Decriminalization in Portugal – a model for Europe?

9. Internationaler akzept Kongress Frankfurt/M
24. bis 26. September 2009

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Historic Evolution

1970-1974
- Criminal Perspective
  - Consumer Criminal
  - Criminalisation of consumption and traffic

1975-1982
- Clinical and Psychosocial Perspective
  - Consumer Offender
  - Offender
  - Prevention
  - Treatment
  - Social Rehabilitation
  - Criminalisation of consumption and traffic

1983-1999
- Bio-psycho-social Perspective
  - Consumer Health impaired
  - Citizen
  - Prevention
  - Treatment
  - Social Rehabilitation
  - Harm Reduction
  - Dissuasion

2000/…
- Bio-psycho-social and Public Health Perspective
  - Consumer Diseased
  - person in need of treatment
  - Prevention
  - Treatment
  - Social Rehabilitation
  - Harm Reduction
  - Consumption
  - Decriminalisation and decriminalisation of possession of substances of up to 10 days
  - Criminalisation of traffic (and possession of substances for more than 10 days use even if consumer, Supreme Court Sentence 8/2008, August)
THEORIC MODEL

- Drug Addict is viewed as a diseased person
- The intervention provides an opportunity for early, specific and integrated interface with consumers and is target to the person’s characteristics and individual needs

Dissuasion (http://www.wordreference.com/definition/dissuasion)

- Influencing someone to desist by argument or reasoning or entreaty
Law Frame

- Portuguese National Drug Strategy 1999-2004
- Law Decree 130-A/2001, sets the Drug Addiction Dissuasion Commissions
- Administrative Rule 604/2001, creates the Central Registration
- Madeira and Azores Autonomous Regions own Regional Law Decrees

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Purposes and Tools

• Purposes
  – To dissuade consumption
  – To prevent and reduce drug use and abuse
  – To ensure sanitary protection of consumers and the community

• Tools
  – Interface with consumers and drug addicts allows to inform and sensitize consumers for drug consumption risks, to promote health in global terms and consumers social rehabilitation (signalising other situations), to motivate and direct drug addicts to treatment
Indicters presented to DADC are subject to a Psycho-social Evaluation

Social Diagnosis
- Socio-economical and professional situation
- Family relationship
- Life projects and expectancies

Clinical Diagnosis
- Level of drug addiction degree
- Consumption historic (past and present consumption)
- Problem evaluation
DADDC Composition

Nominated by Ministers of Justice and Health

President and two members

Multidisciplinary team:
Psychologists, social service specialists, jurists and administrative personnel

Decision preparatory steps
Motivation steps
Contacts with routing institutions

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<table>
<thead>
<tr>
<th>Results of Indicters presentation to DADC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evaluation and determination of choice of resources</td>
</tr>
<tr>
<td>Motivation steps</td>
</tr>
<tr>
<td>Indicter’s escorting/accompaniment:</td>
</tr>
<tr>
<td><strong>Drug Addicts</strong></td>
</tr>
<tr>
<td>Treatment</td>
</tr>
<tr>
<td><strong>Non Drug Addicts</strong></td>
</tr>
<tr>
<td>Motivation</td>
</tr>
<tr>
<td>Motivation and Escorting to Social Support Community Services</td>
</tr>
<tr>
<td>Escorting to Social Support Community Services without motivation</td>
</tr>
<tr>
<td>Sanctions</td>
</tr>
</tbody>
</table>

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Sanctions

- Monetary fee (not applicable to drug addicts)
- Periodic presentation to DADC
- Apprehension of objects
- Community labour
- Interdiction to attend certain places
- Interdiction to travel overseas
- Measures related to hunting licensing
- Interdiction of managing a subsidy or any monetary benefice given at any title
- Others
Police Authority

DADC
Indicter’s psychological and social evaluation
- Indicter’s audition
- Decision

Motivation steps
- Person’s consumption of drugs in public or in possession of drugs
- Issuance of minutes
- Within 72 hours the indicter must present him/herself to the DADC

DADC
Indicter’s psychological and social evaluation
- Indicter’s audition
- Decision

Other Sanctions

District Authority surveys sanction execution

Archive

Once the time for suspension expires, if there is no reincidence or if the measure/sanction has been fulfilled

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Networking of the structures that supply resources within drug addiction dissuasion in Portugal

- Security Authorities (Police)
- EPTI*
- Treatment Units
- Social Security
- Drug Addiction Dissuasion Commission
- Community Health Centers
- Prevention Activities
- Prisons

* EPTI: Employment and Professional Training Institute
# Primary Indicters Situation in 2008

## Drug Addicts (Total) (622 in 2007)

<table>
<thead>
<tr>
<th>Voluntary Treatment</th>
<th>Treat. Struct.</th>
<th>Health Center</th>
<th>Other</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Time Treatment</td>
<td>140</td>
<td>2</td>
<td>24</td>
<td>125</td>
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<tr>
<td>Renewal of V. Treatment</td>
<td>110</td>
<td>1</td>
<td>13</td>
<td>127</td>
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<tr>
<td>On going Treatment</td>
<td>315</td>
<td>4</td>
<td>52</td>
<td>368</td>
</tr>
</tbody>
</table>

## Non Drug Addicts (Total) (1960 in 2007)

| Motivation and Escorting            | 906            |
| Motivation Only                     | 645            |
| Motivation and Escorting to Social Support Services | 186 |
| Direct Escorting to Social Support Services without Motivation | 139 |

Source: IDT, 2008
<table>
<thead>
<tr>
<th>Category</th>
<th>2001</th>
<th>2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>Processes opened</td>
<td>3304</td>
<td>1287</td>
</tr>
<tr>
<td>Number of Accused</td>
<td>5193</td>
<td>1871</td>
</tr>
<tr>
<td>Number of Convicted</td>
<td>3576</td>
<td>1420</td>
</tr>
<tr>
<td>Trafficker</td>
<td>2161</td>
<td>1370</td>
</tr>
<tr>
<td>Consumer</td>
<td>1240</td>
<td>15</td>
</tr>
<tr>
<td>Trafficker and Consumer</td>
<td>175</td>
<td>35</td>
</tr>
</tbody>
</table>

Source: IDT, 2008
Loi de la Décriminalisation

Procédures de Contre-Ordination avec Décision Punitive, selon l'Année, par le Type de Sanction

- Pécuniaire
- Interdiction de fréquence de certains lieux
- Apresentation périodique dans un lieux a designer par la CDT
- prestation de travail en faveur de la communauté
- Admonition

Source: IDT, 2008
Courts can suspend the criminal process and remit offender to treatment. However, Court procedures take much longer to hear offenders, unlike DADC (72h). Psycho-social evaluation is not done. Motivation and other routing procedures are not accomplished. A criminal record may be imposed. 

Supreme Court Sentence 8/2008, August.
Offenders Condemned, by year, according with situation

Source: IDT, 2008
Thank you for your attention

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