

The effects of drug regulations: macro and microanalysis of a decriminalization model

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Portuguese drug use decriminalisation law

Drug use decriminalisation law

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; 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** on behalf of treatment (addicts) or indicated prevention actions (non-addict drug users)

Portuguese drug use decriminalisation law effects

(macro-analysis)

Law enforcement

Presumed offenders

	Users (year mean)	Trafficker -users (year mean)	Traffickers (year mean)
Before law 30/2000 (1993-2000)	4955	2030	2003
After law 30/2000 (2001-2015)	7553 (+52%)	3324 (+64%)	2364 (+18%)

Decisions (Courts and CDT)

	Users (year mean)	Traffickers (year mean)
Law 15/93 (1993 - 2000)	1451 (Court) 75% Fine 8% effective prison sentences	1574 (Court) 70% effective prison sentences
Law 30/2000 (2001-2015) or Law 15/93 (2001 - 20015)	5001 (+244%) (CDT) 86% suspended sanctions (non addict drug user=3396; addict =909) 14% sanctions (695) And also, recently, 417 criminal penalties year for users (Court) (2009-2015, after 2008 STJ decision - users with drug quantities > 10 days)	1817 (+15%) (Court) 42% effective prison sentences

Decriminalisation law effect

• Law enforcement

– Police action

- A moderate increase in detection of presumed offenders (users and traffickers) – **More risk of arrest (deterrence variable)**

– Legal action

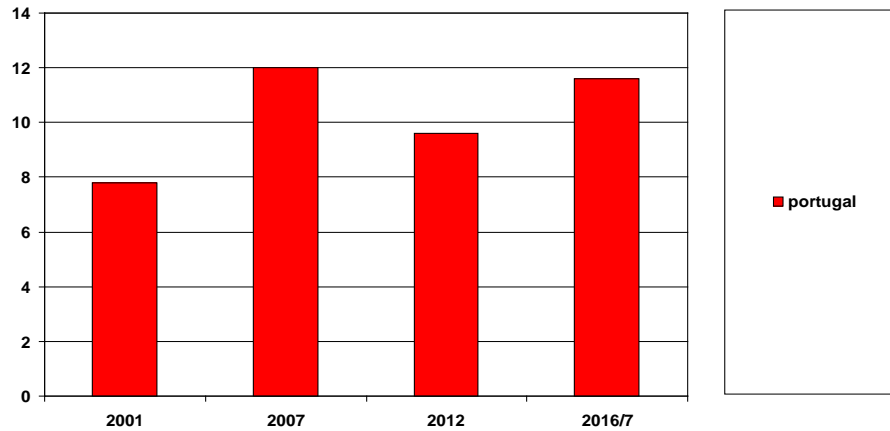
- At least threefold more extensive effective drug users prosecution - ***A net-widening effect***
- Fine as a typical court action for drug use are replaced for CDT suspended sanctions
- An unparalleled increase in treatment or indicated prevention actions for drug users – **Much more therapeutic and, specially, preventive efforts directed to detected drug users**
- Stability of trafficker convictions and less severity in sentences

Drug use and drug related harms data

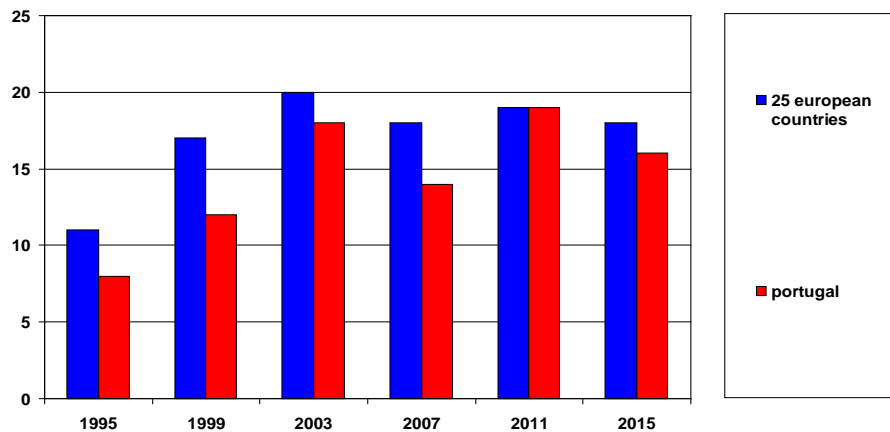
Drug use and drug related harms

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

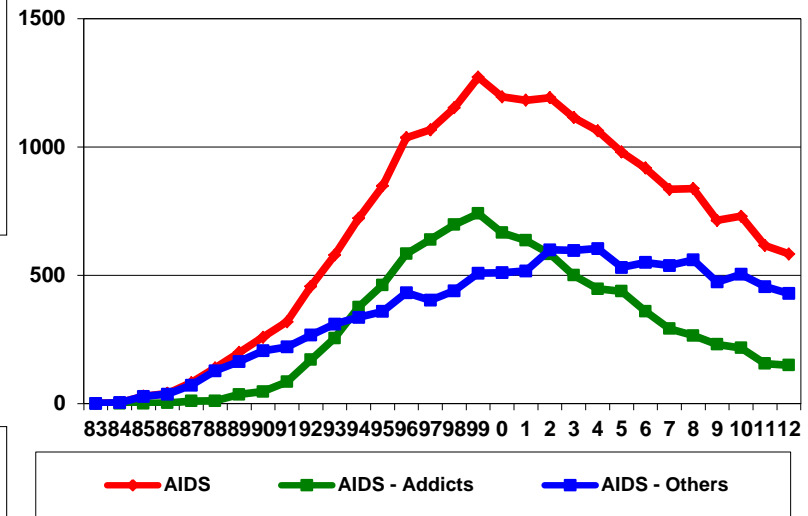
Comparative data (only cannabis):
 Portugal - Rank 22 in Europe



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



Harms related with drug use - AIDS



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

- **Drug use decriminalisation law** (as a part of a drug policy) **matches with**
 - drug use stability
 - drug addiction decrease
 - drug related harms decrease
- **Portuguese decriminalisation of all drugs confirms the more expected scientific result of drug decriminalisation laws** (cf. Quintas, 2006, 2011; Agra, 2009; Quintas & Agra, 2010; Kury & Quintas, 2010; Hughes & Stevens, 2010)
 - Drug use is not decisively affected by the removal of criminal sanctions
 - As has generally verified in extensive literature about cannabis/marijuana decriminalisation experiences in USA and Australia
 - Additionally, drug addiction or drug related harms indicators had a positive evolution

Portuguese drug use decriminalisation law effects

(micro-analysis)

Drugs and law surveys

- **Normative sample** –law, criminology and psychology students (N=247)
- **Detected drug users** – contacted at CDT (N = 147)

Detected drug users evaluation of contact with police and CDT

N= 147; Scale - 1 (totally disagree) to 7 (totally agree)	CDT		Police		
	M	SD	M	SD	p
Satisfaction	6.32	1,16	3,28	2,21	<.001
Respect	6.60	,94	4,24	2,24	<.001
Procedural information	6.68	.79	4,34	2,16	<.001
Investigate the offence	6.55	.89	4,01	2,28	<.001
Information about risks of drug use	6.67	.75	-	-	-
Provide access to health or social services	6.33	1.18	-	-	-
Fair decision	6.42	1.18	-	-	-

High satisfaction with CDT work ($M > 6$);
 Very different experiences with police work ($M \approx 4$; $DP > 2$)

Presumed effects of CDT action to detected drug users

Presumed effect of CDT action for detected drug users (N= 147)	%	Contact with the CDT has an important effect on the possibility of ... N= 147; Scale - 1 (totally disagree) to 7 (totally agree)	M	DP
Reduce drug use	80,1	not returning to use drugs	5.15	1.86
Improve care with drug risks	69,4	using drugs more carefully (for my health)	5.41	1.97
Improve knowledge about drugs	69,2	using drugs more carefully (to avoid be detected)	4.37	2.31
Reduce attitudes favorable to drug use	57,6			
Main motives to intention of drug use reduction				
information; explanations about risks of drug use; supportive attitude				
Main motives to intention of drug use maintenance				
pleasure in drug use; personal option				
		Drug use estimation in next year (N= 147)		%
		Low		42,9
		Moderate		41,5
		High		15,6

Most drug users are intent on reducing or even eliminating drug use;
 Greater knowledge about risks;
 Greater care with the use of drugs;
 Less capacity to change attitudes favorable to the use of drugs;
 A smaller but relevant group maintains drug use intentions (justified for personal reasons)

Deterrence and normative predictors of drug use

Descriptive and bivariate analysis

scale 1 to 7, unless otherwise indicated	Estimation of drug use (next year)			
	Students	Detected drug users	Students	Detected drug users
	M	M	Rs	Rs
Estimation of drug use (next year)	1.87	3.31***	-	-
DETERRENCE				
Risk of arrest (personal certainty)	1.22	1.90***	.46***	.43***
Others risk of arrest (general certainty)	3.69	4.26**	-.12	.26**
Severity	349 Euros	66Euros***	-.10	.07
Celerity	3.52	3.95**	.09	-.07
NORMS				
Personal (internalized) norms	2.71	3.60***	.40***	.27**
Relatives social norms	1.68	2.53***	.55***	.20*
Distant social norms	3.07	3.64**	.13*	.03
Descriptive norms	4.83	4.46	.27***	.53***
OTHER SOURCES OF INFLUENCE				
Informal sanctions	3.59	2.83***	-.20***	-.31***
Legitimacy of punishment	4.61	3.56***	-.30***	-.31***
Drug use risks	6.23	6.10	-.30***	-.11

Drug use regression predictors

- Normative sample (university students) - $R^2=.54;p<.001$
 - Norms
 - relatives social norms - $\beta=.35$
 - descriptive - $\beta=.31$
 - Others risk of arrest - $\beta=-.26$
 - Personal risk of arrest, but the predictor of drug use is positive - $\beta=.35$

- Detected drug users - $R^2=.54;p<.001$
 - Norms
 - descriptive - $\beta=.51$
 - Personal risk of arrest, but the predictor of drug use is positive - $\beta=.20$

Conclusions

- **The decriminalisation law**

- Remove the criticism to the adequacy of penal law to drug use offences
- More effective protectionist regime (namely by a net-widening effect that allows to a bridge legal system – health system or in preventive indicated action directed to detected drug users
- Small or null effect on drug use
- Coincides with harm reduction

- **CDT action**

- Evaluated positively by detected drug users
- Most drug users are intent on reducing or even eliminating drug use and shows a greater knowledge of drug use risks and a greater care with the use of drugs
- Less capacity to change drug use attitudes and the intention of drug use

- **Drug use predictors**

- Detected drug users intention to use drugs is positively predicted by descriptive norms and personal risk of arrest
- Norms (personal norms and proximal social norms) are, as expected, related with detected drug users intention to use drugs.
- Some deterrence variables (e.g. severity or celerity) are, however, not related with detected drug users intention to use drugs and
- The greater risk of arrest is even associated with an intention to use drugs