

# Drug Policy Alliance

## Criminal Justice Issues and Prisoners' Rights

**<https://drugpolicy.org/resource/approaches-decriminalizing-drug-use-and-possession-englishspanish>**

## Policy Issue Resources

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One solution to reducing the number of people swept into the criminal justice system for drug law violations is to enact various forms of decriminalization of drug use and possession. Decriminalization is the removal of criminal penalties for drug law violations (usually possession for personal use). Roughly two dozen countries, and dozens of U.S. cities and states, have taken steps toward decriminalization. By decriminalizing possession and investing in treatment and harm reduction services, we can reduce the harms of drug misuse while improving public safety and health.

**In practice, decriminalization means that otherwise law-abiding people are no longer arrested, let alone incarcerated, merely for possessing a drug.**

### **Benefits of Decriminalization**

Decriminalizing drug possession and investing in treatment and harm reduction services can provide major benefits for public safety and health, including:

### **Decriminalization Does Not Affect Drug Use Rates**

### **The Portuguese Decriminalization Model**

The Drug Policy Alliance supports eliminating federal and state criminal penalties and collateral sanctions for drug use and possession violations.

Administrative penalties such as civil asset forfeiture, administrative detention, drivers license suspension, excessive fines, and parental termination or child welfare interventions run counter to the intent of a decriminalization policy and should not be imposed.

Countries or states that pursue decriminalization using threshold limits should set maximum-quantity thresholds that reflect the realities of drug consumption in their jurisdictions. If threshold limits are set too low, the policy may have no impact, or may increase the number or length of incarcerations.

Decriminalization policies should be accompanied by an expansion of harm reduction and treatment programs, including medication-assisted treatment. Local and state governments can take a step towards decriminalization by employing pre-arrest diversionary practices and adopting 911 Good Samaritan laws.

The U.S. and the international community must open a debate about regulatory alternatives to drug prohibition in order to address the harms of illicit drug markets and other problems not alleviated by decriminalization.

[See the fact sheet for more information and sources.](#)

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