 2001). The principle of harm minimisation formed the basis of these law reforms, with the aim of preventing cannabis users from progressing to more harmful drugs (McDonald et al., 1994).

The Dutch government does not license production, distribution or sale of cannabis, but has initiated a set of guidelines which allow coffee shops to sell cannabis products as long as they comply with five rules (Macdonald et al., 1994). These rules stipulate:

- No advertising of drugs;
- No hard drugs sold or present on the premises;
- No sales to minors (under the age of 18 years);
- No more than 5 grams of cannabis per person sold in one transaction;  
and
- No public disturbances or nuisance caused by the coffee shop  
(MacCoun & Reuter, 2001).

Dutch policy is often internationally misunderstood and misrepresented, which leaves it open to criticism, particularly in America. However, the separation of cannabis from other drugs in the Netherlands has ensured a manageable drug policy

which has been successful in reducing law enforcement and criminal justice sector costs and, in contrast to public opinion, has not resulted in the increased use of cannabis (Macdonald et al., 1994). MacCoun and Reuter (1997) analysed the impact of the Dutch cannabis policy on the rate of cannabis use among adolescents and young adults in the Netherlands and concluded that the removal of criminal penalties for personal use in 1976 did not have any detectable effect on rates of cannabis use among adolescents between 1976 and 1984.

Whilst drug law reform continues to be an important and publicised issue in the Netherlands and America, it is also a topical issue in the United Kingdom (UK). In 2004, amendments passed by the UK parliament saw cannabis downgraded from a Class B to a Class C drug, which effectively decriminalised it. Under the *Misuse of Drugs Act 1971* drugs are classified into Class A, Class B or Class C depending upon their potential for harm, with the more dangerous drugs, such as cocaine and heroin, classified as Class A (Swensen & Crofts, 2005). As cannabis is a Class C drug it is subject to lesser penalties than Class A or B drugs. Penalties for possession of cannabis have reduced from five years under Class B classification to two years under Class C (Macdonald et al., 1994).

Along with the reclassification of cannabis, amendments were made to the *Police and Criminal Evidence Act 1984*, which gave police the power to arrest a minor cannabis offender; possession of a Class C drug is not ordinarily an arrestable offence (Home Office, 2008). However, arrests of adults caught in possession of cannabis were considered to be unlikely as most offences resulted in a warning and confiscation of the drug (Home Office, 2008). Although arrest was not considered to be likely, guidelines stipulated that arrest could occur in aggravated circumstances, such as repeat offending, smoking cannabis in a public place, possession of cannabis near areas or buildings used by children and instances where public order was threatened (Swensen & Crofts, 2005).

UK cannabis legislation was re-positioned in 2009 when cannabis was reclassified as a Class B drug. The reversal of the downgrading of the drug was based on widespread public perceptions that stronger cannabis varieties dominated the UK market, and growing uncertainty surrounding the impact of cannabis on mental

health.

While these international comparisons offer scope for an informed discussion, cross-national drug policy analysis is often difficult because of the shortage of data available, the poor quality of what data there is and the fact that findings cannot be transferred across countries, given cultural and political differences (MacCoun, 2003). Each country has unique data collection methodologies and drug use survey systems, creating further obstacles to cross-national, comparative work (Australian Institute of Health and Welfare, 2007). However, while these limitations exist, cross-national comparisons can provide a basis for assessing a range of options when implementing cannabis policy and legislation in Australia.

### **South Australia's Cannabis Expiation Notice Scheme**

The introduction of South Australia's Cannabis Expiation Notice (CEN) scheme in 1987 saw the state as the first Australian jurisdiction to establish a cannabis prohibition with a civil penalty scheme. This scheme intended to distinguish between personal users and those involved in the commercial use, dealing and trafficking of cannabis (Christie, 1999). Under the scheme the possession, use and cultivation of cannabis still remains illegal; however, adults who commit a simple cannabis offence (possession of up to 100 grams of cannabis or 20 grams of cannabis resin) can be issued with an 'on the spot' expiation notice allowing the offender to pay a specified fee within 60 days to avoid going to court and receiving a criminal conviction (Christie, 1999).

The potential impacts of the CEN scheme on rates of cannabis use were strongly debated before its implementation. Since then several post hoc studies have been conducted to determine if the expiation approach led to increased cannabis use (Christie, 1999; Donnelly & Hall, 1994). One study examined self reported data from five National Drug Strategy Household Surveys to analyse the impact of the CEN scheme on the prevalence of lifetime and weekly cannabis use in South Australia (Donnelly, Hall, & Christie, 2000). Results found no statistically significant difference between South Australia and the rest of Australia in the rate of weekly cannabis use. However, between 1985 and 1995 rates of lifetime cannabis use

increased significantly in four states:

- South Australia (26% to 36%);
- Victoria (26% to 32%);
- Tasmania (21% to 33%); and
- New South Wales (26% to 33%).

While there was an increase in self reported lifetime use of cannabis in South Australia, this is unlikely to be attributable to the CEN scheme as similar increases occurred in Tasmania and Victoria where there was a total prohibition approach to cannabis use. Arguing that legislative change will affect cannabis use rates is difficult given that many factors affect drug use, such as ease of availability. Rates of increased lifetime use in South Australia may actually reflect an improved willingness of respondents to report their cannabis use since the CEN scheme was introduced (Donnelly et al., 2000).

Since the inception of the CEN scheme the option of prohibition with civil penalties has become increasingly accepted throughout Australia. As cannabis offences account for approximately eight out of every ten drug offences nationally, civil penalties substantially spare police officers' resources and time (Baker, 1998). The implementation of South Australia's CEN scheme set a precedent for other jurisdictions to propose legislative reforms. The Australian Capital Territory introduced a similar expiation scheme in 1992, followed by Northern Territory in 1996 and Western Australia in 2004 (Sutton & Hawks, 2005a).

### **Western Australia's Cannabis Infringement Notice Scheme**

In 2003 the Cannabis Infringement Notice (CIN) scheme as a component of the Cannabis Control Bill was passed in the Parliament of Western Australia and came into effect on 22 March 2004, to be read in conjunction with the *Misuse of Drugs Act 1981* (MDA) (Chanteloup, Lenton, Barratt, & Fetherston, 2005). The CIN scheme is part of the Western Australian diversion program which aims to direct minor drug use offenders away from the courts and into education or treatment programs (Drug and Alcohol Office, 2004). Under the scheme, the possession of cannabis for



personal use still remains illegal but an offender can be issued with a CIN if they are over the age of 18, have no history of previous violent offending behaviour or drug dealing convictions and if the officer believes that the cannabis is for personal use only (Chanteloup et al., 2005). Under the *Young Offenders Act 1994* (WA) juveniles (aged 10 to 17 years) found in possession of cannabis may be cautioned by an officer or referred to a juvenile justice team (Drug and Alcohol Office, 2004).

The CIN scheme provides police with discretion to issue an infringement notice for:

- Possession or use of 30 grams or less of cannabis;
- Possession of a used smoking implement; or
- The cultivation of two or fewer non-hydroponically grown cannabis plants (Swensen & Crofts, 2005).

The CIN provides the offender with three options. An option to pay a financial penalty of between \$100 and \$200, complete a cannabis education session (CES) within 28 days or have the offence contested in court (Chanteloup et al., 2005). Offenders who receive two infringement notices over two separate days within three years may not pay the fine but must attend the education session. The CIN scheme's main aim is to divert first-time, low-level offenders from the courts and into a CES which focuses on cannabis-related health, psychological and social harm. It is the intent of the CES to educate the user about the consequences associated with cannabis use and to change the user's behaviour (Fetherston & Lenton, 2005a).

The CES consists of a single group session. Upon a participant's completion of the CES the health provider signs a certificate of completion. Non-compliance can lead to an additional enforcement fee and may result in loss of one's driver's licence through the Fines Enforcement Registry (FER). Once the CIN is issued, police are granted power under the *Misuse of Drugs Act 1981* (WA) to seize all cannabis, cannabis plants and smoking implements.

Since the CIN scheme was implemented the media has often depicted it as a soft approach and a failure (Fetherston & Lenton, 2007). In 2008 *The West Australian* titled one article, "WA cannabis laws must be toughened, say doctors". The article

argued that “soft marijuana laws certainly do not help support the message that marijuana is not a soft drug” (Preedy, 2008). Another article headlined “Cannabis worse than stimulants for depression, anxiety” noted that cannabis smokers had higher rates of several psychological symptoms than amphetamine users (Australian Associated Press, 2008). In a third article, Christian Porter, the then shadow Attorney General, was quoted as saying that “the Government’s decriminalisation of marijuana had been a bad thing for the administration of criminal justice” (Bennett, 2008). Such media content has the ability to influence public opinion on cannabis policy. However, it has been argued by Lenton (2004) that policy should be informed by rational, comprehensive and evidence-based research rather than by sensationalisation of the issue for newsworthiness. .

Preceding the introduction of the *Cannabis Control Act 2003* in Western Australia, several sub-studies were conducted to determine how the *Cannabis Control Act 2003* would affect two issues. The first was the public’s attitudes to and knowledge of cannabis; the second if the legislation would affect cannabis users’ drug use (Lenton, 2005). The first study by Fetherston and Lenton (2007) examined the effects of the CIN scheme on general community attitudes to, and knowledge of, legislative changes. This type of public opinion research is necessary because there may be a relationship between community attitudes about cannabis use, perceptions of fairness in relation to cannabis laws and cannabis use rates (Fetherston & Lenton, 2005a). The research was carried out in two phases, pre- and post-CIN implementation. Data were collected via a randomised, community telephone sample of the Western Australian public, with pre-implementation data collection in 2002 and post-implementation collection in 2007. Several questions were asked regarding the respondents’ history of cannabis use and their attitudes to, knowledge of, and level of support for the scheme.

Findings showed that perceptions of cannabis use were more negative after the implementation of the CIN scheme. When asked whether driving a car while affected by cannabis should be a criminal offence, 83.7% of post-implementation respondents strongly agreed, compared to 75.6% of respondents in the pre-implementation survey. Support for the legalisation of cannabis use decreased from 42% to 28% after

the implementation of the CIN scheme. Findings also showed diminished support for change in laws post-implementation (79% pre-implementation of the survey and 66% post-implementation of the survey). Although these data show a 13% drop in support for law reform, the majority of the public still supported the changes to the cannabis legislation.

Data on personal cannabis use showed that respondents who had ever used cannabis reduced from 54% (pre-implementation) to 46% (post-implementation). Recent use of cannabis followed a similar, decreasing trend with a reported 19% of pre-implementation respondents indicating they had used cannabis within the last twelve months, compared to 12% of post-implementation respondents. This declining rate is in line with national and state trends, signifying that change in cannabis use is unlikely to be attributed to the CIN scheme (Fetherston & Lenton, 2007).

Findings on attitudes towards cannabis and health revealed that 82.1% of post-implementation respondents strongly agreed that “people under 18 years old should not use cannabis”, compared with 70.2% of pre-implementation respondents (Fetherston & Lenton, 2007). More respondents strongly agreed that “there is a clear link between cannabis and mental health problems” after the implementation of the scheme (56%) compared to before (43.8%) (Fetherston & Lenton, 2007). Additionally, more respondents in the post-implementation phase of the study (30.5%) strongly agreed that “most people who use cannabis will go on to use more dangerous drugs” than did pre-implementation respondents (22.4%) (Fetherston & Lenton, 2007). These data suggest that the public has come to perceive cannabis as more harmful since the implementation of the CIN scheme (Fetherston & Lenton, 2007).

Findings related to attitudes towards the law and police showed that a higher percentage of respondent’s post-implementation (58%, as opposed to 51% pre-implementation) considered that police treated cannabis users with respect. Similarly, more respondents from the post-implementation phase of the study (72%) than pre-implementation (61%) agreed that “police should have more power to address cannabis in the community” (Fetherston & Lenton, 2007). These positive attitudes towards police are in line with previous research indicating that police are

viewed more positively when they enforce a civil rather than a criminal approach to cannabis use (Lenton, 2005). Overall, the research found declining rates of cannabis use, with the public perceiving cannabis to be more harmful after implementation of the scheme. Findings also reflected positive attitudes towards the policing of cannabis use, with the majority of the public (66%) supporting the CIN scheme after its implementation.

A second study examined the attitudes of regular cannabis users towards the implementation of the scheme and how it would affect their use, and association with the drug market (Chanteloup et al., 2005). The research adopted a combined qualitative and quantitative methodology through interviews with 100 regular users. Regular users were defined as users who used cannabis at least once a week. Findings showed that the introduction of the scheme would have only a small impact on the cannabis use of 85% of the sample. Some 72% of respondents asserted that they would grow their own cannabis under the introduction of the new cannabis laws. However, only 15% of the sample believed an increase in self-supply would weaken the commercial cannabis market. A low 32% of respondents reported that changes to cannabis policy would have no impact on their personal association with the cannabis market, and only 11% indicated that they would be willing to enter the illicit drug market as sellers of cannabis under the proposed changes to the legislation.

Overall, the majority of respondents believed that reform to cannabis legislation would have a insignificant impact on the cannabis market in Western Australia and a minor impact on their own cannabis use (Chanteloup et al., 2005). This finding is consistent with earlier research, demonstrating that changes in policy do not significantly deter or enhance cannabis use, particularly among regular users (MacCoun, 1993).

A third study by Farrington and Lenton (2005) examined the effects of legislative change in Western Australian school children's attitudes towards cannabis. Participants consisted of 2,638 government school students from Year 9 and Year 12 who were presented with a self-completion questionnaire. Results from this study showed that 37% of respondents had used cannabis at least once, with a statistically

higher percentage of Year 12 students (50%) having used cannabis than Year 9 students (28%). Some 54% of the sample said they had experienced an opportunity to use cannabis at some time.

When students answered questions on the impact of the CIN scheme on their own cannabis use, 54.6% said they would not try cannabis if a prohibition with civil penalty scheme was introduced, while 9.2% of students said they would not change their cannabis use behaviour, 2.7% said they would use it less often, 1.1% that they would use it more, 5.5% that they were willing to try cannabis for the first time and 26.8% that they were unsure. These findings indicate that the proposed decriminalisation of cannabis would have little effect on cannabis use amongst the majority of students (Farrington & Lenton, 2005).

In relation to cannabis and the use of other illicit drugs, a much higher percentage (53%) of respondents who had used cannabis within the last year indicated that they had opportunities to use another drug, compared with only 16% of respondents who had not used cannabis within the last 12 months. When respondents tried to obtain cannabis, 35% were offered amphetamines and a further 23% were offered ecstasy. These findings suggest that regular users of cannabis are more likely to be exposed to particular opportunities to use other illicit drugs.

These findings are consistent with those of MacCoun (1998) which suggest that cannabis use does not cause hard drug use but may act as a stepping stone towards future drug use. While it is important to note that correlation does not imply causation, it must also be acknowledged that cannabis may precede and predict the use of harder drugs later in life.

It is important to note that Farrington and Lenton's (2005) sample was limited to students who attended a government school in the metropolitan area of Perth. Results therefore cannot be generalised to private school students, children who are unable to attend school or students living in rural and remote settlements, where the use of cannabis may be significantly different (Putt & Delahunty, 2006). For example, it is well documented that there is widespread heavy use of cannabis by Indigenous Australians in remote settlements, which is often overlooked as the majority of

research is urban based (Putt & Delahunty, 2006). However, the collective findings of these studies provide significant insight into the attitudes of school children, regular cannabis users and community members towards the implementation of the CIN scheme.

Research has also examined the effectiveness of the Illicit Drug Diversion Initiative (IDDI) programs across Australia. In 2006, the Australian Institute of Criminology examined the criminal histories and recidivism rates of offenders diverted by police in each state and territory to determine if IDDI programs had reduced the level of contact of diverted participants with the criminal justice system. Pre- and post-diversion offending records were assessed to measure changes in individual offenders' behaviour. In Western Australia data were collected from two databases maintained by the Western Australian Police. The first, the Incident Management System, holds operational information such as details of offenders and their criminal histories, while the second, Briefcase, contains information on criminal matters briefed for court. The Western Australian Department of Health maintains the information on assessment and education programs is linked to the police database by the number issued by police on the CIN (Payne et al., 2008).

Pre-diversion offences indicate that in Western Australia, 17% of individuals diverted with a CIN had committed at least one prior offence within 6 months of diversion, 25% within 12 months and 30% within 18 months. In the 18-month period before diversion, 14% committed at least one drug offence, 10% a violent offence and 13% a property offence. Of those who had prior offences in the 18 months before diversion, 54% had committed one offence, 31% two or three offences, 14% between four to nine offences; 2% had ten or more prior offences. Of those with prior offences (n= 378), the most recent prior offence was likely to be a drug offence (32%) followed by a property offence (30%). A violent offence was the most recent, for 21%.

Post-diversion offending results revealed that approximately one in four offenders were arrested within six months of diversion. When data were broken down by offence type it was seen that more offenders were rearrested for drug offences (20%) than for property offences (11%) or violent offences (12%). Of those who

reoffended, 50% committed one offence, 23% committed two offences, 11% committed three offences and 16% were arrested for four or more offences. Demographic factors showed that males (28%) were slightly more likely than females (25%) to have reoffended within 18 months.

Reoffending estimates between each jurisdiction were compared and results indicated that the majority of individuals referred to police based IDDI programs did not reoffend in the 12 to 18 months after their diversion. Fewer than 20% of people in New South Wales reoffended and one third or fewer reoffended in the ACT, Victoria, Western Australia and the Northern Territory. South Australia and Tasmania recorded the highest levels of reoffending after diversion, at over 40%. No recidivism data were available for Queensland. In New South Wales, the Australian Capital Territory, Western Australia and Queensland, drug offences were the most prominent types of offence committed within 18 months after diversion.

Although diversionary programs operate differently in different jurisdictions, comparative findings suggest that the outcomes of police drug diversion are generally positive. However, the Australian Institute of Criminology (2006) was not able to compare data with that of a control group. It is therefore difficult to establish whether recidivism rates presented in the report are the same as, or different from, what might have occurred if offenders had not been diverted. However, in general terms this research demonstrates that cannabis use continues to occur at a high rate in Western Australia. Allied with this use will be a continuation of health, social, law enforcement and economic consequences.

### **Review of the Cannabis Control Act 2003**

The *Cannabis Control Act 2003* was reviewed in 2007 to evaluate the first three years of the operation of the CIN scheme. Whilst the CIN scheme was the main focus of the review, law enforcement and health concerns associated with cannabis use were also examined. The review found a total of 9,328 CINs had been issued between 2004 and 2007. Of these a total of 67% were fully resolved with 43% of CINs fully complied with at the police enforcement stage. Findings also showed that 30% of the people issued with a CIN had paid the prescribed penalty with 13% of

individuals attending a cannabis education session. The remaining 24% of CINs were subsequently resolved through the fines enforcement registry with 33% still unresolved as of March 2007 (Drug and Alcohol Office, 2007). The highest rates of CINs issued were in the remote areas of the Goldfields Esperance police district (31.6%) and the Mid West–Gascoyne police district (25%). Overall, expiation results reveal a high compliance rate by individuals issued with a CIN, although an extremely low percentage of recipients chose to complete a cannabis education session, with far more people willing to pay the prescribed penalty. While these findings provide useful information, it must be acknowledged that the data may be influenced by numerous factors such as variations in police discretion. The number of CINs issued is also reliant on changing levels of cannabis use in society in response to availability, price and police priorities (Drug and Alcohol Office, 2006a).

The review determined that the *Cannabis Control Act 2003* had been successful in cost savings with an estimated net saving of \$2.3 million in court costs. The continuation of the CIN scheme was supported by the Western Australian Police and treatment service providers, and there was considerable community support for the cautioning or warning of minor cannabis offenders (Drug and Alcohol Office, 2007). Overall, the review argued that the *Cannabis Control Act 2003* should be continued along with the implementation of several recommendations to improve the effectiveness of the scheme. These recommendations were:

- The removal of the offence of cultivation of non hydroponic plants from the *Cannabis Control Act 2003* and a reduction in the quantity of cannabis to 15 grams or less. This recommendation aimed to make the scheme more consistent and streamlined in its application.
- The application of the scheme to juveniles, with the introduction of a mandatory cannabis education session. This was to ensure juveniles received a formal consequence for their minor cannabis offence.
- The provision of an option for adults to attend a cannabis education session or pay a prescribed penalty, but an increase in financial penalties for possession of 15 grams or less of cannabis or possession of a smoking implement with detectable traces of cannabis.



- The continuation of community education campaigns on the health risks associated with cannabis use and the expansion of support to service providers; and
- The implementation of six measures to make the system more efficient:
  - Amending the definition of cannabis to include seeds;
  - Amending the legislation to allow police to issue ‘on the spot’ CIN’s where practical;
  - Amending the legislation to enable police to destroy a small quantity of cannabis after a CIN has been issued;
  - Increasing the number of approved providers of cannabis education sessions to improve availability in remote and regional areas;
  - Amending the fine enforcement registry process whereby court fines could take the form of a Work Development Order as an alternative to a financial penalty; and
  - Continued regulation of the sale of cannabis smoking paraphernalia and maintaining the provision of health education materials through retailers (Drug and Alcohol Office, 2007).

In light of this review of the *Cannabis Control Act 2003*, the Cannabis Law Reform Bill 2009 was introduced to the Parliament of Western Australia by the Minister for Police. The introduction of this Bill was based on one of several election commitments made by the Liberal Party during the 2008 election campaign as part of a policy document titled “Tackling Illicit Drugs in our Community: Law Enforcement”. The most significant issue raised within this policy document included Liberal’s commitment to repeal Labour’s cannabis legislation, namely the *Cannabis Control Act 2003* (Johnson, 2009).

After significant political debate, the Cannabis Law Reform Bill 2010 was passed by Parliament on 14 October 2010 and assented to on 28 October 2010. The *Cannabis Law Reform Act 2010* (CLRA) repealed the *Cannabis Control Act 2003* and reduced the legal cannabis possession limit from 30 grams to 10 grams, banned the sale of smoking implements and introduced mandatory attendance at cannabis intervention sessions for first-time, minor offences by adults. Adopting a similar premise that

underpins the CIN scheme, minor cannabis users are issued with a cannabis intervention requirement notice and avoid prosecution if they attend and complete a cannabis intervention session within 28 days. A cannabis intervention requirement is issued to an offender found with no more than 10 grams of cannabis, or found to be in possession of a smoking implement which contains traces of cannabis. Possession of plants is excluded from the *Cannabis Law Reform Act 2010*. In addition to the legislative reform, a state-wide educational campaign was introduced to increase awareness of the new cannabis legislation, to raise awareness of the support services available for people who abuse cannabis, and the harmful effects associated with cannabis use. It was revealed that radio advertisements would be designed for Aboriginal people and aired in both regional and metropolitan areas (Drug and Alcohol Office, 2011). Given that the *Cannabis Law Reform Act 2010* came into effect as of 1 August 2011 it is yet to be determined if such changes will have any impact on the use of cannabis in society.

Two months prior to the *Cannabis Law Reform Act 2010* coming into effect, public debate intensified around the availability of synthetic cannabinoids after the Western Australian State Government received a number of recommendations from police and health agencies outlining the damaging effects synthetic cannabinoids can have on users. Synthetic cannabinoids, like cannabis, are psychoactive chemical products which are functionally similar to delta 9 tetrahydrocannabinol, the active principle of cannabis (European Monitoring Centre for Drugs and Drug Addiction, 2011). Examples of synthetic cannabis products that are on the Australian market include Voodoo, Kaos, Mango Kush and the recently publicised Kronic.

The State Government requested that the Drug and Alcohol Office worked alongside the Health Department, ChemCentre and police to analyse synthetic drugs and their legality after it was revealed that synthetic cannabis use was rife in Western Australian prisons (Australian Broadcasting Corporation, 2011). After the Western Australian State Government revealed that there was sufficient evidence of harm to justify a move to ban synthetic cannabinoids the State Government banned seven synthetic cannabinoid substances under the *Poisons Act 1964* on 17 June 2011. This ban subsequently led to amendments of the *Misuse of Drug Act 1981* (National

Cannabis Prevention and Information Centre, 2011). Western Australia was the first jurisdiction in Australia to illegalise synthetic cannabis which paved the way for the Federal Government and other jurisdictions to follow suit. On 5 August 2011, a further 14 synthetic cannabinoids were banned in Western Australia demonstrating the rapid emergence of synthetic cannabinoids and the need for the government to respond quickly to other “legal” drugs which are being developed (Morton, 2011). As it is the responsibility of police to enforce cannabis legislation, it is important to consider police officers experiences with and their perceptions towards cannabis legislation. This type of information will inform and guide the development of cannabis policy and legislation.

### **Police Officers’ Perceptions of Cannabis Legislation**

While the aforementioned literature includes studies on community attitudes (Fetherston & Lenton, 2005b), regular user perceptions (Chanteloup et al., 2005) and school children’s attitudes (Farrington & Lenton, 2005), it often neglects the perceptions of those police officers enforcing laws at a local level. As has already been noted, police are often allocated discretionary power when applying law to provide them with flexibility on a day to day basis (Baker, 1998). Such discretion may lead to inconsistency between formal cannabis policy and the actual implementation of the *Cannabis Control Act 2003*. The actions of police officers when implementing cannabis legislation can diverge from formal policy for numerous reasons, including; acting beyond the objective of the policy statutes, deliberately or inadvertently misinterpreting the legislation, pursuing personal objectives, labouring under financial constraints or the lack of adequate resources (Sutton & Hawks, 2005b; Van Het Loo et al., 2003).

In Australia, insufficient research has been conducted that monitors and evaluates the implementation of amended or new legislation (Macdonald et al., 1994). In order for cannabis legislation to be effective, it is vital that police and those officers enforcing the laws not only support it but believe it to be practical and operational. Since police officers are a major part of society’s front line in fighting cannabis use, research into police attitudes is a crucial component when evaluating changes in legislation and instituting informed policy making (Lenton, 2004).

Only three research studies have been published in Australia on police attitudes towards changes in cannabis policies and their associated laws, despite police being the key enforcement arm. The first study by Sutton and McMillan (1999) evaluated the attitudes of law enforcement and other criminal justice personnel towards the policies and practices of cannabis laws in South Australia. The study explored whether the CEN system was effective in its implementation, what aspects (if any) of the CEN system were causing unanticipated outcomes, suggested amendments to the CEN system, and the understanding of the CEN system by police and criminal justice personnel.

Data were collected from 51 people, through 28 individual interviews and four focus group discussions. Results suggested that all respondents agreed to continually support the CEN system because the notice system had greatly improved police and judicial efficiency. However, many police officers noted poor public understanding of the CEN system with a majority of people believing it was legal to possess, use and cultivate small amounts of cannabis. The introduction of the CEN system had also led to a net widening problem whereby significantly more people were being issued with notices for minor cannabis offences. This was due mainly to the ease with which a fine could be issued (Sutton & Hawks, 2005b). Several officers interviewed felt there were problems in applying police discretion, although most officers reported that they would always issue a CEN when a minor cannabis offence was detected as they were required to seize the drug and concerned about possible accusations of corruption. Some considered that the maximum number of plants for an expiable cannabis offence should be reduced from ten to three, as some offenders were flouting these provisions (Sutton & McMillan, 1999). In response to police officer concerns and a general belief that hydroponic cultivation produces a better yield, the limit was decreased to three plants in 1999 (Hunter, 2001).

Sutton and Hawks (2005b) also examined the attitudes and practices of policy makers, law enforcement and criminal justice personnel towards the proposed CIN scheme, and their perceptions of its impact on the drug market. The first phase of the research consisted of interviews and small group discussions with fifteen people before the implementation of the CIN scheme. First phase data suggested that senior

police officers generally understood the aims of the scheme, however, it was possible for these aims to be misconstrued by less experienced police officers. Concern was raised that operational police officers might regard the CIN scheme as de facto legalisation which would lead to fewer police administering a CIN and ultimately lead to increased cannabis use in the community (Sutton & Hawks, 2005b). One limitation within the first phase component of this research was that only four of the fifteen participants were operational police officers suggesting that the results from this study mainly reflected the views of other criminal justice personnel (Sutton & Hawks, 2005b).

Phase two of the research consisted of interviews and small group discussions with eighteen people shortly after the implementation of the scheme. The key topics discussed were whether the CIN scheme was effective and how well personnel understood it. Results from phase two interviews showed that while police implementation of the scheme was professional, most of the police officers interviewed were unsure of the exact details of the law and under what circumstances a CIN should be issued. Police were more likely to take a minor cannabis offender back to the station to weigh the cannabis seized than to issue an infringement notice on the street. This response conflicts with the intentions of the legislators, whose aim was to allow police the discretion to issue a notice on the spot rather than interrupt patrol time. Additionally, interviewees reported that the general public were often under the impression that the use and cultivation of cannabis was now legal, views noticed by police in the South Australian research as well. In summary, these results suggest that police officers' interpretation of the law can lead to discrepancies when implementing the law and highlight the need to monitor and evaluate police practice on an ongoing basis (Sutton & Hawks, 2005a).

The research by Sutton and McMillan (1999) and Sutton and Hawks (2005b) demonstrates that police officers are a valuable source of information. Additionally, such research emphasises the importance of examining how well police officers understand legislation once it has been amended. Unfortunately, the Western Australian research (Sutton & Hawks, 2005b) was specifically urban based therefore reflecting the attitudes of police officers from the Perth metropolitan area only.

Given the characteristics of any particular police district (for example, regional verse urban), it should not be assumed that results obtained from one specific district will be applicable to officers in different districts (Glew, O'Leary-Kelly, Griffin, & Van Fleet, 1995).

Given these types of issues the Australian Institute of Health and Welfare (2008b), evaluated the effectiveness of the IDDI in rural and remote areas of Australia. The research employed both quantitative and qualitative methodologies to determine whether the IDDI was effective. Effectiveness was evaluated by three objectives where drug diversion resulted in:

1. People being given early incentives to address their drug use problem, in many cases before incurring a criminal record;
2. An increase in the number of illicit drug users diverted into drug education, assessment and treatment; and
3. A reduction in the number of people being incarcerated for use or possession of small quantities of illicit drugs” (Australian Institute of Health and Welfare, 2008c, p. 1).

Quantitative data were drawn from police based diversion programs in each state and territory. Although data were limited by there being no national, comparable database, an overall increase was identified in the number of offenders being diverted by police based diversion programs in rural and remote Australia. During 2005 and 2006 there were 24,804 offenders diverted under these programs, with 6,041 of these occurring in rural and remote Australia. These totals showed an increased from 2004 to 2005 when 21,307 offenders were diverted, with 4,859 diversions occurring in rural and remote Australia. Further analysis reported 3,280 Western Australian CIN diversions in 2005 to 2006, in which 1,237 occurred in rural and remote areas. Of the 3,280 diversions, participants were able to pay a fine or attend an education session. However, only 372 people attended the education session. The percentage of participants successfully completing the requirements of the CIN scheme in rural and remote Western Australia were not available and this makes it difficult to assess the effectiveness of the cannabis education session.

The Australian Institute of Health and Welfare also conducted semi structured interviews with key state and territory stakeholders such as police, magistrates, court personnel and service providers, for example health departments, to examine their perceptions of the effectiveness of the IDDI in rural and remote areas. Overall, a total of 29 interviews were conducted in every capital city (excluding ACT) along with 56 field interviews conducted in two to three rural or remote locations in each jurisdiction. Findings showed that stakeholders had conflicting views as to what constituted an “effective” illicit drug diversion program. Police considered an effective outcome to be reduced contact with police and a reduction in criminal behaviour after an offender was initially approached, whilst magistrates perceived effectiveness to be the availability of any diversion program even if it produced limited successful outcomes. Service providers viewed an illicit drug diversion program to be effective when it resulted in reduced drug use and drug related harms, along with a reduction in criminal behaviour. These differing perceptions challenge a united understanding and approach to what constitutes an effective illicit drug diversion program.

Qualitative interviews with police from remote areas identified several factors that were perceived to influence the effectiveness of police diversionary programs in rural and remote Australia. Police felt diversion programs were competing with numerous other programs and felt they were required to have extensive knowledge of all programs and processes, which was an unrealistic aim. Satisfying these competing priorities was exacerbated by a lack of staff in rural and remote communities, which, combined with regular changes in staffing and practices, often gave offenders mixed messages as to how diversion operated. Interviews also revealed that police rarely came into contact with intended target groups as individuals being apprehended were not first-time, low level users but were commonly being apprehended for other offences in conjunction with the drug charge. Police perceived diversion as a soft option and thought it decreased the seriousness of the offence. However, findings also showed that police had little knowledge of the education provided under the diversion option. This gap in awareness and acceptance of police diversion programs among police in rural and remote Australia was identified as a major barrier to the effectiveness of the IDDI framework.

Although this research provides insightful findings it only examines the national context and effectiveness of the illicit drug diversion initiative. This research did not consider differences between jurisdictions, such as how police officer attitudes vary between states and territories nor did it narrow down the findings on specific drug diversion schemes, such as the CIN scheme. Although the CIN scheme is a component of the IDDI, the research did not focus specifically on police officer perceptions of the CIN scheme making it extremely difficult to generalise the national findings from this research to Western Australian police officers in regional or remote areas (Australian Institute of Health and Welfare, 2008b).

### **Policing Cannabis in Regional and Remote Communities**

In recent years there has been a dramatic increase in the availability and use of cannabis in regional and remote communities, often in conjunction with alcohol and other drugs (Clough et al., 2004). The market for cannabis has emerged at a dynamic rate. Research from the mid 1980's reported little or no prevalence of cannabis use in remote Northern Territory communities (Fleming, Watson, McDonald, & Alexander, 1991), but by 1999 results showed that 55% of males and 13% of females from the remote Northern Territory region were using cannabis (Clough, Guyula, Yunupingu, & Burns, 2002). This rate of use was found to increase alarmingly over the years, not only in the remote Northern Territory region. Results of a survey taken in 2001 to 2002 across the Arnhem Land region indicate that 69% of males and 26% of females were lifetime cannabis users, highlighting the accelerating patterns of cannabis use in remote communities. Cannabis was found to be a central part of everyday life in these communities (Clough et al., 2004).

Due to reductions in public services and limited resources, regional and remote communities struggle to respond to cannabis drug issues. Nonetheless, urgent action is required to reduce the high rates of cannabis and polydrug use in regional and remote communities (Australian National Council on Drugs, 2001; Clough et al., 2004). It has been suggested that increasing rates of cannabis use in regional and remote communities are likely to stem from the misconception that cannabis is a relatively harmless drug (Australian National Council on Drugs, 2002). Fieldwork within communities demonstrates that parents were not concerned with young people



using the drug. It was even noted in one study that “the older generation kind of encourage it” (Delahunty & Putt, 2006, p. 23) by telling the younger generation to sell cannabis to make their own money.

Research by Delahunty and Putt (2006) aimed to examine the implications of policing cannabis and other illicit drug use in rural and remote Indigenous and Torres Strait Islander communities. Consultations were held with community and key stakeholders, along with a survey of 792 urban and non urban police officers from Western Australia, Queensland, South Australia and Northern Territory. Key findings from the research found that 81% of police officers reported that cannabis was easily available in their community with 88% of police suggesting cannabis was commonly or very commonly used by Indigenous people in their region. It was further found that use of cannabis in remote communities often occurred in conjunction with the use of alcohol and other substances.

Use of cannabis, alcohol and other illicit drugs was found to increase levels of violence, injuries, accidents, psychosis and self harm. It also fuels the commitment of criminal acts such as sexual exploitation to obtain cannabis, the loss of education and employment outcomes and segregation within the community and cultural life. The use of the drug was further found to exacerbate conflict and disorder in remote communities, especially where influential community leaders were involved in using or selling cannabis.

Overall, it was noted that police play a pivotal role in reducing drug related harm in regional and remote communities but were often faced with staffing difficulties, lack of resources and facilities and transportation issues with offenders in custody. Successful strategies for effective policing in regional and remote settlements included encouraging the cooperation and support of leaders in the community, improving police information systems, increasing partnerships with external agencies, keeping abreast of local issues, providing appropriate training and education for officers in regional and remote areas and recruiting Indigenous staff within the police organisation.

The cumulative weight of all the research discussed demonstrates a prevailing

concern about the impact of heavy cannabis use in regional and remote communities. Remote communities are often burdened with poor education, high levels of unemployment and increased violence, all within a broader dysfunctional community framework (Australian National Council on Drugs, 2002). Increased rates of cannabis use will only exacerbate these issues, contributing to more problems and higher rates of alcohol and other substance abuse (Delahunty & Putt, 2006). Collectively, this research highlights the growing rate of cannabis use in regional and remote communities. Well informed policy and effective legislation may contribute to the resolution of this issue. However, until a greater understanding of regional police officers experiences with the CIN scheme is developed, it is unlikely that any sustainable impacts at the state-wide level will be derived. Police are at the frontline in responding to cannabis related issues and their experiences with the day to day aspects of implementation provide insight into the effect of the CIN scheme at a grassroots level. Although researchers have commenced addressing this gap in knowledge in urban regions, there is still limited consideration of the experiences of police in regional and remote communities. The very nature of remote locations may well impact on the ability to implement legislation in a manner that is consistent with the core ideas of formal policy. In depth discussions with police officers residing and working in regional and remote communities will be the first step to ensure their views and experiences are documented, which will assist in the preparation of well informed policy. Therefore, this research addressed the following question; what are regional police officers' experiences with the CIN scheme?

## **Methodology**

This chapter outlines the overall design of this research. The chapter begins with an overview of the inductive, theoretical approach adopted in this research. It then outlines the phenomenological inquiry that was incorporated, and considers the significance of evaluating regional police officers' perceptions. This is followed by a discussion on the various methods of data collection used, during which the advantages of employing particular methods are considered. The chapter details how the research was conducted and concludes with an overview of the major findings.

The intention of this research is to understand police officers' reality and view the world through their eyes. This section outlines in some detail the methods incorporated in data analysis and the rationale underlying their employment. Given the centrality of the researcher to the analytic process, the detail is intended to make as explicit as possible the means by which findings were derived.

### **Method**

This qualitative research adopts an inductive, theoretical methodological approach. Qualitative research is a method of investigation which attempts to capture the underlying essence of an identified phenomenon (Banister, Burman, Parker, Taylor, & Tindall, 2001). It aims to provide rich and thick data which personalises and descriptively identifies with the phenomenon under investigation (Smith, 2003).

Qualitative research differs from quantitative research in that it is not numerically based and has the ability to reveal specifically what a situation is like, bringing the findings closer to life (Fischer, 1984). Qualitative research further emphasises the significance of context, stressing that the experiences of individuals are influenced by the time, place and surroundings in which they exist (Downe, 2007).

The empirical approach adopted within this research is an inductive approach. This exploratory approach finds common patterns within individual experiences, providing the research with a strong theoretical foundation (Berg, 1989). The alternative to an inductive approach is a deductive approach which is guided by theory, testing variables statistically to support or disprove the theory (Walter, 2006).

An inductive, theoretical approach to the research provided a more in depth and holistic understanding of police officer perceptions of the CIN scheme. Being qualitative in nature, it represents an attempt to capture and measure police officer perceptions by entering their realities and building up a relatively detailed picture of what their experiences have been with the scheme, and of how perceptions towards the scheme may vary between individuals.

### **Phenomenology**

This research adhered to a phenomenological approach with emphasis on describing regional police officer perceptions of the CIN scheme. Phenomenology is a holistic approach which attempts to understand the structure, essence and meaning of human experience as it is lived. It is a school of thought that focuses on people's subjective experiences and interpretations of the world. It is used when the researcher wants to understand how the world appears to others, in this case, how the cannabis legislation appears to police. In addition, phenomenology aims to construct the meaning and understanding of human experience through intensive dialogue with the persons experiencing the phenomenon. This kind of research has the ability to build a secure and sound foundation for knowledge and is a legitimate form of science.

Phenomenology adheres to the criteria of scientific research in that it is a specific and systemised manner of discovering and understanding social realities (Berg, 1989). In order for researchers to interpret the meaning of an individual's everyday experience scientifically, they must be aware that their own perceptions are affected by the sensory information which they have experienced. Once these influences on perception and biases are bracketed (declared) by the researcher, the reality may be perceived objectively and the research can follow the general dictates of science (Kopala & Suzuki, 1999). By adopting a phenomenological inquiry, significant discoveries can be made, as this approach provides a rich and thorough contextual example of the participant's experiences and perceptions.

This research captures the meaning behind police officers' perceptions of the CIN scheme and establishes ideas about their perceptions and what these perceptions may mean in a broader sense. A semi structured interview format was used as a means of

collecting data.

### **Empirical Research**

This research involved one on one interviews with participants where the researcher entered the subjective world of the participants and shared their experiences and perceptions. Interviews are one of the most common qualitative data collection methods which aim to understand the individual as a whole (Downe, 2007). The interview method of research is a purposeful conversation that is an effective technique for supplementing and extending our knowledge and understanding of an individual's perceptions and attitudes (Banister, Burman, Parker, Taylor, & Tindall, 2001; Bell, 2005; Martin, 2000).

The interviews in this research were semi structured to build a rich, more comprehensive understanding of participants. The semi structured format is the most adequate technique to capture an individual's thoughts on a specific domain. It permits the exploration of underlying meanings that would otherwise be too complex to investigate through quantitative means. Furthermore, it allows the interviewer to explore new topics which may not have been anticipated, to question motives, feelings, gaps and contradictions, and to elicit deeper and more detailed responses (Banister, Burman, Parker, Taylor, & Tindall, 2001).

Interviews provide participants with the opportunity to express their ideas and thoughts in their own words and manner. For example, the tone of voice can be documented and provide insightful information which would be concealed in a written response (Bell, 2005). Despite the depth of knowledge generated through semi structured interviews there are some disadvantages which must be discussed.

Interviews are often time-consuming, the analysis of responses often proves difficult, and it is necessary for questions to be worded carefully in order to produce the most accurate response. Interviews are a highly subjective technique and can therefore be subject to bias (Bell, 2005). Further disadvantages exist which may affect the validity of self-reporting, as differences between what is said during self-reporting may not be entirely reflective of what police do in practice; these differences are subject to

measurement error (Weinhardt, Forsyth, Carey, Jaworski, & Durant, 1998).

Despite these disadvantages, the process of data triangulation, whereby independent researchers scrutinise themes emerging from the data, can aid in the critical interpretation of the data and establish validity in the research process (Banister, Burman, Parker, Taylor, & Tindall, 2001).

### **The Mid West–Gascoyne District**

The Mid West–Gascoyne Police District is a vast region, covering approximately one fifth of Western Australia and servicing an area of 519,000 square kilometres (Penter & Rajan, 2003). The district extends north of Carnarvon, east of Meekatharra, south of Eneabba and west to the Abrolhos islands, and comprises nineteen police stations (Cottman, 2007). More than 80% of the region is classified as very remote, with the Geraldton area accounting for 60% of the region’s population (Penter & Rajan, 2003).

The Geraldton police sub district is situated approximately 440 kilometres north of Perth. The Geraldton district covers the regional centre of the Mid West and the surrounding remote and rural communities in the city of Geraldton, including the shire of Greenough, part of the shire of the Chapman Valley and the Abrolhos Islands (Cottman, 2007). It has been reported that the ability of the police to engage with communities is a central aspect of regional and remote area policing. Given the growing rate of cannabis use in regional and remote communities, effective policing of cannabis and other drug related offences in these communities will be dependent upon positive relationships between police officers and the community (Nicholas, 2007).

The use of cannabis has become an increasing problem in regional and remote communities, even surpassing problems with alcohol and volatile substance misuse. Heavy use in regional and remote communities has the ability to exacerbate other factors such as mental health problems and family violence, and is a cause of broader dysfunction (Nicholas, 2007).

The decision to sample regional police officer perceptions from the Mid West–

Gascoyne District was based on literature that neglected to consider regional police officers' experience with cannabis legislation, despite the fact the district:

- Services a significant proportion of the state;
- Has a high proportion of Indigenous people; and
- Is reported to have one of the highest rates of CINs issued (27.6%) in WA (Drug and Alcohol Office, 2007).

In order to classify the geographical area of Geraldton according to its remoteness, the Australian Standard Geographical Classification (ASGC) was selected for use in this research. The ASGC classifies areas as major cities, inner regional, outer regional, remote, or very remote, depending upon the road distance to urban centres (Australian Institute of Health and Welfare, 2008c). Under ASGC, Geraldton is classified as outer regional Australia and the surrounding Mid West–Gascoyne District is classified as remote Australia. For the purpose of this research, remote areas were included within the outer regional area.

### **Participants**

A purposive sample of regional police officer participants was obtained from the Mid-West–Gascoyne Police District. This cohort of participants was selected as the research sought to understand the perceptions of regional police officers who regularly enforce the CIN scheme in regional communities.

As the researcher is not a police officer, participants were recruited through the Alcohol and Drug Coordination Unit within the Western Australian Police. Contact was made with the district training officer at the Geraldton police station to inform police officers of the purpose of the research, requirements of participation and the confidentiality procedures. All police officers from the Mid-West Gascoyne District, irrespective of their ranking, were provided with a participant information form (Appendix A), to assist in deciding whether they wanted to be included in the research. Once police officers had indicated their preference and consented to be interviewed the time and location of the interviews was finalised, with all interviews conducted in a spare interview room at the Geraldton District Police Office. In order

to facilitate an unreserved discussion that had no consequences for participants, all interviews were conducted separately.

The final sample of participants consisted of ten adults aged between 23 and 52 years of age ( $M = 32.8$  years,  $SD = 10.79$  years). Nine participants were male and one female. Participants interviewed ranged in rank from Constable to Sergeant, and length of time as a serving police officer ranged from 34 years to 1 year ( $M = 12.05$  years,  $SD = 11.34$  years). Length of time working within the Mid West–Gascoyne District ranged from 4 months to 8 years ( $M = 2.77$  years,  $SD = 2.99$  years). Debriefing indicated that participants found talking about their experiences to be a positive experience. All participants volunteered and no reward was offered for participation.

### **Procedure and Materials**

Prior to the commencement of the interview, participants were required to read a participant information form and then sign a consent form (Appendix B). The participant information form consists of a brief outline of the research topic as well as the requirements of participants who volunteered to be part of the interview. Participants were also provided with the contact details of the researcher and public counselling organisations to assist them in the unlikely event that they became distressed as a result of participating in the interview. The consent form reiterated participants' responsibilities and their right to withdraw consent at any stage of the research process. The document also requested that participants sign the form as proof they had volunteered to be part of the interview. On gaining informed consent, participants were asked several questions regarding their age and length of employment as a serving police officer to determine the demographic profile of the cohort being examined and to establish rapport (Appendix D).

The next stage of the research process involved conducting the interview (Appendix C). The semi structured interview format was organised around two general questions followed by a list of level 1, level 2 and level 3 probes. The general question asked participants to describe their understanding of the CIN scheme, to facilitate the conversation. Participants were then asked about their attitudes towards



the CIN scheme. The researcher responded to and followed up any issues raised by the interviewees, including issues that were not anticipated, by using probes. Participants were interviewed one-on-one for an average of 43 minutes each. They were noticeably keen to talk, demonstrating enthusiasm for participating in the research.

Interviews were audio taped to allow the researcher to concentrate on the discussion and to assist in the verbatim transcription of participants' responses. In accordance with phenomenological inquiry, participants were encouraged to describe their experiences, thoughts and perceptions in their own terminology and methods of communicating. The exploratory, probing questions asked were modified with each interview as certain issues emerged and were explored in greater depth, based on data already collected. All questions were phrased in open terms to avoid leading interviewees.

At the completion of the interview participants were debriefed and encouraged to use the telephone numbers provided if they experienced any concern or distress following the interview. Interviewing ceased at the point of data saturation. Saturation occurs when the collection of fresh data no longer generates new insights (Liamputtong & Ezzy, 2005).

### **1.1.1 Data analysis.**

Data analysis is the most difficult yet most crucial aspect of qualitative research (Basit, 2003). Within this research, interview data was manually analysed using a method of thematic content analysis. Thematic content analysis is a procedure for studying the contents of transcribed, qualitative data, usually by reducing it to more structured and concise themes (Scherl & Smithson, 1987). Analysis of data was conducted manually as it allowed the researcher to become more completely immersed in the data than computer assisted analysis provides (Downe, 2007).

### **1.1.2 Note taking.**

An interview journal was utilised during the research process, where notes were recorded during the interview and after completion of each interview. An interview

journal is an important asset during qualitative research as it provides a context surrounding the research, recording such things as tone and inflection, and has the ability to provide internal consistency during the process as the researcher is able to document opinion shifts during each interview (Scherl & Smithson, 1987). Supplementary notes were added to the interview journal during the listening and transcribing of taped interviews following the completion of the interviews. The interview journal contained concepts, patterns and themes which emerged in the data set.

### **1.1.3 Transcription.**

Interviews were transcribed verbatim. Transcripts included information about pauses, pitch and tone of voice and emotional expression. Transcribing interviews is a lengthy process, but given the intimate nature of transcription many notions about emerging concepts and relationships in the data were formulated at this stage.

### **1.1.4 Microscopic examination.**

The first phase of data analysis involved an in depth analysis of interview transcripts through numerous readings of the transcripts and engagements in the texts. All data transcripts were scanned line by line which focused on the scrutiny of the data. This microscopic examination is systematic, explorative and critical in perception. During this phase extensive notes were taken to familiarise the author with the texts. This phase also involves identification of the underlying meanings of participant experiences and perceptions (Creswell, 1998).

### **1.1.5 Coding.**

Coding data is one the significant steps taken during data analysis to organise and essentially make sense of the textual data. It allows the researcher to gain a deeper understanding of what they have studied, to communicate and connect with the data and continually refine their interpretations. This stage of data coding involved breaking down the data into units of meaning or categories. During the coding process, relationships and assumptions were formed that represented police officer's experience with cannabis legislation. The body of data became smaller and

manageable as a result of interpretation and organisation.

During the coding process a coding journal was used to document thoughts regarding the properties, sub-themes of categories, naming of categories, and relationships between categories. These entries were dated, and included references. The journal focused on themes emerging from the data and provided an opportunity to highlight any gaps.

The coding phase involves eliciting themes from the transcripts by organising the data into categories using police officer language (Creswell, 1998). The data were scanned, looking for categories pertinent to the research question. Memoranda were made that included phrases, headings or labels that described what was most important within a data set. These labels were not precise, but more like general indicators. When new observations and insights were revealed, new labels were produced. Notes in the margins of the columns reflected thoughts, ideas and reactions to what was being read, which later aided in the meaning and clarity of the transcripts.

Once the data had general written labels, another copy was made of the coded data. On one of the copies, developing themes were extracted by reading each transcript and highlighting the portions of text which appeared significant, or of importance and interest to the research question. To assist in this phase of the analysis, related text was colour-coded. The coding provided a useful means of organising transcripts into related categories and themes (Creswell, 1998).

Once the data were labelled and colour coded, another copy was made, and from it the researcher physically cut out the sections that were labelled and colour coded; the remaining two copies were saved for future reference. The coded data were sorted into piles according to labels. Each pile was categorised with a word or phrase that captured the general feel of the data, and then glued onto a large A3 piece of paper, with illuminative quotations highlighted. A number of these quotations were chosen for use in subsequent writings.

After piles were categorised a question ordered matrix was devised on a piece of A3

paper to provide a clear overview of the important issues and themes emerging from the transcripts. On each matrix, comprising numerous squares, the police officers' pseudonyms were inscribed vertically and a condensed version of the question asked in the interview inscribed horizontally. An abbreviated version of each officer's answer to each question was recorded in the corresponding square. This involved cross-referencing the question with the police officer's response and presenting each in a tabular or grid format. These summarised data in their new thematic form were used to create a logical and informed interpretation of the findings by providing comparisons and contrasts.

#### **1.1.6 Theme development.**

Using the question ordered matrix and the coded data set, the researcher analysed different ways to organise the themes to create a conceptual schema. Coded categories were used to organise the transcripts into dominant, existent themes reflecting police officers' experiences with the CIN scheme. Once themes were classified for all transcripts, they were scanned for common and recurring sub-themes. Categories were placed into two piles and were classified as either core theme or sub-theme (subordinate). Core themes were those that appeared most frequently in the data, and explained variations in all other themes. Sub-themes were categories that represented types of themes but were not key themes. Once core themes and supporting sub-themes were developed, the initial transcripts were reread numerous times, keeping the thematic categories in mind, to look for instances that contradicted the interpretations and to verify the sense of the themes. Theme development further included reviewing both coded and interview journal material and drawing diagrams to establish interrelations between themes and to highlight any remaining gaps in the knowledge. All themes were double checked for interpretation, prejudice and bias.

#### **1.1.7 Theme formalisation.**

Categories were formalised into themes when refinement and integration of categories reached exhaustion. There was concern of overextension, or going too far beyond the boundaries of the research (Guba, 1978). The final themes were reviewed

to ensure they were accurate, and rich in depth and detail. Finally, two independent research assistants reviewed the categories, interviews, coding and interview journals and raw data set to ensure the themes accurately represented the data. They cross-checked the reduced data set of summary statements against a list of themes and sub-themes to ensure against researcher bias and any corruption of the data, to ensure the validity and consistency of findings. Disagreements were resolved through discussion and consensus, which resulted in minor changes being made.

## Results

This research examined regional police officers' experiences with the CIN scheme and found their experience to be dependent on three key themes, these being:

1. Knowledge;
2. Situational Factors; and
3. Perceptions.

All three themes were found to contribute in varying degrees to a 'street level' understanding of police officers' experience with the CIN scheme. This chapter provides a detailed explanation of each theme and how it relates to achieving an overall sense of police officer's experience with the CIN scheme.

Describing every step in theory development and formalisation is an extremely difficult and complex task. However, the documentation process is necessary in order to validate the findings of the research. As Chapter Two reports on the qualitative procedures used in this research, this chapter will not repeat that information. This chapter outlines only the key elements and steps in formulation for each theme. Selected quotations from participants are used to highlight the core themes or sub-themes discussed throughout the section. The intention is to provide a thorough narrative account of police officers experiences so that the emerging themes are perceived as logical and valid. Use of quotations is strongly encouraged within qualitative research as it involves participants in a forum in which they can be heard (Berg, 1989).

### Knowledge

Within this research the term "knowledge" refers to the level of police officer's understanding of the CIN scheme and its components. Knowledge is one of the three key themes which provide a foundation for exploring participants' level of awareness of various aspects of the CIN scheme by drawing upon their narratives. Under the theme of knowledge this research found three subthemes, these being:

1. CIN and the law;

2. Administering a CIN; and
3. Educating police on the CIN scheme.

### 1.1.8 CIN and the law.

Police drug diversion aims to steer minor cannabis offenders away from the courts in order to decrease future criminal behaviour and increase access to treatment facilities (Putt, 2008). All participants understood the CIN scheme as a police diversionary process primarily aimed at keeping first-time cannabis offenders out of the courts to relieve an over burdened court system. For example, one participant indicated:

*It is just another alternative just to more or less free up the court systems I suppose...I think it's more for the court system and for the government to free up the courts.*

Opinions such as this are consistent with the findings from the state government's statutory review of the *Cannabis Control Act 2003*, which suggests that if a net reduction of an average of 508 cannabis convictions (the number that occurred in the first three quarters of the CIN scheme) had been maintained up to 2007, a total of 6,096 fewer charges would have been dealt with by Magistrates Courts. This equated to a net saving of \$1,956,816 in court related costs. In addition to these savings, it was estimated that a further net saving of \$1,877,568 in law enforcement costs would have resulted from police not having arrested and processed offenders who would have otherwise been charged with minor cannabis offences. Overall, the total saving of police and court costs was estimated at \$3,834,384.

Despite these significant savings the review indicated apparent net widening. From 2002 to 2004 there were a total of 16,945 formal consequences, which increased to 26,314 formal consequences from 2004 to 2007. This increase involved additional costs, as prior to the legislative reforms some of these offenders were informally cautioned whereas after they were issued with a CIN, increasing police time spent on minor cannabis offenders (Drug and Alcohol Office, 2007).

In addition to saving court time and costs several participants realised that diverting offenders away from the courts could have significant benefits for the offender. As

one officer noted:

*They want to keep it out of the court process; it's for initial, entry-level offenders dealt with by way of infringement as opposed to getting an instant criminal record and put straight into the court process for minor possession of cannabis. It's a positive; it gives them opportunities.*

This comment characterised the feelings of other participants who generally understood that arresting an individual for a minor cannabis offence could have several potential consequences for the offender. They were aware that a criminal record could impact on future educational opportunities, personal relationships and employment, and acknowledged that police play an important role in the drug diversion process. As one participant indicated:

*It's important...you know they may be in possession of a small amount of cannabis, which is something, I think, that shouldn't jeopardise your future career or education aspects. It gets them away from the revolving door of the criminal justice system.*

Most importantly, this particular participant noted the significance of diversion in breaking the cycle of recidivism. These opinions are consistent with recent Australian research which found that after police diversion the majority of people who were referred to a program or cautioned did not reoffend in the 12 to 18 months after the diversion and those who did reoffend only did so once during that time span (Payne et al., 2008).

Although some participants understood that diversion has fewer consequences than being charged and going to court, only one officer could identify the significance of diverting people from the criminal justice system to reduce the likelihood of reoffending in the future. In this regard, if officers were more informed and aware of the effectiveness of the CIN scheme in reducing recidivism rates it is possible that more of them would perceive the CIN scheme in a positive light and be more willing to issue a CIN to an offender.



### 1.1.9 Administering a CIN.

When participants were asked how an offender could expiate the CIN all participants responded that the offender was able to pay the prescribed financial penalty, failing to acknowledge the CES as an option. Participants' failure to mention the education alternative may indicate that the CIN is being incorrectly implemented by police on the streets.

Collectively, participants demonstrated limited or no knowledge about the CES. Participants indicated they would notify the offender of two expiation options: pay the fine or contest the notice in court. The option to attend and complete a CES was not mentioned to offenders. This omission means that offenders never become aware of the education alternative. This issue is well illustrated in the narrative of one participant below, describing how he/she would issue a hypothetical CIN:

*These are illegal drugs; due to the amount that you have you will be issued an infringement today. It is a Cannabis Infringement Notice and then I will go on and give them a spiel and tell them where to put their name down and the amount and what it is for. We tell them they can pay the fine or argue it.*

This type of response was given by the majority of officers. For example:

*I would say you are receiving a cannabis infringement notice today and it is a one hundred dollar fine. You can go to court and argue it if you want. You are receiving this because you are a first-time offender and it is only a small amount of cannabis.*

One participant also stated:

*The CIN scheme is for first-time offenders. We hand out a cannabis infringement notice instead of taking them to court...but all it is, is a monetary fine as though it is a driving offence. You say pay it or go to court.*

These narratives demonstrate that officers regularly inform the offender to pay the fine or attend court, making no reference to the CES. This lack of police knowledge

about the CES is concerning as it contradicts the principal aim of the *Cannabis Control Act 2003*. However, it may provide an explanation for data showing that the percentage of offenders choosing to expiate the CIN through attendance and completion of a CES is very low. Therefore, the findings of this research suggest that low CES attendance rates may actually reflect the failure of officers to inform offenders about the CES. Where this occurs, offenders will not be aware of the CES as an alternative option. Police officers lack of knowledge about the CIN scheme could be attributed to a number of issues including poor education and/ or training of officers when the *Cannabis Control Act 2003* was introduced; observing more senior police staff issuing a CIN incorrectly; and /or a lack of available resources or contact information for both police and minor cannabis offenders.

It is also possible that participants may have been ignorant of the benefits associated with cannabis offenders attending an education class and may have felt it was a waste of time to inform the offender of this option. As there is a growing body of literature suggesting that well tailored drug education classes can be effective in reducing or delaying the onset of drug use, this type of attitude is misguided (Midford, 2000; D. White & Pitts, 1998). Research evaluating the opinions of 200 weekly cannabis users showed that education can be an important role in counteracting barriers to treatment (Gates, Taplin, Copeland, Swift, & Martin, 2008). This accumulating evidence of the effectiveness of drug education for users needs to be relayed to police.

When talking about the CIN the majority of participants compared it to a traffic infringement. This is exemplified by the following comment:

*The CIN is just like a speeding ticket really, it is like, ok, that was wrong, now pay the penalty. I don't see it as any different.*

These findings are supported by research examining the effectiveness of the IDDI in rural and remote Australia, which demonstrated that many police officers were sceptical of fines as they perceived them to reduce the seriousness of the offence, likening them to more mundane fines such as speeding tickets (Australian Institute of Health and Welfare, 2008c).

In reference to the prescribed financial penalty, the majority of officers reported that the penalty was a one hundred dollar infringement regardless of the type of cannabis offence committed. For example, one participant indicated:

*The CIN scheme means minor cannabis offenders can just be dealt with by way of infringement...they have to pay a one hundred dollar fine for any offence.*

However, as shown in Table 1, financial penalties vary dependent on the type of offence committed.

**Table 1**  
*Financial penalties for type of offence committed under the Cannabis Infringement Notice Scheme*

Offence	Financial Penalty
Possession of a smoking implement with detectable traces of cannabis	\$100
Use of or possession of not more than 15 grams of cannabis	\$100
Use of or possession of more than 15 grams and not more than 30 grams of cannabis	\$150
Cultivation of not more than two non-hydroponically grown cannabis plants at a person's principal place of residence	\$200

Therefore, participants demonstrated limited knowledge of the various prescribed penalties for infringements. A small number of participants did report some awareness of the CES after the researcher probed for further detail. Participants indicated they would briefly read an email about the CES and often delete it. Seven out of the ten participants did not know the CES existed. For example, one participant indicated:

*It is their [the offender's] choice, but if they choose to attend the education, then they don't get the infringement do they? What is the education class?*

Another participant indicated:

*I don't know anything about the education thing.*

Clearly, there was some confusion about the education alternative. These findings are consistent with a growing body of international literature evidencing deficient police knowledge about drug laws. One study which surveyed 672 Thai police officers demonstrated that while officers held positive attitudes regarding drug enforcement they were not knowledgeable about the laws they were implementing. The lack of correct knowledge was attributed to the small amount of drug information and education provided by the government with only 30% of respondents indicating that they had been informed regularly about the drug laws and only 19% said they had received more than one course of drug related training in the past year. These findings demonstrate the importance of allocating more funding towards drug educational material and in service training to facilitate the effective enforcement of Thailand's drug laws (Cheurprakobkit, Kunttee, & Denq, 1997).

The findings of this research are also consistent with the findings of research conducted by the Australian Institute of Health and Welfare (2008c). That research demonstrated that Australian police officers had limited knowledge of the IDDI programs and limited experience in implementing drug diversions. Furthermore, police rarely confirmed they had knowledge of their local drug treatment providers, even in jurisdictions where police drug diversion programs involved diversion of the offender into assessment, treatment or education.

Within this research, officers attributed their limited knowledge about the CES to a lack of communication between key stakeholders, such as police and HealthInfo. For example, one participant indicated:

*I don't know how the education class works up here because, you know, I haven't really dealt with any up here or talked to anyone about it. It's never been mentioned.*

Another participant indicated:

*Like I said, I haven't heard much about the education class at a local level, so I don't know anything about it.*

The potential effect of limited police awareness of the CES extends beyond the

inability to inform offenders about particulars such as whom to contact to make a booking, the duration of the course, its location, and the benefits of attending and completing the CES. Failed relationships between police and service providers will hinder the ability to obtain feedback on diversion outcomes and the ability to determine the effectiveness of the CES. Where data are not fed back to the agency, the ability to change police perceptions that diversion is a soft option is limited (Australian Institute of Health and Welfare, 2008c). More fundamentally, if front line police are not equipped with the information required to fulfil their responsibilities appropriately, there will be limited differences in the management of offenders before and after implementation of the CIN Scheme. Such deficiencies in training reflect poorly on police and prevent offenders from being diverted to a CES, which may impact on the probability of future cannabis use.

Research has found that the approach most likely to promote a positive attitude towards police diversionary programs is one where police have observed more senior officers modelling appropriate implementation by using diversion or suggesting that diversion is a good option in suitable scenarios, particularly in regional or remote areas. Because a lack of knowledge was evident across police ranks, it is unlikely that the issue of deficient knowledge will be addressed (Australian Institute of Health and Welfare, 2008c).

Overall, the lack of knowledge displayed by participants regarding the CES has the potential to significantly undermine the program's success through:

- The ad hoc application of the CIN scheme by individual officers;
- Offenders' failure to attend and complete a CES, by being inappropriately informed that their only option is to pay a financial penalty;
- Actions of officers undermining the federal government policy of harm minimisation;
- Problematic evaluation of the CIN scheme programs success rate; and
- Obstruction to future research.

The misunderstandings and lack of knowledge about the CIN scheme in general needs to be addressed in order to minimise the harm caused by cannabis to the user

and society, and to maintain public confidence in the Western Australian Police. If not corrected, these concerns may manifest as major problems in the future.

#### **1.1.10 Educating police on the CIN scheme.**

When questioned about Western Australian Police training for the CIN scheme, participants indicated that they were unsure when or where they received such training, or even if they had attended. For example, one participant indicated:

*To tell you the truth, I can't even remember the training or what is involved but I knew it wasn't much...It is a half hour of talk and whatever. I think I did it three years ago. Can't even remember where, when, how and what, but that's not the fault of the legislation, that's the fault of the system. There are guys that issue [CINs] and have never had the training course because they were away. You are out in the country, you may get a talk every now and then, but we don't know the legislation because it is all done on the computer now.*

Collectively, participants raised three key training issues:

1. Poor police training as a result of systemic failure;
2. Existing problems for police training in rural and remote areas; and
3. Concerns regarding the advancement of police training with technology.

Participants indicated that police lack an understanding of the CIN scheme because of limited police training. Specifically, it was seen as a systemic failure to keep police regularly informed of cannabis policing procedures and policies. It has long been reported that police training is often limited and infrequent (Wasby, 1978). In Western Australia police officers are notified of changes to policy through the Western Australian Police Gazette and are notified of an amendment to legislature by an email from the State Law Publisher. It is the responsibility of each individual officer to keep up to date with legislative changes. If an amendment to a piece of legislation is deemed to be significant, all officers are notified by an all-agency broadcast which is distributed by email and reflected on the staff intranet site. In regional or remote districts a District Training Officer is responsible for providing

training to individual officers (M. Miller, personal communication, February 14, 2012). However, this training does not appear to be structured and occurs on an ad hoc basis to a variety of standards. This finding is reflected in the low rate (3.4%) of sworn officers in the Mid West–Gascoyne District who had been trained in the *Cannabis Control Act 2003* in 2005 (Drug and Alcohol Office, 2007). As no state data are published on the proportion of police officers trained under the 2006/2007 training program, it is extremely difficult to determine what percentage of police have been trained in the CIN scheme.

Participants also raised the issue that training for police in regional and remote areas may be constrained due to geographical isolation. Data from the review of the *Cannabis Control Act 2003* show that as of 30 September 2005, a total of 71.7% of metropolitan officers completed CIN scheme training, compared to 65.6% of non-metropolitan officers. These data show a considerable discrepancy (Drug and Alcohol Office, 2007) and may reflect some of the difficulties of providing sufficient resources and training facilities in outlying areas.

Finally, participants expressed concern that the majority of police training is technology based and may be ineffective. While online training can be cost- and time-effective, several participants indicated that online education lacks the interaction and feedback provided in a traditional class-based environment. This finding is consistent with previous research demonstrating that classroom training elicits higher levels of motivation than online training amongst police officers (Schmeeckle, 2004).

Participants expressed a desire to be informed about the cannabis education classes. For example, one participant indicated:

*I am a bit scratchy here and there and I have issued a few [infringements]. I am sure we have a booklet somewhere, it is just that I will have to read up on it again and get more in depth knowledge of it, but just with the counselling or education or whatever it is, and that side of it I am not too sure on. It would be good to actually learn about them or how frequent the courses are, where about they are in Geraldton, where they have to go, I have never been*

*educated on that.*

In addition, participants felt they were expected to have knowledge of all drug diversion programs, including the CIN scheme, which often conflicted with competing priorities such as other programs and excessive paperwork. As pointed out by one participant:

*Our team at the moment is down in staff, so basically the workload you have got, enquiries and things like that, it is very hard to squeeze staff into courses or retrain them or give them refreshers. We are actually expected to just read through it in our spare time if it is a quieter night shift, but if it is quieter then we are actually catching up on our paperwork that we have dealt with from previous arrests or incidents or following up enquiries. We are expected to have all this knowledge, so it is very hard for us to follow up on new legislation and procedure.*

Participants raised two key points, these being staffing issues and competing demands. Most participants felt that significant staff shortages rendered the workloads of appointed staff untenable. They described a situation where increased paperwork along with other local area command priorities left little time to broaden their knowledge of the CIN scheme. These findings are consistent with past research demonstrating that police in regional and remote areas suffer from a number of staffing issues and that learning about drug diversion programs competes with the need to learn about a number of other processes, options, priorities and sanctions (Australian Institute of Health and Welfare, 2008c).

Participants not only indicated that they wanted more training on the CIN scheme, but said they would like to see an improvement in the way training was implemented by the Alcohol and Drug Coordination Unit. As two participants pointed out:

*The training is either through emails or a run through of PowerPoint slides by a training officer. All the training on this job is pathetic...it needs a complete rethink.*

*Even if it was just knowledge about it, we don't know about the cannabis*



*education class...even if it is brought up in our weekly briefings just as a way of dealing with it, the education of officers can definitely be improved.*

### **Situational Factors**

The second theme, *situational factors*, provides a contextual, grassroots analysis of police officers' experience when implementing the CIN scheme. Findings showed that the factors participants were faced with when administering the CIN scheme were varied, and dependent upon the six sub-themes discussed below.

#### **1.1.11 Police engagement with early onset cannabis users.**

Analysis of data revealed that participants generally had little contact with the intended target group of the CIN scheme in their day-to-day work. Participants noted that the majority of individuals apprehended for minor cannabis offences were either recidivist or well known to the police.

A minority of participants did see the advantages of the CIN scheme for the intended target group of minor cannabis offenders. For example, one participant indicated:

*A lot of the people we come across are recidivist offenders so we actually don't issue that many [CIN notices], because most of the people we came across do have prior convictions, but you can see the benefits of it [the CIN] for first-time users...It is an answer I guess, for now.*

When probed on the advantages of the CIN scheme for first-time offenders, several participants responded optimistically that it could be an effective deterrent for first-time users. However, other participants noted that the CIN scheme is a short-term solution to a long-term social problem.

Participants also noted that working with the intended diversion target group was unrealistic as the chance of detecting a first-time cannabis offender was extremely rare. This finding is consistent with past research showing that police officers in rural and remote Australia rarely come into contact with the envisaged target group of low level drug users during normal practice (Australian Institute of Health and Welfare,

2008c, p. 104).

The lack of contact with the intended diversion target group may be attributed to the priorities of the individual officer or local area commands. First-time cannabis users may not be a priority for many police officers, which may limit police detection of and contact with such low-level users. As one participant indicated:

*In the case that you know, you find some kid which may just be using [cannabis] for the first or second time and you have caught him for the first or second time, then great, that is awesome, but it doesn't necessarily work like that. I mean chances of us stumbling over someone who has just picked up the drug is slim to none.*

Participants suggested that early cannabis users are hard to detect. This supports the old belief that cannabis smoking is mainly a private behaviour and most users are discreet and careful to avoid detection by police (Plant, 1977). As the majority of cannabis users regulate where and when they smoke to minimise the probability of detection, participants were frustrated when long-term cannabis users were caught and issued with an infringement notice as opposed to a required court appearance simply because they had not been detected on prior occasions. This frustration was exacerbated by the fact that there was little participants could have done to ensure earlier detection. For example, a number of participants indicated:

*These people have probably been dealing in cannabis for a long time and yet only because it is the first time we have caught them they are not going to court and standing in front of a judge, it is really frustrating.*

*It affects you when you have to issue a CIN to someone you know is a long time cannabis user, it does more harm than good. You get so annoyed.*

#### **1.1.12 Prioritising police time.**

Participants indicated that they struggled with a demanding job: a factor that is consistent with a growing body of literature examining the trends and evolution of police functions within their organisation and society (Edwards, 2005; Long, Wells,

& De Leon-Granados, 2002). Participants indicated that they struggled with job demands and growing work complexity, as revealed in the following narrative:

*We certainly try and speak sense to people but that is not our job, you know we are not counsellors, so there are certainly a lot of other government organisations that could probably get involved and help out with more diversion tactics. We are so weighed down with paperwork and our expanding role as an officer...they could definitely help.*

Participants described police as having two conflicting roles. In contemporary society police are expected to conduct their duties in a non-confrontational manner. This is inconsistent with the reality of law enforcement that requires police to assume an authoritative stance. These conflicting roles were found to be challenging for many participants.

In most western legal systems, the principal roles of police are to discourage and investigate crime, with particular emphasis on crimes against persons or property, and to maintain public order. However, since the 1960s the role and functions of police have undergone profound change (Jones & Newburn, 2005). Police organisations have had to adapt to people with different customs, values and needs, and the traditional command-and-control era has been replaced by mechanisms which encourage police innovation and proactive behaviour rather than demands for compliance. The development of a community-based policing model was a response to the alienating effects of the traditional authoritarian model of policing. Community policing is a service delivery approach based on the concept that the police work in partnership with the community to help control crime (Chappell & Wilson, 1996). In the mid 1990s the Western Australian Police reassessed itself and, as part of its purpose and direction statement, listed five core functions:

- Prevention and control of crime;
- Maintenance of the peace;
- Traffic management and road safety;
- Emergency management co-ordination; and
- Assisting members of the community in times of emergency and need.

Although this is not an inclusive list of the essential elements of policing, it highlights the expanding role of the police officer within the community. Police are now perceived as being a total response service, often answering requests for assistance whether they be genuine police business or not. However, attempts to define the core business of police are either too restrictive or catch-alls (Edwards, 2005). Participants in this research clearly indicated that they experienced difficulties with their growing and conflicting job roles. This issue is articulated in the following narrative:

*Again my complaint is that we end up being the social worker, the copper, we do the lot! Maybe someone, another organisation can get involved and do a follow up, so when a person is issued with a cannabis infringement there could be an automatic form which could generate an action by another organisation, which could then send some documentation to the person and speaks to the person and tries to divert them away from the path that they are heading towards.*

Interagency collaboration is an extremely important aspect of the National Drug Strategy, and more specifically the National Cannabis Strategy, as effective partnerships between health and law enforcement agencies play a pivotal role in drug harm minimisation. On this basis, the suggestion of interagency collaboration by participants is a valid one.

This research found that partnerships between police and health providers are currently non-existent in the Mid West–Gascoyne District. Close cooperation between the two agencies needs to be built, maintained and strengthened for effective cannabis law enforcement. Enhanced partnerships will result in the Western Australian Police acting as a catalyst for change in cannabis behaviour and will reduce the pressure on their all-encompassing role.

Some participants indicated that the CIN scheme minimised police time and paperwork. For example, some participants said:

*I think it's working reasonably well...it is a time saver...it is quicker to write*

*out an infringement than it is to have to sit down and write up a brief and do all the paperwork in relation to a summons or you know putting the person through the books and charging them and keeping them overnight.*

*It is a quick and easier way for us to deal with people with small amount of cannabis rather than dealing with it through the court system. Obviously the paperwork for us is quicker—to sit there for a couple of minutes and write out an infringement rather than writing up a brief for court, which takes a bit longer.*

As described in these narratives, participants draw a comparison between issuing a CIN and writing a brief for court, noting that it is easier to ticket someone for a minor offence than taking them back to the station, weighing the cannabis and subsequently writing a brief. In the review of the *Cannabis Control Act 2003*, police estimate that it takes approximately an hour to issue a CIN. This hour is likely to be an underestimation of the actual time involved, as police are required to place the cannabis in secure custody bags, have them signed off by the offender, enter seizures into a register and enter the details of the person issued with the CIN into a separate police database. In comparison, it is estimated that it would take an average of at least four hours to process an individual cannabis charge, which includes time for the preparation of prosecution briefs and all the related administrative steps up to the time the offender appears in court. If these estimations are correct, the CIN scheme significantly saves police time and paperwork. One participant was relieved the CIN had been implemented to free police time:

*It is really good on our behalf in that it is a fast process. The person is still getting explained to them that they are getting an infringement, that it's going on our records, it just frees us up in that we can still be out there patrolling...we can be out there enforcing other laws and addressing more serious problems. Not saying that cannabis isn't a serious problem but with small amounts it does tie us up for a while.*

This participant introduces the idea of cannabis being (possibly) less serious than other patrol issues, which may affect how rigorously relevant laws are enforced. It is

difficult to determine if this view is consistent with the majority of Australian police attitudes towards cannabis as the topic has received little attention in the literature. One US study surveys the attitudes of 408 police officers towards cannabis, and its results indicate that most officers hold negative attitudes towards cannabis. Over 80% of those police officers surveyed perceived cannabis to be a harmful drug and almost 70% agreed that cannabis caused physical damage to the user (Beck, Kavelak, & Summons, 1982). However, tedious paperwork has been identified as influencing police behaviour, with officers not pursuing some offences because of the associated lengthy paperwork and procedures (Australian Institute of Health and Welfare, 2008c).

Participants discussed other benefits associated with the CIN scheme. When attending an incident and dealing with a potential charge for cannabis, they noted, that offenders would more easily admit the cannabis was in fact theirs if they knew they were being issued a CIN rather than being charged. This admission saved a considerable amount of time as police did not have to prove otherwise. For example, one participant noted:

*The scheme has had an impact on policing because [cannabis policing] is not such a big thing anymore... now [cannabis offences] can just be dealt with by way of infringement and people are willing to accept that yes that [cannabis] is mine, and I was going to use it when they know they are just getting an infringement as opposed to when they are looking at the barrel of a court process and a criminal history they tend to defend [cannabis offence] more and deny it more.*

As indicated within this narrative some participants felt that the CIN scheme has impacted positively on policing because offenders consider a CIN to be less serious than a criminal record and are more likely to take responsibility for their actions and admit to drug use. The criminological literature has long recognised that an individual's perception of the law as fair or unfair influences both its success as a deterrent and the legitimacy it affords to police (Piquero, Gomez-Smith, & Langton, 2004; Sherman, 1993a);, people are more likely to obey the law (or the CIN scheme) if they perceive it to be fair. Furthermore, when offenders take responsibility for their

actions, the offence can be more easily addressed as police do not have to prove the person was in possession of the drug, which is often a drawn-out process. It is also important to acknowledge that an individual's willingness to admit to drug use has long been recognised as a motivational status in the treatment of drug addiction and a predictor of retention in treatment settings (Glasscote, Sussex, Jaffe, Ball, & Brill, 1972; Joe, Simpson, & Broome, 1998). Research has found that the extent to which an individual acknowledges having a drug-related problem is a predictor of the level of therapeutic engagement the individual will undertake (Broome, Knight, Knight, Hiller, & Simpson, 1997). If the CIN encourages offenders to admit their cannabis use, offenders are more likely to be successful in their attempts to change their drug use behaviour. Participants indicated that offenders were more willing to listen to the advice of police officers when they became aware they were being issued a CIN rather than having to go to court. As one participant indicated:

*Like I said before I believe that you can certainly have a chat to the person and reason with them and discuss and give them advice. More so than when you are going to be telling them that they are going to be summonsed to court or they are going to be arrested for possession of cannabis.*

Participants felt as though they were able to talk some sense into offenders when issuing a CIN. Several participants mentioned that they were able to provide offenders with sound and reasonable advice, informing them that cannabis is a harmful drug and that further use could lead to their being arrested and charged. Participants were of the view that offenders genuinely listened to what they had to say. This cooperative response from offenders opens the way to build constructive relationships between them and police, and encourages a non-confrontational interaction.

These findings corroborate those of previous research, which have demonstrated that prior to the CIN scheme being introduced, 51% of the WA public perceived police to "generally treat cannabis users with respect", compared to 58% afterwards. This statistically significant finding indicates that police are viewed as treating cannabis users more respectfully under the civil prohibition than under the criminal penalty approach (Fetherston & Lenton, 2007).

Although the CIN scheme was perceived as having time saving benefits by some, others disagreed. For example, one participant indicated:

*I don't think it has decreased time or paperwork...it would probably save you only half an hour, so it's not a lot of timesaving that you would actually save issuing a summons in comparison to an infringement...there are more important issues than cannabis.*

Several participants indicated that the CIN scheme was an inefficient process when offenders did not pay the prescribed monetary penalty. The failure of individuals to pay their penalty notice often led to increased amounts of paperwork, which resulted in more police time being spent on the infringement than anticipated. As one participant said:

*I do not think [CINs] work, personally. I wrote one cannabis infringement and it came back to me because the offender did not pay the infringement. So what happens is that we cannot destroy the cannabis so then you have to summons them to court which is more paperwork. So I do think there is more paperwork not less.*

Offenders' failure to expiate the notice was mentioned by a number of participants, reflecting the high percentage of unexpiated CINs in the District. Of the 380 CINs issued between 2004 to 2007 in the Mid West–Gascoyne District, the vast majority of (72.4%) were unexpiated (Drug and Alcohol Office, 2007). If a CIN is not expiated within 28 days of issue, police must issue a final demand notice. Participants indicated that if the CIN was not expiated the process became prolonged and created more difficulties for the officer. In particular participants emphasised the length of time taken to track down an offender who had provided incorrect information such as their home address.

*From my experience I have had a couple [of CINs] drawn out to eighteen months or even two years down the track... you know if you were to issue an infringement then it is not paid you still got to hold onto the drugs because then the matter goes onto a court appearance, so we have got to try and track that*



*person down again. If they are not paying it then they are obviously being a bit vague with their correct addresses so that can be a bit of a problem as well.*

This view is consistent with the findings of past research showing that police drug diversion initiatives are equal to or more onerous than charging an offender. Given this issue, police prefer to dismiss an offence or charge the offender as they perceive drug diversion to be more complicated than the alternative (Australian Institute of Health and Welfare, 2008c).

Drug accountability also emerged as a common issue throughout the interviews. A number of participants indicated that they felt accountable for the cannabis they seized from offenders. This was an ongoing issue for many officers as the cannabis had to be stored until the CIN was expiated, which could take some considerable time. As participants indicated:

*There is extra paperwork with the property being on hand and the drug still being recorded, as a result of the cannabis infringements. Whereas if they go to court, most of them will plead guilty the first day and the order of destruction is done and then you put it through, otherwise with this [CIN] you have to keep auditing and there is a fair bit of paperwork involved in regards to property.*

*Yeah, you get a bit anxious once you have seized the cannabis because then you're held responsible for it.*

Participants' accountability concerns reflected the fears many police had about false accusations of corruption. These fears lead to precautionary behaviour when filling out CIN paperwork, often resulting in a lengthier process. Drug related corruption has been a persistent problem for law enforcement as it provides an opportunity for large financial gain (Carter, 1990). "As the history of every police organisation attests, policing is a profession that is rife with opportunities for misconduct. Policing is a highly discretionary, coercive activity that routinely takes place in private settings, out of the sight of supervisors and in the presence of witnesses who are often regarded as unreliable" (Klockars, Ivkovich, Harver, & Haberfeld, 2000, p. 2).

Research has also shown that Western Australian police officers are extremely cautious in the implementation of CIN procedures as they often do not feel protected against allegations of misconduct (Chanteloup et al., 2005). In particular, research has demonstrated that rural and remote police officers feel that they may as well arrest the offender and send them to court because the destruction of the drugs will be authorised as soon as the case is heard. Under the CIN scheme, police have to store the drugs, sometimes for over six months, and then have to organise a destruction order (Australian Institute of Health and Welfare, 2008c).

While some participants did credit the CIN for reducing paperwork and therefore saving police time, several officers said they were willing to take the time and do the paperwork as they strongly believed an offender should be arrested and charged for a cannabis offence. For example, participants indicated:

*The paperwork side of things on cannabis yeah, it saves us a little bit of time but it's not even a consideration, compared to what else we are doing...my job, I spend two thirds of my shift doing paperwork so if cannabis is going to be more who cares?*

*Oh for time [the CIN] is a lot quicker because you don't have to sit down and write a brief and get ready for court, but at the same time you weigh it up against a smaller offence or something more serious and I put drugs up there quite highly, so I wouldn't mind taking the time to do the paperwork.*

Therefore, participants who held negative attitudes towards cannabis believed possession to be a fairly serious offence and were willing to do the additional paperwork and spend more time on charging a minor cannabis offender.

### **1.1.13 Cannabis dealers manipulating the law.**

Participants expressed concern that dealers were flouting the law to carry out cannabis dealings. For example, if a dealer with no prior criminal record possessed several five gram foils (cannabis wrapped in aluminium foil) with a total amount equating to less than 30 grams, they are intentionally contravening the law by “using the infringement levels as a cover for dealing activities” (Lenton, 2004, p. 228). One

participant indicated:

*The dealers are especially switched on to [the CIN scheme]. They know how much cannabis they can actually carry. One known drug dealer made a point in saying he knows how much [cannabis] he can keep in his house and he knows how much he has to hide from us so he can get an infringement...he was aware of the CIN and knew how much [cannabis] he could hold on him personally and how much would be looked upon as personal use when dealing.*

Participants were aware that dealers had precise knowledge of the law and were frustrated when they were faced with a decision to issue a CIN or charge the offender. Although police have discretion when enforcing the CIN scheme, participants stated that they were more likely to issue a CIN as it was an easier process compared to charging the offender with intent to sell or supply. As one participant pointed out:

*As an operational police officer all that's happened now is with every single druggie that I have met up here and dealt with up here knows that they can carry certain quantities of cannabis without fear of prosecution...they are flouting the law...we then have got to go further to prove possession of intent to sell and supply, which takes up more time and resources.*

“Flouting the law” can have several implications for the CIN scheme. Firstly, the lengthy process of proving intent to sell or supply means police respect for the law can weaken and officers will eventually become disinterested in its enforcement. Secondly, if police are unable to effectively prosecute individuals with intent to sell or supply, then the objective of the CIN scheme of harm minimisation is not achieved. Failure of this objective may result in increased social and economic costs. Finally, several participants felt that some court decisions had allowed drug dealers to escape conviction on the grounds that it could not be proven the cannabis found on them was intended for anything other than personal use. As a consequence, police may become reluctant to charge an offender on counts of suspected drug dealing in the future. This possibly is illustrated in the following narrative:

*The drug dealers walk around with about four or five grams of cannabis on them, and they deal that and then go source some more and then when they get caught they say [cannabis] was for personal use. Some officers do try and push it through the courts and say it is suspected dealing but it is often not seen as that by the courts even if they are a well known drug dealer.*

#### **1.1.14 Reactions to police contact.**

Participants' perceptions of how offenders reacted to being issued a CIN ranged from an "I don't care" approach to having achieved a positive discussion with the offender. Participants who experienced negative reactions from offenders felt the infringement had little or no impact on the offender. This is illustrated by the following narratives:

*It has no effect on the offender. He knows he has done wrong but he doesn't have to go to court so yeah they don't care...scrunch it up and put it in his pocket.*

*People that you do give an infringement to; they look at it as if "oh it's just a traffic infringement" and they do not really think much of it.*

*The general demeanour of the person when you are issuing an infringement is that it is not really a concern for them because they are, well it is just like a traffic ticket to them. So, it is not going on their record so they are obviously not really bothered by it.*

Participants described how offenders would laugh at an infringement, seeing it as a joke. They spoke of how the infringement meant nothing to the individual and was not perceived as a real consequence of their actions. As one participant responded:

*The people see the infringement as a joke...it is nothing, they laugh, they are not bothered about the CIN, they are not concerned... they simply do not care.*

This shows a degree of indifference amongst those caught within the diversion scheme. Participants indicated that this indifference led them to believe that the

scheme was ineffective and served to undermine their authority and reinforce the perception that possessing cannabis is not a serious offence. For example, one participant indicated:

*You know, they say who cares, I will pay it, you know big deal, and it's sort of like for some people it's not sinking in that cannabis is a serious offence.*

Despite the majority of participants reporting negative reactions from offenders, several did believe that individuals who were caught with minor amounts of cannabis were more likely to listen to advice from the officer when issued with a CIN instead of a summons to court. A minority of participants talked about the scheme being a success as they were effectively able to engage in a discussion with the offender about the associated harms of using cannabis. They viewed the discussion as a cooperative effort which they believed would be helpful in addressing the individual's cannabis behaviour. During these types of discussions police would tell the offender that cannabis is a dangerous drug and future behaviour could lead to arrest and prosecution. This is illustrated in the following narratives:

*It is a lot easier to give someone advice and give someone direction when you are just writing them an infringement as opposed to when you are dealing with someone and charging them and telling them that they will have to go to court and that you will get a criminal record...It works well.*

*They are not really in the mood for listening to you or your words of wisdom when you are sending them to court, but when you are issuing an infringement they are a lot more open to suggestions and can see the error in their ways.*

Such observations reinforce the notion that the CIN scheme provides police with an opportunity to outline the consequences of cannabis use to the offender. However, it must be acknowledged that police responses varied as to whether an offender would react positively or negatively to a CIN. Positive reactions were associated with a mutual discussion with the offender, whereas negative reactions were associated with feelings of being ignored, which resulted in frustration and a sense of powerlessness.

#### **1.1.15 The cultural relevance of infringements to Indigenous**

**populations.**

Participants expressed concern about the rising rate of cannabis use within the Indigenous population in Geraldton and the surrounding Mid West–Gascoyne area. Some participants noted:

*There is a lot of cannabis use in the Indigenous community up here, and issuing cannabis infringements doesn't work... more Indigenous people seem to be using it.*

*More and more Aboriginals are using cannabis at a rapid rate.*

The perceived increase in Indigenous cannabis use rates in the Mid West–Gascoyne District is consistent with the findings of Delahunty and Putt (2006), who examined the policing implications of cannabis use in Indigenous and Torres Strait Islander communities. They found that most police (87%) thought cannabis was “very commonly used” or “commonly used” among local Indigenous and Torres Strait Islander people within their district, and that this use had “increased” or “greatly increased” from 2003 to 2006. Cannabis use among Indigenous and Torres Strait Islander peoples is greater than among the general population, with 50% and 27% of Indigenous and Torres Strait Islander peoples respectively reporting lifetime and past-year use of cannabis (McLaren & Mattick, 2006).

Participants in this research felt that increases in cannabis use among Indigenous people had destroyed the Mid West–Gascoyne District’s social fabric. This was characterised by increased levels of conflict within and between Indigenous communities and diminished ties with other members of the community. This was described as facilitating the alienation of Indigenous people. One participant commented:

*The Aboriginals are a big problem up here when it comes to cannabis, but you have to address it without singling them out. It tears down the social fabric in the community...we have wonderful Indigenous kids but, well some of them have turned into a lost generation, because it's ok to use cannabis, it is acceptable behaviour.*

This observation emphasises the notion that Indigenous people are increasingly caught up in the drug scene, which is creating a new generation of drug users. Participants also indicated that more Indigenous people are using cannabis because it is perceived as socially acceptable behaviour within the Indigenous population. Other participants raised concerns that Indigenous people were not in a financial position to pay infringements. As noted by one officer:

*Across the board, the general Indigenous population, and this isn't specifically for everyone, but they are not in a position to pay the fine...so by giving them another ticket, it is just one more to the pile...so dealing with cannabis by way of infringement isn't the best for them...I don't know which way to address that for the Indigenous population but I do think something needs to be done, but I don't think it is in the form of just giving them another ticket.*

This emphasises that infringements may not constitute an effective deterrent for Indigenous people as they are unlikely to pay the fine. This view is supported by research showing that CIN rates of expiation are nearly four times higher for non-Indigenous groups (46.2%) than Indigenous groups (11.6%). The data also show very low rates of participation of Indigenous persons in the CES. As of 31 March 2007, a total of 912 CINs were issued to Indigenous persons, with 22 (2.4%) expiated by attendance at a CES, 84 (9.2%) expiated by payment and 806 (88.5%) unexpiated. Therefore, it can be suggested that the cultural relevance of infringements to the Australian Indigenous population is low.

Indigenous people are socially disadvantaged in every aspect of their lives. Statistics indicate that they are less likely to complete Year 12 than non-Indigenous people (18%, compared to 41%) and are three times more likely than non-Indigenous people to be unemployed (20%, compared with 7%) (Australian Bureau of Statistics, 2003). It is often noted within the criminological literature that offenders come from financially disadvantaged backgrounds and that poverty is one of the causes of their offending behaviour (White & Haines, 2008). Additionally, Indigenous people are more likely to live in regional or remote areas of Australia than non-Indigenous people (24% compared to 2%). The low percentage of Indigenous people attending a CES may reflect the lack of availability of education sessions available in regional or

remote areas. The cultural relevance of these education sessions also requires consideration. Overall, the statistics demonstrate that Indigenous people are not in a position to comply with the provisions of the CIN scheme as they face numerous difficulties. This is extremely concerning, as default can lead to further involvement in the criminal justice system.

#### **1.1.16 The social impact of the CIN scheme.**

Participants raised two key issues when evaluating the social impact of the CIN scheme:

The inability of the CIN scheme to deter cannabis use in the community; and

The lack of publicly available information on the dangers associated with cannabis use.

Most participants within this research indicated that the CIN scheme had no significant impact on the community as cannabis was still a prevalent problem and a concern for police; they believed the scheme had no impact on decreasing the levels of cannabis consumption. This is illustrated within the following narratives:

*Cannabis is still a major problem in our district; the CIN scheme is not cutting down the use of cannabis, it is encouraging it. I don't think the Cannabis Infringement Notice has had any positive effect at all on the community.*

*No, I do not think the scheme has had a direct impact on the community itself, I definitely wouldn't say that cannabis use has decreased.*

These findings are consistent with the view that the CIN scheme has failed to deter both regular and potential users. When asked how the CIN encouraged cannabis use, some officers said that because the scheme did not offer punishment, those who wanted to try cannabis were not deterred from doing so. Participants felt the CIN scheme was hampered by a significant lack of public information about the harms associated with using the drug, which exacerbated cannabis use rates in the district. Participants commented:



*There really isn't a lot of information on drug use, in particular cannabis, so people in the community don't really know how harmful it is. Cannabis is still a big problem.*

*People in the community do not really know about cannabis and how dangerous it can be. They have no information on the drug, no knowledge...it is really only at a police level.*

Participants were concerned about the systemic failure to educate the community about the potential physical, psychological and social consequences of cannabis use. They recognised the need to educate the community about the negative consequences of cannabis use and to provide positive modelling of alternatives to drug use and assistance to those in need.

### **Perceptions**

The third theme, *perceptions*, explores participants' personal values, attitudes and beliefs about the policing of cannabis users. The importance of this theme is grounded in the notion that perceptions have the capacity to influence the implementation of the CIN scheme. This theme includes three sub-themes (The CIN is a soft cop attitude; downplaying the illegality of cannabis; and appropriate penalties). The relationship between sub-themes and police experience with the CIN scheme is examined in this section.

#### **1.1.17 The CIN is a soft cop attitude.**

Participants commented that they found it difficult to issue a CIN, as they believed a prohibited drug should not be dealt with by way of infringement because it seemed too lenient and sent out a confusing and misleading message to the public that cannabis use is acceptable. Participants also felt the CIN scheme disguised the harm that cannabis could cause. This is illustrated in the following narratives:

*So don't talk to me about government policy and attitudes to drugs. They are soft! The CIN is a soft cop attitude to decriminalise the usage and possession of cannabis which I believe is a huge mistake.*

*I see it as a soft option...it is just a view that I have got growing up that anyone who was found with drugs were arrested or summons and dealt with by court and that view seems to sit with you as a person.*

These statements introduce the notion that the CIN scheme is different to the total prohibition approach adopted by the previous state government. Under total prohibition, police were required to arrest and charge an offender for small amounts of cannabis, which one participant identified as playing an instrumental role in enforcing a zero tolerance policing mentality against cannabis offenders. This mentality could act as a barrier in terms of an individual's ability to embrace and undertake the CIN scheme.

Notably, participants often described the CIN as a slap on the wrist for offenders who have been using or dealing cannabis for significant periods of time. These associations reinforce the idea that an infringement is a soft punishment for an illicit drug offence. For example, participants indicated:

*It's soft...basically a lot of people use cannabis up here, so a lot of people are more than first offenders. The people that we do catch, you find out about you know, for the amount of time they have been doing it or selling and supplying, then they get caught with a little bit and they get a slap on their hand, whereas you would much rather be sending them to court for possessing an illegal drug.*

*I just don't think the cannabis infringement system works... I just think the court system is the best and I think we should leave it at that...I prefer to send people straight to court as they probably learn not to do it much faster.*

Such remarks illustrate the preference to send an offender to court rather than issue an infringement, because the court constitutes a harsher punishment and a more effective deterrent. Many participants believed that delinquents might come to see their cannabis behaviour as excusable when issued with an infringement.

Extending beyond preferences for a more punitive approach to cannabis use and possession, some officers conveyed a sense of frustration and disappointment with the diversion initiative. More specifically, they spoke about the ways an infringement

approach to illicit drugs could challenge their roles as agents of a policing body. This is illustrated in the following narrative:

*Sometimes you go and you give an infringement to these people and it's like well what have you done? Have you really even tried to stop them? No, they are just going to go and do it again, so I do find it really hard.*

Therefore, the CIN scheme impacted on perceptions of the value of participant policing roles. Participants questioned if the approach adopted really made a positive impact on individuals.

#### **1.1.18 Downplaying the illegality of cannabis: the uncomfortable juncture between infringements and cannabis.**

Participants also perceived the CIN scheme to send a mixed message to cannabis offenders, thereby weakening the general and specific deterrence of cannabis use among individuals. They indicated that the existence of the CIN scheme was equivalent to telling people it is acceptable to use the drug even though it is still a prohibited substance.

Participants felt that ticketing offenders with an infringement notice lowered the seriousness threshold for a cannabis offence, as offenders were not being arrested and charged. As a consequence, participants felt that the message being sent was that cannabis use is not harmful enough to warrant serious punishment. This is reflected in the following narratives:

*Just because you are writing them an infringement and it is a small, petty thing you know. That is probably a negative and it is really a downside effect that they may not see it as serious as if they had been brought back to that station and arrested and charged in that way.*

*When you belittle a horrific drug like cannabis, and it is a horrific drug, everybody thinks that cannabis is a minor, harmless drug; they think it is ok to use [cannabis] and then they try harder drugs. My main concern is that the infringement section gives mixed messages...people think it is ok to own a*

*certain amount of plants, to have it for their own personal use. We have a huge problem with the policing side of it just for that simple reason...the message should be no it is a bad drug, simple as that.*

Participants described the CIN scheme as trivialising the seriousness of a cannabis offence, which they felt minimised the harm caused by cannabis use. They believed that the CIN scheme conveyed a message to society, in particular the young, that cannabis is not viewed as a serious issue and carries little risk, which might in turn lead to increased levels of use in the community. It was also suggested that this liberal approach to cannabis use could lead to greater use of other illicit drugs. The majority of participants noted that an infringement for a cannabis offence did not reinforce the message that cannabis is a dangerous drug, and undermined the illegality of the substance. For example, some participants commented:

*You just don't want to be giving them an infringement because it is simply not teaching them anything. It is not saying that this is wrong; it's not saying do not do it.*

*[Cannabis] is an illegal substance, it is not good for you and people should be aware that they are not allowed to have it and if they are going to have it then they should suffer the full consequences of it...It's pretty much, I think, it has given the belief that it is not that important of an issue.*

Such remarks reflect personal perceptions that cannabis use is harmful and that the CIN scheme is a dangerous approach to policing cannabis. It is anticipated that police attitudes towards the policy of harm minimisation and the current cannabis legislation may change when they gain a greater understanding or knowledge of the CIN scheme. Research has found that police training can have a powerful impact on attitudes, and an attitude change may have a strong impact on behavioural change (Garner, 2005).

#### **1.1.19 What constitutes an appropriate penalty?**

Participants indicated that the majority of offenders they had issued a CIN to were either on government welfare benefits (such as Centrelink), or were commercial

cannabis dealers. When considering welfare recipients, participants indicated that the CIN had no impact on them. Participants were of the opinion that the money did not specifically belong to the welfare recipients, they had not worked for it and therefore it held no importance or worth to them. Therefore, fining was ineffective as a deterrent: This is illustrated in the following narrative:

*A lot of the people we deal with in Geraldton are on government benefits. So yeah a fine to them, they don't care anyway because if you go to one of their houses, they don't own it because they don't work...they are just spending their money on drugs and alcohol. So in terms of a one hundred dollar fine for a cannabis infringement, it has no effect on them whatsoever.*

*The people on Centrelink benefit, they get the one hundred dollar fine they just go oh well, and add it to my tab...they are not actually working for the money, so it just comes out of their Centrelink payments. There is no impact on them.*

Such remarks suggest that participants make a judgement that Centrelink recipients lack a sense of responsibility to pay an infringement. Such a judgement may reflect the general negative attitude towards people on welfare payments. “In Australia, welfare departments tend to be highly stigmatised, with a negative welfare image” (Spicker, 1984, p. 97); social perceptions towards welfare recipients are that they are lazy, irresponsible and lack responsibility. Police are not immune to these stereotypes, and this has a number of implications for the CIN scheme. The first is that police may lose confidence in offenders’ ability to pay infringements if they are welfare recipients, and may therefore be more likely to charge them than issue a notice; alternatively, police may turn a blind eye and ignore the offence completely. The second is that if police perceive an offender to be a welfare recipient, this may lead to negative interactions between police and the offender. Poor interactions have the potential to generate self-fulfilling prophecies, strengthening negative stereotypes about people on welfare. This in turn is likely to damage the effectiveness of the CIN scheme and the public image of the police.

A significant number of participants felt there is no deterrent effect in an infringement if the offender is not inconvenienced by paying it. Participants

expressed the view that the financial penalty should be high enough to act as a deterrent, and should be kept at a level which would encourage people to adhere to the legislation. As one participant noted:

*The money to pay the fine is removed from their Centrelink; it's a small percentage of their one hundred dollars, so they probably just don't even care. If it was the general working class person that actually works, and they need the money, and they value their money, and they work hard for it, they will think next time, it will work for them... most of the people we issue an infringement to don't work.*

All participants interviewed agreed that the financial penalty was inappropriate; dealers only had to sell two or three foils (a relatively easy task) in order to pay the infringement. Participants felt that dealers took an economically motivated, calculated risk when engaging in unlawful conduct, and that higher financial penalties might deter them if cannabis dealing became a risk not worth taking. Participants agreed that substantial increases in the financial penalty would be an effective deterrent, as the cost of the punishment would outweigh the gain from committing a minor offence. From this initial perception it could theoretically be argued that the legal system should impose the strongest possible financial penalty. However, this would have consequences for a significant number of people, especially those on lower incomes who have difficulty paying infringement penalties and often fall into a cycle of re-offending; this makes it difficult to determine an appropriate penalty. When participants were asked why they believed a \$100 penalty was ineffective as a deterrent, the majority made a comparison to other penalties such as a several hundred dollar on-the-spot drinking fine. In making these comparisons participants indicated that they perceived a drug offence to be more serious than drinking in prohibited areas, yet it was penalised less. For example, participants said:

*I think that one hundred dollars are probably a little bit lenient for even the one-off one gram offence because like I said, [a] seventeen year old being in possession of alcohol is a two hundred dollar fine. You know, I don't see how an illegal drug can be less than that. No matter what it should be at least two*

*hundred dollars or more, more really because it is an illegal substance and it doesn't seem to add up to other laws in place.*

*Yeah, a one hundred dollar fine is pretty soft really. Compare it to something like the traffic infringement where you get a one hundred dollar fine for an indicator not working or something similar like that. It is a five hundred dollar fine for not wearing your seat belt! So how can cannabis be one hundred dollars? It undermines us as police.*

This argument raises the idea of illegality. Specifically, the participant believes that by virtue of its illegality the possession of any drug should be taken more seriously than the possession or consumption of a legal substance. Furthermore, participants perceived the fines to be disproportionate to the seriousness of the offence, thereby undermining the ability of police to police cannabis offences. This finding supports previous research which has found that police officers tend to be sceptical of infringements as the officers believe it distracts from their credibility when policing drug offences (Australian Institute of Health and Welfare, 2008c). When considering the nature and conditions of the infringement notices the majority of participants indicated that 30 grams of cannabis was a significant amount. It was suggested that infringements should only be issued for quantities much less than the prescribed 30 grams. For example, one participant indicated:

*Thirty grams is a fair whack really, so I think it should be down. I think it should be down to five or ten grams. Yeah, you know, maybe draw a line at ten grams or something.*

## **Summary**

This research shows that participants' experience with the CIN scheme differs according to their knowledge, situational factors and perceptions of the scheme. The first theme, *knowledge*, essentially captures participants' levels of understanding about the CIN scheme and explains the variation of knowledge observed between police officers about different elements of the scheme. The second theme, *situational factors*, relates to the unique factors participants are faced with when dealing with

the CIN scheme and depicts what it is like to be an operational officer implementing the CIN scheme at street level. This theme also identifies the issues participants are faced with when enforcing the *Cannabis Control Act 2003*, such as lack of contact with the intended target group of the CIN scheme (first-time cannabis users) and dealers who flout the law for personal gain.

The third theme, *perceptions*, highlights those participants' attitudes and beliefs towards cannabis and cannabis users which directly influence their implementation of the CIN scheme. As police have discretion to either issue an infringement notice or charge an offender, they will be more likely to choose the former if they perceive it to be an effective deterrent. The theme of perceptions permitted examination of participant attitudes and feelings towards three key components: cannabis as a drug, cannabis users and the CIN scheme in general.



## **General Discussion and Conclusion**

This chapter summarises the findings as they relate to the research question outlined in the first chapter on police officers' experience with the CIN. It begins with general observations and a broad overview of the findings as they relate to police officers' understanding and perceptions of the CIN scheme. Methodological issues, possible applications of findings and avenues for further research are then outlined, before the final summary.

### **Overview of Findings**

This research aimed to examine regional police officers' experiences with the CIN scheme. In broad terms, results show a complex, multidimensional view of participants' experience with the CIN. Discussion of these experiences covered a range of themes and sub-themes, including issues that have received limited attention in the literature such as police officers' knowledge of the scheme. Participants' experience with the CIN scheme was characterised by three key themes:

1. Knowledge;
2. Situational factors; and
3. Perceptions.

This research revealed that participants were able to recognise that drug use will continue to be a part of society and that the eradication of drug use is not realistically attainable. While some participants wanted to revert to a zero tolerance approach, other participants enthusiastically endorsed the CIN scheme and the harm reduction approach. Participants who endorsed the scheme believed it had the ability to prevent or reduce the harms associated with cannabis use.

When analysing the findings it became apparent that participants' understanding of the CIN scheme was based on the level of knowledge they had of it. Participant's knowledge could account for what aspects of the scheme they understood or did not understand. Overall, this research found that participants had a good understanding of the diversionary process that drives the CIN scheme, and the majority of participants were clearly able to explain that the CIN scheme is primarily aimed at

diverting first-time, low-level cannabis offenders away from the courts. Participants were able to identify that they, as police officers, played an important role in being gatekeepers to the criminal justice system, and as such were aware they played a significant role in minimising the harm caused by cannabis use in society. Additionally, the majority of participants could explain the following important aspects of drug diversion:

Drug diversion has the ability to minimise the impact on court and judiciary time, with fewer minor cannabis offenders being put through the courts;

Drug diversion can have an impact on court costs; and

Drug diversion can diminish the potential consequences a minor cannabis offence can have for the offender.

It was evident that participants had varying levels of knowledge about the CIN scheme. Only one participant was able to demonstrate that diversion has the potential to reduce the likelihood of recidivism. This finding suggests that police officers could benefit from education courses that demonstrate the relationship between criminal justice system diversion and recidivism rates. If police were better educated about the effectiveness of the CIN scheme, it is likely that more of them would be more supportive of it.

Additionally, findings demonstrated that when participants issued a CIN they would notify the offender of two expiation options: to pay the prescribed penalty, or to contest the notice in court. It is important to note that all participants failed to acknowledge that the offender has a third expiation option available to them, which is to attend and complete a CES. As participants were unaware of the CES expiation option they were therefore unaware of the outcomes of the CES for cannabis offenders. It was evident that, although the *Cannabis Control Act 2003* recommends information about CES outcomes to make its way back to police, this did not occur. Participants reported their frustration at seeing young offenders back on the street and engaging in further offending behaviour. Further investigation of this issue is warranted, as limited feedback from Healthinfo is adversely affecting the credibility of the CES process. It is likely that participants' limited knowledge of the CES contributes to their perceptions that the scheme is a soft option. Furthermore, it is a

matter of concern that some officers have no knowledge that CES exists.

These findings provide evidence that an enhanced educational program is required to improve participants' knowledge of the role of the CES. Offenders issued with a CIN need to be properly informed of their rights at the beginning of the process, to ensure consistency within the Western Australian Police force and to increase the likelihood of offenders' compliance with the penalty (whether payment of the infringement or attendance at a CES). This should also be a significant consideration during the implementation phase of the *Cannabis Law Reform Act 2010* (CLRA). Given that the CES has been replaced with the Cannabis Intervention Session (CIS), it is important that police officers are educated about the CLRA and the CIS to ensure that the issues associated with the *Cannabis Control Act 2003* are overcome.

This research also found that participants' experience with the scheme could be classified into two main themes: perceptions and situational factors. The theme of perceptions involves the ways that participants' attitudes, values and beliefs towards cannabis as a drug and towards cannabis users influenced their experience with the CIN scheme. It was revealed that participants who held strong anti drug attitudes and values considered the CIN scheme to be a soft approach. These participants misunderstood the intentions of a harm minimisation approach, and were reluctant to be involved in the CIN scheme. Participants who perceived cannabis to be a harmful drug and who held negative attitudes towards cannabis users also believed the CIN scheme conflicted with the enforcement role of a police officer. These participants felt the scheme sends a mixed message to offenders, telling them it is acceptable to use cannabis even though it is an illegal substance. To overcome these barriers and misunderstandings, police advocacy for harm minimisation is vital, as it will not work without their active support and leadership. When police support is not forthcoming, implementation of the CIN scheme may deviate from the policy's intentions and lead to its failure.

Furthermore, this research found that participants' experience with the CIN scheme was dependent upon the surrounding circumstances and issues they faced when implementing a CIN. While the majority indicated that the scheme is theoretically a good idea, several noted that the scheme had practical problems. For instance, the

majority felt there was no benefit to the police from implementing the *Cannabis Control Act 2003* as they generally had little contact with the intended target group of the CIN scheme. Not only was contact with the intended target group low, but participants expressed frustration that long-term cannabis users who had not been detected previously were issued with an infringement instead of going to court. Participants failed to notice that cannabis offences attract a graduated range of fees. Although responses varied, the majority believed the courts worked as the most effective deterrent against cannabis use.

Participants reported that they were struggling with an ever-expanding police role that often restricted their services to a reactive rather than a proactive approach. They commented that they felt burdened with their role and welcomed the idea of a partnership approach involving law enforcement, health and social sectors. They noted that police did not work closely enough with health providers, and indicated that they would like to see more of an interagency approach, which they believed would result in more effective outcomes.

Responses as to whether the CIN scheme had an impact upon police time and paperwork varied. Half the participants felt infringements were relatively easy to administer, saving time and reducing clerical work, while the other half felt the scheme was not a time saver. Some even indicated that more police time and resources may be spent on an infringement if an offender fails to expiate the notice. Participants who believed the infringement did not minimise time or paperwork felt offenders' reactions to an infringement were based on an "I don't care" approach. Generally, participants were satisfied with the CIN scheme approach for first-time offenders, but not for repeat offenders or cannabis dealers. Participants noted that some cannabis dealers flout the law to carry out cannabis dealings and that it is difficult, and also time-consuming, for police to gather enough evidence to prove the offender has intent to sell or supply.

There was strong concern voiced about the likely impacts of heavy and prolonged cannabis use in regional and remote communities, especially among the Indigenous population. Participants felt that cannabis use remains a major problem in the Mid West–Gascoyne District and infringements are not an effective deterrent in the

community. A lack of publicly available information on the dangers associated with cannabis use was associated with this failure. Participants felt that substantial increases in the financial penalty would act as a more effective deterrent. Additionally, the majority of participants considered the CIN scheme too lenient for hardened offenders, with the provisions of the *Cannabis Control Act 2003* inappropriate for repeat offenders.

This research found the most significant issue associated with participants' experience with the *Cannabis Control Act 2003* was that it appeared to deviate from its harm minimisation intentions. This finding is supported by previous research that indicates that discrepancies do occur between harm minimisation policies and the implementation of drug legislation. Such discrepancies stress the importance of monitoring police enforcement behaviour after the implementation of any drug-related legislation (Van Het Loo et al., 2003, p. 68).

### **Final Summary**

As police are well placed to have contact with cannabis users, they are also well placed to assist in the implementation of harm minimisation policies and programs. In this research, participant narratives provided a critical insight into what occurs at a "street level" implementation of the *Cannabis Control Act 2003*. Not only does this research make us more aware of what is occurring in the realms of policing, but it facilitates insights which we may learn and draw from, such as the importance of maintaining a high level of education and training for police officers after the introduction of new legislation.

This research found that participants believed the courts to be the most effective system to deter people from using and possessing cannabis, but it also found that all participants demonstrated limited knowledge about the CES. Such findings suggest that closer working partnerships between police and health departments such as Healthinfo can provide police with a richer understanding of the extent and nature of cannabis-related harms.

Ultimately the principles of harm minimisation which underpin the CIN scheme are

best practised by police officers who are well trained and educated on the *Cannabis Control Act 2003* and have a high level of understanding of the value of a health approach when dealing with cannabis users. It is therefore critical for the Western Australian Police to ensure their officers are well trained and educated regarding the relatively new *Cannabis Law Reform Act 2010*. The provision of high-quality training and educational materials to police officers is likely to increase the chance of the *Cannabis Law Reform Act 2010* being implemented correctly and consistently, and, most importantly, ensure that it adheres to its harm minimisation intentions. Currently, the Western Australian Police advises their officers by email once an amendment to an Act has occurred. In regional police districts, a District Training Officer is responsible for the provision of training and educating officers on legislative change. However, discussions with participants found this training to be ineffective. The training of police officers in regional or remote communities proves difficult due to the higher costs associated with geographical isolation. Additionally, regional or remote police districts may experience greater difficulties in recruiting and retaining officers with a broad range of experience and/ or tertiary qualifications. Regional or remote policing districts are also faced with low retention rates, which can contribute to an already overburdened police role, leaving little or no time for officers to receive adequate training. Such factors need to be considered in more detail to provide a comprehensive overview of how training police officers in regional or remote communities can be improved. The findings from this research are critical and powerful tools that can encourage a better framework for future cannabis-related policy and legislative work.

### **Limitations**

All research projects are bound by economic and logistic factors that restrict the breadth and depth of the study. In this case, findings need to be interpreted with several limitations in mind.

One limitation was the qualitative nature of this investigation. This research was exploratory in nature, and its findings cannot be relied on with the same confidence as those of quantitative studies designed to test a set hypothesis (Punch, 1998). Qualitative or explorative methods are selected for different purposes from

quantitative methods, and are most suitable when investigating topics that lack a solid, pre-existing knowledge base. A conscious decision was made by the researcher to qualitatively investigate police officer perceptions of the CIN scheme despite the limitations inherent in qualitative methodology. For instance, in exploratory studies the researcher is required to be a key instrument in the interpretation of findings, which may therefore be subject to bias from the researcher's expectations and values. Efforts to protect against such bias in this research included the data being scanned by two independent researchers, who arrived at similar conclusions and ratings of relevancy.

Another limitation is that of self-reported data. It is possible that participants may provide the information they think researchers want to hear instead of what they actually feel or experience (Bell, 2005). Police may have answered questions according to what they thought was expected of them, rather than what they actually practised or believed, and such answers may result in the underreporting of "undesirable" attitudes or practices.

This research was further limited in that the sample was small and purposive. Due to differences in regional areas (for example, differences in Indigenous populations, cannabis use rates and the ages of population groups) these findings cannot be generalised to all regional police officers dealing with the CIN scheme. Analysis of the sample characteristics reveals limitations in terms of the gender of participants, for example, as only one female police officer consented to be interviewed. Recruiting female police interviewees to participate in this study proved difficult, which may be an effect of the difficulty associated with recruiting and retaining female police officers in regional and remote areas. The gender imbalance of police officers in the state workforce is prevalent everywhere in any case, with significantly more male police officers (4,658) than female (1,208) (Western Australian Police, 2011).

Despite the above limitations, the exploratory method was deemed most appropriate for obtaining an in-depth description of police officers' experience of the CIN scheme. Although the limitations are acknowledged, they do not detract from the significance of the findings, which provide useful information in relation to the

improvement of police officers' knowledge and understanding of the scheme. The noted limitations merely provide platforms for future research.

### **Future Research**

The literature suggests that “the scientific evidence regarding the effectiveness of cannabis policy as implemented is limited, and we believe that it is thus fair to assume that policy making regarding possession and use of cannabis is not based on solid evidence” (Van Het Loo et al., 2003, p. 68). The current study not only adds to the limited body of knowledge about the relationship between cannabis policy and implementation, but provides a guide or a stepping stone for future research. As this research only considered officers' experiences within one geographical location, specifically the Mid West–Gascoyne District, it is not possible to generalise the findings to other regional or remote police districts. Therefore, future research should focus on examining the experience of police officers from other regional or remote police districts to ensure that the experiences reported here are not unique to the Mid West–Gascoyne District. This research also found that participants were not well informed about the *Cannabis Control Act 2003*. Although this finding does not imply that all police officers have a limited understanding of the *Cannabis Control Act 2003*, it does indicate that police officers should be better trained and educated on the cannabis legislation they are implementing.

A consistent recommendation in research examining police practice is that the training of officers should be improved; and this research concurs with that recommendation. Although the need to examine the effectiveness of training practices is not exclusive to the Western Australia Police, the findings of this research suggest that there is a need to consider how training is delivered to police officers in regional and remote areas. Given the problems associated with implementing and delivering effective training programs in regional and remote areas, the employment of different training methods should be considered. One example of an alternative training method is the delivery of online training through a computer-based training package, which could consist of various multimedia and audio-visual modules. Online training has been identified as being cost-effective, and provides police officers with the flexibility to complete the training modules in their



own time. However, the provision of an appropriate information technology infrastructure for officers in regional or remote areas may prove difficult, as the cost of implementing, upgrading and maintaining the infrastructure could be excessively high. To determine how training and education can be best delivered to officers in regional or remote districts, future research should be qualitative in nature to gain new insights on what delivery methods work best, and why.

In addition, this research found that participants had limited knowledge of the harm minimisation principle underpinning the CIN scheme. In order to determine how police officers can be better educated on the harm minimisation principle, further research should consider what aspects of harm minimisation police officers do and do not understand. For example, an officer may understand that the eradication of all drug use in society is not realistically attainable, but may not be aware of the benefits associated with educating a cannabis user on the harms associated with their cannabis use. Once research has identified what aspects of harm minimisation police officers do not understand, the Western Australian Police can ensure the training and education provided to officers will focus on such key areas. If police are well educated on the harm minimisation principle it is likely that they will be more supportive of less punitive measures when dealing with cannabis offenders.

Research addressing the above key issues will offer new insights into how police training can best be delivered and how police education can be improved to specifically target gaps in police officers' knowledge. This will ensure police officers are equipped with the knowledge and skills required to perform their role appropriately.

An additional area that future research may wish to examine is the relationship between overlapping services such as health agencies and the Western Australian Police. In the current research participants reported their frustration at seeing young offenders back on the street, and of apprehending offenders without being aware of their involvement in the CES because of the poor relationship between police and Healthinfo. Further investigation of this issue is warranted. It is also important to gather information on the strength of various government departmental relationships and where these are failing. Such findings may lead to improved relationships

between government agencies and a greater understanding of what each agency is working on to assist minor cannabis offenders.

Overall, the findings from this research will benefit future cannabis policy and legislation. As one participant reported,

*It is good to see people doing cannabis research, it's needed. As police, it is our job to implement the laws but yet we are never asked how it works practically. On a piece of paper it looks like it can work well but as police officers you know that is not the case.*

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## Appendix A: Participant information form

Dear Participant,

My name is Kara Wright and I am currently conducting research evaluating the implementation of the Cannabis Infringement Notice (CIN) Scheme. This research project is being undertaken as part of the requirements of a Master of Criminal Justice degree at Edith Cowan University, within the Faculty of Business and Law.

In order to address cannabis rates within Australia more research is needed in evaluating the implementation of cannabis policy and legislation from a local enforcement level. This research aims to act as an initial step towards the integration of urban and regional based research on the evaluation of the CIN scheme by current regional police officers.

Participation in the research requires you to answer a series of questions regarding your perceptions towards the CIN scheme, which will take approximately 30 minutes. During the interview process your response will be recorded using an audio-tape recorder. Tapes of interviews will only be accessed by the researcher and will be erased after transcription. It is anticipated that this study will help guide future research on cannabis policy. This study provides you with an opportunity to discuss both the positive and negative aspects of the CIN scheme.

Please note that your participation in this research is **completely voluntary** and **you are free to withdraw your consent at any time**. In the event that this research is published **no identifiable personal information will be released**.

Prior to your participation, please ensure that you sign the consent form provided as acknowledgement that you are giving voluntary and informed consent to participate in this research.

If you have any questions regarding the present study I may be contacted on

(08) 6304 2742 or via email at [krwright@student.ecu.edu.au](mailto:krwright@student.ecu.edu.au).

The supervisor of the research is Pamela Henry and is contactable at Edith Cowan



University on (08) 6304 5124 or Pamela.henry@ecu.edu.au.

If you have any concerns and wish to speak to an independent person please contact:

Research Ethics Officer

Edith Cowan University

270 Joondalup Drive

JOONDALUP WA 6027

Phone: (08) 6304 2170

Email: research.ethics@ecu.edu.au

In the unlikely event that you become distressed as a result of participating in this study, the contact details of the Lifeline health care services have been provided below.

Lifeline: 13 11 14

Crisis Care: (08) 9223 1111

**Police counselling services:**

Health and Welfare Branch: (08) 9424 4200

Thank you for taking time to read this information letter. **Your assistance in this research is greatly appreciated.**

Kara Wright (Chief Investigator)

## Appendix B: Research consent form

Mid West–Gascoyne District Police Officer Perceptions towards the Western Australian Cannabis Infringement Notice Scheme.

Chief Investigator: Kara Wright

School of Law and Justice

Ph: (08) 6304 2742

Email: krwright@student.ecu.edu.au

## Declaration:

I have been provided with and read the participant information form and am aware of the purpose of this study. I have been made aware of my role as a participant in the research project and know that I am free to withdraw my consent to participant at any stage for any reason. I give permission that the research gathered during this project can be used to complete a research project as long as I am not identified in any way and that all data collected will remain strictly confidential and will only be used for the purposes of this research.

Participant Signature

---

Researcher Signature

---

Date

---

## Appendix C: Interview guideline

## General Question:

- Can you describe to me what your understanding of the cannabis infringement notice scheme is?
- Can you tell me what you think about the CIN scheme in your area?

## Level 1 Probe

- a. What do you think is good about the scheme?
- b. What do you think is bad about the scheme?

## Level 2 Probe

- a. Time / paperwork
- b. Community
- c. Procedure with offender (Typical scenario) (Can you give me an example of a situation when this occurred in the last six months)
- d. Station

## Level 3 Probe

- a. Suggestions / recommendations to improve CIN scheme in your police district
  - b. Penalties
  - c. Harmful/ Beneficial effects
  - d. Offenders reaction
  - e. Special need groups (e.g. Indigenous people)
- Is there anything else you would like to tell me?

Appendix D: Demographic questionnaire

Participant ID No

Date (day/month/year)

Interview start time

1. Are you :

Male

Female

2. What is your age :.....

3. How long have you been a serving police officer for? .....

4. What station are you currently employed at? .....

5. How long have you been working at this station for? .....

6. Please indicate where you have worked prior to the current station and estimated length of time at previous station:

Station..... Time.....

Station..... Time.....

Station..... Time.....

Station..... Time.....