

Problems with current policy responses to cannabis

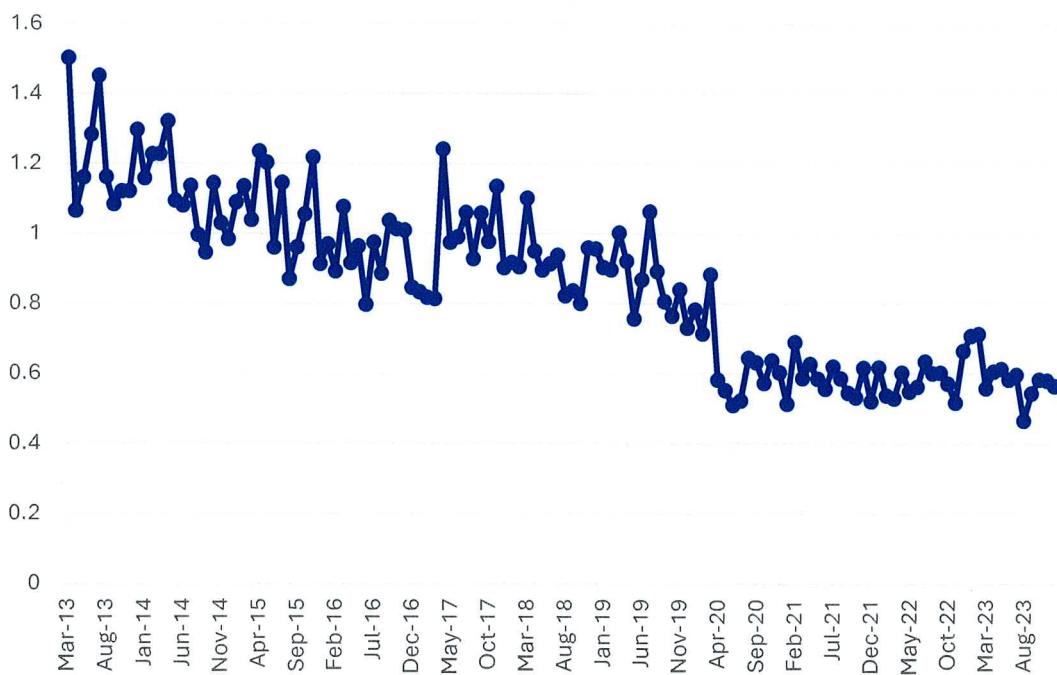
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1. The aim of cannabis cautioning was to move people away from court, but the use of cannabis cautions is declining. The ratio of cannabis cautions to prosecutions for cannabis use/possession last year is less than half what it was in 2013.

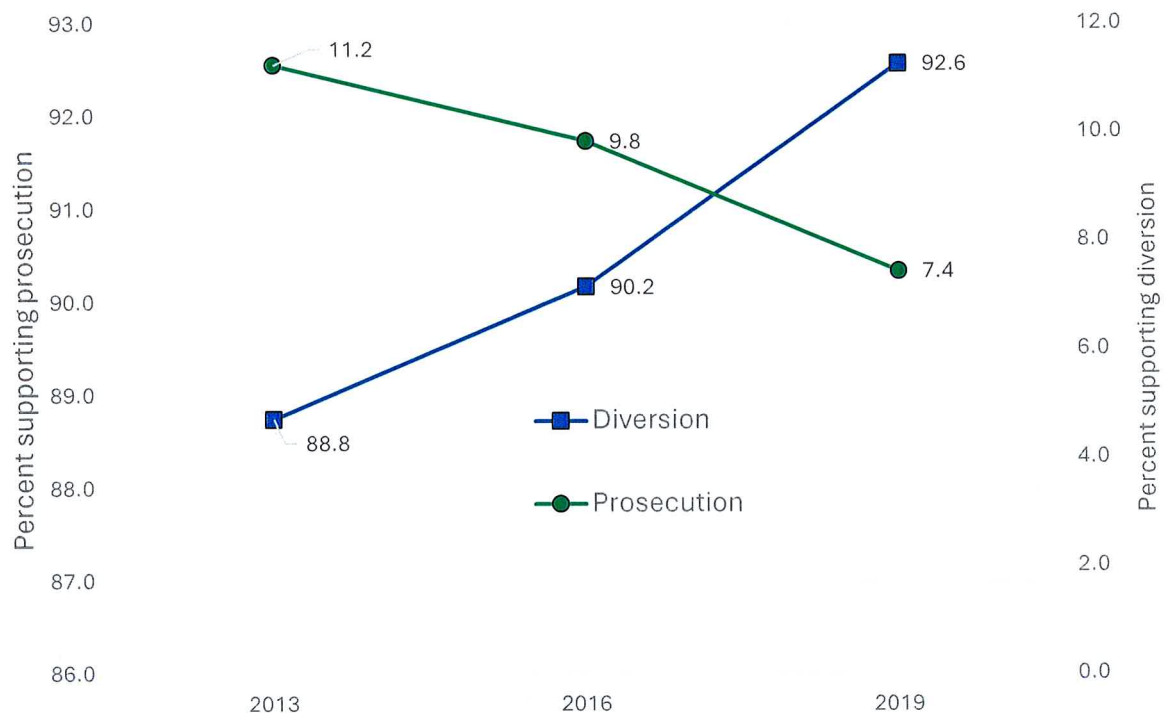
Figure 1: Ratio of cannabis cautions to cannabis prosecutions: NSW Jan. 2013-Dec 2023



2. In the last 12 months to December 2023, 4,319 individuals were prosecuted for use and possession of cannabis, compared with 2,559 given a cannabis caution.
 - NSW Bureau of Crime Statistics and Research.
3. A disproportionate number of those eligible for a caution but who do not receive one are Indigenous offenders (73.9% vs 39.5%).
 - Crime and Justice Bulletin 258, NSW Bureau of Crime Statistics and Research.

4. Prosecution of cannabis users lacks public support. More than 90 per cent of the population support diversion (no action, education/treatment, fine). Less than eight per cent support prosecution (community service/weekend detention/prison)

Figure 2: Australian public support for prosecution of those caught using/possessing cannabis



5. There is little evidence that the threat of prosecution acts as a deterrent. More than 40% of the population aged 15 and over have used cannabis in their lifetime. Only 4.2 per cent of the Australian population who do not currently use cannabis say they would try cannabis if it were legal.
 - Weatherburn, D., Darke, S., Zahra, E. & Farrell, M. (2022). Drug Alcohol Rev. 2022 Feb;41(2):386-395. doi: 10.1111/dar.13360
 - Mitchell, O., Cochran, JC., Mears, DP. & Bales, W.D. (2017). The effectiveness of prison for reducing drug offender recidivism: A regression discontinuity analysis. Journal of Experimental Criminology 13:1–27
 - DOI 10.1007/s11292-017-9282-6
6. There is, on the other hand, compelling evidence that criminal conviction reduces an individual's future employment prospects.
 - Agan, A. & Star, S. 2017. The Effect of Criminal Records on Access to Employment." American Economic Review, 107 (5): 560–64; Borland, J. & Hunter, B. 2003. Does Crime Affect Employment Status? The Case of Indigenous Australians. Economica 67(265): pp. 123-144.