

Decriminalisation of people who use drugs: Reducing harm, improving health, helping the vulnerable and releasing resources

“Criminalisation and incarceration for minor, non-violent offences worsen problems linked to illicit drug use, such as social inequality, violence and infection. Possession and use should be decriminalised and health approaches prioritised.”

- Professor John Middleton, President of the UK Faculty of Public Health

What is ‘decriminalising people who use drugs’?

“Decriminalisation” means removing criminal penalties for people caught possessing illegal drugs for their own use, so it no longer leads to a criminal record, but may still carry a civil penalty - e.g. civil fines, warnings or treatment or education referrals. Some call it ‘diversion’ from the criminal justice system, usually into a health-based response. Decriminalisation can involve changing the law (*de jure*), or be through the police simply not prioritising/enforcing existing drug laws (*de facto*) for some or all illegal drugs. It is important to note that drug production and supply remain illegal, sometimes with the exception of growing cannabis for personal use, or sharing drugs among friends without any profit.

Where has decriminalisation been implemented?

Decriminalisation is permitted under international law, but can vary hugely in the detail. Around 30 countries and over 20 US states have decriminalised possession of small quantities of cannabis or all drugs.¹ In the UK, Durham, and Avon and Somerset police authorities are piloting ‘diversion schemes’ which have a similar effect, as are other forces informally:

- Avon and Somerset Police: Drug Education Programme² those caught with small amounts of any drug for the first time can choose the criminal justice route, or a drug education course.
- Durham Police: Those on the Checkpoint Programme³ avoid prosecution if they complete a 4 month contract requiring no reoffending, community work, restorative justice measures, and work with a ‘navigator’ to address underlying problems.

Who supports decriminalisation?

The list is long, including the UK government’s Advisory Council on the Misuse of Drugs, The British Medical Journal, The Lancet, The Royal Society for Public Health, almost the entire UN system including The World Health Organisation, The UN Office on Drugs and Crime, and UNICEF to name a few.⁴



ANYONE'S CHILD
Families for safer drug control

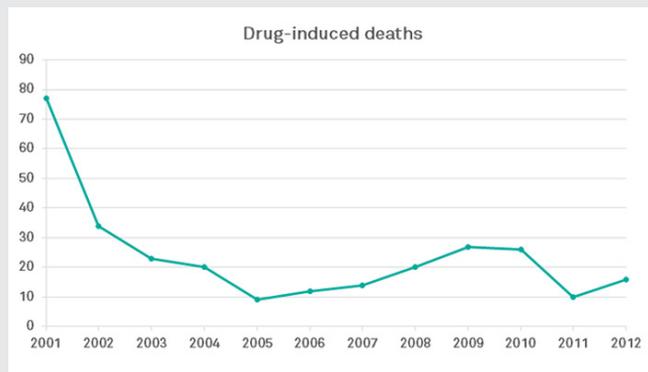
What are the benefits?

Reducing deaths and disease

Criminalisation pushes people into unhygienic environments, needle-sharing and risky, rushed injections, as well as making it harder to provide medical and other measures to reduce harm. This has fueled overdose deaths and epidemics of HIV and hepatitis in many countries.

Case Study - Portugal⁵

Portugal decriminalised drugs for personal use in 2001. People who use drugs are sent to 'dissuasion panels' to guide those in need towards support and treatment. Problematic use, acquisitive crime, and the prison population fell. People felt less stigmatised and more willing to ask for help, and the government could redirect money into health and treatment, while use did not rise significantly. This dramatically cut HIV infections from needle sharing from 1,016 to 56, and drug related deaths from around 80 to 16, between 2001-12. The death rate is now 4.5 per million,⁶ compared with 43.8 per million in the UK.⁷



Reducing discrimination, protecting the young and vulnerable

Most drug arrests result from street stop and search, and "buy and bust" operations. Because people from ethnic minority groups are more likely to live in poor, urban areas where the drug trade is carried out in public between strangers, they are more at risk of arrest than white drug users in leafy suburbs. People from minority backgrounds are then also disproportionately taken to court, convicted and sentenced.⁸ Decriminalisation reduces numbers entering the criminal justice system and has a particularly positive effect on minority groups and young people. So they are guided away from the scarring impacts of the criminal justice system, while reducing the influence of gangs, and boosting police-community relations.

"People from all BAME groups are twice as likely as white people to be stopped and searched. Black people specifically are 4.2 times as likely as white people to be stopped and searched by the police." - Institute of Race Relations⁹

Reducing reoffending, making communities safer

Decriminalisation can prevent crime. In Durham, of those who go through the normal criminal justice route for minor offences, 19% are reconvicted within 12 months, compared with just 4% in 18 months going through the Checkpoint scheme. HM Inspectorate of Constabulary states Checkpoint is "an exceptional offender management system".¹⁰

Wiser use of resources in a time of austerity

"It costs £65,000 to imprison a person in this country once police, court costs and all the other steps are taken into account. After that it costs a further £40,000 for each year they spend incarcerated." - Focus Prisoner Education¹¹

Decriminalisation (or diversion) can be a cheaper way to deliver better outcomes. So the police can keep communities safer with limited resource.^{12, 13}

Does decriminalisation lead to increased use?

The evidence is clear - it does not.¹⁴ The World Health Organisation, European Monitoring Centre on Drugs and Drug Addiction and the UK Home Office have compared countries with different approaches, from decriminalisation to harsh enforcement. They found the deterrent effect of criminalisation to be negligible. Drug use levels are determined by a complex mix of economic, social and cultural factors. So criminalisation does not reduce use, but does increase social and health harms. And harm is what we should really be interested in.

"Looking across different countries, there is no apparent correlation between the 'toughness' of a country's approach and the prevalence of adult drug use." - UK Home Office, International Comparators Report, 2014¹⁵

References

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Transform Drug Policy Foundation is a charitable think tank that campaigns for the legal regulation of drugs both in the UK and internationally.

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