

DALGARNO INSTITUTE



'Evidence Based Data and the Failed Portuguese Experiment'

A Critique

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Varcoe, S.W & Francke, D

Authors

D. Francke & S.W.Varcoe

The purpose of this paper is to draw together some key data that contradicts and invalidates claims by pro-drug legalization lobbyist Ethan Nadelmann. Nadelmann referred to a paper titled 'What can we learn from the Portuguese decriminalization of illicit drugs?' as a key piece of evidence to bolster his recommendations for the legalising/decriminalising of illicit drugs. As you will read, the paper referred to by Nadelmann not only fails to be consistent in its attempt to meet its own internal criteria, but, as we will show, fails to lend any credible weight to the argument for decriminalisation. Furthermore, other emerging evidence in this critique will incontrovertibly challenge the notion that Portugal is 'better off' for having decriminalised illicit drugs.

Introduction

The purpose of this composite document is to challenge the recent claims by pro-drug legalization lobbyist Ethan Nadelmann about key 'proofs' he cited to bolster his case for the legalization of illicit drugs as quoted in ABC 7:30 report 23/11/10,

*There is proof now coming from Portugal - a wonderful report out just this week in the British Journal of Criminology by Alex Stevens - that Portugal's policy of decriminalising possession of all drugs has not resulted in an increase in drug use, but it has resulted in a reduction in crime, reduction of HIV, Hep C and other drug related ills. So there's powerful evidence.*¹

As you will read in the following evaluation of the said 'evidence', there is very much a different picture painted about the impact of decriminalisation. Of course the key to understanding and using evidence is to establish both the context and framework of investigations. In the key study by Hughes and Stevens you will discover that the original premise for making both conclusions and claims did shift during the course of the paper, as the following will show thus generating (to use a Nadelmann phrase) 'Overwhelming Proof'² that decriminalization has failed not only drug users but the wider population of Portugal. However, more importantly the paper failed to genuinely confirm the hypothesis and findings that Hughes and Stevens sought to arrive at.

The Critique

A Critique of this paper by Dalgarno Institute

To quote the researchers, Hughes & Stevens, page. 1004, Paragraph 3

*However we can **test the hypotheses** from some politicians and academics... **that decriminalization necessarily leads to increases in drug use and related harms.***³

According to conclusion on page 1018, 2nd paragraph:

*...while **small increases of drug** use was reported by Portuguese adults, the regional context of this trend suggests that they were not produced **solely** by the 2001 decriminalization. We would argue that they are less important than the major reductions seen in opiate-related deaths and infections as well as reductions in young people's drug use.*⁴

First the researchers say that they want to test the hypotheses...then once the evidence is not in favour they focus on something else entirely! The hypothesis stands according to the evidence! I would further argue that the regional trend in increase could have been influenced by the relaxed laws in Portugal (ripple effect) unless the trends were present before 2001. None of their graphs show pre 2001 trends so we can't comment decisively.

I would say the evidence is more in favour of not decriminalizing. As usual it's the spin doctor approach really, nothing is conclusive, but anything and everything is being inferred to favour the particular viewpoint of the authors. There's a lot of smoke-screening and diverting of attention onto other outcomes which cannot be conclusively proven to be a result of the Portugal strategy anyway.

The arguments put forward on pages 1005/1006 are weak at best. This was the Holy Grail they were



after, to see whether drug use would increase or decrease. I'm sure if it had decreased even slightly, they would have been doing cartwheels to point out that the evidence was conclusive...but since it went up "**slightly to moderately**" they are scratching around to find a 'plausible' explanation as to what caused that ...so much for the evidence based approach!

Response for p 1006 comment:

Seeing that Portugal was now a 'drug haven' with very soft drug related criminal laws everyone and his dog must've wanted to cash in. Obviously there was a lot of cash to be made (ergo the increase in use), and if more drugs were coming into the region and being made in Portugal for local market and export (again evidenced by a 499% increase in drugs seized, captures of ecstasy alone increased by a staggering 1526% pg 1011) of course one would expect to find regional trends increasing (why on earth would it decrease?). As I've commented on p 1018 about conclusions, the only way to really answer this question for sure would be to conduct the reverse of this whole test as well (the following are additional comments):

- severely increase penalties only
- severely increase penalties & increase Therapeutic Responses (TR)
- Decriminalise only with no increased TR
- Decriminalise and increase TR (which is what they've done)
- Other combinations and variants also possible.

Once tests along these lines are conducted and analysed we'll be in a much better position to claim conclusive 'evidence based' outcomes.

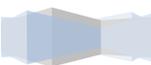
Halfway through the paper their big '*Silver Bullet*' is the measurement of PDU (Problematic Drug Use) and if this declines then their claim is that interventions are working? So now the goal posts have changed !

*..However we can **test the hypotheses** from some politicians and academics... **that decriminalization necessarily leads to increases in drug use and related harms.**⁵*

In other words general drug use increase is not considered to be a smoking gun, it has to be *Problematic* (which is nowhere defined in the paper, at least not where we could find but at other sources it is predominantly described as intravenous opioid use, which does not include cannabis, alcohol, ecstasy etc)

So suddenly they are claiming that PDU (Problematic Drug Use) has indeed **declined** (p 1008) and this constitutes "*strong evidence that the Portuguese decriminalisation has not increased the most harmful forms of drug use.*" Here's the problem though...on p 1006 when they start talking about PDU they are all **Estimated figures** (one before the last paragraph) based on the Multiplier method which is one of 3 methods that can be used, which is:

- a simple multiplier method using police, treatment, mortality or HIV/HCV data;
- capture–recapture methods;
- extrapolation via multivariate indicator methods



<http://www.emcdda.europa.eu/stats07/PDU/methods>

The numbers derived are the estimate. It is still only an **estimate** and there could be any number of reasons why less numbers are in those categories. Also what happens when you use the other two methods? That's not even talked about...yet the website above says:

"Many of the available estimates are based on results from more than one estimation method, thereby adding to their reliability"

Basically for their estimates to be considered to be reliable they need to include more than one estimation method, which they do not!

So the Silver Bullet, which is an estimate, is worded to sound like it is a communicating evidence based fact. So when they use the term 'evidence based' to bolster their argument - it's merely an evidentiary smoke screen.

Another interesting piece of information worth noting is that Spain's user arrests begin to increase prodigiously after Portugal introduces decriminalization (from around 8000 in 1998 to around 26000 in 2007 - 350% increase!) but its trafficking arrests remain at around the 1000 mark for the whole 9 years! Surely this must raise some serious 'red flags'? What is disturbing is that this is touted as having little or nothing to do with the Portugal venture and outrageously dismissed as being totally unrelated because this is a 'regional trend'. Again the selection of evidence, framing of data and bounding of debate, relegate a key juxtapose that challenges the findings to seeming irrelevance – as if any reasonable person is that stupid!

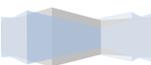
Considering that these are two neighbouring countries and considering the massive 499% increase in trafficking offenders caught in Portugal, you don't have to be erudite to **Estimate** that maybe, just maybe, the Spaniards are getting their 'junk' from over the border? *'Nah, totally unlikely!'* he taunts sarcastically!

One very interesting reported fact (not estimated this time) is that numbers of **drug related offenders** (crimes committed under the influence of drugs/or to fund drug consumption) have dropped in Portuguese prisons. So if anything they have this to crow about, but they don't make a big deal of it, other than to say that there has been an overall reduction in the burden of drug related offenders in the criminal justice system.

No reasons for this are put forward. Possibly because in the very next paragraph they discuss the 499% overall increase in drug seizures and obviously this would mean more people being prosecuted under a different category than '**drug related offenders**'. These are now more serious crimes of trafficking which aren't decriminalised.

The other side of the coin!

The following is a paper written by Drug Free America citing the evaluation carried out on the Portugal Decriminalisation experiment by the Chairman of the Association for a Drug Free Portugal. As you will clearly see the 'evidence' is of a very different type and tenor.



PORTUGAL - THE TRUTH ABOUT DRUG DECRIMINALIZATION

As reported by Manuel Pinto Coelho, Chairman of APLD, Portugal

Drug use was decriminalized in Portugal in the year 2000? Was it a resounding success? Not according to Manuel Coelho, Chairman of the Association for a Drug-Free Portugal and member of the International Task Force on Strategic Drug Policy. He reports the following:

- *Portugal remains the country with the highest incidence of IDU (Injection Drug Users) related AIDS and is the only country in Europe with an increase; 703 newly diagnosed infections followed from a distance by Estonia with 191 and Latvia with 108 reported cases.*
- *The number of new cases of HIV/AIDS and Hepatitis C in Portugal recorded 8 times the average found in other EU countries.*
- *Homicides related to drug use have increased 40%, and is the only EU country to show an increase from 2000 to 2006.*
- *Portugal recorded a 30% increase in drug overdose deaths, and along with Greece, Austria and Finland has one of the worst records in the EU, one every two days.*
- *The number of deceased individuals that tested positive for drugs (314) in 2007 registered a 45% rise, “.....climbing fiercely after 2006 (216).”*
- *Behind Luxembourg, Portugal is the European country with the highest rate of consistent drug users and IV heroin dependents. (Portuguese Drug Situation Annual Report 2006)*
- *Drug use increased 4.2% between 2001-2007, with life time use going from 7.8% to 12% (66% increase.) Individual drug use grew as follows:*

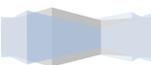
<i>Cannabis</i>	<i>12.4 to 17% (37% increase)</i>
<i>Cocaine</i>	<i>1.3 to 2.8% (215% increase)</i>
<i>Heroin</i>	<i>.7 to 1.1% (57% increase)</i>
<i>Ecstasy</i>	<i>.7 to 1.3% (85% increase)</i>

(Report of Portuguese IDT 2008)

- *While cocaine and amphetamine consumption rates have doubled, drug seizures of cocaine have increased sevenfold between 2001 and 2006, sixth highest in the world. (World Drug Report, June 2009)*

Says Coelho, “The statistical results have been insidiously manipulated by institutions controlled by the government. The banner of “harm reduction” cannot be an ideology and an end in itself. It is extremely disturbing to promote the correct use of drugs safely.....” He goes on to say that 70% of Portuguese addicts are in treatment programs that simply substitute one drug for another, and subject countless addicts to a life of dependency.

SO MUCH FOR HARM REDUCTION! ⁶



Conclusion

So how should we conclude this brief, but important foray into the ever increasingly cloudy world of 'evidence based' data? Should we launch into vitriolic declarations such as those that come from misguided people who believe they have a 'better way', such as with Mr. Nadelmann? As we have seen, when the dust settles, when the noisy and chaotic maelstrom of lobbyist 'spin' has subsided, we are back to a culture destroying problem that will not get better when we make it easier and simpler to access illicit drugs.

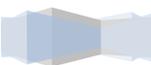
If we are not positioning our cultures to unequivocally declare that illicit drugs are a scourge and should never be granted any status other than illegal, we will only push our emerging generation and the culture they will create, further down the every slippery slope of dysfunction. This outcome can never, must never be the result of, or aided by, those who have been given responsibility to govern our communities. All governments should be about the protection of that which brings function and well-being to the community and never about the protection or worse, promotion of that which wreaks a destructive toll on its people, individually or collectively. Decriminalization is at best an idea, it is not a solution.

Dirk Francke – AOD Counselor and Education Officer, Dalgarno Institute

Shane Varcoe – Executive Director, Dalgarno Institute.

Endnotes

1. ABC 7:30 Report **War on drugs** Australian Broadcasting Corporation Broadcast: 23/11/2010
Reporter: Tracy Bowden (Taken from transcript)
2. *ibid*
3. *WHAT CAN WE LEARN FROM THE PORTUGUESE - DECRIMINALIZATION OF ILLICIT DRUGS?* By Caitlin Elizabeth Hughes* and Alex Stevens (doi:10.1093/bjc/azq038 BRIT. J. CRIMINOL. (2010) 50, 999–1022 Advance Access publication 21 July 2010)
4. *ibid*
5. *op cit*
6. Morgan Roger, Exec Director of the Coalition for a Drug-Free California
www.drugfreecalifornia.org



Appendix

Portugal's Drug Use after decriminalisation an inventory of Facts

FACT # 1

The number of new cases of HIV / AIDS and Hepatitis C in Portugal recorded among drug users is eight (8) times the average found in other member states of the European Union.

"Portugal keeps on being the country with the most cases of injected drug related AIDS (85 new cases per one million of citizens in 2005, while the majority of other EU countries do not exceed 5 cases per million) and the only one registering a recent increase. 36 more cases per one million of citizens were estimated in 2005 comparatively to 2004, when only 30 were referred." (EMCDDA - November 2007)

FACT # 2

Since the implementation of decriminalization in Portugal, the number of homicides related to drug use has increased 40%.

"Portugal was the only European country to show a significant increase in homicides between 2001 and 2006." (WDR - World Drug Report, 2009)

FACT # 3

"With 219 deaths by drug 'overdose' a year, Portugal has one of the worst records, reporting more than one death every two days. Along with Greece, Austria and Finland, Portugal is one of the countries that recorded an increase in drug overdose by over 30% in 2005". (EMCDDA November 2007)

FACT # 4

The number of individuals that tested positive for drugs (314) at the Portuguese Institute of Forensic Medicine in 2007 registering a 45% rise from 2006 (216). This represents the highest number since 2001 - averaging almost one death per day. This reinforces a growth of the drug trend since 2005. (Portuguese IDT - November 2008)

FACT # 5

"Portugal has the second highest rate of consistent drug users and IV heroin dependents". (Portuguese Drug Situation Annual Report, 2006)

FACT #6

Between 2001 and 2007, drug use increased 4.2%, while the percentage of people who have used drugs (at least once) in life, increased from 7.8% to 12%. The following statistics are reported:

Cannabis: from 12.4% to 17%

Cocaine: from 1.3% to 2.8%

Heroin: from 0.7% to 1.1%



Ecstasy: from 0.7% to 1.3%.

(Report of Portuguese IDT 2008)

"The increase in consumption of cocaine (in Portugal) is extremely problematic." (Wolfgang Gotz, EMCDDA Director - Lisbon, May 2009)

"While amphetamines and cocaine consumption rates have doubled in Portugal, cocaine drug seizures have increased sevenfold between 2001 and 2006, the sixth highest in the world". (WDR - World Drug Report, June 2009)

FACT # 7

70% of Portuguese addicted to drugs are not in drug-free programs but in rather programs in 'treatment' aligned to substitution therapies.

For further information go to: <http://www.wfad.se/latest-news/1-articles/123-decriminalization-of-drugs-in-portugal--the-real-facts>

