

Decriminalisation

By Jane Hickman of Hickman and Rose Solicitors, published in the *Solicitor's Journal*, June 2011

I had been in criminal practice for about 4 years before meeting my first heroin addict in 1978. His name was John, and he was a lorry driver. He had a wife and family who loved him. His offence was not heroin-related, in fact he had never been in trouble before the driving matter on which he appeared before the Court. The world, including his own children, was unaware of his addiction because he got his drugs from the local chemist on prescription.

Yet within five years I had a filing cabinet full of cases for haggard, dispossessed and angry clients who were both addicted and unable to find a supply. What I had seen in 1978 was the last vestige of a humane and sensible system that kept serious drugs like heroin under careful control. Legal supply had prevented any real profit from being made, and without profit there had been almost no dealers.

This farsighted system had been established in 1926 following the report of the Rolleston Committee. It recommended prosecuting dealers but letting doctors prescribe diamorphine to users where withdrawal would cause harm or severe distress. In the early 1960s the number of addicts rose significantly, possibly in response to travel and migration patterns, but to a tiny number by the standards of today. Gradually the Home Office clamped down on prescribing. The law was tightened by the 1971 Misuse of Drugs Act and from the 1970s, a rising proportion of users were prescribed reducing methadone doses or urged to remain abstinent. There is a very good history of these changes in Chapter 3 of the Fourth Report of the Shipman Inquiry.

Predictably, addicts turned to the black market, and to fund their purchases they started to enrol new users. The number of addicts began to grow exponentially. A huge pyramid selling scheme was now in place. An explosion of drug use followed. But if we had known in the 1970s how prohibition would change the world it is hard to imagine who would have voted for it.

We might have been spared the international drug cartels that are subverting nation states across the world. There would be no drug fuelled street gangs conducting savage turf wars. The prison population would be less than half its present number, and the Taliban would never have gained the hold they have on Afghanistan.

At a personal and local level I would not have spent a large part of my career acting for sad young men and women whose lives and families had been devastated by their addiction. Vast numbers of them live primarily by committing crime. Many sell their own bodies, not of choice but of necessity. So many of my clients have died of overdoses and drug killings that I have lost count. And all of this fuelled by the drug pushing which prohibition has brought about.

Today, drug crime is a major threat to us all. It funds terrorism and international crime. It has led to massive corruption and is subverting the authority of many nation states. The death toll is constantly rising. The US led war on drugs has killed over 35,000 people in Mexico alone in the last four years. But all to no avail. South American drug dealers are still able to buy and despatch their own jumbo jets delivering drugs to the wealthy west.

So why don't we go back to the old system of medical prescription of drugs? There are many who object that the state should not become a dealer. But surely it is better that we deglamorise it, which queuing for free prescriptions surely would, and cut off the economic motive for turning so many young people into addicts. Funding it out of our taxes it would take a tiny fraction the costs of prohibition.

Portugal decriminalised heroin cocaine, cannabis, LSD and other illicit street drugs in 2001. Five years later, the number of deaths from street drug overdoses dropped from around 400 to 290 annually, and the number of new HIV cases caused by using dirty needles to inject heroin, cocaine and other illegal substances plummeted from nearly 1,400 in 2000 to about 400 in 2006.

So why don't we try it? Politicians simply don't have the courage to take on the media interests which knows that moral panics sell papers. But the time has come for rational policy arguments to get a better hearing.