

Decriminalisation and Dissuasion

*October 16-18, 2023
San José, Costa Rica*



SICAD

Serviço de Intervenção nos
Comportamentos Aditivos
e nas Dependências



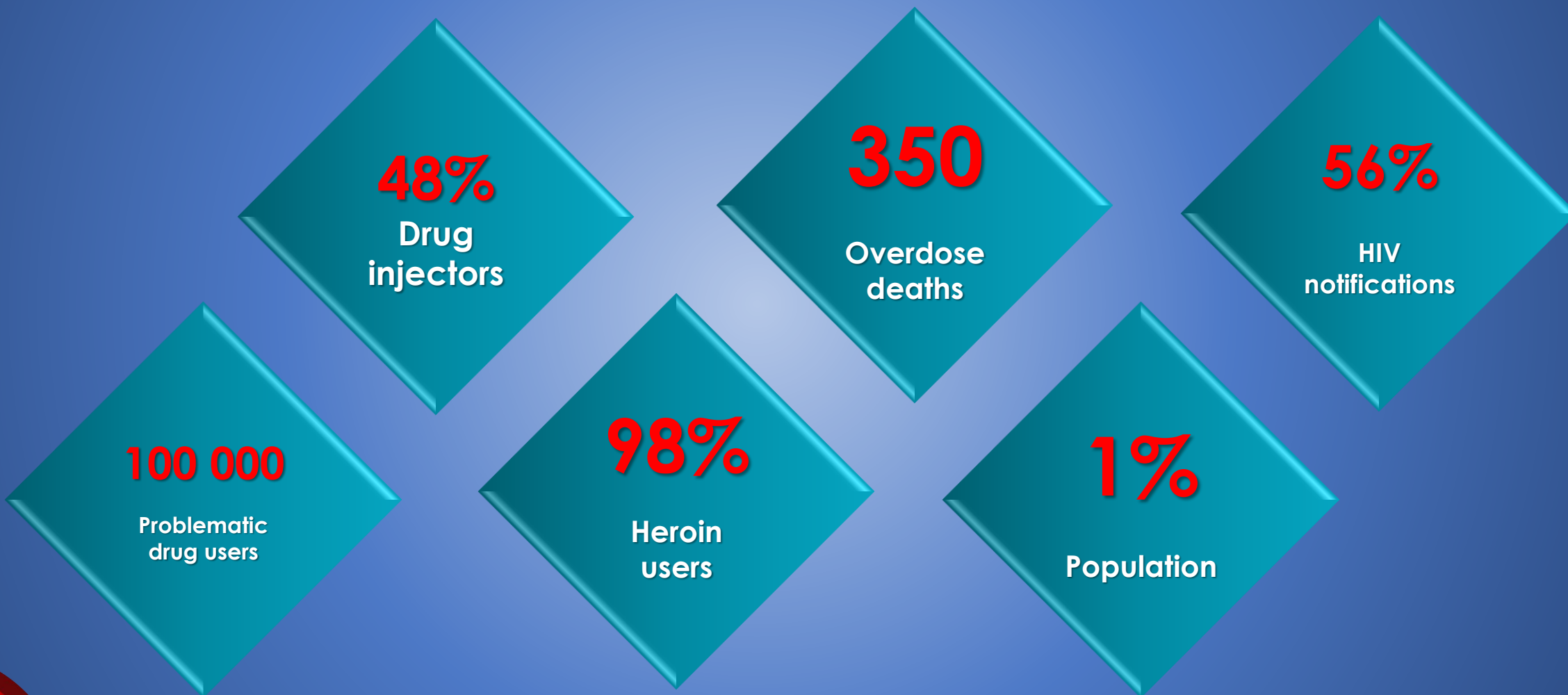
**REPÚBLICA
PORTUGUESA**

SAÚDE

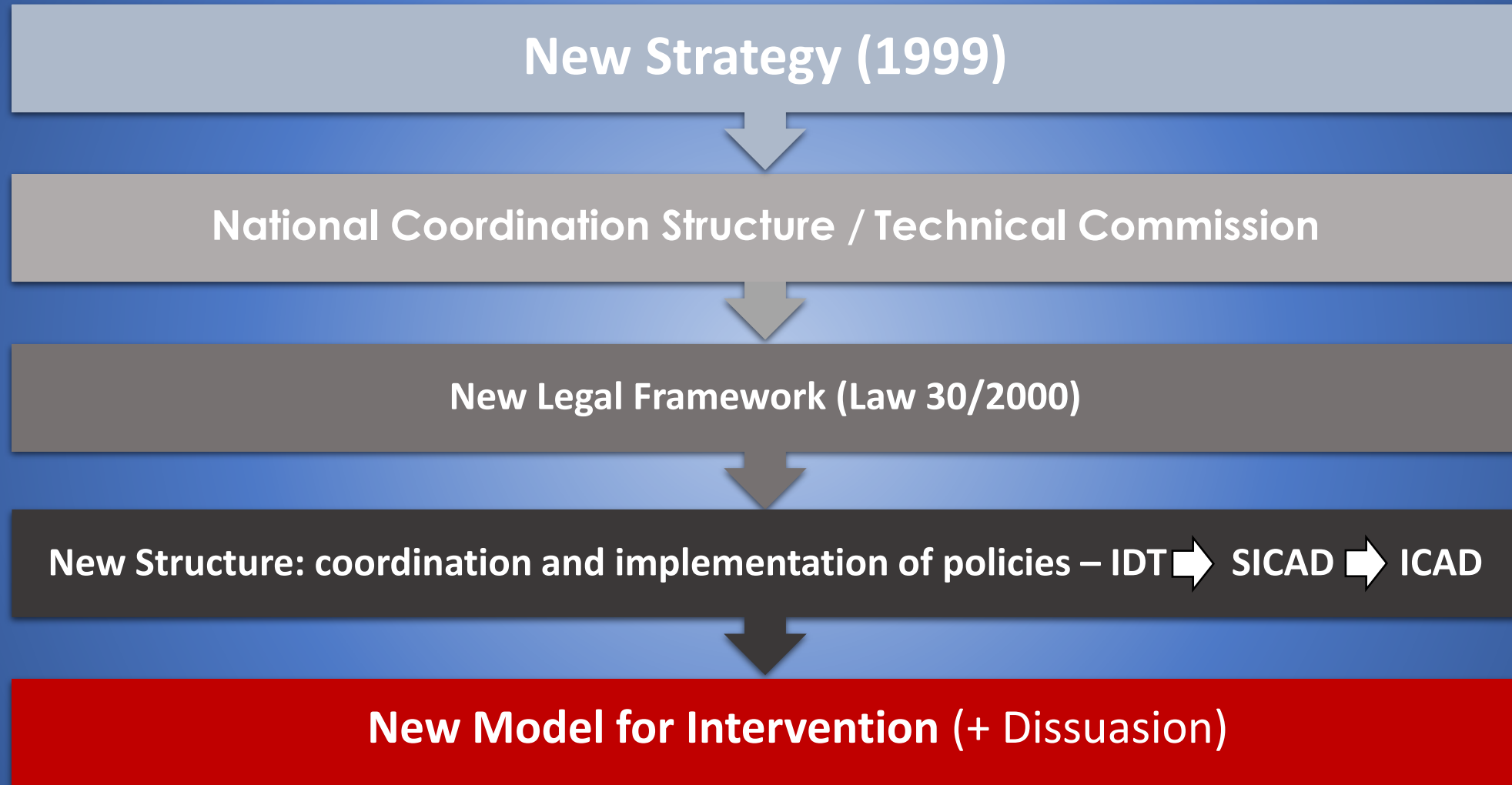
Américo Gegaloto
Commission for the Dissuasion of Drug Addiction of Setúbal

www.sicad.pt

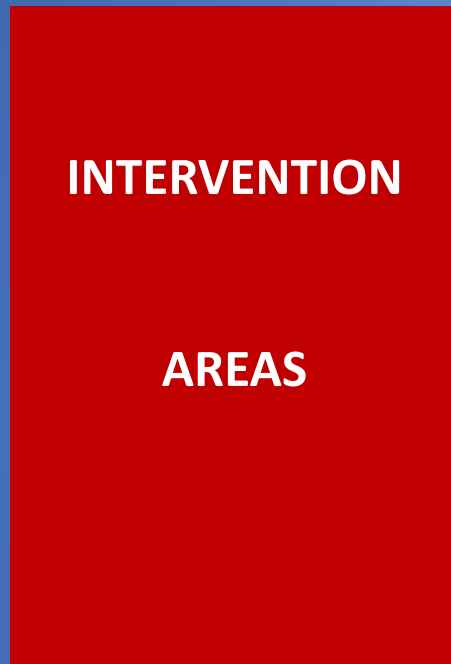
MAIN CONCERN OF THE PORTUGUESE POPULATION



1999 Portuguese National Strategy Against Drugs



The strategy works as a global intervention:



- Prevention
- Dissuasion **(NEW – DECRIMINALISATION)**
- Harm Reduction
- Treatment
- Social Reintegration



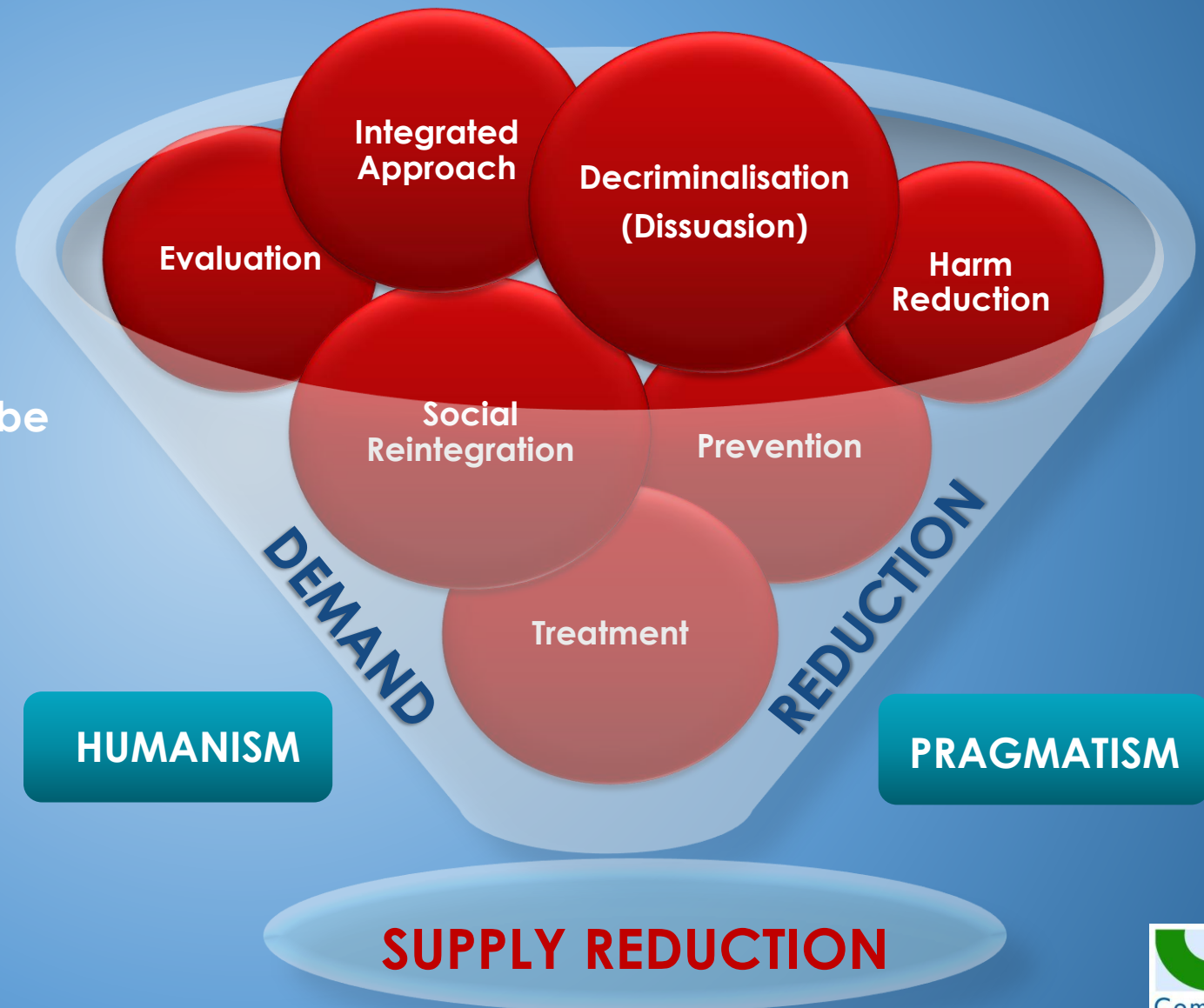
Portuguese National Strategy created:

New approach, “rather treat than punish”

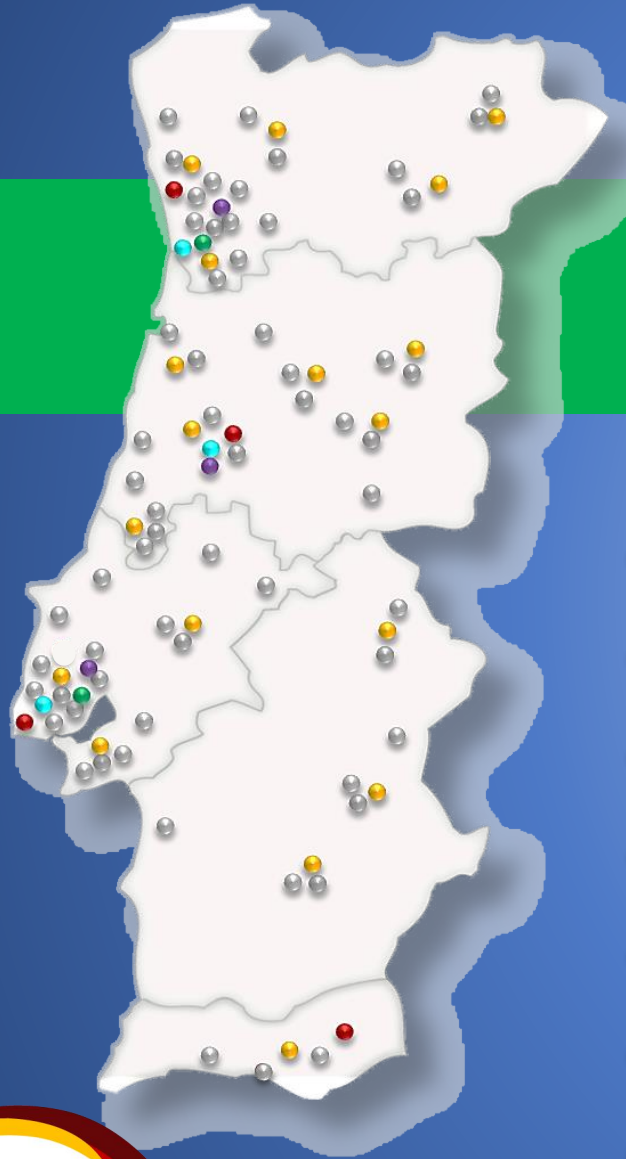
1999

1st PORTUGUESE NATIONAL STRATEGY AGAINST DRUGS

Decriminalisation of drug use should be understood as one measure in the comprehensive drug policy.



Portuguese Public Treatment Network



A National Health Service
Five Geographic Areas

- 22 CRI – Integrated Units (Treatment, Harm Reduction, Prevention and Reintegration)
- 45 - Drug Treatment Teams (and 27 more outpatient units)
- 3 CT – Therapeutic Communities (56 beds +1516 beds under convention)
- 4 UD – Detoxification Units (44 beds +75 beds under convention)
- 2 CD – Day Centers
- 3 UA – Alcohol Units (with Outpatient and Inpatient Care)
- 18 CDT – Commissions for the Dissuasion of Drug Addiction

Portuguese Decriminalisation

It aims to ban the consumption of illicit substances from the criminal field, which can either lead to non-sanction or to the imposition of an administrative sanction.

Drug possession in Portugal is prohibited and considered an administrative offence, in line with the UN conventions rules.

Law 30/2000 of 29 November

Defines the legal framework applicable to the consumption of narcotics and psychotropic substances, together with the medical and social welfare of the consumers of such substances without medical prescription.

Decree-Law 130-A/2001 of 23 April

Establishes the organization, process and operating system of the Commissions for the Dissuasion of Drug Addiction.

Law 55/2023 of 8 September (entered into force on 01 October 2023)

Clarifies the penalty regime for possession of drugs for consumption, regardless of quantity and establishes regular deadlines for updating regulatory, by amending Decree-Law 15/1993 of 22 January, and Law 30/2000 of 29 November

Link: <https://www.sicad.pt/EN/Dissuasao/SitePages/Home%20Page.aspx>

The consumption, acquisition and possession for own consumption of plants, substances or preparations constitutes an administrative offence and can not exceed the quantity previewed for individual use for a 10 days period.

Exceeding this quantity, criminal procedures take place

The drug addict is considered a person in need of health and social care

The dissuasion intervention provides an opportunity for an early, specific and integrated interface with drug users

The dissuasion intervention is aimed and targeted at the drug user's characteristics and individual needs

Flyer - What You Should Know

PHASES OF THE ADMINISTRATIVE PROCEEDING

Law n.º 30/2000, of November 29th

POLICE AUTHORITIES

- ▶ IDENTIFICATION OF THE INDIVIDUAL THAT IS CONSUMING; BUYING OR IN THE POSSESSION OF 'DRUGS'
- ▶ DISPATCH OF THE POLICE REPORT TO THE COMMISSION FOR THE DISSUASION OF DRUG ADDICTION OR TO THE COURTS

CDT

- ▶ OPENING OF THE ADMINISTRATIVE PROCEEDING
- ▶ CONSUMER PROFILE EVALUATION
- ▶ PROPOSAL FOR INTERVENTION AND / OR REFERRAL FOR SPECIALISED SUPPORT

HEARING DECISION

Provisional suspension of proceedings or application of sanctions

FILE OF PROCEEDINGS

After the end of the period of provisional suspension of proceedings or after compliance with the sanction.

Since the entry into force of Law 30/2000, more than 109.000 drug users have passed through the CDT, most of them young people.

About 20% were identified as high risk consumers or addicts and referred to specialised support in the treatment of addiction

Most consumers indicted in an administrative proceeding are not addicts, however, they are at risk..

The intervention carried out by CDT teams can make all the difference in their lives, providing an opportunity to make informed choices.

CONTACTS

SICAD

General Directorate for Intervention on Addictive Behaviours and Dependencies

E-mail: sicad@sicad.min-saude.pt | Site: www.sicad.pt

[sicad_portugal](https://www.instagram.com/sicad_portugal) [f SICADPortugal](https://www.facebook.com/SICADPortugal) [SICAD Portugal](https://www.youtube.com/SICADPortugal)



Commission for the Dissuasion of Drug Addiction



WHAT YOU SHOULD KNOW

Flyer - What You Should Know

The consumption, the possession and the acquisition for personal consumption of narcotics and illicit psychoactive substances gives place to the opening of an administrative proceeding by the Commissions for the Dissuasion of Drug Addiction (CDT), services within the Ministry of Health, existing in each district capital.

THE CONSUMPTION OF "DRUGS" IS ILLEGAL

The Commissions are constituted by specialized teams in intervention in addictive behaviours and dependencies and have legal decision-making powers on the administrative proceeding.

Their mission is to enforce the Decriminalisation Law n.º 30/2000, of November 29th, that aims the dissuasion of consumption, health promotion and the accountability of the consumer towards his behaviour.

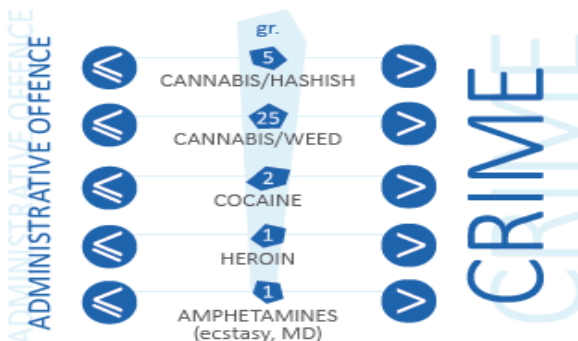
DECriminalISATION IS DIFFERENT FROM DEpenALISATION AND LEGALISATION

The detection of consumption, of possession and/or acquisition of illicit psychoactive substances by police authorities requires the identification of the consumer, the elaboration of a police report of the occurrence and his notification to appear at the CDT of the district of his residence.

Consumers may attend accompanied by legal counsel or therapist, but minors under the age of 18 must attend accompanied by legal representative.

If the quantities apprehended exceed the average individual consumption during a 10 day period, there is the suspicion of crime and the process takes place in the courts.

THE DISTINCTION BETWEEN ADMINISTRATIVE OFFENCE AND CRIME IS EVALUATED IN GRAMS



Source: Order Nº 94/96, of March 26

The CDT evaluate the consumer profile and motivation to stop / reduce the consumption of psychoactive substances, promoting at the same time a reflection on the risks associated with these consumptions in their life context.

KNOW TO BETTER DECIDE

It is important to know the reasons why he consumes and the effects of the substances, which differ, for example, according to: quantity, frequency, quality/ adulteration of the product, the route of consumption, context, age and physical and psychological situation of the consumer.

'DRUG' CONSUMPTION IS RISKY AND SHOULD BE CONSIDERED

NOT ALL CONSUMERS ARE ADDICTS, BUT ALL ADDICTS STARTED WITH OCCASIONAL CONSUMPTION

According to the consumer profile, specialised support may be proposed.

Access to addiction prevention consultations, specialised addiction treatment programs, harm and risk reduction programs, among other health and / or social services is provided.

After the hearing on the facts described in the police report, the consumer /indicted in the administrative proceeding takes cognisance of the decision.

The law provides for the application of measures (suspensive and sanctioning) depending on the situation in which the consumer/ finds himself and the circumstances in which the infraction occurred.

The humanist principle of the law defends the provisional suspension of the process as an opportunity for reflection and change regarding the consumption of psychoactive substances.

The penalties provided for include, among others, the payment of a fine, the compulsory presentation at a place to be determined or the provision of free services to the community.

DISSUASION
AN OPPORTUNITY TO CHANGE

Commissions for the Dissuasion of Drug Addiction

Professionals in the 18 Commissions

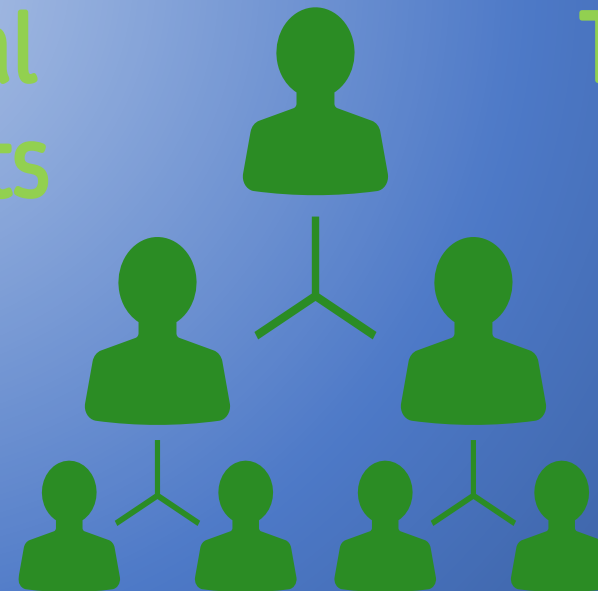
Total
Professionals



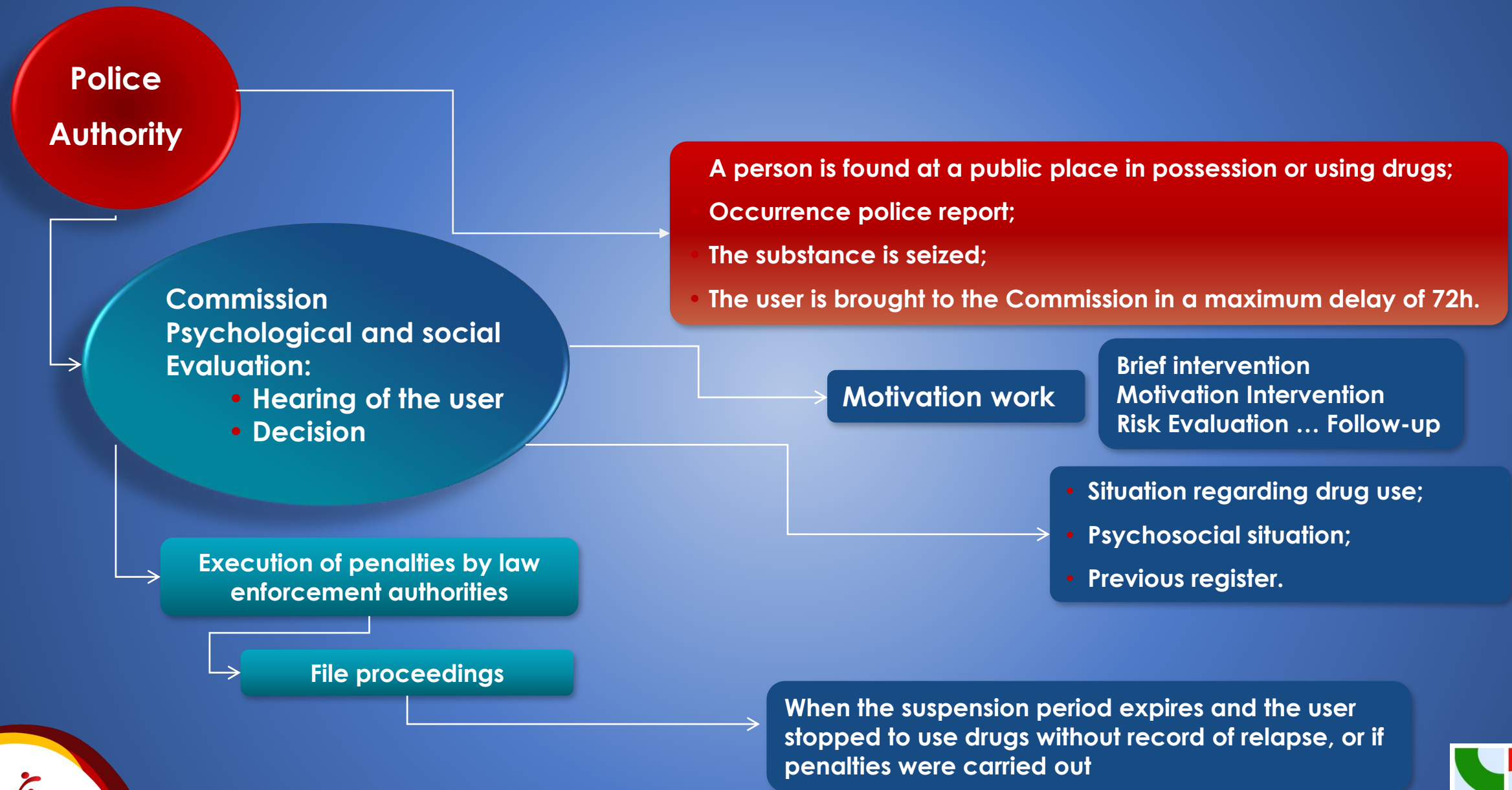
Members
30

Technical
assistants
28

Technicians
30



Dissuasion – How It Works



Dissuasion – Decisions and Sanctions

- Provisional Process Suspension;
 - Periodic Presentation to the Commissions for Dissuasion of Drug Addiction or Health Center or Addiction Treatment Centre;
 - Warning;
 - Community Service;
 - Forbiddance of attending certain places;
- Apprehension of objects;
 - Interdiction to travel abroad;
 - Interdiction of receiving subsidies or other monetary social grants;
 - (...)
 - Monetary fee.

Effects of Intervention in Dissuasion, based on CDT activity - 2016

Effects of Intervention in Dissuasion, based on CDT activity - 2016

CHANGES
Information about SPA consumption
SPA consumption standard
Lifestyle

Stage I

First Presentation
825 participants

Stage II

Archiving proceedings
336 participants

Perception of the effects of Dissuasion on your life

Information on consumption of illicit substances → **78%**
52% greater awareness of the risks involved
26% greater knowledge about its effects

SPA consumption standard → **66%**
41% abandonment of consumption
25% reduce the use of drugs

Lifestyle → **70%**
39% greater concern about healthy lifestyle
31% devaluation of the role of drugs in their life

Perceived importance and utility of CDT
89% consider CDT important or very important as an alternative to the courts



SOURCE: Carapinha et al. 2017 (National Report – 2016)



SATISFACTION SURVEYS

(2018 / 2019)

OBJECTIVE

In 2018 and 2019, anonymous self-report satisfaction surveys were carried out in 18 CDT in mainland Portugal, with the aim of evaluating the level of satisfaction of the indicted drug users regarding the dissuasion intervention.

METHOD

The surveys had several specific targeted questions, to be answered according to the satisfaction scale. The satisfaction surveys were applied by the CDT, after hearing and technical interview at the end of the indicter's appearance before the CDT.

PARTICIPANTS

The target population was adult offenders with administrative proceedings who came to the CDT and agreed to participate during the stipulated periods:

- 2018 from 15th October to 15th November
- 2019 from 22nd July to 22nd November

TOTAL SURVEYS APPLIED

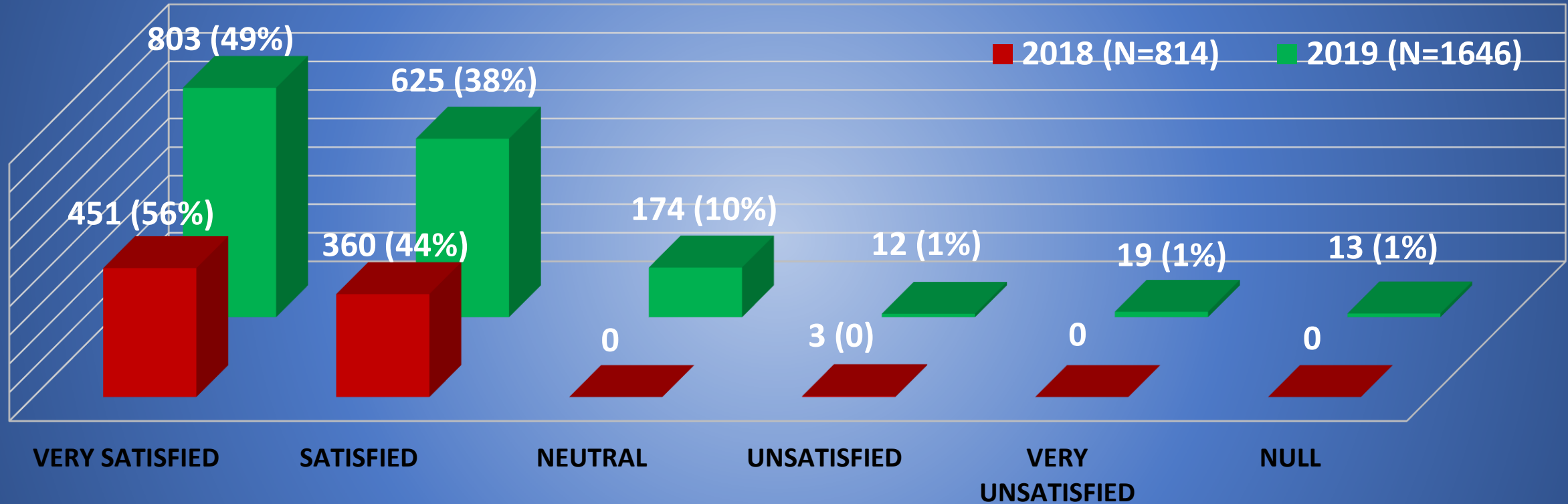
814

2018

1646

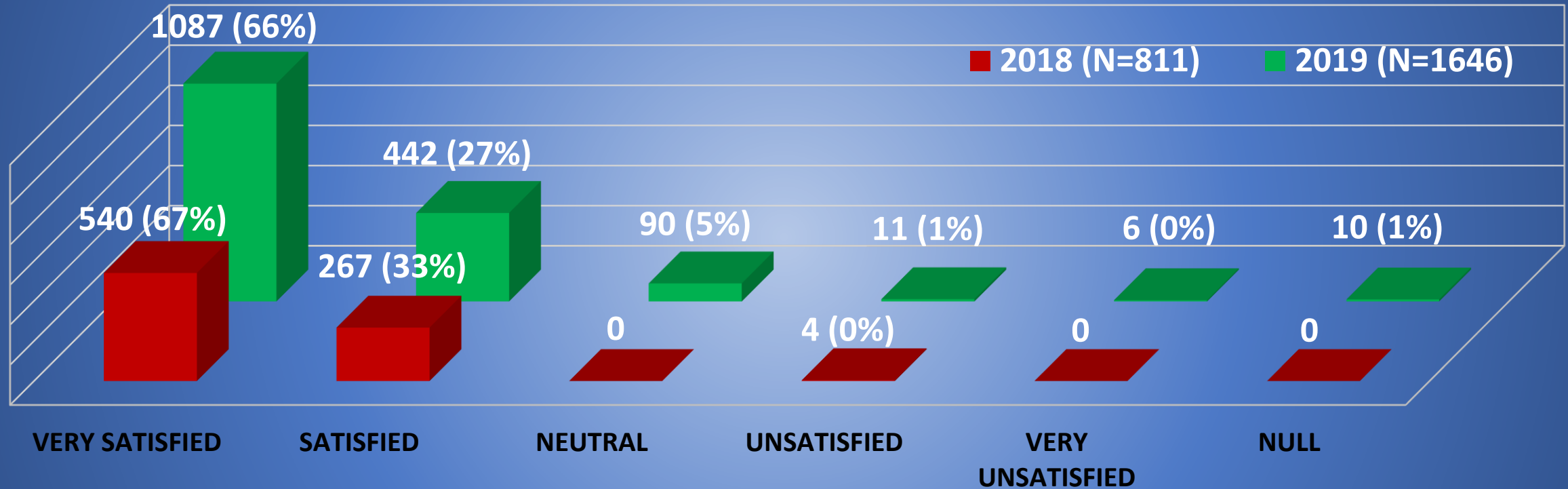
2019

USEFULNESS OF INFORMATION PROVIDED ON DECRIMINALISATION AND ON THE ADMINISTRATIVE OFFENCE PROCEDURE



SOURCE: 2018 and 2019 Evaluations of surveys on the level of satisfaction of the drug users of the CDT

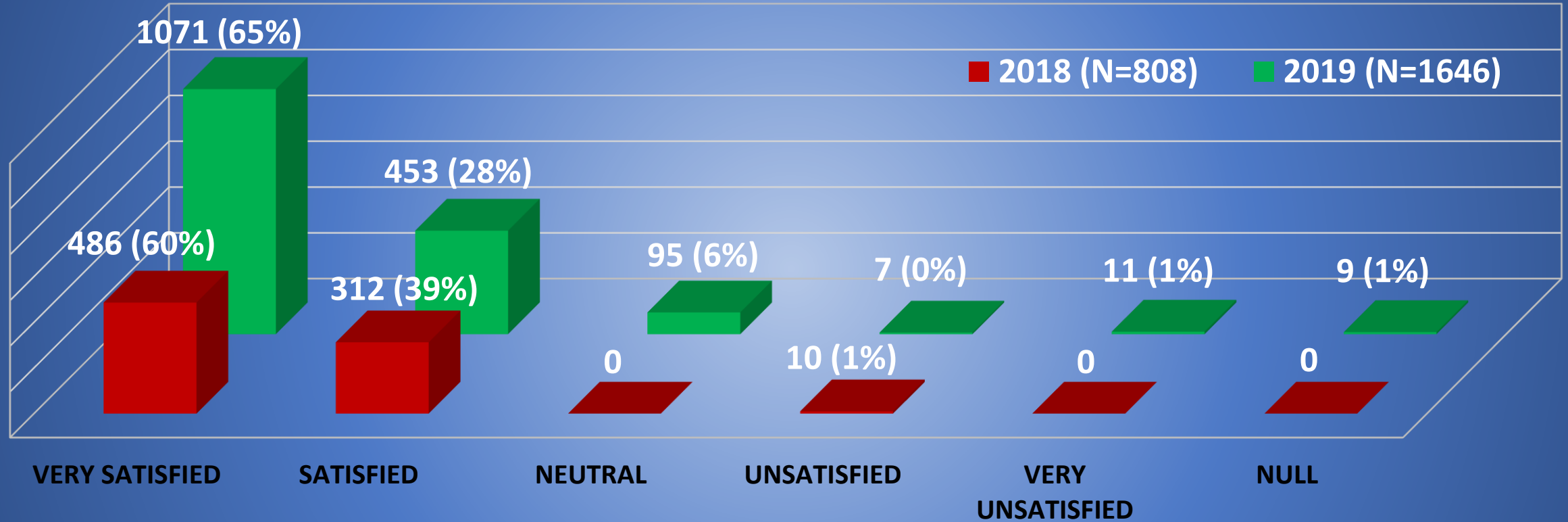
CLARITY OF INFORMATION PROVIDED ON THE RISKS AND CONSEQUENCES ASSOCIATED WITH THE USE OF PSYCHOACTIVE SUBSTANCES



SOURCE: 2018 and 2019 Evaluations of surveys on the level of satisfaction of the indicted drug users of the CDT

Quality of Intervention in Dissuasion, based on CDT activity – 2018/2019

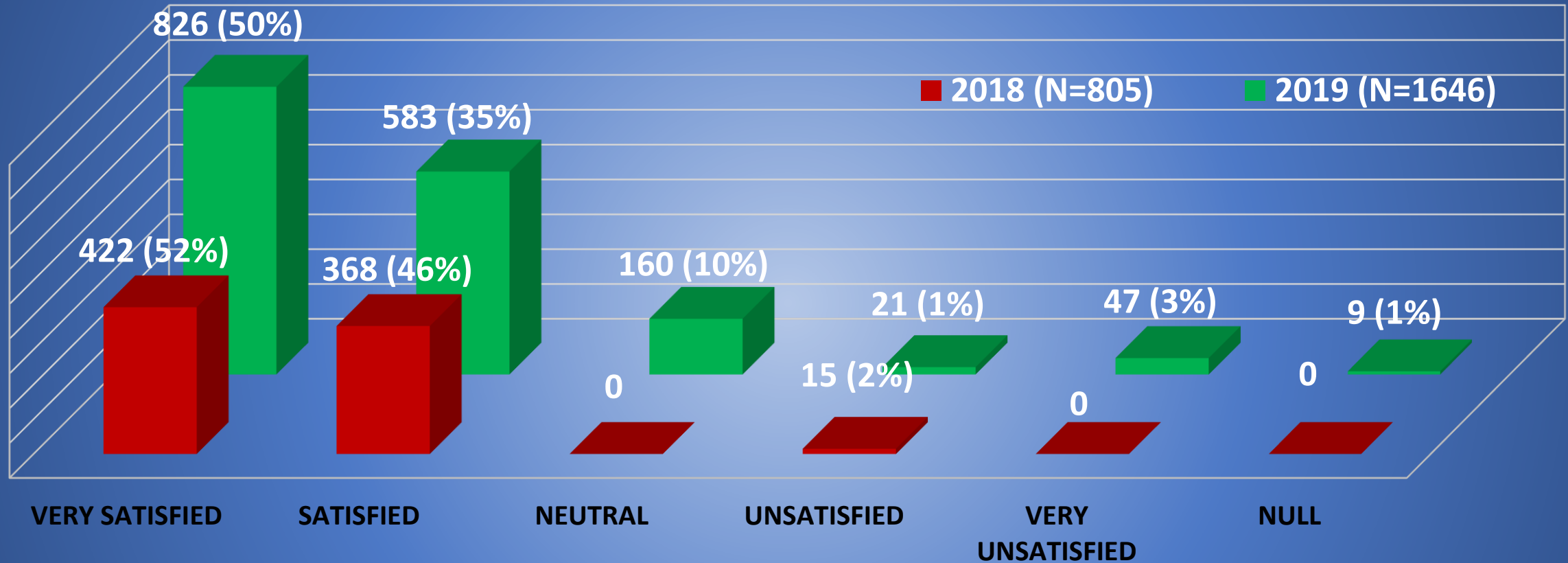
QUALITY OF THE SUPPORT PROVIDED BY THE CDT IN THE MOTIVATION TO SOLVE PROBLEMS RELATED TO THEIR DRUG USE



SOURCE: 2018 and 2019 Evaluations of surveys on the level of satisfaction of the drug users of the CDT

Quality of Intervention in Dissuasion, based on CDT activity – 2018/2019

THE CDT CONTRIBUTION TO THE REFLECTION ON POSSIBLE CHANGES IN YOUR LIFE



SOURCE: 2018 and 2019 Evaluations of surveys on the level of satisfaction of the drug users of the CDT

CONCLUSIONS

Overall, it is important to highlight the high level of satisfaction of the indicted drug users with the quality of the service provided by the CDT, with percentages obtained in the Very Satisfied and Satisfied categories with values above 85% in the years 2018 and 2019.

In fact, the Commissions continue to be perceived by the target population to whom they as quality services in terms of trust, transparency and welcoming, but also the effectiveness of the interventions, promoting in the individual an awareness of his/her conduct, capable of reinforcing or enabling critical reflection on possible, but significant, life changes.

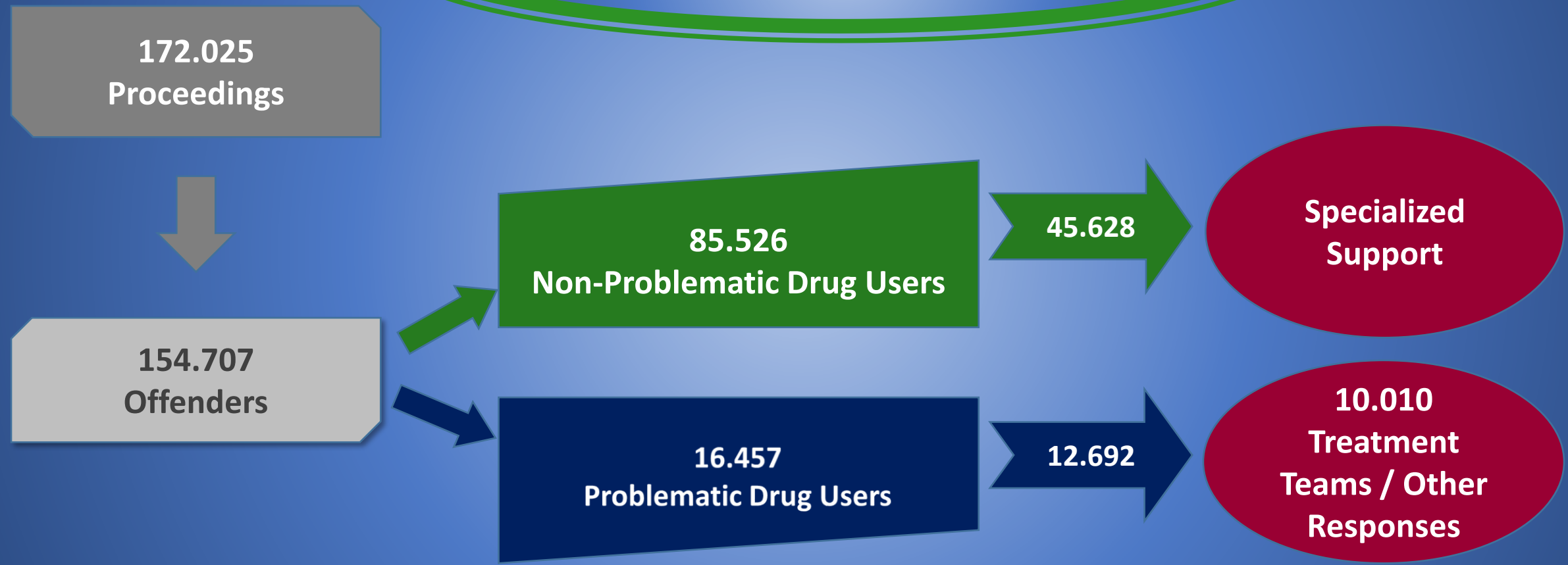
Instruments for Intervention in Dissuasion

**Multidisciplinary
Team for the
Coordination of
Dissuasion area
(EMCAD / SICAD)**

- Harmonization of Legal Procedures
- Technical Guideline for Intervention in Dissuasion and ASSIST Application (LOID)
- Technical Guidelines for Low-Risk Intervention
- Guidelines for Dissuasion Administrative Procedures
- Semiannual Monitoring Intervention of the Dissuasion Model
- Monitoring and Harmonization of the Management System and Process Information (database)
- Diagnosis of Cooperation needs between Commissions and Strategic Stakeholders
- Assessing the degree of Satisfaction of offenders/users
- Pilot Study on the Effectiveness of Brief Interventions and ASSIST Application

Intervention in Dissuasion since 2001

Effects of Intervention in Dissuasion 2001 - 2021

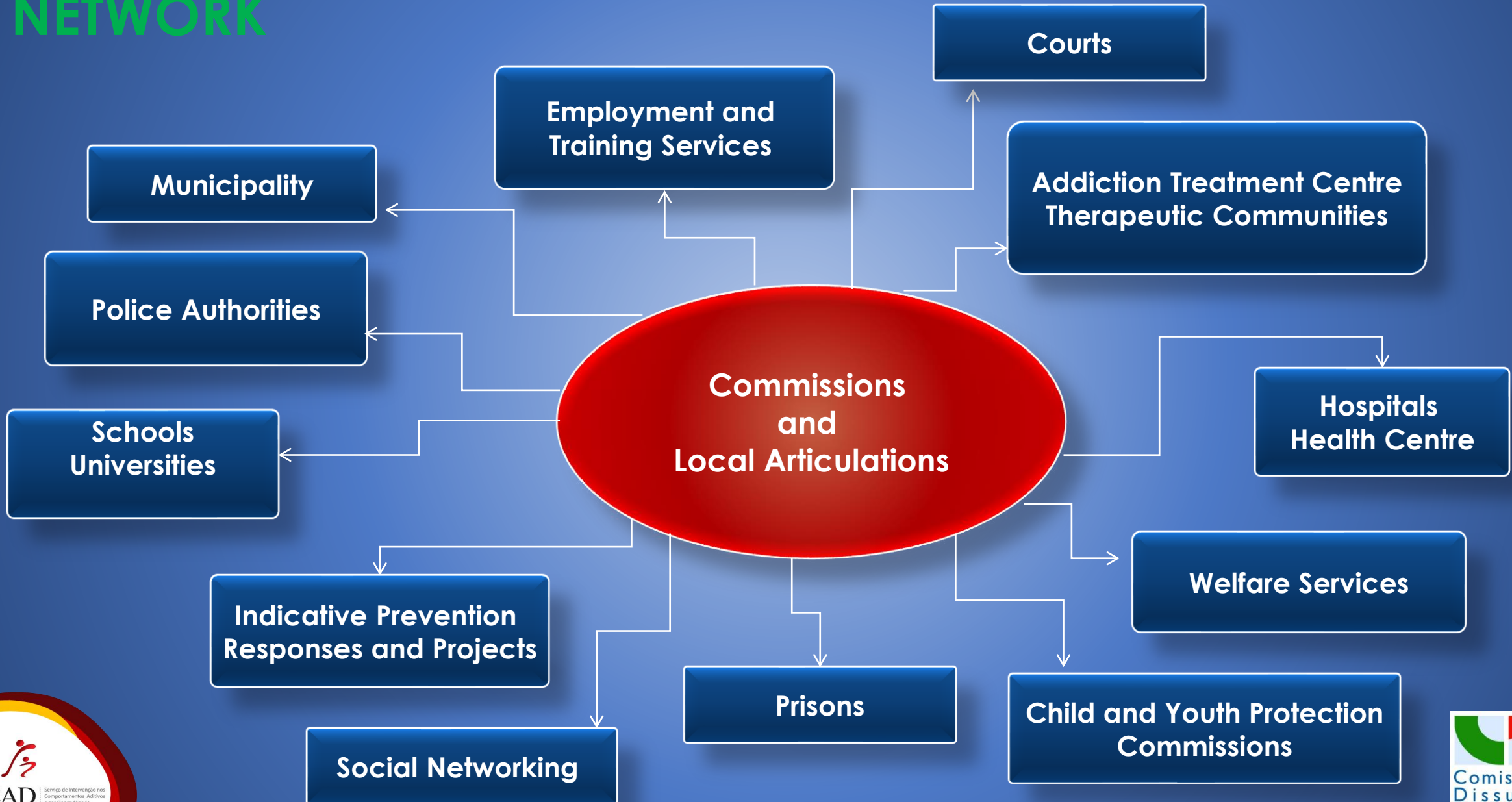


SOURCE: SICAD / EMCAD / CDT



Commissions for the Dissuasion of Drug Addiction

NETWORK



1998 – The Problem ... Today

02%
Drug
injectors

74
Overdose
deaths

02%
HIV notifications

33 200
Problematic drug
users

17%
Heroin users

0,33%
Population

SOURCE: Annual National Reports

Trends since 2001

Small increases reported on illicit drug use amongst adults

Reduced burden of drug offenders on the criminal justice system

Reduction in opiate-related deaths and infectious diseases

Increase in the amounts of drugs seized by the authorities

Reduction in illicit drug use among adolescent, since 2003

Reduction in the prevalence of injecting drug use

Reduced stigmatization of drug users

Reduction in the public burden caused by drugs

Objectives achieved in the intervention

- Consolidation of the social representation of problematic drug user as a patient
- Identification of new consumption profiles and need for new responses
- Alignment of actions and interventions with defined objectives
- Assessment of compliance with national objectives and targets
- Monitoring and evaluation of intervention
- Improvement in the quality of the intervention
- Greater and better harmonization of procedures and articulations
- Expansion of dissuasion intervention
- Identification of good practice
- Data production and scientific evidence

Additional Conclusions

- Decriminalization did not led to an increase of drug use
- Decrease of recent users among general population
- Increase of treatment demand, also among cannabis users
- Decrease of problematic users
- Reduction of drug related deaths and infectious diseases
- Decrease of social stigma over drug users

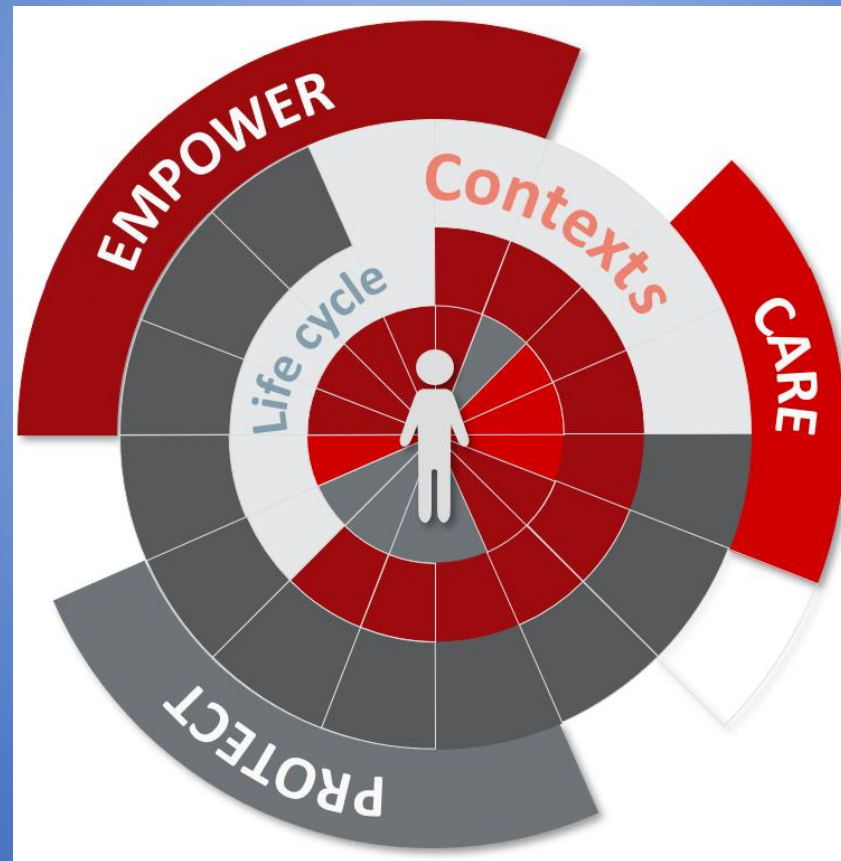
National Plan for the Reduction of Addictive Behaviors and Dependencies 2030

Action Plan for the Reduction of Addictive Behaviors and Dependencies Horizon 2024

EMPOWER

CARE

PROTECT



THANK YOU FOR YOUR ATTENTION

AMÉRICO GEGALOTO



americo.gegaloto@sicad.min-saude.pt