

BEHAVIORAL HEALTH NEWS

YOUR TRUSTED SOURCE OF INFORMATION, EDUCATION, ADVOCACY AND RESOURCES
FROM THE LOCAL, STATE, AND NATIONAL NEWS SCENE
SPRING 2018

Legalization of Drugs: The Ultimate Harm Reduction Measure

By

Michael B. Friedman, LMSW

Illegal drugs are dangerous, but many of their dangers are caused by their illegality rather than the drugs themselves. Yes, the use of illegal (and some legal) drugs results in addiction. But if we really want to reduce the dangers of drug abuse, we must address its illegality as well as the problem of addiction.

What are the dangers due to the illegality of some drugs?

- Overdose deaths are largely caused by using substances that are contaminated or unexpectedly pure.
- Getting illegal drugs often exposes users to the dangers of doing business with criminals.
- The illegal drug business involves high levels of violence, including homicide.
- Using illegal drugs in secret can lead to hanging out in very dangerous places
- Sharing needles exposes users to the contagion of HIV, hepatitis, etc.
- Some users commit crimes to get the money to purchase drugs illegally.
- Users of illegal substances risk arrest and incarceration in jail and/or prison.
- The very large prison population in the United States reflects inordinate incarceration for use of illegal substances.
- Largely unsuccessful drug enforcement activities and imprisonment result in high and unnecessary spending that could be better used for prevention and treatment of addiction.

- Long prison sentences result in wasting lives of considerable potential.
- The disproportionate impact of criminal penalties on minority populations adds to the shameful racial divide in America.
- The amount of money involved in the illegal drug business results in the corruption of some American businesses, such as banks that participate in money laundering. It also results in the corruption of some law enforcement officials.

The solution is self-evident. End the policy of treating the import, manufacture, distribution, and use of currently illegal drugs as crimes. Treat these drugs like alcohol—a drug that also risks addiction—with regulated and controlled import, manufacture, distribution, and use. In other words, **legalize these drugs.**

Among those of us who believe that America’s policy of criminalizing certain drugs should be ended, there is some dispute whether to “legalize” or “decriminalize”. The debate unfortunately is subject to considerable confusion because of the language used.

“Decriminalize” does not actually mean ending the policy of criminalization. It means eliminating punishment for use combined with preventive interventions, a variety of “harm reduction” measures, and increased access to treatment. But it does not mean eliminating import, manufacture, distribution, or use as crimes.

“Legalization” does mean ending the policy of criminalization but with regulated systems of import, manufacture and distribution. Use would not be a crime; but import, manufacture, and distribution outside the regulated system would be.

Decriminalize or legalize? For marijuana—a relatively non-dangerous substance that has significant medical benefits—the shift to legalization is underway. For cocaine, heroin, methamphetamine, etc. legalization appears to be completely unrealistic. Decriminalization appears to be a necessary first step.

This would have certain important benefits such as eliminating unnecessary incarceration and its consequences. If it is all that we can achieve, it’s a real shame. What is called “decriminalization” does not end the criminalization of illegal substances. As a result, it does not eliminate several of the most significant dangers of illegality. Without regulation of import, production, and distribution, substances can be dangerously contaminated or unexpectedly pure. Continued criminalization of distribution will leave the dangers of violence and homicide unaddressed. And continued

criminalization will support continued corruption of some American businesses and law enforcement officials.

Sad consequences for a nation that prides itself on being the “land of the free.”

(Michael Friedman is Adjunct Associate Professor at Columbia University School of Social Work. He is also Chair of the Geriatric Mental Health Alliance of New York. The opinions expressed in this article are his own and do not necessarily reflect the opinions of the organizations with which he works.)