

Amnesty – A Proposal to the States of Guernsey

When Amnesty is used by Law enforcement it is an undertaking by the authorities to take no action against specified offences during a fixed period.

There is precedence for Amnesty in Guernsey with respect to firearms, knives and tax laws, where there is recognition that change is coming be that a change in law, or culture, or public safety matters that require attention. The engagement of the community during these periods is reflective of the collective wish to reduce harm either physically or economically.

There has been a recent public call for Amnesty specifically related to Cannabis use and regulated purchase. The GDSC has reviewed this consideration as follows:

The Police Annual Report for 2019 indicates significant operational commitment to importation of cannabis in its Boarder Agency efforts to protect the community from harm. (notably pages 12 and 26)

<https://www.guernsey.police.uk/CHttpHandler.ashx?id=127363&p=0>

Further to the Police Annual Report, the recent Justice Review <https://www.gov.gg/CHttpHandler.ashx?id=123927&p=0> received significant response from the States of Deliberation with calls for amendments, followed by a successful Sursis Motive <https://www.gov.gg/CHttpHandler.ashx?id=128389&p=0> requiring evidence based proposals to be returned to the States within specific timeframes.

The Justice Review (pages 38 and 41) indicates that in **2017**, strategic response for the Drug and Alcohol strategy moved from the Committee for Home Affairs to the Committee for Health and Social Care, in recognition that overall substance use/misuse are more ably considered by Health when caring for the community, than Law Enforcement.

The Committee for Health and Social Care commissioned a report from Professor Harry Sumnall of the Public Health Institute, Liverpool John Moores University, <https://gov.gg/CHttpHandler.ashx?id=127702&p=0>. This report contains his findings on reviewing the interaction between Health and Justice in relation to the possession of drugs for personal use. The report speaks candidly regarding the unintended harms to a community that are caused by jurisdictions, such as Guernsey (and countries with comparative drugs policies) by existing drugs policy.

Since 2018, the committee for Health and Social care have indicated that there is scientific evidence to support the use of Cannabis to relieve several conditions as listed on the GOV.GG website <https://www.gov.gg/mhc> however access to a prescription for Cannabis was not made available to Islanders until late 2020, and then only on a significant cost basis to the individual.

Significant support is evident within the community for a change to the way that possession and small-scale supply of cannabis is treated.

It is the view of the GDSC that we cannot reasonably consider possession of a substance without considering how a person gains access to it.

Social media comment and public demonstrations have been evident, most recently when the Justice Review was considered by the States of Deliberation. Many users have declared their use of the drug as alleviating medical and mental health conditions, which now has increased scientific support. Yet further information suggests that other members of the community fear to declare their use in case it affects their employment, or they receive a criminal sanction. The Justice Review indicates that circa 4,000 islanders actively use cannabis.

It is considered that in light of all the developed information above, that Amnesty would not only be prudent in the circumstances in an effort to prevent further unintended harm to the community, but that the foundation will also provide the much needed evidence to support the revised Justice Framework and the Substance Use Strategy.

What does it look like?

Cannabis in plant form is as open to abuse as coffee and sugar. We all know that too much of the latter substances is not good for you and is a health consideration. The majority of the public have a weather eye to their own health in this regard.

However, like alcohol, there may be impairment of function to consider, especially with the use of machinery and vehicles.

Otherwise, cannabis use is reported to be medically safe, with no known or recorded instances of overdoses or death that require any more medical intervention than “sleep it off.”

To that end it is proposed that cannabis use “touch points” are reviewed and recorded during the amnesty period and consideration has been given to the likely points for Health and Law Enforcement.

It is also considered that if small amounts of possession are to be considered then that possession will have involved an element of supply. It is proposed that all importation offences continue to be an offence unless importation is governed by licence.

Any supply will need to be by a local grower, who will also seek to register and abide by rules outlined below. The grow will be considered a business for income tax purposes.

Health

1. Community access for medical reasons.

Patient declares use or intention to use to GP who makes a note of the declaration and the medical condition the patient is using Cannabis for.

The Amnesty period is proposed to run until such time as the committees for Health and Social care and Home Affairs are able to progress their work to final stages enabling the new framework for substance use and the justice framework.

2. Ill effects at A and E to be separately recorded

Any patient admitted to A and E as a result of use/misuse to be recorded and referrals to appropriate support services as follow up.

- Consider use of community nominee services to support/bolster the support services

Law Enforcement

1. Intelligence

Information relating to personal use in a private home by persons over 21 years of age will be recorded for stats and intelligence only (should any further developed intelligence suggest different at any other stage).

Registered Growers will attract the same levels of recording.

GDSC have qualified volunteers capable of assisting in monitoring the Growers for consistency with the rules which each will sign up to. Breaches will be reported for consideration of uplift from the Amnesty offered.

2. Stop and Search

Person – public place not openly using– found in possession only – no impairment or harm considerations – NFA.

Person – public place – openly using – referred to support network.

Person – public place – impaired – refer to support network or other P/O or offences apply.

Vehicle – public place- possession only, no impairment – NFA.

Vehicle – public place – possession and/or impairment evident normal Road Traffic Law applies.

3. Other Search

Personal amounts only NFA.

Personal amounts may need to be quantified for guidance of the user and enforcement. It is proposed that per other jurisdictions that a personal amount should be no more than 10 gms and allows for medical use.

Local Growers

Lessons from Canada and Mexico who have had a regulated framework in excess of 1 year have been considered.

Both jurisdictions had local growers before larger industries became involved and reported that it would have been beneficial to their industry and community to have included local growers in their reform model at an earlier stage.

Sighted benefits were:

- a) Community support and engagement.
- b) New local jobs and skills base
- c) Business training
- d) Quality of product was easily monitored and tested without boarder considerations and risks of unknown product contaminant.

To this end it is proposed that a register of local growers is created and maintained.

1. Anyone registering as a grower will be required to leave full contact information with the registrar, which as a condition of amnesty they are required to keep updated.
2. All growers will keep sales records and be allowed to sell plant matter as follows:
 - i) Only to persons age 21 years or over (any doubt, no sale)
 - ii) Only up to personal use amounts.
 - iii) Only to person producing identification, which will be recorded by the seller.
 - iv) A register of sales will be maintained as a condition of the amnesty by the grower and subject to spot check/review/test purchase as considered necessary to support the aims of the amnesty.
3. Consider personal grow for medical patients who can be taught how to care for their plants, especially in cases where they are struggling to afford prescription costs.

Further considerations

Smoking/Vaping is not for everyone and edibles may be a viable business that wishes to trade and support health lifestyle. Consideration may be given to persons wishing to establish such a business under the same conditions as a Grower.

Conclusion

This methodology places a higher degree of trust in the community to care for their own health and welfare.

It is considered that a person over the age of 21 years should be allowed to consume cannabis for his/her own reasons in the privacy of their own home or the home of another with their consent.

Those not wishing to engage in the consumption will not be exposed to it.