

'Decriminalization' models & drug enforcement in B.C.

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What do we mean by 'decriminalization'?

Models of 'decriminalization' are based on several features, making it complex

Basic variations differ by:

- ◇ Legal basis: *de jure* or *de facto*
- ◇ Diversion: pathways to education, treatment, social services
- ◇ Other penalties: administrative or civil sanctions

Other factors:

- ◇ Threshold amounts, specific drugs, and decision-making

Type	Legal basis	Pathways to education / therapy / social services	Administrative / civil sanctions	Examples
Depenalisation	<i>De facto</i>	No	No	Netherlands Gedoogbeleid 'tolerance policy' (cannabis only), US police 'deprioritisation', UK cannabis and khat warnings, Denmark warnings
Police diversion (<i>de facto</i>)	<i>De facto</i>	Yes	No	Police diversion schemes in most Australian states, Netherlands diversion (hard drugs only), English police diversion schemes in Durham, West Midlands and Avon, US LEAD programme, Baltimore pre-booking scheme
Police diversion (<i>de jure</i>)	<i>De jure</i>	Yes	No	South Australian Police Drug Diversion Initiative and Queensland Police Drug Diversion Program (police mandated by law to offer diversion to treatment)
Decriminalisation with no sanctions attached	<i>De jure</i>	No	No	Germany (by virtue of Constitutional ruling) and Vermont USA (since 2018)
Decriminalisation with civil or administrative sanctions	<i>De jure</i>	No	Yes	Czech Republic, Jamaica, Cannabis Expiation Notice schemes in three Australian states (ACT, SA, NT), many US states (e.g. Ohio, Mississippi, Massachusetts, Rhode Island)
Decriminalisation with targeted diversion to health / social services	<i>De jure</i>	Yes	Yes	Portugal and several US states (Maryland, Connecticut & Nebraska)

A typology and review of international 'decriminalization' models

From: Hughes et al. (2019) . Review of approaches taken in Ireland and in other jurisdictions to simple possession drug offences. P 7.

A Local Examination:

*Qualitative research on
police officer attitudes
towards simple possession &
decriminalization in BC*

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Simple possession in practice

- ◆ A patchwork of depenalization: practices differ across officers and geography
e.g. *"We decriminalized 25 years ago"* vs. *"I arrest people daily"*
- ◆ Discretion influenced by Crown/prosecutorial practices (not departmental policies)
- ◆ Seizing and destroying drugs common
 - ◆ Harm: Increases crime and OD
- ◆ A focus on and villainizing dealers and trafficking
 - ◆ Harm: Often street-level user-dealers bear the brunt

Views on Decriminalization

Support:

- ◆ Getting back to what officers “signed up for”
 - ◆ Wearing fewer “hats”
- ◆ Better relationships
- ◆ Move resources to treatment, harm reduction

Concerns:

- ◆ Systems failures
- ◆ Losing the “tool” of simple possession

Implications

- ◇ Is a depenalization model (de facto) really working?
- ◇ How does police discretion change under decriminalization?
- ◇ Will the failings of other systems undermine any drug policy reforms?
- ◇ The details matter.



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