

Repairing Drug Policies in America

Jodie D. Spagnolo

Helena College University of Montana

WRIT 101: College Writing

Karen L. Henderson

28 April 2024

Repairing Drug Policies in America

The disease of addiction affects many people all over the world. The stigma surrounding addiction can deter a person from seeking recovery. Addiction can lead to loss of employment, loss of housing, incarceration, and death. Other harms associated with substance abuse include overdose and the transmission of diseases. Many of the dangers surrounding substance use are caused by the criminality it entails. Substance addiction should be treated as a health concern, rather than a legal matter. Drug policies in our country need to undergo a drastic change to ensure the safety of people with the disease of addiction. Furthermore, decriminalizing personal amounts of drugs alongside funding recovery resources can improve the lives of many people suffering from addiction.

The criminalization of drugs has created an increase in health concerns and risks associated with the use of substances. Russoniello et al. (2023) describe, “the criminalization of drug possession contributes to high-risk substance use practices, such as using alone or in risky situations and reusing drug equipment” (p. 2). If a person resorts to using alone, they are at risk of overdose and possibly death. Due to the limited supply of harm reduction resources, many addicts utilize the same equipment numerous times. This can result in a person contracting dangerous diseases, such as hepatitis and HIV. Expanding the amount of harm reduction centers will reduce the number of contracted diseases. Additionally, it would educate addicts on safety and be a resource to seek recovery through. Another risk that criminalization brings is the fear of legal authority. Due to the fear of incarceration and legal consequences, a person may not reach out to authorities during an emergency (Russoniello et al., 2023). Detaching legal consequences could increase the odds of a person calling emergency services in the case of an overdose. Legalizing personal amounts of drugs would lower the rates of overdoses, contracted diseases, and deaths among people who use substances.

The effort put towards incarcerating addicts needs to be redirected to rehabilitation. Eighteen percent of the world’s jail population is incarcerated for drug possession (Finucane &

Stritch, 2022). The United States alone had 1.5 million arrests for drug possession in 2019, ninety percent being for personal amounts of illicit substances (Russoniello et al., 2023). Many people are released from jails and prisons without receiving any rehabilitation. This leads to the cycle of addiction and incarceration to reoccur. Due to the amount of effort put towards arresting instead of rehabilitating, some people never break free of this cycle. Legal consequences resulting from the possession of substances can affect a person for the rest of their life. Russoniello et al. (2023) explain, “a drug-related arrest can have lifelong impacts on an individual, even if that arrest does not ultimately result in a conviction or incarceration” (p.2). A few of these impacts include failing a background check for employment or housing and being ineligible for receiving government benefits (Russoniello et al., 2023). These adversities can make it extremely difficult for a person recovering from addiction to live a normal life. Legal repercussions can hinder a person from creating a better life after overcoming addiction. The stigma surrounding addiction combined with the label of criminality creates overwhelming difficulties for addicts (Finucane & Stritch, 2022). Removing legal consequences from the use of substances can make the life of a recovering addict manageable. Finucane and Stritch (2022) assert, “removing the punitive aspects of policing, legal sanctions and imprisonment may lessen the stigma and create more pathways for treatment and positive social connection for the chronically addicted” (p.4). Removing criminal punishment for the use of drugs would change the negative way society perceives addicts. In addition, it would eliminate the hurdles addicts face after rehabilitation.

Decriminalization would bring regulation, and in turn, save lives. The underground drug trade is responsible for the existence of many violent gangs (Chand, 2007). Legalization would take the control away from drug dealers and gangs. This would reduce the number of drug-related crimes. It would also eliminate the dangers associated with the purchase of street drugs. Chand (2007) claims, “regulation could control the process and greatly reduce the dangers of impure drugs” (p. 966). This would ensure that people are aware of exactly what is in the drugs

they are taking. In addition, the tax revenue generated from legalization could be contributed to the development of rehabilitation programs. Regulating the drug trade would be beneficial to all of society by lessening the violence surrounding illicit drugs. Moreover, it would reduce the riskiness associated with impure substances.

Portugal is an exceptional example of a country that has benefited from decriminalization. The country of Portugal decided to legalize all illicit substances in 2000. Bratberg et al. (2023) reported, “Portuguese officials have observed no major increase in drug use, reduced rates of adolescent drug use, decreased incidence of HIV/AIDS, reduced drug-related deaths, and an increase in the number of patients receiving SUD treatment” (p. 227). Many people are skeptical of decriminalization because they are concerned the number of people using substances will rise. The truth of the matter is that people will use drugs whether they are legal or not. Legalization won’t encourage people to suddenly begin using substances. Legalization will bring regulation, in turn lessening overdoses and deaths. It will also bring a growth in harm reduction resources to reduce the number of contracted diseases. Furthermore, it will expand the number of rehabilitation centers. The Portuguese model of legalization demonstrates these benefits. The drug use rates in Portugal can confirm this, they are lower than Europe and even lower than the United States (Finucane & Stritch, 2022). Portugal has successfully changed their perception of addicts to patients rather than criminals. Reshaping drug policies has paid off in Portugal.

The state of Oregon passed Measure 110 which decriminalized personal amounts of illicit drugs in 2020. In February of this year, Oregon reversed this bill and re-criminalized all drugs. The difficult part of having one state exclusively legalize drugs is that people from all over the country will travel there to use drugs legally. This can create an enlargement of people using drugs even though some did not originally reside in the state. An additional struggle is the timing of Measure 110 being passed. This was right around the beginning of the COVID-19 pandemic. Due to this, there was an unfortunate delay in the expansion of rehabilitation

resources (Russoniello et al., 2023). Without having additional substance use disorder programs established, there won't be a growth in people receiving recovery. Mann and Wilson (2024) describe, "right now many communities in Oregon still don't have enough space in rehab and recovery programs, even for people who want and are desperately seeking addiction care." Decriminalization won't have a positive outcome without increasing the amount of rehabilitation programs. Botschner et al. (2023) point out, "the results indicate that the decriminalization of substances can produce potential benefits but only when introduced alongside strategies and resources to promote recovery from addiction. When implemented unilaterally, the decriminalization of drug possession has been followed by evidence of increased harms" (p. 8). The COVID-19 pandemic obstructed the development of new rehabilitation programs. This delay combined with Oregon being the only state to legalize personal amounts of drugs has contributed to Measure 110 being unsuccessful.

Drug addiction is a deadly epidemic in the United States. Many of the dangers associated with substance use are due to dysregulation and the criminality it involves. Reshaping the drug policies in America to mirror that of Portugal would save the lives of many people. Decriminalization would diminish the incarcerated population and provide help for people who desperately need it. Additionally, the development of harm reduction resources would decrease the rate of contracted blood-borne diseases. People with the disease of addiction need support and treatment rather than receiving legal consequences. Addiction needs to be recognized as a health concern, not a moral failing.

References

- Botschner, J., Somers, J. M., & Corley, C. (2023). Decriminalization of the possession of illicit substances for personal use: A proposed theory of change to improve community safety and well-being outcomes in Canada. *Journal of Community Safety & Well-Being*, 8(1), 6–17. <https://doi.org/10.35502/jcswb.312>
- Bratberg, J. P., Simmons, A., Arya, V., Bhatia, A., & Vakharia, S. P. (2023). Support, don't punish: Drug decriminalization is harm reduction. *Journal of the American Pharmacists Association*, 63(1), 224–229. <https://doi.org/10.1016/j.japh.2022.12.017>
- Chand, K. (2007). Should drugs be decriminalised? Yes. *British Medical Journal (Online)*, 335(7627), 966–966. <https://doi.org/10.1136/bmj.39360.489132.AD>
- Finucane, A., & Stritch, J. M. (2022). Connecting the person by removing the stigma: Why Ireland should follow the Portuguese model of drug decriminalisation. *South Eastern European Journal of Public Health*, 1-7. <https://doi.org/10.11576/seejph-5768>
- Mann, B. & Wilson, C. (2024, March 5). *Why Oregon is recriminalizing even small amounts of illicit drugs*. NPR. <https://www.npr.org/2024/03/05/1236075494/why-oregon-is-recriminalizing-even-small-amounts-of-illicit-drugs>
- Russoniello, K., Vakharia, S. P., Netherland, J., Naidoo, T., Wheelock, H., Hurst, T., & Rouhani, S. (2023). Decriminalization of drug possession in Oregon: Analysis and early lessons. *Drug Science, Policy and Law*, 9, 1-16. <https://doi.org/10.1177/20503245231167407>