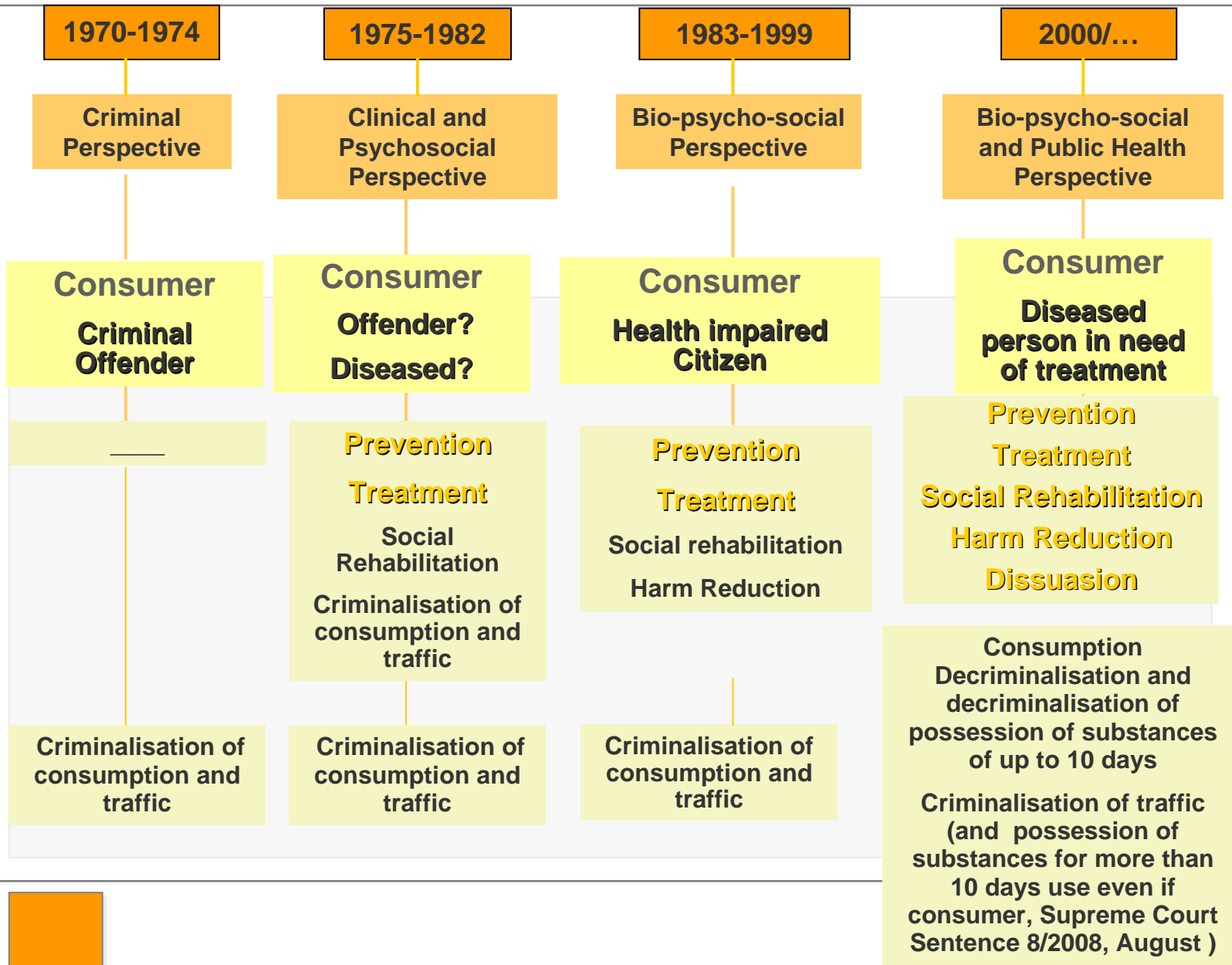




Decriminalization in Portugal – a model for Europe?

9. Internationaler **akzept** Kongress Frankfurt/M
24. bis 26. September 2009

Historic Evolution





Dissuasion Policy

- THEORIC MODEL

- Drug Addict is viewed as a diseased person
- The intervention provides an opportunity for early, specific and integrated interface with consumers and is target to the person's characteristics and individual needs

Dissuasion (<http://www.wordreference.com/definition/dissuasion>)

- Influencing someone to desist by argument or reasoning or entreaty

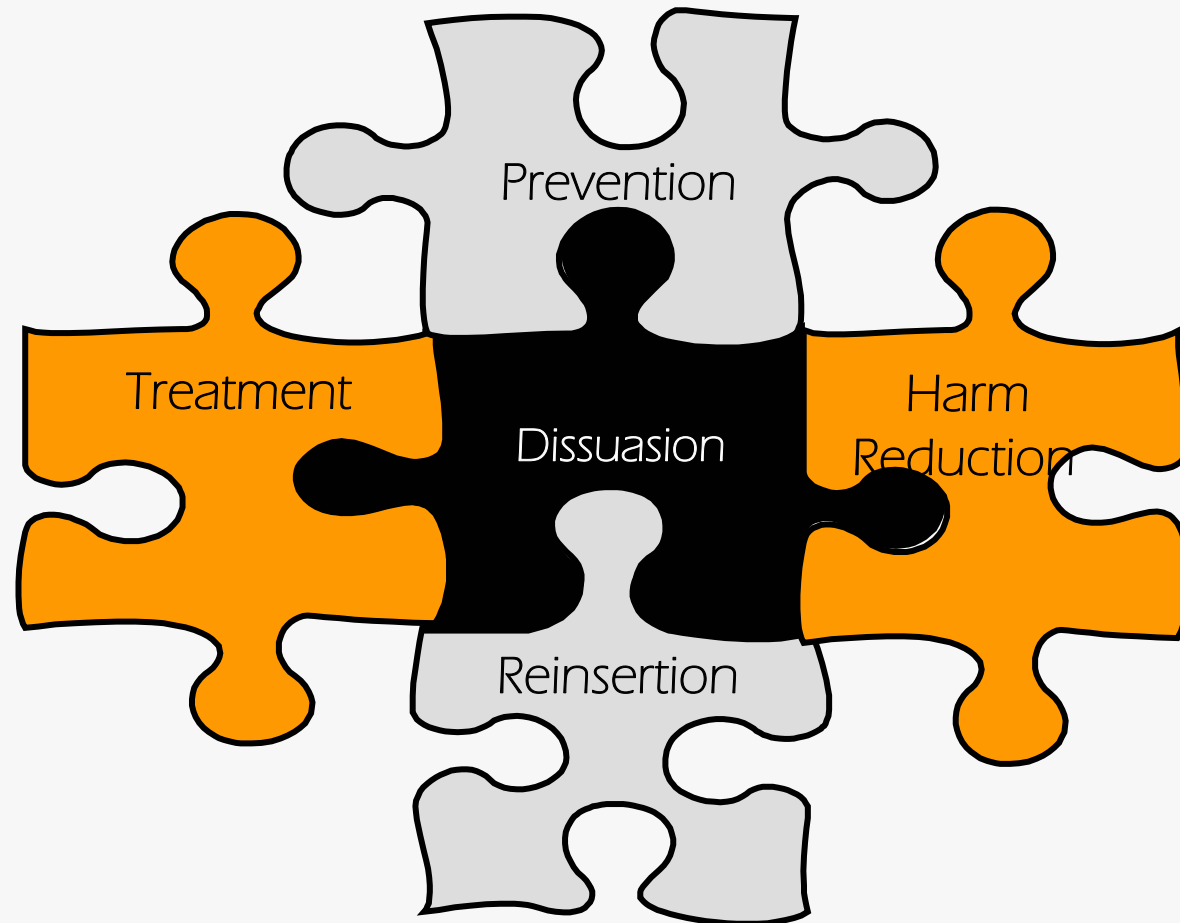


Law Frame

- Portuguese National Drug Strategy 1999-2004
- Law 30/2000, approved by Parliament, published in November 2000, entered into force in July 1st. 2001
- Law Decree 130-A/2001, sets the Drug Addiction Dissuasion Commissions
- Administrative Rule 604/2001, creates the Central Registration
- Madeira and Azores Autonomous Regions own Regional Law Decrees

Demand Reduction

Mission Area





Purposes and Tools

- Purposes
 - To dissuade consumption
 - To prevent and reduce drug use and abuse
 - To ensure sanitary protection of consumers and the community
- Tools
 - Interface with consumers and drug addicts allows to inform and sensitize consumers for drug consumption risks, to promote health in global terms and consumers social rehabilitation (signalising other situations), to motivate and direct drug addicts to treatment



How?

Indicters presented to DADC are subject to a Psycho-social Evaluation

Social Diagnosis

- . Socio-economical and professional situation
- . Family relationship
- . Life projects and expectancies

Clinical Diagnosis

- . Level of drug addiction degree
- . Consumption historic (past and present consumption)
- . Problem evaluation

DADC Composition

Nominated by Ministers
of Justice and Health

President and two
members

Multidisciplinary team:
Psychologists, social service specialists,
jurists and administrative personnel

Decision preparatory steps
Motivation steps
Contacts with routing institutions



Results of Indicters

presentation to DADC

Evaluation and determination of choice of resources

Motivation steps

Indicter's escorting/accompaniment:

Drug Addicts

Treatment

Non Drug Addicts

Motivation

Motivation and Escorting to Social Support

Community Services

Escorting to Social Support Community

Services without motivation

Sanctions



Sanctions

- . Monetary fee (not applicable to drug addicts)
- . Periodic presentation to DADC
- . Apprehension of objects
- . Community labour
- . Interdiction to attend certain places
- . Interdiction to travel overseas
- . Measures related to hunting licensing
- . Interdiction of managing a subsidy or any monetary benefice given at any title
- . Others

Process

Police Authority

- Person's consumption of drugs in public or in possession of drugs
- Issuance of minutes
- Within 72 hours the indicter must present him/herself to the DADC

DADC

- Indicter's psychological and social evaluation
- Indicter's audition
 - Decision

Motivation steps

- One's own consumption situation
- Psycho-social situation
- Previous record

Other Sanctions

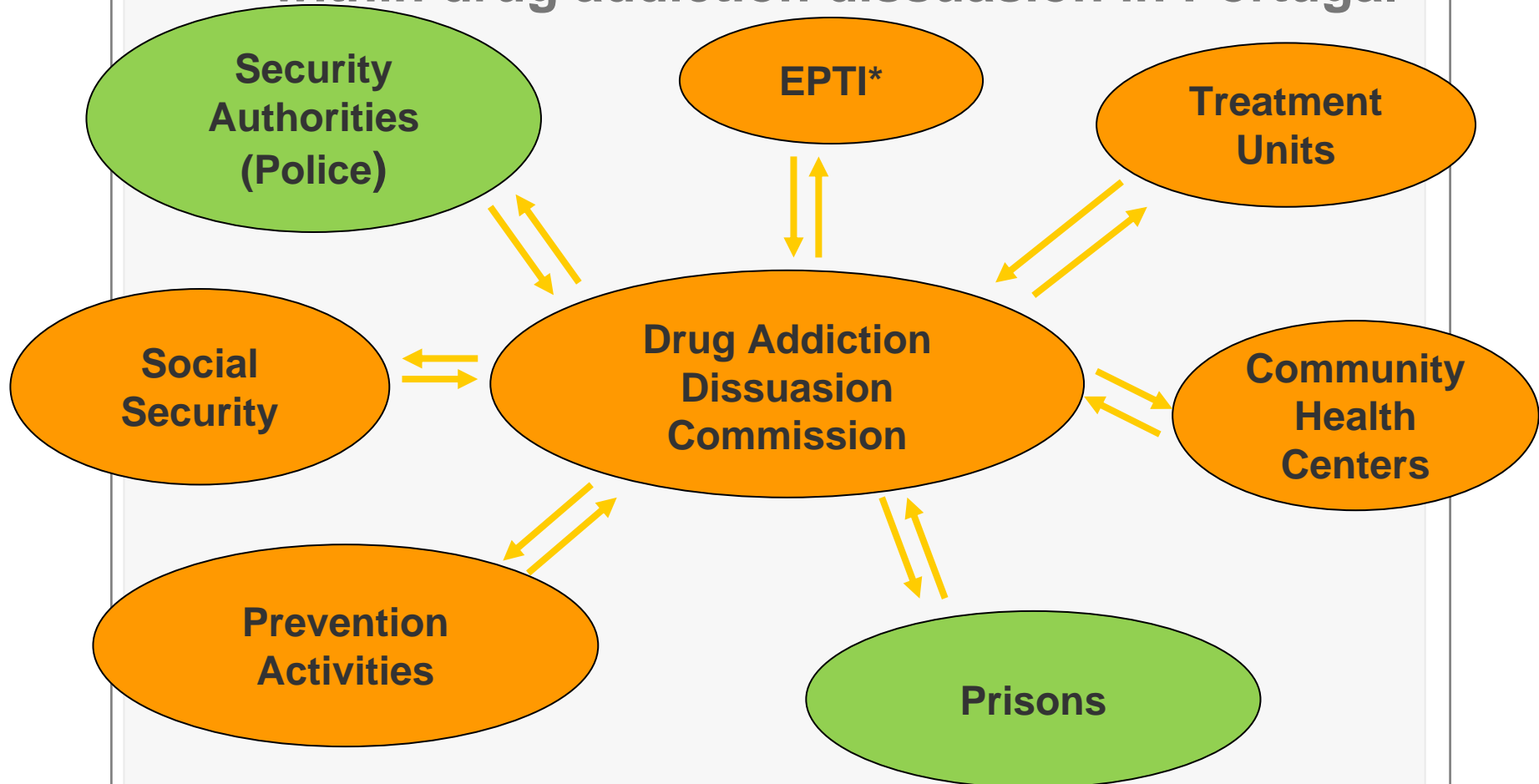
District Authority surveys sanction execution

Once the time for suspension expires, if there is no reincidence or if the measure/sanction has been fulfilled

Archive

Fátima Trigueiros


Networking of the structures that supply resources within drug addiction dissuasion in Portugal



* EPTI: Employment and Professional Training Institute

Primary Indicters Situation in 2008

Drug Addicts (Total)				(622 in 2007)	783
Voluntary Treatment		Treat. Struct.	Health Center	Other	565
1st Time Treatment		140	2	24	125
Renewal of V. Treatment		110	1	13	127
On going Treatment		315	4	52	368
Non Drug Addicts (Total)				(1960 in 2007)	2816
Motivation and Escorting					906
Motivation Only					645
Motivation and Escorting to Social Support Services					186
Direct Escorting to Social Support Services without Motivation					139

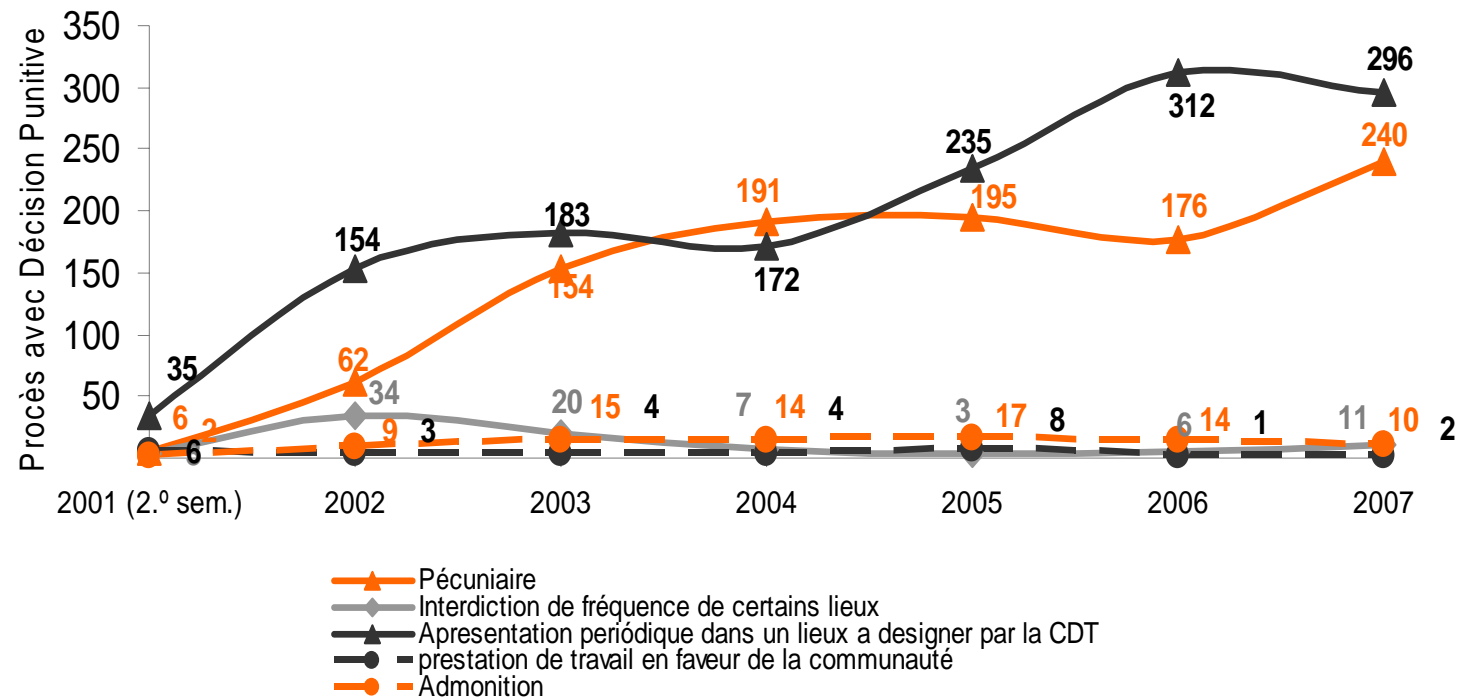


Drug Related Judicial Decisions in 2001 and 2007 Processes and Offenders Condemned

	2001	2007
Processes opened	3304	1287
Number of Accused	5193	1871
Number of Convicted	3576	1420
Trafficker	2161	1370
Consumer	1240	15
Trafficker and Consumer	175	35

Loi de la Décriminalisation

Procédures de Contre-Ordination avec Décision Punitive, selon l'Année, par le Type de Sanction





Penal Model

Courts can suspend the criminal process and remit offender to treatment

However Court procedures take much longer to hear offenders, unlike DADC (72h)

Psycho-social evaluation is not done

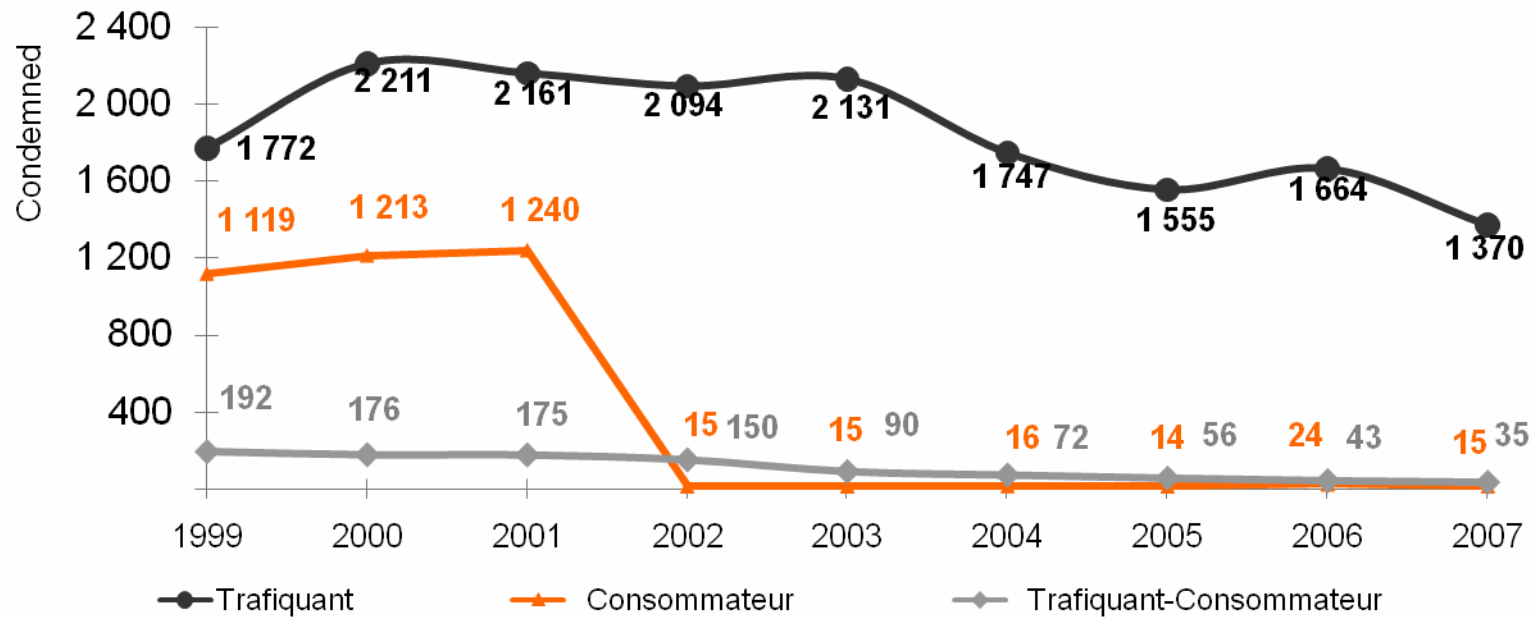
Motivation and other routing procedures are not accomplished

A criminal record may be imposed

Supreme Court Sentence 8/2008, August

Criminal Law

Offenders Condemned, by year, according with situation





Thank you for your attention

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