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Drugs Possession Cases in Courts in Krakow.

**Realities of enforcing new, tougher
drug law in Poland**

**Conference „Illicit drug market and its possible regulatory body”
Rome, September 16 – 17th, 2009**

Introduction

Legal regulations on possession of small quantities of drugs for own consumption

- under the 1997 drugs law possession of small quantities of drugs for own consumption was exempted from punishment (effectively depenalised although not fully decriminalised);
- this was changed by the amendment adopted in the year 2000;
- since that year possession of any quantity of illicit drugs should be prosecuted under the mandatory prosecution principle, independently of the purpose of such possession;

Arguments for the amendment

Depenalisation makes it more difficult to reduce demand:

- depenalisation leaves impression that drugs are something legal;
- depenalisation deprives drugs of their negative social label;
- full criminalisation should contribute to making efforts to reduce demand to be more effective, due to the expected deterrent and educative effects;

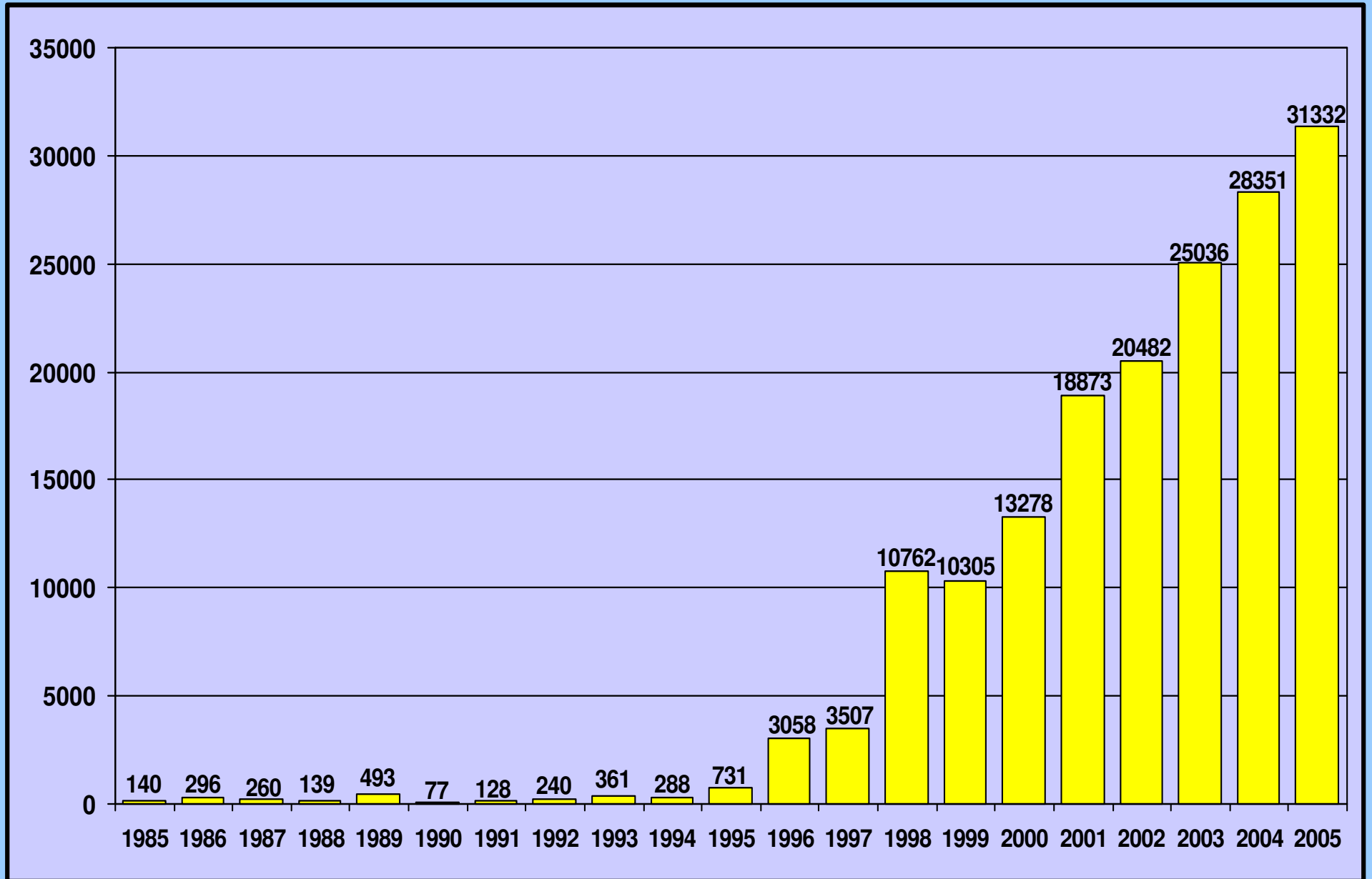
Arguments for the amendment

Depenalisation makes it more difficult to reduce supply:

- depenalisation makes it more difficult for the police to combat street level retail drugs dealing;
- dealers have always small quantities of drugs with them, and if caught, claim to possess them for their own use; in that way they avoid conviction and punishment;
- full criminalisation should made it easier for the police to combat street level drugs dealing and reduce more effectively supply of drugs;

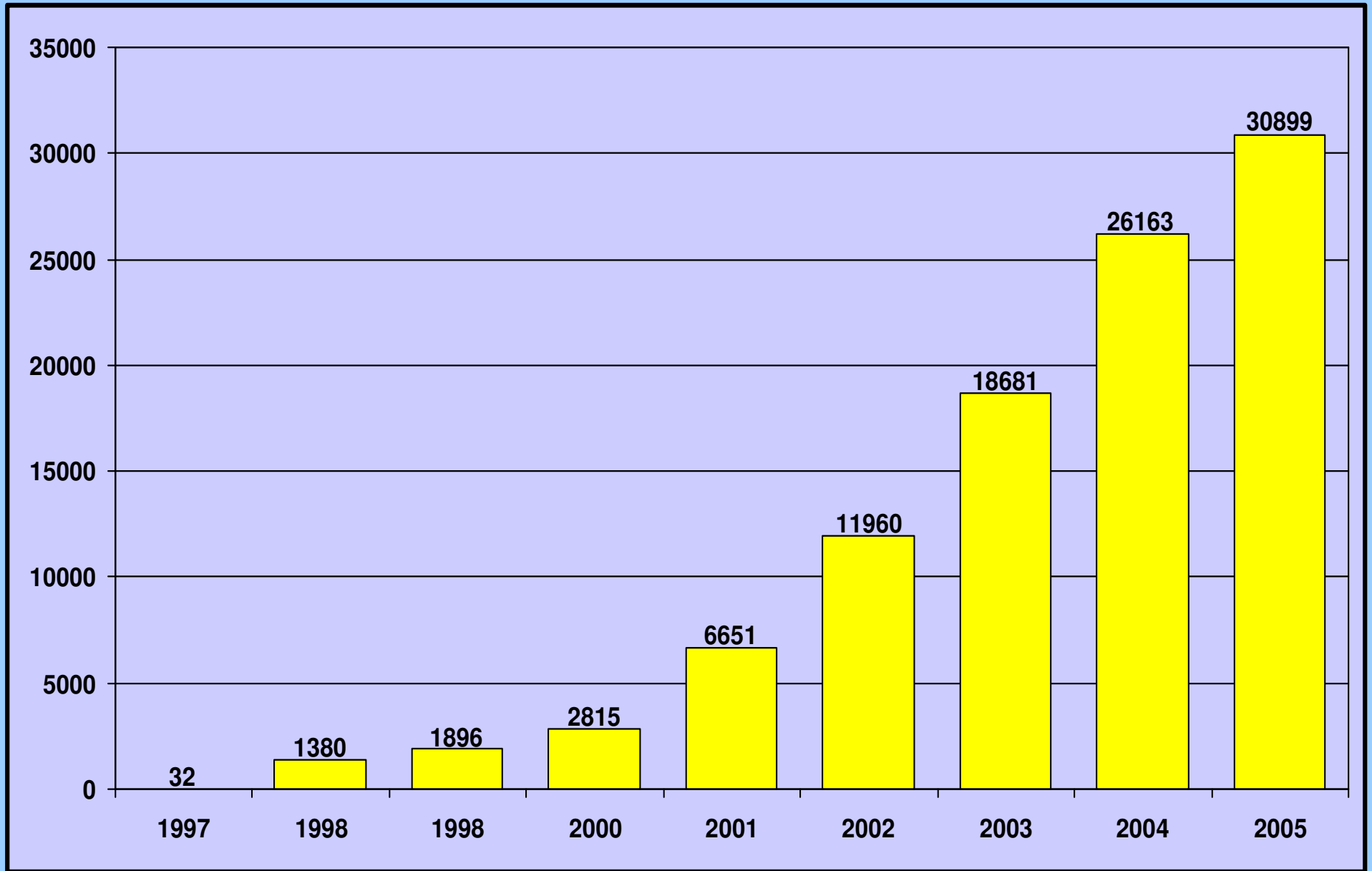
Drugs offences in the years 1985 – 2005

(absolute numbers)



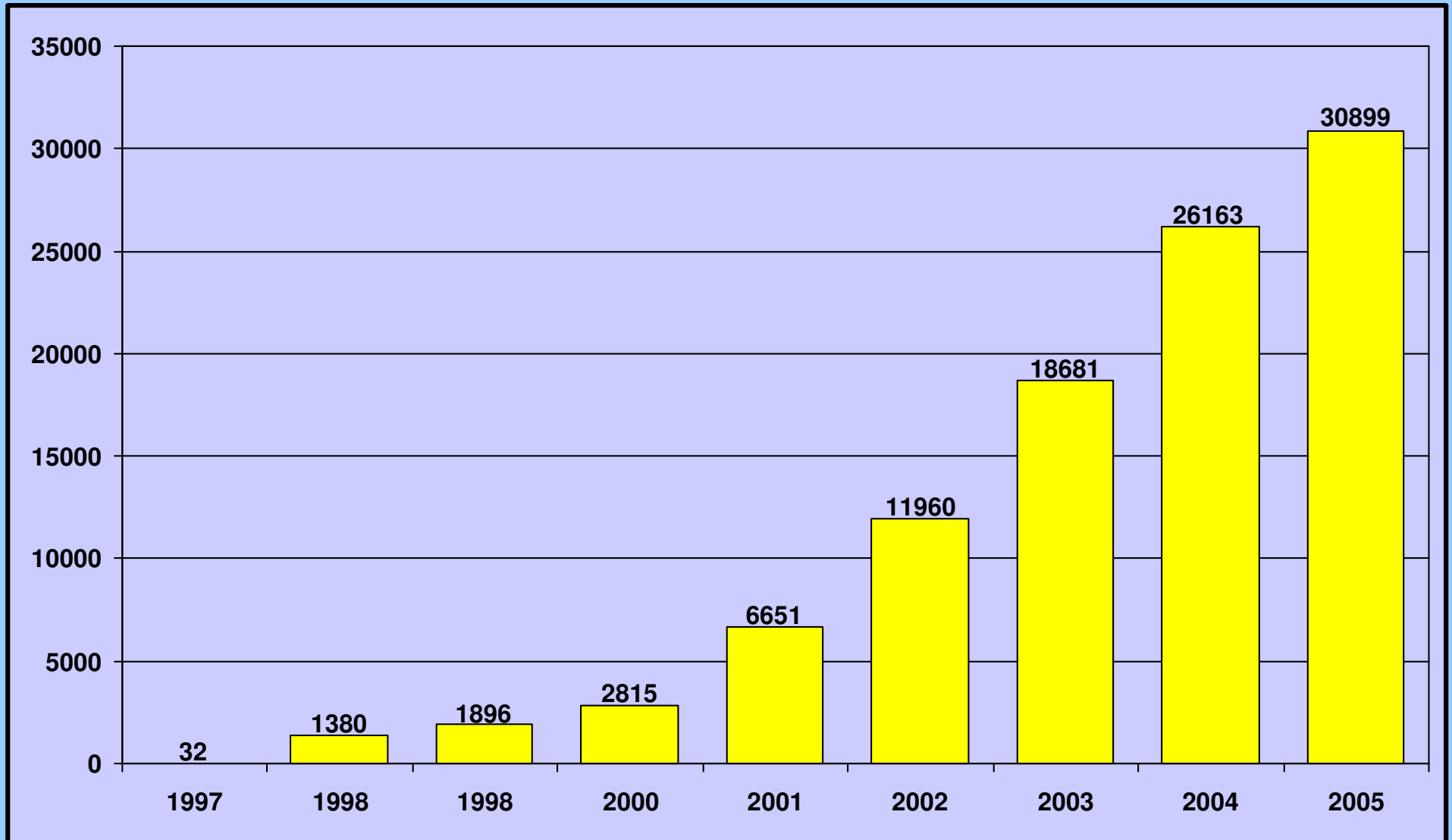
Drugs dealing offences in the years 1985 – 2005

(absolute numbers)



Drugs possession offences in the years 1997 – 2005

(absolute numbers)



Research purpose and method

Purpose of the study

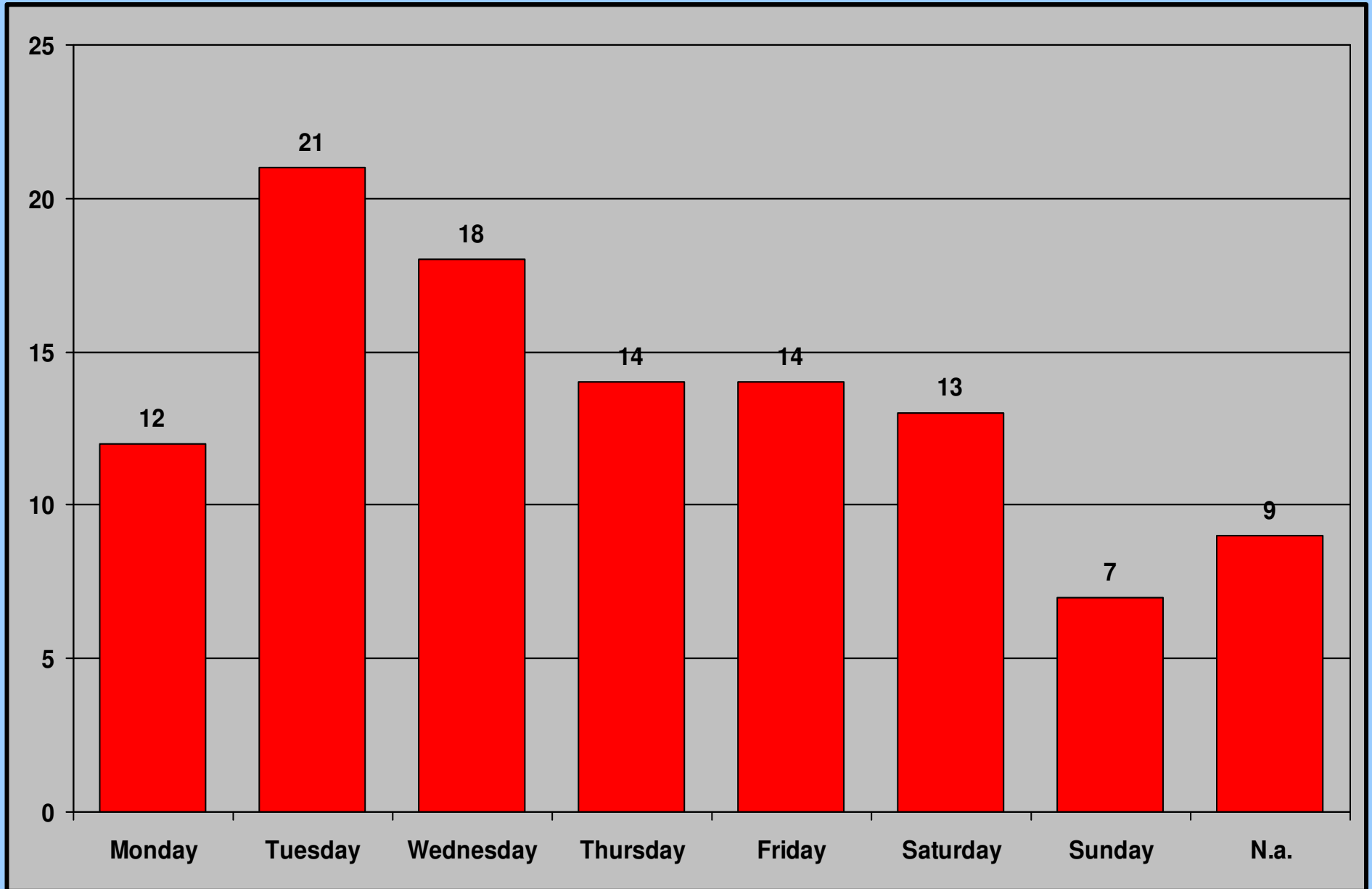
- to assess preliminarily practical application of the new provisions, especially in the light of arguments used to support their introduction;

Research method

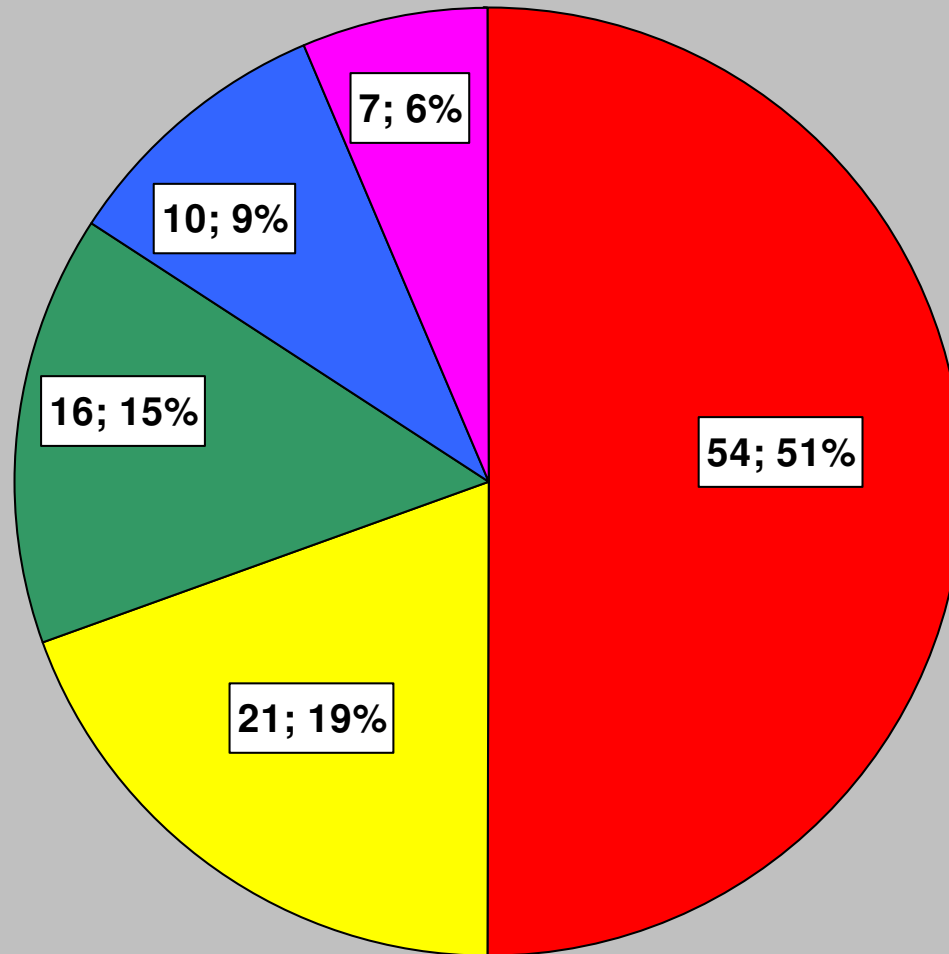
- analysis of court files in cases of drugs possession
- analysis involved 102 offences committed by 108 offenders;
- above cases were randomly selected from 417 cases of convictions for drug possession decided in four county courts in Krakow in the year 2005;
- data were collected using a special questionnaire;
- data collection took place in Summer of 2007;
- analysis unit constituted offenders

Characteristics of offences

Day of the offence

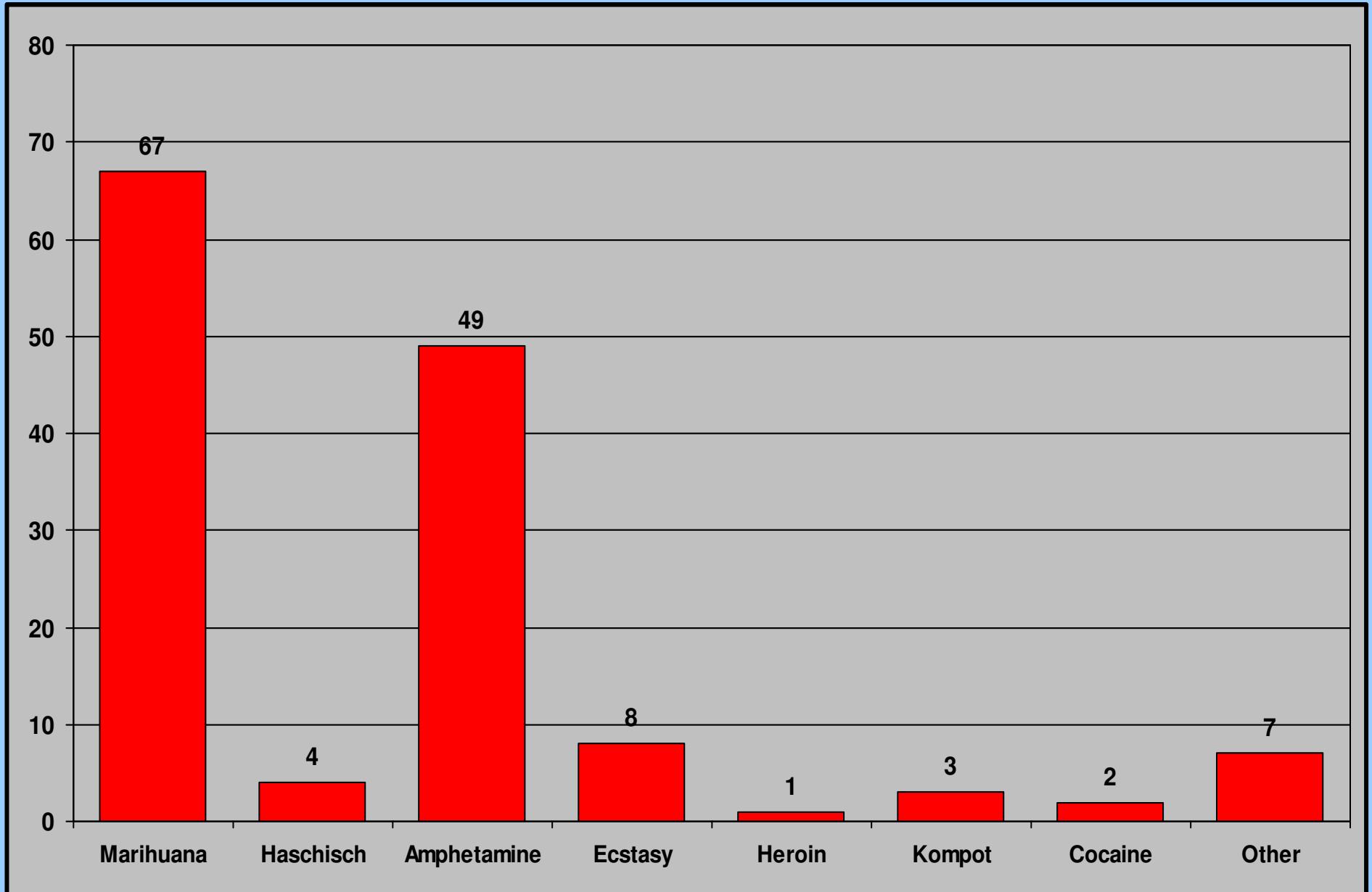


How the offence has been revealed

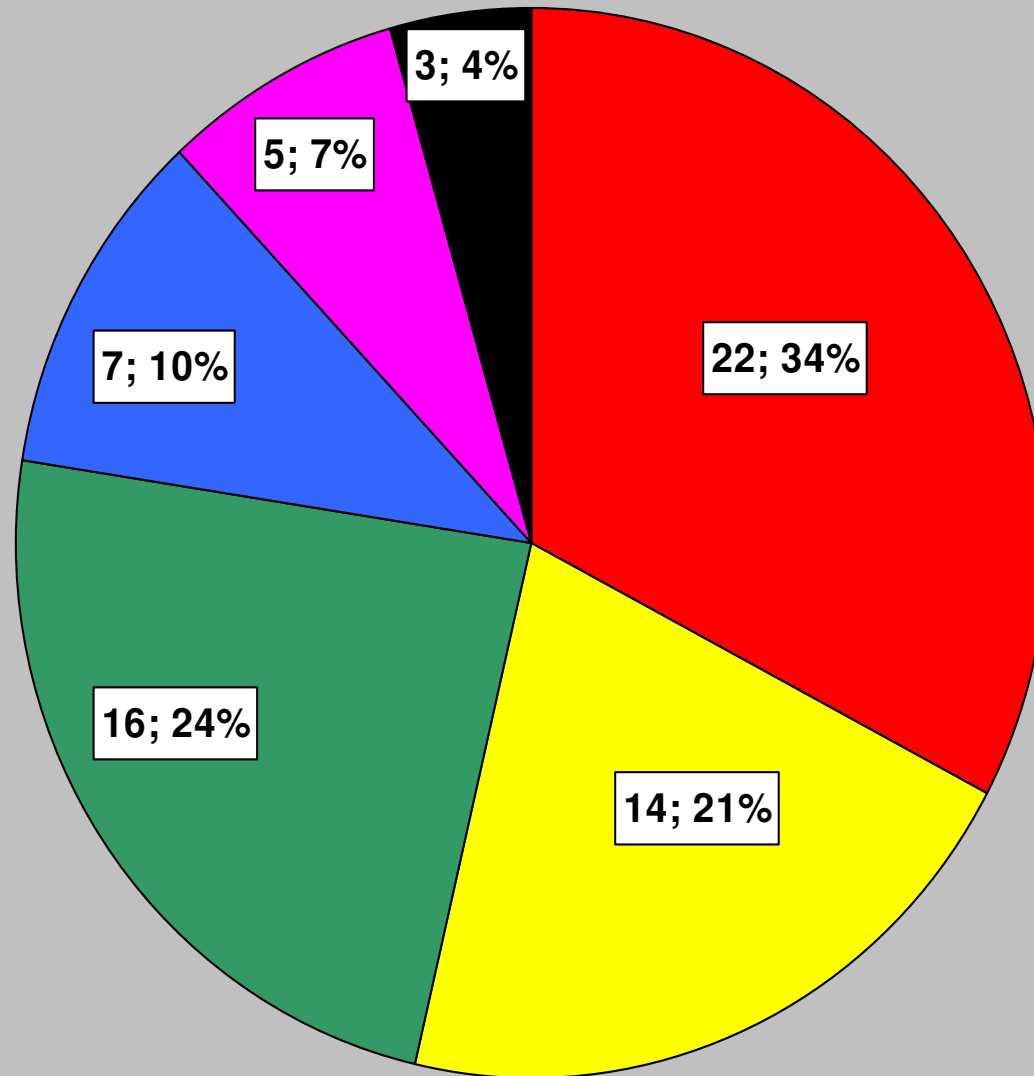


■ Routine police patrol ■ Undercover operation ■ Other investigation ■ Traffic control ■ Other

Drugs possessed

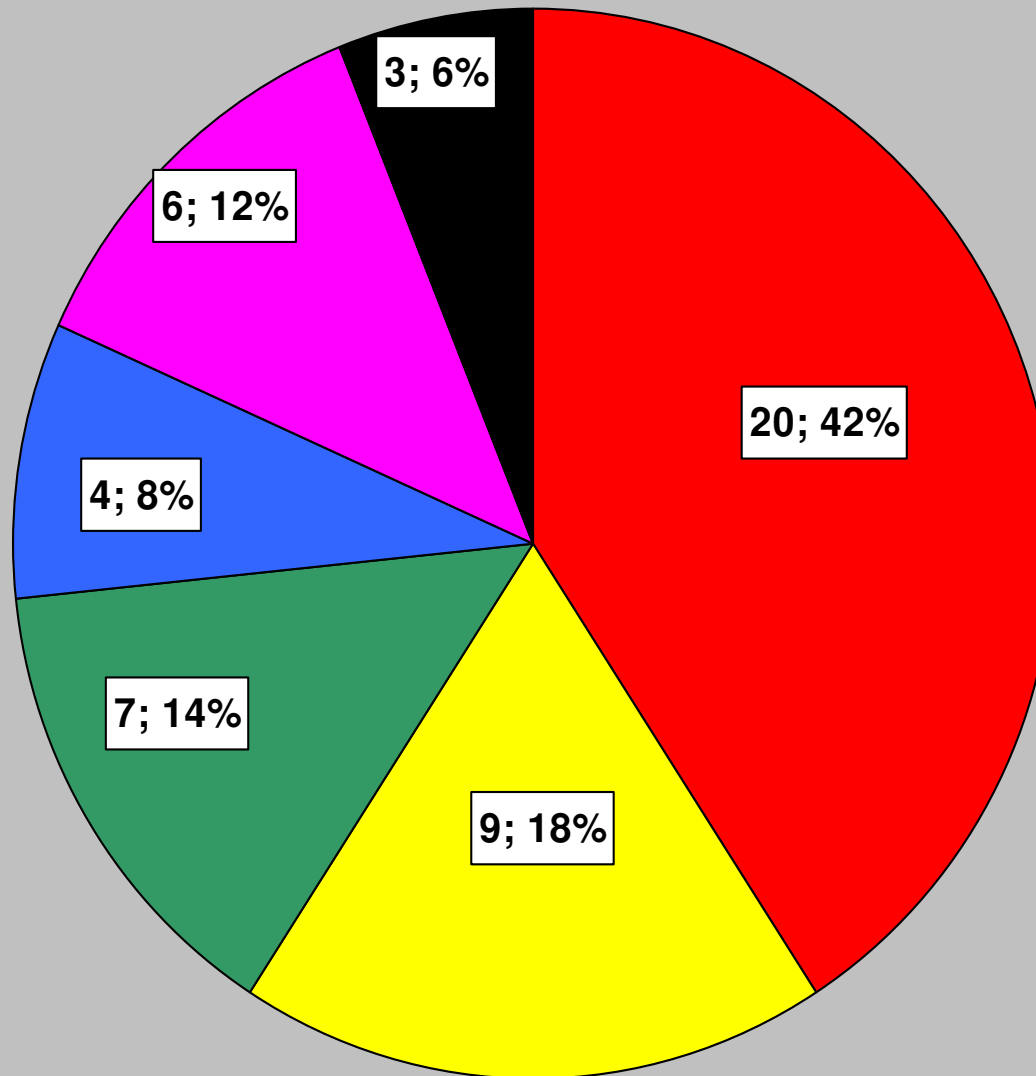


Quantities of marihuana



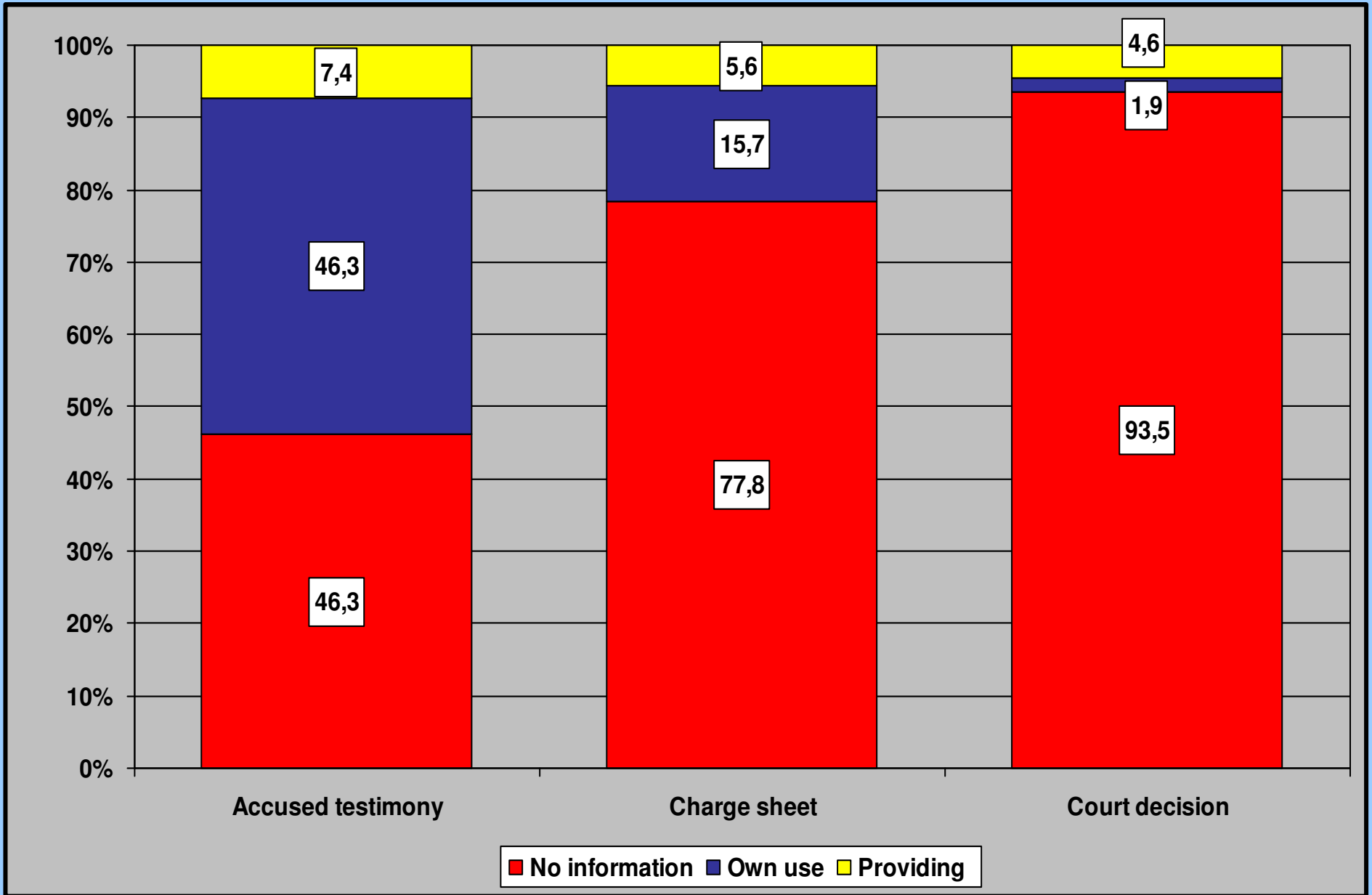
■ Under 0,5 g ■ 0,51 - 1 g ■ 1,1 - 3 g ■ 3,1 - 20 g ■ More than 20 g ■ Unspecified

Quantities of amphetamine



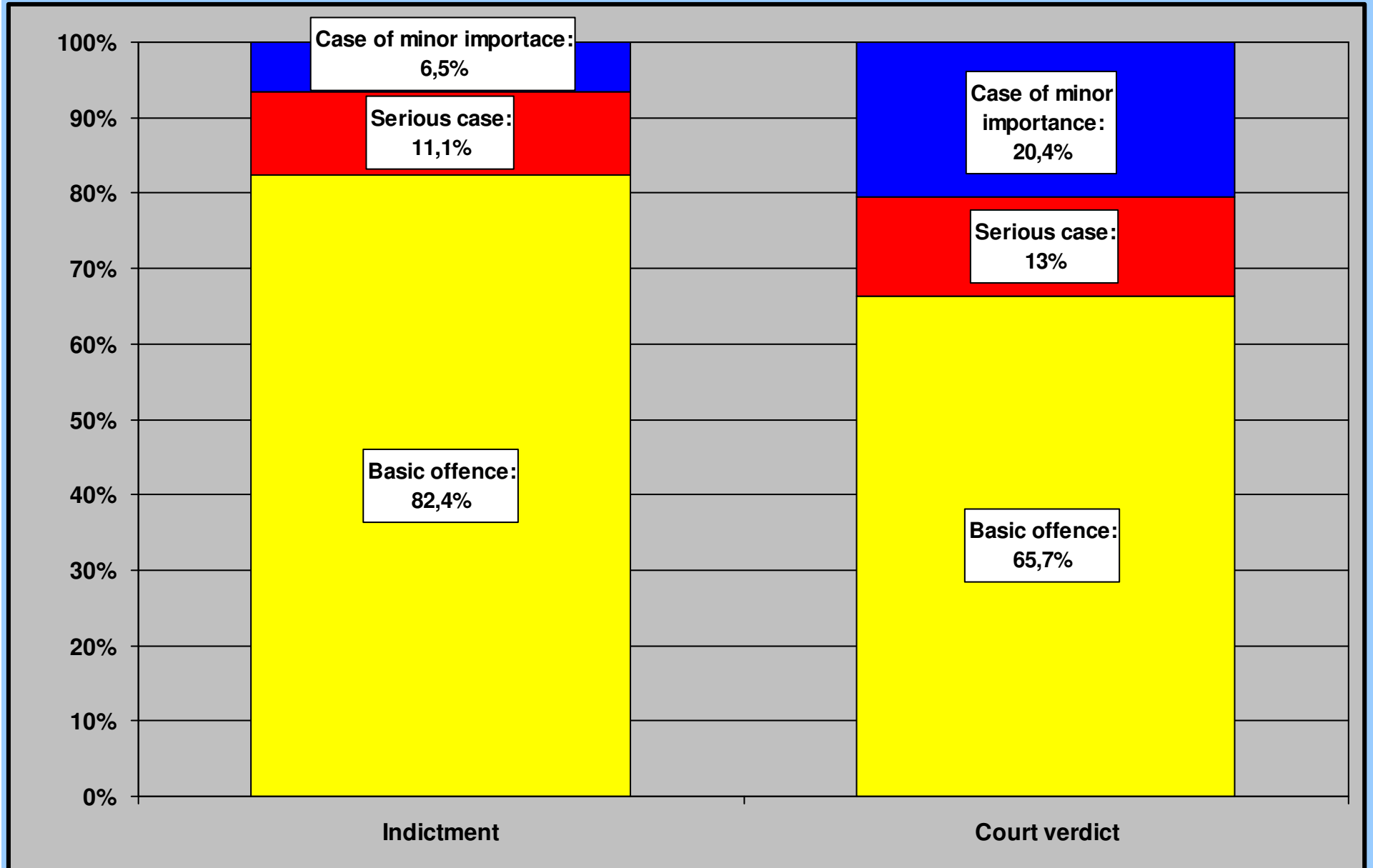
■ Under 0,5 g ■ 0,51 do 1 g ■ 1,1 - 3 g ■ 3 - 10 g ■ More than 10 g ■ Unspecified

Purpose of possession

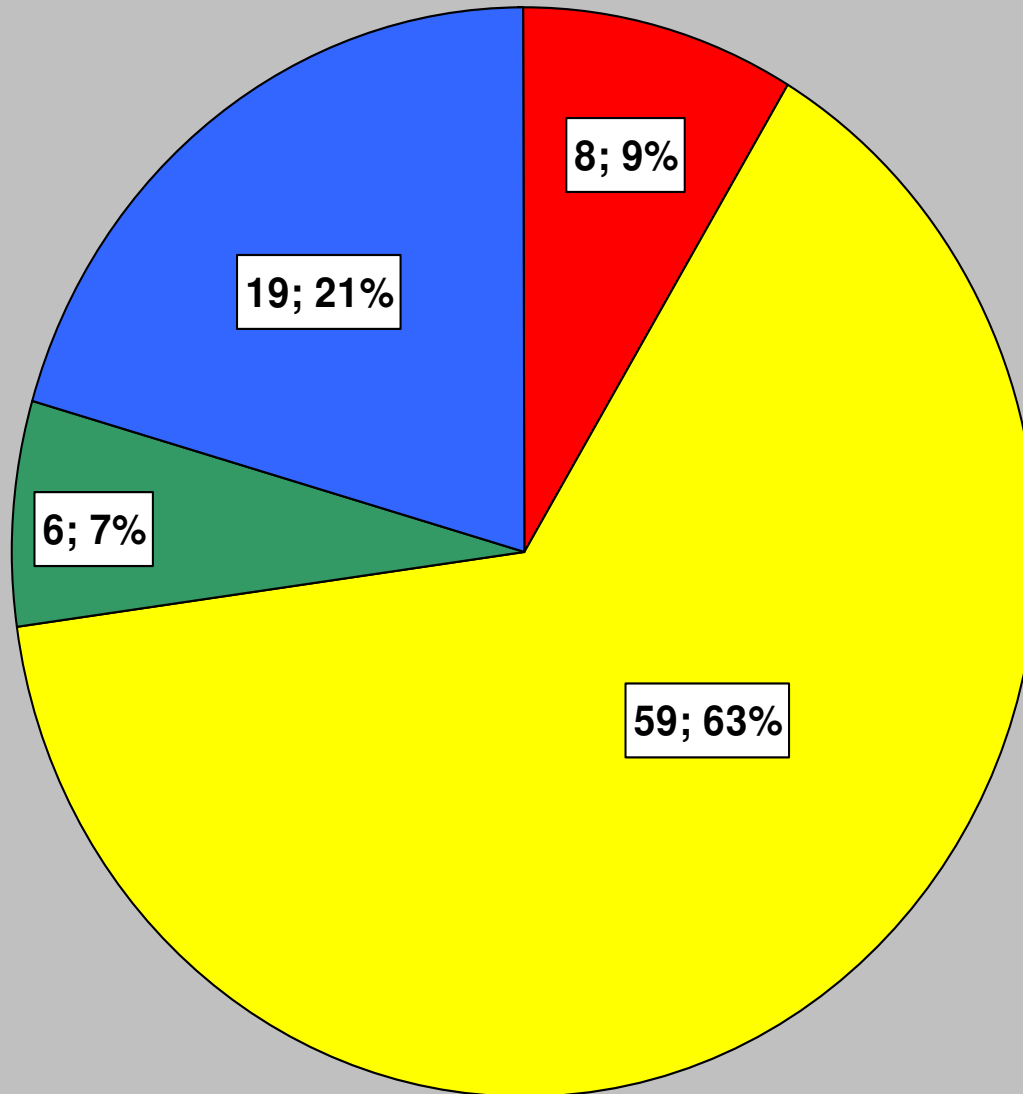


Court decisions

Legal qualification



Sanction imposed



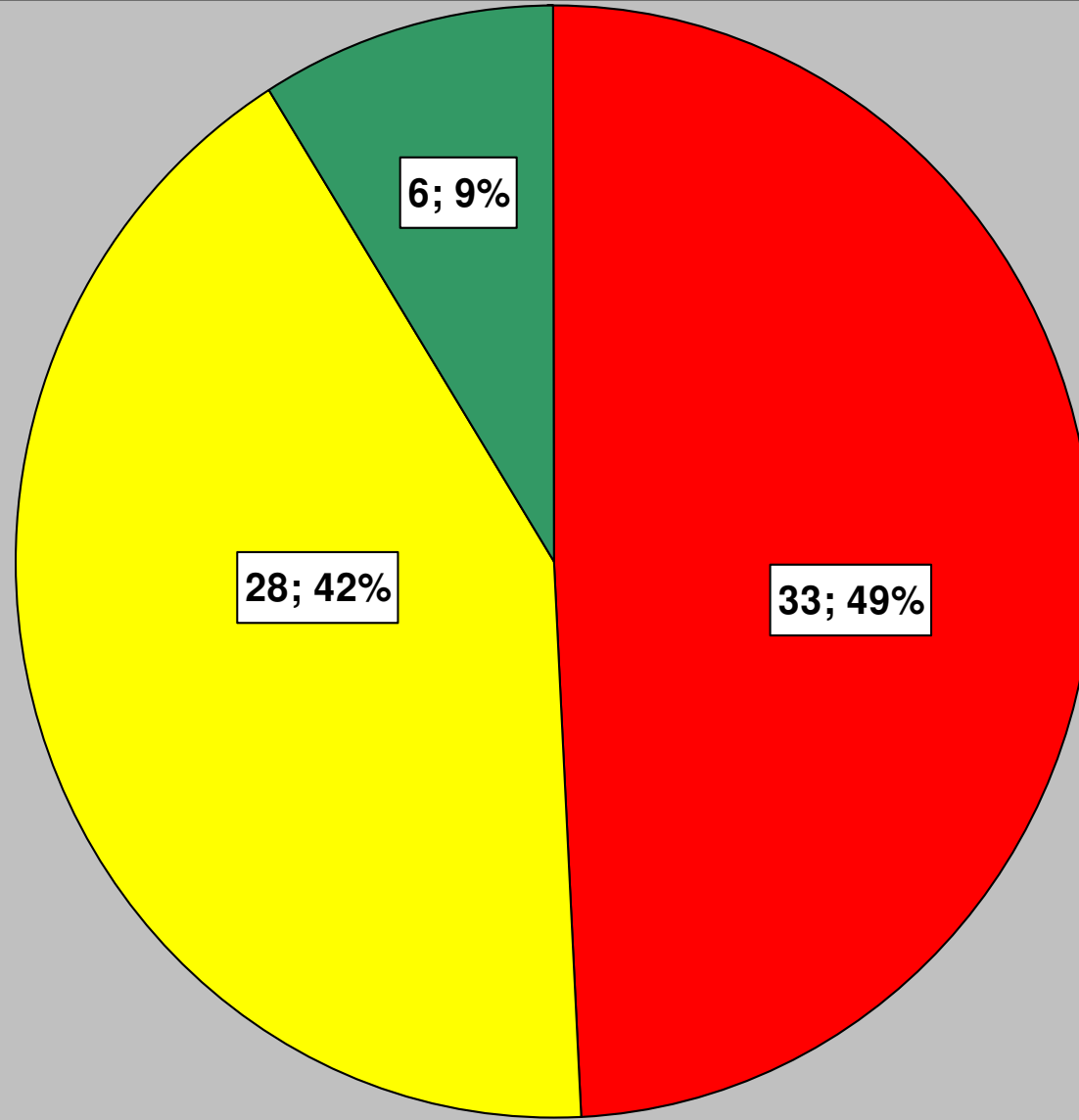
■ Imprisonment

■ Suspended sentence

■ Limitation of liberty

■ Fine

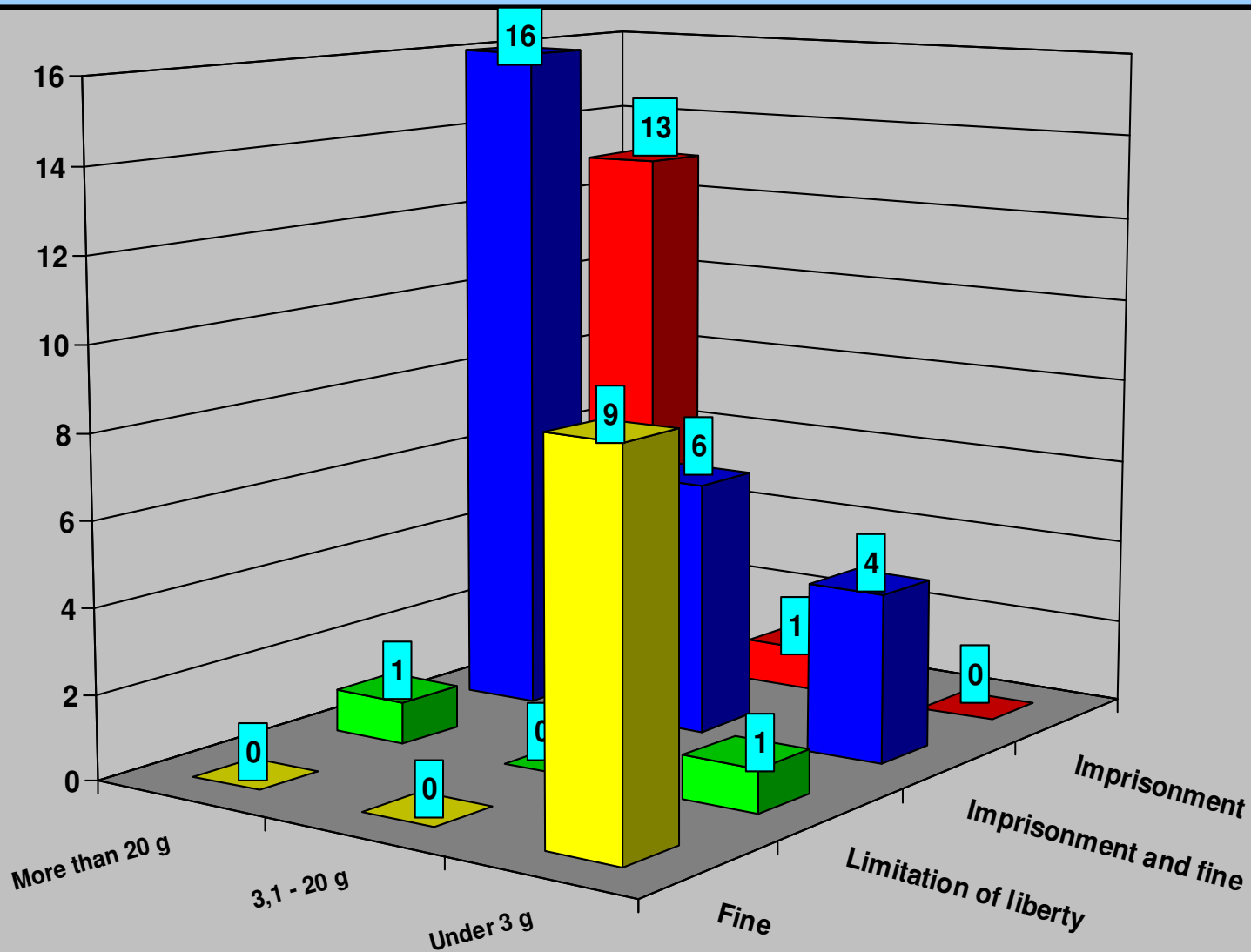
Term of imprisonment



■ 3 - 6 months ■ Above 6 months to 1 year ■ Above 1 year to 2 years

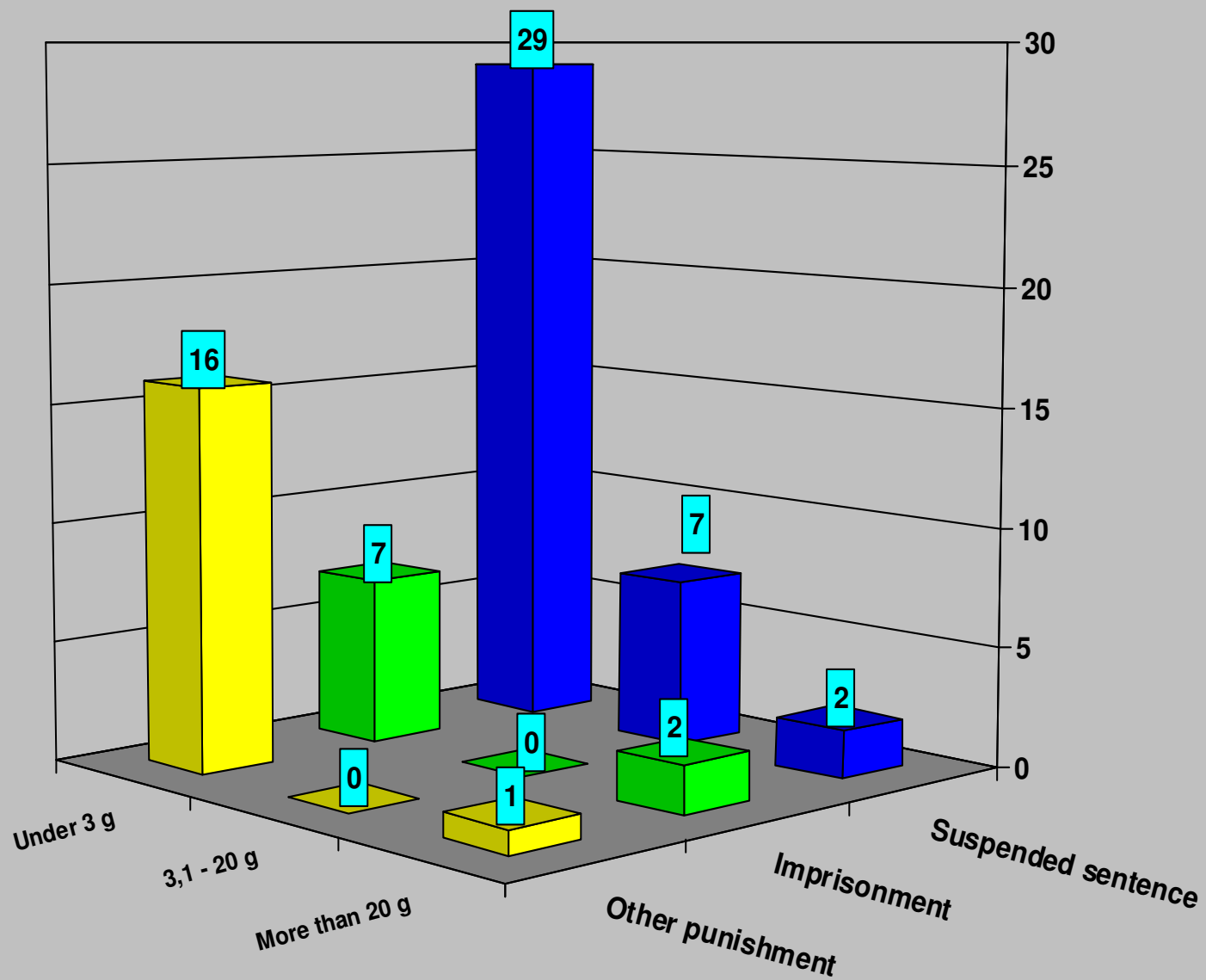
Marihuana quantity and type of sanction

$\chi^2=18,25712$, $df=6$, $p<0,01938$



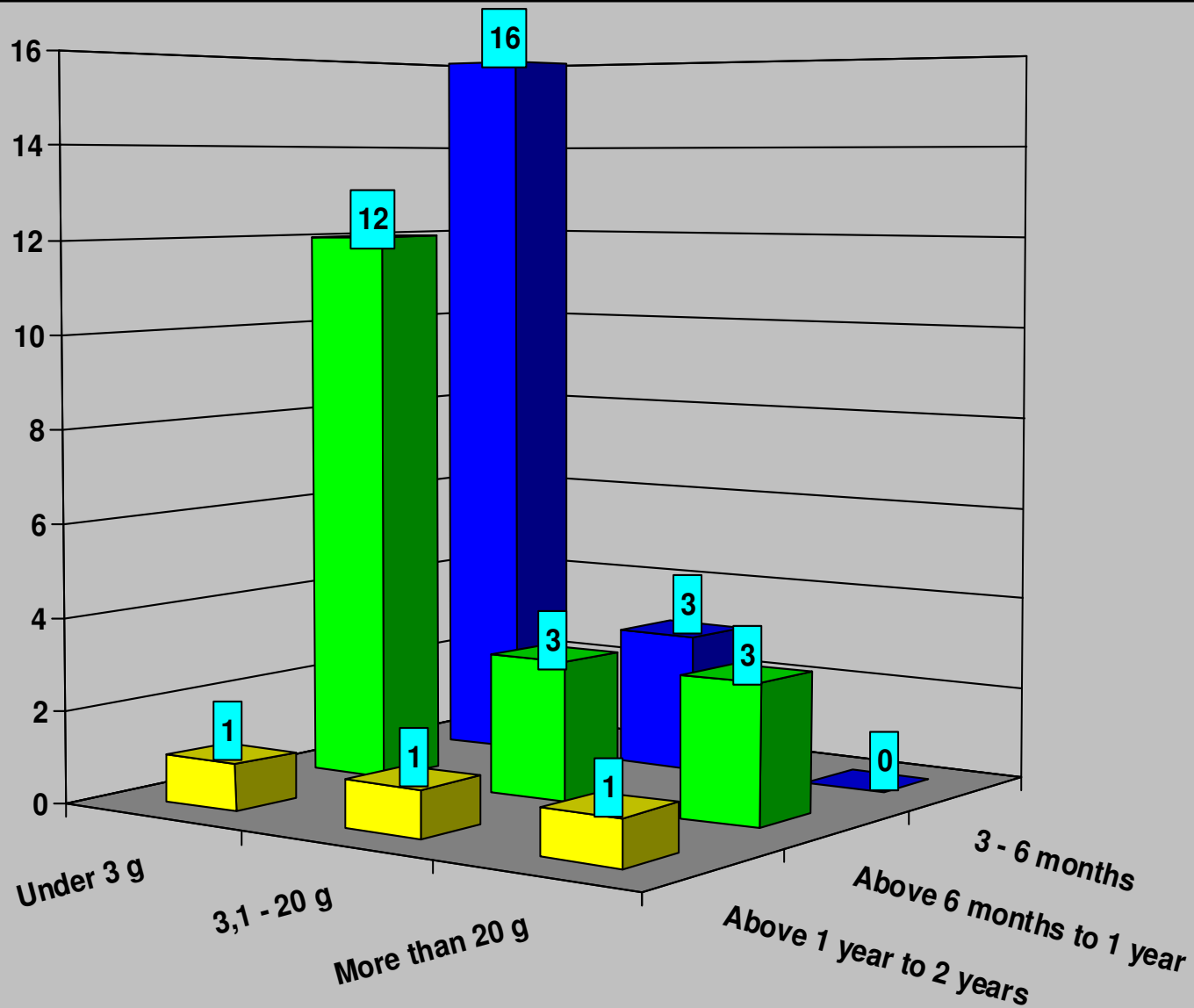
Marihuana quantity and suspended sentence

$\chi^2=20,04425$, $df=4$, $p<0,02884$



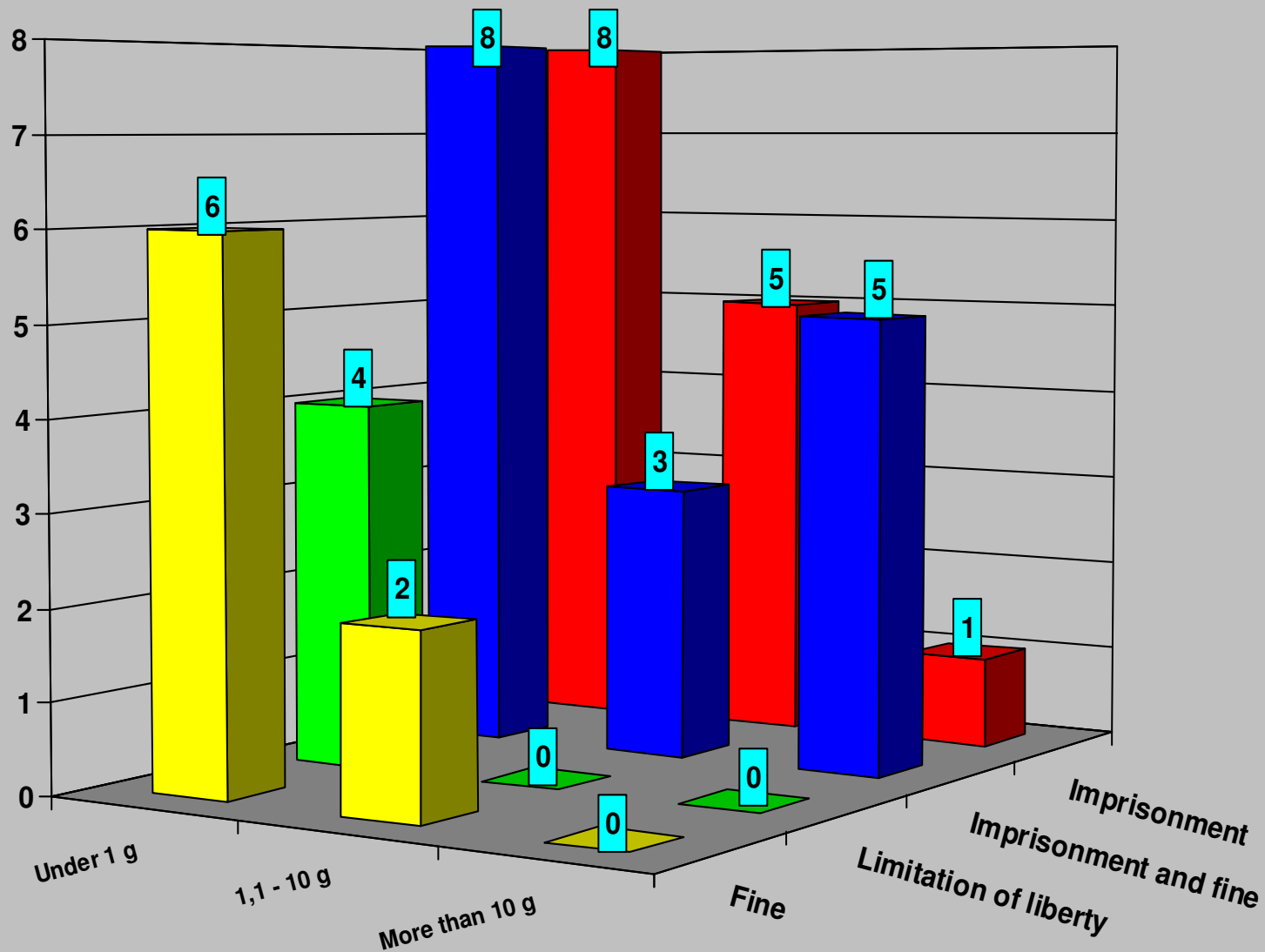
Marihuana quantity and term of imprisonment

$\chi^2=13,11749$, $df=6$, $p<0,04121$



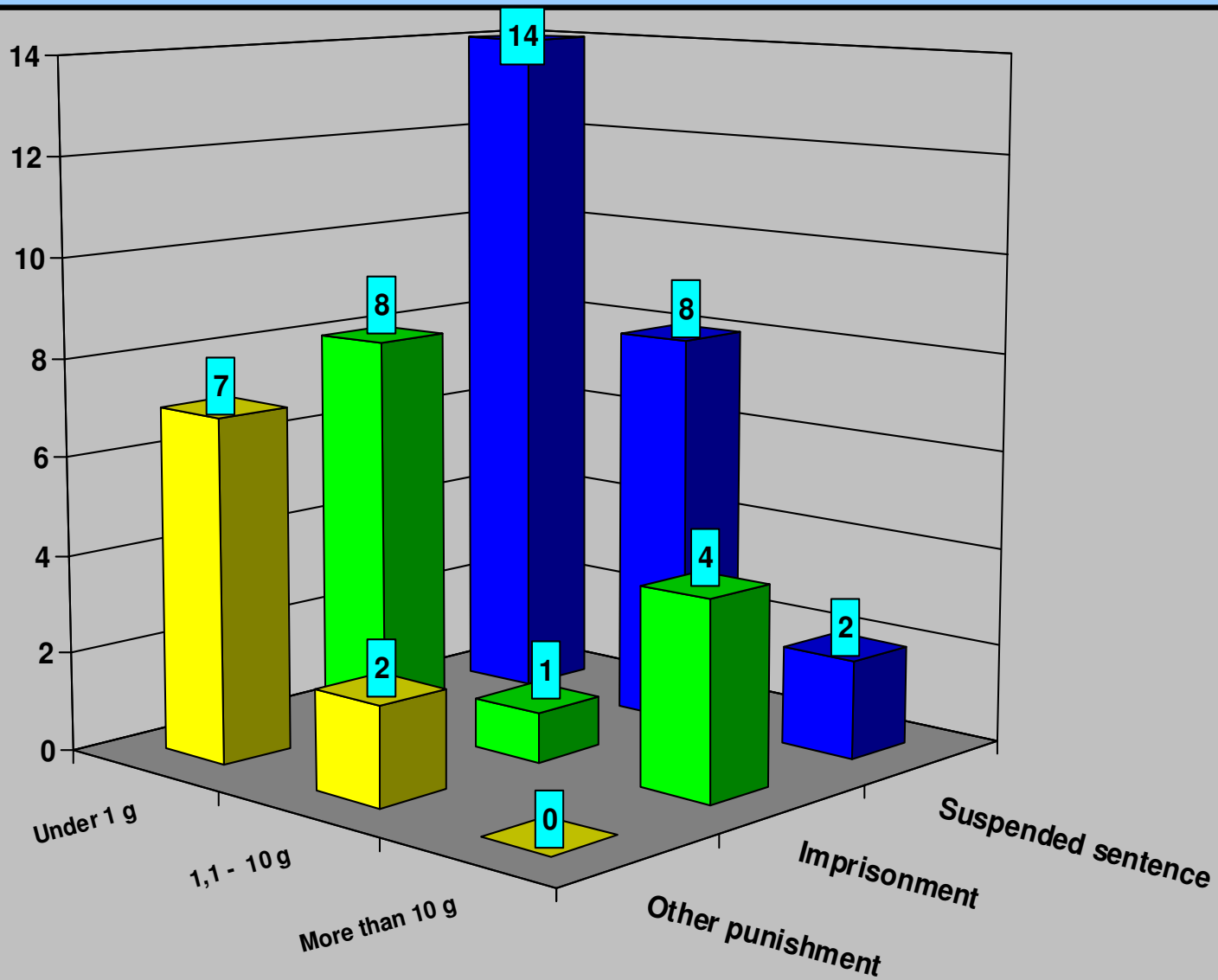
Amphetamine quantity and type of sanction

$\chi^2=124,50723$, $df=6$, $p<0,40585$



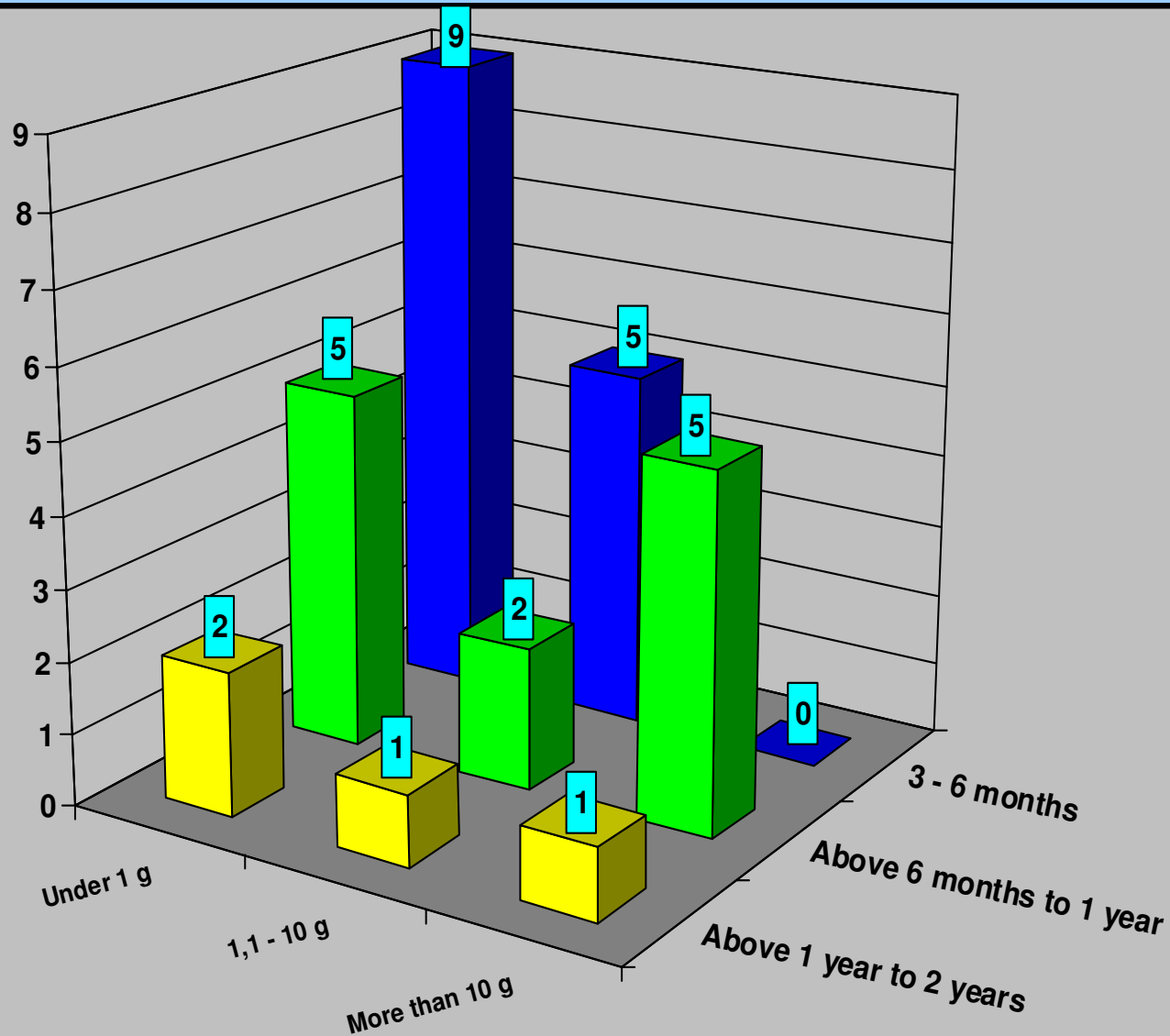
Amphetamine quantity and suspended sentence

$\chi^2=8,19302$, $df=4$, $p<0,22430$



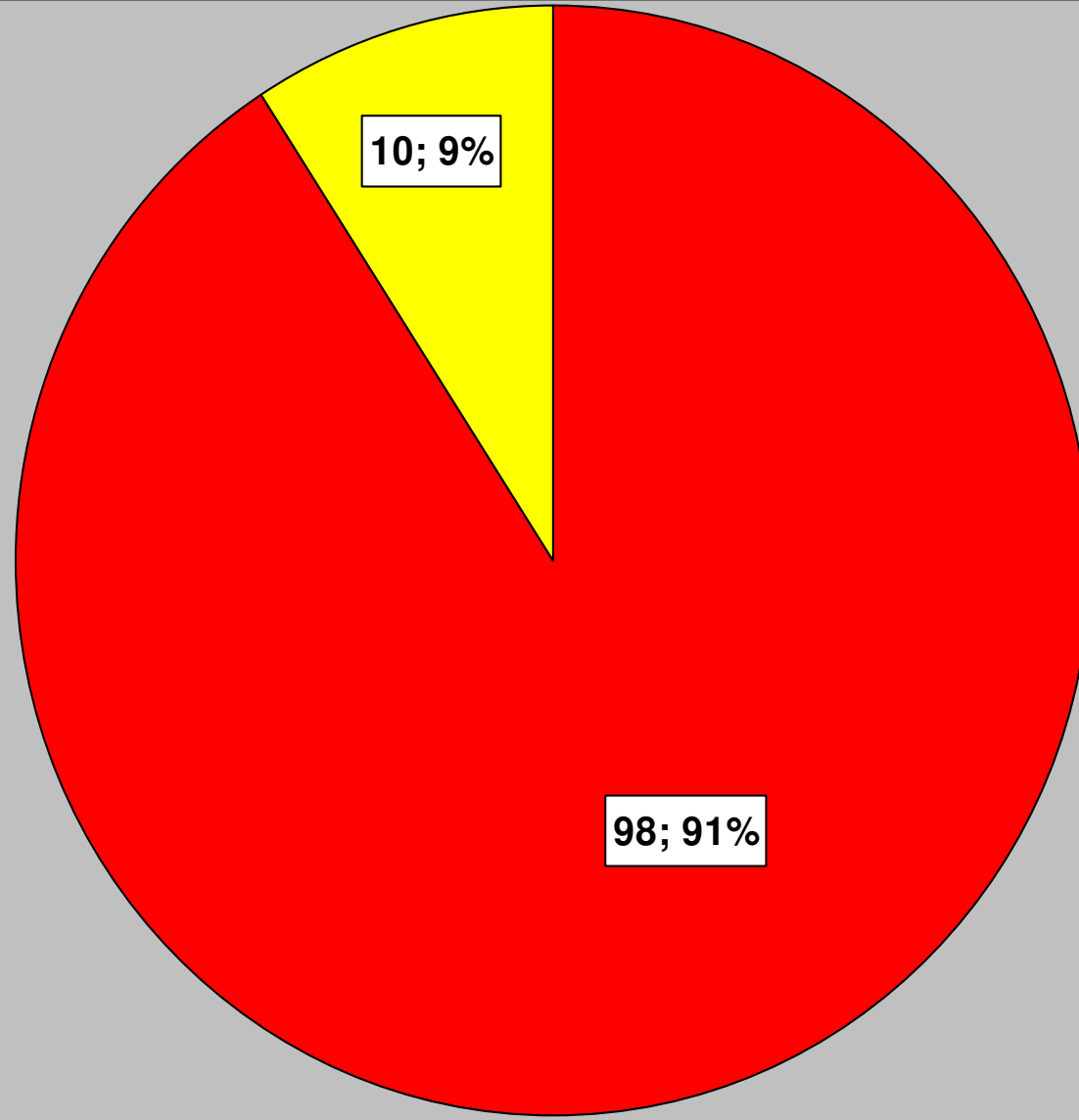
Amphetamine quantity and length of imprisonment

$\chi^2=17,37486$, $df=4$, $p<0,04316$



Procedural aspects

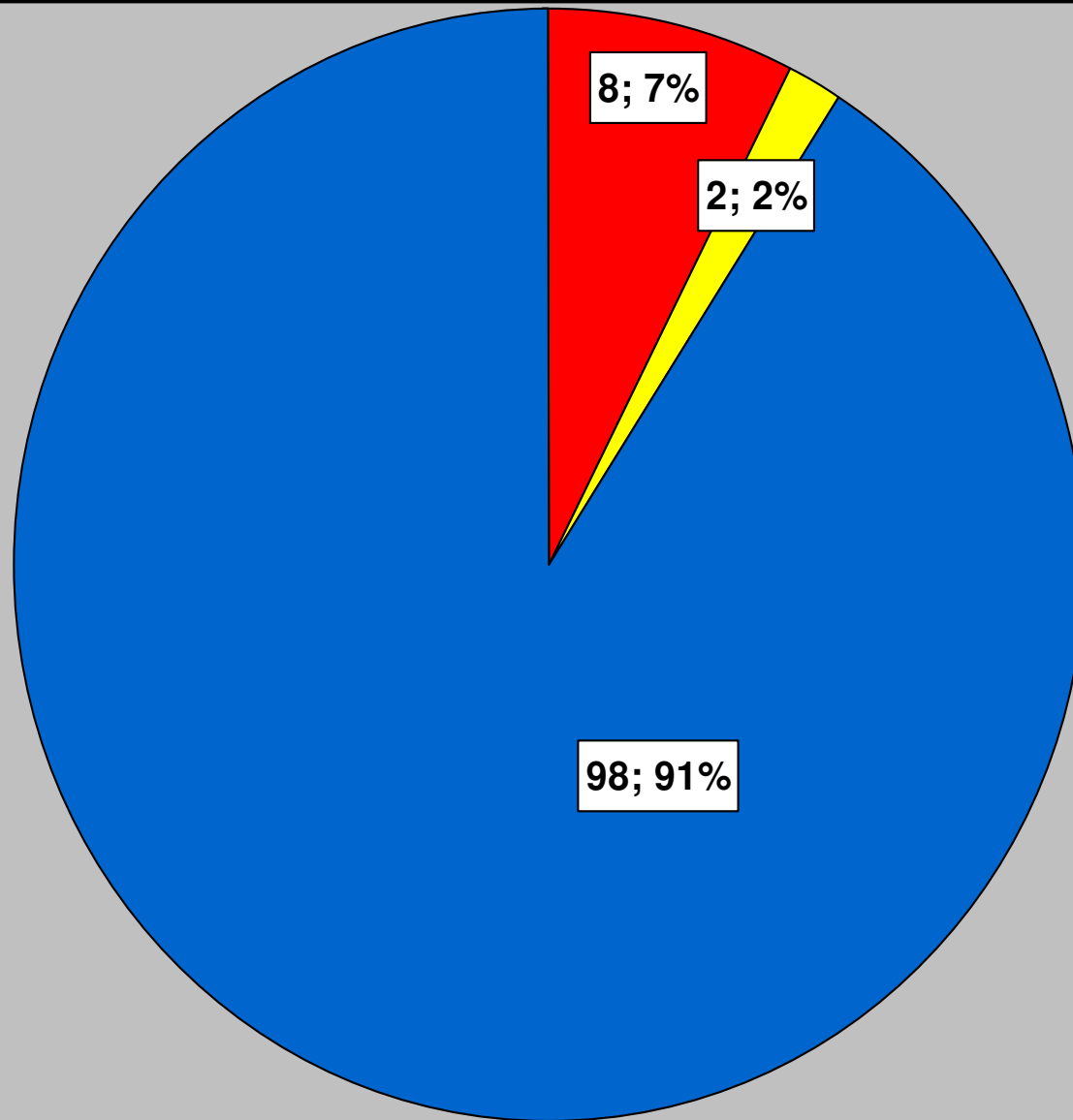
Arrest



■ Yes

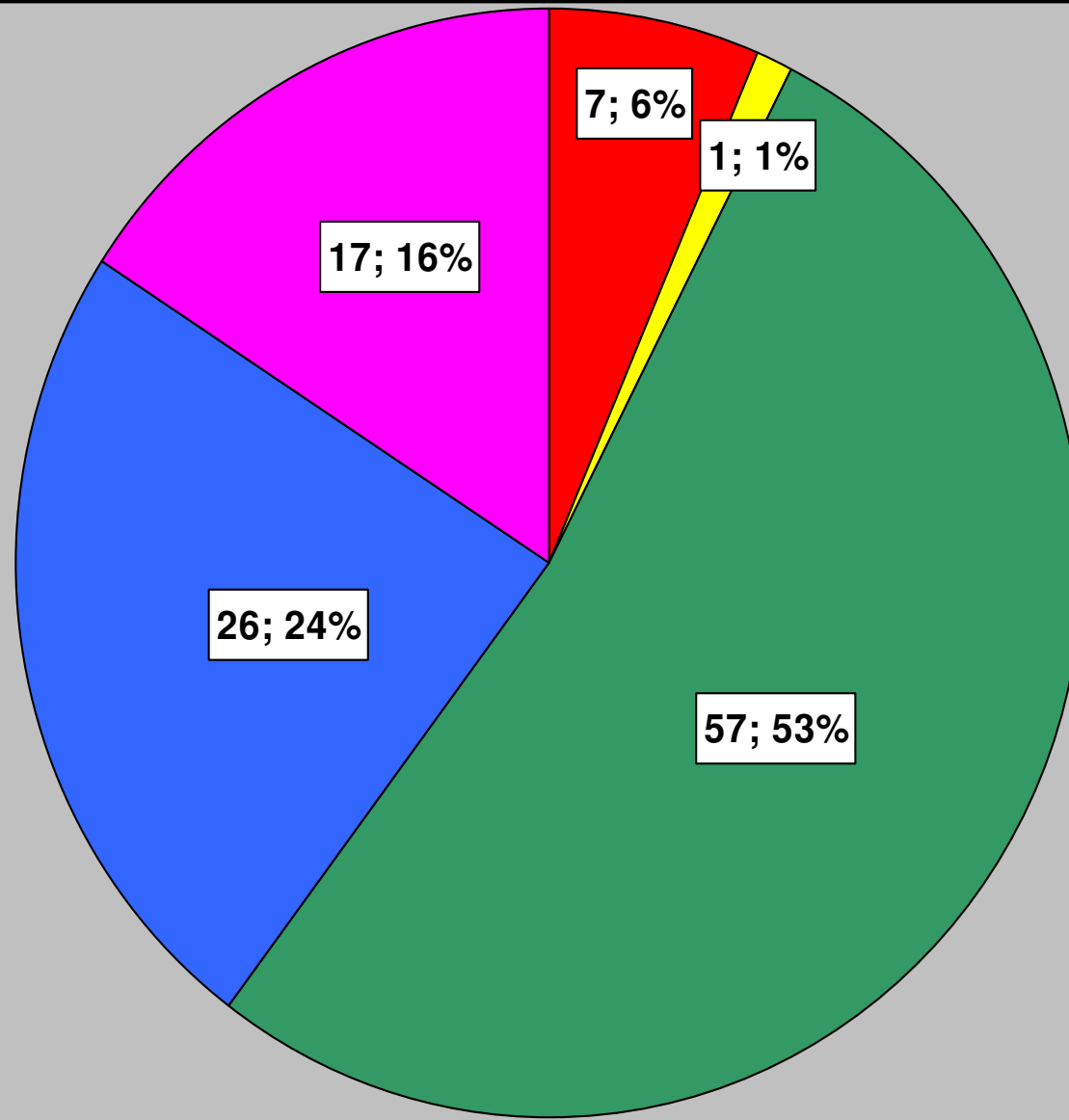
■ No

Protective measures



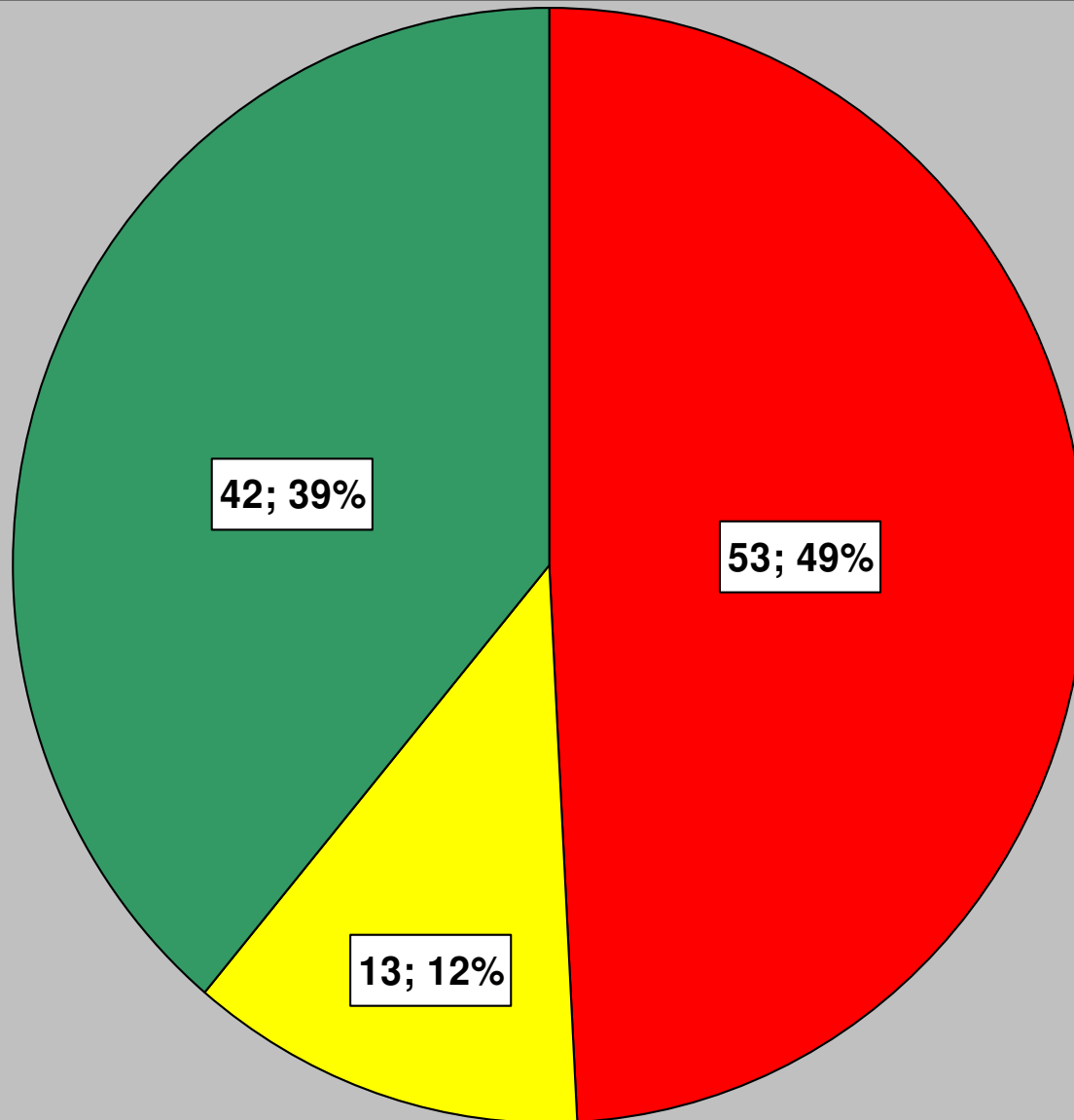
■ Preliminary detention ■ Police supervision ■ None

Expert opinions



■ Psychiatrist ■ Psychologist ■ Toxicologist ■ Psychiatrist and toxicologist ■ None

Procedural modes



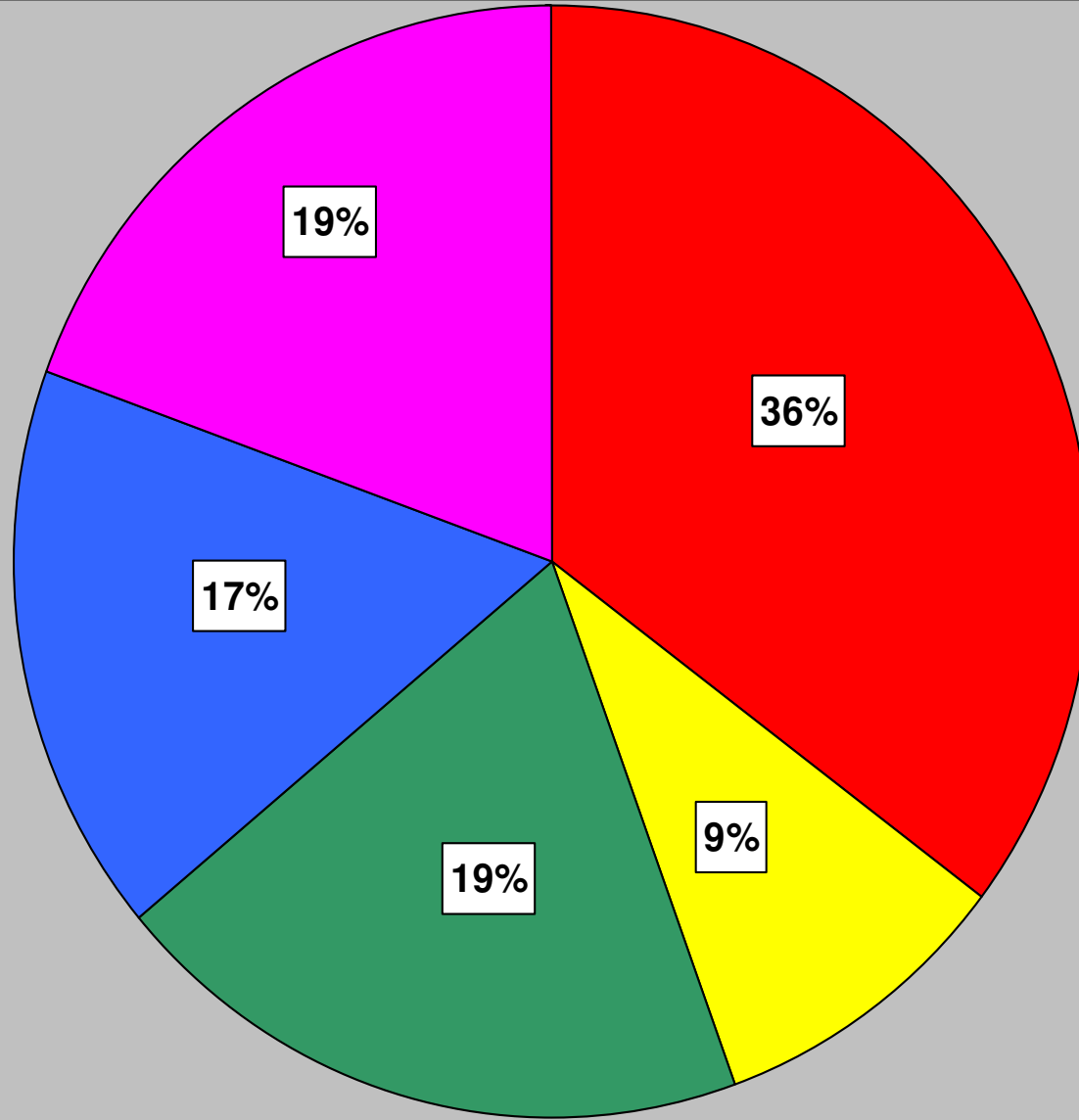
■ Trial waiver

■ Voluntary submission to punishment

■ Trial

Offenders

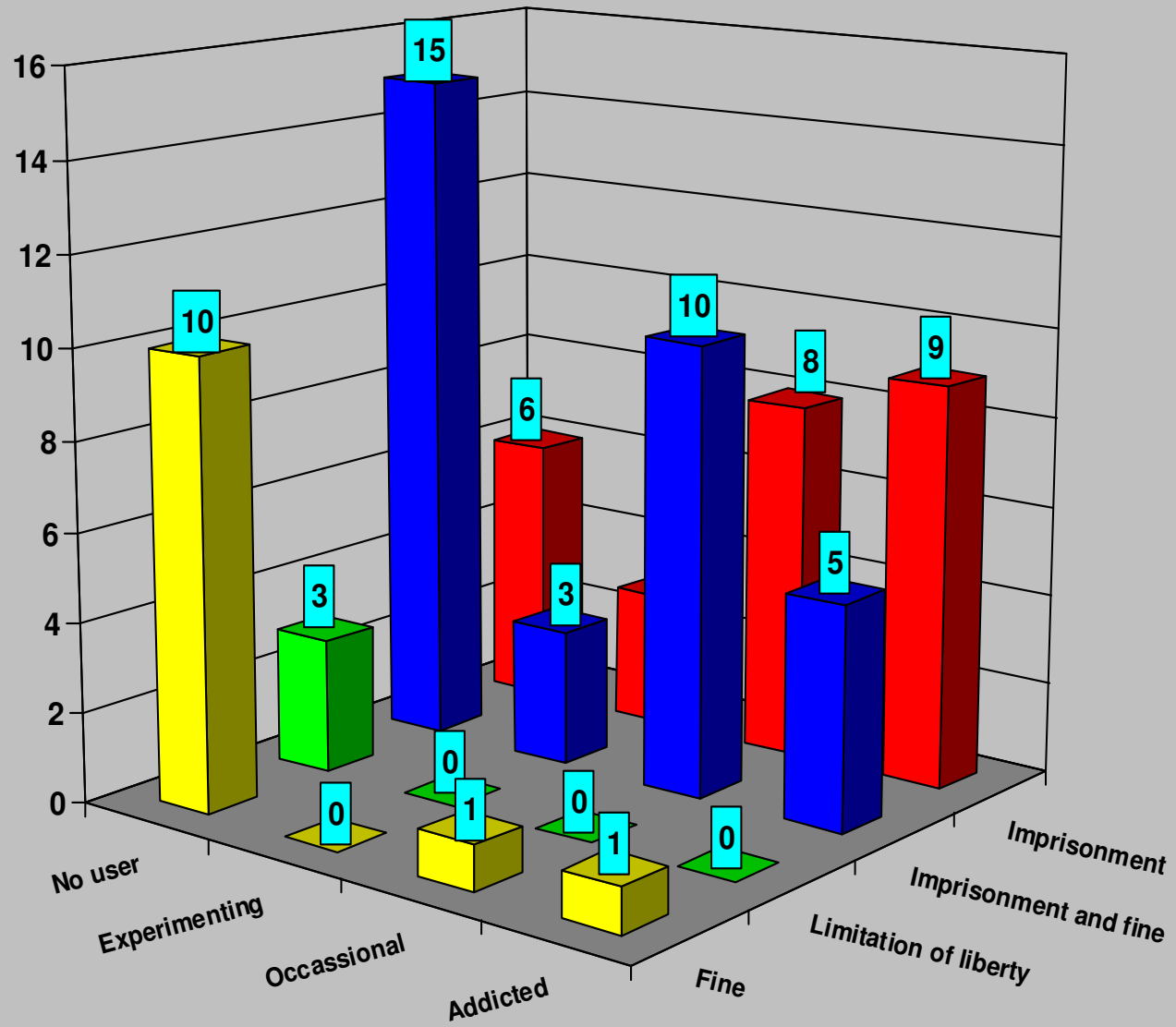
Forms of drug use



■ Not a user ■ Experimenting ■ Occasional ■ Addicted ■ No data

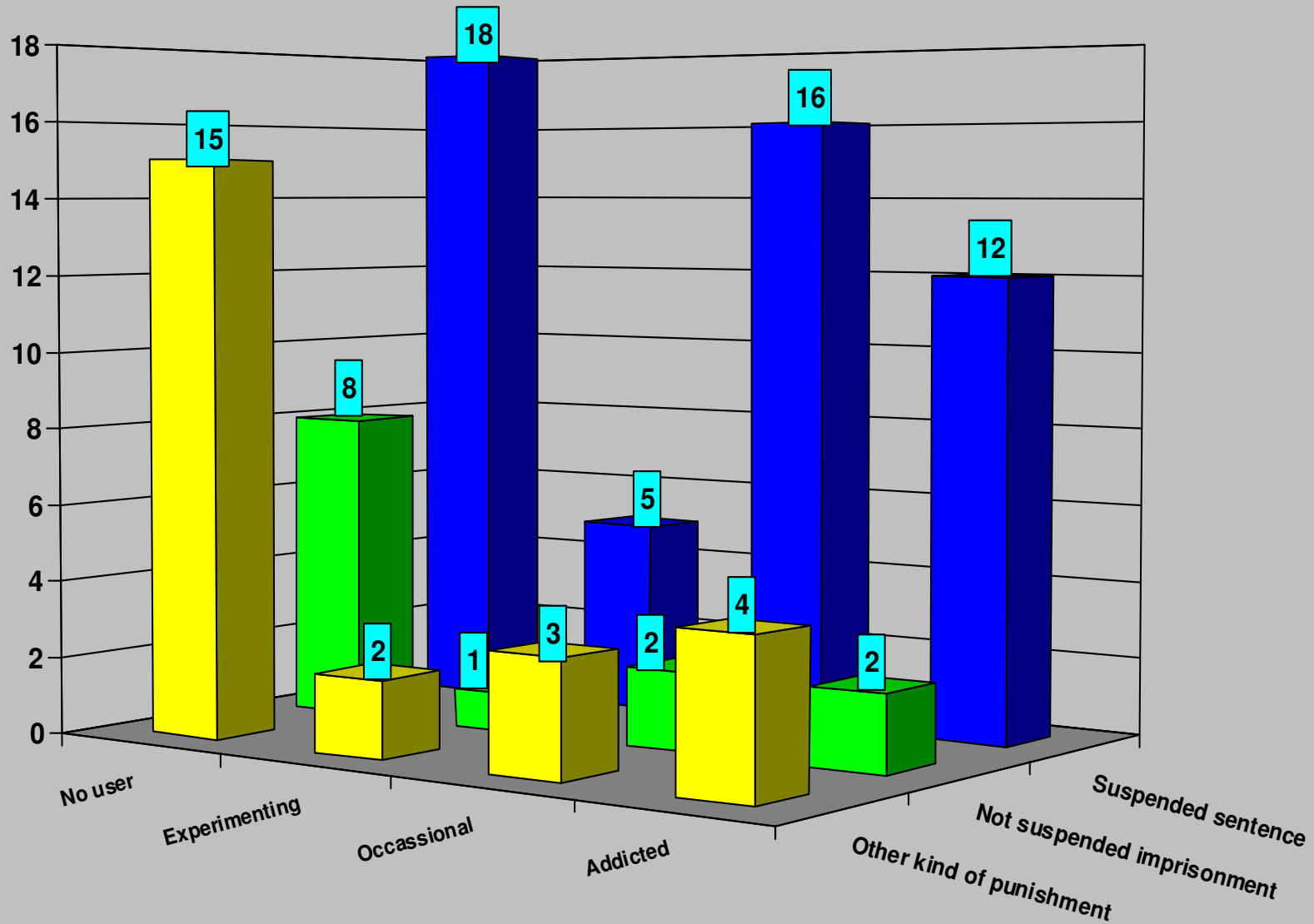
Forms of use and type of punishment imposed

$\chi^2=18,43861$, $df=9$, $p<0,10301$



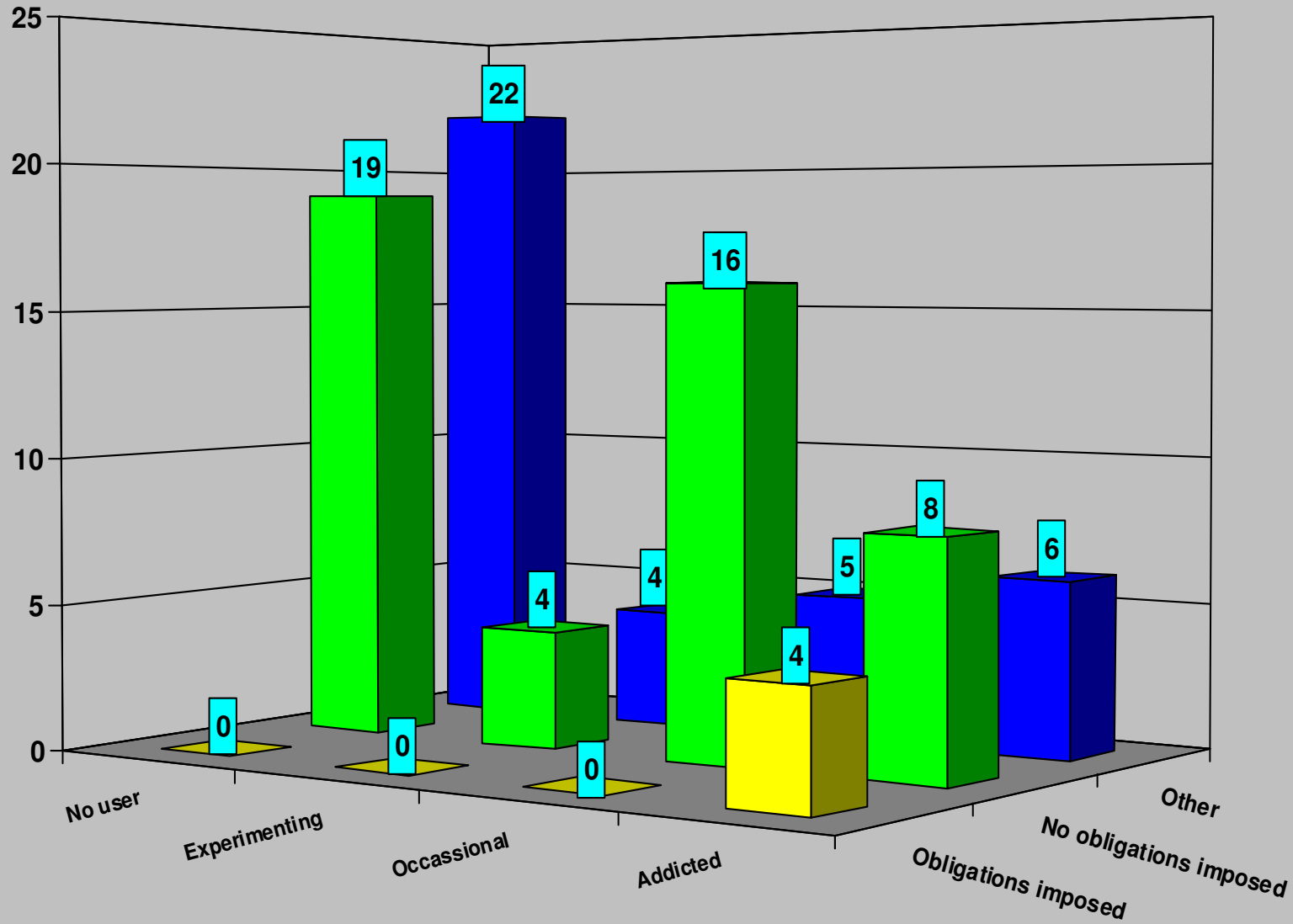
Forms of use and suspended sentence

$\chi^2=6,85859$, $df=6$, $p<0,33412$



Forms of use and conditions imposed

$\chi^2=21,68928$, $df=6$, $p<0,00138$



Thank you for your attention!