

COMS 160, Spring 2016

Martin

05/18/2016

Exploring Our Topic: Is it right to decriminalize drugs for recreational use for adults?

Part 1

At some point in all of our lives, most of us have been told that drugs are bad. However, society's stance on this subject seems to be changing and it is spurring discussions as to whether or not drugs should be decriminalized, or even legalized. The goal of this paper is to explore whether or not it is right to decriminalize drugs for recreational use for adults. The model of decriminalization focuses on harm reduction, and in order to take a stance, it is important to look at all sides/positions of the topic at hand. This paper explores some of the claims that came out of our class discussions on decriminalization; crime rate, dangers to public safety, incarceration, economics, and rate of drug use/addiction. As many issues arose as a result of these discussions, it is safe to say that, implementing a policy that decriminalizes drugs would be a complicated process.

To begin, it is important to address the many questions that arise from decriminalization pertaining to the potential dangers to both public health and public safety. If drugs are decriminalized, will the result be a rise in use? If there is a rise in use, will that result in an increase of individuals driving while intoxicated? Will more youth experiment with drugs,

resulting in individuals with lower IQs? Will the U.S. create safe rooms, attended by medical personnel for people to use drugs in a safe environment? Will drug-related deaths continue to rise? Do the harms associated with drugs outweigh the suggestion of decriminalization?

To answer these questions, we can examine Portugal's experience, as drugs have been decriminalized there since 2001. There have been varied results of both success and failure there. For example, one report suggests a 27%-36% reduction in the use of marijuana amongst 7-12th grade students. In contrast, another report suggests an increase in marijuana usage among that same group of 150%. With these contrasting reports, it is important to understand bias, and that results from dataset reports depend on how one analyzes and interprets data (2012, Hughes).

There is a common saying that, "money makes the world go round." That statement is applicable to this topic as it is important to forecast the financial impact that decriminalization might have on the U.S. economy. Most would agree that there would be a significant increase in healthcare costs, as enacting this type of policy would mean that there would be a greater need for services such as drug education programs as well as addiction treatment centers. However, some say that the financial implications of enacting public health programs would be outweighed by the savings that would come from freeing up the criminal justice system. In 2007, the United States reportedly spent \$56,373,254 on drug crime (2011, National Drug Intelligence Center). Out of the close to 2 million arrests made in 2005 for drug law violations, over 80% were for possession charges, with the remaining arrests attributed to either the sale or manufacture of drugs (2011, Common Sense for Drug Policy). This suggests that there would be a significant savings on incarcerations alone.

In contrast, others have a different perspective saying that convictions relating to drug possession are not significant contributors to the financial burden that the U.S. currently faces.

One source references that there are 1,315,000 people currently being held in state prisons. Out of this total, 210,200 have been incarcerated on drug crimes, which equates to close to 16% of the prison population. Of this total, 49,100 have been incarcerated for drug possession, which equates to less than 4 percent of the prison population (2015, Goldstein). While this would lead to some cost savings, the margin of savings indicated would be relatively small. Additionally, others suggest that the criminal justice system plays an important role in drug use, and that reductions in mandatory minimum sentences are already underway, which will save costs (2016, Mineta).

Another important issue to discuss is whether or not drug use and drug addiction rates will increase if drugs are decriminalized. Many proponents of decriminalization argue that treating drug use as a public health concern, instead of a criminal concern, will aid in reducing consumption. The United Kingdom's government conducted a comparison between the drug laws of eleven countries, and indicated that there does not appear to be a correlation between the level of drug use and the enforcement, or non-enforcement, against drug possession (2014, Travis). Others argue that the majority of individuals that experiment with drugs do not have addiction problems, so the likelihood of addiction rates increasing would also be small (2013, Greenhut). On the other hand, changing the social norm of the current drug laws could lead to a cultural influence of drug acceptance in society, which may perpetuate availability, possibly contributing to a rise in drug use. In 2008, 52 million Americans used prescription drugs, which are socially acceptable, for non-medical reasons (2010, Klein).

In addition to discussing drug use, an examination of the potential affects that decriminalization model would have on crime is needed. Many are concerned that crime rates would increase if drug usage increases. Some important facts to keep in mind: between 17-18%

of both state and federal prisoners admit to committing crimes to obtain money for drugs. Between 26-32% of these prisoners also admit to drug use when committing their crime. Furthermore, more than half of these prisoners also admitted to using drugs within a month before their offense. (2004, Mumola).

Yet, others believe that decriminalization would free up the criminal justice system to focus on other areas that may be currently overwhelmed. Some examples include; police officers would have more time to investigate cases not related to possession of drugs such as cases of rape and burglary, attorneys and public defenders that are currently overworked current drug cases could take on other types of cases, and correctional resources would also be freed up. As such, crime rates would decrease (1991, Sterling).

Comparative to crime rate is the discussion of drug producers and distributors, in particular, drug trafficking. Eliminating punishment for drug possession will not eliminate the United States' drug supply needs, which means that organized crime would still be prevalent. A major contributor to trafficking problems in the U.S. is Mexico. On an annual basis, Mexican cartels make approximately \$39 billion in profits, and over the past five years an estimated 48,000 people have been killed with relation to drug-violence (2012, Fantz). It is difficult to foresee a change in these numbers without eliminating the need for a drug supply. In a similar fashion, Colombian President, Álvaro Uribe, would like to reverse the 1994 law that allowed adults to possess specific amounts of drugs without facing criminal sanctions. He has openly discussed his feeling that decriminalization has not curtailed Colombia's drug trafficking problems (2009, Youngers).

Unarguably, decriminalization will change how the current drug war is being fought, changing the focus from the user to the distributor. However, in contrast to the previous claims,

some believe that drug decriminalization will result in a more drug savvy public, better preparing individuals to make educated choices about drug consumption which will result in a decrease in the influence of drug cartels. Instead of criminalization, the shift of attention would be towards a health centered approach, focusing on prevention by means of education. Early education has been shown to be important, so prevention would be aimed towards youth with particular importance placed on advertising and positive reinforcement which, in-turn, resulting in a reduction in the prevalence of illicit drugs (2016, Healton).

In conclusion, it is important to be able to look at all sides of an argument before taking a position on any subject. The ability to understand an author's standpoint, to recognize bias, to seek common ground, as well as analyze conflicting information promotes an effective decision making process on any subject. As outlined in this paper, there is a lot of information to disseminate regarding the potential benefits, and ramifications, of drug decriminalization. With the varying claims and counter-claims outlining both sides of the story, it is important to carefully examine all aspects of the subject before coming to a resolution.

Part 2

I believe that it is right to decriminalize drugs for recreational use. At the start of this course, I was ambiguous about decriminalization, as I had never considered it. However, after much research, and after listening to the facts and arguments from my classmates, I believe that decriminalizing drugs is a step in the right direction towards changing America's perception of drugs and drug use. However, I do not feel that decriminalization will solve America's larger drug-related issues. My goal with this paper is to produce detailed information from a variety of

sources to exhibit that there is no conclusive evidence to prove that decriminalization will lead to a decrease in drug use and drug addiction rates. To begin, I will go into detail about my own standpoint and then I will explore my claims, and counter claims, in order to expand on my overall position.

To start, I will provide a little of my own history in order to provide context into my views and perspective towards drugs. I grew up in a strict, middle-class, white home. Both of my parents have mothers that struggled with addiction to alcohol and both of my parents experimented with drugs and alcohol. I grew up having open-ended discussions on an assortment of topics, and I always felt comfortable seeking their opinions as both my mom and dad believed in the importance of communication as a tool for learning. I learned from an early age what they'd learned, how they'd felt, the fun times they'd had, and the consequences they'd faced with regards to drugs. As I went into my teenage years, I was never told that drugs were bad, just that there could be ramifications to experimenting. I have tried marijuana a few times, but I have not experimented with any other type of recreational drug. However, I have been around and seen various levels of drug use and trafficking. For example, my ex-husband was a coyote who would bring undocumented immigrants to the United States, while also trafficking drugs over the border. Additionally, my last boyfriend identifies as a recovering marijuana and methamphetamine addict, sober for eight years. I am now a parent and have decided to continue my parents' legacy of honesty with my own children. I am not naïve to think that they won't ever experiment with drugs and other things throughout their adolescence, but I do think that if I instill them with enough knowledge, that they will be able to make informed choices. I am always telling them to "make smart choices." That statement doesn't just apply to drugs, but it

does make them cognizant of the things they do in their day to day life. I believe that this is how we should approach drug use.

One of the most widely discussed topics pertaining to the decriminalization of drugs in the United States are drug use rates and whether or not there would be an increase in drug use and drug addiction. Currently, there are too many conflicting reports to come to a conclusive decision to prove that there would be a decrease in drug use. Additionally, if the U.S. were to move towards legislation decriminalizing drugs, then citations for possession and mandatory health treatment programs would most likely be required in lieu of criminalization. However, mandatory drug rehabilitation programs are more likely to fail than succeed, therefore drug use and addiction problems would still be prevalent.

To start, I will address drug use and addiction rates. To do this, I will look at other countries to use as comparators in order to analyze their successes or failures with decriminalization. Of the countries that have enacted decriminalization laws, Portugal is perhaps one of the most widely discussed. In 2001, Portugal decriminalized all drugs and no longer enforces criminal penalties for individuals found with possession of drugs for personal-use. Instead, Portugal uses a health-centered approach referring individuals to appear in front of a dissuasion commission that determines what type and level of treatment an individual needs. A determination to move towards a health treatment model was made in large part because Portugal had faced a significant drug abuse problem. Most felt that criminalization was making the drug problem worse and that decriminalization would allow for a better response from the government, as the focus would shift towards treatment and prevention and away from punishment. It was thought that harm would be reduced and resources for treatment would be more readily available for those that wanted it (2009, Greenwald).

There have been varying reports of success in Portugal. One side reports that reports that there has not been “major increases in drug use,” that adolescent drug use has “decreased since 2003,” and that decriminalizing drugs has also “reduced drug-induced deaths” (2015, Drug Policy Alliance, 1-2). On the other hand, these claims are refuted with reports indicating, “increased rates in the 15-24 age group and an even greater increase in the 20-24 population” and that “past-month prevalence figures show increases from 2001 to 2007 in cocaine and LSD use in the Portuguese general population as well as increases in cannabis, cocaine, and amphetamine use in the 15-34 age group.” Additionally, that, “it is safe to say that claims by drug legalization advocates regarding the impact of Portugal’s drug policy exceed the existing scientific basis” (2012, Office of National Drug Control Policy 1-2).

Naturally, you cannot look at one country’s experience to prove a point, so we cannot simply look to Portugal’s example to determine if drug use and dependency would increase. The Drug Enforcement Administration (DEA) published a report titled “Speaking Out Against Drug Legalization,” with the intent of providing information on drug facts and demystifying myths about legalization. Pertinent to this discussion is a section on how “Europe’s more liberal drug policies are not the right model for America” (2010, Drug Enforcement Administration, 62-65). Some facts pointed out in the article are paraphrased below:

- In the United Kingdom, physicians were allowed to prescribe heroin to certain classes of addicts until the mid-1960s. The controlled heroin distribution resulted in a 30-fold increase in the number of addicts in 10 years.
- Liberalization of marijuana laws in Switzerland has produced damaging results as the country became a magnet for drug users from other countries. The country permitted drug use and sales at a part of Plazpitz. By 1992, the number

of regular drug users there reportedly swelled from a few hundred in 1987 to about 20,000.

- The Netherlands has allowed “coffee shops” to offer marijuana for sale since 1976, with certain restrictions and limitations. For example, no more than 5 grams can be sold to an individual at one time, no alcohol or other drugs are allowed to be sold, and no minors are allowed.
- In the Netherlands, after marijuana became normalized, consumption nearly tripled – from 15 percent to 44 percent among 18 to 20 year old Dutch youth.
- Cannabis usage by young people in the Netherlands is higher than average in Europe, with the current cannabis usage being more than double the European average (15 percent versus 7 percent).

These are some staggering numbers, but it is also important to compare drug use rates, arrests, and drug-related deaths to that of other countries. A study comparing European rates to the United States has some interesting results: the U.S. shares the number one spot with Spain with regards to cocaine usage, the U.S. comes in second with regards to cannabis use (Iceland came in first), the U.S. came in first with regards to opioid usage, the U.S. came in first for amphetamine-type stimulant use, the U.S. has the most drug overdose deaths per year, and America comes in second for drug-related arrests per year (2016, RecoveryBrands.com). In my opinion, this means that the United States is not winning its Drug War and that continuing along the same path of criminalization is not the answer to our drug-related struggles.

When speaking of drug use, an equally important topic to address is drug treatment. Mandatory drug treatment programs do not work. Drug addiction is a chronic condition, similar to conditions such as diabetes or high blood pressure. Once an individual has an addiction

problem, it is something that he/she will live with forever. However, not all individuals who use drugs are addicts. In fact, I believe that the majority of individuals that use drugs do not have a dependency problem. Additionally, I would argue that not every individual who uses drugs would need to attend a drug treatment program, regardless of whether they are caught with possession or not. So, I must ask with regards to the decriminalization model, if an individual is caught in possession of drugs, should they be required to seek treatment for drug dependency? It has been disputed that mandatory drug rehabilitation programs are not effective, as making someone seek out treatment that does not have a dependency issue turns rehabilitation into a farce. Results are more effective when someone wants to change, instead of forcing them to change against their will (2013, Fish).

Most people would agree that drug use and drug dependency have been consistent problems in the United States for many years. The War on Drugs has become a hot topic and some argue that prohibition is perpetuating America's drug problem. So I must ask, rather than stigmatizing drug use by condemning drug users to jail or to mandatory drug rehabilitation centers, should we instead move towards acceptance that drug use will always be around? Author Eric Sterling argues that drug use should no longer be considered taboo claiming that, "We need to become a recovering society. Instead of building monuments to individual consumption, we need to build the institutions of community enrichment." He continues, "Drug education is more appropriately drug use education: how to make wise and informed drug use decisions" (1991, Sterling, 631). In other words, what are we going to do to educate ourselves and others in order to make informed decisions regarding the ramifications of drug use?

Others argue that our current justice system is doing a sufficient job at rehabilitating problem users. Reportedly, one-third of the treatment referrals come directly from the criminal

justice system. This would indicate that the current drug policy already addresses public health concerns, as there is already support for drug prevention and treatment” (2016, Mineta). This author also draws a comparison between alcohol and tobacco to that of drug use indicating that drug use percentages stay low because of the fact that they are illegal. Mineta’s standpoint is clear – that drug use would increase if it were to become legalized or decriminalized, which would be detrimental to the public health system that the U.S. already has in place.

A better solution to drug treatment than we have currently is needed. The Office of National Drug Control Policy wrote a fact sheet titled “Cost Benefits of Investing Early in Substance Abuse Treatment.” They state, “survey results indicate that an estimated 23.1 million Americans ages 12 or older needed treatment for substance use in 2010, but only 2.6 million people received treatment at a specialty facility in the prior year.” Furthermore, they argue that, “Intervening early, before drug use or excessive alcohol use progresses to addiction, is among the most cost-effective ways to address substance abuse, reduce its cost to society, and improve public health” (2012, Office of National Drug Control Policy, 1).

Consequently, one must also consider how effective drug treatment really is. The National Institute on Drug Abuse published a reported in which they discuss the effectiveness of drug treatment and also included relapse rates. NIDA argues that the key to rehabilitation is maintaining it. In doing so, individuals will improve important functional psychological and social skills, and that criminal activity will decrease. However, drug addiction is a chronic condition, and relapse is very plausible, with the percentage of patients that relapse after receiving treatment is between 40-60% (2012, National Institute on Drug Abuse).

As evidenced above, drugs are a complex problem. I believe that decriminalization of drugs is the direction that the United States needs to move towards, but that it's a temporary fix, for a larger problem. Drug use is a public health concern and we should work towards taking away the stigma of drug use, and instead educate ourselves in a more informed and logical way. Our society must consider the consequences that drastically changing our drug laws would have on our country. That way, we can move towards making smart, informed choices.

Works Cited, Part 1

Common Sense for Drug Policy. *Drug War Facts*. Canada: Common Sense for Drug Policy, 2007. Web. PDF.

Fantz, Ashley. "The Mexico Drug War: Bodies for Billions" CNN. 15 Jan. 2012. Web. 24 Apr. 2016

Goldstein, Dana. "How to Cut the Prison Population by 50 Percent." *The Marshall Project*. The Marshall Project. 4 Mar. 2015. Web. 14 May 2016.

Greenhut, Steven. "The Scientific Case for Decriminalization." *Reason* 45.6 (2013): 49. *MasterFILE Premier*. Web. 15 May 2016.

Healton, Cheryl. "Un-Marketing Illicit Drugs." United States Senate. Homeland Security and Governmental Affairs." 13 Apr. 2016. Testimony. Web. 14 May 2016

Hughes, Caitlin Elizabeth, and Stevens, Alex. "A Resounding Success or A Disastrous Failure: Re-Examining the Interpretation of Evidence on the Portuguese Decriminalisation of Illicit Drugs." *Drug and Alcohol Review*. 2012: 101-113. *Academic Search Premier*. Web 14 May 2016.

Klein, Michael. "Combating Misuse and Abuse of Prescription Drugs: Q&A with Michael Klein, Ph.D." Consumer Updates. United States Food and Drug Administration, 28 July 2010. Web. 14 May 2016

Mineta, David. "Decriminalization would increase the use and the economic and social costs of drugs." *Americas Quarterly*. n.d. Web. 18 Apr. 2016

Mumola, Christopher J, and Karberg, Jennifer C. "Drug Use and Dependence, State and Federal Prisoners, 2004." *Bureau of Justice Statistics Special Report, 2007*. PDF file.

National Drug Intelligence Center. *The Economic Impact of Illicit Drug Use on American Society*. Washington D.C.: United States Department of Justice, 2011. Web. PDF.

Sterling, Eric E. "What Should We Do About Drugs?." *Vital Speeches of the Day* 57.20 (1991): 626. *MAS Ultra - School Edition*. Web. 11 Apr. 2016.

Travis, Alan, ed. "Eleven countries studied, one inescapable conclusion – the drug laws don't work." *The Guardian*. 29 Oct. 2014. Web. 11 Apr. 2016.

Youngers, C. A., and Walsh, J. M. (2009). Decriminalization: A trend takes shape. *Americas Quarterly*, 3(4), 123-124. Retrieved from

Works Cited, Part 2

Drug Enforcement Administration. "Speaking Out Against Drug Legalization" (2010) Web. PDF file.

Drug Policy Alliance. "Drug Decriminalization in Portugal: A Health-Centered Approach" (February 2015). PDF file.

Fish, Jefferson M. "Rethinking Drug Policy Assumptions." *Humanist* 73.2 (2013): 12. *MAS Ultra - School Edition*. Web. 11 Apr. 2016.

- Greenwald, Glenn. "Drug Decriminalization in Portugal. Lessons for Creating Fair and Successful Drug Policies" Cato Institute, 2 Apr. 2009. Web 11 Apr. 2016.
- Mineta, David. "Decriminalization would increase the use and the economic and social costs of drugs." *Americas Quarterly*. Web. 18 Apr. 2016
- National Institute on Drug Abuse. "Principles of Drug Addiction Treatment: A Research-Based Guide (Third Edition)." U.S. Department of Health and Human Services, 2012. Web 23 Apr. 2016.
- Office of National Drug Control Policy. "Cost Benefits to Investing Early In Substance Abuse Treatment." Office of National Drug Control Policy. 23 May 2012. Web 24 Apr. 2016
- Office of National Drug Control Policy. "Drug Decriminalization in Portugal: Challenges and Limitations." Office of National Drug Control Policy, 25 Aug. 2010. Web 24 Apr. 2016.
- Recoverybrands. "Drug Use in America vs. Europe." *Recoverybrands.com*. Web. 14 May 2016.
- Sterling, Eric E. "What Should We Do About Drugs?." *Vital Speeches of the Day* 57.20 (1991): 626. *MAS Ultra - School Edition*. Web. 11 Apr. 2016.