

Illicit drug use and crime

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Abstract

After the events that took place in 1989 in Romania, illicit drug use became a reality. Drug use is currently found in almost all social classes and when it comes to problematic drug use, the effects can be devastating for the drug user, his family and even for the community to which he belongs. The drug use problem is a complex one, taking in account the type of addiction that it develops, the great diversity of substances and their different effects on the body and the central nervous system.

In common knowledge, the link between drug use and crime is an obvious one. According to the Romanian legislation in force, unlawful possession of drugs for personal use is a crime and is punishable by imprisonment or fine. The drug-related crime issue goes far beyond committing a drug possession crime. In the social area, drug use leads to problems that are very difficult to manage starting from school dropout, domestic violence, deviant behavior and committing crimes.

There is a strong link between illicit drug use and criminal behavior, an infinitely more complex issue than the stereotype of a drug user who commits criminal acts under the influence of psycho-active substances or a robbery in order to obtain money to buy the drugs to which they have become addicted.

The objective of the current article is to provide an overview on drug related crimes in Romania, among adults and minors, through a systematic analysis of available indicators and statistics.

Keywords: *Crime; drugs; addiction; psycho-active substances; violence; minors.*

1. Introduction

Since ancient times, there has been seen a temptation for people to consume substances that can give them a temporary state of relaxation, conformation, stimulation, or induction of a state of euphoria. There is evidence that people have been consuming psychoactive substances for thousands of years, whether we are talking about the Sumerian civilization, where there is a culture of opium consumption, China or Egypt (Ursan 2010: p. 518). The Arabs tolerated and accepted the use of hashish for centuries. In the nineteenth century and early twentieth century, morphine was used both in medicine, being consumed as a drug, but also for its psychoactive effects. In the United States, it is estimated that at the beginning of the twentieth century, the number of morphine users who were addicted to drugs sold in pharmacies was between 200,000 and 500,000, including many physicians (Clausen 1971 *apud* Cusson 1997: p. 443). Returning to our

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days, drug use is adapting and is has a significant increase in all social classes, including celebrities, people with high financial power and is also manifested and among the general population. Beside this, the most affected by illicit drug use are the low-income social groups, individuals without a job, without a health insurance, without a sufficient level of education in order to participate in social life, or even those without identity documents or housing. Most people start using drugs between 15 and 19 years, the next risk group being 20-24 years old (Ursan 2010: p. 518).

Drug use can lead to violence, job loss, and economical issues. At the beginning of consumption, it was found that many drug users steal things from home, and later on they start stealing from the property of acquaintances, or people unknown to them. Most of the time, they will end up committing crimes with a high social danger, risking to end up in prison later on (Mihai 2011: p. 130).

It is often suggested that users who are addicted to illicit drugs are forced to commit crimes in order to obtain money to buy them and support their addiction. (Ball, Rosen, Flueck, & Nurco 1981; Parker & Bottomley 1996; Parker & Newcombe 1987 *apud* Stevens and Trace and Bewley-Taylor 2005: p. 6). This economic-compulsive link is perhaps the most common link between drugs and crime, and large proportions of crimes are attributed to drug addicts. This link is accentuated both by those who support the reduction of drug demand and the reduction of drug supply. It has also been argued that the link works in the opposite direction: crime intensifies drug use by providing a high income that allows drug use to be increased (Burr 1987 *apud* Stevens and Trace and Bewley-Taylor 2005: p. 6).

2. Theoretical framework

Over time, crime took different forms, depending on the particularities of each era, cultural, social, economic model and political regime characteristic of that era. Deviance is considered to be “any act or manifestation that violates the written or unwritten norms of society” (Bulai 1998: p. 165). The deviant act includes any type of behavior that opposes the conventional one and includes not only the violation of the law, such as crimes and offenses presented by the Criminal Code or special laws, but any deviation from the rules of coexistence and the imperatives of a type of collective life (Bulai 1998: p. 165). Crime is the set of antisocial acts, which violate the provisions stipulated by the law in force. Crime is considered to be a particular case of social deviance, including all acts that violate the rules and violate these codes, written or unwritten (Rădulescu 1998: p. 143).

According to the Romanian Criminal Code, “the offense is offense under the criminal law committed with guilt, unreasonable and attributable to the person who committed it.” (Romanian Criminal Code, art. 15, para.1). Also, “the offense is the sole basis for criminal liability” (Romanian Criminal Code, art. 15, paragraph 2), which presupposes that any crime committed attracts criminal liability for the one who produced it.

As stated, crimes can differ from one era to another, from one society to another, from one culture to another, from one political regime to another. The typology of crimes that will be discussed in this paper is based on the current legal framework (Romanian Criminal Code and special laws). These categories of crimes are: crimes involving violence, crimes against property, organized crime, drug offenses or drug use (Adler and Mueller and Laufer 1995: p. 204).

The occurrence of delinquent behaviors is closely related to drug use, especially when this use is abusive. This is explicable by the high costs that are necessary for buying drugs, in order to support the drug addiction, so that addicts will end up committing criminal offenses, materialized by theft, in order to have the financial resources necessary for drug procurement (Botescu 2011: p. 12).

In the common sense, a drug is any psychoactive substance that is suitable for abusive use and that can lead to manifestations of addiction” (Richard and Senon 2007: p. 578). In other words, the drug is any substance that causes changes in the motor or cognitive functions of the body and can cause addiction. (Abraham 2005: p. 27)

From a legal point of view, drugs are narcotic or psychotropic plants and substances or mixtures containing plants and substances listed in tables no. I-III of Law no. 143/2000 on preventing and countering the illicit drug trafficking and use, with subsequent amendments, which represent substances under national control (art. 1., letters a, b, Law no. 143/2000).

Many researchers have examined the implication of drug addiction in committing crimes, and official statistics on drug-related crime make it quite clear that street crime is significantly linked to drug abuse. The relationship between crime and drugs is not clear enough. Is the drug addict usually a teenager who did not commit a crime before he / she became addicted and who was subsequently forced to commit crimes to get money to support drug addiction? In other words, does drug abuse lead to crime? However, the question is who comes first: drug use or criminal behavior? The answer is that they can be both. Recent studies, as well as interviews with people with a criminal history show that in about two-thirds of the cases, criminal behavior precedes drug use. This is especially true when elements of childhood violence have been observed. The other third started with drug use and later on committing criminal acts. Also, many studies indicate that in 50% of cases with young people, criminal behavior occurs first, in 25% of cases with young people drug use precedes the first criminal act, and in the remaining 25%, psychoactive substance use and criminal behavior have started simultaneously (Deitch and Koutsenok and Ruiz 2000: p. 393).

From one point of view, several researchers agree: regardless of the temporal or causal sequence of drug abuse and crime, the frequency and severity of crime increases along with the consumer’s addiction. Drug abuse may not "produce" criminal behavior, but it can increase it (Adler and Mueller and Laufer 1995: pp. 320-325).

Studies made over time have also shown that in terms of criminal behavior, most adolescents who are involved in isolated episodes of delinquency will later reduce their involvement in such activities. In contrast, most of those who in their early adolescence were involved in substance use as well as in criminal behavior remain involved in delinquent behavior later on, when they are adults (Deitch and Koutsenok and Ruiz 2000: p. 393).

3. Offenses associated with drug use, provided in the Romanian Criminal Code

In the Romanian Criminal Code, there can be identified a series of offenses, that can be committed under the influence of illegal psychoactive substances. In the following lines, a series of offenses provided in the Romanian Criminal Code, encountered in the case of drug addicts, will be briefly presented.

Crimes against property (Title II, Romanian Criminal Code) are common in the case of individuals who are addicted to illicit drugs. Drug addiction often creates very deep financial issues, with drug addicts committing crimes against property, in order to get the

money needed to purchase illicit substances. Among them, we find the following crimes: theft, robbery, theft for use, robbery, armed robbery (Title II, Romanian Criminal Code). These can be a direct consequence of the need to maintain drug use, either we are talking about avoiding a state of illness (abstinence-withdrawal syndrome), or we are talking about stimulating a temporary state of well-being offered by drug use. However, whether we are talking about crimes against property, crimes against life, crimes against a family member, fighting, crimes against liberty, trafficking and exploitation of vulnerable persons or crimes against liberty and sexual integrity, all this can be the result of a disorganized and dysfunctional life, caused by compulsive drug use.

4. Drug offenses presented by special criminal laws

Within the Law no. 143 of July 26, 2000 on preventing and countering the illicit drug trafficking and use, with subsequent amendments and additions, the types of drug offenses are presented. For example, possession or purchase of drugs, without right, for their own consumption, regardless of the weight of the product, is punishable by imprisonment from 3 months to 2 years or a fine for risk drugs (example: cannabis) and with imprisonment from 6 months to 3 years in the case of high-risk drugs (example: heroin, cocaine, LSD, ecstasy, etc.) (Art. 4, Law 143/2004).

In the situation presented above, the prosecutor orders the user's assessment in order to include him in the integrated assistance circuit (art. 19, law 143/2000). At the same time, for such deeds, the prosecutor may order the waiver of the criminal investigation, having one or more obligations for these cases: attending a counseling program, providing unpaid work for community use, repairing the damage, etc. (art. 318, The Romanian Code of Criminal Procedure).

The legislation on preventing and countering the illicit drug trafficking and use also stipulates that "manufacture, experiment, extraction, preparation, processing, supply, sale, sale, distribution, delivery in any capacity, dispatch, transport, procurement, purchase, possession or other operations regarding the circulation of dangerous drugs, without right, are punished with imprisonment from 2 to 7 years and the prohibition of certain rights" (art. 2, paragraph 1, Law 143/2000). If the facts are presented above "have as object high-risk drugs, then the punishment is closed from 5 to 12 years and the prohibition of certain rights" (art. 2, paragraph 2, Law 143/2000).

At the same time, it can be observed that the legislation does not allow the provision of a place where it public has access, in order to provide a space for illicit drug use or to tolerate illicit consumption in such places are punishable by imprisonment from 2 to 7 years and the prohibition of certain rights. (art.5, Law 143/2000). Also, it is forbidden to incite to illicit consumption of high-risk drugs, which is punishable by imprisonment from 6 months to 3 years (art. 10, Law 143/2000).

Regarding the new psychoactive substances, Law no. 194/2011 on counteracting operations with products with possible psychoactive effects, other than stated in laws in force, provides penalties for carrying out, without the right to operate with products knowing that they are likely to have psychoactive effects, with imprisonment from 6 months to 3 years or with a fine, as well as carrying out, without right, operations with products that the person concerned should or could have predicted are likely to have psychoactive effects, with imprisonment from 3 months to 2 years or with a fine (Art. 16, Law 194/2011).

5. Implications of drug use and crime

According to the World Drug Report, in 2018, approximately 269 million people aged between 15 and 64 (this corresponds to 5.4 per cent of the global population, representing almost 1 in 19 worldwide population) used drugs at least once in the previous year. Of these, approximately 35.6 million people suffer from drug use disorders, which highlights drug abuse (United Nations Office on Drugs and Crime-booklet 2, 2020a: p. 10-11).

At the European Union level, it is estimated that approximately 96 million people, aged between 15 and 64, representing 29% of the general population, have used illegal drugs at some point in their lives, and 19.1 million young people, aged between 15 and 34, representing 16% of this segment of the population, have used drugs in the last year (European Monitoring Center for Drugs and Drug Addiction 2019: p. 44).

According to the Study in the general population (GPS - General Survey Population) on the prevalence of drug use in Romania in 2019, having the data collected in October-November 2019, within the general population in Romania, the prevalence of any illicit drug recorded the following values, according to the reference period: 10.7% lifetime, 6% for the use in the last year and 3.9% for the last month (National Anti-Drug Agency 2020a: p. 7). The current study reflects an increase, compared to the previous one: from 7.6% to 10.7% for experimental illicit drug use (lifetime prevalence), from 4.1% to 6.0% for recent use (prevalence in the last 12 months) and from 1.7% to 3.9% for current use, which represents the prevalence in the last 30 days (National Anti-Drug Agency 2020a: p. 30).

Also, according to the results from the European School Survey Project on Alcohol and Other Drugs based on the information provided in 2019 among 16-year-old school students in Romania, the lifetime prevalence of any illicit drug (including medicines without medical prescription) is 12.4% (National Anti-Drug Agency 2020b: p. 11). In 2018, minors represent a proportion of 7.8% (n = 337) of the clients that are registered in drug treatment services. Most of them declared cannabis as the main drug of use (51%), while 40.1% are in drug treatment programs due to problems caused by new psychoactive substances (NSP) consumption. The rest of the minors are users of inhalants / solvents - 5.3%, heroin - 0.9%, cocaine - 0.6%, amphetamines - 0.9%, benzodiazepines - 0.6%, ecstasy - 0, 6%. Almost two thirds of these minors started using drugs between 14 and 16 years, the youngest age being 8 years (National Anti-Drug Agency 2019: p. 107).

Multiple aspects of illicit drug production, trafficking and consumption, as well as law enforcement actions implemented by states in response to drug trafficking, can contribute to various manifestations of crime and violence. The analysis of data on homicide crimes committed worldwide shows that the use of psychoactive substances is associated with violent behavior, intoxication with these substances being a relevant factor in homicides, but there are significant differences between countries that reported the phenomenon. Based on data that 17 countries reported, it is estimated that 37% of those who committed murder were under the influence of a psychoactive substance at the time when they committed the crime (United Nations Office on Drugs and Crime-Booklet 6, 2020: p. 50-53).

Drug use, including drug abuse, is a relatively common problem among the prison population. At the level of the European Union, it has been estimated that about half of the prison population has used illicit drugs at some point in their lives (Zurhold et al., 2005 *apud* European Monitoring Centre for Drugs and Drug Addiction, 2012: p. 9). At the European Union level, it is found that the experience of illicit drug use is much more

common among inmates, compared to the general population, but large variations can be observed between different European countries that reported data on drug use among inmates. Thereby, 79% of detainees in England, Wales and the Netherlands have used illicit drugs at least once in their lives, before the period of detention, nine other countries report a prevalence of drug use of more than 50% of the prison population, and Romania 16% (European Monitoring Centre for Drugs and Drug Addiction 2012: p. 9).

In Romania, according to data provided by the National Administration of Penitentiaries, from the total number of individuals who were registered in the custody of the Romanian penitentiary units at the end of 2018, 2557 prisoners declared themselves drug users when entering detention. They represent 12.3% of the prison population (National Anti-Drug Agency 2019: p. 232).

6. Drug related crimes in 2018 in Romania

6.1. Crime in the drug regime committed by adults and minors

The level of involvement of minors in committing drug offenses is 1.26% of the total number of convicted individuals in 2018, being slightly increased compared to 2017, when the percentage was below 1.24%. In the last 5 years, there can be observed an oscillating evolution of the number of juveniles sentenced to drug related crimes. The highest value was reached in 2015 (34 minors) and with a minimum value in 2016, when there were convicted 5 minors (National Anti-Drug Agency 2019: p. 203)

In 2018, there were 869 individuals convicted for committing drug related crimes, pursuant Law 143/2000 on preventing and countering the illicit drug trafficking and use, with subsequent amendments and additions and Law 194/2011 on counteracting operations with products with possible psychoactive effects, other than stated in laws in force. The number of individuals convicted for committing crimes pursuant Law 143/2000 is 792, of which 780 adults and 12 minors (National Anti-Drug Agency 2019: p. 209-210).

Therefore, out of the total of 792 convicted individuals, 613 persons received imprisonment, for 139 individuals the criminal fine was applied and 28 individuals received the postponement execution of the sentence. For 11 convicted minors, custodial measures were applied and only for one non-custodial educational measures were applied. The highest values were recorded in Bucharest (232), Galați (89), Constanța (45), Prahova (39), Brasov (28) and Timis (23) (National Anti-Drug Agency 2019: p. 213-214).

According to the Romanian Drug Report 2019, regarding the application of penalties depending on the type of crime that was committed pursuant Law 143/2000 on preventing and countering the illicit drug trafficking and use, with subsequent amendments and additions, in 2018, the trial courts have applied, as follows:

- For drug trafficking, the sentence of imprisonment with execution of the punishment in prison was applied for 188 individuals. For 287 persons, suspension of the sentence's execution under supervision was applied, and for 83 individuals a criminal fine was applied. The postponement of the execution of the sentence was applied to 5 persons, and for a minor non-custodial measures were applied;

- For international drug trafficking, 42 individuals out of the 74 convicts were convicted to carry out their punishment in prison. For 32 individuals the measure of suspension of the sentence's execution under supervision was applied;

- For unlawful possession of drugs for personal use, 35 individuals out of the 96 convicts were convicted to carry out their punishment in prison. For 38 persons the suspension of the sentence's execution under supervision was applied and for 23

individuals the court decided to postpone the execution of the sentence; (National Anti-Drug Agency 2019: p. 202-216).

According to data provided by the National Administration of Penitentiaries, 4.1% (858 detainees out of a total of 20,792) were imprisoned for committing drug offenses in 2018 (National Anti-Drug Agency 2019: p. 231). Also, according to the Activity Report of the National Administration of Penitentiaries, at the end of 2019, on 31.12.2019, the number of individuals who were registered in the custody of the Romanian penitentiary units for committing crimes related to drug trafficking and consumption was 625 (National Administration of Penitentiaries 2020: p., 15).

Regarding the offenses provided by Law 194/2011 on counteracting operations with products with possible psychoactive effects, other than stated in laws in force, the punishment of imprisonment with execution in prison was applied for 30 persons out of the 61 convicted individuals. The measure of suspension of the sentence's execution under supervision was applied for 27 persons. For 12 individuals the criminal fine was applied, and for 4 people the court decided to postpone the execution of the sentence. For 4 minors, custodial measures were applied (National Anti-Drug Agency 2019: p. 202-216).

6.2. Other crimes committed related to drugs consumption

According to the data provided by the Traffic Police Directorate within The General Inspectorate of the Romanian Police, during 2018, in Romania, 337 car drivers were found in traffic under the influence of narcotic or psychotropic substances were found, based on art. 336 paragraph (2) of the New Penal Code. Thus, the number of individuals detected in traffic, who drove vehicles under the influence of narcotic substances is increasing, 2.3 times comparatively with the value recorded in 2017. The highest number of drivers detected in traffic was registered within the Municipality of Bucharest (144) and within the counties of Giurgiu (51), Constanța (22) and Dolj (21) (National Anti-Drug Agency, 2019: p. 216).

From the analysis of the data regarding the individuals to whom the preventive custody measures were applied and were registered in detention centers of the Independent Department for Preventive Restraint and Custody, within the General Directorate of the Police of Bucharest Municipality, and who declared themselves drug users, the following were highlighted:

- The number of individuals who at the date of incarceration in the center declared that they are drug users was 494;
- Crimes against the property continue to remain on the first place for crimes committed by persons under the influence of narcotic or psychotropic substances: 370, representing 74.9% of the total crimes committed, the highest number being registered for theft offence (320) and robbery offence (50);
- Drug trafficking offenses occupy the second position-74 (National Anti-Drug Agency, 2019: p. 217).

7. Conclusions

Increasing poverty, increasing numbers of disadvantaged families and children, domestic violence, family members with a criminal history, lack of motivation for learning, school absenteeism and drop-out, lack of opportunities for social affirmation, peer pressure and influence can be favorable conditions for a deviant behavior, characterized by drug use and drug related crimes.

From the presented, it results that the Romanian legislation forbids the possession of drugs for one's own consumption, but at the same time, it contributes to the treatment of drug addicts through integrated assistance programs in addictions. At the same time, it can be observed that drug trafficking is a crime with a high social danger by the fact that it leads to serious and often irreparable alters of the individual's medical health and their psycho-social well-being. As in previous years, during 2018, the courts applied mostly imprisonment for drug offenses.

According to the annual analyzes carried out by competent state institutions, the phenomenon of drug use is one in continuous ascent in Romania, following the trend of the states of Western Europe. However, as seen in the indicators and statistic presented in the current paper, Romania is still below the European average in terms of drug use and crime related to drug use.

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