

**Evaluation of the
pilot West Australian
Cannabis Cautioning and
Mandatory Education System**

Final Report

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List of abbreviations and acronyms

ADCU	Alcohol and Drug Coordination Unit, WA Police Service
CCN	Cannabis Caution Notice
CCMES	Cannabis Cautioning and Mandatory Education System
CDST	Community Drug Service Team
COAG	Council of Australian Governments
DPP	Director of Public Prosecutions
WADASO	West Australian Drug Abuse Strategy Office
WAPS	West Australian Police Service

Executive summary

This report describes the findings of an evaluation of the pilot Cannabis Cautioning and Mandatory Education System (CCMES) implemented in the Mirrabooka Police District and the Bunbury Police Service sub district for a 12 month period from 1 October 1998 until 30 September 1999. An interim review was presented in May 1999.

The purpose of the pilot CCMES was to trial a more effective way of dealing with people caught in the criminal justice system for first time cannabis offences. The objectives of the pilot were:

- to improve knowledge and attitudes regarding marijuana use by offenders; and
- to achieve viable police procedures including a streamlined process and effective interaction with offenders.

Under the system, police officers had the option to issue a caution for a simple cannabis offence to first time offenders. Where a caution was issued the individual was required to attend a mandatory education session within two weeks of receiving the caution, or a summons was issued for the offence.

During the trial period 125 persons were apprehended who potentially met the criteria to be cautioned. In Bunbury there were 14 persons and there were 111 in Mirrabooka. Of those 125 persons eligible to be cautioned, 95 persons (76%) were actually issued with a caution - 8 in Bunbury and 87 in Mirrabooka.

Most of the 30 persons who were potentially eligible were not cautioned because they were being investigated for other offences, or the offender's demeanour and behaviour was aggressive and police used their discretionary powers not to issue a caution in such instances.

The majority of those cautioned were male (n=77) with 18 females being cautioned.

In 78% of cautions issued for possession of cannabis (n=81) the amount of cannabis involved was under 2 grams (n=63). The lowest amount of cannabis involved was 0.1 gram (3 cases) and the largest amount was 29.5 grams. Only three offenders were in possession of more than 25 grams of cannabis.

As at the time of publication, 74 participants (78%) had attended the education session, 5 of the 95 had been summonsed and 16 of the 95 were being summonsed. Five of the 95 (5.2%) persons cautioned had reoffended and been charged.

The mandatory education session demonstrated clear shifts in participant's knowledge. For example, whereas before the education session, 47% disagreed with the statement *cannabis is a safe drug*, at the end of the session 71% disagreed with the statement. All aspects of knowledge tested showed positive shifts including the effect on driving, effect on work performance, risk of dependence and retention in the body.

Nineteen participants (30% of those potentially contactable) were interviewed with thirteen (68%) reporting less cannabis use after their caution and eight (42%) reporting an intention to use none or less cannabis in the future.

Police officers issued cautions in line with police procedures. A majority of officers (72%) canvassed and who had issued a caution expressed support for the system.

There did not appear to be any supervisory or technical problems and no complaints were registered against police officers. All police canvassed expressed their satisfaction with the guidelines for issuing a caution and the structure of the forms.

There is evidence that the system and the mandatory education session has had an impact on a significant number of participants' knowledge, attitudes and behaviour.

A viable process for police has been achieved. Based on the views of police surveyed, the guidelines are clear and have the support of senior administration. There is no evidence that the introduction of the system gave rise to technical difficulties for police officers or that any negative consequences resulted for law enforcement.

The pilot has demonstrated an appropriate role for police in implementing a diversion strategy that is consistent with the Police Service role, is effective and has a positive impact on police and other stakeholders, and that builds cooperation with community and drug treatment and support agencies.

Based on the findings of this evaluation it is recommended that the CCMES be implemented statewide. A number of issues are identified for extension.

1. Introduction

This report describes the findings of an evaluation of the pilot CCMES implemented in the Mirrabooka Police District and the Bunbury Police Service Sub District for a 12 month period from 1 October 1998 until 30 September 1999. An interim review to assist the operation of the pilot was presented in May 1999.

The purpose of the pilot CCMES was to trial a more effective way of dealing with people caught in the criminal justice system for first time cannabis offences. Under the system police officers had the option, under specific circumstances, to issue a caution Cannabis Caution Notice (CCN) for a simple cannabis offence to first time offenders. Where a CCN was issued the individual was required to attend a mandatory education session within two weeks of receiving the CCN, or a summons was issued for the offence.

1.1 Rationale and development of the system

The system provides the opportunity for a short intervention that has the potential for impacting on the knowledge, attitudes, intentions and behaviour of those cautioned and can be applied to a larger number of people who may not otherwise be drawn into the system.

This is an important benefit in light of recent findings that many cannabis users want to quit but find it difficult, partly because cannabis use is not seen as a problem. The same study found that even a single session of counselling had a considerable impact on levels of cannabis use and related problems.¹

The importance of trialing strategies to reduce cannabis use particularly among juveniles and younger people is highlighted by other findings pointing to a link between heavy cannabis use during adolescence and association with, involvement in, and frequency of offending behaviour.² This association is particularly evident for crimes such as burglary, stealing and motor vehicle theft because the income generated from these crimes is often used to fund cannabis use. Hence from a crime prevention perspective, it is important to find ways to reduce cannabis use among adolescents, juveniles and younger people.

The CCMES was developed through the Ministerial Council on Drug Abuse Strategy (comprising the Ministers for Police, Health, Education, Aboriginal Affairs, Youth and the Attorney General and chaired by the Minister Responsible for WA Drug Abuse Strategy) which considered the issue on two occasions during 1998. On the first, it supported the general approach and on the second, the key elements of the pilot system.

The key characteristics of the system determined by the Ministerial Council were that:

- it be applied to first time offenders only; and
- cautions would be conditional upon attending a mandatory education session.

Consideration of this approach for cannabis law enforcement followed the 1995 Report of the Taskforce on Drug Abuse which canvassed the option of formal cautions for simple offences and proposed that the Police Service should examine this option and report back to the Government, and the Police Commissioner's subsequent support for the approach.³

¹ Copeland J, Swift W et al. *A randomised controlled trial of a brief intervention for cannabis dependence*. (Media Release and Media Fact Sheet). Sydney, National Drug and Alcohol Research Centre, University of NSW, 1999.

² Trimboli L, Coumarelos C. "Cannabis and crime: treatment programs for adolescent cannabis use". *Contemporary Issues in Crime and Justice*. Sydney, NSW Bureau of Crime Statistics and Research, 1998.

³ Western Australia, Task Force on Drug Abuse. *Protecting the community: the report of the Task Force on Drug Abuse*. Perth, Ministry of Premier and Cabinet, 1995.

Working papers for the Ministerial Council were developed by the WA Police Service (WAPS) and the WA Drug Abuse Strategy Office (WADASO) including the identification of Mirrabooka and Bunbury as suitable pilot sites.

Following the announcement of the twelve month trial in August 1998, a steering committee was formed comprising the coordinator of the WA Police Service's Alcohol and Drug Coordination Unit (ADCU) acting as chairperson and including other police representatives together with WADASO. The pilot commenced on 1 October 1998.

2. Cannabis cautioning and mandatory education system

2.1 Goals and objectives of the pilot

The aim of the pilot CCMES was to achieve a more effective way of dealing with people caught in the criminal justice system for first time simple cannabis offences. The objectives of the pilot were:

- to improve knowledge and attitudes regarding marijuana use by offenders; and
- to achieve viable police procedures including a streamlined process and effective interaction with offenders.

In broad terms it was hoped that the pilot would reach more people, and deal with first time minor cannabis offenders in a more effective and meaningful way.

Under the system police officers had the option to issue a CCN for a simple cannabis offence. Where a CCN was issued the individual was required to attend a mandatory education session within two weeks of receiving the CCN or a summons was to be issued for the offence.

Eligibility for a CCN was based on certain criteria:

- the person must be in possession of equal to or less than 50g of cannabis;⁴
- it must be a first offence;
- possession of cannabis plants, cannabis derivatives (hashish, cannabis oil) are not included;⁵
- the person must agree to attend an educational session;
- there must be no other offences involved, detected or under investigation; and
- the notice can only be issued to adult offenders (over 18 years of age).⁶

The system was implemented in two police districts - Mirrabooka Police District and Bunbury Police Sub District. Mirrabooka comprises 34 suburbs and eight police sub districts. Bunbury Police District comprises the City of Bunbury and police sub district. Bunbury provided the opportunity to pilot the system in a large and discrete country setting.

If an offender met the criteria to receive a CCN, certain procedures had to be followed by police. These were documented and emphasised during police training sessions.

To be eligible for a caution the offender was required to agree to participate in an educational session. Failure to attend resulted in a summons being issued. Initially, education sessions were available four times per week in Mirrabooka and once per week in Bunbury. Following the interim review the decision was made to change to an appointment system. Participants had to contact the Community Drug Service Team (CDST) nearest to them and make an appointment to attend an education session. In Mirrabooka sessions were conducted by the North Metropolitan CDST

⁴ 50g was chosen because it is half the amount defined as trafficable under the *Misuse of Drugs Act 1981*.

⁵ In the interim report it was noted that there was confusion among some police officers as to whether smoking implements were included.

⁶ Notices are not issued to juveniles as these can be adequately dealt with under the provision of the *Young Offenders Act*.

and the North East Metropolitan CDST and in Bunbury by the South West CDST. Each session was of 1¹/₂ - 2 hours duration and followed a prescribed format developed by WADASO.

The education session focussed on the health, psychological and social harms of cannabis and was designed to motivate behaviour change using a small group and interactive approach. The opportunity to enter into extended treatment for cannabis dependence was provided.

The CDSTs advised the coordinator of the ADCU of all persons who had participated in an educational session. The coordinator then informed issuing officers of those participants who failed to attend an education session. The issuing officer then prepared a prosecution brief in relation to the offender and proceeded by summons complaint.

3. Methodology

3.1 Evaluation tasks

The evaluation study was to:

- describe the implementation of the system and its operations; and
- assess the extent to which the specific potential benefits of the system have been realised.

The objectives to be assessed were whether the pilot system had:

- improved knowledge and attitudes regarding marijuana use by offenders; and
- achieved viable police procedures including a streamlined process and effective interaction with offenders.

3.2 Evaluation approach

The approach to the study included the following.

3.2.1 Multi method approach

A multi method approach involves the use of a variety of data sources to understand the issues. Both qualitative and quantitative data was used in the evaluation. Qualitative data attempts to capture the meaning of events for people and to describe and define events and issues. Quantitative data provides a sense of scale and scope and enables comparisons and statistical analyses to be undertaken.

3.2.2 Triangulation

Triangulation involves the use of more than one method to yield conclusions that would be questioned by the use of just one. It involves approaching an issue from more than one independent route. In this evaluation triangulation, rather than experimental design, was used to increase the credibility of the evaluation's findings. In the evaluation, triangulation involved different sources of information, different data collection methods and different evaluators were involved in gathering, analysing and interpreting findings.

3.2.3 Policy and program evaluation

The evaluation included approaches to policy evaluation and program evaluation. The report *Legislative options for cannabis use*⁷ differentiates between policy evaluation and program evaluation and calls for a combination of the two approaches when evaluating new approaches to cannabis use.

⁷ See Chapter 6 "Evaluating new legislative approaches to cannabis" in McDonald D. et al. *Legislative Options for Cannabis in Australia*, National Drug Strategy Monograph Series No. 26, Canberra: Australian Government Publishing Service, 1994.

Policy evaluation requires that attention be paid to the sources and background to the pilot, the context of the pilot, the rationale, goals, implementation and operations of the pilot and its likely impact on stakeholders. It also involves the making of judgements about the value of the goals, how achievable the goals are, and how efficient and effective is the implementation process.⁸ In this case, program evaluation requires a focus on the question of whether the goals established for the pilot system were achieved.

Focus on indicators of implementation, impact and outcomes: the nature of the evaluation brief required a focus on indicators of implementation and the impact and outcomes of the system.

3.3 Data collection

Data was collected from various sources.

3.3.1 Questionnaires

Upon completion of the pilot three questionnaires were distributed as follows.

- A questionnaire was distributed to police officers who had issued a caution. The questionnaire focused on adequacy of training, adequacy of supervision and accountability, benefits or problems in comparison with existing or previous procedures, extent to which there was any perceived improvement in interaction with offenders, benefits or problems and overall satisfaction with the system.
- A questionnaire was distributed to police officers who had participated in training about issuing CCNs but who had chosen not to issue a caution.
- A questionnaire before and after the mandatory education session was administered to persons who had been issued a CCN.

3.3.2 Written material

Extensive documentation on the pilot and on the issue of cannabis and cautioning systems was collected and analysed. Written material included briefing notes, minutes of meetings, correspondence, reports, articles, papers, press releases, email correspondence, written communication, completed questionnaires, file notes, face sheets, training material, policy and administrative guidelines and research studies.

3.3.3 Interviews with key stakeholders and participants

A number of people were interviewed (n=40) either individually or in groups. Stakeholders were interviewed midway through the pilot (after 6 months) and upon completion. The majority of the interviews were face to face. Those interviewed included representatives of WAPS and WADASO involved in managing the trial, police officers, staff of CDST involved in the education session, and persons issued cautions.

3.3.4 Analysis of police data

At six months and upon completion of the pilot, police data was analysed including:

- the number of cautions issued;
- demographics of offenders cautioned;
- the total amount of cannabis involved;
- the number of summonses issued for non attendance at mandatory education sessions; and
- the number of persons cautioned who were subsequently charged for new cannabis offences.

⁸ *ibid.*

3.3.5 Pre and post test questionnaires

Within the mandatory education session participants were required to complete a pre and post test questionnaire of knowledge about cannabis.

3.3.6 Interim report

Midway through the pilot the evaluators undertook a process review of the implementation and operations of the pilot. An interim report was prepared based on analysis of police data for the first 6 months, review of implementation, interviews with stakeholders and analysis of pre and post test questionnaires. An interim report was presented to WAPS and WADASO to assist continuing trialing of the system. A number of recommendations were made and some of these were able to be actioned prior to the end of the trial period.

4. Findings

The findings are presented and discussed on the basis of key indicators of the effectiveness of the pilot system.

4.1 Policy, management and operational matters

4.1.1 Policy and legislative background

The pilot has been planned and implemented consistent with the State's legislative and policy framework which is as follows.

4.1.1.1 WA Government's cannabis strategy

The CCMES is one part of the Government's cannabis strategy that also includes a public education and prevention program. The cannabis strategy represents a new and concerted effort to reduce cannabis use and includes a continuing public education campaign that seeks to prevent use and encourage dependent users to quit. The public education and prevention program has the following elements:

- use of print and radio advertisements targeting young people and their parents emphasising the harm resulting from cannabis use;
- use of advertisements and information to publicise the availability of community based treatment services to encourage dependent cannabis users to quit; and
- mobilisation of professions, community based organisations and Local Drug Action Groups including distribution of a pamphlet outlining the harm of cannabis use through general practitioners.

4.1.1.2 Together Against Drugs: The WA Strategy Against Drug Abuse

The *Together Against Drugs* strategy is the State Government's program for dealing with abuse of legal and illegal drugs in Western Australia. It is based on the policy principles of first and foremost, opposition to drug abuse, encompassing strategies to reduce demand for drugs and supply of drugs; and second, harm reduction, whilst taking care not to normalise drug abuse. The strategy is a whole-of-government plan including responses through education, health and community support services, law enforcement and community action.

4.1.1.3 Police discretionary powers

The system has been introduced under existing discretionary powers of the Police Service as outlined in guidelines in the Western Australian Police Gazette, number 5/1998.

4.1.1.4 Misuse of Drugs Act 1981

The CCMES relates to simple possession and/or use of cannabis under the provision of sections 6(2) and 7(2) of the Act include:

- under provisions of the Act it is a simple offence to be found in possession of less than 100 grams of cannabis for personal use; and
- under the deeming provisions of section 11 of the Act any person found in possession of 100 grams or more of cannabis is presumed to have possession of that cannabis with intent to sell/supply.

4.1.1.5 Young Offenders Act 1994:

Part 5 (Sections 22, 22A, 22B, 23 and 23A) permits a police officer to administer a caution to a young person instead of starting a proceeding for an offence, which includes cannabis related offences. Due to this provision, juveniles were not included in the pilot.

4.1.1.6 Council of Australian Governments illicit drug diversion initiative

A special meeting of the Council of Australian Governments (COAG) held in April 1999 resolved to pursue a national approach to illicit drug use. Heads of Government agreed to work together to put in place a nationally consistent approach to drugs in the community. It emphasises getting offenders into treatment early.

The Communique commits governments throughout Australia to provide the law enforcement basis for diverting drug users into treatment programs. The Communique also commits governments to partnership arrangements that link education, law enforcement and treatment efforts at all levels of government and the wider community. These partnerships are to deliver early and effective intervention and diversion of offenders by police to compulsory assessment and participation in treatment.

4.1.2 Management and planning of the pilot

The pilot was overseen and managed by a Steering Committee comprising representatives of WAPS and WADASO. The steering committee was chaired by the coordinator of the ADCU and met regularly to develop, implement and monitor the pilot. The steering committee played the major role in pilot planning and implementation. The ADCU, who work closely with police district personnel, oversaw planning of the WAPS' involvement in the pilot.

The steering committee comprised managers and staff with both strategic and operational responsibilities for aspects of the pilot including:

- Coordinator, Alcohol and Drug Coordination Unit, WAPS;
- Executive Director, WADASO;
- Contract Manager, WADASO;
- District Officer, Mirrabooka Police District;
- Inspector, Mirrabooka Police District;
- Senior Sergeant (Training Officer) Alcohol and Drug Coordination Unit, WAPS;
- District Training Officers, Mirrabooka Police District and Bunbury Police District;
- Project Officer, NCBADLE Project, Mirrabooka Police District; and
- Following the interim review, a representative of the CDST was invited to attend.

At an operational level police district personnel managed the pilot. The WA Drug Abuse Strategy Office managed the education component and sessions were coordinated and delivered by CDSTs.

Personnel from WAPS and WADASO commented favourably on the high level of interagency commitment and cooperation in the planning and management of the pilot.

A number of issues were highlighted for future attention. CDSTs were of the view that the policies and protocols guiding their involvement in the system should be defined more clearly and documented. CDSTs felt that the shared management of the pilot by WADASO and WAPS made good sense, however, it was necessary to be clear who was responsible for what.

4.1.3 Development of police guidelines and procedures

The qualifying criteria to be met before a CCN could be issued was clearly defined and communicated to police during training and included in the various materials made available during training. Officers were directed to assess each person with regard to each criterion.

The ADCU spent considerable time and resources developing the guidelines and procedures for the issuing of CCNs. The guidelines and procedures were developed in accordance with the regulations and requirements of police officers exercising their discretion as listed in the WAPS Gazette Number 5/98. The nature of these discretionary powers and their application to the CCMES were outlined and discussed in the police training package. The guidelines and procedures were explained and discussed with police officers during the training program, and distributed as part of the training package.

Following the interim report some adjustments were made to police operating procedures.

4.1.4 Accountability

The formal cautioning system was introduced under the existing discretionary powers of police as outlined in guidelines in the Western Australian Police Gazette Number 5/98. Police guidelines and training emphasised the importance of the application of this discretionary power in the CCMES. In particular, the need of officers to consider fairness, consistency, justice, accountability and the wider community interests and expectations when considering whether to prefer a charge.⁹

In applying their discretion with regard to the issuing of a cannabis cautioning notice the following considerations were to be applied.¹⁰

- Is it in the public interest?
- Is the decision open and accountable in that the member can satisfactorily explain his or her actions?
- Does the decision display arbitrary and inexplicable differences in the way different people are treated by police?
- Does the decision show consistency and is it in accordance with law, prosecutorial policies (police and DPP) and procedures?
- Does the decision meet the objectives of the Police Service?

Where police officers use their own discretion in relation to any offence it is a matter for the officer's own judgment as to what record of the decision is made. However, an officer using their discretion not to charge a person or to charge a person with a lesser summary offence should ensure:

- that the decision and the reason for it is recorded; and
- that a record of the disposal of the property, possession or article is made in keeping with guidelines.

The implementation of the pilot was managed jointly by the ADCU and the respective District Officers for Mirrabooka and Bunbury.

The ADCU played a key role in the implementation and coordination of the pilot in line with its mandate for “whole of service” functions. This includes policy development, training and

⁹ Sgt Doug Taylor, Alcohol and Drug Coordination Unit. (1999) *Cannabis cautioning notice pilot program training module*, Bunbury and Mirrabooka pp. 5-6.

¹⁰ *ibid.*

education and coordinating the development of strategies and initiatives dealing with drug law enforcement policies.

The respective district training officers and inspectors for Mirrabooka and Bunbury played key roles in implementing and managing police involvement in the pilot at an operational level.

Regular management audits of the system were undertaken throughout the pilot by the coordinator of the ADCU. The audits determined whether police officers were using the system in the way intended and involved a study of all face sheets issued for cannabis possession and the analysis of these against the CCN criteria, guidelines and procedures laid down for the issuing of a caution. No discrepancies were found.

4.1.5 Police training

At the time of the interim report submitted in May 1999, 240 police personnel were trained to administer CCNs in the Mirrabooka Police District and 64 in the Bunbury Police Sub District.

In the early phase of the pilot, training for police personnel progressed more slowly than was originally planned, due to personnel transfers and other pressing operational priorities and the high numbers of personnel to be trained.

Police officers in the respective districts participated in a two hour training session conducted by district training officers. The aim of the training was to provide officers with an understanding of the CCN policy, the criteria for participation of offenders and to assist in implementing the required procedures in issuing a CCN. A detailed training module was prepared by the ADCU for use by the District Training Officers and distributed to participants. The module contained all relevant information required by police officers.

Following the recommendations in the interim report, police placed a greater emphasis in their training program on clearly understanding the purpose and goals of the CCN. In addition, the project officer for the ADCU has been conducting “Information and Awareness” sessions for police officers to clarify issues and enhance the effectiveness of drug law enforcement overall, including the CCMES. A further 70 police officers have received enhancement training towards the CCN.

4.1.6 Police operations

There were some benefits of the system identified by officers who had issued cautions and those who had not:

- the majority of officers interviewed believe the system provides more options to resolving matters;
- the majority of officers interviewed believe that the education component may have a flow on effect of providing more respect for police who are seen to be fair; and
- a majority of officers (72%) canvassed and who had issued a caution expressed support for the system (Table 1).

Table 1: Support by police officers who had issued a caution

Support CCN	Frequency	%
Yes	13	72.2
No	5	27.8
Total	18	100.0

- The majority of officers (78%) canvassed believed that the system reduces the time taken to process an offender. This is shown in Table 2 drawn from the responses to a questionnaire by police who had issued a caution.

Table 2: Time taken by police officers who had issued a caution

Time taken	Frequency	%
Nil	2	11.1
Decrease <30	6	33.3
Decrease 30-60	7	38.9
Decrease >60	1	5.6
Increase 30-60	2	11.1
Total	18	100.0

- Other achievements of the system were that:
 - there did not appear to be any supervisory or technical problems;
 - no complaints were registered against police officers; and
 - all police canvassed expressed their satisfaction with the guidelines for issuing a caution and the structure of the forms.

Some issues raised by police requiring attention were:

- there is no feedback to the issuing officer after cautioning system is complete;
- a perception that the amount of 50 grams of cannabis as the limit was too much;
- the need to include possession of smoking implement on the caution notice;
- a faster method of disposing of seized cannabis following the issue of a caution; and
- a record on police computer mainframe be made of those persons issued with a caution notice.

Follow up of participants who had not attended education sessions: Twenty five of the 95 participants issued with a caution had not attended an education session by the conclusion of the trial on 30 September.¹¹

Police had been in contact with a number of these participants who cited various reasons for their inability to attend up to that point in time. Reasons included interstate or overseas travel and other commitments. Police attempted to follow up these participants to ensure their attendance.

If the pilot is extended statewide the extent of follow up will need attention to ensure that people who commit to attend a session actually do so within the required time frame. If the participant does not attend in this timeframe the application of sanctions needs to be consistently applied. At the time of publication, all those who had not attended the education session had been or were in the process of being summonsed.

4.1.7 Changes made to the pilot following interim review

In response to the recommendations of the interim report a number of changes were made to improve the pilot including:

4.1.7.1 Management of the pilot

A representative of the CDST was invited to participate in the steering committee.

¹¹ They may have attended a session held after 30 September.

4.1.7.2 Police training

Additional drug awareness sessions were conducted during police inservice training to explain the purpose and goals of the pilot and to ensure police officers had a better understanding of the rationale for the system and the protocols and procedures to be followed.

4.1.7.3 Reporting procedures

The offence reports and drug books were revised and police recording procedures modified.

4.1.7.4 Criteria for issuing of a CCN

Clarification that smoking implements were included in the pilot¹² as possession of implements with detectable traces of cannabis may constitute possession.

4.1.7.5 Education session

Changes were made to the fixed scheduling of the education session to an appointment basis. Individuals receiving a caution were required to make contact with the CDST and to make an appointment specifically for a cannabis education session. The CDST then made any necessary arrangements to conduct the session.

4.1.7.6 Changes to the cautioning notice

Changes were made to the cautioning notice issued by police to reflect the appointment system for education sessions.

4.2 Outcomes

4.2.1 Cautions issued

During the trial period 125 persons were apprehended who met the criteria to be cautioned. In Bunbury, there were 14 persons and there were 111 in Mirrabooka. Of the 125 persons eligible to be cautioned, 95 persons (76%) were actually issued with a caution - 8 in Bunbury and 87 in Mirrabooka (Figure 1).

Figure 1: Persons eligible for cautioning and persons cautioned

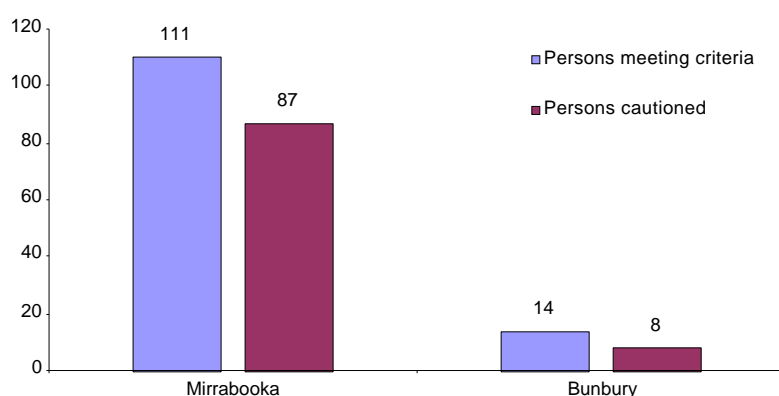


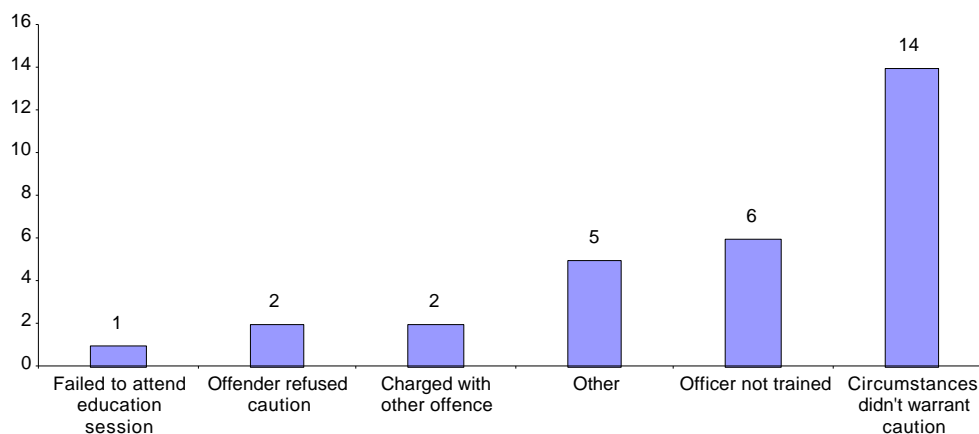
Figure 2 shows the numbers and reasons why not all persons were cautioned. Where the circumstances did not warrant the issuing of a caution, this included reasons such as they were

¹² In the interim report it was noted that there was confusion among some police officers as to whether smoking implements were included.

being investigated for other offences or the behaviour of the individual was aggressive and police used their discretionary powers not to issue a caution in such instances.

The majority of those cautioned were male (n=77) with 18 females being cautioned. This figure is consistent with a finding from a study of cannabis offenders in the WA criminal justice system that males commit the majority of cannabis offences.¹³

Figure 2: Number of eligible persons not cautioned and reasons



The ethnicity of persons charged is described in Table 3.

Table 3: Number of persons charged by ethnicity

Ethnicity	Number
Asian	1
Czech	1
Italian	1
Somalian	1
Burmese	2
Indian	2
Aboriginal	6
Caucasian	81

The age range of those issued with cautions varied from 17 to 49 years. Thirty eight percent were aged under 20, another 41% were aged 20 to 25 with the remainder over 25 years. The age breakdown is shown in the Table 4.

The study mentioned earlier by Lenton¹⁴ found that young adults aged 18-21 comprised 28.1% of all possession/use cannabis charges for the years 1994-1996. Based on the data from the cautioning trial period, 60% of those cautioned were aged 18-21 years. This would appear to

¹³ Lenton S. *Cannabis offenders in the Western Australian criminal justice system 1994-1996*. Perth, National Drug Research Institute, Curtin University, 1999.

¹⁴ *ibid.*

suggest that, by being cautioned, greater numbers of younger people are being reached which is consistent with the aims of the pilot.

Table 4: Number of persons charged by age group

Age	Number	%
17	2	2.1
18	25	26.3
19	9	9.5
20	13	13.7
21	10	10.5
22	8	8.4
23	2	2.1
24	2	2.1
25	5	5.3
26-30	9	9.5
31-40	7	7.4
41-50	3	3.1
Total	95	100.0

A total of 15 persons were charged with offences involving possession of smoking implements. In 77.8% of cautions issued for possession of cannabis (n=81) the amount of cannabis involved was under 2 grams (n=63). The lowest amount of cannabis involved was 0.1 gram (3 cases) and the largest amount was 29.5 grams. Only three persons were in possession of more than 25 grams. See Table 5.

Table 5: Number of persons charged by amount of cannabis involved

Weight (gms)	Number	%
Less than 1 gram	23	28.4
1 - 2 grams	40	49.4
2.1 - 5	7	8.6
5.1 - 20	5	6.2
20.1 - 25	3	3.7
> 25	3	3.7

The major locations where cannabis was detected are shown in Table 6. The majority (74.7%) was in a public place/vehicle.

Table 6: Number of persons charged by place of offence

Location	Number	%
Vehicle	23	24.2
Public place (bus station, car park, park, etc)	48	50.5
Private residence	24	25.3
Total	95	100.0

Cautions were administered in one of three locations - 21 were administered at the offender's home address, nine at the scene of the offence and on 65 occasions at a police station. One aim of the pilot was to achieve a viable process for police to deal with simple cannabis offences. Issuing CCNs at the scene of an offence would facilitate this. Five of the 95 (5.2%) persons cautioned had re-offended and been charged.

4.2.2 Attendance at education session

At the end of the pilot, 70 out of 95 (74%) had completed the education session. At the time of publication this had increased to 74 (78%) with 5 (5%) summonsed and 16 (17%) in the process of being summonsed. Table 7 summarises the numbers of people who attended education sessions to the end of the pilot.

Table 7: Number of persons charged by month charged

Year and month	Mirrabooka	Bunbury
October 1998	3	
November 1998	8	1
December 1998	6	
January 1999	3	
February 1999	8	1
March 1999	5	
April 1999	3	1
May 1999	4	
June 1999	7	
July 1999	5	
August 1999	4	1
September 1999	1	
October 1999	1	

Participants completed questionnaires at the education sessions, with a total of 60 completed questionnaires forwarded to the evaluation team.

4.2.3 Impact on participants

Data about participants in the cautioning system was gathered from a variety of sources.

- completed pre and post questionnaires from 60 of the 70 participants who had attended the education session by the end of the pilot were analysed;
- telephone interviews were conducted with 19 participants; and

- anecdotal information from CDST staff who conducted the education sessions and their managers was gathered during face to face and telephone interviews.¹⁵

The impact of the education session on specific issues is indicated by the following responses to the post test survey compared with the pre test responses is outlined in Table 8.

Table 8: Responses to post test survey

Question	Correct response		Incorrect response			
		n	%	n	%	
1. Cannabis is a safe drug	Disagree	71	47	Agree/unsure	29	53
2. Cannabis does affect driving ability	Agree	85	73	Disagree/unsure	15	21
3. Cannabis is less harmful to the lungs than tobacco	Disagree	73	58	Agree/unsure	27	42
4. People need to smoke a lot of cannabis for it to affect work performance	Disagree	80	75	Agree/unsure	20	25
5. People can become dependent on cannabis	Agree	90	76	Disagree/unsure	10	24
6. Cannabis can last in the body for up to a maximum of 21 days	Disagree	25	17	Agree/unsure	75	83
7. Cannabis is harmless because it's natural	Disagree	93	73	Agree/unsure	7	27

The overall influence of the education session was analysed for each participant. In summary, the positive influence of the sessions is indicated by a change in responses from an 'incorrect' at pre-test to 'correct' response at post-test. A neutral influence of education session is indicated by maintenance of 'correct' and 'incorrect' responses between pre test and post test surveys. A negative influence is seen as by a change in responses from an 'correct' at pre test to 'incorrect' response at post test. The results indicated:

Positive: 20% 'incorrect' at pre test and 'correct' at post test

Neutral: 56% 'correct' at pre test and 'correct' at post test
20% 'incorrect' at pre test and 'incorrect' at post test

Negative: 4% 'correct' at pre test and 'incorrect' at post test

4.2.3.1 The shock of receiving a caution

For a number of participants interviewed the experience of being cautioned had a salutary effect. One told us that it had been “ .. a big shake up for me...”

Another said “ .. it was a wake up call I guess. I'd been thinking about my use and this shook me a bit.”

A CDST staff member confirmed this when she said “...it did seem to shake some of them up...”

One could speculate that this effect was likely to be greater amongst those whose use was less entrenched, or those younger people.

4.2.3.2 The opportunity to review and reflect on their cannabis use

One benefit of the education session is that it provides the opportunity for participants to review and reflect upon, their cannabis use, particularly in light of its deleterious effects, and illegal status. Indeed it is the potential of the education session to provide a 'space' for review, reflection and

¹⁵ Staff were interviewed on two occasions.

learning that is seen to be a strength of the system by staff from the CDST, the police and even by some participants. One CDST staff commented

“...the education session provides an opportunity to look at how cannabis impacts on their lives. Some people come to the realisation that they want to change their use, but whether they do or not is another matter.”

4.2.3.3 Contact with the drug treatment system

One advantage of the system mentioned by police and CDST staff is that those issued with cautions are formally linked with the alcohol and other drugs treatment system. For many participants this may be the only contact they have with agencies able to assist them with problematic drug use. It provides a ‘window of opportunity’ that otherwise or previously did not exist.

Generally, stakeholders argued that this was an advantage of the system.¹⁶ The importance of this contact is highlighted by a recent report of the National Drug and Alcohol Research Centre in Sydney, which reported that heavily dependent cannabis users find it almost impossible to give up their use without counselling and support. The report suggests that even a bit of treatment can work and found that cannabis users wanted help but the perception that the drug was harmless had prevented them from seeking assistance.¹⁷

4.2.3.4 Contact between participants

One possible problem is the potential contamination of less experienced users by more experienced users. This was not seen to have been a problem during the pilot. Indeed CDST staff in one location reported one situation where a more experienced and older user encouraged and supported a younger man not to use in order to prevent the problematic use that he (the older man) was experiencing in his life. The potential for contamination was seen to be greatest between older users and juveniles, hence the need for different sessions for each group.

4.2.3.5 Challenging underlying attitudes

CDST staff believe that the session can challenge underlying attitudes and beliefs about personal reasons and justifications for cannabis use. However this requires educators to be skilled and experienced facilitators of group process and experienced in working with cannabis users. Hence the need for educators to be adequately trained.

4.2.4 Follow up after sessions

It was originally suggested that CDST staff could follow up participants at some point following a session. This did not occur for a number of reasons. Some participants were unwilling to provide contact phone numbers. Some CDST staff were unclear whether this task was required or what the protocol was. Given the potential benefit of follow up as a best practice strategy this issue requires further attention and discussion between WADASO and CDST to establish a clearly defined process and protocol to follow up participants.

As part of the evaluation attempts were made to contact all participants who had completed an education session. The evaluators considered that it was most practical to contact by telephone all participants who had completed an education session seeking their verbal permission to conduct a phone interview.¹⁸ Attempts were made to contact all participants who had completed the

¹⁶ The problems of people being ‘coerced clients’ was mentioned by some CDST staff who argued that this might affect participant’s motivation. However a CDST staff member told us *“I was expecting people to be very negative but there were more positives than negatives. Perhaps partly because of my style and that I tried to involve them in the session and get past the initial resistance.”* Other CDSTs reported few problems with resistant or aggressive participants, although they reported 2 out of 95 participants attended while intoxicated.

¹⁷ Hodge F. “Quit aid on cannabis is vital: study”. *The West Australian*, 23 October 1999.

¹⁸ A copy of the structured questionnaire is attached as Appendix 2. Participants also expressed additional views during the telephone interview.

education session and for whom a contact number was available as at 20 October 1999 (n=64). The findings of the telephone survey are discussed below.

The following response rates were achieved:

- 18 participants not contactable due to phone being disconnected, no answer or engaged signal on three attempts on various days at different times;
- 3 participants no longer at the address and no contact number available;
- 23 participants at the contact number but not in on two or more occasions and calls not returned;
- 10 participants contacted declined to answer the survey questions; and
- 19 participants responded to the survey.

This response rate (30%) is not unexpected in the target population but means the results obtained must be interpreted with caution in regard to bias from non response.

Comparison of the demographics of those who did respond with the overall trial participants showed similar characteristics in terms of age and gender (average age 23 years, range 18-42 years, 16 males, 3 females).

4.2.4.1 Use of cannabis

Respondents were asked to estimate their use of cannabis before and after the caution, the affects on their social interaction with other cannabis users, and their attitude to future use of cannabis.

When asked about their cannabis use in the month following the issue of the caution, 13 (68%) reported less use whilst 6 (32%) respondents reported no change in their pattern of use. None reported an increase in their use of cannabis.

In relation to their intentions to use cannabis in the future, 4 (21%) reported that they did not intend to use cannabis again, 4 (21%) estimated that they would reduce their use of cannabis and 10 (53%) reported no change in their future intended use.

Respondents were asked to estimate how many of the people they spent their leisure time with were cannabis users in the six months prior to their caution and the month following the issue of the caution. Prior to their caution, 2 (11%) respondents reported that all the people they spent leisure time with were cannabis users, 8 (42%) estimated the majority and 9 (47%) the minority. In the month following their caution, 6 (32%) reported that less of the people they spent their leisure time with used cannabis whilst 13 (68%) reported no change in their social interaction with other cannabis users while.

4.2.4.2 Attitudes to police

Respondents were asked about their attitudes to police in regard to levels of respect, fear, trust or hostility.

Current attitudes to police were described as generally favourable by 10 (53%) respondents, unsure or it depends by 7 (37%) and generally unfavourable by 2 (11%) respondents. As a result of their experience in the cautioning trial:

- 5 (26%) reported that they were more respectful or trusting towards police;
- 4 (21%) reported that they were more fearful towards police;
- 7 (37%) reported no change in initially respectful or trusting attitude towards police; and
- 2 (11%) reported no change in initially hostile attitude towards police.

4.2.5 Issues with the education session

Initially education sessions were available four times per week in Mirrabooka and once per week in Bunbury. However, due to the numbers attending sessions the interim review recommended an

appointment system be implemented and change was subsequently made for the final 8 weeks of the pilot. There was no evidence that this affected compliance rates.

The education session was designed to motivate behaviour change using a small group format and interactive approach. The opportunity to enter into extended treatment for cannabis dependence was provided.

The content and structure of the session included:

- Welcome
- Complete pre test
- Video “Candidly Cannabis” outlining health, social and psychological harms presented by young people, including former users, and professionals
- Review video - brainstorm and discussion
- Decisional making/motivational exercise
- Goal setting and action planning
- Information on support and follow up
- Complete post test
- Summary and close

The session outline is seen to be sound but lacking in flexibility. This may be a matter of the skill and experience of educators.

Some educators argued for the need to diverge from the structured session to deal with underlying issues of importance to the client. Some people are comfortable doing this within the session outline, others feel the session outline is somewhat restrictive.¹⁹

Educators argued for the production of a purpose produced video, appropriate to the goals of the system, and which emphasised the effects of cannabis on employment, family, mental health and social skills suitable to the wide age range. They also suggested the development of a purpose written pamphlet.

Educators suggested that a one to one session may be more effective than a group session due to the limitations of people talking openly about their cannabis use. One to one sessions were seen to be the best option in country areas due to problems of confidentiality and contamination of more experienced users.

Educators reported that participants are generally quite knowledgeable about cannabis and generally, young people are unconcerned about the negative health impact.

Some educators argued for the inclusion of more harm reduction information. They argued that most participants were cautioned because they were doing something that placed them at immediate risk - driving while under influence, excessive alcohol and cannabis use, drinking in

¹⁹ A number of educators felt constrained by the tightness of the session structure and argued that it limited their flexibility to address underlying issues, and thereby lessened the session’s potential impact. A CDST staff member told us about one participant who attended the session who had a major problem with alcohol use and driving, combined with cannabis use. However the educator felt constrained in responding to this presenting problem because of the requirement that the structured session had to be followed even though they felt better outcomes might have been achieved by addressing the major problem. Another example was of a young woman living in a house with heroin users and who was cautioned after police found an amount of cannabis in her room when they searched the house. The educator conducting the session felt that the issue of her living with heroin users and the associated risks should have been discussed but felt constrained by the need to follow the session structure. The educator felt that the opportunity offered in the session could have been maximised and greater benefit could have resulted if these other issues could have been discussed. Other educators disagreed arguing that the structure could be used to trigger deeper reflection and discussion and that the key issue was the skill and experience of the educator and not the structure of the session.

public etc - and educators should discuss these issues in order to impact on attitudes and behaviour and maximise the opportunity they have.

CDST staff believed that further documentation of policies and procedures for their involvement was required. For example, the protocol for following up participants attending education sessions needed clarification.

4.2.6 Impact on Police Service and operations

Based on the views of police surveyed, the guidelines are clear, and have the support of senior administration.

Ongoing training has been provided throughout the pilot to create a culture that supports and encourages the system. Given the importance of this training and culture of support, any extension of the pilot will need to be based upon the need to convey this message to the rest of the police service throughout the State.

To that end the ADCU have played, and should continue to play, an important role in any statewide extension of the pilot.

There is no evidence that the introduction of the CCMES gave rise to any technical difficulties for police officers or that any negative consequences resulted for law enforcement.

It would appear that the objective of the pilot to achieve a viable process for police has been achieved.

4.2.7 Enhanced operational integration between agencies

The pilot enabled enhanced operational integration between WADASO, WAPS and CDSTs. This is an important and desirable outcome consistent with the WA Strategy Against Drug Abuse emphasis on partnerships, including linkages between law enforcement, education and treatment agencies, at all levels of government and through the wider community. This is particularly important in rural areas, but also to ensure a seamless and coordinated response.

A value of the pilot identified by staff of CDST is that it encourages more dialogue and communication between agencies involved in drug policy, treatment and education and law enforcement and thereby assists them to develop a better understanding of what they each do, why they do it and how. These produce better understanding, mutual trust and recognition of the roles and responsibility of each agency, and ultimately better outcomes.

The pilot also demonstrated the value of multisectoral approaches and the capacity for law enforcement to work in partnership with others to engage offenders with treatment and intervention services.

5. Discussion of findings

5.1 Overall effectiveness

Overall the pilot CCMES can be considered successful and effective on a number of criteria.

- The goals established for the pilot were largely achieved.
- Cautions are being issued in line with criteria. There has been a high level of compliance by police in issuing cautions in those circumstances where the criteria were met.
- There has been a substantial level of compliance among people issued with cautions. 74 out of 95 persons (78%) issued with cautions have attended an education session.

- There is evidence that the system and the education session is having an impact on participants. This includes participants reporting:
 - being shaken up by the experience;
 - having greater knowledge;
 - reassessing or reviewing their use of cannabis; and
 - using less or not using cannabis at all, and/or intending to cease or reduce use.
- The pilot has demonstrated the value of a partnership approach involving WAPS, WADASO and CDSTs.
- The CCN system is consistent with the use of law enforcement for treatment/intervention with cannabis users and the pilot has been implemented in line with relevant legislation, policies, guidelines and protocols.
- There were no reported supervisory or technical problems and no complaints were registered against police officers.
- All police canvassed expressed their satisfaction with the guidelines for issuing a caution and the structure of the forms.
- The pilot has achieved a viable process for police.

5.2 Implications for extension

Based on the findings of this evaluation it is recommended that the CCMES be implemented statewide. The following issues will in our view need further consideration.

5.2.1 Planning and management issues

Consultation and dialogue with CDSTs is required, particularly in country towns, about how the system is to work in country towns and how to overcome some of the problems that arise in less populated country towns.

There is a need to document fully the operational protocols and procedures affecting the CDSTs involvement in the system.

5.2.2 Education session

Production of a video specifically developed for the system and better directed at the wide age range of those attending. The video needs to focus more on the impact of cannabis on relationships, work and family.

Participants need something to take away eg more activities, agencies to contact, leaflet.

Training of educators is required to enable them to conduct and facilitate education session consistent with good practice and to assist them respond to the participants needs.

5.2.3 Police operations

The importance of a positive, supportive and well trained police service and a supportive local police management and culture is essential to the success of the system.

Limiting follow up by police of those participants who have not attended the education sessions.

5.2.4 Criteria for eligibility for a caution

Consideration is given to reviewing the criteria for eligibility in order to include the following circumstances within the cautioning system.

- Simple offences under investigation or committed at the same time as the cannabis offence should not preclude the issuing of a caution.
- The inclusion of juveniles in the cautioning system. Although police do have the discretion to caution young offenders under the *Young Offenders Act 1994*, there is no capacity to order a juvenile to attend an educational session. Either the *Young Offenders Act 1994* should be revised in relation to drug offences so that young offenders cautioned under this Act could be required to attend an educational session, or juveniles could be included administratively in the CCMES so that they derive the benefit of attending an educational session on cannabis use.

Appendix 1

Cannabis caution and mandatory education system Pilot program: Mirrabooka and Bunbury Police District survey

This survey is to be completed by members *who have issued* a caution for the use and/or possession of cannabis, as per Cannabis Cautioning & Mandatory Education System Pilot Program conducted in the Mirrabooka and Bunbury Districts.

Please answer the following questions and provide comments as required.

1. Please indicate your gender. (*Circle response*) Male Female
2. What is your rank?
3. How many years have you been in the Police Service? (*Circle response*)
 1-3 4-7 8-11 12-15 16+
4. Have you completed the training: program for the trial cannabis cautioning and mandatory education system? (*Circle response*)
Yes No
5. Was this training adequate in providing you with a practical understanding of the cannabis cautioning and mandatory education system guidelines and procedures? (*Circle response*)
Yes No
If *No*, please explain
6. Since completing the training program, how many cannabis caution notices have you issued?
7. What factors influenced your decision to issue a caution? (*please rank the most important first to the least important last in order from 1 to 6*)
 - (a) Met the criteria
 - (b) Demeanour of offender
 - (c) Circumstances of offence
 - (d) Caution saves time
 - (e) Less paperwork
 - (f) Other (*please specify*)
8. (a) Where did you administer the caution?
Scene of offence
Police Station
(b) Why did you choose to administer the caution at that location?

9. For the cannabis caution a Sergeant was:
 (a) Consulted and attended the scene of the offence
 (b) Consulted and did not attend the scene of the offence
 (c) Not consulted d. Not applicable (*explain why*)
10. Were the guidelines easy to understand? (*Circle response*)
 Yes No
 If *No*, please explain:
11. Were the forms easy to complete? (*Circle response*)
 Yes No
 If *No*, how could the forms be improved?
12. With regards to time, was there a decrease or increase in the time it took to issue a caution and deal with the drugs/articles as compared with processing the offender using the normal procedures? (*Circle responses*)
- | DECREASE | OR | INCREASE |
|--------------------|----|--------------------|
| None | | None |
| Less than 1/2 hour | | Less than 1/2 hour |
| 1/2 hour to 1 hour | | 1/2 hour to 1 hour |
| 1 to 2 hours | | 1 to 2 hours |
| More than 2 hours | | More than 2 hours |
13. (a) Do you support the concept of the cannabis cautioning & mandatory education system? (*Circle response*)
 Yes No
 (b) Why?
14. How did the offender react to being given a Caution Notice? Please comment:
15. Are there any changes you think should be made to the cautioning system? This includes the guidelines?

Thank you for your participation

Appendix 2

Telephone survey format

Establish that the person is the one listed on the cannabis caution sheet.

My name is . I am part of an independent team of researchers looking at the effect of the trial of cautions for cannabis use. We have a few questions about the trial, which will be treated in full confidence with no identification of individual responses. Your name and what you tell me will not be passed on to anybody else. Is that OK with you?

Do you have any questions?

Survey questions

The following survey seeks information on the Cannabis Cautioning and Mandatory Education System trial conducted in Western Australia. Individual responses to the questionnaire will remain with the independent researchers and will be treated as strictly confidential.

Q1 Did your attitude to police change in any of the following areas?
ie. Was there no change or were you more or less. . .

Trusting more no change less

Fearful more no change less

Respectful more no change less

Hostile more no change less

Q2 How would you describe your attitude to police NOW?

- Generally favourable
- Generally unfavourable
- Unsure/it depends
- Don't know

Q3 On average, during the six months before your cannabis caution, how often were you using cannabis? Which of the following best describes how often you used.

- 2 or more times every day
- once per day
- 2 or more times per week
- once a week
- 2 to 3 times per month
- once a month
- less often than once a month
- did not use during that six months

Q4 In the six months BEFORE your cannabis caution, about what proportion of the people that you spent leisure time with used cannabis?

- All or nearly all of them
- Majority of them
- Minority of them
- None of them

Q5 On average, in the month AFTER your cannabis caution, how often were you using cannabis?

Which of the following best describes how often you used.

- 2 or more times every day
- once per day
- 2 or more times per week
- once a week 2 to 3 times per month
- once a month
- less often than once a month
- did not use during that six months

Q6 In the month after your cannabis caution, about what proportion of the people that you spent leisure time with used cannabis?

- All or nearly all of them
- Majority of them
- Minority of them
- None of them

Q7 To what extent do you believe your cannabis caution affected your use of cannabis in the month afterwards?

- Not at all
- Somewhat
- A great deal

Q8 How would you describe your attitude to future use of cannabis?

- Intend to use cannabis less often
- Will probably use cannabis in the same way
- Intend to use cannabis more often
- Do not intend to use cannabis again

Thank you for your time in completing this survey.