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Panel Consults on Sentencing for Drug Offences

The Sentencing Advisory Panel has today published a consultation paper relating to the sentencing of the most commonly committed drug offences.

One of the most fundamental issues the Panel asks the public to consider is the relative seriousness of drug offences compared with other forms of offending behaviour, in particular with violent offences, sexual offences and offences of dishonesty.

Currently, Crown Courts impose higher sentences in the most serious cases of supplying drugs than they do for cases of rape of an adult, for the most serious cases of assault and for causing death by dangerous driving.

The consultation paper describes how the courts' approach to sentencing for supplying drugs has been driven by the desire to provide a deterrent effect.

However, there is no evidence to show that lengthy sentences have the desired deterrent effect and research suggests that drug barons are more concerned about the loss of their assets than the threat of imprisonment. The Panel is therefore proposing more extensive use of confiscation orders (introduced in 2002) which not only can recover the proceeds of crime but can also remove legitimate assets from drug offenders.

As a result the consultation paper proposes reducing the starting point for first time offenders found guilty of the most serious cases of importing or supplying drugs from 14 years to 12 years, within a range of 10 to 14 years. The Panel's proposals are linked both to an offender's role and the class and quantity of drugs involved in an offence, so that the most serious offenders will face the toughest sentences.

Panel Chairman Andrew Ashworth said:

“We are not suggesting in any way that drug offences have become less serious or that a robust sentencing approach is not appropriate.

“But our provisional view is that current sentencing levels sometimes go beyond the levels that are justified by the seriousness of individual offences. We have compared them with the starting points for other serious crimes such as rape and grievous bodily harm and we want to know what other people think about comparative levels of sentences.

“The starting points and ranges that we are proposing are more proportionate when drug suppliers face the very real threat of losing the proceeds of their crimes and those involved in the most serious offences will no longer enjoy lavish lifestyles.”

The paper also makes proposals for a tougher approach on dealers who target locations frequented by vulnerable people.

The current approach to tougher sentencing for those dealing in the vicinity of school premises should be widened to include any premises where people are susceptible to persuasion or coercion such as any educational establishment, psychiatric hospitals, drug treatment centres or bail hostels.

Similarly, those caught smuggling drugs into prison should receive higher sentences because of the impact on prisoners fighting drug addiction and the threat to good order in prisons.

The Panel also considers the sentencing of drug couriers who are very often naïve, vulnerable men and women from third world countries whose fates are totally disregarded by those at the top of drug supply chains. Under the current approach such couriers often serve long prison sentences while their role in criminal organisations is minor. The Panel suggests that they should be treated as “subordinates” in the supply chain. This would be likely to lead to lower sentences than those currently being imposed.

Notes to editors:

The **Sentencing Advisory Panel** is an independent advisory and consultative body which was established in 1999. The Panel offers advice on general sentencing principles, sentencing of specific offences as well as allocation (the choice of court venue – magistrates' court or the Crown Court). Chaired by Professor Andrew Ashworth, the Panel has 12 members. Details of current membership can be found at www.sentencing-guidelines.gov.uk

Copies of this consultation paper may be obtained from: Gareth Sweny, Sentencing Guidelines Secretariat, 4th Floor, 8-10 Great George Street, London SW1P 3AE. The document is available also on the sentencing guidelines website: www.sentencing-guidelines.gov.uk.

The closing date for responses is 15 July 2009.