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## On the preventative effect of sanctions for drug crime. The United States, Germany, and Portugal

### O prewencyjnych skutkach karania za przestępstwa narkotykowe. Perspektywa Stanów Zjednoczonych, Niemiec i Portugalii

**Abstract:** One of the most discussed types of crime in Western countries is the use and sale of illegal drugs, especially hard drugs. The debate has become more heated over the few last years in the context of controversies over migration from the south to the north and an intensification of drug dealing. On the one hand, we find an increasing acceptance of soft drugs, while on the other hand, conservative groups argue for harsher punishment to reduce the problem. This chapter discusses the developments in the USA, Germany, and Portugal and raises doubts about the effectiveness of more and harsher punishment on crime prevention.

**Keywords:** drug policies, development of drug crime, crime prevention, effect of harsh punishment, alternatives to punishment, treatment instead of punishment

**Abstrakt:** Używanie oraz sprzedaż narkotyków, szczególnie narkotyków twardych, jest jednym z najszerszej omawianych rodzajów przestępczości w krajach zachodnich, który jednocześnie budzi najczęściej kontrowersji. Debata wokół tej kwestii zyskała na znaczeniu w ostatnich latach w związku z nasileniem krytyki migracji z krajów globalnego Południa do krajów globalnej Północy i wzrostem

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zjawiska handlu narkotykami. Z jednej strony widać rosnącą akceptację używania narkotyków miękkich, z drugiej jednak grupy konserwatystów rozwiązanie problemu używania i sprzedaży narkotyków widzą w zaostrzeniu sankcji karnych. Niniejszy tekst omawia te zjawiska na przykładzie Stanów Zjednoczonych, Niemiec oraz Portugalii, podając w wątpliwość prewencyjne skutki zaostrzenia kar.

**Słowa kluczowe:** polityka narkotykowa, rozwój przestępczości narkotykowej, prewencyjny efekt surowego karania, alternatywy wobec karania, terapia zamiast kary

## Summary

Internationally, the reaction to crime has been mostly punitive, and if the punishment is seen as ineffective it is intensified. This typically also applies to the response to illegal drugs. The dramatic increase in US incarceration rates beginning in the early 1980s was a result of the ‘War on Drugs’. In spite of the persistently high imprisonment rates, drug-related offences remain high in that country. In 2001, Portugal chose a different way to address drug crime by decriminalising drug use – not, however, the trafficking of illegal drugs. Instead of criminal punishment, drug users are referred to treatment programmes and receive support in newly established centres. The data today clearly show there are benefits to this non-punitive reaction to drug consumption; international analyses reveal that Portugal has comparatively low rates of drug addiction and saves on the costs of incarceration. In the current European debate on migration, the perceived danger of increased crime – particularly drug-related crime – due to the significant number of immigrants is used to argue for borders to be closed. However, the debate is not always based on scientific data and it distorts the controversy over drug policy in, for instance, Germany. A comparative analysis of the United States, Germany, and Portugal shows that more tolerant drug policies can result in considerable gains in public health without significant increases in drug consumption and drug-related harms.

## 1. Crime, punishment, and crime prevention

Since the emergence of the state, punishment has commonly been considered to be the most efficient means to correct socially unacceptable – particularly delinquent – behaviour. In the Middle Ages, for example, extremely cruel forms of punishments, actually torture, were used to reduce crime – with no significant effect on the crime rate. Even to this day, as soon as there is an increase in reported crime, calls for tougher laws and harsher punishments are made, and then are eagerly taken up by politicians. This is the case despite the fact that research has consistently

shown that harsher punishment is not an effective approach to crime prevention.<sup>1</sup> For instance, Dölling et al. conclude in their large meta-analysis of research on deterrence, ‘there are cases where deterrence can influence behaviour – the death penalty, however, does not seem to belong to these measures. Consequently, the theory of negative general prevention is unsuitable as a basis of legitimizing all sanctions.’<sup>2</sup>

The greater public pressure on politicians today to implement stricter laws must be viewed in the context of changing social conditions, such as the opening of national borders within the European Union and the wave of refugees arriving from war-torn countries or of those with a lack of economic opportunities.<sup>3</sup> Increasingly, people have the feeling that the situation is becoming too complex to be managed by politicians and they believe the only solution to lie in more punitive measures towards those perceived to be responsible for the present problems. Meanwhile, the European Union is considered to be in crisis mode because politicians of the various member states cannot find a joint solution for the ‘refugee problem.’<sup>4</sup> The integration of current refugees is particularly problematic in Eastern European countries, a situation which is likely to lead to increased punitiveness in the public debate.<sup>5</sup>

Politicians in particular, under pressure to present fast solutions and ‘results’ to have a chance at re-election, are influenced by media reporting.<sup>6</sup> The media, on the other hand, are interested in increased ratings or sales and are therefore driven to present ‘interesting’ and ‘shocking’ reports.<sup>7</sup> Hassemer, a former judge

<sup>1</sup> H. Kury, *Mediation, restorative justice and social reintegration of offenders. The effects of alternative sanctions on punishment* [in:] H. Kury, S. Redo, E. Shea (eds.), *Women and Children as Victims and Offenders. Background, Prevention, Reintegration. Suggestions for Succeeding Generations. Vol. 2*, Springer, Heidelberg–New York 2016, p. 249; H. Kury, E. Shea (eds.), *Punitivity. International developments. Vol. 3, Punitiveness and Punishment*, Universitätsverlag Dr. N. Brockmeyer, Bochum 2011.

<sup>2</sup> D. Dölling, H. Entorf, D. Hermann, T. Rupp, *Meta-analysis of empirical studies on deterrence* [in:] H. Kury, E. Shea (eds.), *Punitivity. International developments. Vol. 3...*, op. cit., p. 374.

<sup>3</sup> W. Klaus, M. Lévy, I. Rzeplińska, M. Scheinost, *Refugees and asylum seekers in Central European countries. Reality, politics and the creation of fear in societies* [in:] H. Kury, S. Redo (eds.), *Refugees and Migrants in Law and Policy. Challenges and Opportunities for Global Civic Education*, Springer, Heidelberg–New York 2018.

<sup>4</sup> H. Kury, S. Redo (eds.), *Refugees...*, op. cit.

<sup>5</sup> W. Klaus, I. Rzeplińska, D. Woźniakowska-Fajst, *Punitivity in Polish law, public opinion, and penal policy* [in:] H. Kury, E. Shea (eds.), *Punitivity. International Developments. Vol. 2, Insecurity and Punitiveness*, Universitätsverlag Dr. Brockmeyer, Bochum 2011, pp. 245–268; C. Zarafonitou, *Punitiveness, fear of crime and social views* [in:] H. Kury, E. Shea (eds.), *Punitivity. International Developments. Vol. 2...*, op. cit.

<sup>6</sup> T. Hestermann, *Fernsehgewalt und die Einschaltquote. Welches Publikumsbild Fernsehschaffende leitet, wenn sie über Gewaltkriminalität berichten*, Nomos, Baden-Baden 2010; idem, “Violence against children sells very well”. *Reporting crime in the media and attitudes to punishment* [in:] H. Kury, S. Redo, E. Shea (eds.), *Women and Children as Victims and Offenders Background, Prevention, Reintegration. Suggestions for Succeeding Generations. Vol. 1*, Springer, Heidelberg–New York 2016.

<sup>7</sup> Idem, *Refugees and migrants in the media. The black hole* [in:] H. Kury, S. Redo (eds.), *Refugees...*, op. cit.

and vice-president of the German Constitutional Court, summarised the problem as follows: 'Between the two poles of security and freedom, penal law, like other aspects of our life, has for some time been moving toward security. In this movement, penal law becomes tougher, but it does not become better. It includes increasingly complicated prohibitions, more severe laws, longer sentences, increased police powers for their investigation, reductions in guarantees to protect the rights of suspects and to spare the innocents because they would slow down the investigation and trial. This answers the increasing fear of modern societies of uncontrollable risks, a heightened need for control, of normative disorientations where certainties fade on which we previously could blindly rely on'.<sup>8</sup> Thus, the call for tougher sanctions takes on a substitute function to reduce uncertainties that may have nothing to do with crime.<sup>9</sup>

The United States, with its particularly harsh penal system, has generated extensive research showing the minor or ineffectual impact of punitive approaches.<sup>10</sup> States with harsher punishment and high incarceration rates do not have lower crime rates than others; nor do states that practice the death penalty.<sup>11</sup> Counties within a state, such as California, that vary in their approaches to the implementation of 'three-strikes laws' do not have significant differences in crime rates. Therefore, the effect of this measure to reduce crime is either small or missing.<sup>12</sup>

Another example which demonstrates the missing crime reduction effect of harsh punishment is Finland. After World War II, Finland had three times the incarceration rate of Norway, Denmark, or Sweden. In response to the immense costs of incarceration the country changed its penal policies over the decades to follow and reduced their incarceration rate to the level of these neighbouring Nordic countries. There was no specific crime-increasing effect in the country during or following that period. Crime did increase, but to degrees similar to those in other western industrial countries.<sup>13</sup>

<sup>8</sup> W. Hassemer, *Warum Strafe sein muss. Ein Plädoyer*, Ullstein, Berlin 2009, p. 285.

<sup>9</sup> H. Kury, *Mediation...*, op. cit., p. 250.

<sup>10</sup> H. Kury, A. Kuhlmann, *Is punishment the best way to reduce crime. How important are alternatives?* [in:] P. Schäfer, E. Weitekamp (eds.), *Establishing Victimology. Festschrift for Prof. Dr. Gerd Ferdinand Kirchhoff. 30<sup>th</sup> Anniversary of Dubrovnik Victimology Course*, Hochschule Niederrhein, Fachbereich Sozialwesen, Möchengladbach 2014, p. 329ff.

<sup>11</sup> *Death Row inmates by state and size of death row by year*, Death Penalty Information Center, 1.07.2018, <https://deathpenaltyinfo.org/death-row-inmates-state-and-size-death-row-year> [access: 9.02.2019]; J. Winterdyk, D. King, *Perspective on punitiveness for adult offenders. Contrasting Canada and the United States* [in:] H. Kury, E. Shea (eds.), *Punitivity. International Developments. Vol. 3...*, op. cit.

<sup>12</sup> *Does More Imprisonment Lead to Less Crime?*, Center on Juvenile & Criminal Justice, San Francisco 2008, p. 1.

<sup>13</sup> T. Lappi-Seppälä, *Changes in penal policy in Finland* [in:] H. Kury, E. Shea (eds.), *Punitivity. International Developments. Vol. 1, Punitiveness – a Global Phenomenon?*, Brockmeyer, Bochum 2011, pp. 251–287.

Globally, several meta-analyses and literature reviews suggest a null effect of punitive measures on offenders.<sup>14</sup> Special prevention without a considerable rehabilitation effort is also unsuitable as grounds for legitimising all sanctions.

Not only does this empirical research clearly show that the effects of harsh punishment are minor or non-existent,<sup>15</sup> but measures to prevent crime – especially incarceration or the death penalty – are also expensive. Additionally, incarceration has many negative side effects on offenders their families, children, and communities.<sup>16</sup> Offenders lose their jobs, so their families often have no income. Prisonization effect describes the negative impact of incarceration on prisoners; they become, for instance, involved in subgroups of offenders with negative consequences, contact with their families become strained or weakened, and their children are often stigmatised by their peers.<sup>17</sup>

Consequently, the current public controversy regarding drug offenders, especially drug users, is whether drug offenders should be seen as addicts in need of help and treatment or as offenders who should be punished. The development of reactions to drug abuse varies significantly between countries, but overall they are changing, including in the United States.

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<sup>14</sup> E.g. S. Aos, P. Phipps, R. Barnoski, R. Lieb, *The Comparative Costs and Benefits of Programs to Reduce Crime*, Washington State Institute for Public Policy, Olympia 2001; T.C. Pratt, F.T. Cullen, *Assessing macro-level predictors and theories of crime. A meta-analysis* [in:] M. Tonry (ed.), *Crime and Justice. A Review of Research*. Vol. 32, University of Chicago Press, Chicago 2005, pp. 373–450; P. Smith, C. Goggin, P. Gendreau, *The Effects of Prison Sentences and Intermediate Sanctions on Recidivism. General Effects and Individual Differences* (User Report 200201), Public Safety and Emergency Preparedness Canada, Ottawa 2002; M. Lipsey, F. Cullen, *The effectiveness of correctional rehabilitation. A review of systematic reviews*, “Annual Review of Law and Social Science” 2007, Vol. 3, Iss. 1, pp. 279–320, DOI:10.1146/annurev.lawsocsci.3.081806.112833; D.A. Andrews, J. Bonta, *The Psychology of Criminal Conduct*, Matthew Bender, New Providence, NJ 2010.

<sup>15</sup> H. Kury, *Führen härtere Strafen zu weniger Kriminalität? Über den zweifelhaften Wert eines kriminalpolitischen Konzepts* [in:] K. Boers (ed.), *Kriminologische Perspektiven. Wissenschaftliches Symposium zum 70. Geburtstag von Klaus Sessar*, Waxmann, Münster [et al.] 2012, pp. 227–250.

<sup>16</sup> O. Robertson, K. Christmann, K. Sharratt, A.H. Berman, M. Manby, E. Ayre, L. Foca, R. Asiminei, K. Philbrick, C. Gavriluta, *Children of prisoners. Their situation and role in long-term crime prevention* [in:] H. Kury, S. Redo, E. Shea (eds.), *Women and Children as Victims and Offenders. Background, Prevention, Reintegration. Suggestions for Succeeding Generations*. Vol. 2..., op. cit., pp. 203–232; C.R. Allen, *The impact of sanctions on child and female offenders* [in:] H. Kury, S. Redo, E. Shea (eds.), *Women and Children as Victims and Offenders. Background, Prevention, Reintegration. Suggestions for Succeeding Generations*. Vol. 2..., op. cit., pp. 173–202.

<sup>17</sup> B. Maelicke, S. Suhling (eds.), *Das Gefängnis auf dem Prüfstand. Zustand und Zukunft des Strafvollzugs*, Springer, Wiesbaden 2018.

## 2. Drug policies in the United States

Worldwide, we regularly hear calls for harsher punishment in an effort to control crime, especially drug-related crime. This strategy is recurrent in the United States, even if the country's history clearly shows that punishment alone is ineffective. In the early 20<sup>th</sup> century, for instance, the government tried to reduce the existing alcohol problem by prohibiting the production, import, and sale of alcohol with the Volstead Act and the 18<sup>th</sup> Amendment to the Constitution (Prohibition).<sup>18</sup> The effect, however, was an increase in organised crime, high rates of alcohol smuggling, and a loss of tax revenue to the state. The combined effects were so dire that the prohibition of alcohol was rescinded in 1933 (the 21<sup>st</sup> Amendment). Alcohol consumption did decrease in the period following these changes, though.<sup>19</sup>

Other mind-altering substances were commonly used throughout the 19<sup>th</sup> century without gaining much attention. Opium, morphine, cocaine, and marijuana were readily available as over-the-counter drugs for a variety of health problems, including colds or teething in babies.<sup>20</sup> This had changed by the end of the 19<sup>th</sup> century, when the number of addicted people had increased significantly. The first policy to outlaw narcotics, the Harrison Tax Act, was passed in 1914. Its name illustrates the importance of attempting to collect revenue as part of the justification for passing this legislation.<sup>21</sup>

The 1950s saw increasingly punitive legislation towards drugs, with laws introducing mandatory sentencing, such as the Boggs Act in 1951. The Narcotic Control Act 1956 further tightened penalties and introduced the option of the death penalty in cases of heroin sale to minors. Towards the end of the 1970s, the popularity of drugs such as cocaine and methamphetamines continued to grow. In response to the continued increase in drug use, the 1970 Comprehensive Drug Abuse Prevention and Control Act represented the first effort to control all drugs through enforcement. A year later, in 1971, President Nixon declared the 'War on Drugs', which at that time emphasised treatment over enforcement. This policy was reversed in the 1980s when Reagan's punitive 'War on Drugs' focused on interdiction and deterrence rather than on treatment. This policy coincided with a backlash to the Civil Rights movement and led to a skyrocketing of incarceration among African-Americans. The 'New Jim Crow' became established through racial disparities in arrest rates, conviction rates, and length of sentences during the so-called 'crack epidemic'

<sup>18</sup> E. Goode, *Drugs in American Society*, McGraw-Hill, New York, NY 2015.

<sup>19</sup> S. Belenko, C. Spohn, *Drugs, Crime, and Justice*, Sage, Los Angeles, CA 2015.

<sup>20</sup> E. Goode, *Drugs...*, op. cit.; D.F. Musto, *The American disease. Narcotics in nineteenth-century America* [in:] P.A. Adler, P. Adler, P.K. O'Brien (eds.), *Drugs and the American Dream*, Wiley-Blackwell, Chichester, West Sussex, UK 2012.

<sup>21</sup> S. Belenko, C. Spohn, *Drugs...*, op. cit.

in the 1980s.<sup>22</sup> President George H.W. Bush further escalated the ‘War on Drugs’ with spending increases – again, for enforcement, not treatment.<sup>23</sup>

Mandatory minimum sentences in particular expanded drug convictions and increased the incarceration rates of African-Americans disproportionately and dramatically. These policies were criticised for their excessive severity and inflexibility with sometimes surreal results, turning judges into sentencing machines.<sup>24</sup> In the 1990s, two other policies aggravated the draconian laws: ‘truth in sentencing’, aimed at curbing or abolishing parole, and ‘three strikes laws’, which sentences violent felons with two prior felony convictions to life imprisonment – the previous convictions could be for violent or drug-related crimes. These policies led to more and longer prison sentences, resulting in what became known as ‘mass incarceration’ and high levels of prison overcrowding.<sup>25</sup>

The punitive policies of this system are not limited to incarceration, however, but continue beyond release from prison. Prisoners, and in many states former convicts, are not allowed to vote. Job application forms in the US include a question regarding the applicant’s criminal history and most employers conduct criminal background checks for applicants, which makes it exceedingly difficult for former convicts to find any employment at all. The punitive laws disproportionately affect the poor, women, and minorities.

The ongoing racial tensions and historical inequities in US society are therefore quite obvious in the criminal justice system. Today, African-Americans make up 13% of the country’s population but are incarcerated in state prisons at a rate of over 5 or even 10 times that of whites. This disproportion rises to 50% of the prison population being black in some southern states.<sup>26</sup> This means that, statistically, 1 in 3 African-American males will be incarcerated during his lifetime, compared to 1 in 6 for Hispanic males and 1 in 17 for white men.<sup>27</sup> The incarceration rates vary

<sup>22</sup> M. Alexander, *The New Jim Crow*, The New Press, New York, NY 2012; V. Kappeler, G.V. Potter, *The Mythology of Crime and Criminal Justice*, Waveland Press, Long Grove, IL 2018.

<sup>23</sup> C. Mosher, S.M. Akins, *Drugs and Drug Policy. The Control of Consciousness Alteration*, Sage, Los Angeles, CA 2014.

<sup>24</sup> K. Beckett, T. Sasson, *The Politics of Injustice. Crime and Punishment in America*, Sage, Thousand Oaks, CA 2004, pp. 166–168.

<sup>25</sup> J. Austin, J. Irwin, *It’s About Time. America’s Imprisonment Binge*, Wadsworth, Belmont, CA 2001.

<sup>26</sup> A. Nellis, *The Color of Justice. Racial and Ethnic Disparity in State Prisons*, The Sentencing Project, 2016, <https://www.sentencingproject.org/wp-content/uploads/2016/06/The-Color-of-Justice-Racial-and-Ethnic-Disparity-in-State-Prisons.pdf> [access: 9.02.2019]; see the discussion of high incarceration rates of indigenous people in Canada: W.D. McCaslin (ed.), *Justice as Healing. Indigenous Ways*, Living Justice Press, St. Paul, MN 2005; K.G. Malone, *Nearly half of youth incarcerated across Canada are Indigenous. Statistics Canada*, The Globe and Mail, 24.06.2018, <https://www.theglobeandmail.com/canada/article-nearly-half-of-youth-incarcerated-across-canada-are-indigenous/> [access: 9.02.2019].

<sup>27</sup> T. Bonczar, *Prevalence of Imprisonment in the U.S. Population, 1974–2001*, U.S. Department of Justice, Bureau of Justice Statistics, Washington, D.C. 2003.

by states, but the national average for blacks is 1,408 per 100,000 while whites are incarcerated at a rate of 275 per 100,000.<sup>28</sup> Women, particularly African-American women, are the fastest growing subgroup, with an increase of 716% since 1980.<sup>29</sup> This finding is particularly noteworthy because the drug use rates of African-Americans is similar to, or – except for marijuana – even lower than that of whites.<sup>30</sup> The impact of these high incarceration rates of African-American males has devastating consequences for their families and communities.<sup>31</sup> These disproportionately high incarceration rates for African-Americans are directly related to the ‘War on Drugs.’

Controversies over drug use and the most effective handling of associated problems, such as addiction and crime, are common in most countries, but especially in Western countries. What is distinct in the United States is the history of the debate over drug policy, which can be delineated along three main themes. One theme concerns the view that a particular drug poses a serious threat to society. This theme has an emotional appeal in its overreaction to the dangers of the drug in question and it distorts the numbers of people affected. This pattern is referred to as ‘moral panics’ or ‘drug scares’ and has contributed significantly to the enactment of more punitive laws.<sup>32</sup> A second, related theme is the association of specific ethnic or social groups with a particular drug, justifying the scapegoating of and subsequent discrimination against this group. The third theme is an overarching debate: the medical/public health approach versus the criminal justice approach. The medical perspective views addiction as a disease so drug users are not directly blamed; advocates focus on prevention and treatment. The punitive perspective, in contrast, sees addiction as a behavioural problem where individuals make the free choice to take drugs and to violate the law. Consequently, addicts are thought to be able to stop using if they wish and should be punished through the criminal justice system if they do not do so.<sup>33</sup> Either way, the focus is on the individual user rather than possible underlying social, economic, or political conditions.

Internationally, the high incarceration rate in the United States is well-known – 2.2 million people were imprisoned in various types of correctional facilities in 2017. One-fifth of this population has been convicted of drug crime, the largest

<sup>28</sup> A. Nellis, *The Color...*, op. cit.

<sup>29</sup> R. Bohm, K. Haley, *Introduction to Criminal Justice*, McGraw-Hill, New York, NY 2017; P. Wagner, B. Rabuy, *Mass Incarceration. The Whole Pie 2017*, Prison Policy Initiative, <https://www.prisonpolicy.org/reports/pie2017.html> [access: 9.02.2019].

<sup>30</sup> P. Temin, *The Vanishing Middle Class. Prejudice and Power in a Dual Economy*, MIT Press, Cambridge, MA–London 2017; C. Mosher, S.M. Akins, *Drugs...*, op. cit.

<sup>31</sup> M. Mauer, M. Chesney-Lind, *Invisible Punishment. The Collateral Consequences of Mass Imprisonment*, The New Press, New York, NY 2002.

<sup>32</sup> P.A. Adler, P. Adler, P.K. O’Brien (eds.), *Drugs...*, op. cit.; M. Moore, *The Legacy. Murder and Media, Politics and Prisons*, Films for the Humanities, 2003.

<sup>33</sup> S. Belenko, C. Spohn, *Drugs...*, op. cit., p. 2.

category of felony convictions – many of these are non-violent offences. Another 4.5 million people are on parole or probation. This means 6.8 million citizens are under the supervision of the criminal justice system, a population characterised by drastic racial, ethnic, and socio-economic disparities. The underlying reasons for these global outlier rates in incarceration are specific policies which focus particularly on drug and repeat offenders. The most important of these policies is generally referred to as the ‘War on Drugs.’ The most prevalent difference between the US and other industrialised countries, though, is the high level of social inequality.<sup>34</sup> In the past and currently, drug policies in the US have been intertwined with conflicts over changing and reconstituting race, class, and gender relations.<sup>35</sup> Since the late 19<sup>th</sup> century, the debate in the United States on drug policy has predominantly followed two models: the punitive approach, which sees drug addiction as a moral failing – as a personal choice – and, consequently, these individuals as deserving punishment; and the treatment approach, which sees addiction as a medical issue and argues that structural factors and mental health issues are important contributing factors. In the past the punitive model prevailed, but given new research and a new type of drug problems, it remains to be seen whether this paradigm is changing.<sup>36</sup>

The quest for effective drug policies has gained new urgency with the latest drug crisis in the US, which is changing public attitudes and policy trajectories towards drugs and addiction because it is so extensive and it affects different demographic groups than past ones. Today, 2.4 million Americans are addicted to opioids. In 2016, 11.5 million people misused prescription opioids and 116 Americans died daily from opioid-related drug overdoses – a total of 42,250.<sup>37</sup> The number of overall drug overdose deaths for the 12-month period ending in June 2017 was 66,817, a 16.3% increase over the previous year. The rates vary extensively between states.<sup>38</sup> Opioid-related death is now the leading cause of death for citizens under 50 years of age in the country.<sup>39</sup> Today, 80% of global pharmaceutical opioids are consumed

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<sup>34</sup> R. Shelden, *Our Punitive Society. Race, Class, Gender and Punishment in America*, Waveland, Long Grove, IL 2010; J. Reiman, P. Leighton, *The Rich Get Richer and the Poor Get Prison. Ideology, Class, and Criminal Justice*, Routledge, New York, NY 2017.

<sup>35</sup> L. Wacquant, *Bestrafen der Armen. Zur neoliberalen Regierung der sozialen Unterschicht*, Budrich Verlag, Leverkusen 2013.

<sup>36</sup> A. Kuhlmann, *Drug Politics in the United States* [Unpublished Paper], 2018.

<sup>37</sup> *About the Epidemic. The U.S. Opioid Epidemic*, US Department of Health and Human Services, 2016, <https://www.hhs.gov/opioids/sites/default/files/2018-01/opioids-infographic.pdf> [access: 2.02.2018].

<sup>38</sup> *Vital Statistics Rapid Release. Provisional Drug Overdose Death Counts*, Centers for Disease Control and Prevention, 12.01.2018, <https://www.cdc.gov/nchs/nvss/vsrr/drugoverdose-data.htm> [access: 9.02.2019].

<sup>39</sup> *STAT forecast: Opioids Could Kill Nearly 500,000 Americans in the Next Decade*, STAT, 27.06.2017, <https://www.statnews.com/2017/06/27/opioid-deaths-forecast/> [access: 9.02.2019].

in the US.<sup>40</sup> These drugs affect predominantly poor and middle-class whites. The total economic cost was calculated to be \$504 billion for 2016.<sup>41</sup>

Approaches to drug treatment in the US in general can be divided into pharmaceutical drug treatment, residential drug treatment, outpatient treatment, peer self-help groups, and coerced treatment, such as drug courts. Drug courts emerged as a state and local response to the high human and budgetary costs of punitiveness. The so-called 'problem-solving court' approach has been rapidly growing throughout the justice system. Criminal justice professionals have joined together to create alternative courts where offenders, usually post-sentencing, are offered alternatives to incarceration. In regard to drug courts, these alternatives consist of desistance from drug or alcohol abuse, therapy, regular drug/alcohol testing, acquisition of marketable skills, and employment. Regular reviews by the drug court and frequent drug testing are performed to ensure compliance. Violation of the terms of this alternative, not just relapse, would lead to the conviction and prison sentence being reinstated. The criminal justice professionals participating in drug courts focus on the long-term wellbeing of the individual and their successful recovery, so it represents a change from the punitive paradigm. Drug Courts have been used as an alternative to incarceration for more than twenty years. However, their popularity has increased significantly over the past decade. Miami-Dade County, Florida established the first recorded Drug Court in the United States of America. By 2012, there were over 3,000 programmes operating in every US state and territory.<sup>42</sup> Reviews of a large number of studies evaluating treatment outcomes repeatedly show unequivocal success.<sup>43</sup> In fact, there are already at least 6 meta-analyses,<sup>44</sup>

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<sup>40</sup> D. Gusovsky, *Americans consume vast majority of world opioids*, CNBC, 27.04.2016, <https://www.cnn.com/2016/04/27/americans-consume-almost-all-of-the-global-opioid-supply.html> [access: 9.02.2019].

<sup>41</sup> *About the Epidemic...*, op. cit.

<sup>42</sup> J. Krueger, A. Kuhlmann, *Addicts Can Change. The Nuts and Bolts of Establishing a Drug Court. Paper Presented at the Annual Meeting of the American Society for Criminology*, New Orleans, LA, 16–19 November 2016; P.M. Casey, J.K. Elek, R.K. Warren, F. Cheesman, M. Kleiman, B. Ostrom, *Offender Risk & Needs Assessment Instruments. A Primer for Courts*, National Center for State Courts. Center for Sentencing Initiatives, 2014, [https://www.ncsc.org/~media/microsites/files/csi/bja%20rna%20final%20report\\_combined%20files%208-22-14.ashx](https://www.ncsc.org/~media/microsites/files/csi/bja%20rna%20final%20report_combined%20files%208-22-14.ashx) [access: 17.02.2019].

<sup>43</sup> C. Franey, M. Ashton, *The Grand Design Lessons from DATOS*, "Drugs and Alcohol Findings" 2002, Vol. 7, pp. 4–19; D. Simpson, G.W. Joe, K.M. Broom, *A national 5-year follow-up of treatment outcomes for cocaine dependence*, "Archives of General Psychiatry" 2002, Vol. 59, Iss. 6, pp. 538–544; P. Flynn, J. Porto, J. Rounds Bryant, P. Kristiansen, *Costs and benefits of methadone treatment in DATOS. Part 2: Gender differences for discharged and continuing patients*, "Journal of Maintenance in the Addictions" 2003, Vol. 2, Iss. 1–2, pp. 151–169; J.C. Veilleux, P.J. Colvin, J. Anderson, C. York, A.J. Heinz, *A review of opioid dependence treatment. Pharmacological and psychosocial interventions to treat opioid addiction*, "Clinical Psychology Review" 2010, Vol. 30, Iss. 2, pp. 155–166.

<sup>44</sup> S. Aos, M. Miller, E. Drake, *Evidence-based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates*, Washington State Institute for Public Policy, Olympia 2006; J. Latimer, K. Morton-Bourgon, J. Chretien, *A Meta-analytic Examination of Drug Treatment*

which summarise dozens of studies and show a decrease of 8% to 26% in criminal recidivism.<sup>45</sup> ‘A consideration of the bottom line emphatically demonstrates that drug treatment *works*. With respect to the total amount of money saved – in terms of productivity, employment, death, disease, hospital care, money stolen, and so on – versus the costs of *any* and *all* of these programmes, society gets back roughly three or four dollars in benefits for every dollar spent.’<sup>46</sup>

By the new millennium, the number of people abusing drugs had declined to half the rate of the late 1970s. Still, about a third of all US citizens aged 12 or older have tried illicit drugs, primarily marijuana, cocaine, heroin, methamphetamines, and club drugs such as ecstasy. Yet the vast majority of those who use drugs do not become drug abusers. Even among those who do abuse substances, the majority of them are able to control over their use without treatment.<sup>47</sup> For a majority of addicts, their drug abuse is one of numerous problems, such as unemployment, mental illness, homelessness, poverty, and a history of victimisation.<sup>48</sup> These problems increase the probability that those impacted will use drugs, so more helpful social policies politics such as primary prevention measures would contribute significantly to the reduction of the drug problem. As of 2018, marijuana, which has constituted the majority of drug-related incarcerations, is now legal in some form in 30 states and the District of Columbia. Governments in 12 additional states will consider the issue this year.

But as the new wave of opioid misuse is rising to crisis levels affecting different demographic groups, the priority and approaches are shifting and intensifying. In July 2016 President Barrack Obama signed into law the Comprehensive Addiction and Recovery Act, which focuses on preventing and treating opioid misuse.<sup>49</sup> It provides \$1.1 billion for treatment. The Presidency of Donald Trump, however, does not bode well for the future of drug treatment: despite his campaign

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*Courts. Do they Reduce Recidivism?*, Canada Department of Justice, Research & Statistics Division, Ottawa 2006; C. Lowenkamp, A. Holsinger, E. Latessa, *Are drug courts effective? A meta-analytic review*, “Journal of Community Corrections” 2005, Vol. 15, Iss. 1, pp. 5–28; D.K. Shaffer, *Looking inside the black box of drug courts. A meta-analytic review*, “Justice Quarterly” 2010, Vol. 28, Iss. 3, pp. 493–521; D. Wilson, O. Mitchell, D. MacKenzie, *A systematic review of drug court effects on recidivism*, “Journal of Experimental Criminology” 2006, Vol. 2, Iss. 4, pp. 459–487; P. Downey, J. Roman *A Bayesian Meta-Analysis of Drug Court Cost-Effectiveness*, Urban Institute, Washington, D.C. 2010.

<sup>45</sup> D. Marlowe, D. Festinger, C. Dubosh, K. Benasutti, G. Fox, J. Croft, *Adaptive programming improves outcomes in drug court. An experimental trial*, “Criminal Justice and Behavior” 2012, Vol. 39, Iss. 4, pp. 514–532.

<sup>46</sup> E. Goode, *Drugs...*, op. cit., pp. 438f.

<sup>47</sup> R. Granfield, W. Cloud, *The elephant that no one sees. Natural recovery among middle-class addicts* [in:] P.A. Adler, P. Adler, P.K. O’Brien (eds.), *Drugs...*, op. cit.

<sup>48</sup> C. Mosher, S.M. Akins, *Drugs...*, op. cit., p. 301; L. Broidy, R. Agnew, *Gender and crime. A general strain theory perspective* [in:] M. Chesney-Lind, L. Pasko (eds.), *Girls, Women, and Crime. Selected Readings*, Sage, Thousand Oaks 2004, pp. 3–23.

<sup>49</sup> C. Reilly, *President Obama signs Bipartisan Bill to Combat Opioid Epidemic*, Pew Charitable Trusts, 22.07.2016, <https://www.pewtrusts.org/en/research-and-analysis/articles/2016/07/22/president-obama-signs-bipartisan-bill-to-combat-opioid-epidemic> [access: 9.02.2019].

statements to the contrary, he is returning to the punitive approach of the ‘War on Drugs.’ Last year’s changes to the Patient Protection and Affordable Care Act, also known as ObamaCare, and upcoming drastic cuts into Medicare will limit treatment options, especially for the poor. The president increased funds to fight the opioid crisis, but these funds are earmarked predominantly for enforcement, medication-focused therapies, and media campaigns. He is also limiting the legal use of opioid medication in hospitals, sending these health care facilities scrambling to care for patients with even short-term pain issues. At the same time, he is reviving the death penalty to penalise drug traffickers, first legalised by Ronald Reagan in 1988, but rarely used. In this context, he continues to create links between immigration and drug-related crimes.<sup>50</sup> Gender, race, and class continue to be the main dividing lines not only in drug use, but even more in access to treatment resources or the imposition of punitive criminal justice measures.

### 3. The development of drug crime in Germany

Innovative projects on constructive responses to drug abuse have only hesitantly been implemented in Germany. The general concern remains that the drug problem would increase with a reduction in criminal prosecution and that only consistently harsh punishment of addicts can keep the problem under control. This warning continues to be articulated in spite of obvious evidence to the contrary: in the US, for instance, the ‘War on Drugs’ led to dramatic increases in incarceration rates and costs.<sup>51</sup> Another North American country – Canada – in contrast, wants to legalise cannabis.<sup>52</sup> The cultivation and consumption of this drug will be decriminalised for citizens over 18 years of age, according to a new law that will be implemented in September 2018. Legal personal possession will be limited to 30 grams. Canada will thereby be the first of the G7 countries to completely legalise this substance. Uruguay permitted the consumption of cannabis five years ago.

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<sup>50</sup> D. Merica, *Trump Pushes Death Penalty for Some Drug Dealers*, CNN Politics, 19.03.2018, <https://edition.cnn.com/2018/03/19/politics/opioid-policy-trump-new-hampshire/index.html> [access: 9.02.2019]; V. Newkirk, *The People Trump’s War on Drugs Will Actually Punish*, The Atlantic, 26.03.2018, <https://www.theatlantic.com/politics/archive/2018/03/killing-drug-dealers-opioid-epidemic/555782/> [access: 9.02.2019]; M. McLemore, *While Vowing to Take on the Opioid Crisis Trump Cuts Drug Treatment Options*, Human Rights Watch, 27.10.2017, <https://www.hrw.org/news/2017/10/27/while-vowing-to-take-opioid-crisis-trump-cuts-drug-treatment-options> [access: 9.02.2019].

<sup>51</sup> L. Wacquant, *Bestrafen...*, op. cit.; D. Macallair, M. Males, *Marijuana Arrests and California’s Drug War. A Report to the California Legislature*, Legislative Policy Study Center on Juvenile and Criminal Justice, 2009.

<sup>52</sup> Kanada legalisiert Cannabis, “Süddeutsche Zeitung”, 20.06.2018; Kanada will Cannabis legalisieren. Premierminister Justin Trudeau löst damit ein Wahlkampfversprechen ein, “Badische Zeitung”, 21.06.2018, p. 12.

Even in the US, an increasing number of states allow for varying forms of cannabis uses. The Canadian authorities estimate the cannabis market to be worth about 5.7 billion CAD. The state expects additional tax income of up to 400 million CAD. Cannabis had been a prohibited substance in Canada since 1923, although it has been legal for medical reasons since 2001.

In the context of the recent refugee crisis, the debate about illegal drugs has intensified in Germany in recent years. The Bundeszentrale für Gesundheitliche Aufklärung (the government office for health information) has reported on a new study of cannabis use among juveniles and young adults. Consumption has increased over the past several years, especially among men.<sup>53</sup> Nearly one in eleven juveniles aged 12 to 17 (8.7%) has tried cannabis at least once in his/her life, 6.9% consumed it during the 12 months prior to the survey, and 1.5% consumed it more than ten times during the previous year. In the group of young adults aged 18 to 25, the consumption of cannabis was more common. More than one-third of this age group (35.8%) has consumed this substance at some point, 18.9% used it at least once during the previous 12 months, and 5.4% consume it regularly.<sup>54</sup> Statistically, young adults are more likely to consume cannabis and juvenile users are more likely to be male than female.

Table 1 presents an overview of the development of crimes registered by the German police in 2016 and 2017 and shows a disproportionate increase of drug crime over this period.

**Table 1.** Crimes committed in 2016 and 2017 with at least one suspect being a migrant

Crime	2017	2016
Theft	75,748	92,229
Crimes against property and forgery	73,644	74,482
Violent crimes/Crimes against personal freedom	71,000	69,035
Other crimes (Strafgesetzbuch [Penal Code])	34,633	31,866
Drug crimes	26,761	20,498
Crimes in the context of sexual behaviour	5,258	3,404
Crimes against life	532	453

Source: *Kriminalität im Kontext von Zuwanderung. Bundeslagebild 2017*, Bundeskriminalamt, Wiesbaden 2018, p. 19.

<sup>53</sup> B. Orth, C. Merkel, *Der Cannabiskonsum Jugendlicher und junger Erwachsener in Deutschland. Ergebnisse des Alkoholsurveys 2016 und Trends*, Bundeszentrale für gesundheitliche Aufklärung, Köln 2018.

<sup>54</sup> *Ibidem*, p. 9.

Orth and Merkel conclude in their report that experimentation with cannabis consumption was common among juveniles and young adults in Germany in 2016.<sup>55</sup> In the subgroup of migrants with Turkish and Asiatic backgrounds, the use of cannabis was lowest. There were no differences between social groups in regard to types of education, study, form of job, or unemployment. The report emphasised the importance of cooperation in the development of preventive measures, especially in regard to young people, in order to preclude health problems. Consumption is highest among young adults and it declines with increasing age. Starting in 1993, the prevalence of cannabis consumption among 12- to 17-year-old juveniles increased, reaching a peak in 2004 and then declining until 2011. Subsequent, cannabis use increased again until 2016, the year of the most recent results collected by the Bundeszentrale für Gesundheitliche Aufklärung (6.7% in 2011, in contrast to 8.3% in 2016). Similar results were found in other studies. The studies ‘Health Behaviour in School-aged Children’ (HBSC) and ‘Die Europäische Schülerstudie zu Alkohol und anderen Drogen’ (ESPAD) also show an early reduction in cannabis consumption in the group of juveniles in the periods 2003–2011 and 2002–2010, respectively.

The discussion of drug-related crime in Germany in recent years takes place in the context of the large number of refugees which have arrived, especially from North African countries. The Bundeskriminalamt (federal crime office) reports a total of 1.17 million immigrants requesting asylum in Germany in 2015 and 2016; the following year, 186,644 migrants filed such applications.<sup>56</sup> The question of the impact of this ‘wave of refugees’ on the country’s crime rate, especially on drug-related crimes, is furthermore influenced by sensationalised media reports of severe crimes committed by immigrants.<sup>57</sup>

The development of various crimes differs according to subgroups. While the number of property crimes – including theft and forgery – declined in 2016 and 2017, violent crime – such as violations of personal freedom, assault, and sexual assault – and drug-related crime increased (from 20,498 to 26,761).<sup>58</sup>

The total number of drug-related crimes that were solved increased significantly between 2013 and 2017; the number of these cases with at least one suspect being an immigrant reached a 5-year high by the end of this period. While in 2013 there were just under 240,000 cleared drug-related crimes, 5,114 of these cases (2.1%) included at least one immigrant suspect. The number increased continuously to just over 306,000 cases in 2017 with 26,761 (8.7%) which included at least one immigrant suspect.<sup>59</sup>

<sup>55</sup> Ibidem, p. 33ff.

<sup>56</sup> *Kriminalität im Kontext von Zuwanderung. Bundeslagebild 2017*, Bundeskriminalamt, Wiesbaden 2018, p. 2.

<sup>57</sup> T. Hestermann, *Refugees...*, op. cit.

<sup>58</sup> *Kriminalität...*, op. cit., p. 44ff.

<sup>59</sup> Ibidem, p. 44.

**Table 2.** Drug crime in Germany 2013–2017 (number of cleared cases)

Year	Cleared crimes total	From this group: at least one suspect is immigrant absol.	%
2013	239,677	5,114	2,1
2014	261,201	8,034	3,1
2015	265,395	13,060	4,9
2016	283,374	20,498	7,2
2017	306,082	26,761	8,7

The majority of these crimes involving immigrants – 70% – consisted of offences related to drug consumption, such as possession, acquisition, and distribution. On average, immigrants were suspects in 1 of every 8 cases of the illegal dealing or smuggling of drugs. The percentage of immigrant suspects increased for every category of drug-related crime between 2016 and 2017. Cases of general violations went from 13,901 to 18,748 cases of illegal dealing and smuggling of drugs from 5.4579 to 6.386, cases of illegal dealing of significant amounts – i.e., more severe cases – went from 446 to 808, and cases of illegally importing drugs in significant amounts increased from 72 to 99 reported cases.

Immigrants suspected in cases of drug crime were in most cases male (99%); 8% of these suspects were juveniles, 23% young adults, and 69% adults. 76% of immigrant suspects were younger than 30 years old. About 25% of immigrant suspects accused in 2017 were multiple offenders with at least two drug-related crimes. In that year, most of the offenders came from Syria (16%); others came from Afghanistan (11%), Morocco (7%), Algeria (7%), and Gambia (6%).<sup>60</sup> In comparison with the previous year, the numbers of Syrian and Afghani immigrant suspects more than doubled. The number of immigrant suspects from Iraq, Somalia, and Iran also increased significantly. The most prevalent drug was cannabis. However, immigrant suspects from Iran were predominantly involved in the trafficking of heroin.

Drug-related crimes play a major role in organised crime.<sup>61</sup> The migrant groups with high levels of immigration to Germany also have the highest levels of organised crime. A large majority of these groups are active in drug trafficking. The cases of organised crime are dominated by Albanians. A large majority of the 21 different immigrant groups include members who are active in drug trafficking. This includes a significant number of offences committed by Nigerian, Syrian, and Serbian immigrants.

The Bundeskriminalamt points out correctly that ‘the future development of crime in general is influenced by many specific conditions, such as the success

<sup>60</sup> Ibidem, p. 47.

<sup>61</sup> Ibidem, p. 55.

of integration and changes in the overall situation of immigration. Members of organised crime syndicates often take advantage of the high levels of immigration to commit their crimes, including drug trafficking. 'Especially in regard to organised crime and other forms of severe general criminal behaviour it is important to recognise the role of immigration and to prevent fixed criminal structures and to fight against them.'<sup>62</sup>

#### 4. Prevention versus punishment: drug crime in Portugal

The use of illegal drugs is prosecuted worldwide, but to varying degrees. 'The international community as a whole bans the use, production, and trade of a wide range of psychoactive substances',<sup>63</sup> yet the prosecution of drug users and addicts is increasingly criticised and questioned. For example, critics point out that other harmful and addictive substances like alcohol or nicotine are not prohibited, though the damage to society caused by their misuse is much higher than in the case of illegal drugs.

Portugal took a unique and different approach in regard to drug crime by decriminalising drug use, which, as recent data clearly prove, has been more successful.<sup>64</sup> Early Portuguese drug laws in 1926 tried to limit the use and sale of illegal substances with prison sentences of up to a year (Decree 12/2010).<sup>65</sup> New legal measures in 1970 distinguished for the first time between drug use and trade and they increased sanctions. Prison sentences for use were limited to two years, and those for dealing were limited to eight years. Portugal thereby joined the general movement towards increased sanctions for drug crime, although it did not yet have a 'drug problem.' During the time between the passage of that law and its subsequent revision in 1983, however, the political situation in Portugal changed dramatically; therefore, the constellation of drug policies also changed. The revolution of 1974

<sup>62</sup> Ibidem, p. 60ff.

<sup>63</sup> J. Quintas, X. Arana, *Decriminalization. Different models in Portugal and Spain* [in:] E. Savona, M.A.R. Kleiman, F. Calderoni (eds.), *Dual Markets. Comparative Approaches to Regulation*, Springer, Cham 2017, p. 121; F. Caballero, Y. Bisiou, *Droit de la Drogue*, Éditions Dalloz, Paris 2000.

<sup>64</sup> J. Quintas, X. Arana, *Decriminalization...*, op. cit.; H. Kury, J. Quintas, *Sanktionen oder Hilfe? Einstellungen zu Drogentätern. Ergebnisse aus Portugal*, "Kriminalistik" 2010, Vol. 64, Iss. 7, pp. 403–409; idem, *Zur Wirkung von Sanktionen bei Drogenabhängigen. Argumente für eine rationale Drogenpolitik*, "Polizei & Wissenschaft" 2010, Iss. 1, pp. 32–56; J. Quintas, *Regulação Legal do Consumo de Drogas. Impactos da Experiência Portuguesa da Descriminalização*, Tese de Doutoramento, Faculdade de Direito da Universidade do Porto, 2006; idem, *Regulação Legal do Consumo de Drogas, Impactos da Experiência Portuguesa da Descriminalização*, Fronteira do Caos, Porto 2011.

<sup>65</sup> C. Poiares, C. Agra, *A droga e a Humanidade. Reflexão Psicocriminal* [in:] D. Vicente (coord.), *Problemas Jurídicos da droga e da Toxicodependência. Vol. I, Suplemento da Revista da Faculdade de Direito da Universidade de Lisboa*, Coimbra Editora, Coimbra 2003, pp. 9–26.

overthrew the dictatorship; by the early 1980s, the consumption of cannabis and hard drugs – especially heroin – had increased significantly among young people.<sup>66</sup> Consequently, the new law (Decree-Law 430/83) had two goals: firstly, to increase control over the illegal drug trade, and secondly, to increase treatment options for addicts. The maximum allowable prison sentence was increased to 12 years with provisions that allowed for mild sentences for small-time drug dealers who were users themselves. Sanctions for personal drug use were set to about 3 months' incarceration or fines. For the first time, a set of therapeutic measures was implemented under the court's auspices.<sup>67</sup> A subsequent drug law in 1993 (Decree-Law 15/93) provided for a range of prison sentences of between 4 and 12 years for drug dealing. However, milder provisions were allowed for 'less-severe trafficking' and for specific drug-related crimes of 'dealer-users'. There was no change in regard to drug consumption; these offences continued to be sanctioned with imprisonment for up to 3 months or a fine. The option for prison sentences, though, increased to a maximum period of one year or a fine if an individual was found in possession of more than three days' worth of a drug. In cases of the offender's willingness to undergo treatment, the option for a reduced sentence continued.<sup>68</sup>

During the 1990s, the visibility of drug addiction and the emergence of HIV/AIDS go along with an increased scepticism among the public and politicians towards the effectiveness of prohibitionist policies. In 1998, the government convened a commission of experts and tasked them with making suggestions for developing new drug policies. 'This led to the 1999 national strategy to fight drugs (Estratégia Nacional de Luta Contra a Droga [ENLCD], Resolution of the Council of Ministers 46/99), which adopted most of the suggestions made by the expert commission and included among its innovations 1) the decriminalisation of drug consumption (Law 30/2000) and 2) the explicit adoption of a harm reduction policy (Decree-Law 183/2001), framed by the four pillars of European drug policy'.<sup>69</sup>

This law (30/2000) was implemented on 1 July 2001 and defined a new legal system for drug consumers. The law explicitly addresses 'the health and social protection of people who consume such substances without medical prescription'. Although drug use is still illegal, it is no longer considered a crime: 'rather it is now

<sup>66</sup> L. Fernandes, *Os Pós Modernos, a Cidade, o Sector Juvenil e as Drogas*. Tese de Mestrado. Faculdade de Psicologia e de Ciências da Educação da Universidade do Porto, 1990.

<sup>67</sup> C. Agra, E. Fonseca, J. Quintas, C. Poiães, *A Criminalização da Droga. Da Emergência à Aplicação da Lei* [in:] C. Agra (ed.), *Droga e Crime. Estudos Interdisciplinares*. Vol. 3, Gabinete Coordenador do Combate à Droga, Lisbon 1997, pp. 1–53.

<sup>68</sup> J. Quintas, X. Arana, *Decriminalization...*, op. cit., p. 123.

<sup>69</sup> M. Cesoni, *La politique suisse de la drogue. Un modèle pour L'Union Européenne?* [in:] C. Faugeron (ed.), *Les drogues en France. Politiques, marchés, usages*, Ed. Georg, Geneva 1999, pp. 99–109.

regarded as an administrative offence.<sup>70</sup> Detected drug users are referred to the Commission for the Dissuasion of Drug Addiction (Comissão para a Dissuasão da Toxicodependência [CDT]). ‘The CDT, which includes health and social services professionals, is charged with assessing users’ situations and finding appropriate solutions for each case. Law enforcement has a double function: to inform non-problematic drug users of the risks and undesirability of drug use, and to encourage those with substance-use disorders to undergo a process of treatment and reintegration into society, or at least to submit to health control measures to reduce drug-related problems. To this end, the CDT applies sanctions (Article 16 applies fines; Article 17 non-financial sanctions; and Article 18 applies warnings) or, preferably, chooses one of the suspension options (temporary suspension of the proceeding, suspension after determination of the sanction, and suspension of the execution of the sanction) that replace sanction enforcement.<sup>71</sup> The decriminalisation law includes a restriction: an administrative offence can only include small amounts of drugs. The Supreme Court of Justice (Supremo Tribunal de Justiça), in its controversial Judgment 8/2008, supported keeping drug use a crime, ‘when the amount detected is higher than the average individual consumption during the 10-day period, although the decriminalisation law has expressly revoked the crime of consumption.’<sup>72</sup> In conclusion, drug consumption decriminalisation was strictly limited to small quantities of drugs.

There can be significant gaps between the relevant legislation and its enforcement, however. Drug law enforcement is largely influenced by extra-legal factors, including the distribution of law enforcement responsibilities, operational priorities, political and media pressure, and police attitudes.<sup>73</sup> Since 1978, the police have classified drug offenders into three categories: users, dealer-users, and traffickers. A comparison of the average annual totals under the various laws shows a steady increase in the number of offenders recorded in the last few decades (Table 3). The average annual number of offenders in all three categories continues to increase after decriminalisation, although more slowly than during the previous period. As the number of drug users is believed to be much larger proportionally, it should be noted that the police actions specifically directed at drug traffickers and dealer-users are very relevant, especially since 1984, as is demonstrated by the rates in each category compared to all offenders arrested.

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<sup>70</sup> J. Quintas, X. Arana, *Decriminalization...*, op. cit., p. 124.

<sup>71</sup> *Ibidem*.

<sup>72</sup> *Ibidem*.

<sup>73</sup> J. Quintas, E. Fonseca, *Portugal country profile* [in:] *Prosecution of Drug User in Europe. Varying Pathways to Similar Objectives*, Office for Official Publications of the European Communities, Luxembourg 2002, pp. 301–309.

**Table 3.** Drug offences recorded by the police, by type of illicit offence (yearly averages)

Years (Law)	Users	Dealer-Users	Traffickers	All drug offenders
1978–1983 (Law 720/70)	720 (74%)	127 (13%)	128 (13%)	975
1984–1992 (Law 430/83)	1,504 (56%)	508 (19%)	668 (25%)	2,680
1993–2000 (Law 15/93)	4,955 (55%)	2,030 (23%)	2,003 (22%)	8,988
2001–2015 (Law 30/2000 and Law 15/93)	7,553 (57%)	324 (25%)	2,364 (18%)	10,241

Sources: Annual reports from EMCDDA Portuguese Reitox focal point.

Quantitative information about convictions of drug law violations is only available for the years 1987 onward (see Table 4). The courts convicted an annual average of 575 users for illegal drugs between 1987 and 1992; that number increased to an annual average of 1,451 between 1993 and 2000. The number of dealer–user convictions has always been minimal, even when the police classified a significant number of offences in this category. In regard to consumption, after the implementation of the decriminalisation law in 2001, the legal registration of drug users expanded, with about 5,001 annual decisions, including 4,738 annual decisions in the CDT (suspended sanctions and sanctions applied to administrative offences) and 263 annual criminal convictions for drug use (in cases where the user has a quantity of drugs higher than that allowed under the decriminalisation law) (see Table 4). This ‘net-widening effect’ has also been found in other decriminalisation experiences, for example in the Cannabis Expiation Notice in the State of South Australia,<sup>74</sup> and it is not explained by any significant increase in drug use trends.

**Table 4.** Court convictions and CDT decisions for drug offences in Portugal (1987–2015; annual average)

Years (Law)	Users	Dealer-Users	Traffickers
1987–1992 (Law 430/83)	575	72	381
1993–2000 (Law 15/93)	1,451	144	1,574
2001–2015 (Law 30/2000 and Law 15/93)	5,001	51	1,817

Sources: Annual reports from EMCDDA Portuguese Reitox focal point.

<sup>74</sup> R. Ali, P. Christie, S. Lenton, D. Hawks, A. Sutton, W. Hall, S. Allsop, *The Social Impacts of the Cannabis Expiation Notice Scheme in South Australia*, Australian Government Publication Service, Canberra 1999.

The number of dealer–user convictions has always been minimal, even if the police classified a significant number of offenders in this category. Concerning consumption, after implementation of the decriminalisation law in 2001, the legal registration of drug users expanded, with about 5,001 annual decisions, including 4,738 annual decisions in the CDT (suspended sanctions and sanctions applied to administrative offences) and 263 annual criminal convictions for drug use (in cases where the user has a quantity of drugs higher than that allowed under the decriminalisation law).

In about 80% of all cases since 1987, the courts sentenced drug use offenders to fines; imprisonment was imposed in only a small percentage of convictions. In regard to administrative offences, in 87% of the drug use offences handled by CDT, sanctions were suspended, both for non-problematic drug users – mostly cannabis users (about 3,000 per year) – and for drug addicts who were sent to undergo treatment (about 800 per year). The sanctions actually applied (about 600 per year) generally consisted of fines for those non-problematic drug users who were not cooperating with interventions by the CDT. Treatment by CDT resulted in a more extensive protection of drug users, mainly through the widespread use of suspended sanctions. The number of dealer–user convictions has always been minimal, even when the police classified a significant number of offences in this category. For an increasing number of trafficking crime convictions (from an annual average of 381 to 1,574), imprisonment was the rule until 2000 (84% between 1987 and 1992, and 70% between 1993 and 2000). In the period after the decriminalisation of drug use, imprisonment decreased to 42%, primarily because of the increasing practice of sentencing offenders to probation for less severe cases of trafficking.

One key positive development is the reduction of prisoners in Portugal. In the early 1990s, about 1,000 prisoners were serving time for drug offences; this equated to one-fifth of all convicted offenders. Throughout the 1990s, the number of imprisoned drug offenders continued to increase. Between 1998 and 2002, the number of imprisoned drug offenders was about 4,000, and amounted to more than 40% of all prisoners. The decriminalisation of drug use caused a decrease in the number and percentage of incarcerated drug offenders. In 2014, a total of 2,217 prisoners were convicted for drug trafficking, or 19% of convicted prisoners.

Against this background, Portuguese decriminalisation of the consumption of all drugs and the way it has been applied can be characterised by 1) significant changes in classical variables of the deterrence doctrine,<sup>75</sup> namely by decreasing the severity of punishment and by increasing certainty of detection, and 2) the activities of the CDT which increased preventive efforts aimed at non-problematic drug users and the referral of drug addicts to treatment. At the same time, without any change in the law, police and judicial action against drug trafficking remains

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<sup>75</sup> Cf. C. Beccaria, *Von den Verbrechen und von den Strafen*, Berliner Wissenschaftsverlag, Berlin 2005 (1764).

at high levels, even increasing slightly compared to the period before the drug use decriminalisation law. Likewise, the severity of prison sentences has been decreasing, allowing some relative relief in the prison system.

The analysis of the effects of decriminalisation is complex. There are influences of different methodological factors: 1) drug policies of prevention, treatment, and harm reduction often involve contradictory aspects that interact with legislation, which restricts the formation of causal inferences; 2) the availability of law enforcement data is limited; and 3) the research design, the quality of the available data, and the selection of indicators all have some influence.<sup>76</sup> Consequently, it is not surprising to find variations in research outcomes in different studies on the effects of decriminalising drug use. Likewise, studies about cannabis use in the US and Australia produced partly different results.<sup>77</sup> Some studies show that there are no significant effects on drug use after decriminalisation in the relevant states in the US<sup>78</sup> or Australia,<sup>79</sup> other studies show small to moderate increases in drug use after decriminalisation in US states<sup>80</sup> or in Australia,<sup>81</sup> but these results cannot be directly attributed to the introduction of decriminalisation. Some studies on the Portuguese experience of decriminalising the use of all drugs show that the Portuguese decriminalisation did not lead to significant increases in drug use

<sup>76</sup> H. Kury, *Zum Einfluss der Art der Datenerhebung auf die Ergebnisse von Umfragen*, "Monatsschrift für Kriminologie und Strafrechtsreform" 1994, Vol. 77, Iss. 1, pp. 22–33; idem, *Wie restitativ eingestellt ist die Bevölkerung? – Zum Einfluss der Frageformulierung auf die Ergebnisse von Opferstudien*, "Monatsschrift für Kriminologie und Strafrechtsreform" 1995, Vol. 78, Iss. 2, pp. 84–98; H. Kury, A. Lichtblau, A. Neumaier, *Was messen wir, wenn wir Kriminalitätsfurcht messen?*, "Kriminalistik" 2004, Vol. 58, Iss. 7, pp. 457–465; H. Kury, H. Kania, J. Obergfell-Fuchs, *Worüber sprechen wir, wenn wir über Punitivität sprechen? Versuch einer konzeptionellen und empirischen Begriffsbestimmung*, "Kriminologisches Journal" 2004, Vol. 36, Iss. 8, pp. 51–88.

<sup>77</sup> B. Kilmer, *Do cannabis possession laws influence cannabis use?* [in:] *Cannabis 2002 Report. Technical Report of the International Scientific Conference*, Ministry of Public Health of Belgium, Brussels 2002; R. MacCoun, P. Reuter, *Evaluating alternative cannabis regimes*, "British Journal of Psychiatry" 2001, Vol. 178, Iss. 2, pp. 123–128; R. MacCoun, R. Pacula, J. Chriqui, K. Harris, P. Reuter, *Do citizens know whether their state has decriminalized marijuana? A test of the perceptual assumption in deterrence theory*, "Review of Law & Economics" 2009, Vol. 5, Iss. 1, pp. 347–271; R. Pacula, R. Lundberg, *Why changes in price matter when thinking about marijuana policy. A review of the literature on the elasticity of demand*, "Public Health Review" 2014, Vol. 35, Iss. 2, pp. 1–18.

<sup>78</sup> E.g. C. Thies, C. Register, *Decriminalization of marijuana and the demand for alcohol, marijuana and cocaine*, "The Social Science Journal" 1993, Vol. 30, Iss. 4, pp. 385–399.

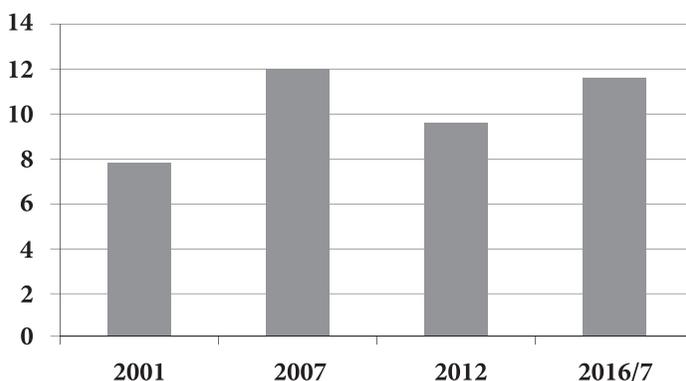
<sup>79</sup> E.g. J. Fetherston, S. Lenton, *Effects of the Western Australian Cannabis Infringement Notice Scheme on Public Attitudes, Knowledge and Use. Comparison of Pre and Post Change Data*, National Drug Research Institute, Curtin University of Technology, Perth 2007.

<sup>80</sup> E.g. R. Pacula, J. Chriqui, J. King, *Marijuana Decriminalization. What Does It Mean in the United States*, National Bureau of Economic Research, Cambridge, MA 2003.

<sup>81</sup> E.g. E. Single, P. Christie, R. Ali, *The impact of cannabis decriminalisation in Australia and the United States*, "Journal of Public Health Policy" 2000, Vol. 21, Iss. 2, pp. 157–186.

and, moreover, coincided with a reduction in problematic consumption and harm related to drug use.<sup>82</sup>

A first general-population survey (ages 15 to 64) on drug use was conducted in Portugal in 2001 by Balsa et al.<sup>83</sup> and was replicated in 2007,<sup>84</sup> 2012,<sup>85</sup> and 2016–17.<sup>86</sup> These surveys show the lifetime prevalence rates for any illicit drug were 7.8% in 2001, rising to 12.0% in 2007 and then decreasing to 9.5% in 2012. The latest data again show an increase for 2016–17 (see Fig. 1).



**Figure 1.** General population (15–64 years) drug use lifetime prevalence rate

<sup>82</sup> J. Quintas, *Regulação Legal do Consumo de Drogas. Impactos da Experiência Portuguesa da Descriminalização*, Tese..., op. cit.; idem, *Regulação Legal do Consumo de Drogas. Impactos da Experiência Portuguesa da Descriminalização*, Fronteira..., op. cit.; C. Hughes, A. Stevens, *What can we learn from the Portuguese decriminalization of illicit drugs?*, “British Journal of Criminology” 2010, Vol. 50, Iss. 6, pp. 999–1022; idem, *A resounding success or a disastrous failure. Reexamining the interpretation of evidence on the Portuguese decriminalisation of illicit drugs*, “Drug and Alcohol Review” 2012, Vol. 31, Iss. 1, pp. 101–113; G. Greenwald, *Drug Decriminalization in Portugal. Lessons for Creating Fair and Successful Drug Policies*, Cato Institute, Washington 2009; C. Agra, *Requiem pour la guerre à la drogue. L’expérimentation portugaise de décriminalisation*, “Déviance & Société” 2009, Vol. 33, Iss. 1, pp. 27–49; J. Quintas, C. Agra, *L’impact de la loi portugaise de décriminalisation de l’usage de drogues* [in:] M.L. Cesoni, M.S. Devresse (eds.), *La détention de stupéfiants entre criminalisation et décriminalisation*, Academic Press Fribourg, Fribourg 2010, pp. 107–136; H. Kury, J. Quintas, *Sanktionen...*, op. cit.; idem, *Zur Wirkung...*, op. cit.

<sup>83</sup> C. Balsa, T. Farinha, C. Urbano, A. Francisco, *Inquérito Nacional ao Consumo de Substâncias Psicoativas na População Portuguesa*, IDT, Coleção Estudos – Universidades, Lisboa 2003.

<sup>84</sup> C. Balsa, C. Vital, C. Urbano, L. Pascueiro, *Inquérito Nacional ao Consumo de Substâncias Psicoativas na População geral, Portugal 2007*, IDT, Coleção Estudos – Universidades, Lisboa 2008.

<sup>85</sup> C. Balsa, C. Vital, C. Urbano, *III Inquérito Nacional ao Consumo de Substâncias Psicoativas na População Portuguesa 2012. Resultados preliminares*, SICAD, Coleção Estudos – Universidades, Lisboa 2013.

<sup>86</sup> Idem, *IV Inquérito Nacional ao Consumo de Substâncias Psicoativas na População Geral Portugal 2016/17. Relatório final*, SICAD, Lisboa 2017.

According to the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA),<sup>87</sup> Portugal ranks 22<sup>nd</sup> out of 28 countries in terms of the prevalence rates of cannabis use (by far the most widely consumed substance and the drug with the best available comparative data), thereby remaining a country with very low prevalence rates. Surveys from the European School Survey Project on Alcohol and Other Drugs (ESPAD) are conducted every 4 years and have included Portugal since 1995. The results of these surveys about school populations show that illicit drug use in Portugal increased just before the decriminalisation law (from 8% in 1995 to 12% in 1999), and decreased after decriminalisation (from 18% in 2003 to 14% in 2007), then increased again (from 14% in 2007 to 19% in 2011), and finally decreased in the last survey (16% in 2015) (see Table 5 and Fig. 2). The trend over time in Portugal is very similar to the average of 25 ESPAD countries, but the rates are lower than in many of the other countries.<sup>88</sup> Overall, even with decriminalisation that included all drugs, there were no significant increases in illicit drug use, nor can the slight trend fluctuations be directly attributed to the Portuguese legislative reforms.<sup>89</sup>

**Table 5.** Lifetime illicit drug use in school population (1995–2015)

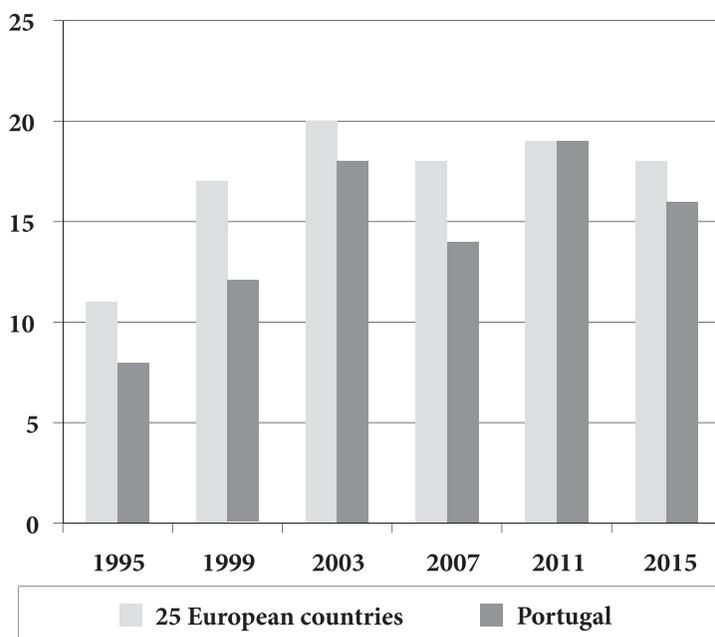
Year	Portugal (%)	Average based on 25 countries (%)
1995	8	11
1999	12	17
2003	18	20
2007	14	18
2011	19	19
2015	16	18

Source: ESPAD reports.

<sup>87</sup> European Monitoring Centre for Drugs and Drug Addiction, *European Drug Report 2016. Trends and Developments*. Publications Office of the European Union, Luxembourg 2016, <http://www.emcdda.europa.eu/system/files/publications/2637/TDAT16001ENN.pdf> [access: 9.02.2019].

<sup>88</sup> Cf. *ibidem*; ESPAD Group, *ESPAD Report 2015. Results from the European School Survey Project on Alcohol and Other Drugs*, Publications Office of the European Union, Luxembourg 2016, [http://www.espad.org/sites/espad.org/files/ESPAD\\_report\\_2015.pdf](http://www.espad.org/sites/espad.org/files/ESPAD_report_2015.pdf) [access: 9.02.2019]; B. Hibell, U. Gutormsson, S. Ahlström, O. Balakireva, T. Bjarnason, A. Kokkevi, L. Kraus, *The 2007 ESPAD Report. Substance Use among Students in 36 European Countries*, CAN/EMCDDA/Council of Europe (Pompidou Group), Stockholm 2012.

<sup>89</sup> J. Quintas, X. Arana, *Decriminalization...*, *op. cit.*, p. 128.



**Figure 2.** School population, drug use lifetime prevalence rate (ESPAD Surveys, 16-year-old students)

Another important, and often neglected, topic is related to the impact of legislative decisions on overall drug-related harm.<sup>90</sup> The Portuguese decriminalisation experience coincided with a period when fewer people (addicts) paid their first visit to public services to seek therapeutic help for problems with using illicit drugs, and it also coincided with a reduction of harm related to drug use. According to official statistics, at the end of 2013, out of a total of 19,075 recorded AIDS cases, 8,351 (44%) were associated with drug addiction. The number of registered cases has been decreasing sharply among addicts with careless intravenous drug use, from an average of more than 500 new cases annually in the 1990s to less than 200 in recent years<sup>91</sup> (cf. Fig. 3).

<sup>90</sup> R. MacCoun, *Toward a psychology of harm reduction*, "American Psychologist" 1998, Vol. 53, Iss. 11, pp. 1199–1208.

<sup>91</sup> *Relatório Anual 2015. A situação do país em matéria de drogas e toxicodependências*, SICAD – Serviço de Intervenção nos comportamentos aditivos e nas dependências, Lisboa 2016.

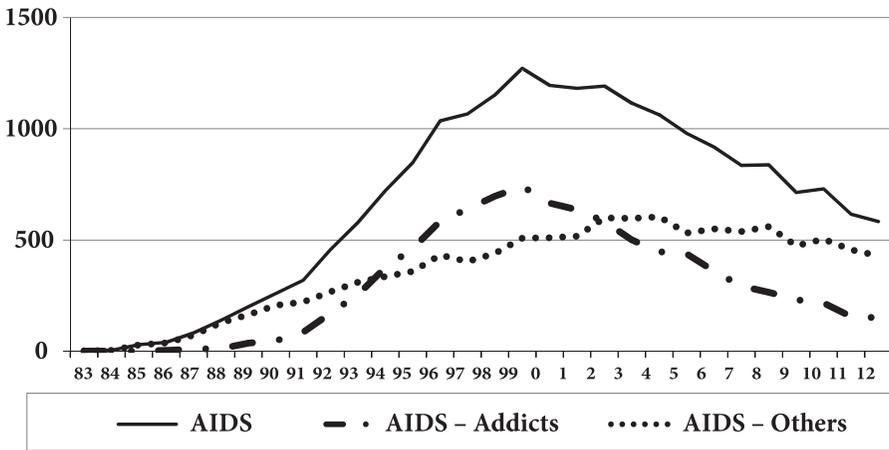


Figure 3. Harm related with drug use – AIDS

Nowadays, an even more tolerant cannabis policy (without prohibition) has to be considered. Medical use of cannabis has been approved (Law 33/2018) and the Portuguese parliament is discussing in 2019 the legalisation of its recreational use.

### 5. Discussion

Illegal drug use is seen as an increasing problem in many western countries. The recently published report of the United Nations Office on Drugs and Crime (UNODC)<sup>92</sup> illustrates this increasing global problem: ‘About 275 million people worldwide, which is roughly 5.6 per cent of the global population aged 15–64 years, used drugs at least once during 2016. Some 31 million of [the] people who use drugs suffer from drug use disorders, meaning that their drug use is harmful to the point where they may need treatment. Initial estimates suggest that, globally, 13.8 million young people aged 15–16 years used cannabis in the past year, equivalent to a rate of 5.6 per cent. Roughly 450,000 people died as a result of drug use in 2015, according to the WHO. Of those deaths, 167,750 were directly associated with drug use disorders (mainly overdoses). The rest were indirectly attributable to drug use and related deaths such as HIV and hepatitis C acquired through unsafe injection practices. The range of substances and combinations available to users has never been wider.’ The report points out that ‘[p]reventing drug use and the

<sup>92</sup> World Drug Report 2018, United Nations Office on Drugs and Crime, Vienna 2018, p. 7.

adverse health consequences of drug use among young people requires a culture of understanding, underpinned by scientific research.<sup>93</sup>

One development which exacerbates the drug problem is the high migration rate and in particular the increasing rate of refugees, who are very often living in deprived, stressful situations and experience high levels of insecurity. A majority of these immigrants are young men, the demographic with the highest crime rate internationally, most of whom have undergone horrific experiences in their home countries and/or on their way to Europe, often causing Post-traumatic Stress Disorders.<sup>94</sup> If their living conditions are inadequate and stressful, if they do not have any job opportunities and therefore no income, the danger of them becoming involved in deviant subgroups increases. One possibility to earn money is through illegal drug trafficking. The use of illegal drugs is correlated with the living conditions of people and selective crime control mechanisms. The United States is a good example for these correlations and for the ineffectiveness of harsh crime control strategies without any help for integration in society.

An essential dimension of drug use and drug policy in the US is the extreme social inequality and the extensive rates of poverty among the population. In fact, the United States has the widest wealth disparity of any other major developed nation.<sup>95</sup> Alcohol and substance abuse occurs in all social classes, yet the impact varies. Lower social classes use lower qualities of substances, have lower levels of health, and less access to health care and treatment. In case of arrest, they are more likely to have to depend on overworked public defenders and cannot afford to hire a private personal attorney.

Another, more effective way to handle the problem of drug abuse was initiated at the turn of the century in Portugal. Portugal decriminalised drug use – not drug dealing – and defined drug users as people who first of all need help rather than punishment. Without an increase in drug use, significant reductions in drug-related harm and in the number of people incarcerated for drug crime, this strategy is not only innovative; the results so far also show it to be a very successful way to handle the ‘drug problem.’

These results, in combination with the findings from Finland regarding the lack of increases in crime following the abolishment of severe prison sentences for offenders, generally show that punishment may not be the best way to reduce crime, especially the way we use punishment. Punishment alone obviously has no effect or only a small effect on the reintegration of offenders. Punishment should be used to integrate offenders into society by helping them through treatment. Imprisonment,

<sup>93</sup> Ibidem, p. 26.

<sup>94</sup> H. Kury, J.P.J. Dussich, M. Wertz, *Migration in Germany. An international comparison on the psychotraumatic stress among refugees* [in:] H. Kury, S. Redo (eds.), *Refugees...*, op. cit., pp. 313–354.

<sup>95</sup> *Wealth Inequality in the United States*, Inequality.org, 2018, <https://inequality.org/facts/wealth-inequality/> [access: 9.02.2019].

in contrast, has many negative effects on offenders and on their families, such as stigmatisation, job loss, and integration into deviant subgroups.<sup>96</sup> The examples of Portugal and Finland show that the prevention of crime and drug abuse can be more effective if the background of this deviant behaviour is examined as a basis for primary prevention. The deterrent effects of harsh punishment are often overestimated by the public, while the impact of economic factors and living conditions of people are downplayed. It is not a recent discovery, however, that good social policies are cheaper and more effective in preventing crime than severe punishment.<sup>97</sup> By 1905, i.e., over 100 years ago, Franz von Liszt pointed out that the ‘best crime policy is a good social policy’.

## Literature

- Adler P.A., Adler P., O’Brien P.K. (eds.), *Drugs and the American Dream*, Wiley-Blackwell, Chichester, West Sussex, UK 2012.
- Agra C., Fonseca E., Quintas J., Poiaras C., *A Criminalização da Droga. Da Emergência à Aplicação da Lei* [in:] C. Agra (eds.), *Droga e Crime. Estudos Interdisciplinares*. Vol. 3, Gabinete Coordenador do Combate à Droga, Lisbon 1997, pp. 1–53.
- Agra C., *Ciencia, ética y arte de vivir. Elementos para un sistema de pensamiento crítico sobre el saber y las políticas de la droga* [in:] C. Agra, J.L. Domínguez, J.A. García Amado, P. Hebberecht, A. Recasens (eds.), *La seguridad en la sociedad del riesgo. Un debate abierto*, Atelier, Barcelona 2003, pp. 201–225.
- Agra C., *Requiem pour la guerre à la drogue. L’expérimentation portugaise de décriminalisation*, “Déviance & Société” 2009, Vol. 33, Iss. 1, pp. 27–49.
- Alexander M., *The New Jim Crow*, The New Press, New York, NY 2012.
- Ali R., Christie P., Lenton S., Hawks D., Sutton A., Hall W., Allsop S., *The Social Impacts of the Cannabis Expiation Notice Scheme in South Australia*, Australian Government Publication Service, Canberra 1999.
- Allen C.R., *The impact of sanctions on child and female offenders* [in:] H. Kury, S. Redo, E. Shea (eds.), *Women and Children as Victims and Offenders. Background, Prevention, Reintegration. Suggestions for Succeeding Generations*. Vol. 2, Springer, Heidelberg–New York 2016, pp. 173–202.
- Andrews D.A., Bonta J., *The Psychology of Criminal Conduct*, Matthew Bender, New Providence, NJ 2010.
- Aos S., Phipps P., Barnoski R., Lieb R., *The Comparative Costs and Benefits of Programs to Reduce Crime*, Washington State Institute for Public Policy, Olympia 2001.

<sup>96</sup> B. Maelicke, S. Suhling (eds.), *Das Gefängnis...*, op. cit.

<sup>97</sup> H. Kury, E. Shea, *Introduction* [in:] idem (eds.), *Punitivity. International Developments*. Vol. 2..., op. cit., pp. 9–28.

- Aos S., Miller M., Drake E., *Evidence-based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates*, Washington State Institute for Public Policy, Olympia 2006.
- Austin J., Irwin J., *It's About Time. America's Imprisonment Binge*, Wadsworth, Belmont, CA 2001.
- Balsa C., Farinha T., Urbano C., Francisco A., *Inquérito Nacional ao Consumo de Substâncias Psicoativas na População Portuguesa*, IDT, Coleção Estudos – Universidades, Lisboa 2003.
- Balsa C., Vital C., Urbano C., Pascueiro L., *Inquérito Nacional ao Consumo de Substâncias Psicoativas na População geral, Portugal 2007*, IDT, Coleção Estudos – Universidades, Lisboa 2008.
- Balsa C., Vital C., Urbano C., *III Inquérito Nacional ao Consumo de Substâncias Psicoativas na População Portuguesa 2012. Resultados preliminares*, SICAD, Coleção Estudos – Universidades, Lisboa 2013.
- Balsa C., Vital C., Urbano C., *IV Inquérito Nacional ao Consumo de Substâncias Psicoativas na População Geral Portugal 2016/17. Relatório final*, SICAD, Lisboa 2017.
- Beccaria C., *Von den Verbrechen und von den Strafen*, Berliner Wissenschaftsverlag, Berlin 2005 (1764).
- Beckett K., Sasson T., *The Politics of Injustice. Crime and Punishment in America*, Sage, Thousand Oaks, CA 2004.
- Belenko S., Spohn C., *Drugs, Crime, and Justice*, Sage, Los Angeles, CA 2015.
- Bohm R., Haley K., *Introduction to Criminal Justice*, McGraw-Hill, New York, NY 2017.
- Bonczar T., *Prevalence of Imprisonment in the U.S. Population, 1974–2001*, U.S. Department of Justice, Bureau of Justice Statistics, Washington, D.C. 2003.
- Broidy L., Agnew R., *Gender and crime. A general strain theory perspective* [in:] M. Chesney-Lind, L. Pasko (eds.), *Girls, Women, and Crime. Selected Readings*, Sage, Thousand Oaks 2004, pp. 3–33.
- Caballero F., Bisiou Y., *Droit de la drogue*, Éditions Dalloz, Paris 2000.
- Cauchie J., Devresse M., *La nouvelle réglementation belge pour le cannabis. Une politique du clair-obscur*, “Revue de Droit Pénal et Criminologie” 2001, Iss. 12, pp. 1165–1186.
- Cesoni M., *La politique suisse de la drogue. Un modèle pour L'Union Européenne?* [in:] C. Faugeron (ed.), *Les drogues en France. Politiques, marchés, usages*, Ed. Georg, Geneva 1999, pp. 99–109.
- Does More Imprisonment Lead to Less Crime?*, Center on Juvenile & Criminal Justice, San Francisco 2008.
- Dölling D., Entorf H., Hermann D., Rupp T., *Meta-analysis of empirical studies on deterrence* [in:] H. Kury, E. Shea (eds.), *Punitivity. International developments. Vol. 3, Punitiveness and Punishment*, Universitätsverlag Dr. Brockmeyer, Bochum 2011, pp. 315–378.
- Downey P., Roman J., *A Bayesian Meta-Analysis of Drug Court Cost-Effectiveness*, Urban Institute, Washington D.C. 2010.

- Fernandes L., *Os Pós Modernos, a Cidade, o Sector Juvenil e as Drogas*, Tese de Mestrado, Faculdade de Psicologia e de Ciências da Educação da Universidade do Porto, 1990.
- Fetherston J., Lenton S., *Effects of the Western Australian Cannabis Infringement Notice Scheme on Public Attitudes, Knowledge and Use. Comparison of Pre and Post Change Data*, National Drug Research Institute, Curtin University of Technology, Perth 2007.
- Flynn P., Porto J., Rounds Bryant J., Kristiansen P., *Costs and benefits of methadone treatment in DATOS. Part 2: Gender differences for discharged and continuing patients*, "Journal of Maintenance in the Addictions" 2003, Vol. 2, Iss. 1–2, pp. 151–169.
- Franey C., Ashton M., *The Grand Design Lessons from DATOS*, "Drugs and Alcohol Findings" 2002, Vol. 7, pp. 4–19.
- Goode E., *Drugs in American Society*, McGraw-Hill, New York, NY 2015.
- Granfield R., Cloud W., *The elephant that no one sees. Natural recovery among middle-class addicts* [in:] P.A. Adler, P. Adler, P.K. O'Brien (eds.), *Drugs and the American Dream*, Wiley-Blackwell, Chichester, West Sussex, UK 2012.
- Greenwald G., *Drug Decriminalization in Portugal. Lessons for Creating Fair and Successful Drug Policies*, Cato Institute, Washington 2009.
- Hassemer W., *Warum Strafe sein muss. Ein Plädoyer*, Ullstein, Berlin 2009.
- Hestermann T., *Fernsehgewalt und die Einschaltquote. Welches Publikumsbild Fernsehschaffende leitet, wenn sie über Gewaltkriminalität berichten*, Nomos, Baden-Baden 2010.
- Hestermann T., "Violence against children sells very well". *Reporting crime in the media and attitudes to punishment* [in:] H. Kury, S. Redo, E. Shea (eds.), *Women and Children as Victims and Offenders Background, Prevention, Reintegration. Suggestions for Succeeding Generations. Vol. 1*, Springer, Heidelberg–New York 2016, pp. 923–947.
- Hestermann T., *Refugees and migrants in the media. The black hole* [in:] H. Kury, S. Redo (eds.), *Refugees and Migrants in Law and Policy. Challenges and Opportunities for Global Civic Education*, Springer, Heidelberg–New York 2018, pp. 125–136.
- Hibell B., Guttormsson U., Ahlström S., Balakireva O., Bjarnason T., Kokkevi A., Kraus L., *The 2007 ESPAD Report. Substance Use among Students in 36 European Countries*, CAN/EMCDDA/Council of Europe (Pompidou Group), Stockholm 2012.
- Hughes C., Stevens A., *What can we learn from the Portuguese decriminalization of illicit drugs?*, "British Journal of Criminology" 2010, Vol. 50, Iss. 6, pp. 999–1022.
- Hughes C., Stevens A., *A resounding success or a disastrous failure. Reexamining the interpretation of evidence on the Portuguese decriminalisation of illicit drugs*, "Drug and Alcohol Review" 2012, Vol. 31, Iss. 1, pp. 101–113.
- Kamin S., *Marijuana regulation in the United States* [in:] E. Savona, M.A.R. Kleiman, F. Calderoni (eds.), *Dual Markets. Comparative Approaches to Regulation*, Springer, Cham 2017, pp. 105–120.
- Kamphoefer W., *German Americans. Paradoxes of a 'model minority'* [in:] S. Pedraza, R. Rumbaut (eds.), *Origins and Destinies. Immigration, Race, and Ethnicity in America*, Wadsworth Publishing, Belmont 1996.

- Kanada legalisiert Cannabis, "Süddeutsche Zeitung", 20.06.2018.
- Kanada will Cannabis legalisieren. Premierminister Justin Trudeau löst damit ein Wahlkampfversprechen ein, "Badische Zeitung", 21.06.2018, p. 12.
- Kappeler V., Potter G.W., *The Mythology of Crime and Criminal Justice*, Waveland Press, Long Grove, IL 2018.
- Kilmer B., *Do cannabis possession laws influence cannabis use?* [in:] *Cannabis 2002 Report. Technical Report of the International Scientific Conference*, Ministry of Public Health of Belgium, Brussels 2002.
- Klaus W., Rzeplińska I., Woźniakowska-Fajst D., *Punitivity in Polish law, public opinion, and penal policy* [in:] H. Kury, E. Shea (eds.), *Punitivity. International Developments. Vol. 2, Insecurity and Punitiveness*, Universitätsverlag Dr. Brockmeyer, Bochum 2011, pp. 245–268.
- Klaus W., Lévy M., Rzeplińska I., Scheinost M., *Refugees and asylum seekers in Central European countries. Reality, politics and the creation of fear in societies* [in:] H. Kury, S. Redo (eds.), *Refugees and Migrants in Law and Policy. Challenges and Opportunities for Global Civic Education*, Springer, Heidelberg–New York 2018, pp. 457–494.
- Kriminalität im Kontext von Zuwanderung. Bundeslagebild 2017*, Bundeskriminalamt, Wiesbaden 2018.
- Krueger J., Kuhlmann A., *Addicts Can Change. The Nuts and Bolts of Establishing a Drug Court. Paper Presented at the Annual Meeting of the American Society for Criminology*, New Orleans, LA, 16–19 November 2016.
- Kuhlmann A., *Drug Politics in the United States* [Unpublished Paper], 2018.
- Kury H., *Führen härtere Strafen zu weniger Kriminalität? Über den zweifelhaften Wert eines kriminalpolitischen Konzepts* [in:] K. Boers (ed.), *Kriminologische Perspektiven. Wissenschaftliches Symposium zum 70. Geburtstag von Klaus Sessar*, Waxmann, Münster [et al.] 2012, pp. 227–250.
- Kury H., *Mediation, restorative justice and social reintegration of offenders. The effects of alternative sanctions on punishment* [in:] H. Kury, S. Redo, E. Shea (eds.), *Women and Children as Victims and Offenders. Background, Prevention, Reintegration. Suggestions for Succeeding Generations. Vol. 2*, Springer, Heidelberg–New York 2016, pp. 249–282.
- Kury H., *Wie restitativ eingestellt ist die Bevölkerung? – Zum Einfluss der Frageformulierung auf die Ergebnisse von Opferstudien*, "Monatsschrift für Kriminologie und Strafrechtsreform" 1995, Vol. 78, Iss. 2, pp. 84–98.
- Kury H., *Zum Einfluss der Art der Datenerhebung auf die Ergebnisse von Umfragen*, "Monatsschrift für Kriminologie und Strafrechtsreform" 1994, Vol. 77, Iss. 1, pp. 22–33.
- Kury H., Dussich J.P.J., Wertz M., *Migration in Germany. An international comparison on the psychotraumatic stress among refugees* [in:] H. Kury, S. Redo (eds.), *Refugees and Migrants in Law and Policy. Challenges and Opportunities for Global Civic Education*, Springer, Heidelberg–New York 2018, pp. 313–354.

- Kury H., Kania H., Obergfell-Fuchs J., *Worüber sprechen wir, wenn wir über Punitivität sprechen? Versuch einer konzeptionellen und empirischen Begriffsbestimmung*, "Kriminalologisches Journal" 2004, Vol. 36, Iss. 8, pp. 51–88.
- Kury H., Kuhlmann A., *Is punishment the best way to reduce crime. How important are alternatives?* [in:] P. Schäfer, E. Weitekamp (eds.), *Establishing Victimology. Festschrift for Prof. Dr. Gerd Ferdinand Kirchhoff. 30<sup>th</sup> Anniversary of Dubrovnik Victimology Course*, Hochschule Niederrhein, Fachbereich Sozialwesen, Mönchengladbach 2014, pp. 329–350.
- Kury H., Lichtblau A., Neumaier A., *Was messen wir, wenn wir Kriminalitätsfurcht messen?*, "Kriminalistik" 2004, Vol. 58, Iss. 7, pp. 457–465.
- Kury H., Quintas J., *Sanktionen oder Hilfe? Einstellungen zu Drogentätern. Ergebnisse aus Portugal*, "Kriminalistik" 2010, Vol. 64, Iss. 7, pp. 403–409.
- Kury H., Quintas J., *Zur Wirkung von Sanktionen bei Drogenabhängigen. Argumente für eine rationale Drogenpolitik*, "Polizei & Wissenschaft" 2010, Iss. 1, pp. 32–56.
- Kury H., Shea E. (eds.), *Punitivity. International developments. Vol. 3, Punitiveness and Punishment*, Universitätsverlag Dr. N. Brockmeyer, Bochum 2011.
- Kury H., Shea E., *Introduction* [in:] H. Kury, E. Shea (eds.), *Punitivity. International Developments. Vol. 2, Insecurity and Punitiveness*, Universitätsverlag Dr. Brockmeyer, Bochum 2011, pp. 9–28.
- Kury H., Redo S. (eds.), *Refugees and Migrants in Law and Policy. Challenges and Opportunities for Global Civic Education*, Springer, Heidelberg–New York 2018.
- Lappi-Seppälä T., *Changes in penal policy in Finland* [in:] H. Kury, E. Shea (eds.), *Punitivity. International Developments. Vol. 1, Punitiveness – a Global Phenomenon?*, Brockmeyer, Bochum 2011, pp. 251–287.
- Latimer J., Morton-Bourgon K., Chretien J., *A Meta-analytic Examination of Drug Treatment Courts. Do they Reduce Recidivism?*, Canada Department of Justice, Research & Statistics Division, Ottawa 2006.
- Lipsey M., Cullen F., *The effectiveness of correctional rehabilitation. A review of systematic reviews*, "Annual Review of Law and Social Science" 2007, Vol. 3, Iss. 1, pp. 279–320, DOI:10.1146/annurev.lawsocsci.3.081806.112833.
- Liszt F. von, *Strafrechtliche Aufsätze und Vorträge. Band 2*, J. Guttentag, Berlin 1905.
- Lowenkamp C., Holsinger A., Latessa E., *Are drug courts effective? A meta-analytic review*, "Journal of Community Corrections" 2005, Vol. 15, Iss. 1, pp. 5–28.
- Macallair D., Males M., *Marijuana Arrests and California's Drug War. A Report to the California Legislature*, Legislative Policy Study Center on Juvenile and Criminal Justice, 2009.
- MacCoun R., *Toward a psychology of harm reduction*, "American Psychologist" 1998, Vol. 53, Iss. 11, pp. 1199–1208.
- MacCoun R., Reuter P., *Evaluating alternative cannabis regimes*, "British Journal of Psychiatry" 2001, Vol. 178, Iss. 2, pp. 123–128.

- MacCoun R., Pacula R., Chriqui J., Harris K., Reuter P., *Do citizens know whether their state has decriminalized marijuana? A test of the perceptual assumption in deterrence theory*, "Review of Law & Economics" 2009, Vol. 5, Iss. 1, pp. 347–271.
- Maelicke B., Suhling S. (eds.), *Das Gefängnis auf dem Prüfstand. Zustand und Zukunft des Strafvollzugs*, Springer, Wiesbaden 2018.
- Marlowe D., Festinger D., Dubosh C., Benasutti K., Fox G., Croft J., *Adaptive programming improves outcomes in drug court. An experimental trial*, "Criminal Justice and Behavior" 2012, Vol. 39, Iss. 4, pp. 514–532.
- McCaslin W.D. (ed.), *Justice as Healing. Indigenous Ways*, Living Justice Press, St. Paul, MN 2005.
- Mauer M., Chesney-Lind M., *Invisible Punishment. The Collateral Consequences of Mass Imprisonment*, The New Press, New York, NY 2002.
- Mosher C., Akins S.M., *Drugs and Drug Policy. The Control of Consciousness Alteration*, Sage, Los Angeles, CA 2014.
- Musto D.F., *The American disease. Narcotics in nineteenth-century America* [in:] P.A. Adler, P. Adler, P.K. O'Brien (eds.), *Drugs and the American Dream*, Wiley-Blackwell, Chichester, West Sussex, UK 2012.
- Orth B., Merkel C., *Der Cannabiskonsum Jugendlicher und junger Erwachsener in Deutschland. Ergebnisse des Alkoholsurveys 2016 und Trends*, Bundeszentrale für gesundheitliche Aufklärung, Köln 2018.
- Pacula R., Chriqui J., King J., *Marijuana Decriminalization. What Does It Mean in the United States*, National Bureau of Economic Research, Cambridge, MA 2003.
- Pacula R., Lundberg R., *Why changes in price matter when thinking about marijuana policy. A review of the literature on the elasticity of demand*, "Public Health Review" 2014, Vol. 35, Iss. 2, pp. 1–18.
- Poiares C., Agra C., *A droga e a Humanidade. Reflexão Psicocriminal* [in:] D. Vicente (co-ord.), *Problemas Jurídicos da droga e da Toxicoddependência. Vol. I, Suplemento da Revista da Faculdade de Direito da Universidade de Lisboa*, Coimbra Editora, Coimbra 2003, pp. 9–26.
- Pratt T.C., Cullen F.T., *Assessing macro-level predictors and theories of crime. A meta-analysis* [in:] M. Tonry (ed.), *Crime and Justice. A Review of Research. Vol. 32*, University of Chicago Press, Chicago 2005, pp. 373–450.
- Quintas J., *Regulação Legal do Consumo de Drogas. Impactos da Experiência Portuguesa da Descriminalização*, Tese de Doutoramento. Faculdade de Direito da Universidade do Porto, 2006.
- Quintas J., *Regulação Legal do Consumo de Drogas. Impactos da Experiência Portuguesa da Descriminalização*, Universidade do Porto, Porto 2007.
- Quintas J., *Regulação Legal do Consumo de Drogas. Impactos da Experiência Portuguesa da Descriminalização*, Fronteira do Caos, Porto 2011.
- Quintas J., Agra C., *L'impact de la loi portugaise de décriminalisation de l'usage de drogues* [in:] M.L. Cesoni, M.S. Devresse (eds.), *La détention de stupéfiants entre criminalisation et décriminalisation*, Academic Press Fribourg, Fribourg 2010, pp. 107–136.

- Quintas J., Agra C., *The Impact of Portuguese Drug Use Decriminalisation Law*, University of Porto. Faculty of Law. School of Criminology, Porto 2008.
- Quintas J., Arana X., *Decriminalization. Different models in Portugal and Spain* [in:] E. Savona, M.A.R. Kleiman, F. Calderoni (eds.), *Dual Markets. Comparative Approaches to Regulation*, Springer, Cham 2017, pp. 121–144.
- Quintas J., Fonseca E., *Portugal country profile* [in:] *Prosecution of Drug User in Europe. Varying Pathways to Similar Objectives*, Office for Official Publications of the European Communities, Luxembourg 2002, pp. 301–309.
- Reiman J., Leighton P., *The Rich Get Richer and the Poor Get Prison. Ideology, Class, and Criminal Justice*, Routledge, New York, NY 2017.
- Relatório Anual 2015. A situação do país em matéria de drogas e toxicodependências*, SICAD – Serviço de Intervenção nos comportamentos aditivos e nas dependências, Lisboa 2016.
- Robertson O., Christmann K., Sharratt K., Berman A.H., Manby M., Ayre E., Foca L., Asiminei R., Philbrick K., Gavriluta C., *Children of prisoners. Their situation and role in long-term crime prevention* [in:] H. Kury, S. Redo, E. Shea (eds.), *Women and Children as Victims and Offenders. Background, Prevention, Reintegration. Suggestions for Succeeding Generations. Vol. 2*, Springer, Heidelberg–New York 2016, pp. 203–232.
- Shaffer D.K., *Looking inside the black box of drug courts. A meta-analytic review*, “Justice Quarterly” 2010, Vol. 28, Iss. 3, pp. 493–521.
- Shelden R., *Our Punitive Society. Race, Class, Gender and Punishment in America*, Waveland, Long Grove, IL 2010.
- Simpson D., Joe G.W., Broom K.M., *A national 5-year follow-up of treatment outcomes for cocaine dependence*, “Archives of General Psychiatry” 2002, Vol. 59, Iss. 6, pp. 538–544.
- Single E., Christie P., Ali R., *The impact of cannabis decriminalisation in Australia and the United States*, “Journal of Public Health Policy” 2000, Vol. 21, Iss. 2, pp. 157–186.
- Smith P., Goggin C., Gendreau P., *The Effects of Prison Sentences and Intermediate Sanctions on Recidivism. General Effects and Individual Differences* (User Report 200201), Public Safety and Emergency Preparedness Canada, Ottawa 2002.
- Temin P., *The Vanishing Middle Class. Prejudice and Power in a Dual Economy*, MIT Press, Cambridge, MA–London 2017.
- Thies C., Register C., *Decriminalization of marijuana and the demand for alcohol, marijuana and cocaine*, “The Social Science Journal” 1993, Vol. 30, Iss. 4, pp. 385–399.
- Veilleux J.C., Colvin P.J., Anderson J., York C., Heinz A.J., *A review of opioid dependence treatment. Pharmacological and psychosocial interventions to treat opioid addiction*, “Clinical Psychology Review” 2010, Vol. 30, Iss. 2, pp. 155–166.
- Wacquant L., *Bestrafen der Armen. Zur neoliberalen Regierung der sozialen Unterschicht*, Budrich Verlag, Leverkusen 2013.
- Wagner P., Rabuy B., *Mass Incarceration. The Whole Pie 2017*, Prison Policy Initiative, <https://www.prisonpolicy.org/reports/pie2017.html> [access: 9.02.2019].
- Wilson D., Mitchell O., MacKenzie D., *A systematic review of drug court effects on recidivism*, “Journal of Experimental Criminology” 2006, Vol. 2, Iss. 4, pp. 459–487.

Winterdyk J., King D., *Perspective on punitiveness for adult offenders. Contrasting Canada and the United States* [in:] H. Kury, E. Shea (eds.), *Punitivity. International Developments. Vol. 3, Punitiveness and Punishment*, Universitätsverlag Dr. Brockmeyer, Bochum 2011, pp. 101–130.

*World Drug Report 2018*, United Nations Office on Drugs and Crime, Vienna 2018.

Zarafonitou C., *Punitiveness, fear of crime and social views* [in:] H. Kury, E. Shea (eds.), *Punitivity. International Developments. Vol. 2, Insecurity and Punitiveness*, Universitätsverlag Dr. Brockmeyer, Bochum 2011, pp. 269–294.

## Internet Sources

*About the Epidemic. The U.S. Opioid Epidemic*, US Department of Health and Human Services, 2016, <https://www.hhs.gov/opioids/sites/default/files/2018-01/opioids-infographic.pdf> [access: 2.02.2018].

Casey P.M., Elek J.K., Warren R.K., Cheesman F., Kleiman M., Ostrom B., *Offender Risk & Needs Assessment Instruments. A Primer for Courts*, National Center for State Courts. Center for Sentencing Initiatives, 2014, [https://www.ncsc.org/~media/microsites/files/csi/bja%20rna%20final%20report\\_combined%20files%208-22-14.ashx](https://www.ncsc.org/~media/microsites/files/csi/bja%20rna%20final%20report_combined%20files%208-22-14.ashx) [access: 17.02.2019].

Cheesman F.L., Broschius C.E., Kleiman M., *Wisconsin Statewide Drug and Hybrid Court Performance Measures*, National Center for State Courts, 2016, <https://www.wicourts.gov/courts/programs/docs/ncscperfmeasuresreport.pdf> [access: 9.02.2019].

*Death Row inmates by state and size of death row by year*, Death Penalty Information Center, 1.07.2018, <https://deathpenaltyinfo.org/death-row-inmates-state-and-size-death-row-year> [access: 9.02.2019].

ESPAD Group, *ESPAD Report 2015. Results from the European School Survey Project on Alcohol and Other Drugs*, Publications Office of the European Union, Luxembourg 2016, [http://www.espad.org/sites/espad.org/files/ESPAD\\_report\\_2015.pdf](http://www.espad.org/sites/espad.org/files/ESPAD_report_2015.pdf) [access: 9.02.2019].

European Monitoring Centre for Drugs and Drug Addiction, *European Drug Report 2016. Trends and Developments. Publications Office of the European Union*, Luxembourg 2016, <http://www.emcdda.europa.eu/system/files/publications/2637/TDAT16001ENN.pdf> [access: 9.02.2019].

Gusovsky D., *Americans consume vast majority of world opioids*, CNBC, 27.04.2016, <https://www.cnn.com/2016/04/27/americans-consume-almost-all-of-the-global-opioid-supply.html> [access: 9.02.2019].

Malone K.G., *Nearly half of youth incarcerated across Canada are Indigenous. Statistics Canada*, The Globe and Mail, 24.06.2018, <https://www.theglobeandmail.com/canada/article-nearly-half-of-youth-incarcerated-across-canada-are-indigenous/> [access: 9.02.2019].

- McLemore M., *While Vowing to Take on the Opioid Crisis Trump Cuts Drug Treatment Options*, Human Rights Watch, 27.10.2017, <https://www.hrw.org/news/2017/10/27/while-vowing-to-take-opioid-crisis-trump-cuts-drug-treatment-options> [access: 9.02.2019].
- Merica D., *Trump Pushes Death Penalty for Some Drug Dealers*, CNN Politics, 19.03.2018, <https://edition.cnn.com/2018/03/19/politics/opioid-policy-trump-new-hampshire/index.html> [access: 9.02.2019].
- Nellis A., *The Color of Justice. Racial and Ethnic Disparity in State Prisons*, The Sentencing Project, 2016, <https://www.sentencingproject.org/wp-content/uploads/2016/06/The-Color-of-Justice-Racial-and-Ethnic-Disparity-in-State-Prisons.pdf> [access: 9.02.2019].
- Newkirk V., *The People Trump's War on Drugs Will Actually Punish*, The Atlantic, 26.03.2018, <https://www.theatlantic.com/politics/archive/2018/03/killing-drug-dealers-opioid-epidemic/555782/> [access: 9.02.2019].
- Reilly C., *President Obama signs Bipartisan Bill to Combat Opioid Epidemic*, Pew Charitable Trusts, 22.07.2016, <https://www.pewtrusts.org/en/research-and-analysis/articles/2016/07/22/president-obama-signs-bipartisan-bill-to-combat-opioid-epidemic> [access: 9.02.2019].
- STAT forecast: *Opioids Could Kill Nearly 500,000 Americans in the Next Decade*, STAT, 27.06.2017, <https://www.statnews.com/2017/06/27/opioid-deaths-forecast/> [access: 9.02.2019].
- Vital Statistics Rapid Release. Provisional Drug Overdose Death Counts*, Centers for Disease Control and Prevention, 12.01.2018, <https://www.cdc.gov/nchs/nvss/vsrr/drugoverdose-data.htm> [access: 9.02.2019].
- Wealth Inequality in the United States*, Inequality.org, 2018, <https://inequality.org/facts/wealth-inequality/> [access: 9.02.2019].

## Varia

- Moore M., *The Legacy. Murder and Media, Politics and Prisons*, Films for the Humanities, 2003.