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English Comp. 100

8 April 2018

Decriminalization of Psychoactive Substances

Drugs. They are everywhere, in our neighborhoods, streets and increasingly in our culture. Often, people look to them for recreational purposes- to dull pain, be it emotional or physical. This often comes a great price. Michael Moore showcase this in his fascinating documentary about European social policies entitled “Where to Invade Next”. We are shown many nations that differ wildly from our own, particularly in the areas of drug reform. Conversely, in the US, more and more inmates being are being incarcerated for nonviolent crimes that involve drugs. On average in the US “...only 8 percent of federal prisoners were sentenced for violent crimes in 2011, almost half of federal inmates—48 percent—were in prison for drug crimes, according to Department of Justice statistics.”(Flatow) This is an astonishingly high number for a crime that is oftentimes at the expense of the individual rather than the community. In a country where overcrowding and recidivism rates are skyrocketing a solution would be to decriminalize drugs.

The term decriminalization is legally defined as removing legislation that defines possession of psychoactive substances as a felonious offence, punishable by jail time. Decriminalization does NOT make the sale, consumption, and distribution of drugs legal, rather would make penalties less harsh than before, such as a fine or community service. (Economist 419)

The counter argument is clear. What about those users who rob stores, sell to children, and other criminal activity? Well, under the tenets of decriminalization these crimes would still distinguished as egregious, and grounds for jail time. It is important to note how decriminalization would not allow groups to deal drugs, growth or distribution of illicit substances, or even consumption, but would rather lessen penalties. Those caught dealing to children, committing violent offences while intoxicated, and other violent felonies should still be subjected to trial. When a charge is filed against someone for consumption they are often mistreated, and punishments do not match the severity of the offence.

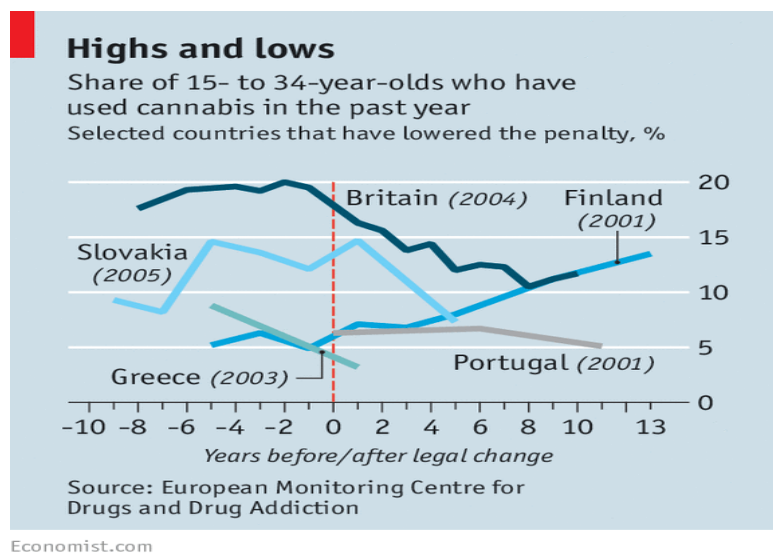
When someone is put to trial for a drug offence they are not treated poorly as our justice system puts steep and sometimes one-sided penalties on users. As the esteemed Mr. Outlaw states:

“...one issue lost in the reform discussion is how throughout federal sentencing law and practice, drug offenses are pervasively linked to violent offenses to lengthen prison sentences. Throughout federal criminal statutes, sentencing guidelines and policies, drug crimes and violent crimes are not only treated equally, but also interchangeably to increase a defendant’s prison sentence. Clearly the current system needs to be changed. Felony charges should only be applied to those offenses which actively harm others. In law we see many being jailed for crimes that objectively would not be violent, or even the extension of sentencing for drug usage.”

Often violent crimes are equated to nonviolent, which may further explain why so many federal prisoners are from nonviolent offenses, as stated earlier by Flatow. By dropping the penalties for consuming drugs this will reduce the harm of these illicit substances. We see examples of this

according to Time magazine on the subject of Portugal's heroin use they "decriminalized the possession of all drugs for personal use in 2001. Since then, overall drug use has fallen, HIV cases among drug users dropped, and overdose deaths are the second lowest in the E.U."

(Bajekal) Furthermore, evidence has shown that consumption rates in other nations with easier drug policies have fallen over the past few years with the introduction of decriminalization. If we look at the numbers, the overall usage of cannabis (which is a schedule I in the US) has decreased in countries that either legalized or decriminalized its use. The following is a diagram from the Economist volume 419, highlights this.



Deaths are on the rise from drug related overdoses and abuse in the US. These numbers continue to rise every year with seemingly no end in sight. Anika Reed, a writer at CQ researcher states that "According to the most recent official statistics, opioids — which include heroin and prescription painkillers such as oxycodone, morphine and methadone — were involved in more than 33,000 deaths in the United States in 2015. Heroin-related deaths alone surpassed gun homicides that year for the first time in recent history." Our current precedents are not as effective as we might think, and legislative action may be required for harm reduction. With the

addition of decriminalization, we may see a decline in consumption of psychoactive substances based on the data extrapolated from various studies.

In Moore's film, a portion focuses on the nation of Portugal, wherein studies have shown that opioid related deaths, and HIV rates due to sharing needles have decreased. This is no accident, it is a direct result of their lenient policy and treatment of addicts within their borders. This is supported by statistics that often show a strong correlation between decriminalization and reduction of harm. With these in the mind the US should consider the potential benefits or reducing drug possession penalties. Briefly mentioned by Moore is the ineffectiveness of DARE in our school systems. This program has been incorporated in many public-school systems since its inception in 1983. The idea behind DARE was to reduce the rate at which our children consume harmful drugs, focusing mainly on alcohol and marijuana abuse. In theory this was a noble idea, in practice less so. DARE did little to curb the use of drugs in fact, many high schoolers polled anonymously across a meta-analysis indicated that DARE had little to no effect on consumption and perhaps increased. (West and O'neal) Other countries have a markedly different approach to the topic. In Portugal the drug programs in place teach harm reduction and aim at reducing the consumption of various substances low.

The Portuguese version of DARE is called Operational Plan of Integrated Responses or PORI for short according to the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA). This is a public organization that operates within the EU to provide nonpartisan statistics about drug usage within the EU. PORI is an intervention system designed to reduce the actual demand of psychoactive substances within Portugal, it is aimed primarily at students. This program differs from DARE in that they also provide counseling for at risk children and seek to educate parents about the realities of drug usage. This approach is far more hands-on rather than

a health class curriculum. In conjunction with decriminalization, education programs could become more robust and honest with younger generations. The first step to treating abuse is education, we need to take an example from Portugal and teach the tenets of responsibility rather than treating users as criminals.

People are dying because they don't wish to face legal repercussions for actions that are largely out of their control and often make some drug interactions worse for the user when law enforcement is introduced. Researchers J.S. Melo and associates found that "...the impact of law enforcement suggests that police interactions with [people who inject drugs] may increase behavioral risks for injection-driven disease transmission and thereby intensify syndemics." According to medicine.net an open source glossary for medical terms a syndemic is a medical is a series of "health problems involving two or more afflictions, interacting synergistically, and contributing to excess burden of disease in a population." Melo and colleagues came to this conclusion by performing a cross sectional study in three cities, San Francisco, Tijuana, and Vancouver over the course of two years. Their data suggests a strong correlation between previous law enforcement encounters and continued use of intravenous drugs which in turn lead to further health issues. The implications here are staggering, often societal norms would advocate for increased police presence to reduce harm, but this research appears to directly contradict this common theory.

Overall, there is no easy way to tackle drug abuse in America, but the issue is growing at an alarming rate, and the large amount of drug related incarcerations should be reduced if possible. There is strong evidence to support that decriminalization is an option to consider for harm reduction. Portugal is a prime example of a nation in which this is tried and proven to garner results. Portugal's HIV rates from needle sharing have dropped, their alternative to DARE, which provides a more hands-on approach has been met with excellent results and drugs are legal to consume. It seems like an idyllic world, but perhaps we could follow some of their examples. Decriminalization could be a solution to rising drug deaths, unfair processes of law, and reduce harm in our communities.

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