



POLICING POST-PROHIBITION CANNABIS IN SOUTH AFRICA

Consolidated Findings Document

Community Engagement Process, February 2026
(Written Submissions & Workshop Outcomes)

Fields of Green for ALL, March 2026

Executive Summary

These consolidated findings present the outcomes of a multi-stakeholder community engagement process on cannabis policing in South Africa. The process brought together perspectives from civil society organisations, private cannabis associations, traditional healers, community leaders, township organisations, industry representatives, patient-access networks, women-led cannabis initiatives, and legacy cultivation stakeholders. Fields of Green for ALL received 25 written submissions and 40 community members and their leaders attended the in-person workshop.

Across submissions, there was overwhelming consensus that the primary challenge facing cannabis policing in South Africa is no longer prohibition itself, but the widening gap between constitutional and legislative reform on paper and operational policing practices on the ground.

Stakeholders consistently described:

- inconsistent and contradictory enforcement;
- ongoing unlawful searches, seizures, and arrests;
- confusion regarding private use rights;
- selective enforcement and corruption;
- insufficient training of police officers;
- disproportionate impacts on poor, township, rural, and legacy-growing communities;
- lack of recognition of cultural and Indigenous Knowledge Systems (IKS);
- and the continued criminalisation of conduct many communities believe falls within constitutional protections.

At the same time, submissions did not frame reform as anti-police. Most contributors recognised the important role of the South African Police Service (SAPS) in maintaining public

safety and expressed support for reforms that would strengthen legitimacy, accountability, consistency, professionalism, and public trust.

The strongest area of consensus across stakeholders was the urgent need for clear, nationally consistent Standard Operating Procedures (SOPs) grounded in constitutional rights, proportionality, harm reduction, and legal clarity.

Submissions further highlighted that post-prohibition policing requires a shift away from punitive “war on drugs” approaches toward rights-based, evidence-informed, and community-oriented policing.

1. Background and Purpose

Following the Constitutional Court judgment in *Minister of Justice and Constitutional Development and Others v Prince and Others* (2018), and the subsequent enactment of the Cannabis for Private Purposes Act, South Africa entered a transitional legal environment regarding cannabis use, cultivation, and possession for private purposes.

Despite these legal developments, community reports of inconsistent and harmful policing practices have continued across multiple provinces and sectors.

In response, Fields of Green for ALL initiated a community engagement process to:

- gather lived experiences and stakeholder perspectives;
 - identify ongoing harms and operational challenges;
 - support the development of civil society guidelines;
 - and contribute to discussions regarding future cannabis-related SAPS Standard Operating Procedures.
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2. Stakeholder Participation

Submissions were received from a broad range of stakeholders, including:

- community organisations;
- traditional healers;
- township representatives;
- women-led advocacy groups;
- cannabis clubs and associations;
- industry and consulting bodies;
- patient-access and medical cannabis operators;
- Indigenous Knowledge Systems representatives;
- harm reduction advocates;
- and small-scale and legacy cultivation stakeholders.

This diversity of participation strengthened the legitimacy and representativeness of the findings.

3. Key Findings

3.1 The Gap Between Law Reform and Policing Practice

The dominant theme across submissions was the disconnect between constitutional/legal reform and operational enforcement.

Stakeholders consistently reported that:

- legislation and constitutional protections have evolved;
- but policing culture, interpretation, and operational practice have not evolved at the same pace.

Many participants stated that communities continue to experience cannabis policing rooted in prohibition-era assumptions despite constitutional developments.

Several submissions described a widespread perception that cannabis reform currently exists “on paper” but not in practice.

3.2 Operational Ambiguity and Inconsistent Enforcement

A recurring concern was the absence of clear, nationally consistent operational guidance for SAPS members.

Stakeholders identified confusion regarding:

- what constitutes “private use”;
- lawful cultivation;
- permissible possession;
- transport of cannabis;
- collective/private cultivation models;
- and distinctions between lawful conduct and criminal dealing.

This ambiguity was repeatedly described as creating:

- inconsistent enforcement;
- arbitrary decision-making;
- selective policing;
- intimidation;
- and legal uncertainty for both communities and officers.

Multiple stakeholders argued that where legal thresholds and operational standards are unclear, police discretion effectively replaces legal certainty.

3.3 Ongoing Searches, Seizures, Arrests, and Harassment

Submissions documented ongoing experiences of:

- stop-and-search operations;
- confiscation of cannabis without proper documentation;
- warrantless searches;
- arbitrary arrests;
- intimidation;
- and prolonged detention threats.

Particular concern was expressed regarding:

- raids on private cannabis clubs;
- confiscation without court follow-through;
- and searches conducted without sufficient legal justification.

Several contributors emphasised the emotional, financial, and reputational harm caused by arrest and criminalisation, even where prosecutions do not proceed.

3.4 Corruption and Selective Enforcement

Many submissions referenced allegations of:

- bribery;
- “cold drink” payments;
- selective targeting;
- inconsistent treatment between operators;
- and confiscation of cannabis without proper legal procedure.

Stakeholders repeatedly warned that unclear policing environments create opportunities for abuse of power and corruption.

The perception that some operators are protected while others are targeted was identified as deeply damaging to public trust in SAPS and the rule of law.

3.5 Township, Rural, and Legacy-Grower Inequality

A strong socio-economic theme emerged across the submissions.

Participants argued that:

- affluent or suburban cannabis operators appear less exposed to enforcement;
- while township entrepreneurs, informal traders, rural growers, and legacy cultivators remain highly vulnerable.

Stakeholders from township and rural communities described:

- fear of raids;
- barriers to formal participation;
- loss of livelihoods;
- and ongoing criminalisation of historically marginalised groups.

Several submissions argued that current enforcement patterns risk reproducing historical inequality under a new legal framework.

3.6 Indigenous Knowledge Systems, Cultural Rights, and Traditional Practice

Numerous submissions emphasised that cannabis has long-standing cultural, spiritual, medicinal, and ancestral significance within African communities.

Traditional healers and Indigenous Knowledge Systems (IKS) representatives stated that:

- cannabis use and cultivation form part of protected cultural practice;
- enforcement practices often fail to recognise customary and traditional contexts;
- and criminalisation of traditional practitioners undermines constitutional rights and cultural dignity.

Stakeholders highlighted the importance of Sections 31 and 211 of the Constitution in protecting cultural communities and customary practice.

3.7 Gendered Impacts on Women

The submissions identified important gender-specific impacts of cannabis policing.

Women working in:

- traditional healing;
- wellness;
- small-scale cultivation;
- advocacy;
- caregiving;
- and micro-enterprise sectors

reported heightened vulnerability to:

- intimidation;
- economic instability;
- reputational harm;
- and insecurity resulting from legal uncertainty.

Contributors stressed that women have historically served as custodians of cannabis knowledge, household resilience, and community wellness, yet remain disproportionately exposed to policing risks within unclear regulatory environments.

3.8 Medical Cannabis Access and Patient Rights

Medical cannabis stakeholders highlighted operational confusion affecting:

- patients;
- doctors;
- dispensaries;
- pharmacies;
- and licensed operators.

Concerns were raised regarding:

- lack of police understanding of Section 21 authorisations;
- uncertainty regarding lawful patient access pathways;
- and inconsistent treatment of compliant operators.

Stakeholders argued that policing SOPs must reflect the realities of lawful medical cannabis access and distinguish legitimate healthcare activity from illicit conduct.

3.9 Harm Reduction and Human Rights

Multiple submissions framed current cannabis policing as a harm reduction issue.

Contributors argued that:

- legal harms generated by enforcement frequently outweigh public safety benefits;
- arrest-driven approaches consume public resources without meaningful prosecutorial outcomes;
- and punitive policing often produces trauma, distrust, and socio-economic harm.

Stakeholders called for policing approaches grounded in:

- dignity;
- proportionality;
- de-escalation;
- harm reduction;
- and constitutional sensitivity.

3.10 Distrust Between Communities and SAPS

A recurring theme across submissions was the erosion of trust between communities and law enforcement.

Many contributors stated that:

- communities do not experience SAPS as protective;
- policing is frequently experienced as intimidating or exploitative;
- and selective or inconsistent enforcement undermines legitimacy.

At the same time, several stakeholders acknowledged examples of respectful, rights-based policing and emphasised that positive engagement remains possible where officers act with professionalism and clarity.

4. Areas of Strong Consensus

Despite the diversity of participants, there was striking alignment regarding key reform priorities.

Broad consensus emerged around the need for:

- nationally consistent cannabis policing SOPs;
 - constitutional and legal training for officers;
 - privacy-first policing approaches;
 - arrest as a measure of last resort;
 - restrictions on arbitrary search and seizure;
 - improved oversight and accountability;
 - anti-corruption safeguards;
 - recognition of cultural and Indigenous practices;
 - differentiation between private conduct and organised criminal activity;
 - and structured engagement between communities and SAPS.
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5. Recommendations Emerging from the Engagement Process

5.1 Develop Clear National SOPs

SAPS should develop clear, practical, constitutionally aligned Standard Operating Procedures regarding cannabis-related policing.

5.2 Prioritise Constitutional Training

All SAPS officers should receive training on:

- the Constitutional Court judgment;
- the Cannabis for Private Purposes Act;
- privacy rights;
- cultural rights;
- lawful search and seizure;
- and proportionality.

5.3 Adopt Privacy-First and Harm Reduction Approaches

Cannabis policing should prioritise:

- de-escalation;
- non-intervention where conduct is lawful;
- and minimisation of social and legal harms.

5.4 Restrict Arbitrary Searches and Seizures

Cannabis-related searches and seizures should require clear lawful authority and proper documentation.

5.5 Arrest as a Last Resort

Arrest should not be the default response to cannabis-related matters, particularly where no public harm or commercial criminality is evident.

5.6 Improve Accountability and Oversight

Independent oversight and complaint mechanisms should be strengthened to address:

- corruption;
- abuse of authority;
- unlawful confiscation;
- and selective enforcement.

5.7 Recognise Cultural and Indigenous Practices

Policing frameworks should incorporate cultural literacy and respect for Indigenous Knowledge Systems and traditional practice.

5.8 Support Community Engagement

Ongoing engagement between SAPS, civil society, traditional leaders, patients, industry, and affected communities should continue beyond this consultation process.

5.9 Consider Expungement Measures

Stakeholders called for automatic expungement of historical minor cannabis possession records to address ongoing exclusion and historical harm.

6. Conclusion

The submissions received through this engagement process collectively demonstrate that South Africa is navigating a critical transition from prohibition toward constitutional regulation of cannabis.

However, the transition remains incomplete.

While constitutional protections and legislative reforms have altered the legal framework, many communities continue to experience policing practices rooted in punitive prohibition-era approaches.

The findings of this process suggest that meaningful police reform is not simply a technical issue of operational procedure. It is fundamentally connected to:

- constitutional governance;
- human dignity;
- public trust;
- cultural recognition;
- socio-economic inclusion;
- and democratic legitimacy.

Stakeholders across sectors consistently expressed willingness to work constructively with SAPS and government toward fair, lawful, rights-based cannabis policing.

The opportunity now exists to develop a policing framework that:

- protects constitutional rights;
- strengthens public trust;
- improves operational clarity;
- reduces corruption and arbitrary enforcement;
- and supports South Africa's broader social and economic transition in the post-prohibition era.



