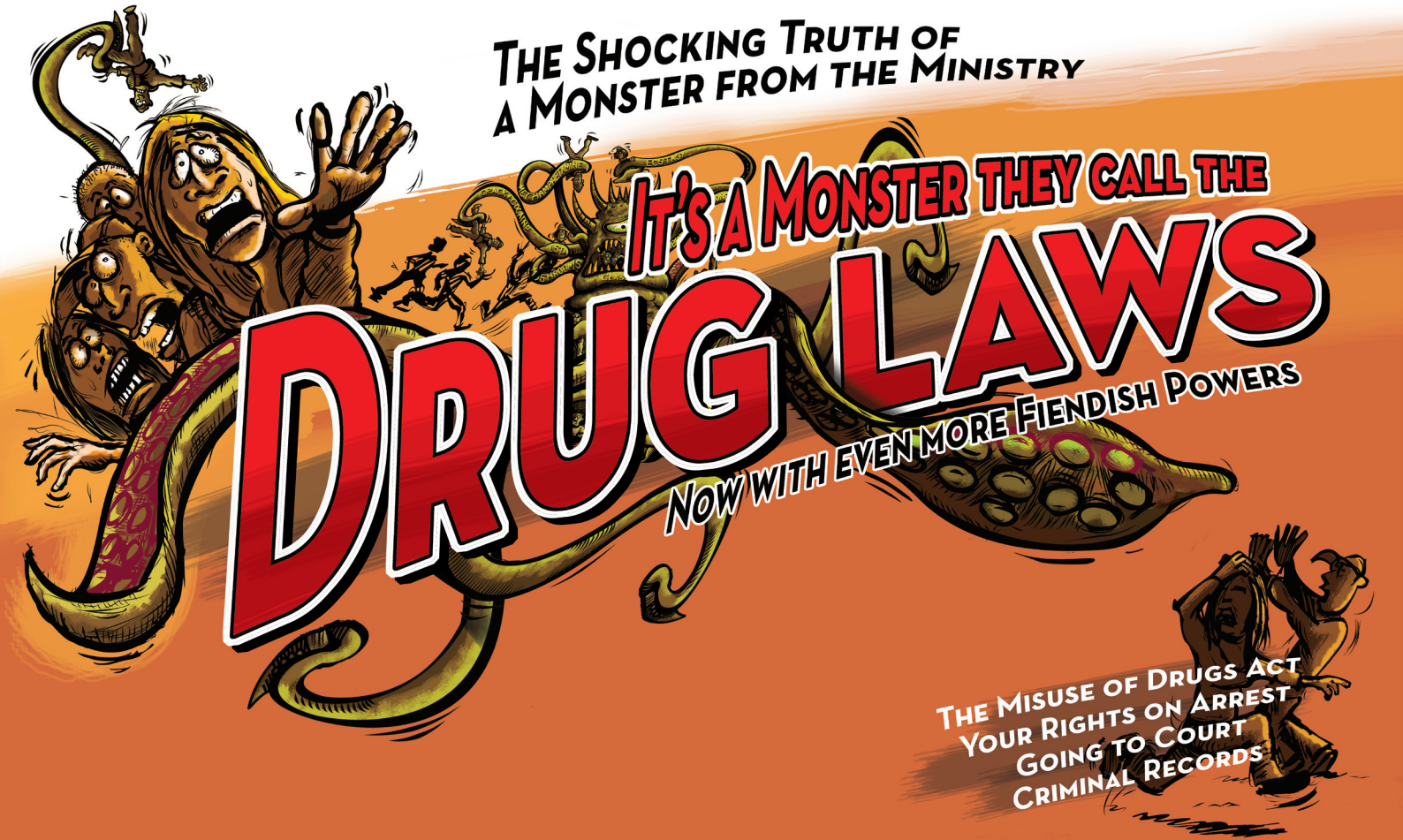
Lifeline Publications present



TREMBLE BEFORE THE TENTACLES OF TERROR!

IT'S THE MISUSE OF DRUGS ACT

SEE ! . .

THE MONSTER WITH THE TRIPLE JAWS OF JUSTICE!



Every year in Britain thousands and thousands of people are arrested for drugs offences. Most cases involve men caught with small amounts of cannabis. You may not like the drug laws, but that won't stop you from being stopped, searched, arrested, charged, tried or convicted - this booklet explains what you need to know.

The Misuse of Drugs Act 1971 (MoDA)

MoDA is the main law that deals with drugs. It makes it a criminal offence to possess, make, grow, sell or give away certain drugs. These are called 'controlled drugs' and they are split into three groups: class A, class B and class C. How harsh the law is on you depends on the class of the drug and the type of offence.

The Misuse of Drugs Act also covers drugs that are chemically similar to each other. With drugs like ecstasy for instance, this means hundreds of different substances from the same family of drugs (eg. 2CB and 2Ci) count as class A.

Class A drugs include:

Cocaine. Rock cocaine *(crack).*
Ecstasy *(MDMA / MDA and chemically similar drugs eg. 2cb, 2ci).*
Heroin. Methadone *& other strong opiates.*
LSD *(acid).* **Magic mushrooms** *(that contain psilocin and psilocybin).*
Methamphetamine *(meth & crystal meth)*

Class A drugs are considered to be the most harmful and carry the harshest punishments.

Class B drugs include:

Cannabis *resin and herbal cannabis (including skunk).*
Amphetamine Sulphate *(speed).*

Class B drugs are seen as less harmful and carry less harsh punishments. Any class B drug that is prepared for injection, counts as a class A drug.



Class C drugs include:

Anabolic steroids *(& some similar drugs).*
Possession of medicinal steroids is not an offence, but possession of illegally manufactured steroids is an offence.
GHB. Ketamine. Subutex.
Tranquillisers & some sleeping pills *(eg. zolpidem and temazepam)*
Class C drugs are seen as the least harmful and carry the least harsh punishments.





Other drugs

The drug laws are complicated - some drugs like Fly agaric mushrooms and Salvia (divinorum) are still legal. Peyote cacti and Khat are legal in their natural form but if drugs are extracted from them they become illegal. Poppers and things like glue and lighter fuel aren't covered under The Misuse of Drugs Act, so although there are rules about selling them, possession is not an offence. Alcohol and tobacco despite being the drugs that kill the most people are not included in the Act but have their own rules and regulations.

Internet drugs

Drugs that have been bought over the Internet have the same legal status as any other drugs. In some cases the drugs they are selling may be legal in the country where the firm is based but illegal in Britain.

Growing cannabis

It is legal to sell and possess cannabis seeds but it is an offence to grow cannabis plants. It is also an offence to allow somebody to smoke cannabis in your home.



DEVILISHLY DASTARDLY DRUG OFFENCES





Possession

If the police find a 'small' amount of drugs on you (in your coat, pocket, bag, car, house etc.) and they accept that they are for your use and that you weren't planning to sell or give them away, you might be charged with 'possession'. This is the least serious offence.

The police cannot take samples of your blood, urine or saliva to prove possession. You have to admit to it or they have to physically find something - although even a small amount can count as possession. Over 90% of drugs offences involve possession.

Other possession offences include joint possession and attempted possession. Joint possession (no pun intended) means more than one person can be charged with possession of the same drug. Attempted possession means that even if you try and fail to buy drugs or are 'ripped off' by your dealer, you could still be charged.

Possession with intent to supply

If you are caught with a larger amount of drugs (especially if cut up into several 'deals'), and/or scales or large amounts of cash, you might be charged with possession with intent to supply. This is a more serious offence. Possession with intent to supply means the police think you're a drug dealer. All drug dealing offences are treated much more seriously than possession and they often result in a prison sentence.

Supply

If the police think they can prove that you've sold or given someone drugs, you will be charged with supplying class (A, B or C) drugs. This is the most serious offence. Social supply, which is getting drugs for your mates can be taken into account by the court, but you might still be charged with supply.

Confused about Cannabis?

Over the last few years the government have managed to confuse everybody over the legal status of cannabis.

Cannabis was originally placed into class B of MoDA in 1971 (maximum penalty for possession 5 years). In 2004 cannabis was reclassified to class C (maximum penalty for possession 2 years). In March 2005, the government asked its drug experts (the ACMD) to look again at the reclassification of cannabis in light of concerns over mental illness. In January 2006 the government announced that cannabis was to remain a class C drug – not just because the link with mental illness was so small, but also because the number of people using the drug had continued to decline since reclassification. However, they changed the maximum prison sentence for dealing in class C drugs from 7 to 14 years (the same as class B).

In May 2008, the ACMD recommended that cannabis should stay in Class C, but the government ignored this advice and moved it back to Class B (taking effect from January 2009).

In October 2008, the police introduced a new 3-stage procedure for dealing with adults found in possession of cannabis: a Cannabis Warning (confiscation and verbal warning) for the first offence; an £80 spot-fine for the second offence; and arrest and prosecution in court for third and subsequent offences (where the most likely sentence is a fine or discharge). However, under-18s are likely to be arrested, and given a Reprimand or/Final Warning for the first offence.





Stop

The police can stop and search you if they think you have stolen goods, weapons or drugs on you or if you're on your way to a sports stadium. If you're under 18, the police can stop you and take alcohol away. When the police stop you they will ask for your name, age and address. You can be arrested if you refuse to give your name or address or give a false one to a police officer.

Adults aged 18 and over who are caught in possession of 'small' amounts of cannabis will usually have the drug confiscated, be given a street warning, then let go. However young people under 18 may still be arrested for cannabis possession.

Search

The police can search your clothes and belongings but they can only do a strip search in a private place with an officer of the same sex. An intimate search (i.e. looking up your bum) can only be done for class A drugs and only at a police station by a doctor. If police suspect that you have swallowed drugs or stuffed them inside you, they can X-ray or ultrasound-scan you – or keep you in a cell for up to eight days.

Arrest

The police will arrest you if they find drugs (other than cannabis) in your clothes or other belongings. If you are arrested, you will be told what your rights are and what you have been arrested for. You will then be taken to a police station.

TOP TIP:The police are human, and like everybody else respond in a reasonable way to people who treat them reasonably. Being 'cocky' or aggressive when being stopped by the police will increase the chances that things are made as awkward as possible for you.

At the police station

At the police station, your details will be taken by the desk sergeant, as will everything else you have on you other than your clothes (including the contents of your pockets, and your belt, shoelaces and 'bling'). Next, you will be locked in a cell containing a mattress and a toilet (if you are lucky), for at least an hour or two.

Your rights

You have rights even when you are under arrest. You have the right to be treated decently and fairly at all times. You have the right to a see solicitor. Duty solicitors are provided for you at the police station. Their services are FREE and they are not part of the police service.

Processing

You will then be taken to an interview room, where, with the support of a solicitor - and, if you are under 17 or have a mental health problem, a responsible adult (eg. your parents or a social worker) - you will be questioned by one or more police officers. You may be locked up and interviewed more than once - but eventually you will be either charged or released without charge. If charged, you will be fingerprinted and photographed, and possibly subjected to other procedures (eg. drug testing).

TOP TIP: If you are caught red handed with a small amount of drugs, admitting the offence by saying something like: "These are my drugs but they were just for my personal use" is often the best option. In all cases get advice from a solicitor before you say anything.

Charges

In most cases of possession, if you admit the offence you can be charged or given a caution (a reprimand or final warning if under 18) and released. If you deny the offence or the offence is more serious you can be held overnight (in local authority accommodation for u18's) for up to 36 hours* until you appear before the court. In less serious cases you are usually allowed to go home and the police will decide at a later date what, if any, further action to take against you.

Drug testing

If the police think you are committing crimes to fund your use of heroin or cocaine, you can be drug tested at the police station before you are charged with any offence. This applies to those aged 18 and over, but in some areas it can also apply to those aged 14 and over.

You will not be charged for having drugs in your blood stream. This scheme is intended to divert heroin and cocaine users away from prison and into treatment. You do not have to agree to be drug tested but refusing one is an offence.

Arrest referral

Where there is a arrest referral scheme in operation you will the have the option of seeing a specialist drug worker in your cell or attending a drug service at a later date. If you have tested positive it is a good idea to speak to these workers to see what your options are.

**In exceptional circumstances you can be kept in for up to 8 days*

Caution/Reprimands

A caution (or reprimand for those under 18) is a first warning and is given at the police station. To get a caution you must admit to the offence. A simple caution means that a record is kept in case you re-offend, but nothing else will happen and you will be released. A conditional caution means that police have attached a requirement to the caution – typically rehabilitation or reparation conditions.

Final warnings

A final warning is given to under 18's by the police if the offence is more serious or you've already had a reprimand. A final warning means that you will be released but you will have to go to a Youth Offending Team for a set period of time.
A record is kept in case you re-offend.

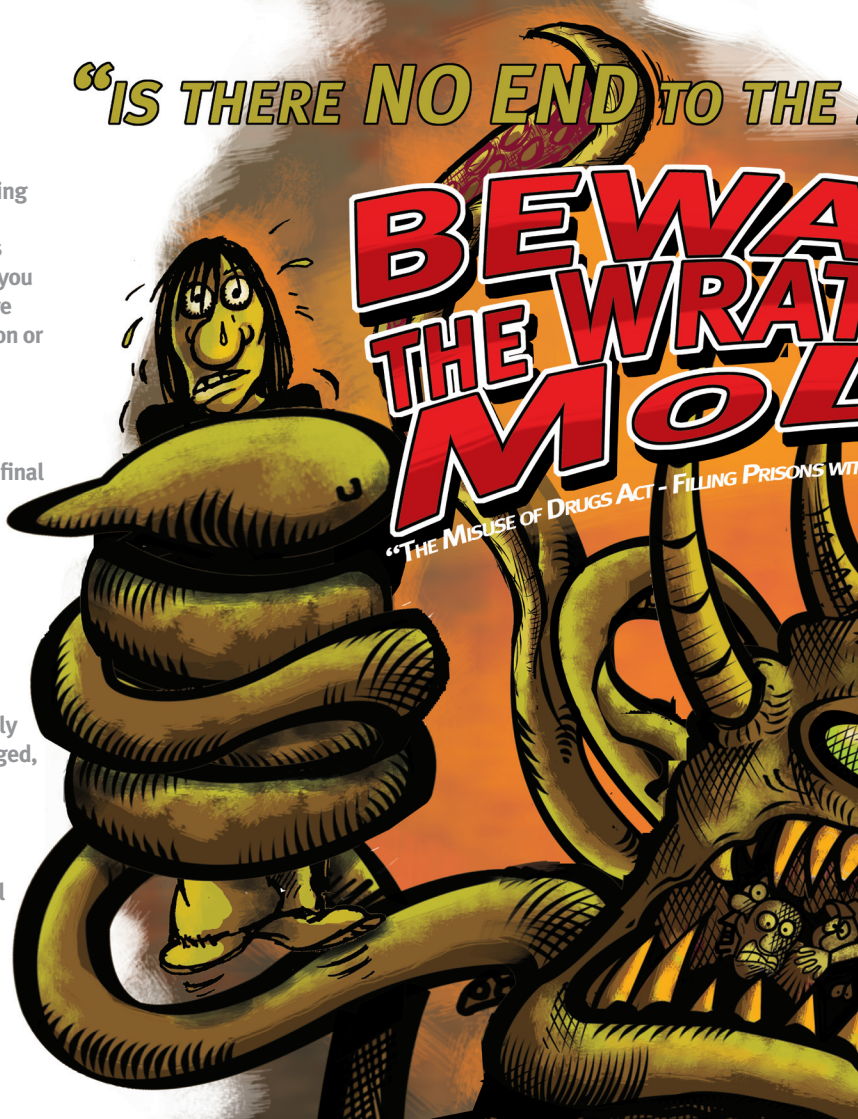
Going to court

In most cases of simple possession, provided you admit the offence you will be given a caution (reprimand or final warning for under 18's) at the police station. If the offence is more serious or you've already had a caution you will probably be formally charged with an offence. If you are formally charged, you will go to court.

Formal charges

If you are formally charged with an offence, your punishment is decided by a court. If you are under 17 you will go to a Youth Court. If you are an adult you will go to a Magistrates' Court or in more serious cases a Crown Court.

TOP TIP: Get yourself a solicitor before you go to court. Turn up in plenty of time for your court appearance. Dress smartly - wearing a base ball cap and trackie won't do you any favours.





Types of court

Magistrates' Courts and Youth Courts usually have three people who will decide on your innocence or guilt and your punishment. Magistrates are chosen from people who either have other jobs or have retired and are then trained. Crown Courts have a professional judge who is in charge of the court and will decide on your punishment and a jury made up of a dozen ordinary people who will decide on your innocence or guilt.

Everybody should have a solicitor to represent them and if you are under 18 you can take your parents along as well. Unlike adults, who plead not guilty, under 18's have no right to a trial by jury.

The maximum sentence a Magistrates' or Youth Court can give you is six months in prison and a fine of up to £5,000 but they have the option of sending you to Crown Court if they think you should get a longer sentence. Crown Courts can give you much harsher sentences. For example, for supplying heroin they could send you to prison for life, give you an unlimited fine and confiscate your house or any of your money or possessions unless you can prove you obtained them legally.

It's difficult to predict exactly what your punishment will be, but a number of things are important: the offence; your age; your previous record and your character; the amount and class of drug involved; what part of the country you're in; any other offences committed at the same time and luck.

Community sentences

The court can give community sentences to those aged 14 and over. They are designed as an alternative to prison for people who regularly get into trouble because of their drug use.

The court can make an order for you to attend at a Drug Intervention Programme (DIP). This team is made up of people from a variety of professions (e.g. probation officers and nurses). You will have to attend regularly and usually agree to be drug tested to see if you are still using drugs. Your progress will be monitored by the courts, which have the power to send you to prison if you do not comply.

Maximum sentences

Maximum sentences for the different drug offences are rarely if ever given. It is highly unlikely that you will go to prison for a first time offence of possession (using) but there are no guarantees. With any sort of supply (dealing) charge, prison is a more likely option.

Below are examples of sentences for possession and dealing offences in England & Wales in 2004.

cannabis

possession sentences:
3% prison sentence
6% community punishment
22% fined
50% cautioned
19% other

supply/dealing sentences:
35% prison sentence
28% community punishment
5% fined
19% cautioned
13% other

heroin

possession sentences:
15% prison sentence
20% community punishment
22% fined
15% cautioned
28% other

supply/dealing sentences:
81% prison sentence
8% community punishment
0% fined
1% cautioned
10% other

ecstasy

possession sentences:
6% prison sentence
21% community punishment
23% fined
37% cautioned
13% other

supply/dealing sentences:
63% prison sentence
21% community punishment
2% fined
5% cautioned
9% other





Rehabilitation of Offenders Act

Having a criminal record for drugs can affect your career prospects and even prevent you from travelling to some countries. The length of time your criminal record is held against you by employers' depends on your age and the punishment you get and is covered by the Rehabilitation of Offenders Act. This Act covers the amount of time a criminal record can affect your employment prospects.

	18 or over	Under 18	Aged 12-14
Custodial sentence*			
Over 2 1/2 years:	Forever	Forever	
6 months to 2 1/2 years:	10 years	5 years	1 year
Less than 6 months:	7 years	3 1/2 years	1 year
Community punishment/Fine:	5 years	2 1/2 years	
Absolute discharge:	6 months	6 months	
Hospital orders:	5 years - or 2 years after expiry whichever is the longer		
Other orders/sentences**:	1 year - or until order expires whichever is the longer		
Cautions/final warnings/cannabis warnings:	Immediately spent		

**including immediate, suspended and partly suspended custodial sentences*

***including probation, supervision, care, attendance centre, bind over, conditional discharge*

Declaring your record

Once the lengths of time mentioned above have passed, your record is known as a spent conviction. If you are asked about your criminal record (eg. on a job application form) you should declare it as a spent conviction.

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aims
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