



Drug policy reform in Norway

actis

RUSFELTETS SAMARBEIDSORGAN

Brief history I

- Previous government promised a drug policy reform that shifted the responsibility for reactions to use and possession of drugs from the justice sector to the health sector (i.e. decriminalisation)
- Main goal to reduce stigma and barriers to help for (heavy) users
- Appointed a commission to outline how this reform could be implemented
- Commission report in December 2019
 - Decriminalization
 - No sanctions for use
 - If police caught anyone for minor drug crimes, they could send them to a local drug advisory body
 - Local drug advisory body would give them a lecture about the harms of drugs
 - Any further steps, including interviewing would require consent from the person

NOU

Norges offentlige utredninger 2019:26

Rusreform – fra straff til hjelp

Brief history II

- Criticism:
 - Concern about effects on use
 - Concern about lack of follow up for young people
 - Concern about the possibility of the police to
 - Prioritise minor drug offenses
 - Use minor drug offenses as starting point for investigation of supply chain
 - Concern that people could possess relatively large quantities of drugs without any consequences
 - Lack of evidence for the proposed measure (information about drug harm)
 - No additional resources for child care services, mental health, housing, treatment, aftercare etc
 - If people agreed to seek help, they would be referred to the same service system that fails to help them today

Brief history III



Fagrådet –
Rusfeltets
hovedorganisasjon

Om oss Medie

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Helse- og omsorgsminister Bent Høie

Det blir ingen rusreform!

Det har vært kjent en stund, men i dag kom innstillingen fra Helse- og omsorgskomiteen. Det blir ingen rusreform. Regjeringens og Høies forslag om avkriminalisering vil bli nedstemt 3.juni.

- The coalition government did not have a majority in Parliament
 - Needed support from either the Progress party or the Labour party
- Instead of a parliamentary process that involved the opposition, they chose to present a law proposal based on the report from the Commission (with some minor adjustments)
- The decriminalisation proposal failed in Parliament
 - Debate showed broad agreement that people with SUD should not be punished
 - Parliament agreed to establish local drug advisory bodies

Brief history IV

- After the election in fall 2021, the conservative coalition government lost, and a new minority coalition (Labour/Center Party) formed the Government
- The new government promised a broader «prevention and treatment reform»
- A parliamentary coalition of Conservatives, Liberals and Socialists nevertheless proposed the same drug policy reform again
- Still no parliamentary majority for the reform → failed for the second time



The screenshot shows a news article from the website 'vårtland'. The page has a search icon and 'MENY' on the left, and 'LOGG INN' on the right. Below the navigation bar are links for 'MENINGER', 'NYHETER', 'RELIGION', 'KULTUR', 'TVL', 'REPORTASJE', and 'ANNONSE', along with a 'Bli abonnent!' button. The main headline is 'Tok omkamp om rusreform – tapte i Stortinget'. Below the headline is a sub-headline: 'NARKOTIKA: Høyre, Venstre, SV, Rødt og MDG sin omkamp om rusreformen er slått ned i Stortinget. Samtidig letter regjeringen på sløret om sin reform.' The image below the text shows a woman with short blonde hair, wearing a blue blazer over a black top, standing in front of a dark background with green and orange circular lights.

Back to square 1?

- The «old law» still applies
 - Drug use and possession is criminalized
- But significant changes despite failure of reform proposal

Role of the police I

- In the hearing before the decision in Parliament it became clear that there was significant disagreement concerning the role and mandate of the police
- 9. april 2021 the Higher Prosecuting Authorities issued a letter to «clarify» the rules

Dette likner en politiskandale

Politi er imot rusreformen fordi de «mister» etterforskningsmetoder som allerede er ulovlige, og som framstår som systematisert politiovergrep. Justisministeren må rydde opp.



MÅ RYDDE: Justis- og beredskapsminister Monica Mæland har varslet at hun avventer riksadvokatens redegjørelse. Foto: Berit Roald / NTB

Hei, denne artikkelen er **over ett år gammel** og kan inneholde utdatert informasjon

Role of the police II

- The guidelines from the Higher Prosecuting Authorities said:
 - Police cannot search mobile phones in use-cases
 - Cannot take urine/blood tests to prove drug use (i.e. cannot prove drug use)
 - Limited police officers discretion to use forcible means – require that they contact prosecutor's office to get permission
 - Remind police officers that they are personally liable if they make mistakes
 - Demanded an investigation of the use of forcible means in all police districts

Controversy

- The practise in the police before April 9 deviated from the principles laid out in the letter from the Higher Prosecuting Authorities
 - Some argued they were therefore always illegal
 - Demanded that the Police director resigns
 - Demanded an excuse from the Minister of Justice and the Prime Minister
 - Demand compensation for victims of the police's practice
- Others argued that the HPA had changed the practice and that these new guidelines do not apply before the date they were issued

Where does that leave us?

- The Higher Prosecuting Authorities say they have not changed the principles and that deviation from this is illegal. Use of forcible means should always be relevant and proportionate
 - The question is if they have changed the assessment of what is proportionate...
- Some regional prosecuting authorities argue that the letter was a change of practice, and that the old practice was approved by the courts, the prosecuting authorities, the police and the Police University College

Consequences

- Reports from police districts showed significant confusion as to what rules apply
- Police less willing/motivated to intervene even in cases where they have a clear mandate
- More likely to call the prosecutor's office for warrants even where they could use their own professional discretion
- Significant drop in drug seizures from 2020 to 2021 (- 23%)
 - Drop in both minor and serious drug seizures
- Still waiting for the number of individual cases
 - Preliminary reports from police show a significant drop



Changed practice in the courts

- Debate in Parliament showed broad agreement that people with SUD should not be punished for use and possession of drugs
- The Courts – including the Supreme Court - have taken this political agreement into consideration in drug cases
 - Lower penalties for minor drug crimes for people with SUD
 - Use/possession of up to 5 grams → guilty, but no punishment
 - Possession above this limit → reduced penalties, less use of prison
- Limited to people with SUD → definition
 - Health problem history
 - Criminal justice contact history
 - The person doesn't have to agree...

«Local» Drug Policy Reforms

- Labour-led Oslo has voted to “implement as much as they can” of the conservative coalition’s reform
- But within current legal frame – i.e. no decriminalization
- Goal: all who are caught using/possessing drugs will be offered help instead of punishment.
- Meeting before the municipal drug advisory body as a condition for avoiding the normal sanctions
- Several other big cities are discussing similar measure



The screenshot shows a news article from NRK. The header includes the NRK logo and navigation links for Nyheter, Sport, Kultur, Humor, Distrikt, and Mer. The article title is "Jubler over Oslos «rusreform light»: – Det betyr så mye". The sub-headline reads: "Oslo vil gjennomføre mest mulig av den rusreformen Stortinget skrotet. Men politiet kan ikke lukke øynene for at narkotikabruk fortsatt er straffbart." Below the text is a photograph of a woman with long brown hair, wearing a dark jacket, sitting at a table in what appears to be a cafe. A chalkboard sign in the background says "BYEN BESTE KAFFE". To the right of the photo, there are names of journalists: Olav Juven, Jenny Dahl Bakken, and Åshild Slåen. At the bottom right, it says "Vi rapporterer fra Oslo" and "Publisert 27. apr. kl. 17:47 Oppdatert 27. apr. kl. 18:39".

Janne Behmer Killingstad var optimistisk da hun møtte NRK. Hun håper Oslos nye linje vil få betydning for hele

Prevention and treatment reform

- The Government is preparing a white paper on “prevention and treatment reform” to the parliament next year.
- Content is still unclear
 - Broader than the conservative coalition’s proposal
 - No general decriminalization

