

## Statistical Bulletin

### Drug Offences

#### Introduction

This bulletin provides information on volumes and sentence outcomes for adult offenders<sup>1</sup> sentenced for offences covered by the Sentencing Council's draft revised guideline on drug offences. There are nine draft guidelines covering the following offences:

- Fraudulent evasion of a prohibition by bringing into or taking out of the UK a controlled drug, Misuse of Drugs Act 1971 (section 3) and Customs and Excise Management Act 1979 (section 170(2));
- Supplying or offering to supply a controlled drug, Misuse of Drugs Act 1971 (section 4(3));
- Possession of a controlled drug with intent to supply it to another, Misuse of Drugs Act 1971 (section 5(3));
- Production of a controlled drug, Misuse of Drugs Act 1971 (section 4(2)(a) or (b))/ Cultivation of cannabis plant, Misuse of Drugs Act 1971 (section 6(2));
- Possession of a controlled drug, Misuse of Drugs Act 1971 (section 5(2));
- Permitting premises to be used, Misuse of Drugs Act 1971 (section 8);
- Importing or exporting a psychoactive substance, Psychoactive Substances Act 2016 (section 8);
- Supplying, or offering to supply, a psychoactive substance, Psychoactive Substances Act 2016 (sections 5(1) or 5(2));
- Possession of psychoactive substance with intent to supply, Psychoactive Substances Act 2016 (section 7(1));
- Producing a psychoactive substance, Psychoactive Substances Act 2016 (section 4); and
- Possession of a psychoactive substance in a custodial institution, Psychoactive Substances Act 2016 (section 9).

The Court Proceedings Database (CPD), maintained by the Ministry of Justice, is the data source for this bulletin.

Additional figures are available to download as Excel spreadsheets or Open Document spreadsheets at the following link:

<http://www.sentencingcouncil.org.uk/publications/?type=publications&s&cat=statistica-l-bulletin>.

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<sup>1</sup> Offenders aged 18 or over at the time of conviction.

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## Fraudulent evasion of a prohibition by bringing into or taking out of the UK a controlled drug (“importation offences”)<sup>2</sup>

### Sentence volumes

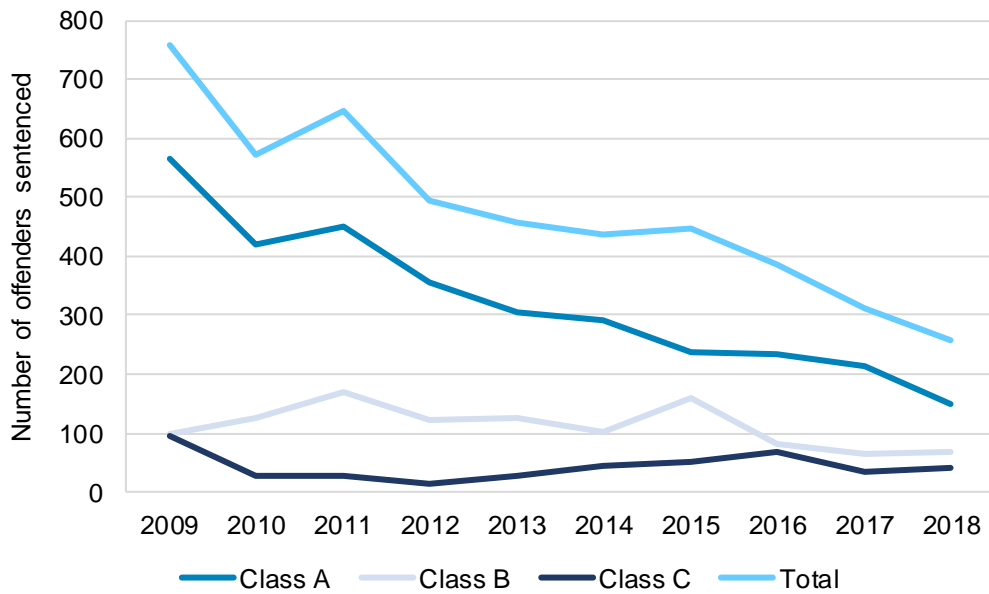
The number of offenders sentenced for importation offences has generally decreased over the last decade, from around 760 in 2009 to 260 in 2018 (see figure 1).

Just over half of offenders sentenced in 2018 (57 per cent) were sentenced for class A offences. Around a quarter were sentenced for class B offences (27 per cent) and 16 per cent were sentenced for class C. Most offenders sentenced in 2018 were sentenced in the Crown Court (98 per cent across all offences).

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<sup>2</sup> The figures provided for fraudulent evasion of a prohibition by bringing into or taking out of the UK a controlled drug include other sections of legislation not specifically covered by the draft revised guideline, but for which the guideline could still be applied, such as sections 50(2), 170(1). In 2018, these other offences comprised 28 per cent of the total.

**Figure 1: Number of adult offenders sentenced for importation offences, 2009-2018<sup>3</sup>**



### Sentence outcomes and lengths

The vast majority of offenders sentenced for importation class A offences in 2018 were sentenced to immediate custody (96 per cent). The statutory maximum sentence for class A offences is life imprisonment, and in 2018 the average custodial sentence length (ACSL)<sup>4</sup> was 8 years 8 months.

For classes B and C, the statutory maximum sentence is 14 years' custody. Around three quarters of offenders (78 per cent) sentenced for class B offences in 2018 were sentenced to immediate custody, and a further 16 per cent received a suspended sentence. The ACSL in 2018 was 3 years 11 months.

Fifty-nine per cent of offenders sentenced for class C offences in 2018 were sentenced to immediate custody, and a further 29 per cent received a suspended sentence. The ACSL in 2018 was 1 year 11 months.

### Supplying or offering to supply a controlled drug/possession of a controlled drug with intent to supply it to another (“supply/PWITS”)

#### Sentence volumes

Between 2009 and 2015, the number of offenders sentenced for supply/PWITS fluctuated within the range of 9,400 and 10,500 (see figure 2). Since 2015 the

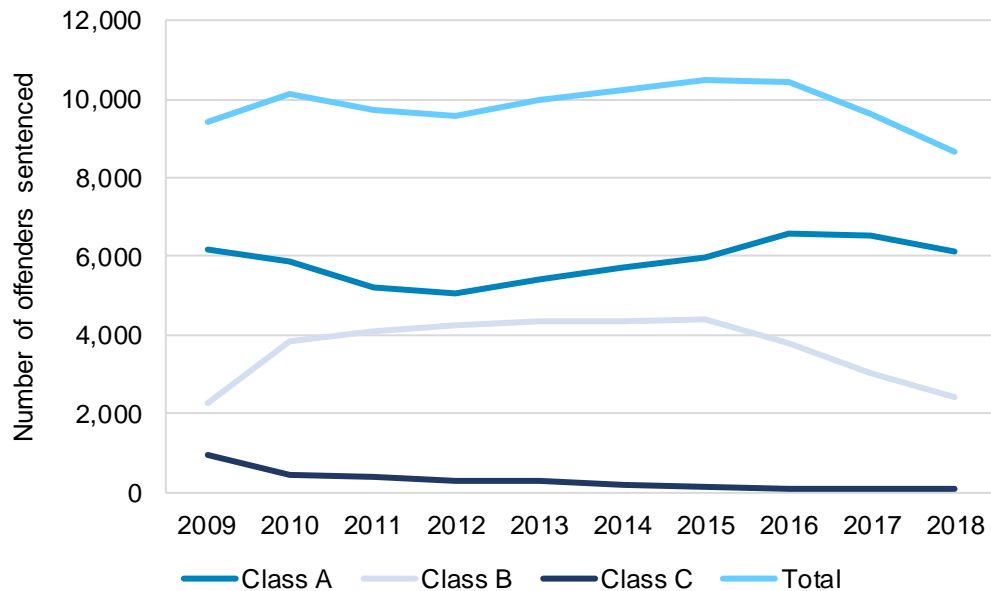
<sup>3</sup> Cannabis was reclassified from class C to class B in January 2009, therefore the charts in this bulletin display data from 2009 onwards. In addition, ketamine was reclassified from class C to class B in June 2014. Figures shown here categorise cannabis and ketamine as per their legal drug classification. The figures for classes B and C may therefore differ from figures published by the MoJ, which are based on how drug offences were coded by the courts.

<sup>4</sup> The average custodial sentence lengths presented in this report are mean average custodial sentence length values for offenders sentenced to determinate custodial sentences, after any reduction for guilty plea.

number of offenders sentenced has been decreasing, and in 2018 around 8,600 offenders were sentenced for these offences.

The majority of offenders (71 per cent in 2018) were sentenced for offences involving class A drugs. A further 28 per cent were sentenced for class B offences, and one per cent for class C. The majority of offenders in 2018 were sentenced in the Crown Court (94 per cent across all offences).

**Figure 2: Number of adult offenders sentenced for supply/PWITS, 2009-2018<sup>5</sup>**



### Sentence outcomes and lengths

In 2018, the majority of offenders sentenced for class A offences received a custodial sentence (83 per cent were sentenced to immediate custody, and a further 13 per cent received a suspended sentence). The statutory maximum sentence for class A is life imprisonment, and in 2018 the ACSL was 3 years 10 months.

Suspended sentences were the most frequently used sentence outcome for class B and C offences in 2018 (46 per cent and 40 per cent, respectively), followed by immediate custody (31 per cent and 38 per cent, respectively).

For classes B and C, the statutory maximum sentence is 14 years' custody. In 2018, the ACSL for class B offences was 1 year 5 months, and for class C it was 1 year 3 months.

<sup>5</sup> Cannabis was reclassified from class C to class B in January 2009, therefore the charts in this bulletin display data from 2009 onwards. In addition, ketamine was reclassified from class C to class B in June 2014. Figures shown here categorise cannabis and ketamine as per their legal drug classification. The figures for classes B and C may therefore differ from figures published by the MoJ, which are based on how drug offences were coded by the courts.

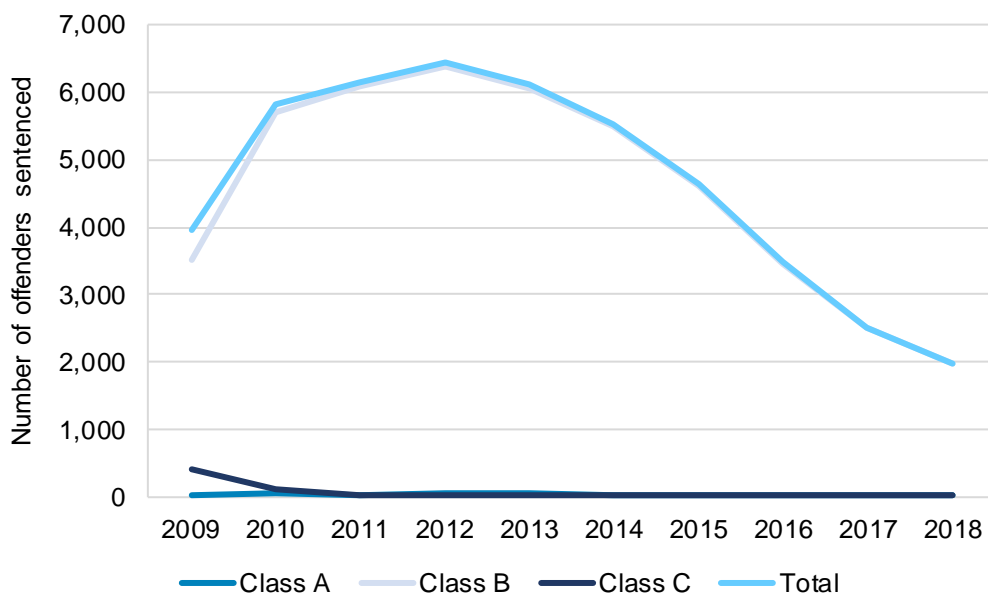
## Production of a controlled drug/cultivation of cannabis plant (“production/cultivation offences”)

### Sentence volumes

Between 2009 and 2012, the number of offenders sentenced for production/cultivation offences increased, from 4,000 in 2009 to 6,400 in 2012 (see figure 3). Since 2012, however, volumes have been steadily decreasing, with a total of around 2,000 offenders sentenced in 2018.

The vast majority of offenders in 2018 were sentenced for class B offences (fewer than 10 offenders were sentenced for classes A and C combined). Just over half of offenders in 2018 were sentenced in the Crown Court (55 per cent).

**Figure 3: Number of adult offenders sentenced for production/cultivation offences, 2009-2018<sup>6</sup>**



### Sentence outcomes and lengths

Just over half of offenders sentenced for class B offences received a custodial sentence in 2018 (29 per cent were sentenced to immediate custody, and 23 per cent received a suspended sentence). A further 21 per cent of offenders received a community sentence, and 18 per cent received a fine.

The statutory maximum sentence for production offences is life imprisonment for class A, and 14 years' custody for classes B and C. In 2018, the ACSL for class B offences was 1 year 8 months.

<sup>6</sup> Cannabis was reclassified from class C to class B in January 2009, therefore the charts in this bulletin display data from 2009 onwards. In addition, ketamine was reclassified from class C to class B in June 2014. Figures shown here categorise cannabis and ketamine as per their legal drug classification. The figures for classes B and C may therefore differ from figures published by the MoJ, which are based on how drug offences were coded by the courts.

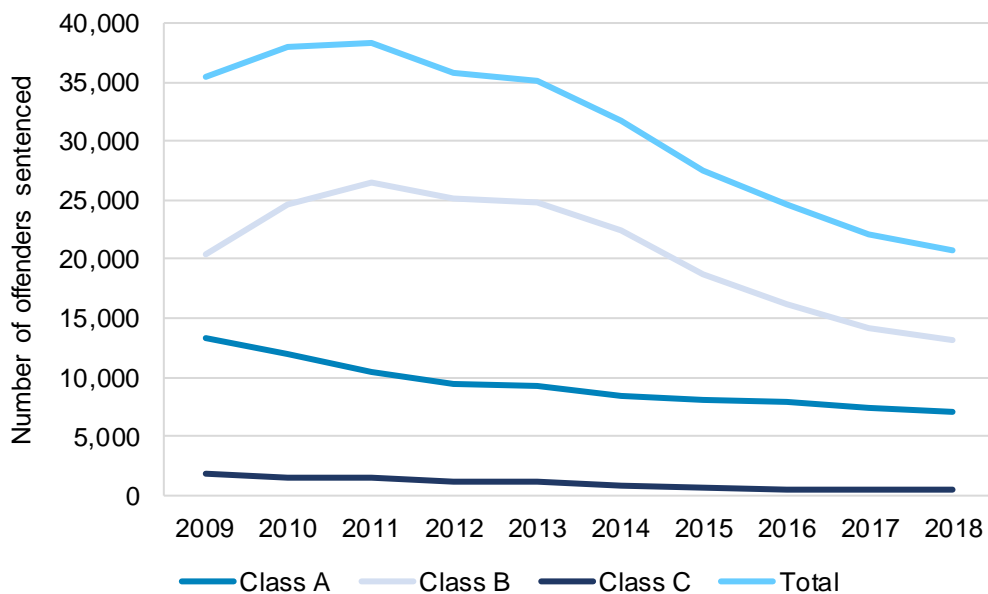
## Possession of a controlled drug

### Sentence volumes

Since 2011, the number of offenders sentenced for possession of a controlled drug has been decreasing, from 38,400 in 2011 to 20,700 in 2018 (see figure 4).

Most offenders in 2018 were sentenced for class B offences (64 per cent). A further 34 per cent were sentenced for class A offences, and two per cent for class C. In 2018, the majority of offenders were sentenced in magistrates' courts (92 per cent).

**Figure 4: Number of adult offenders sentenced for possession of a controlled drug, 2009-2018<sup>7</sup>**



### Sentence outcomes and lengths

The statutory maximum sentence for these offences is 7 years' custody for class A, 5 years for class B, and 2 years for class C.

The most frequently used sentence outcome for class A offences in 2018 was a fine (61 per cent). A further 12 per cent received a discharge, 11 per cent received a community sentence, and seven per cent were sentenced to immediate custody. The ACSL in 2018 was around four months.

For class B offences, 59 per cent of offenders in 2018 received a fine, 23 per cent received a discharge, and eight per cent received a community sentence. Three per cent of offenders were sentenced to immediate custody in 2018, and the ACSL was one month.

Most offenders sentenced for class C offences in 2018 received either a fine (43 per cent) or a discharge (33 per cent). Eleven per cent received a community sentence,

<sup>7</sup> Cannabis was reclassified from class C to class B in January 2009, therefore the charts in this bulletin display data from 2009 onwards. In addition, ketamine was reclassified from class C to class B in June 2014. Figures shown here categorise cannabis and ketamine as per their legal drug classification. The figures for classes B and C may therefore differ from figures published by the MoJ, which are based on how drug offences were coded by the courts.

and seven per cent were sentenced to immediate custody. The ACSL in 2018 for class C offences was three months.

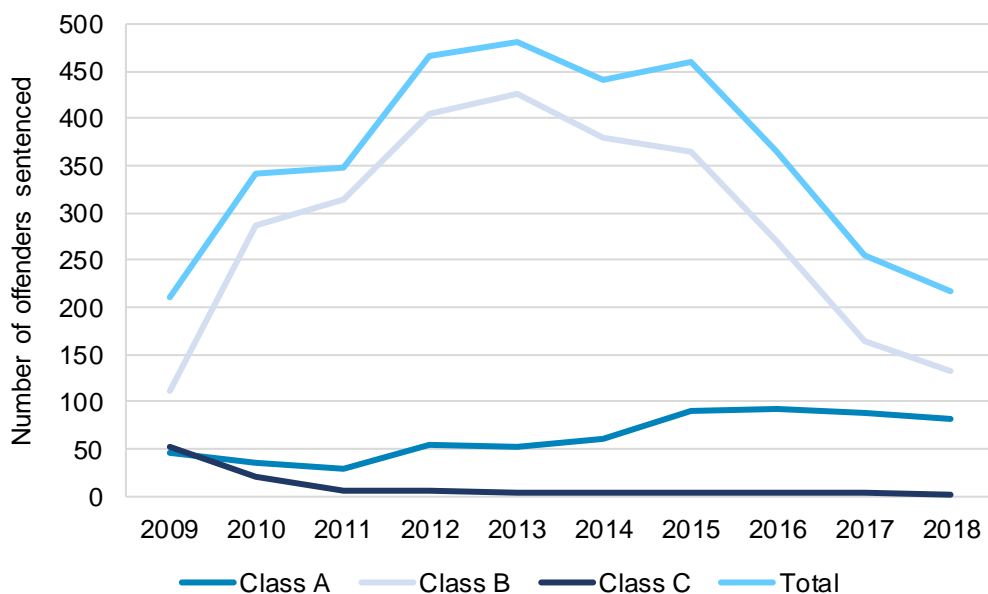
## Permitting premises to be used

### Sentence volumes

Between 2009 and 2013, the number of offenders sentenced for permitting premises to be used increased, from 210 in 2009 to 480 in 2013 (see figure 5). Since 2013 volumes have generally been decreasing, and in 2018 around 220 offenders were sentenced for this offence.

Most offenders were sentenced for class B offences in 2018 (61 per cent), followed by class A (38 per cent). Around one per cent were sentenced for class C (fewer than five offenders). In 2018, 79 per cent of offenders were sentenced in the Crown Court (across all offences).

**Figure 5: Number of adult offenders sentenced for permitting premises to be used, 2009-2018<sup>8</sup>**



### Sentence outcomes and lengths

The statutory maximum sentence for permitting premises to be used is 14 years' custody (irrespective of the class of drug).

In 2018, most offenders sentenced for class A offences received a custodial sentence (33 per cent immediate, and 39 per cent suspended), and a further 20 per cent of offenders received a community sentence. The ACSL in 2018 was ten months.

<sup>8</sup> Cannabis was reclassified from class C to class B in January 2009, therefore the charts in this bulletin display data from 2009 onwards. In addition, ketamine was reclassified from class C to class B in June 2014. Figures shown here categorise cannabis and ketamine as per their legal drug classification. The figures for classes B and C may therefore differ from figures published by the MoJ, which are based on how drug offences were coded by the courts.

For class B offences, 38 per cent of offenders sentenced in 2018 received a community sentence, 27 per cent received a suspended sentence, 15 per cent received a fine and 11 per cent a discharge. Three per cent of offenders were sentenced to immediate custody (this equates to fewer than five offenders). The ACSL for class B offences in 2017 was around 10 months.<sup>9,10</sup>

## Importing or exporting a psychoactive substance (“importation”)/supplying, or offering to supply, a psychoactive substance/possession of psychoactive substance with intent to supply (“supply/PWITS”)/producing a psychoactive substance (“production”)/possession of a psychoactive substance in a custodial institution

### Sentence volumes

These offences were created under the Psychoactive Substances Act 2016, which came into force on 26 May 2016. They are low volume offences, with around 110 offenders sentenced overall in 2018. Since these offences came into force, fewer than 10 offenders have been sentenced for importation and production offences combined.

Most offenders in 2018 (92 per cent) were sentenced for supply/PWITS offences. A further seven per cent were sentenced for possession in a custodial institution and two per cent were sentenced for production.

### Sentence outcomes and lengths

Around two thirds of offenders sentenced for supply/PWITS offences in 2018 (67 per cent) received a custodial sentence, either immediate or suspended (29 per cent and 39 per cent, respectively). A further 24 per cent of offenders received a community sentence.

The statutory maximum sentence for supply/PWITS offences is 7 years’ custody, and in 2018 the ACSL for these offences was nine months.

## Further information

### Volumes of sentences

The data presented in this bulletin only include cases where the offence detailed was the principal offence committed. When a defendant has been found guilty of two or more offences this is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe. Although the offender will receive a sentence for each of the offences that they are convicted of, it is only the sentence for the principal offence that is presented in this bulletin.

<sup>9</sup> For class B offences, ACSL information has been provided for 2017, due to the very low number of offenders sentenced to immediate custody in 2018.

<sup>10</sup> Information on sentence outcomes and lengths has not been provided for class C offences, due to the very low number of offenders sentenced each year.



## Sentence outcomes

The outcomes presented are the final sentence outcomes, after taking into account all factors of the case, including whether a guilty plea was made. This is because the sentence length information available in the Court Proceedings Database is the final sentence imposed, after any reduction for guilty plea.

## General conventions

Actual numbers of sentences have been rounded to the nearest 100, when more than 1,000 offenders were sentenced, and to the nearest 10 when less than 1,000 offenders were sentenced.

## Data sources and quality

The source of data for this bulletin is the Court Proceedings Database (CPD), which is maintained by the Ministry of Justice (MoJ). Every effort is made by MoJ and the Sentencing Council to ensure that the figures presented in this publication are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems generated by the courts and police forces. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used.

Further details of the processes by which MoJ validate the records in the CPD can be found within the guide to their Criminal Justice Statistics publication which can be downloaded via the link:

<https://www.gov.uk/government/collections/criminal-justice-statistics>

## Contact points for further information

We would be very pleased to hear your views on our statistical bulletins. If you have any feedback or comments, please send them to:

<mailto:research@sentencingcouncil.gov.uk>

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Further information on the Sentencing Council and its work can be found at:

<http://www.sentencingcouncil.org.uk/>