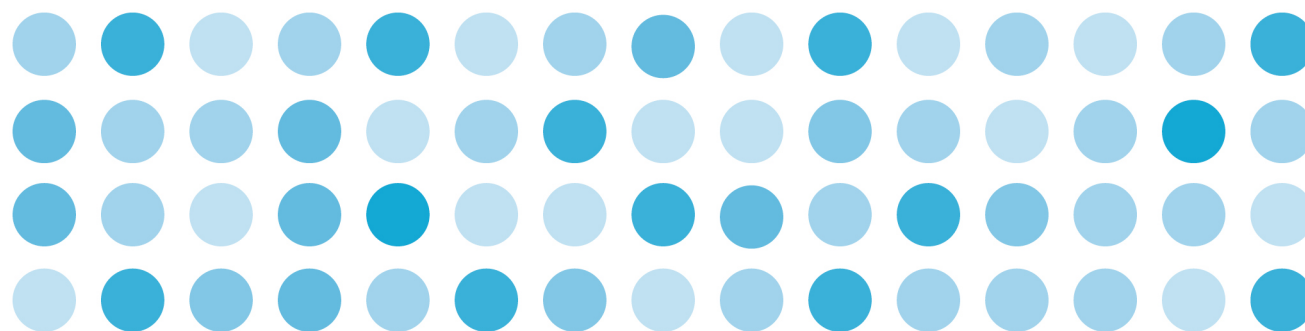


25-26 October 2010  
Melbourne Cricket Ground



Anex 2010

# AUSTRALIAN DRUGS CONFERENCE

Public Health and Harm Reduction

Dr Caitlin Hughes



Australian Government  
Department of Health and Ageing

Principal Sponsor



Department of  
Health

Sponsor



anex



**DPMP**  
Drug Policy Modelling Program

# Decriminalising illicit drug use in Portugal: A dangerous experiment?

Dr Caitlin Hughes<sup>1</sup> and Dr Alex Stevens<sup>2</sup>

<sup>1</sup> Drug Policy Modelling Program

<sup>2</sup> University of Kent, UK

ANEX 2010 Australian Drugs Conference

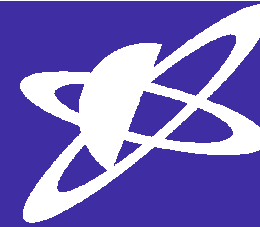
Funded in part by the Beckley Foundation

DPMP is funded by the Colonial Foundation Trust



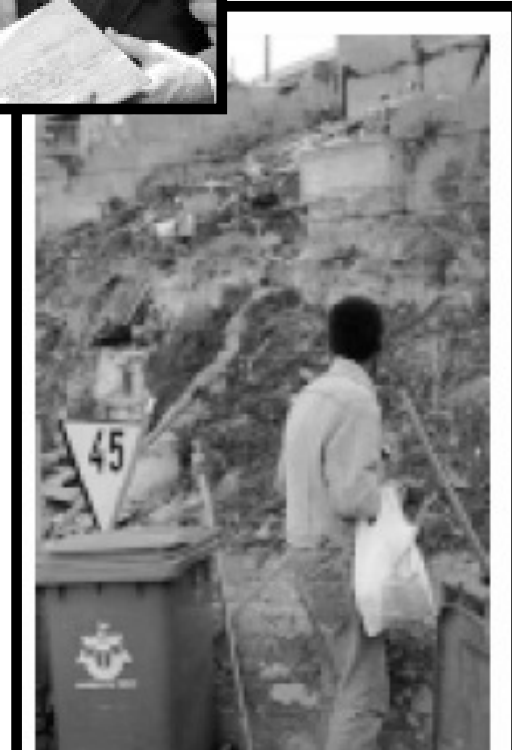
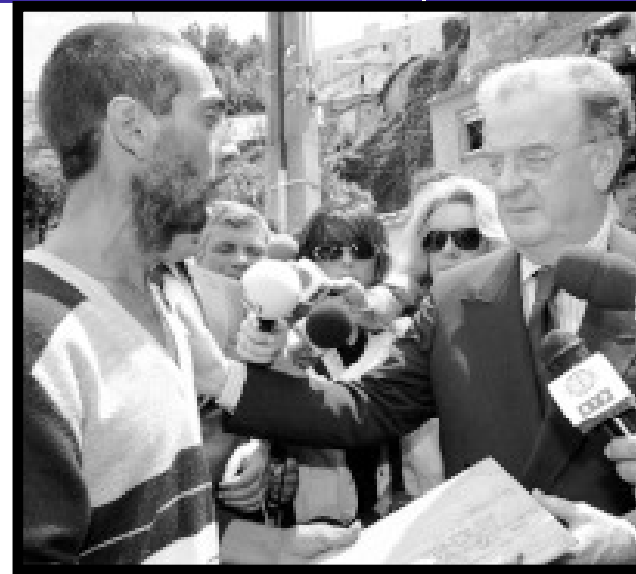
- Frequent and often heated discussions around the necessity of applying criminal penalties
- Rarely subject to evidence-based analysis
  - Few examples of decriminalisation
  - Assessments of impacts also differ
- Challenges to assessing impacts of decriminalisation:
  1. Very contested environment
  2. Different types of decriminalisation (most cannabis only, variance too in mechanisms of response and context of implementation)
  3. Outcomes dependent upon multiple factors
  4. Very easy to get misleading impressions of “impact” due to absence of a counter-factual that did not undertake reform
- Leaves many questions unanswered about likely impacts of reform especially whether reform nation is likely to experience *adverse* consequences e.g. market expansion
- Intention of current presentation: To identify drug market and criminal justice impacts from Portuguese reform

# The Portuguese reform



**DPMP**  
Drug Policy Modelling Program

- July 2001: Drug use/possession and acquisition of *all* illicit drugs became a public order offence
- Aim: Discourage and/or treat drug use
- Detected users sanctioned through Commissions for the Dissuasion of Drug Addiction (CDTs) and may receive:
  - Referral for assessment of treatment needs
  - Bans on attending a designated bar
  - Fine
- Introduced as part of a new national drug strategy that expanded services for harm reduction, treatment, social integration and law enforcement



# Drug market features



**DPMP**  
Drug Policy Modelling Program

- Gateway for drug trafficking for Europe:
  - Cocaine from Brazil and Mexico
  - Heroin from Spain
  - Hashish from Mexico
- Estimated in 2006 Portugal was responsible for 35% of cocaine seizures in Europe





### Fears/predictions

- Drug market expansion
  - “We promise sun, beach and any drug you like.” (Paulo Portas, 2001)
- Would become *harder* for law enforcement agents to intervene in the market
  - Due to necessity to change how agents obtained information on market activity (Hughes, 2007)
- That burden on the criminal justice system would be increased due to net-widening
  - For example, South Australian cannabis “decriminalisation” led to a 280% ↑ in expiable offences (Christie and Ali 2000)
- Some concerns continue to be aired in Portugal e.g. Pinto Coelho (2010)

### Our research

Sought to assess whether the reform did:

- *increase* the burden on the criminal justice system?
- *weaken* the ability to intervene in the illicit drug market?
- *expand* the Portuguese drug market?

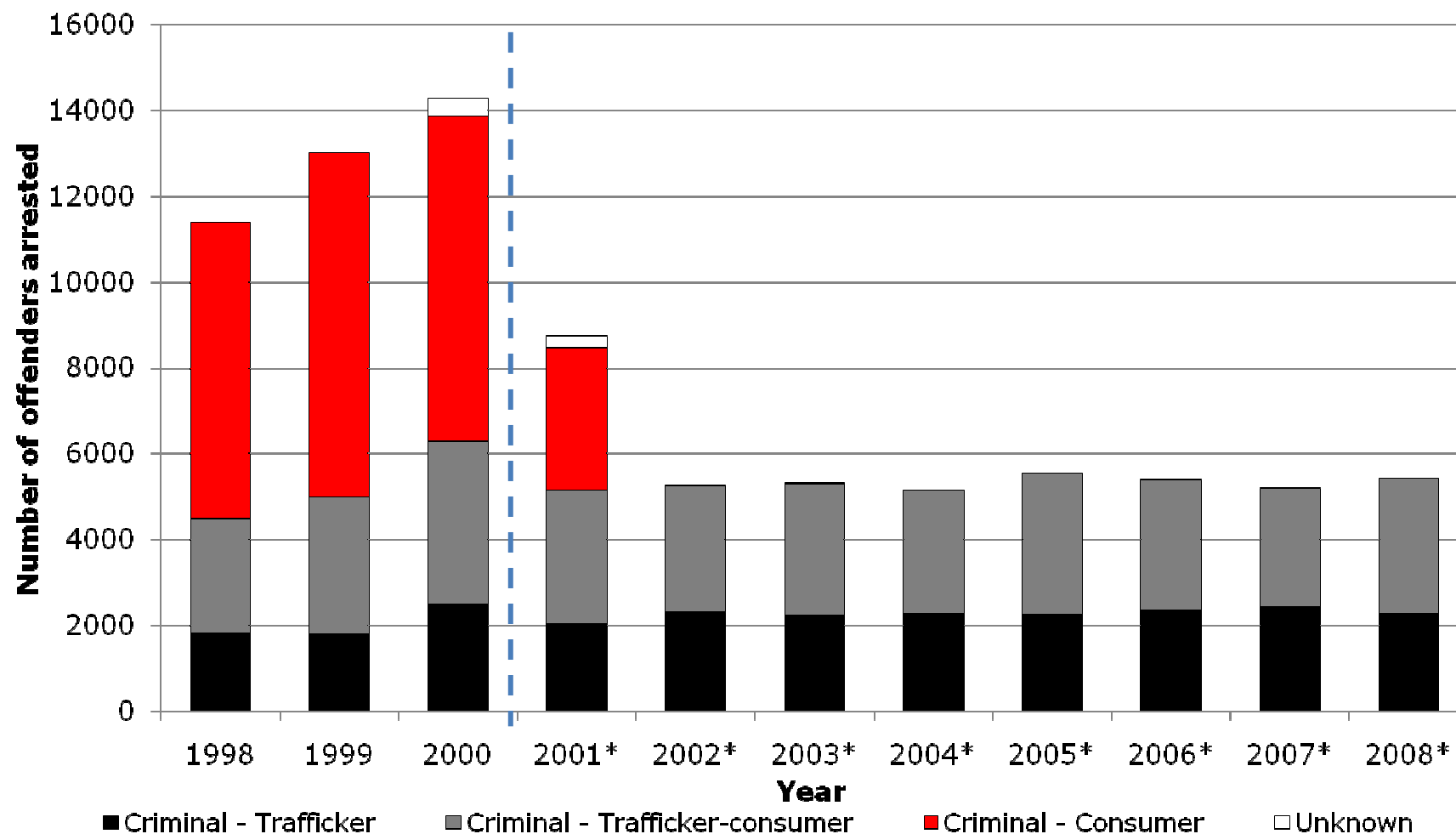
Nine years post reform:

- Reviewed data from Portugal 1998-2008
- Examined pre-post trends AND
- Used a ‘counter-factual’ – non reform nation (Spain)

## Portugal – Trends in CJS burden-1



**DPMP**  
Drug Policy Modelling Program

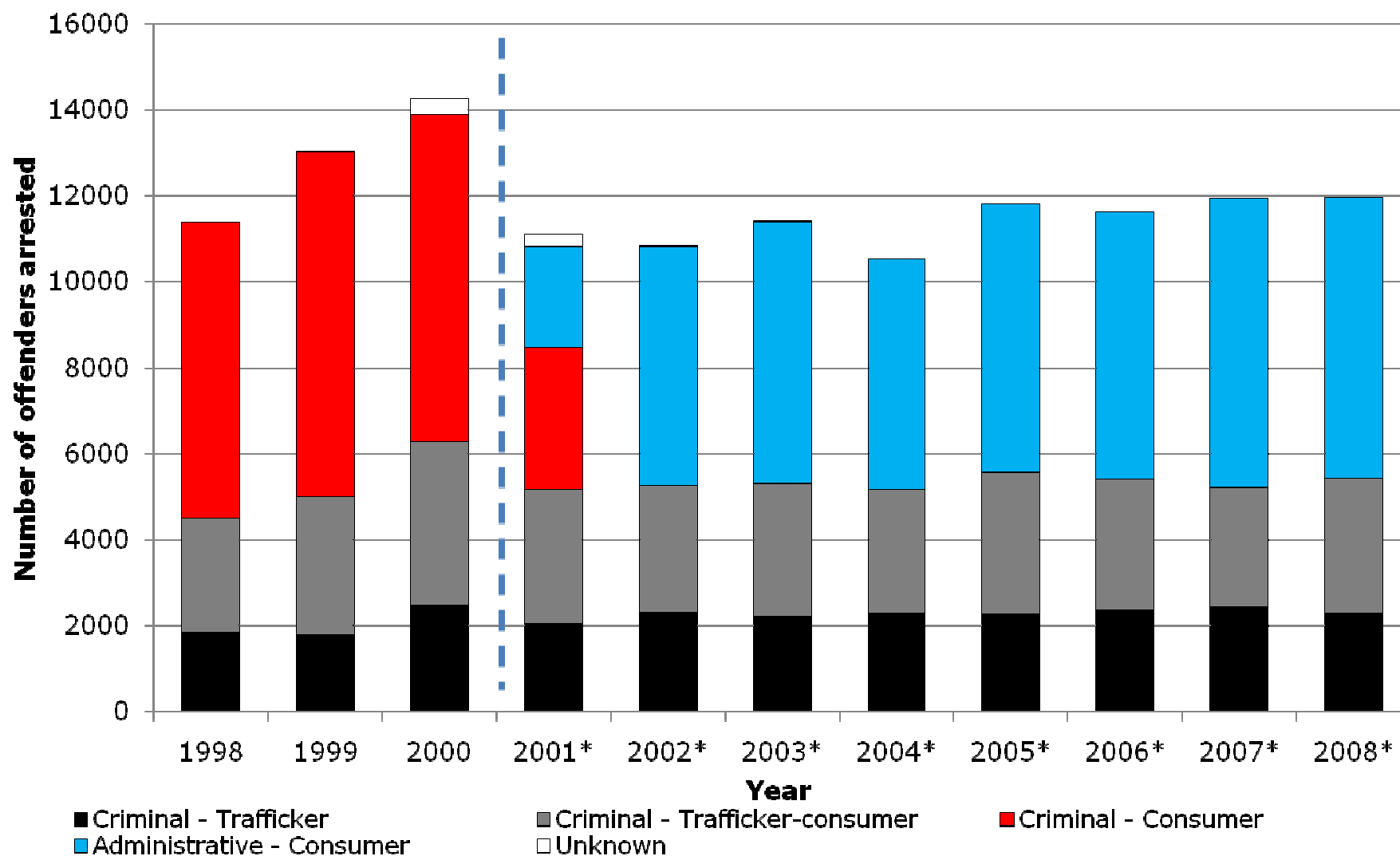


\* From 1 July 2001 consumer offences became administrative offences

## Portugal – Trends in CJS burden-2



**DPMP**  
Drug Policy Modelling Program



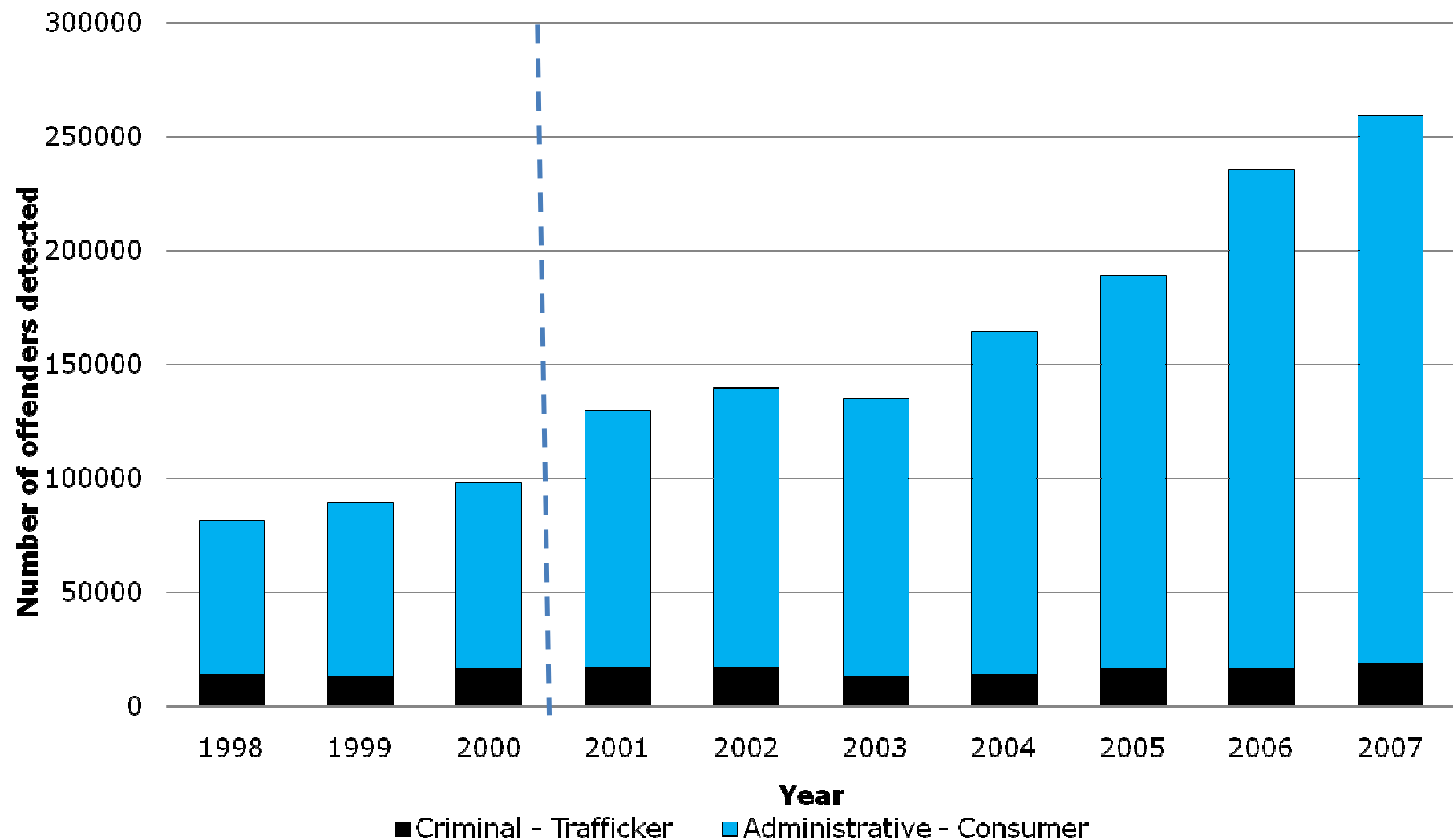
\* From 1 July 2001 consumer offences became administrative offences



## Trends in Spain



**DPMP**  
Drug Policy Modelling Program



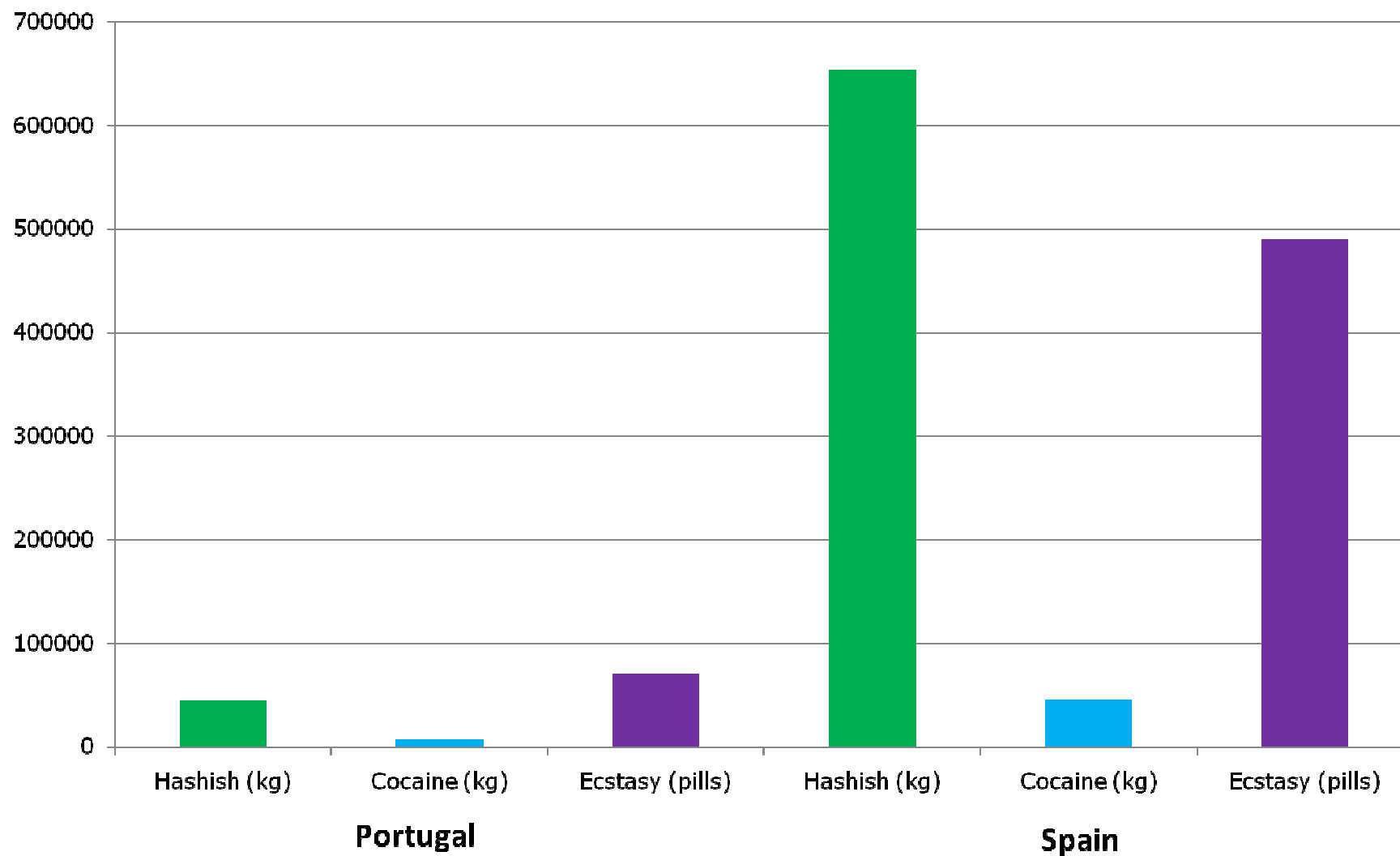


- No data for Spain
- For Portugal
  - Between 1999 and 2008 proportion of drug-related offenders in prison decreased from 44% to 21% (IDT, 2000-2009)
  - Between 2001 and 2007 use of heroin *within* prison decreased from 27% to 13% (Torres, 2009)

# Quantity of drug seizures in Portugal and Spain - 2007



**DPMP**  
Drug Policy Modelling Program





### **Portugal**

- No significant change in number of seizures
- e.g. approx 2,200-2,500 seizures of hashish per year (1999-2008)

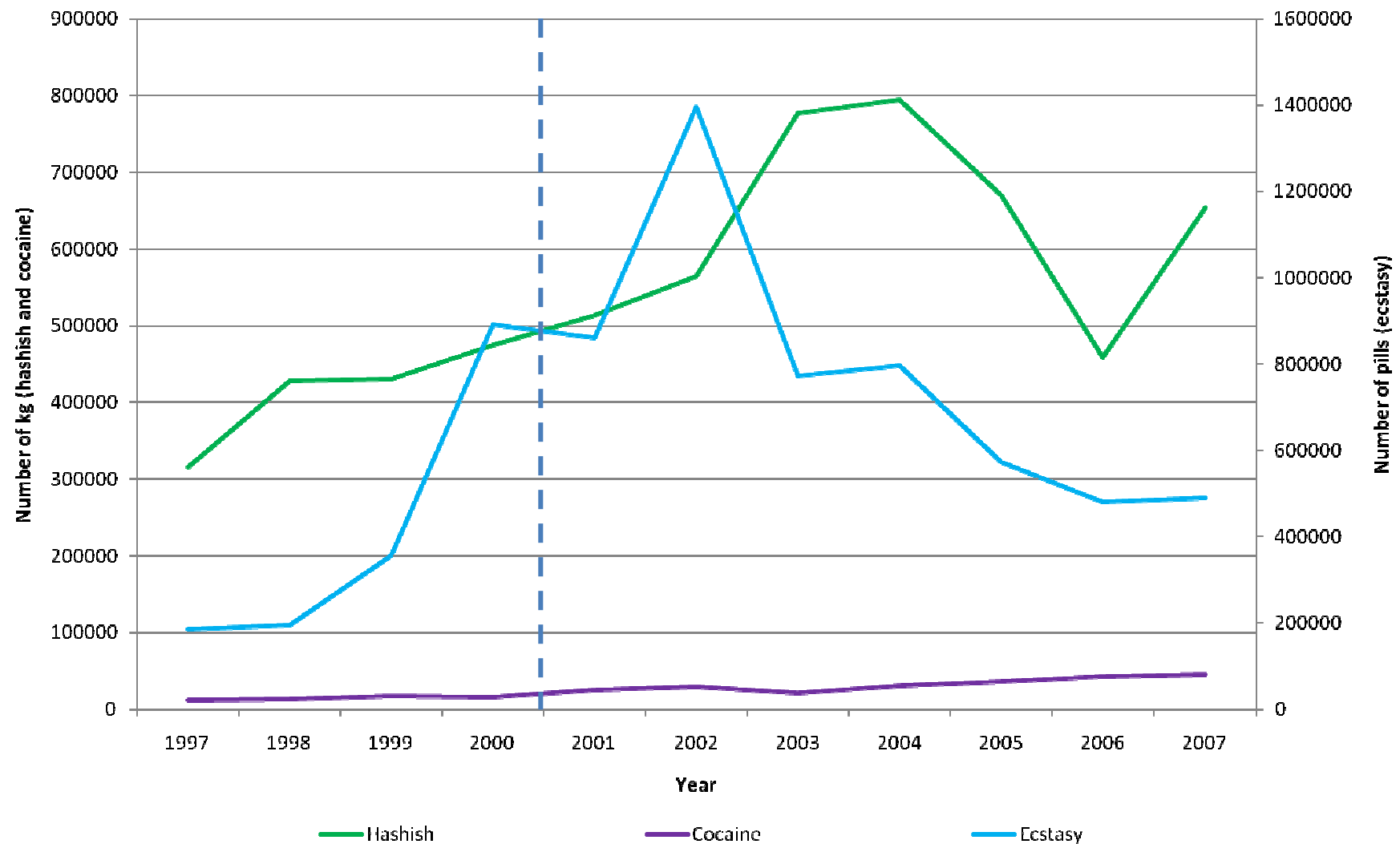
### **Spain**

- Increase in number of seizures of hashish and cocaine
- e.g. between 2002 and 2007 no. hashish seizures increased from 81,067 to 166,544

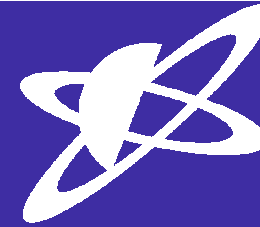
# Spain – Trends in drug seizures (quantity)



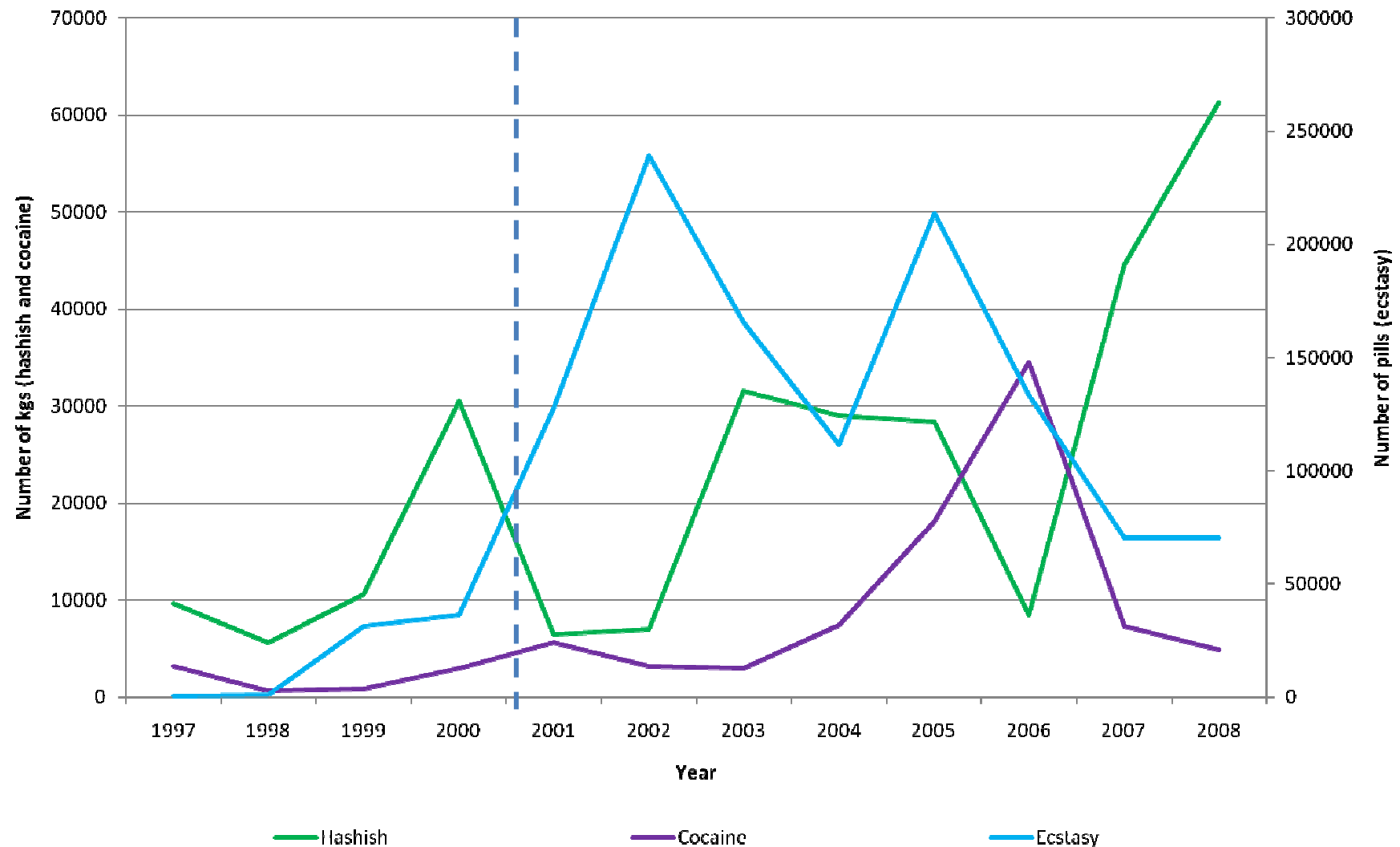
**DPMP**  
Drug Policy Modelling Program

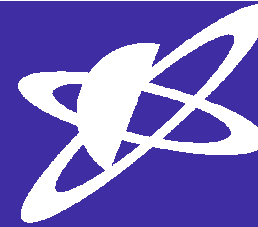


## Portugal – Trends in drug seizures (quantity)



**DPMP**  
Drug Policy Modelling Program





- Portuguese police argued that post the decriminalisation they have:
  - refocused attention on the upper end of the market
  - enhanced their international collaborative efforts
  - introduced more systematic investigative techniques
- And that this has allowed them to:

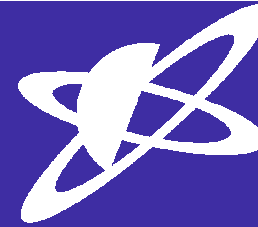
“increase the capacity of operational response with regard to drug trafficking by sea, particularly cocaine trafficking originating from South America” (Institute for Drugs and Drug Addiction 2008: 91).



- Nine years post reform:
  - No net-widening
  - Reduced burden on criminal justice system, particularly prison
  - Increased amount of drugs seized by authorities
- The fact these trends were observed in Portugal alone and that were counter to apparent market expansion in Spain makes them all the more remarkable
- Suggests decriminalisation of illicit drugs will *not* inevitably hinder the capacity of the law enforcement sector:
  - To obtain information on drug markets
  - To develop strategies to disrupt the market
  - To disrupt drug trafficking networks



Thank You



**DPMP**  
Drug Policy Modelling Program

Contact details:

Caitlin Hughes

P: 02 9385 0132

E: [caitlin.hughes@unsw.edu.au](mailto:caitlin.hughes@unsw.edu.au)

For more information on the impacts:

Hughes, C. E. and Stevens, A. (2010) What can we learn from the Portuguese decriminalization of illicit drugs?

British Journal of Criminology.

For more information on DPMP:

[www.dpmp.unsw.edu.au](http://www.dpmp.unsw.edu.au)