



An Roinn Dlí agus Cirt
Department of Justice

Citizens' Assembly on Drugs Use

April 2023

Introduction



- Ben Ryan, Assistant Secretary General, Criminal Justice Policy, DoJ
- Responsibility for all criminal justice policy matters
- From public order/drug use to serious OCGs
- Policy is continuously evolving
- Range of diverse voices inform DoJ policy positions

Department of Justice's role



- Work with D/Health on national drug strategy/policy and legislation
- Member of NOC, SIGs and DRIVE
- Determine policy and legislation more generally to enable and assist AGS to tackle OCGs
- Work with other CJ agencies to identify effective mechanisms to combat harm and ensure safety

Sheehan Working Group (2019)



- Tasked with examining approaches to personal possession of small amounts of drugs
- Included both Depts, HSE, AGS, ODPP, academics and people with lived experience
- Looked at other jurisdictions
- Examined health-led approach and alternatives to prosecution

Sheehan Working Group recommendations (1)



- Increased use of adult caution
- Health diversion approach
- Clear referral pathways to help
- Better resourced services
- Harm awareness campaign
- Improved data collection and evaluation

Sheehan WG recommendations (2)



- **Not all recommendations universally agreed by WG; e.g.:**
- Removal of prison as a punishment option
- Reduction in spent conviction period to 3 years
- **Concern about unintended consequences**

Current and ongoing initiatives



- **Adult caution scheme:** approval given to expand it to include all s.3 possession cases for first offences
- However, to date it still only covers cannabis – further expansion is still to be rolled out
- **Health Diversion model:** significant work undertaken to provide for it in law – will be included in forthcoming legislation
- **Youth diversion and 18-24 year old diversion**
- **Rehabilitative Periods Bill**

International approaches



- Portuguese model – many positives but not possible to operate in the same way here (civil/codified law versus common law)
- Colorado – legalisation has given rise to other unintended consequences (drug tourism, increased drug driving), also still a large illicit market
- Netherlands – now rowing back on some existing measures
- Difficulty in not having unified EU position

Different approaches - Pros and Cons



- **Decriminalisation –**
- benefits to individuals not going through CJ system
- less CJ resources spent on minor issues BUT
- OCGs would adapt and dealers carry less
- Power to search would be diminished
- would effectively be legalisation in Irish context
- **Legalisation**
- Intent that State instead of OCGs would receive revenue BUT
- OCGs still remain involved in supply and illicit market still exists
- Knock-on problems (drug driving, violent crimes caused by psychosis etc.)



Thanks.