Research Connections

Recent publications from SFU's School of Criminology

ISSUE 5 - OCTOBER 2017

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BECOMING A MEDICAL MARIJUANA USER: REFLECTIONS ON BECKER’S TRILOGY
Learning Techniques, Experiencing Effects, and Perceiving Those Effects as Enjoyable

by Nicholas Athey, Neil Boyd & Elysha Cohen

Background

It has been more than 60 years since Howard Becker famously described the process of learning to use and derive pleasure from marijuana’s intoxicating effects. Originally regarded as a contribution to the sociology of deviance literature, advances in medicine and changes in political and social thought have served to raise questions about the deviant nature of marijuana use.

Becker’s work also informed a burgeoning body of drug research that considers the maturation process users undergo as they age and acquire more experience. This body of “career” research, coupled with a life-course framework, has resulted in a much better understanding of the nature of drug use across the life-course and the factors associated with changing patterns of use. Marijuana use, in particular, becomes more health-promoting and geared toward symptom relief later in life, with users acknowledging both recreational (i.e., pleasurable) and therapeutic benefits. The distinction between pleasurable and therapeutic use is blurred by changes in the social construction of marijuana use and the subjective way in which people use marijuana as a sort of “folk medicine”. Additionally, a developing body of medical research continues to demonstrate the efficacy of cannabinoid-based treatments for a variety of medical conditions and symptoms (e.g., cancer, anorexia, AIDS/HIV, etc.), challenging the merit of continuing to prohibit patient-populations from acquiring and using cannabis as a medicine.

Becker’s theory of learning to use marijuana for pleasure

Becker argued that one must first learn the techniques of using marijuana, noting that most users indicate that the drug cannot be smoked like tobacco, if one is to get high. The second step in Becker’s trilogy was that of learning to perceive the effects of the drug. Becker argued that “being high” consists of two elements: the presence of symptoms caused by marihuana use and the recognition of these symptoms and their connection by the user with his use of the drug” (1963, pp. 237-238). He suggested that interacting with other users played an important role in learning to experience the effects of the drug. The third step in Becker’s trilogy was that of learning to enjoy the effects of the drug. He noted that many marijuana users will try the drug but not find the experience at all enjoyable. Given these circumstances, they will refrain from further use, unless they can redefine the effects as pleasant and desirable at some later point. We note that with the potency of contemporary cannabis, it is typically not necessary for users to learn to perceive effects, or to consume the drug differently from tobacco.
Learning to use marijuana therapeutically

Twenty-two self-identified medical users from Vancouver and surrounding municipalities, treating a variety of mental and physical ailments, were asked about the process of learning to become a medical user. All had used marijuana for pleasure prior to first experiencing use as medicinal, but only half made a seamless transition from pleasurable to medicinal use; the others had a period of cessation that, for some, lasted for years.

The learning curve described by these respondents is much steeper and more complex than the one described by Becker, largely because of the plethora of different strains and delivery methods currently available and the need to target specific symptoms. Respondents’ motivations are wide-ranging and include what are traditionally thought to be “recreational” (e.g., “calming” and “euphoric”) effects. Many also felt that marijuana was a more efficient and less harmful long-term option when compared to current or past pharmaceutical treatments prescribed by the normative healthcare system.

Perhaps most importantly, they describe the intricacies of tailoring one’s consumption habits to target specific symptoms. For example, they describe smoking right before meal time or bed if one wishes to enhance appetite or overcome insomnia; using some strains for “cerebral” effects and “a functioning high”; using other strains for “pain management,” “relaxation,” and “sleeping;” and using creams for inflammation and joint pain, edibles for pain, and smoking for mental relief.

Sources of information

Unlike Becker’s respondents, these medical users do not rely principally on their friends and mentors to learn about marijuana. Instead, learning occurs in social support groups, from dispensary staff, through a process of trial and error (i.e., anecdotes), and independent research using multiple information sources (e.g., peer-reviewed research, medical pamphlets, and Youtube videos). The established health care system, on the other hand, is regarded as a dubious source of (mis)information.

FAMILY VIOLENCE: A FRESH APPROACH TO JUDICIAL ROLES IN FAMILY AND CRIMINAL CASES

by Donna Martinson & Margaret Jackson

Background

Martinson’s and Jackson’s interest in the topic of taking a fresh approach to judicial roles and responsibilities in family law cases arose as a result of their own research in British Columbia on family violence and the coming into force of B.C.’s Family Law Act\(^1\) (the FLA) in 2013, within the context of their analyses of many reports and articles. In their view, the FLA provides judges with a number of important legal responsibilities that focus on the best interests of children and that require the judge, by the use of the word “must,” to examine the particular circumstances of the child or children at issue, using a specific legal framework.\(^2\) That expanded framework includes numerous factors designed to determine whether family violence, broadly defined, is an issue, and if it is, what its impact might be. It requires parents who are guardians to also consider all of the best interest factors when making an agreement, with the result that those advising such parents, including judges and lawyers, must ensure that they do so.\(^3\) It requires “family dispute resolution professionals” including lawyers, to assess whether family violence may be present.\(^4\) If it appears that family violence is present, they must also assess the extent to which it may adversely affect both the safety of the party or a family member and the ability of the party to negotiate a fair deal.\(^5\)

The Studies

In order to triangulate and supplement the extensive analyses of reports and the literature completed, exploratory and qualitative research was also undertaken. The first study was developed for the National Judicial Institute: The NJI Community Consultation Study. There were a total of 42 people comprised of a variety of community group members and justice personnel who were either interviewed individually and/or participated in a focus group. The second study sought to determine if the FLA was addressing the concerns raised in the first study. Nine judges, with representation in terms of gender, court level and extensive experience in family and criminal law, and five defense or family law counsel, participated in either interviews or a focus group.

The Results

There are striking similarities between the Community Consultation and the Risk of Future Harm Report studies’ results:

\(^1\) SBC 2011, c 25 [FLA].
\(^2\) Ibid. Section 37(1) states that “the parties and the court must consider the best interests of the child only, and s. 37(2) states that to determine the best interests of the child, all the child’s needs and circumstances must be considered” including the 10 factors found in (a)–(j). Section 38 states that, in dealing with the factors in s. 37 specific to family violence, “a court must consider” 8 specific factors: (a)–(h) and any other relevant factors, (i).

\(^3\) FLA, supra note 9, s 8(3).
\(^4\) Ibid, s 8(1).
\(^5\) Ibid.
*Some judges may not be receiving the relevant information they need about family violence and its impact;*

*They may not have the specialized knowledge and skill needed to determine what is relevant information for assessment of domestic violence (DV);*

*An apparent lack of screening for DV in family law cases;*

*A need for more case management (judicial oversight) and by one judge;*

*When there are both criminal law and family law proceedings going on at the same time, they operate in silos, creating significant concerns regarding access to equality-based justice, and safety.*


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**TEACHING ABOUT VICTIMIZATION IN RESPECTFUL AND INCLUSIVE WAYS**

by Tamara O’Doherty & Sheri Fabian, with Hilary Todd (Research Assistant)

This project explores strategies to deliver core Criminology content in ways that respect student emotional safety or mental health and that provide students with strategies they can use when presented with triggering or otherwise difficult/sensitive content in the future. To learn more about faculty perspectives regarding possible responsibilities and related challenges, we interviewed 13 faculty members. These participants asserted that when covering sensitive and potentially triggering content, faculty responsibility can and should extend to delivering material in ways that respect student safety. Faculty reported that while they needed to prepare students for the ‘real world’ rather than to ‘coddle’ students, they could do this in ways that mitigated potential harm.

To learn more about student perspectives, we employed five strategies (using silly photos, funny videos, deep breathing, a sunshine break, and analytical reasoning) in a summer 2017 criminal law course and asked students to share their thoughts on the utility and effect of these strategies on their learning experience. Approximately a third of the class provided their feedback, with the clear majority of respondents indicating that
instructors should incorporate such strategies when disseminating trauma-related information in lecture. A minority of students indicated that they needed the distractive strategies, writing comments to the effect that some of the cases were so disturbing that it was difficult to think critically or analytically and distractive strategies allowed them some space with which to refocus. Likewise, some students reported that they didn’t realize how affected they were until the instructor offered a tension-release strategy.

While the distractive strategies were well-received by respondent students, analytical reasoning was particularly popular with 96% of respondents acknowledging the need to use analytical reasoning when addressing victimization, both as students and in future employment. Overall, student responses confirm that harm-reduction and resiliency building strategies are helpful in creating inclusive learning environments. Beyond assisting in the immediate moment when trauma is under discussion, the strategies also provide students with useful tools for careers related to criminology and further study.

Project funded by a Teaching and Learning Development Grant from SFU’s Institute for the Study of Teaching and Learning in the Disciplines.


THE (DIFFERENTIAL) UTILIZATION OF CONDITIONAL SENTENCES AMONG ABORIGINAL OFFENDERS IN CANADA

by Andrew A. Reid

Background

In 1996, a series of sentencing principles were introduced into the Criminal Code including that “all available sanctions, other than imprisonment, that are reasonable in the circumstances and consistent with the harm done to victims or to the community should be considered for all offenders, with particular attention to the circumstances of Aboriginal offenders” (emphasis added) (Criminal Code, 1985, s. 718.2[e]). At the same time, an important alternative to incarceration was also introduced: the conditional sentence of imprisonment. Although not explicitly stated as an objective of the new sanction, it was viewed as an opportunity to reduce incarceration
rates among Aboriginal offenders. 20 years following the 1996 sentencing reforms, this study documents recent trends in the use of conditional sentences among Aboriginal and non-Aboriginal offenders.

**Method**

In order for the conditional sentence to become available as a sentencing option, a judicial decision for a custodial sentence of less than two years must first be made. Recognizing this unique decision point, this study introduced the Conditional Sentence Utilization (CSU) percent:

\[
CSU (\%) = \frac{\text{conditional sentence (count)}}{\text{conditional sentence (count)} + \text{prison admission (count)}}
\]

The CSU reports the percent conditional sentences of total imprisonment sanctions. Employing data from the Adult Correctional Services Survey and calculating CSUs for Aboriginal and non-Aboriginal offenders, the utilization of conditional sentences for each offending group is then compared.

**Selected Provincial/Territorial Trends (2000/01 - 2014/15)**

Table 1 reports that Aboriginal offenders in Ontario and Quebec have on average, experienced greater utilization of conditional sentences over the past 15 years. In other jurisdictions including Yukon, British Columbia, Saskatchewan, Manitoba, Nova Scotia, and Newfoundland, non-Aboriginals have seen greater utilization of the sanction.

<table>
<thead>
<tr>
<th>Aboriginal:</th>
<th>non-Aboriginal:</th>
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<tbody>
<tr>
<td>15-year Average CSU (%)</td>
<td>15-year Average CSU (%)</td>
</tr>
<tr>
<td>Yukon</td>
<td>35</td>
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<tr>
<td>British Columbia</td>
<td>26</td>
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<td>Saskatchewan</td>
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<td>Manitoba</td>
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<td>Ontario</td>
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<td>Quebec</td>
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<td>Nova Scotia</td>
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<td>Newfoundland</td>
<td>25</td>
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*Table 1. 15-year average CSU (%) by offending group and province/territory.*

Interestingly, consistent temporal patterns within most provinces were found. Quebec maintained CSUs that were greater for Aboriginals over the entire study period. Conversely, Yukon, British Columbia, Saskatchewan, and Manitoba exhibited CSU percentages that were greater for non-Aboriginals throughout the 15-year period. Most compelling, however, is that for many of these jurisdictions the divide was not inconsequential. One year in Quebec for example, Aboriginals experienced a 24% greater use of community-based imprisonment. In Manitoba, the opposite was true; Aboriginal offenders experienced a 24% lesser use of conditional sentences in multiple years.

**Explaining the Trends**

Instead of greater use of conditional sentences among Aboriginal offenders being the norm, this study found they were at a disadvantage in many jurisdictions. There are several explanations that might account for these trends. It could be that s. 718.2(e) has not been adequately implemented in the courts of provinces with lower CSU percentages for Aboriginal offenders. It could also be that the provision is being
brought to the attention of judges but it is not being given adequate attention. Still another possibility is that s. 718.2(e) is being brought to the attention of judges, it is being given appropriate consideration, yet the circumstances of the cases are causing judges to select incarceration over a conditional sentence. Further research is needed to identify which of these may be present but importantly, any explanation will have to account for the striking jurisdictional variations found here.

References

Criminal Code, RSC 1985, c C-46.


RESISTING THE RIGHT: COUNTERING RIGHT-WING EXTREMISM IN CANADA

by Ryan Scrivens & Barbara Perry

Background

Recent world events seem to have motivated renewed activity among and public attention to right-wing extremism (RWE), not only within a global context but in Canada as well. Yet the presence of hate groups inspired by white nationalism, xenophobia, Islamophobia and an array of other exclusionary views of the world is not simply a new phenomenon spawned by the hateful rhetoric coming from the United States to the south of us. Rather, there is a lengthy if often neglected history of white supremacy here.

In spite of the historical and contemporary patterns of far-right activity in Canada, one which has been defined by Canadian Security Intelligence Service (CSIS) as a growing threat nationwide, our understanding of the Canadian movement is dated. We have seen little current scholarship or systematic analysis on the state of the RWE movement in Canada and, by extension, ways to resist it. This significant gap was the inspiration for our three-year study of the RWE movement in Canada.

Study Aim

In 2015, we produced a report for Public Safety Canada, Right-Wing Extremism in Canada: An Environmental Scan, in which we interviewed law enforcement officials, community activists, and hate group activists, as well as triangulating our primary research with open source intelligence. Spring-boarding from the key findings of our project, we linked current Canadian countering violent extremism (CVE) practices to the exploitable exogenous and endogenous factors that we uncovered during our investigations. Here we identified some of the leading organizations and stakeholders that acknowledge and attempt to counter the presence, as well as context and impacts of a loose RWE movement in Canada and abroad.

Results and Conclusion

Our findings suggest that the divisive rhetoric and damaging violence associated with the RWE movement are shaped by and in turn shape the communities around them.
The motivations for the formation of extreme-right beliefs derive from the confluence of multiple social processes and institutions. It is imperative, therefore, that CVE efforts not only be seen as a law enforcement or intelligence issue. It is a social issue. We stress the need for law enforcement officials to partner with various anti-hate community organizations and human rights activists, sharing both knowledge and ideas for change. Thus, we argue for the necessity of multi-agency efforts coordinated around acknowledging and responding to the radical right, based on seven key initiatives:

1) Diverting people from getting involved
2) Responding to and countering hate speech
3) Ending violent behaviour and fragmenting movements
4) Managing threats to public order
5) Supporting and empowering victims
6) Raising awareness of the problem
7) Pushing public agencies to act

We also urged policy makers, law enforcement, and community-based organizations to redouble their collaborative efforts in enhancing and/or developing the sorts of initiatives identified above. The choices are not either/or – rather, multiple programs operating at the level of the individual, the group, and the broader social context can and should operate simultaneously.