



Attorney General's Supplemental Direction and Guidance

Personal amounts of certain controlled drugs

This Direction and Guidance is issued by the Attorney General to Centeniers dealing with cases of the possession of controlled drugs at the Parish Hall. It consolidates Attorney General's Directive 1/2015 and 1/2019.

The Attorney General believes that it is in the public interest for certain cases of possession of controlled drugs to be dealt with by way of written caution at Parish Hall rather than by prosecution.

A Centenier may consider dealing with a person by way of a second written caution for a second offence of possession of controlled drugs providing:

- 1) The criteria in the appendix to this directive apply;

and
- 2) The Centenier considers the circumstances are such (for example the dissimilarity of the drug in question or other special factors) that a second written caution should be given for the offence;

and
- 3) That at least one year has elapsed since the date of the administration of a caution for the first offence.

Centeniers should please bear in mind that any caution in relation to possession of a Class A drug still requires the consent of the Attorney General. A second caution will not be available in circumstances where both the first and second offence relate to Class A drugs; pursuant to these guidelines only one caution is permissible in relation to Class A drugs.

Visitors to the Island

There will be some cases where the offender is a short-stay visitor to the Island when attendance upon the Alcohol and Drugs Service will not be practical. In such cases, where the other criteria as listed are met, the Centenier may still give a written caution.

Written caution

It is important that the caution should be recorded in writing so that a record of the caution will be maintained by the States of Jersey Police. This will mean that if any person re-offends, the

Centenier dealing with the matter will know that the offender does not fulfil the first criterion set out. It should be made clear that any further offending will result in prosecution.

General note

Finally, whilst each case must be considered on its merits, and a Centenier retains a discretion (subject to the Attorney General's direction) as to how to deal with the matter before him or her, it is important to ensure fairness and consistency. Centeniers should only depart from these Guidelines where they are satisfied that there are good grounds for doing so.

April 2022

Annex 1

Centenier written caution guidelines

Type of drug	Quantity	Class
Cocaine	up to 2 grams and consent of Attorney General required	A
Ecstasy	up to 2 tablets and consent of Attorney General required up to 1 gram of MDMA (powder form)	A
Methadone	Zero tolerance	A
Heroin (Diamorphine)	Zero tolerance	A
Crack (Cocaine freebase)	Zero tolerance	A
Cannabis Oil	Zero tolerance	A
Cannabis oil contained in confectionary	To be considered by the Attorney General on a case-by-case basis	A
LSD (Lysergic acid diethylamide)	2 tabs (standard size)	A
Magic Mushrooms (Psilocybin)	5g of dried mushrooms	A
Cannabis	Up to 15g – resin and herbal	B
Amphetamine	Up to 2 grams	B
Synthetic Cannabinoids	Up to 2 grams	B
Ethylphenidate	Up to 2 grams	B
Desmethyl Tramadol	Up to 2 tablets	B
Mephedrone	Up to 2 grams	B
*Ketamine	Up to 5 tablets Up to 2 grams (powder form)	B

*Subutex (Buprenorphine)	Zero tolerance	B
BZP (Benzylpiperazine)	Up to 5 tablets Up to 2 grams (powder form)	C
*Benzodiazepines	On a case-by-case basis where the below criteria are met	C
*Diazepam	Tablets totalling 30 mg	C
*Steroids	On a case-by-case basis where the below criteria are met	C
*Tramadol	On a case-by-case basis where the below criteria are met	C
*DF 118 – injectable form only	On a case-by-case basis where the below criteria are met	C

*Non-prescribed

Criteria

- 1) First or second drugs offence.
- 2) The opportunity to be dealt with at Parish Hall is only available to first- or second-time drug offences. A second caution will not be available in circumstances where both the first and second offence relate to Class A drugs; pursuant to these guidelines only one caution is permissible in relation to Class A drugs.
- 3) Individual must admit the offence.
- 4) No evidence of dealing/onward distribution.
- 5) Investigating officer is satisfied that the commodity in question is a drug.
- 6) Individual must agree that they will be contacted by the Alcohol and Drug Service regarding drug education; and
- 7) The quantity of the drug falls within the quantities identified above.

For possession of class A drugs not listed above, Centeniers should refer the case for prosecution.

For possession (or importation of personal use only) of small amounts of other Class B and Class C drugs where the criteria 1 to 5 set out above are met, Centeniers should consult the Law Officers' Department.

NB. Weights above are weights of the drug as seized and not the weight of the "pure" drug within the amount seized.