

How to reduce drug related crimes

JORGE QUINTAS

Lisbon Addiction 2022

25.11.2022

Law 30/2000 (November, 29)

- Aims: «**health and social protection**» of the drug users
- Drug use is **interdict**
- Drug use is an **administrative offence** (**all drugs; except cultivation; limited quantities - <10 days; no criminal record**)
- Commissions for the dissuasion of drug addiction (**health oriented**) replaced the courts in the legal process (Comissões para a Dissuasão da Toxicodependência – **CDT**)
- Administrative Sanctions :
 - A fine (except for addicts)
 - Others non-pecuniary penalties (e.g. community service; interdictions)
 - Warning
- **Administrative sanctions should be**, as a rule, **suspended** enable the treatment or harm reduction measures (addicts) or indicated prevention actions (non-addict drug users)
- However, the Supreme Court (Judgment 8/2008) decide that someone detected with drugs for consumption in quantities greater than those provided for in the decriminalization law commits a crime of consumption (despite the derogation operated by article 28 of Law 15/93 related to drug consumption)

Portuguese law enforcement (police)

- Portuguese drug decriminalization law appears less severe, but drug law enforcement data indicate
 - a moderate increase in police detection of drug users (even if still very low the probability of being caught) and of drug users involved in dealing;
 - A small increase in police detection of drug traffickers

Arrests – “Presumed offenders” (average year)	Before (1993-2000)	After (2001-2016 ^a)
Drug use	4955	7776 (+57%) ^b
Trafficking-Use	2030	3419 (+68%)
Trafficking	2003	2347 (+17%)
All drug	9170	13563

a) Time-series interrupted in 2016 ; b) Include all administrative CDT entries as a proxy of police records

Portuguese law enforcement (courts and CDT)

- CDT and criminal justice system data concerning drug laws indicate
 - an increased efficacy in the legal prosecution of drug use offenses that leads to more extensive effective use of the new system of (suspended) sanctions - a clear “net-widening effect”
 - an unexpected reappearance (and rise) of criminal condemnations for drug use after supreme court decision (8/2008)
 - A small increase in trafficking convictions, but a decrease in the severity of the punishment
 - A decrease in the number and proportion of drug trafficking prisoners (it was as high as 44% in 1999!)

Persons by (average year)	Before (1993-2000)	After (2001-2020)
Drug use (CDT administrative sanctions & suspended sanctions)	-	5727
Drug use (criminal convictions)	1451	410 (max. 952 – 2018)
Drug Trafficking convictions	1574	1742 (+11%)
Non-suspended imprisonment (Drug Trafficking)	70%	39%
Prisoners (Drug Trafficking)	2871	2432 (-18%)
Drug Trafficking/all convicted prisoners	34% (max. 44% - 1999)	24% (min. 16% - 2018)

Portuguese law enforcement (courts)

- Law enforcement data (and prisoners surveys) also indicate:
 - Property crimes are the ones partially related to drugs
 - The trends in police arrests and criminal convictions for property crimes are stable

Property Crime (average year)	Before (1993-2000)	After (2001-2020)
% of Prisoners that state a relation of the crime committed with the use of drugs	22,6 (2001, sorry)	21,7% (2014)
% of Prisoners that state to be under the influence of drugs when committing the crime		41,7% 45%; thefts and robberies; 32% drug trafficking (3%homicides; 2% domestic violence; 1% sexual crimes)
Police arrest – “presumed offenders”	189 633	202 951
Criminal convictions	9 535	9 978

Portuguese law enforcement and law effects

- Aggregate studies about Portuguese experience of decriminalizing the use of all drugs also show that these change in the law
 - did not lead to significant increases in drug use and, moreover,
 - Coincided with the reduction of problematic consumption and harms related to drug use

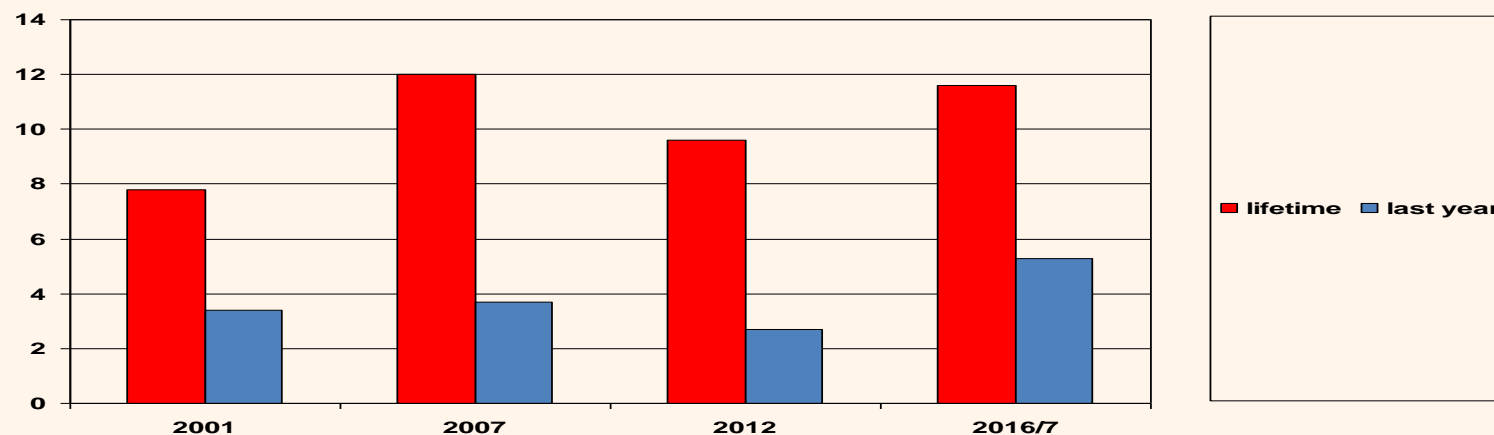
(Quintas 2006, 2011; Hughes and Stevens 2010, 2012; Greenwald 2009; Agra 2009; Quintas and Agra 2010; Kury and Quintas 2010, Quintas & Arana, 2017; Kury, Kuhlmann & Quintas, 2019)

Drug use and drug related harms

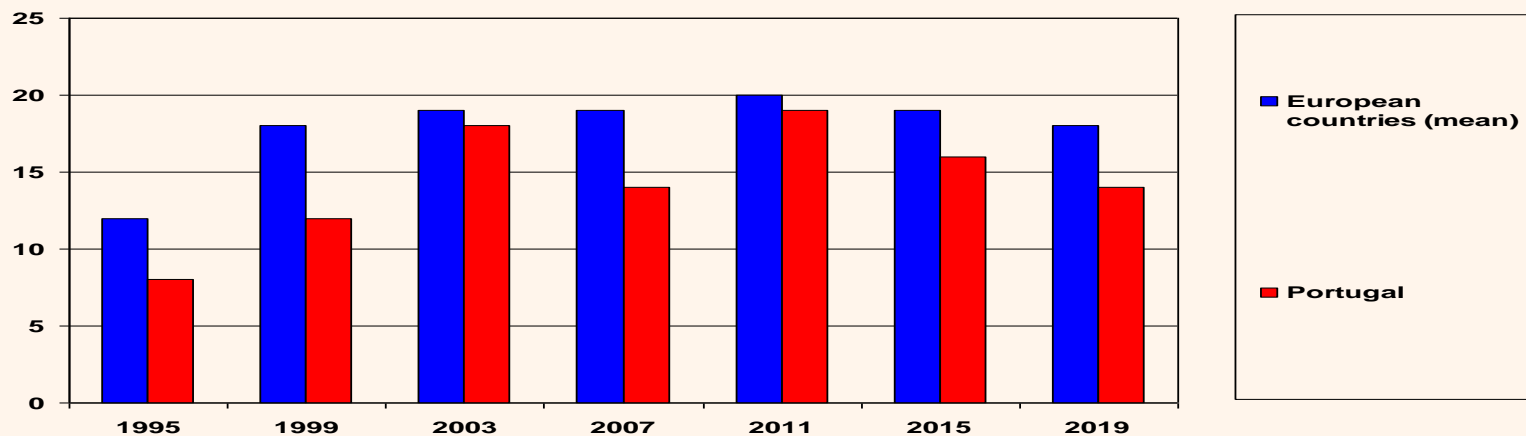
General population (15-64 years), drug use prevalence rates

Comparative data (only available for cannabis):

Portugal - Rank 22 in Europe

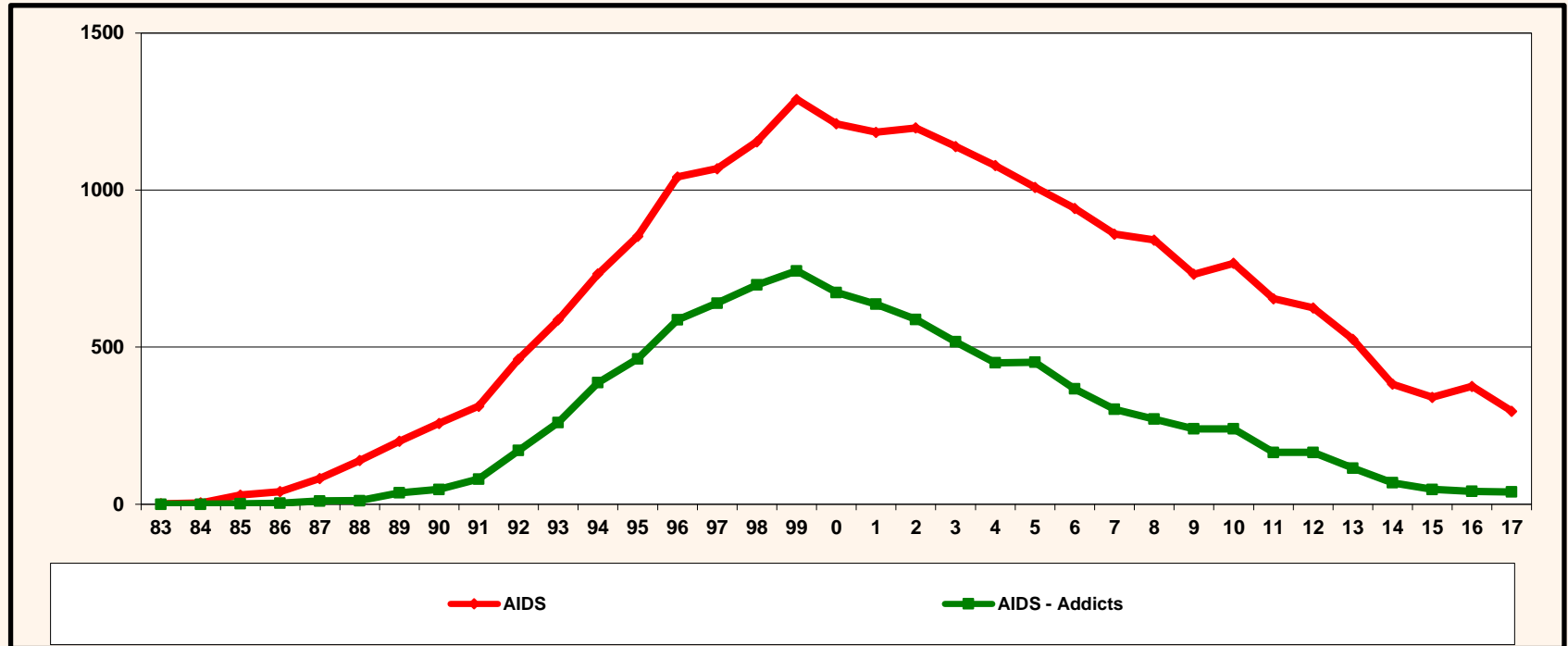


School population, drug use lifetime prevalence rate (ESPAD Surveys, 16 years old students)



Drug use and drug related harms

Harms related with drug use - AIDS



Addicts (a minority group - <0,05%) - 51% of all deaths resulting from AIDS

2001 – Decriminalization law & Harm reduction policy

Conclusions

- The Portuguese decriminalization of all drugs (as a part of a drug policy):
 - not lead to significant increases in drug use and permits harm reductions
 - allows a net-widening effect concerning drug users
 - does not limit police action in enforcing drug laws

 - Was joined by a decrease in the severity of the penalty for drug trafficking
 - which allowed for a decrease in the number of prisoners convicted of drug law violations

 - go along with a stability in property crimes the ones partially related to drugs
- A market regulation (& public health measures) is a promising way to better reduce drug related crimes and almost remove drug laws violations

Thank you

JORGE QUINTAS
joliveira@direito.up.pt