

# Effects of criminalization and partial decriminalization of possession of drugs for personal use in Poland

2000-2014

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# Drug use among the youth in Poland

- Cannabis is the most popular drug among the youth, followed by amphetamines
- 37,3% of high school students used cannabis at least once in their life
- 8,3% used amphetamines
- Major difference between lifetime cannabis use prevalence between males (46,7%) and females (27%)

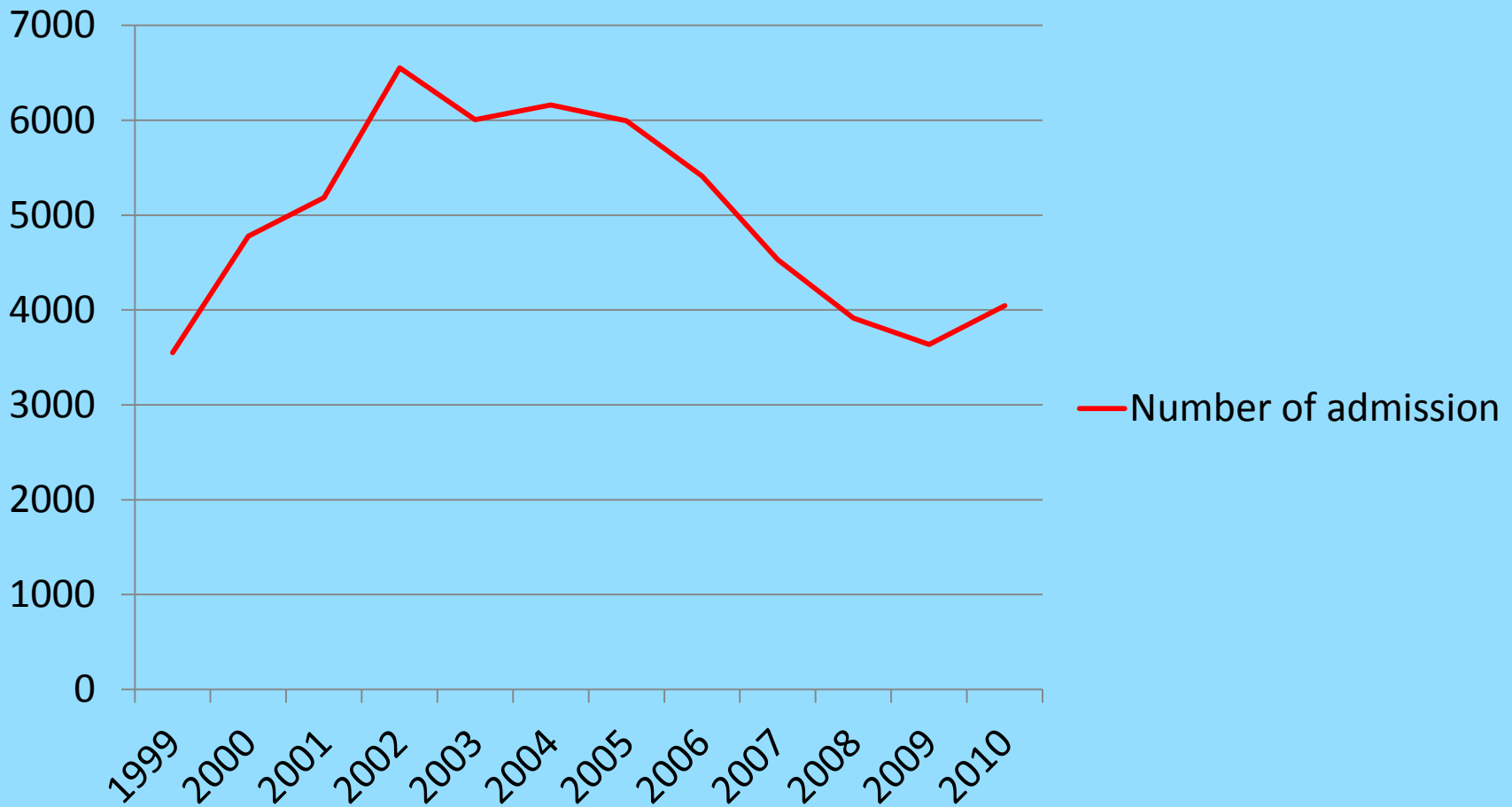
Institute of Psychiatry and Neurology. 2012.

# Lifetime cannabis and amphetamine use prevalence (%) among high school students 1995-2011



Institute of Psychiatry and Neurology. 2011.

# 15-24 year olds admitting to drug treatment 1999-2010



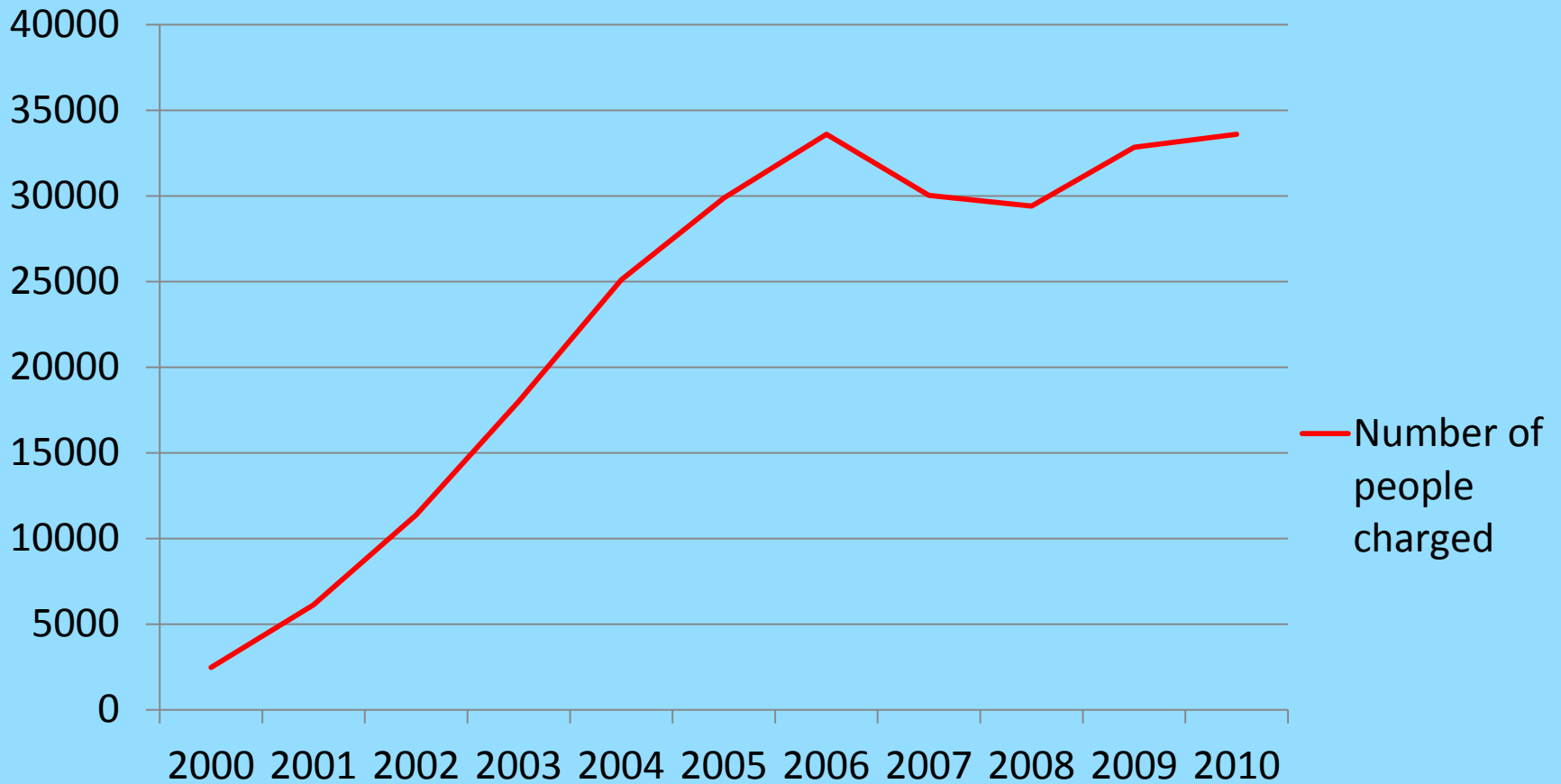
Institute of Psychiatry and Neurology, 2012

# Criminalization of possession of drugs for personal use in 2000

- Until 2000 possession of drugs was a criminal offence until it was for personal use
- In 2000 changes in article 48 (later 62) of the Drug Abuse Prevention Act made possession of any amount of any drug a criminal offence which can be punished with up to 3 years of prison

Drug Abuse Prevention Act  
1997, 2000.

# People charged with simple drug possession under new law (excluding possession of major quantities)

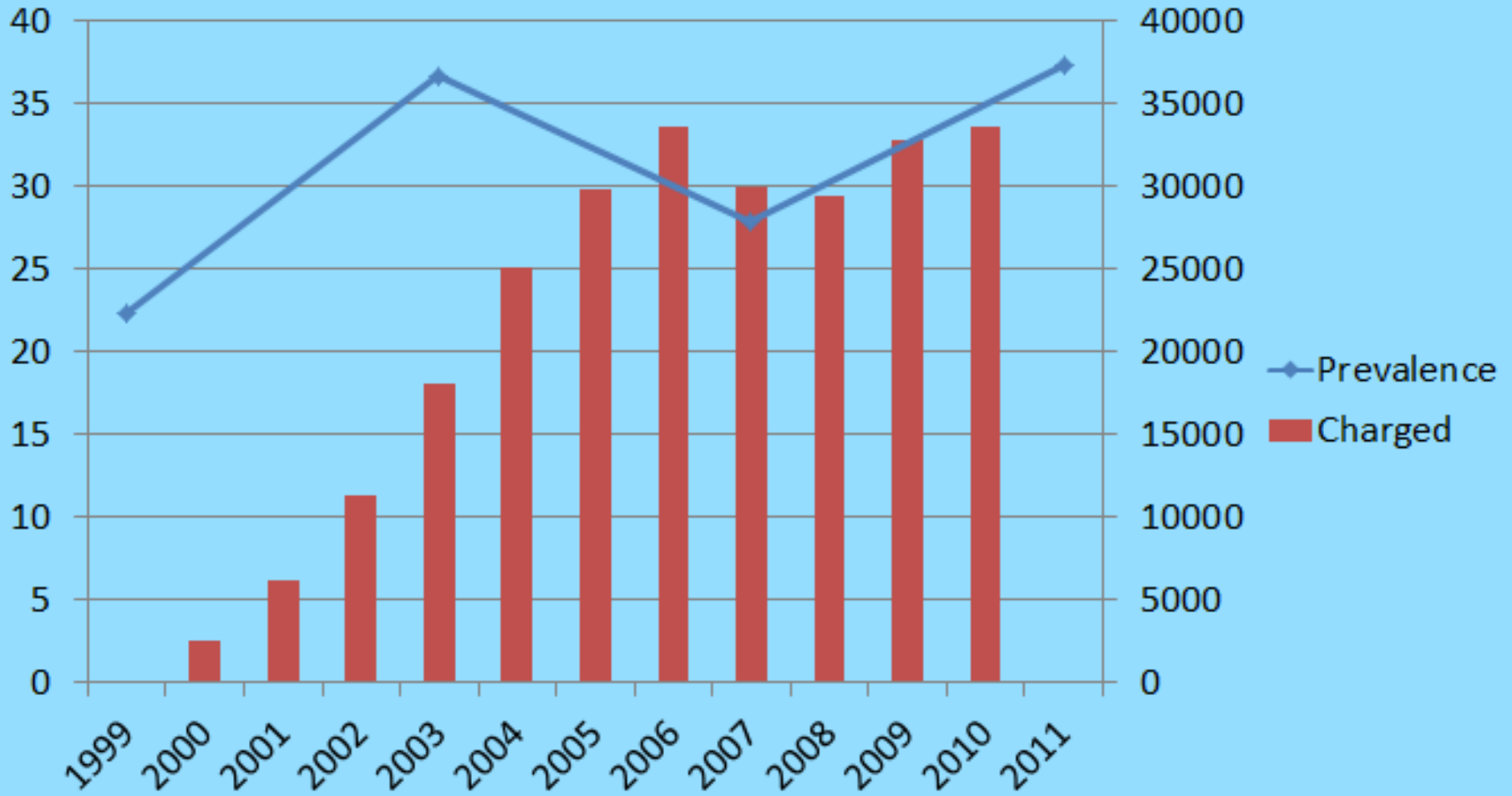


National Police Headquarters, 2010

# Facts about simple drug possession

- Simple possession of drugs was the most common offence under Drug Abuse Prevention Act
- Majority of the cases regarded cannabis
- 86% of people sentenced for drug possession were under 30 years old; 53% under 25 years old
- In 2009 direct costs of enforcement of article 62 were estimated at 80 million PLN (about 25 million USD)
- Most common sentence was suspended prison sentence, which creates a criminal record
- Majority of crimes was revealed during routine patrol or traffic control
- Case could have been discontinued if defendant proved that no major social harm was done or agreed to complete a drug treatment, both cases were however rare

# Effect of criminalization of possession of drugs on drug use: lifetime prevalence of cannabis use among students (%) and number of people charged with simple possession



National Police Headquarters, 2010  
Institute of Psychiatry and Neurology, 2012



# 10 years after criminalization

- Criminalization of possession of drugs for personal use had not proved to lower the drug use or the scale of drug-related problems
- At the same time it generated major costs for the law enforcement and redirected resources from other activities
- Majority of police officers, prosecutors, judges and parole officers has not thought that it is effective tool against the drug abuse

# Professionals who agree that criminalization of possession of drugs for personal use is useful in the following issues

	Limiting drug trade	Reducing drug use among recreational users	Helping addicted users	Detering potential users
Police officers	46%	41%	16%	43%
Prosecutors	32%	27%	16%	28%
Judges	39%	33%	13%	35%
Parole officers	31%	29%	26%	30%

# Change of the law in 2011

- Pressure on policy makers from the media, public administration and civil society
- 48% of the public believe possession of cannabis for personal use should not be penalised, 27% think otherwise
- Government introduces new law (article 62.1a) which allows prosecutors to discontinue the case before the hearing

Tok FM Radio survey, 2012

# New legislation

- Article 62.1a gives prosecutor opportunity to discontinue the case before the court hearing if:
  1. She/he considers the quantity of drug(s) as minor
  2. They were possessed for personal use and only (no evidence of supply or sharing)
  3. No major social harm was caused (e.g. they were not used around school)
- There is no definition of „minor quantity”, it needs to be decided individually by the prosecutor

# New legislation in action

- In 2012 2145 cases were discontinued using new law
- In 2013 this number was 3132
- Apart from cases discontinued under new law (before the hearing) around 20% of the cases are currently discontinued in court, which is estimated to be a twofold increase since 2011

# Challenges of new legislation

- As prosecutor needs to personally decide what amount she/he considers to be „small” there are major differences between the ratio of use of new legislation between various prosecutors, cities and regions
- Major difference in the rate of use of new law between regions: in Warsaw new law was used in 676 cases in 2012 while in Lodz (having half of Warsaw’s population) it was used only 59 times
- There is currently a new bill created by civil society representatives, waiting to be voted by the parliament, which would set the definition of „small amount” for the most popular substances

Polish Drug Policy Network, 2013

Helsinki Foundation for Human Rights, 2014

# Cooperation between public administration and civil society

- Decriminalization of possession of drugs for personal use was one of the most important topics brought by non-governmental organizations and experts
- In 2008 Polish Drug Policy Network was formed by professionals, activists, journalists and scientists working in the field of drugs
- Polish Drug Policy Network became the representation of civil society in discussion on the drug policy with government

# Cooperation between public administration and civil society

- On the national level civil society is consulting new drug legislation, treatment, law enforcement, human rights and other issues related to drugs
- Polish National Bureau for Drug Prevention is the main discussion partner from the government side
- Roundtables are held several times a year to discuss accomplishments, challenges and future strategies



# Cooperation between public administration and civil society

- On the international level various non-governmental organizations are invited to give thoughts and ideas for possible stances on international issues
- NGOs and government representatives cooperation includes UN Commission on Narcotic Drugs, European Commission and Horizontal Working Group on Drugs

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