



Impact Analysis Project of New Drugs Legislation



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2 SITUATION REPORT

In 1997, after several proposals related to the amendments to drugs legislation raised by the Members of Parliament of the Czech Republic,¹ the Government of the Czech Republic put forward a proposal of amendment to the drugs legislation (Sections 187 to 188a of the Criminal Code). The proposal consisted of an amendment that the Department of Justice of the Czech Republic had been preparing for a long time as a sponsor of the legislative process, completed by the Department of the Interior of the Czech Republic (Linhartová & Kopřiva, 1998) with provisions that introduced a penalty for possession of drugs for personal use.

In the course of the readings of the amendments in Parliament and in the public sphere, this provision appeared as the most controversial one. It brought about a brisk discussion of the consequences of criminalizing drug possession for personal use in connection with treatment care and drug users (Presl, 1997), police work (Komorous, 1997; Hrbáček, 1998; Hubička & Kopřiva, 1997), and impact on primary, secondary and tertiary prevention (Langer, 1997; Bém, 1997). Last but not least, the issue of increasing the level of "legal nihilism" in society was widely discussed (Wawrosz, 1997; Štěpán, 1997).

Václav Havel's veto of this bill, issued on April 5, 1998, was a reflection of the clear-cut discussions. The President returned the bill for further readings to the Chamber of Deputies, and the Chamber of Deputies then carried the bill without any changes at all.²

In an attempt to prevent possible negative phenomena following from the implementation of the amendments in question, the Government of the Czech Republic issued an assignment to the Ministry of Justice of the Czech Republic and asked it to draw up an analysis of possible negative impacts of the amendments with a proposal for solution of the possible problems. The material was published as "Analysis of Negative Impacts of Amendments of the Criminal Code (Drug-Related Crimes) With Proposals of Action" (Ministry of Justice of the Czech Republic, 1998). Minister Otakar Motejl presented the analysis, which was subsequently passed by the Government on August 27, 1998.

At the same time, the National Drug Commission of the Government of the Czech Republic adopted the intention to carry out a scientific evaluation of the impacts of the enacted legislative intervention.

On December 7, 1998, the National Drug Commission of the Government of the Czech Republic acknowledged the intention to carry out the Impact Analysis Project (PAD) of the New Drugs Legislation in the Czech Republic with a focus on the introduction of a penalty for possession of illicit drugs for personal use; a framework research plan was also acknowledged.

On March 30, 1999, the National Drug Commission of the Government of the Czech Republic approved the allocation of resources for the pursuit of the study in 1999 and adopted a formal guarantee over the project. On March 10, 2000, the National Drug Commission of the Government of the Czech Republic approved the plan for completion of the project and earmarked funds for this purpose.

Tomáš Zábranský (Institute of Preventive Medicine, Medical Faculty of Palacky University in Olomouc) was in charge of preparation of the study, elaboration of the methodology and conducting the whole research project. The School of Criminal Justice, Florida State University, agreed to provide scientific supervision of the project and offered experts from the fields of the economic and social sciences (Prof. David W. Rassmussen et al., Prof. Bruce Bullington et al.).

The National Drug Commission of the Government of the Czech Republic delegated the PAD Board to provide for procedural supervision of the study and actively facilitate data acquisition in all related fields.

Works in 1999 focused on preparation of methodology, identification of existing and missing data, establishment of mechanisms of detection and verification of the data, establishment of the research team and training of the team with participation of the supervisors.

In 2000, the PAD Board approved summary research methodologies and all main sub-studies and individual components of the sub-studies were initiated. Three supervision acts of Florida State University led to several adjustments of the research design, later implemented in the project with the approval of the PAD Board.

In 2001, the works mainly focused on completion of all five main sub-studies and more than twenty sub-parts, completion of acquisition of some hard-to-obtain quantitative data for the purposes of a prevalence estimate (mainly from the databases of the Hygiene Service of the Czech Republic and Police of the Czech Republic), analytical works on the qualitative part of the study and synthesis of results together with preparation of the summary in print and preparation of publications in domestic and foreign periodicals.

¹ In particular, two proposals from Pavel Severa (Member of Parliament, Christian Democrats) and one proposal from MP Dalibor Matulka (Communists); the Chamber of Deputies of the Czech Republic voted down all three proposals.

² The amendment to the Criminal Code was then accepted as Law No. 112/1998 of the Code, while the applicability of amendment was later divided in the following manner:

– With effect from July 1, 1998

– The facts of the case in Section 187 were specified more accurately as far as other manners of treatment of narcotic and psychotropic substances and other subjects handled without authorization are concerned. In addition, the criminal sanction for committal of such criminal offences was increased substantially, while the circumstances conditioning the application of a higher sentence expanded and were also divided into more paragraphs.

– The facts of the case of Section 188 have been extended and now also include production, provision or receipt of an object designed for production of a preparation containing a narcotic or psychotropic substance. In addition, the sentence for committal of such a crime increased substantially.

– In Section 188a, the sanctions for committal of such a crime were increased

– With effect from January 1, 1999, a penalty for possession of a narcotic or psychotropic substance in a quantity greater than small was introduced; unauthorized receipt of a narcotic or psychotropic substance in a small quantity for personal use was classified as a violation

3 SUMMARY OF RESULTS

The implementation of a penalty for possession of illicit drugs for personal use did not meet any of the tested objectives and it is loss-making from an economic point of view.

The tested amendments of the Criminal Code brought about avoidable social costs – that is, it made the society ineffectively expend resources that could have been used for better purposes – of an amount of at least CZK 37 million.³

– The intervention represented by the introduction of a penalty for possession of drugs for personal use had hardly any impact on drug-related problems in the Czech Republic.

– The expectations that the presenter of the introduction of the intervention offered or promised to fulfill were not met; on the other hand, it has not been unambiguously proved that the legislative change brought about or impaired negative development of several indicators. Therefore, the catastrophic prognoses⁴ made by several opponents of the introduction of a penalty for possession of illicit drugs for personal use did not come true.

– Intervention with zero benefits and non-zero costs is positively loss-making. This also relates to the introduction of a penalty for possession of drugs for personal use. Our estimation of costs at an amount of CZK 37,000,000 only represents costs expended on criminal proceedings in 235 cases prosecuted in 1999 and 2000. It does not include "operational" costs (training, extra purchases of technology, materials, etc.), costs of the cases that the Police of the Czech Republic dealt with but failed to include in statistics. Therefore, it is necessary to regard the estimation provided by the PAD study as highly undervalued.

– By virtue of the comparison of the estimation of the number of problem users of illicit drugs (problem use prevalence - 37,500) and the number of prosecuted cases/people in the first two years after the implementation of the subject amendment (457/235) and by virtue of the results of the PAD Qualitative Analysis, it is possible to claim that **penalizing possession of illegal narcotic and psychotropic substances for personal use in the first two years of applicability of the amendment of the Criminal Code was only enforced in a very selective manner, randomly or occasionally – not under the principles of officialdom⁵ and legality⁶ that control criminal proceedings. However, it remains a fact that this was the only reason why the incurred social costs were not significantly higher.**

– Therefore, from the perspective of social costs, enforcement of penalizing of possession of illicit drugs for personal use is disadvantageous.

³ See 5.5 Cost And Benefit Analysis Of The Implementation Of Punishability Of Possession Of Illegal Drugs For Personal Use In The Czech Republic (PAD CBA)

⁴ Such as a significant and nationwide aggravation of provision of care, decline of availability, massive arresting of addicts, etc. – e.g. see (Presl, 1997)

⁵ In practice, the principle of officialdom means that the bodies acting in judicial proceedings (i.e. the Police, public prosecutors and courts) implement the action ex effo – they do not wait for activities of the parties

⁶ It follows from the principle of legality that a public prosecutor is obliged to prosecute all criminal offences known to him/her

4 TESTING HYPOTHESES

At the very beginning of the study, testing of five main hypotheses (Zábranský, Miovský, Mravčík, Gajdošíková, & Kalina, 2001) was chosen as a basic tool for evaluation of the prosperousness of the drug-related amendment regarding the introduction of a penalty for possession of illicit drugs for personal use.⁷

As a consequence of introduction/enforcement of a penalty for possession of illicit drugs for personal use,

- Availability of illicit drugs will decrease.
- (Prevalence of) use of illicit drugs will decrease (or, the increase will at least discontinue).
- Growth of the number of new cases of (incidence of) use of illicit drugs will decrease.
- Negative health indicators will not increase.
- After the implementation of the subject amendment of the Criminal Code, the social costs of drug abuse will not increase.

The hypotheses were elicited from or directly cited from documents and parliamentary speeches of the presenter of the bill that accompanied the acceptance of the amendments,⁸ and were approved by the PAD Board.

The following text presents a summary of the findings of the PAD sub-studies related to the above-mentioned hypotheses.

4 / 1 Availability of Illicit Drugs Will Decrease

The hypothesis was rejected.

The results of the Secondary Analysis of School Surveys (Mravčík & Zábranský, 2001a) demonstrate that there was a change in the perception of availability of hard⁹ drugs among sixteen-year-olds with experience of use of illicit drugs between 1996 and 2000, and it is most likely that the change took place even before the amendment was implemented. In comparison with the groups of sixteen-year-olds in previous years, this group of sixteen-year-olds reports an identical or lower availability of hard drugs.

On the contrary, those sixteen-year-olds with zero experience of drug use perceive hard drugs as more available. The Prevalence Group of the PAD Board does not interpret this fact as a reflection of the real state of affairs but rather as an impact of increasing media focusing on drug-related issues, which brings about a feeling amongst sixteen-year-olds without personal experience with drugs that drugs are "omnipresent" (Expertní skupina Rady PAD pro prevalenci, 2001).

Both groups of sixteen-year-olds – with or without previous experience of use of illicit drugs – indicate that there is an increasing availability of so-called "soft" drugs (cannabis). The results of the PAD qualitative study (Miovský, Zábranský, Gajdošíková, & Mravčík, 2001) also confirm this observation.

The same study also demonstrates that the availability of illicit drugs for the population of problem or regular users has not decreased – rather, there are changes in the spectrum of individual drugs, and heroin sets the trend unambiguously in favor of heroin. In parallel, we observe more frequent conversion from plevitin (metamphetamine) to heroin and starts of a "drug career" directly with heroin. The fact that "soft" and "hard" drug markets diffuse into each other¹⁰ is another important knowledge.

The long-term price stability¹¹ of drugs on the black market represents another indicator that, from an economic point of view, suggests that supply has exceeded demand in the long-term.

⁷ Applicable since January 1, 1999

⁸ See Explanatory Report on Government Bill No. 220 from March 18, 1998 which modifies and completes law ČNR No. 200/1990 of the Code, On Violations, as amended (Parliament of the Czech Republic 1997, print 226), Comments on the Explanatory Report on Government Bill No. 220 from March 18, 1998 which modifies and completes law ČNR No. 200/1990 of the Code, On Violations, as amended; minutes from the meeting of the House of Parliament of the Czech Republic (meeting No. 12, July 1, 1997 and other; meeting No. 13, September 5, 1997 and other; meeting No. 20, February 13, 1998; Shorthand record of a seminar of subcommittee for crime prevention "Prevention, Treatment, Repression and International Context of Drug Scene in the Czech Republic" from April 8, 1997 in the Parliamentary House of the Parliament of the Czech Republic; and other)

⁹ In the Czech Republic, hard drugs mostly include plevitin and heroin

¹⁰ That is, the condition when "soft" and "hard" drugs are offered and dealt in one place

¹¹ With short-term fluctuations of quantity ("underweighing") or quality ("cutting, mixing") of the drug, the price of ecstasy and hallucinogens even decreased

Therefore, it is not possible to describe the decreased availability of illicit drugs as a marked phenomenon, it is rather the higher flexibility, mobility and operativeness of the widest drug scene related to the onset of new technical aids – cellular phones in particular. Nevertheless, this trend took place all around the world between 1996 and 1999 (Elder, 1999; Lawlor, 1998; Wendel & Curtis, 2000; Webster, Hough, & Clancy, 2001; Dixon & Maher,

2001; Doherty, 2001; The Economist, 2001) without any regard to the development of legislation. It relates to the globally increasing availability of this technology in the general population and in the drug scene.

The availability of illicit drugs¹² has not decreased.

4/2 Number of (Prevalence)¹³ of Illicit Drug Users Will Decrease (or, the Increase Will at Least Discontinue)

The hypothesis was rejected.

The Secondary Analysis Of School Surveys (Mravčík & Zábanský, 2001a) came to the following conclusion: "The period, starting in 1996 – 1999 and ending in 2000 – 2001 witnessed a differentiation of experiences and attitudes towards illicit drugs in the group of sixteen-year-olds. The differentiation is based in different trends of the so-called hard drugs (heroin, pervitin) and other drugs.

As far as heroin and pervitin are concerned, prevalence most likely stagnated as well as the availability and increase in awareness of harmful and anti-social effects. As far as marijuana, ecstasy and hallucinogenic drugs are concerned, it is possible to claim that this favorable trend did not take place. It is not likely that there was a connection between the above-mentioned changes and the amendment in question."

possible to get an idea of the process in the population of sixteen-year-olds but also in the whole population over fifteen years of age.

In the population of the Czech Republic, there was no decrease in (lifetime) prevalence of illicit drug use. It follows from the table that the fluctuating trend of prevalence in the whole population increased significantly in 2001 – after two years of applicability of the amendment.

On a semi-representative sample, the PAD Qualitative Study (Miovský et al., 2001) demonstrated zero impact of the amendment on the population of problem and regular users of illicit drugs. On the contrary, it suggests that there is a rising influx (increase) of young problem users, often younger than fifteen. By virtue of the PAD Qualitative Study, it is possible to claim with certainty that the prevalence of problem use did not decrease; by contrast, it is very likely that it has increased.

Neither the results of the PAD qualitative study, Secondary Analysis of School Surveys, carried out within the framework of the PAD study, nor the results of examinations regularly carried out outside the framework of PAD demonstrate a decrease or discontinuation of increase in prevalence in any of the surveyed populations.

There was no reduction or discontinuance in the increase of any of the surveyed types of prevalence of illicit drug use.

	1993	1994	1996	1997	1998	1999	2000	2001
yes	5	7	10	11	9	10	9	14
no	95	93	89	89	90	89	90	85

Chart / Table 1: Experiences of The Respondents of Drug Use (Public Opinion Research Center, 2001) The answers "don't know" complete the 100 % calculation in the columns

Unlike the previous hypothesis (regarding "availability"), which was not subject to investigation by the Public Opinion Research Center, it is possible to confront the prevalence hypothesis with the regular research that the mentioned department of the Sociological Institute of the Academy of Science of the Czech Republic carries out each January on a representative sample of the population. Therefore, it is

¹² In the sense of the legal definition – that is, without any differentiation between individual types of drugs according to the type, chemical composition or risk level of use

¹³ Prevalence = number of cases of a disease (ill people) in a given period; incidence = increase in new cases of a disease in a given period; therefore, incidence actually means increase in prevalence

4/3 Number of New Cases (Incidence) of Illicit Drug Use Will Decrease

It was not possible to test the hypothesis directly. As the previous hypothesis was rejected and there is a relationship between prevalence and incidence,¹⁴ it is also possible to regard this hypothesis as rejected.

In 2001, the previously fluctuating trend of lifetime prevalence increased radically. There was a significant increase in incidence among the population above fifteen years of age. Incidence testing on school population by means of school surveys would not be correct as the population is identical (those who were sixteen in 1994 are twenty-two in 2001); with certain simplification, it is possible to say that only a two or three-year incidence was tested due to the low age of the participants.

We do not have sufficient data or sufficiently sensitive methods to make an estimate of the incidence of problem drug users.

As far as first treatment demand is concerned, it holds true that there was hardly any change in 1998 and 1999.¹⁵ As far as the year 2000 is concerned, the

author of the study comments: "Identically with the 1999 annual report, we must state that this was the highest increase of yearly incidence since the beginning of monitoring of first treatment demand applications in the national information system in 1995." (Polanecký et al., 2001)

Incidence in the general population has increased. The trend in the generation of sixteen-year-olds is not uniform; however, the incidence of the most widely used illicit drug (cannabis) has increased.

4/4 There Will Be No Increase in Negative Health Indicators Related to Illicit Drug Use

It was impossible to test the hypothesis reliably.

The results of the qualitative study (Miovský et al., 2001) and the increasing number of cases of fatal overdoses with illicit drugs led us to believe that the health of (problem) users has rather deteriorated.

It is unlikely that there is a direct relationship of this negative trend with the analyzed amendment. It was only possible to demonstrate the relationship on one particular – rather extraordinary – case in the Olomouc region.

In general, the negative trend rather points to certain gaps in treatment and an insufficient capturing ability of the programs that does not allow for consistent enforcement of a harm reduction approach.

The conclusions of the sub-studies "Users" and "Staff of treatment and service facilities" included in the PAD qualitative analysis (Miovský et al., 2001) attest to a decreased use of facilities providing treatment and services, primarily in regions outside Prague and especially among young users (younger than eighteen). The decrease is usually associated with the implementation of penalizing of possession of illicit drugs for personal use, unambiguously perceived as an instrument of social stigmatization of illicit drug users.

Quantitative data that would support the qualitative findings are not available for correct testing of the hypothesis.

¹⁴ See note 13

¹⁵ Or, there was no statistically significant increase

4/5 Social Costs Related to Drug Abuse Will Not Increase After Introduction of a Penalty of Possession of Illicit Drugs for Personal Use

The hypothesis was rejected.

The hypothesis developed from an expansion of the original hypothesis (*"Activities of the Police of the Czech Republic during detection of criminal offences and dealing with offences in the field of drug possession even for personal use (Section 187a of Law No. 140/1961 of the Code, Penal Code as Amended, and Section 30 article 1 letter j) of law 200/1990 of the Code, on Violations as Amended) will not require any financial costs."*), and is a verbatim copy of the last paragraph of the Comments on the explanatory report to government bill No. 220/1997 from March 18, 1998 which modifies and complements law ČNR No. 200/1990 of the Code, On Violations, as amended.

The reason is that it is impossible to test the original hypothesis – there is no doubt that social costs do occur with enforcement of any law by the Police of the Czech Republic; **when the particular facts of the case are new, enforcement of such a law necessarily requires new financial costs.** It is necessary to regard the inclusion of this argument in the explanatory report to government bill as incorrect.

Therefore, we expanded the hypothesis in order to allow for scientific examination. As a testing tool, a *Cost And Benefit Analysis of the Implementation of Penalizing Possession of Illegal Drugs for Personal Use in the Czech Republic* (Zábranský, 2001) (chapter 5.5) was drawn up. Comparison of the social costs of

illicit drug abuse (see chapter 5.3) and the social costs of enforcement of penalizing possession of illicit drugs for personal use served as the principle of the study. In the end, the results of the confrontation were combined with the results of Secondary Analysis of School Surveys and the results of the Qualitative Analysis.

It follows from the evaluation of the results of the above-mentioned methodological procedure that the implementation of penalizing possession of drugs was economically disadvantageous in both the short and long term perspective. The enforcement brought about social damages (costs of lost opportunities) of a minimum amount of CZK 161,260 per each offender¹⁶ detected by the Police of the Czech Republic. In 1999 and 2000, there were a total of 235 such persons.

In the first two years of enforcement of penalizing possession of illegal drugs for personal use, the social costs of illicit drug abuse increased as a consequence of the amendment by a minimum of CZK 37,000,000

Supplement: Other Results of Public Opinion Polls

We include the following two results of the previously mentioned survey carried out at the Sociological Institute of the Academy of Science of the Czech Republic in order to illustrate public perception of the efficiency of the amendment, even though it surpasses the assignment of the PAD study:

Chart / Table 2: Efficiency of the Drug Law (Public Opinion Research Center, 2001)

Line percentage

The Bill resulted in:	Definitely yes	Probably yes	Probably not	Definitely not	Not sure
a) Decrease of the number of people who use drugs	1	7	33	25	34
b) Decrease of the number of people who sell drugs	1	7	28	31	33

¹⁶ The calculation applies for 2000

Chart / Table 3: Development of Evaluation of Efficiency of The New Drug Law (Public Opinion Research Center, 2001)

The answers "I don't know" complete the 100 % calculation in the columns.

The Bill resulted in:	2000	2001
a) Decrease of the number of people who use drugs		
Yes	9	8
No	60	58
b) Decrease of the number of people who sell drugs		
Yes	10	8
No	60	59

5 RESEARCH METHODOLOGY

After a review of the relevant official materials¹⁷ that preceded the acceptance of the tested legislative intervention, eight main research hypotheses were identified:

1. The work of the Czech Police in terms of combating organized and street drug-related crime will be facilitated and more effective.
2. **Availability of illicit drugs will decrease.**
3. The general level of knowledge about harmful and anti-social effects of illicit drugs will increase.
4. **Prevalence of illicit drug use will decrease** (or, the increase will at least discontinue).
5. **Incidence of illicit drug use will decrease.**
6. Confidence in treatment/contact facilities will not decrease.
7. **There will be no increase in negative health indicators.**
8. Action of the Police of the Czech Republic during detection of criminal offences and dealing with violations in the field of penalizing possession of illegal drugs even for personal use (Section 187a of Law No. 140/1961 of the Code, Criminal Code as amended, and Section 30 article 1 letter j) of law No. 200/1990 of the Code, on Violations as amended) will not require any financial costs.

Four primary hypotheses were determined after consulting with the scientific supervisors (School of Criminology and Criminal Justice, Florida State University):

- I. **Prevalence of illicit drug use will decrease** (or, the increase will at least discontinue).
- II. **Incidence of illicit drug use will decrease.**
- III. **There will be no increase in negative health indicators.**
- IV. **Availability of illicit drugs will decrease, while**

other three hypotheses (1, 3, 6) are regarded as secondary; it is possible to test them either within the framework of testing of primary hypotheses or extended hypothesis (8) (see below).

Special attention was paid to hypothesis (8).¹⁸ For the sake of scientific correctness, a decision was made to

extend it in the following manner:

V. **Social costs of illicit drug abuse will not increase after the legislative intervention in question has been implemented,**

while the original version of hypothesis (8) will be tested within the framework of the newly formulated hypothesis V.

The conclusions were duly discussed and approved by the PAD Board at a meeting on May 17, 1999.

During works on preparation of research methodology, it was discovered that it is not possible to correctly test one of the hypotheses ("There will be no increase in negative health indicators") in the course of the PAD study research period (1999-2000). Therefore, it was excluded from further explanation.

Due to the relationship between incidence and prevalence, the incidence hypothesis was tested together with the prevalence hypothesis. Both hypotheses were combined into one for the purposes of this explanation; the following explanation and description of research tools therefore relates to the following three hypotheses:

- A. **Availability of illicit drugs will decrease.**
- B. **Prevalence of illicit drug use will decrease (or, the increase will at least discontinue) – incidence of illicit drug use will decrease**
- C. **Social costs of drug abuse will not increase after the implementation of the legislative intervention in question.**

Three main studies¹⁹ were selected for the purposes of testing the mentioned hypotheses; several contain a number of other sub-studies that usually stand for a separate research project. For the sake of transparency, we only present the main methodological principles of the main studies, the two most important supporting studies²⁰ and basic results together with a taxative listing of PAD sub-studies and external sources of data. We provide bibliographic references of reports of the particular researches in the cases where the report of the appropriate research was published or is being prepared for publication. The final chapter includes a detailed summary of sources and publications.

¹⁷ See Explanatory Report to Government Bill No. 220 from March 18, 1998, which modifies and completes law ČNR No. 200/1990 of the Code, On Violations, as amended (Parliament of the Czech Republic 1997, print 226), Comments on the Explanatory Report on Government Bill No. 220 from March 18, 1998, which modifies and completes law ČNR No. 200/1990 of the Code, On Violations, as amended; minutes from the meeting of the Chamber of Deputies of the Czech Parliament (meeting No. 12, July 1, 1997 and other; meeting No. 13, September 5, 1997 and other; meeting No. 20, February 13, 1998;

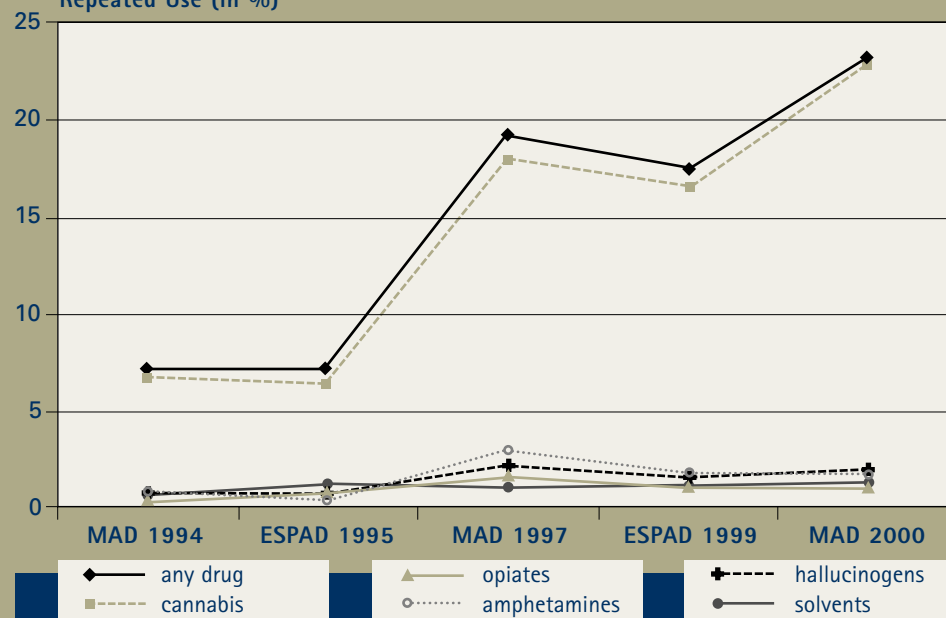
¹⁸ Which is a verbatim copy of the last paragraph of the Explanatory Report on Government Bill No. 220 from March 18, 1998 which modifies and completes law ČNR No. 200/1990 of the Code, On Violations, as amended

¹⁹ Qualitative analysis (see chapter 5.4), Secondary analysis of school surveys (see chapter 5.7) and Cost and Benefit Analysis (see chapter 5.5)

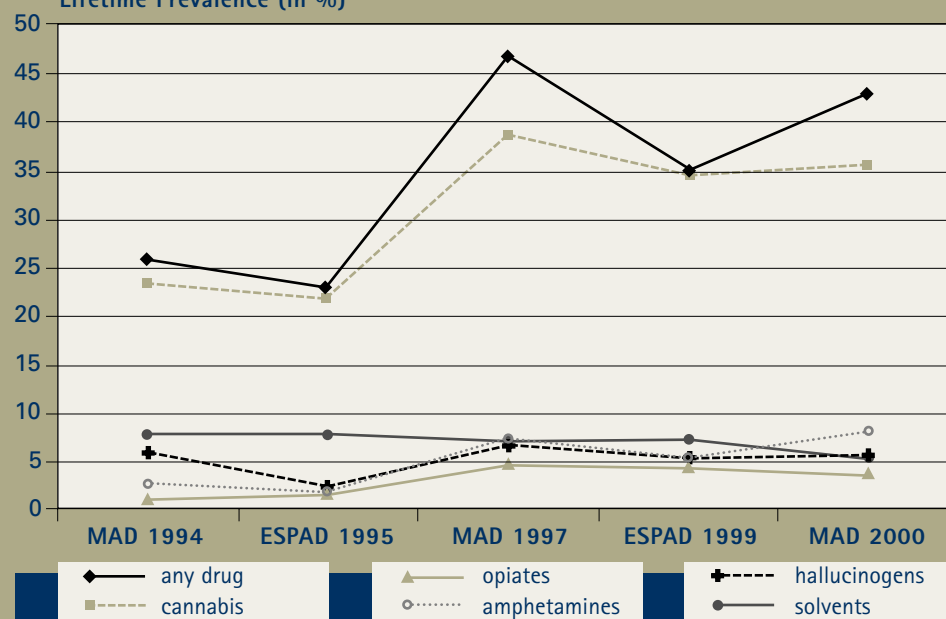
²⁰ Estimation of the Number of Problem Drug Users (see chapter 5.2) and Determination of Social Costs of Drug Abuse in the Czech Republic (see chapter 5.3)

5 / 1 Secondary Analysis of School Surveys (PAD SASS)
(Mravčík & Záborský, 2001a)

Secondary Analysis of School Surveys
Repeated Use (in %)



Secondary Analysis of School Surveys
Lifetime Prevalence (in %)



5/1/1 Introduction – Explanation of Terms
School surveys examine actual experiences, attitudes and level of informedness about drugs in the population of pupils and students, usually by means of questionnaires. ESPAD, a European standardized survey, only focuses on sixteen-year-olds. This age is convenient for the survey of trends and reading of the current situation because lifetime experiences only date a few years back with regard to the low age of the respondents. The share of respondents with at least one experience of a particular drug is described as lifetime prevalence.

School surveys and surveys of the general population allow for evaluation of the frequency of drug use from isolated uses to several experiments with a drug. They are absolutely inappropriate for evaluation of the scope of more serious manners of drug use, problem use or addiction to drugs among the population.

Secondary analysis was carried out with the purpose of using the school surveys for determination of the influence of the amendments of the Criminal Code (sections regarding use and handling of drugs) applicable from January 1, 1999.

5/1/2 Data Sources, Methodology
The following studies provide sufficient scope and comparability of issues; therefore, it is possible to use them for secondary analysis:

ESPAD – it is a multi-centric European survey with participation of twenty-six countries using a unified methodology, implemented under the auspices of the European Council (Pompidou Group) and co-ordinated by the Swedish Council for Information About Alcohol and Drugs. Therefore, it is possible to compare data from the individual countries. Elaborated by: Prague Psychiatric Center, main author: PhDr. Ladislav Csémy.

YOUTH AND DRUGS (also referred to as MAD) – this is a national survey implemented by the Hygiene Service of the Czech Republic. Elaborated by: Central Station of Drug Epidemiology of the Hygiene Station of the Capital city Prague, main author: MUDr. Vladimír Polanecký. Since 1997, it follows ESPAD methodology in principle.

5/1/2/1 Time Series Available for Comparison of Surveys

Year	1994	1995	1997	1998	2000
Implemented by or	MAD	ESPAD	MAD	ESPAD	MAD
Number of 16-year-olds (second graders)	1031	2962	4265	3579	1822

As ESPAD only covers a group of sixteen-year-olds, it is only possible to establish the above-mentioned time series for this group. A comparable manner of questioning and grading the answers was the prerequisite for the establishment of the time series. The selection of the compared variables (appropriate questions from questionnaires) was carried out with regard to the PAD research hypotheses. Four areas of interest in the questionnaire were identified, and it is possible to assign the following hypotheses to them:

Area	Hypothesis
Own experiences	Prevalence of illicit drug use will decrease
Admissibility of experiment	General level of knowledge about harmful and anti-social effects of illicit drugs will increase
Risk level of experiment with a drug	
Availability of drugs	Availability of illicit drugs will decrease

Attitude variables and variables related to the availability of drugs were monitored in two bipolar categories: (1) subject has an experience with a drug; (2) subject does not have any experience with a drug.

5/1/3 Results

Blank cells in the following tables mean that the particular indicator was not collected in the appropriate study in a manner that would allow for inclusion for comparative purposes.

5/1/3/1 Own Experiences²¹

Type of drug	Indicator	MAD 1994			ESPAD 1995			MAD 1997			ESPAD 1999			MAD 2000		
		pvo	abs.	%	pvo	abs.	%	pvo	abs.	%	pvo	abs.	%	pvo	abs.	%
Any drug and/or volatile solvent	CZP	1,025	264	25.8	2,939	666	22.7	4,265	1992	46.7	3,579	1,249	34.9	1,822	782	42.9
	OU	1,025	74	7.2	2,939	212	7.2	4,265	829	19.4	3,579	623	17.4	1,822	423	23.2
	30d							4,214	655	15.5				1,822	351	19.3
Cannabis	CZP	1,022	238	23.3	2,956	644	21.8	4,250	1643	38.7	3,557	1231	34.6	1,818	643	35.4
	OU	1,022	69	6.8	2,956	188	6.4	4,250	760	17.9	3,557	576	16.2	1,818	415	22.8
	30d				2,942	205	7.0	4,211	614	14.6	3,503	562	16.0	1,817	280	15.4
Opiates	CZP	1,023	11	1.1	2,959	51	1.7	4,254	195	4.6	3,570	152	4.3	1,820	65	3.6
	OU	1,023	2	0.2	2,959	12	0.4	4,254	60	1.4	3,570	30	0.8	1,820	13	0.7
	30d				2,889	14	0.5	4,205	51	1.2	3,495	36	1.0	1,820	15	0.8
Amphetamines	CZP	1,023	29	2.8	2,960	54	1.8	4,256	314	7.4	3,573	190	5.3	1,822	147	8.1
	OU	1,023	7	0.7	2,960	7	0.2	4,256	104	2.4	3,573	52	1.5	1,822	29	1.6
	30d				2,890	20	0.7	4,202	108	2.6	3,498	67	1.9	1,820	45	2.5
Hallucinogens	CZP	1,021	61	6.0	2,949	71	2.4	4,243	292	6.9	3,561	193	5.4	1,822	103	5.7
	OU	1,021	7	0.7	2,949	15	0.5	4,243	75	1.8	3,561	48	1.3	1,822	37	2.0
	30d													1,821	23	1.3
Solvents	CZP	1,022	80	7.8	2,959	226	7.6	4,254	303	7.1	3,571	258	7.2	1,822	97	5.3
	OU	1,022	6	0.6	2,959	25	0.8	4,254	40	0.9	3,571	34	1.0	1,822	23	1.3
	30d				2,888	37	1.3	4,197	32	0.8	3,495	42	1.2	1,821	12	0.7

5/1/3/2 Admissibility of Experiment²²

Absolute and relative rates of answers of sixteen-year-olds in category "I don't deprecate them" to the question "Do you personally deprecate people who do the following things (use a particular drug in these cases)?"

Question – drug type	group	ESPAD 1995			MAD 1997			ESPAD 1999			MAD 2000		
		pvo	abs.	%	pvo	abs.	%	pvo	abs.	%	pvo	abs.	%
Marijuana 1–2 times	NZD	2,245	431	19.2	2,260	596	26.4	2,311	668	28.9	849	232	27.3
	MZD	664	451	67.9	1,978	1473	74.5	1,237	1,029	83.2	653	468	71.7
Marijuana occasional ²³	NZD	2,236	331	14.8	2,257	477	21.1	2,313	576	24.9	851	323	38.0
	MZD	662	421	63.6	1,978	1315	66.5	1,234	945	76.6	653	470	72.0
Ecstasy 1–2 times	NZD	2,244	193	8.6	2,264	332	14.7	2,310	365	15.8	850	121	14.2
	MZD	663	112	16.9	1,969	687	34.9	1,240	485	39.1	654	228	34.9
Pervitin 1–2 times	NZD	2,245	211	9.4	2,259	299	13.2	2,320	297	12.8	851	75	8.8
	MZD	657	117	17.8	1,976	615	31.1	1,242	385	31.0	654	131	20.0
Heroin 1–2 times	NZD	2,241	186	8.3	2,260	262	11.6	2,302	267	11.6	851	68	8.0
	MZD	657	109	16.6	1,967	494	25.1	1,230	299	24.3	654	94	14.4

²¹ CZP – lifetime prevalence (at least once), OU – lifetime repeated use (> 5 times), 30d – prevalence in the last thirty days (at least once), amphetamines including hallucinogenic amines, pvo – number of valid answers, abs. – absolute number of monitored answers, % – relative percentage of monitored answers

²² NZD – no experience with a drug; MZD – experience with a drug

²³ occasional use

5/1/3/3 Risk Level of Experiment

Absolute and relative rates of answers provided by sixteen-year-olds in category "high risk" to the question "What do you think, how high is the risk that the people will harm themselves (physically or otherwise), if they... (use a particular drug in these cases)?"

Question – drug type	group	ESPAD 1995			MAD 1997			ESPAD 1999			MAD 2000		
		pvo	abs.	%	pvo	abs.	%	pvo	abs.	%	pvo	abs.	%
Marijuana 1–2 times	NZD	2,243	980	43.7	2,258	781	34.6	2,315	618	26.7	1,044	512	49.0
	MZD	659	81	12.3	1,968	267	13.6	1,224	71	5.8	777	135	17.4
Marijuana occasional	NZD	2,244	1,041	46.4				2,302	686	29.8	1,043	514	49.3
	MZD	661	117	17.7				1,234	95	7.7	779	155	19.9
Ecstasy 1–2 times	NZD	2,232	1,060	47.5	2,258	1,011	44.8	2,314	817	35.3	1,043	677	64.9
	MZD	656	290	44.2	1,970	682	34.6	1,231	330	26.8	778	381	49.0
Pervitin 1–2 times	NZD	2,240	1,019	45.5	2,258	1,059	46.9	2,306	867	37.6	1,044	594	56.9
	MZD	654	285	43.6	1,969	790	40.1	1,220	405	33.2	778	539	69.3
LSD 1–2 times	NZD	2,239	1,050	46.9	2,263	1,017	44.9	2,310	813	35.2	1,043	808	77.5
	MZD	660	252	38.2	1,972	599	30.4	1,237	303	24.5	778	587	75.4

5/1/3/4 Availability of Drugs

Absolute and relative rates of the summary of answers of sixteen-year-olds in categories "rather easy" and "very easy" to the question "What do you think, how difficult would it be for you to obtain the following substances if you ever wished to do so?"

Question – drug type	group	ESPAD 1995			MAD 1997			ESPAD 1999			MAD 2000		
		pvo	abs.	%	pvo	abs.	%	pvo	abs.	%	pvo	abs.	%
Marijuana/Hashish	NZD	2,244	552	24.6	2,256	831	36.8	2,318	832	35.9	1,042	427	41.0
	MZD	664	455	68.5	1,978	1346	68.0	1,242	960	77.3	780	573	73.5
LSD	NZD	2,241	186	8.3	2,255	278	12.3	2,331	296	12.7	1,042	187	17.9
	MZD	663	165	24.9	1,976	527	26.7	1,240	429	34.6	780	275	35.3
Ecstasy	NZD	2,226	69	3.1	2,257	223	9.9	2,318	299	12.9	1,043	179	17.2
	MZD	659	56	8.5	1,976	401	20.3	1,241	345	27.8	779	250	32.1
Pervitin	NZD	2,246	146	6.5	2,254	274	12.2	2,316	220	9.5	1,043	134	12.8
	MZD	665	117	17.6	1,977	552	27.9	1,241	366	29.5	778	209	26.9
Heroin	NZD	2,262	95	4.2	2,255	55	2.4	2,310	164	7.1	1,043	92	8.8
	MZD	661	80	12.1	1,977	309	15.6	1,244	204	16.4	778	119	15.3

5/1/4 Conclusion

It was not possible to trace any change in the behavior of Czech sixteen-year-olds as a consequence of the implementation of the tested legislative change from 1999. Nevertheless, it is possible to mention that the increase in several negative indicators (experience with opiates and pervitin) decelerated or stopped, most likely even before the amendment of the Criminal Code was implemented.

In the periods of 1997 – 1998 and 2000 – 2001, there was a differentiation of experiences and attitudes towards illicit drugs in the group of sixteen-year-olds. The differentiation is based on various trends related to the so-called problem drugs (heroin, pervitin) and other drugs. As far as heroin and pervitin are concerned, there was probably a stagnation of prevalence, availability and increase of awareness of the harmful and antisocial effects. As far as marijuana, ecstasy and hallucinogenic drugs are concerned, it is possible to claim that such a favorable trend did not take place in any of the three groups of indicators. It is unlikely that the above-mentioned changes were connected with the subject amendment. Analysis of possible causes of the improvement of the trend of the indicators related to pervitin and heroin was outside the frame of this analysis.

5/2 Estimate of Prevalence of Problem Illicit Drug Abuse in the Czech Rep. in 1998 (PAD PREV) (Mravčík & Zábanský, 2001b)

5/2/1 Introduction – Explanation of Terms

Prevalence is an indicator of the presence of a certain disease (here, of problem abuse of illicit drugs) in the population. It is a proportion of all cases of the disease in the population (or, a proportion of all defined cases in the population) either at a particular moment (instant prevalence) or in a particular period (interval prevalence). Problem drug use is defined as intravenous drug use (IDU) and/or long-term and regular use of opiates and/or amphetamine type drugs; use of ecstasy, cannabis, LSD, toluene is not included in the term "problem use" (definition of the European Monitoring Centre on Drugs and Drug Abuse (EMCDDA)). Therefore, it is possible to provide a simplified definition of problem use as drug use with a significant risk of addiction or damage to the health of the user, or as "drug abuse" – i.e. a manner of use that brings about social damage. Therefore, the number of high-risk drug users converted to the general population serves for a simplified description of the prevalence of highly problematic users, and it allows for international comparison. It is impossible to estimate the number of problem users by virtue of the population of school surveys. It is also impossible to count the number of drug users, and problem users in particular – by adding various data sources due to the tendency of the users to hide on account of the social and legal status of a drug user. Therefore, we could not choose but estimate the number, preferably using well-established and verified methods. EMCDDA methodological procedures were used within the framework of the PAD study.

5/2/2 Data Sources, Methodology

We used the following methods in order to provide a prevalence estimate of problem use in the Czech Republic within the framework of the PAD study:

5/2/2/1 Capture – Recapture Method (CRM)

The capture-recapture method is a method based on comparison of two or more data sources, or on identification of the scope in which the sources overlap, that is, identifying of the intersection of the sources. Then, it is possible to educe the size of the whole population including the hidden part by means of mathematical (statistical) methods. The method provides for local (town, district) and also nation-wide estimates of prevalence. However, administrative obstructions in data provision have not allowed for the implementation of a nation-wide CRM survey within the framework of the PAD study.

So far, we have received results from three districts of the Czech Republic. Determination of the so-called in – treatment rate (ITR) is the proportion of drug users who have ever come in contact with a treatment facility (see below).

5/2/2/2 Qualitative Analysis (QA)

QA PAD or analysis of quantitative data obtained within the framework of QA PAD was also used for in-treatment rate estimates using nomination techniques. In essence, the users were asked the following questions within the framework of the interviews: (1) how many of your friends use drugs?, (2) how many of them have gone for treatment recently? The in-treatment rate estimate is the average (2)/(1) ratio of answers detected for a sufficient number of users.

5/2/2/3 Multiplication Method with Use of Treatment Data

This is a multiplication method using the number of treated (contacted) people in treatment facilities or various helping institutions. Provided that we know in-treatment rate related to this number (see two previous paragraphs), we are able to provide a very trivial calculation of the size

of population of problem drug users.

5/2/2/4 Multiplication Methods with Use of the Number of Used Syringes/Needles

This is the only original used method developed within the framework of the PAD study. Therefore, the method has not been verified and has not brought any results so far. The method is based on the fact that provided that we know the total number of syringes used by intravenous drug users in the course of one year and we know the average consumption of syringes by one such user, we are able to make a simple calculation and estimate the number of intravenous drug users. We determined the total number of used syringes as the sum of syringes exchanged in harm reduction programs in the Czech Republic and estimated the number of syringes sold over the counter to drug users in pharmacies in the Czech Republic (questionnaire study "Pharmacies" among pharmacists of 1,500 pharmacies approximately). We assess the average consumption of injection syringes by means of a cross-sectional study carried out among the clients of (low-threshold) contact centers.

5/2/3 Results

Indicator	Number	Source
Estimate of the number of treated problem users in 1999	8,700	Data of the Central Station of Drug Epidemiology processed according to Zábanský, Mravčík
Heroin thereof	3,100	
- Pervitin thereof	5,600	
Estimate of the number of treated problem users in 2000	8,200	
- Heroin thereof	3,200	CRM Karviná, Pilsen, Brno within the framework of PAD
- Pervitin thereof	5,000	
In-treatment rate according to CRM	0.175 (0.15–0.20)	QA PAD within the framework of PAD – nomination technique
In-treatment rate according to QA PAD	0.198 – 0.368	Questionnaire study "Pharmacies" within the framework of PAD + district drug coordinators
Number of used injection syringes	2.03 – 2.10 mil.	Sub-study "Intravenous Use" – cross-sectional study in drop-in centers, not determined as a consequence of significant differences between the results provided by individual contact centers
Average number of syringes used in one year by one drug user	---	

5/2/4 Conclusion

Prevalence of problem users of illicit drugs in the Czech Republic in 2000 probably reached 30,000 – 45,000 of people, 18,000 – 27,000 pervitin users thereof, 12,000 – 18,000 users of heroin and other opioids. Average prevalence estimate of 37,500 problem drug users in the Czech Republic was used in PAD COI and PAD CBA²⁴ in compliance with the conclusions of PAD prevalence group.

It is possible to draw up a similar estimation for 1998. It is difficult to monitor the contingent trend in 1998 – 2000 within the framework of the interval of the estimation. In other words – capture of a contingent increase or decrease in the number of problem users in 1998 – 2000 is outside the field of sensitivity of the used methods.

²⁴ COI: Estimate of Social Costs of Drug Abuse in the Czech Republic; CBA – Cost and Benefit Analysis of the Implementation of Punishability of Possession of Illegal Drugs for Personal Use

Economic Social Costs of Illegal Drug Abuse in the Czech Republic In 1998 (PAD COI) (Zábranský et al., 2001)

5/3/1 Introduction, Explanation of Terms

The estimate of costs of (ab)use of addictive substances is a semi-economic study that combines epidemiological²⁵ data with financial data in order to arrive at a final amount that represents the costs defrayed by the society in connection with the existence and use of a particular substance.

Cost of Illness (COI) studies – and especially those related to abuse of licit and illicit addictive substances – are not anything special and new, and the general procedure of implementation of such studies has been standardized relatively well. The overwhelming majority of the studies follow from guidelines drawn up by the U.S. Health Service with an explicit intention of standardization of the methods for the evaluation of the costs of many types of diseases. In 1993, researchers from around the world who used to carry out similar studies met in Toronto, Canada. Work of these experts resulted in International Guidelines for Estimating the Costs of Substance Abuse (Single et al., 1996), universally applicable for legal and illegal addictive substances. The guidelines were also the methodological basis of the presented study.

Drug abuse and addiction to drugs create costs that the society has to bear. First, they represent health resources used for treatment and further care and rehabilitation or re-socialization of (ex)users and enforcement of the law in the field of drugs and related crime; lost productivity also represents a significant part of such costs.

Although it is very difficult to quantify all components of the load imposed on the society in connection with drug abuse, it is regarded as a worldwide priority to convert the load to economic terms in order to facilitate decision making related to political, legislative and other interventions in this field.

The economic definition of drug abuse includes non-health costs such as accidents and law enforcement, and the wording is as follows: "Drug abuse takes place when use of such substances includes net social costs in addition to the costs of provision of such a substance." Therefore, abuse takes place when the society suffers net (economic) damage.

In the PAD COI study, "drug abuse includes any use of an illicit drug that incurs a social cost other than the costs of provision of the drug " (Collins & Lapsley, 1991).

"Direct" and "indirect" costs represent primary categories of Cost of Illness studies.

Direct costs of illness represent the price of materials and services used with the purpose of solution of consequences of a particular disease. Therefore, it is the value of resources that could be allocated differently provided that there was no abuse of illicit drugs. It includes the sums spent on care for an individual who suffers from abuse of illicit drugs, including care provided in special facilities and special departments of mental hospitals, short-term hospitalizations and medical care and care provided by the so-called "caring professions." The costs of other activities directly connected with abuse of illicit drugs are also included. For instance, they include costs of research and operational costs of treatment programs. Other directly correlated costs include costs resulting from crime, including costs of (protective) Police branches; other parts of the law enforcement system and correction of property damages represent other directly correlated costs.²⁶

The costs of provision of drugs were not included as well as transfer payments such as sickness benefits

for drug users; however, the administrative costs of these payments and costs of investigation and punishment of acquisitive and other crime usually related to drug use were included.²⁷

Other directly correlated costs of illicit drug abuse include the costs of: criminal system, illicit drug trade control, private defense (of the accused) and operation (administration) of social security.

Indirect costs include "lost productivity," that is, lost wages as a consequence of early mortality related to drug abuse, drug abuse related morbidity and criminal careers caused by the existence of illicit drugs.

In this study, determination of lost productivity resulting from early deaths possibly related to drug abuse follows from the current value of future wages, that is, by means of the human capital approach – "the most frequently used approach for appraisal of lost productivity" (Max, Rice, & Mackenzie, 1990).

In compliance with international methodology (Single et al., 1996), average wages presented by the Czech Statistical Office (Český statistický úřad, 1999) were used for the estimates of lost productivity as a consequence of morbidity (prevalence of disease), mortality (death rate) and criminal careers connected with drug abuse. Regarding the fact that we did not identify a relevant Czech estimation of the value of domestic work, the study follows from an assumption that domestic work has approximately the same value as average work (employment); therefore, domestic work was rated as average wages.

It was necessary to carry out this extensive study in order to provide for source data for the Cost and Benefit Analysis (PAD CBA – see chapter 5.5).

²⁵ Meant in a broader sense – as epidemiology of infectious and non-infectious diseases, epidemiology of crime, etc.

²⁶ Costs of Illness studies often include another type of differentiation to nuclear (primarily inside health-care system) and extranuclear (outside the system) costs

²⁷ A more detailed explanation of the types of costs not included in Cost of Illness studies is included in the detailed methodological material (Zábranský et al., 2001)

5/3/2 Data Sources, Methodology

There were various data sources; we used the existing databases, annual reports and statements and then processed them (National Drug Commission, Ministry of the Interior, Ministry of Justice, Ministry of Labor and Social Affairs, National Account Report of the Czech Republic 1998, Police of the Czech Republic, National Health Insurance Company, Czech Statistical Office, district and municipal authorities, etc.). We also carried out a number of our own sub-studies within the framework of PAD study:

- a) Injection Use Prevalence (PAD COI IDU)
- b) Capture-Recapture Prevalence Estimate of Intravenous Drug Users (PAD COI CRM)
- c) Estimation of Direct Costs of Illicit Substance Abuse Treatment Within the Framework of National Health Insurance (PAD COI PUB)
- d) Estimation of Direct Costs of Illicit Drug Abuse Treatment in Non-Governmental Organizations (NGOs) (PAD COI NGO)
- e) Analysis of the Costs of Specific Primary Prevention of Drug Addictions (PAD COI COPP)
- f) National Account Analysis with Special Regard to Illicit Drug Issues (PAD COI NA)
- g) Estimate of Attributable Costs of Law Enforcement in the Sphere of Activity of The Ministry of Interior of the Czech Republic (PAD COI MV)
- h) Estimate of Attributable Costs of Law Enforcement in the Sphere of Activity of the Ministry of Justice of the Czech Republic (PAD COI MS)
- i) Estimate of Drug Mortality in the Czech Republic 1998 (PAD COI MORT)
- j) Estimate of Costs of Selected Somatic Complications Related to Drug Addictions (PAD COI SSC)
- k) Cost of Families Estimate (PAD COI COF)
- l) Costs of Customs Services (PAD COI COLL)
- m) Drug Morbidity and Social Welfare System Costs (PAD COI MORB)
- n) Costs of Research and Training (PAD COI RED)

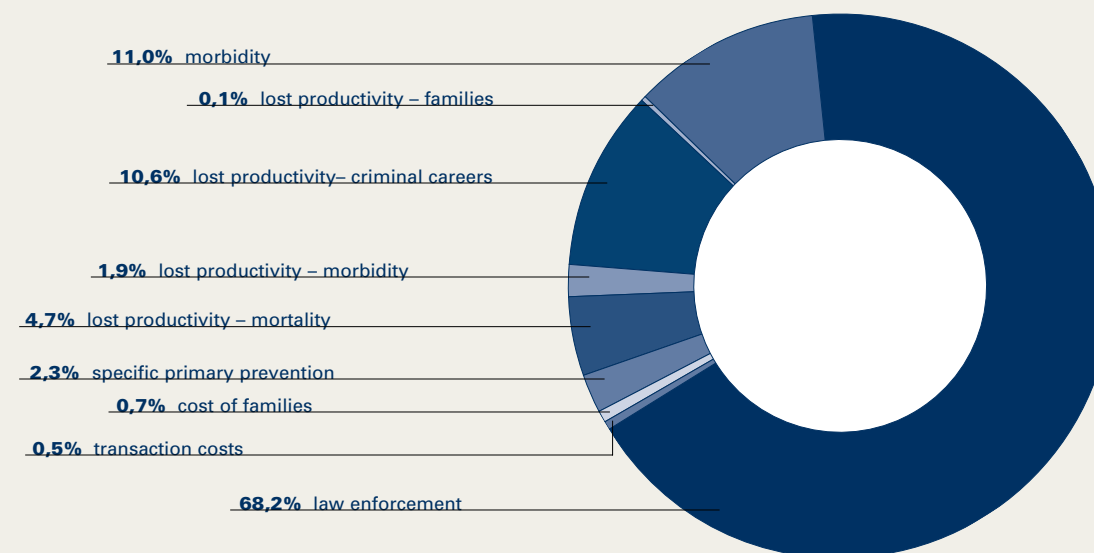
5/3/3 Results

In total, we estimate costs related to drug abuse in the Czech Republic in 1998 at an amount of CZK 2.8 billion. Therefore, direct costs represented CZK 2.3 billion and indirect costs represented CZK 0.5 billion.

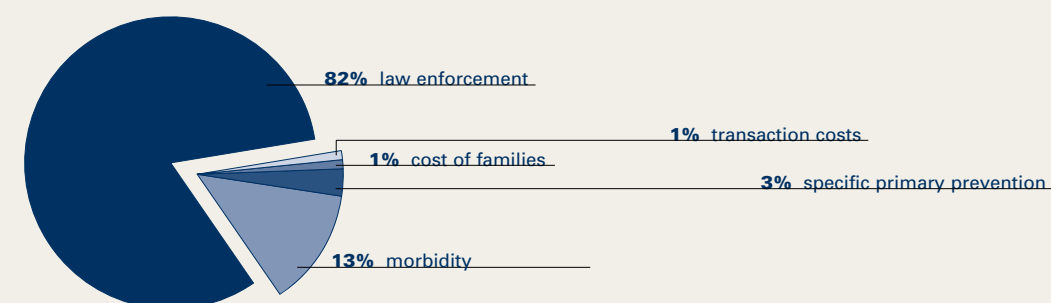
	ITEM	AMOUNT (CZK)
DIRECT COSTS	Costs of medical care defrayed by insurance companies and special grants from the Department of Health of the Czech Republic for prevention and treatment of HIV/AIDS	202,661,584
	Costs of treatment and services not defrayed by insurance companies	106,259,774
	Transaction costs of insurance and health-care system	14,959,888
	Costs of primary prevention	64,130,614
	Costs of work of the Police of the Czech Republic	1,238,740,724
	Costs of public prosecution	90,096,565
	Judiciary costs	87,579,979
	Costs of prison service	468,809,858
	Cost of smuggling-counteractions	26,767,250
	Costs of families	20,017,790
	TOTAL DIRECT COSTS	CZK 2,320,024,026
	INDIRECT COSTS	Lost productivity as a consequence of mortality
Lost productivity as a consequence of morbidity		52,548,394
Lost productivity as a consequence of criminal careers		297,838,576
Lost productivity of families		3,937,343
TOTAL INDIRECT COSTS		CZK 485,495,985
TOTAL OF TYPES OF COSTS		CZK 2,805,520,011

Analogical methodology will lead to quantification of personal damages of victims of criminal offences committed in connection with presence of illicit drugs: CZK 1,928,995,780.

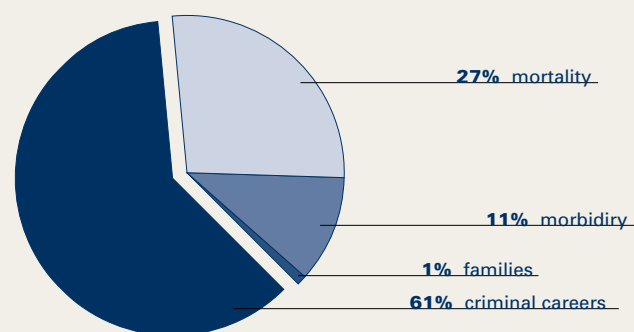
Social Costs of Drug Abuse in the Czech Republic in 1998 (CZK 2.8 billion) – summary proportional chart



Direct Social Costs of Drug Abuse in the Czech Republic in 1998 (CZK 2.3 billion)



Indirect Social Costs of Drug Abuse in the Czech Republic (CZK 0.5 billion)



Our result of the amount of CZK 2.8 billion represents 0.20% of gross national product, a share that well corresponds with similar foreign studies from the 1990s. As far as other studies that used the same methodology are concerned, only American studies from 1990s (Rice, 1990) exceeded the values of around 0.2% of gross national product; the author of international guidelines explains this by the fact that prevalence of (problem) drug use in the United States of America is the highest in the world (Single, Robson, Xie, & Rehm, 1998); the extremely high (and costly) involvement of criminal branches in the solution of drug related issues in the United States provides another explanation.

The distribution of the costs we detected was rather surprising. **Direct costs significantly exceed indirect costs, while other foreign studies usually report identical values of both types of costs or higher indirect costs (Single et al., 1998).**

It is possible to illustrate this fact with several circumstances that follow from the fact that it was much later (1990 compared to 1965–1970 in other countries) that our drug scene opened to the world and international trade, and the related (recent) onset of a new type of drug abuse dissemination and related problems:

- the prevalence of (problem) use in the Czech Republic (0.5% approximately) is low in comparison with USA, Canada and Australia (around 2.2%); it is an average value in the European context.²⁸

- in the spectrum of abused drugs, heroin, regarded as the most devastating illicit drug in terms of health and social respects, played a relatively minor role in 1998

- in respect of the short time of endemic dissemination of illicit drug abuse within our territory, drug-related mortality is relatively low; it is also apparent that there is a connection with the low number of secondary drug-related deaths (when particular diseases have the features of chronic diseases and therefore lead to death over a long period of time) and also with to a great extent successful and advance implementation of harm reduction measures

- the prevalence of HIV/AIDS in the general population and the population of illicit drug users in the Czech Republic is extremely low in comparison with the situation in the world; in addition, in comparison with West Europe, Australia and North America, seroprevalence of both types of parenteral hepatitis²⁹ is significantly lower; and the same absolutely holds true for (right side) infectious endocarditis,³⁰ caused by a significantly less aggressive agents³¹ in the Czech Republic than in Western Europe, America or Australia.

The high share of direct costs in the law enforcement sector corresponding with the high level of penalization³² in our legal system represents another explanatory fact.

Therefore, it is possible to conclude that our results provide a good picture of the situation in the Czech Republic in 1998 and it is possible to interpret them accordingly.

5/3/4 Conclusion

In 1998, social costs of illicit drug abuse in the Czech Republic were CZK 2.8 billion. The amount represents 0.20% of gross domestic product, or CZK 281 per each member of the society. It is also possible to express the result in the direct costs of the society per each problem user (and year) at the amount of CZK 74,814.

²⁸ Comparable with Great Britain and Germany

²⁹ Type B or C hepatitis

³⁰ Inflammation of the lining membrane of the heart

³¹ Harmful agent

³² 214 imprisoned/100,000 citizens in 1998 (Prison Service of the Czech Republic, 1999); it is clearly the highest level of penalization in Western and Central European countries – 50% higher than in the second country (Poland)

5/4 Qualitative Analysis (PAD QA)

(Miovský et al., 2001)

5/4/1 Introduction – Explanation of Terms
Qualitative Analysis (hereinafter referred to as QA) includes a wide spectrum of the used types of research. It relates to the type of research strategies and methods³³ that do not achieve results by means of statistical procedures or other manners of quantification. Currently, these strategies and methods are increasingly used to advantage in the humanities and many sciences throughout the world. Qualitative methodology has become an essential part of complex analyses focusing on social phenomena and processes (public health care, epidemiology, politics, etc.)³⁴

Combination of qualitative analysis with quantitative methodology is an important manner of application of qualitative analysis. It is carried out in two manners: it is possible to use qualitative data for the purposes of illustration or clarification of quantitatively derived conclusions; at the same time, provided that necessary procedures are observed, it is possible to quantify the results of a qualitative (e.g. demographic) survey.

Both combinations have been used within the framework of the PAD study.

The PAD research project was originally designed as a study that mainly makes use of quantifying methods. The actual inclusion of the qualitative study was suggested by the supervisory team from School of Criminal Justice, Florida State University, accepted by the Research Team and duly approved by the PAD Board.

The basic objectives of the three qualitative studies of the PAD project were to:

- a) Ensure provision of data required for quantitative analyses for which there is no other source
- b) Document model situations of application of the law on the level of case studies
- c) Provide an interpretation basis for the results of quantitative analyses
- d) "Give color to," complete and "enliven" the results of quantitative analyses

5/4/2 Data Sources, Methodology

Qualitative Analysis of the PAD research project receives data from a total of three sub-studies (according to the particular group of participants):

- Sub-study 1: Employees of health-care and other types of facilities providing care and help to illicit drug users.
- Sub-study 2: Illicit drug users (representatives of all known groups in the population of drug users)³⁵
- Sub-study 3: Law-enforcement (criminalists, investigators and judges)

The three implemented sub-studies within the framework of the qualitative part of the project took place in a total of six regions of the Czech Republic. The regions differ in the level of employment, average income and prices, traffic accessibility, cultural and historical specificity, etc.

The regions were selected in order to include "typical" localities according to the level of seriousness of drug use that we identified in the cluster analysis. The regions include (1) Ústí nad Labem and Teplice region, (2) Prague, (3) Brno, (4) Třebíč region, (5) Olomouc region and (6) Karviná region.

Leaders were appointed in each of the seven separate workstations (in six individual regions and one special unit for the criminal part that did not fully follow the described regional division). The leaders form the so-called core team of PAD Qualitative Analysis (hereinafter referred to as CTQ), subordinate to the leader of QA PAD and the chief coordinator of the PAD project. The team met at least once every two months, or more often when necessary. Minutes of the core team meetings were taken and filed. Minutes of meetings of the regional research teams and data were submitted for processing into interim reports of QA PAD. At the end of each phase of the research, an Interim Report³⁶ was drawn up, commented upon and reviewed by the core team members and then submitted to consultants and opponents and then to the PAD Board and sponsor of the study – the National Drug Commission of the Government of the Czech Republic.

In total, the following activities were carried out:

- Twelve focus groups and two interviews within the framework of Sub-study 1

- 165 interviews within the framework of Sub-study 2
- Forty interviews and secondary analysis of the material (Analytical and Legislative Department of the Office of the Supreme Prosecutor, 2000) within the framework of Sub-study 3.

The Detailed Research Report (Miovský et al., 2001) contains an extensive description of the research methodology, data reduction process and the actual analysis. The document also contains a detailed description of the quantification of several qualitative data used in other PAD sub-studies – especially in the Prevalence Estimate (PAD PREV) and Cost and Benefit Analysis (PAD CBA).

5/4/3 Summary of Results

It is possible to divide the qualitative impacts of the implemented law into two fields: direct impacts (that is, the practical application of the provisions of the law) and indirect impacts (that is, change of social awareness, perception of the drug problem and drug users etc.).

5/4/3/1 Direct Impacts

The PAD Qualitative Analysis did not discover any significant impact verified in more than one group of primary data sources at the level of direct impacts (that is, particular enforcement of the subject provisions); conversely, contradictions of the following impacts emerged across all of the groups:

- Staff of treatment or service facilities do not report any positive impact on their work; there appear to be mediated information about the reduction of capturing the ability of the facilities as far as young age groups of illicit drug users are concerned; at the same time, zero impact on the attractiveness of the facilities for older clients was reported
- The users do not report any impact on behavior and patterns of use (or even any inclinations towards abstinence) as far as they or the environment they live in is concerned; older users report that young users do not visit contact centers so often; however, it remains a question as to whether or not this is an expression of

³³ Such as structured and semi-structured interviews, focal discussions, involved monitoring, qualified estimation, etc. For more details see (WHO, UNICEF, UNAIDS, & UNDCP, 1998)

³⁴ As is for instance documented by the presence of special committees for qualitative research within the framework of international institutions (EMCDDA, WHO, UNO, etc.)

³⁵ For the purposes of PAD QA, the following groups were established: (1) Experimenters; (2) Recreational drug users; (3) Long-term drug users with a pattern of use exceeding the framework of recreational nature; (4) Long-term heavy users who use the services of contact centers and streetwork; (5) Long-term heavy users who do not use any services nor care (6) Drug users under arrest or imprisoned

³⁶ Each Interim Report was commented upon and filed

in-fighting between "veterans" and "newcomers" who endanger the social status of the veterans within the subculture; the reason is that the "veterans" regard the "newcomers" as bearers of the higher commercialization of the drugs scene that the veterans perceive absolutely negatively

– The bodies acting in judicial proceedings perceive the impacts very incongruously; it was also impossible to carry out data triangulation even within the framework of the group

– A small section of the criminologists report cases of application of penalizing possession of illegal drugs for personal use in order to acquire higher willingness of illicit drug users to provide testimonies for proof of more serious crime and/or informing (several illicit drug users confirmed this fact); however, it follows from the analysis carried out by the Office of the Supreme Prosecutor (Analytical and Legislative Department of the Office of the Supreme Prosecutor, 2000) and judicial practice that public prosecutors regard such testimonies as unusable

– Approximately one half of the investigators perceive the implementation of the above-mentioned penalization as a possibility for prosecution of "small dealers who deal but do not use the drugs at the same time;" however, they are not able or willing to provide examples of such application of the amendment; in accordance with the opinion of public prosecutors and judges, the second half of the investigators deny such application of the amendment

5/4/3/2 Indirect Impacts

This field is much more ephemeral; the changes were not moved forward by the actual law but rather by the increased media publicity and discussion of drug-related issues at the time when the amendments were brought up. This has been proven by the fact that the participants of all groups claim that the mentioned changes took place in 1997–98:

5/4/3/3 Conclusion

Positive impacts of penalizing drug possession in the sense of a significant change of behavior in any participant group were not demonstrated.

The impacts were described in the shift in social awareness that had preceded the implementation of penalization of possession of illicit drugs for personal use and even in the approval of the appropriate bill (April 1998). In particular, they came to light via the deepening of social stigmatization of all surveyed groups of users (from experimenters with cannabis to veterans of the so-called "hard drug" scene) and the increasing diffusion of markets of all types of drugs.

– The staff of treatment and service facilities for illicit drug users perceives that civil servants and representatives of the political scene have completely different opinions about criminalization of possession of drugs for personal use ("liberals" versus "authoritarians") and they claim that there is not a "gold standard" – without any clear definition of how this compromise opinion should be described

– The staff of the facilities and illicit drug users consistently mention that it is increasingly more difficult to provide for basic somatic care for socially and somatically devastated illicit drug users in regular health facilities that usually refuse to provide treatment to them

– Users of cannabis have massively quit outdoor marijuana cultivation for personal use or for a close circle of friends (i.e. behavior that had been punishable even before the amendment was introduced (!)) and some of them have switched over to indoor cultivation in improvised indoor conditions; and the majority of them become customers of the continually growing black market; the content of the effective substance in the sold product increases potency

– All three groups (staff, users, criminal) consistently report diffusion of the individual drug markets – in particular, cannabis and other more risk-laden drugs

– It was also interesting to see the attitude of hard drug users who perceive the introduction of the law in an absolutely negative manner and wish that it targeted dealers, not users, without ever admitting that they also become dealers according to the law when they distribute small quantities of drugs; therefore, they inconsistently adopt the attitude of mainstream society

– Abuse of office by the Police of the Czech Republic related to the work of treatment and service facilities was also recorded; however, it was regarded as atypical excess. Nevertheless, the abuse of office had very negative consequences in the particular locality (Olomouc region) according to staff of the facility

5/4/4 Results of Sub-studies

5/4/4/1 SUB-STUDY "STAFF OF TREATMENT AND SERVICE FACILITIES "

In all regions, the staff of treatment or care facilities for illicit drug users perceives a very marked, long-term trend of increase in heroin abuse both among new clients of the individual facilities and in the form of a switch from pervitin use to heroin or combining of the drugs which in any case eventually leads to primary heroin use (as a consequence of the much more dramatic withdrawal symptoms).

In 1998 –1999, there was a marked increase in marijuana and hashish sales for commercially advantageous prices. The staff of the facilities relates this to the impacts of the law expressed in the **blurring of differences between individual drugs** (everything is put into one category). **According to them, it is revealed in the black market where various drugs diffuse** (marijuana is sold together with pervitin and heroin, and/or other drugs).

The staff relates commercialization of the drug market (and "depersonalization" of the market, implementation of a hard approach and rules) to the general trend of the society. **The shift from open drug scenes ("market places") to more sophisticated manners of sale** (people meet in frequented places previously agreed upon by phone, after which there is flash transaction) is perceived identically, i.e. as a reflection of a social phenomenon.

According to the staff of treatment and service facilities, the **differences in quality and prices** unambiguously motivate the clients to purchase the largest possible quantity of the drug (the smaller amount they buy, the more disadvantageous the ratio between the claimed and real weight; and the quality of the drug also varies more significantly).

The staff perceives the impacts of successful Police actions (according to Section 187) mainly as a short-term impairment of the availability of drugs in open markets and related increase in presence of risk-laden behavior among clients. In small towns, we observed isolated cases of attempts to use low-threshold facilities for monitoring and arresting of clients. Everywhere it took place, the credibility of the facilities was essentially endangered, attendance and the number of exchanges of injection tools decreased, etc. According to the staff of the appropriate facility in the Olomouc region, where such

attempts were rather systematic in the first half of 1999, a marked increase in incidence of C hepatitis among intravenous users correlated with such a development, and this took place approximately six to nine months after the incidents occurred.

Conflicts with the Police are the most apparent at streetwork level; there are less of them on the level of low-threshold contact centers. Facilities with a higher threshold (social welfare institutions), abstinence-oriented programs and facilities) do not report problems with the Police. **In this view, actions of the Municipal Police seem the most conflicting in all regions; there are fewer problems with officers of the Police of the Czech Republic.**

The facilities report improvements of somatic care for the clients together with a slight increase in the number of problems related to management of type B and C virus hepatitis.

The professional group dealing with treatment and provision of services to drug users believes that there has been a gradual radicalization of attitudes in society towards drug use and users in the last three or four years in particular. They perceive the radicalization most significantly in three levels:

a) On the political level, there is an increasingly marked enforcement of political measures and actions that seldom respect expert standpoints and practical experiences. Therefore, drugs increasingly became the topic of political, and not expert discussions.

b) On the level of public officials and institutions, there has been a marked differentiation of two groups of officials. The participants perceive them as in-fighting radical wings that display opposite attitudes towards drugs ("authoritarians" versus "liberals"). Without any regard to the content of the attitudes, it is an important warning that the participants regard the disappearance of "neutral officers" and the continuous process of radicalization of both groups as a very dangerous fact.

c) In parallel with radicalization of the officials, the participants advert to the continuously increasing number of cases of drug users who encounter negative responses from medical staff who do not specialize in addiction therapy. According to the participants, it seems that medical staff conform to the corporate trend in a similar manner as both previous groups; however, the principal difference is based on the fact that the attitudes of the staff in principle influence the way they treat drug users in direct con-

tact and it seems that this attitude is completely unhelpful. It is also supported by increasing problems (or increase in the number of such cases) with obtaining treatment from specialists, or hostile behavior of medical staff in various types of in-patient facilities.

5/4/4/1/1 Change in the Law From the View of Treatment and Service Providers

When the participants were asked directly about the impact of the law on the clients, they consistently agreed on the interpretation that the law had the biggest impact on the youngest group of users (18–20). According to the staff of treatment or service facilities, young users will not come to any facility "just so", because they fear stigmatization and the potential consequences in the case that someone from their social environment learned about it (and the environment is still relatively preserved in the age of the young people). Therefore, the clients are said to come to the centers perceptibly later – by the time when their drug-related problems are so profound that the clients are unable to manage them.

On the contrary, the older clientele hardly responds to the law and they are absolutely indifferent to it – professedly, many of them do not even know that it exists and when they do, they do not know the content of the law. Nevertheless, they are still indifferent to it and they say that they are not involved in "such games."

5/4/4/2 SUB-STUDY "USERS"

Regular users of cannabis drugs report the increasing presence of hashish and more potent³⁷ cultivars of marijuana on the black market. They place it in connection with withdrawal from outdoor cultivation of marijuana for personal use, the increase in less risk-laden but more costly cultivation in small home indoor gardens (e.g. in a closet with a lamp in a regular apartment) and with the continuing commercialization of the market related to the steady increase in demand and decline in cultivation for personal use. It is also significant that there is an increasing diffusion of "soft" and "hard" drug markets – which means that it is possible to purchase a spectrum of illicit drugs in one place or even from one dealer. While older cannabis drug users often stick to drug supplies from home cultivation or from a close self-sufficient group, young users commonly accept standard commercial mechanisms and contribute to the expansion of the market of cannabis.

Users of high-risk (so-called "hard") drugs report an increasing number of conversions from pervitin to heroin and an increasing number of new users who begin their drug careers directly with heroin. As far as this trend is concerned, it is apparent that Prague and North Bohemia (1997 – 1998) surpass the other surveyed regions (Brno 1999, North and Central Moravia 1999–2000). All interviews contain implicit data about increasing market imbalances in favor of heroin and the growing frequency of police interventions against home pervitin "laboratories," resulting in short-term oscillations in the "quality" (purity) of the drug on the local market. Therefore, and paradoxically, the Police "support heroin" in which the production phase of the market chain is completely outside the reach of Police measures and the market pyramid is better organized and protected.

As far as experienced users (who are at the same time dealers) are concerned, we heard the opinion that the adjustment of the price of heroin (a common daily dose of heroin costs approximately as much as a daily dose of pervitin) was intentional and focused from the very beginning on the highest possible suppression of domestic production of pervitin and nationwide stimulation of conversion from pervitin to heroin.

None of the obtained data indicate that there is decrease in demand. The interviews rather suggest that there is a massive influx of young users (younger than 18 – 20) onto the hard drug scene. The young users do not use the offer of services and care so much.

We have also observed a clear trend of withdrawal of recreational (non-addicted, non-problem) users from contact with the facilities they used to visit, namely in small towns. In the interviews, the users argue that they they fear contact with the Police and the resultant social stigmatization.

Pervitin users report a gradual impairment of the availability of material for production of this amphetamine-type drug, which they resolve by switching to another type of medicament (Modafen® instead of Solutan®) from which they extract ephedrine or pseudoephedrine.

Cellular phones control the market completely. People usually obtain phone numbers from other users. In exceptional cases (e.g. massive change of

phone cards by the dealers), this fact brings about short-term oscillations on the market.

Pressure from the dealers to buy a large quantity of drugs at one time is one of the most significant changes in the market; the higher the purchased quantity, the more advantageous the price and purity of the purchased substance; at the same time, the weight is closer to that which was verbally agreed on than in the cases of purchases of small quantities. The dealers often refuse to sell a small quantity; therefore, it is logical that the users accumulate financial resources from friends or acquaintances, purchase a large quantity and divide it to small quantities and redistribute it; therefore, the dealers develop pressure in order to insert another link in the chain between the dealers and the street where they are the most vulnerable – in fact, there emerges a new level of "small dealers." The process was always present in the Czech drug scene; however, it significantly increased around 1997 – 1998 in all surveyed regions.

Availability of illicit drugs in prisons is lower than outside; however, the participants describe the presence of drugs in prisons as a common thing to which no one objects. In addition to alcohol smuggled in or made in the prisons, psychotropic medicaments are abused most frequently. Nevertheless, the participants mention that pervitin is also rather frequent; prices vary between five to ten times that of the street price. Prison staff and smuggling in mail are regarded as the main source of pervitin.

As far as somatically and socially devastated drug users (who conform to the classic media picture of a "junkie") are concerned, it is generally increasingly difficult to obtain medical treatment. In most cases, general practitioners and specialists refuse to provide treatment to them. Therefore, they usually obtain treatment in the course of hospitalization in detoxification units or other facilities, or the low-threshold centers arrange for treatment by a physician who is willing to cooperate. However, it was more important to discover that 70% of drug users (from the group of long-term heavy users) believe that averse attitudes on the part of physicians have increased in the last four years and they have encountered it much more frequently than before.

As far as problem users are concerned, petty crimes against property and small-scale dealing represent important sources of income necessary for finan-

cing of the addiction. Networks of "second-hand shops" and "pawnshops" are the biggest outlets of stolen goods; "custom-made" thefts are also very frequent. 70% of the regular "sale" price represents the highest recorded purchase price (selected high-end car radios), 30–40% of the price are regarded as standard.

We did not discover any changes in connection with the new legislative measures in this field. There is only one exceptional phenomenon (rather frequent even before the implementation of the amendment): when the Police fail to record criminal activities of long-term heavy users, they reach for petty criminal activities that are easier to prove; therefore, prosecution starts in connection with the petty criminal activities and not with the use or distribution of drugs and – even though it is clear that the accused people use drugs and the Police even have enough information (however, the information is not sufficient to be used as a satisfactory evidence at court hearings).

5/4/4/2/1 Change in the Law and Impact of the Change from the View of the Users

According to the self-describing statements of a large part of the group of users of cannabis products, their behavior has not changed substantially. At the same time, we found out that approximately one half of home-growers who participated in our research had quit growing cannabis in the last two years. The second principal change was that around 50–60% of users included in this group try to make sure that they never have more than one or two marijuana cigarettes on them. They go and purchase the drug when they need a larger quantity during a short time period (one week). There appeared an unambiguous connection with the pressure of the law and the result that cannabis users try to have smaller quantities of drugs on them or at home. It puts pressure on users to find a constant "supplier" among their friends or (more frequently) go and purchase the drug.

This means that the position of a dealer in the market has strengthened unambiguously and there is an increased risk that the dealer will offer some other drug; all of this contradicts the previously more extensive self-cultivation or non-commercial distribution within groups that used to be the rule outside Prague.

In general, users are aware of cases related to cultivation, distribution and possession of drugs for personal use. The users of cannabis products belong to the group that pays much more attention to drug-related cases in the media than hard drug users,

³⁷ With a higher content of the psychotropic substance (THC, delta-9-tetrahydrocannabinol)

which usually relates to the higher social status of cannabis users. It seems that these (media covered) cases have a deterrent effect – however, not in the sense of discontinuation of use, rather in the sense of higher precautions and sophisticated manners of elimination or reduction of the risk of being discovered.

Lifestyles and attitudes towards the laws, any other limitations and "unpleasant issues" substantially form the attitudes of drug users, even those related to the new law. One participant summarized his opinion on behalf of the group of heavy and long-term drug users, and it is probably the most prevalent (File 338): "...I don't care about any laws, I do what I want to do and I don't give a fuck ... all I am interested in is my dog, girls, those drugs, that idiotic booze, sometimes I light a cigarette or joint, and that's it... I just travel around... Brno, Prague, Pilsen... (...) ...I don't go to Ostrava much, I've only been there a couple of times, it's a poor region and it is hard to beg there... Pilsen and Prague are the best for begging, the worst cops are in Brno... especially the Municipal Police, it's not so bad with State Police, and than those in the railway station because the circle of people is small there... However, it always depends on the individual, what kind of a person he/she is..."

There was also a very paradoxical opinion of the group of long-term heavy drug users who denounced the amendment of the law on principle; however, at the same time they added that they thought that the law was very discriminating towards them (users) and that it should have been much harder and stricter on dealers. It is almost beyond comprehension how much the actual drug users start to adopt this pose or rather that of the mainstream society. Not only is a large part of them forced to sell the drugs which means that they also fall within the category of dealers, the main issue is that they cannot supply their habit without the dealers because today's market in the whole country is not as self-supplying as it used to be under the previous regime.

Several interviews with drug users brought up data about not being prosecuted for possession of illegal drugs for personal use in exchange for a deposition or report against suppliers provided to the Police. However, they rather hesitated to speak of this fact because it is not regarded as ethical in the environment they live in. References to someone else in their environment who committed something similar were much more frequent.

Independent disclosures from a number of users (that mutually complement and support each other) demonstrate that the use of illegal forms of pressure (duress during interrogations), as well as offers of co-operation (information in exchange for Police "turning a blind eye" regarding possession and sales) or sales of seized drugs that were not duly destroyed are taking part increasingly often.

5/4/4/3 SUB-STUDY "CRIMINAL SECTOR"

5/4/4/3/1 Police of the Czech Republic

This group was the most affected by the change of the legislation and it was the only group that regularly started to describe it on their own without any invitation.

Upon evaluation of the changes in the drug scene, the criminologists most often point to the expansion of trade with medicaments and notice the decline of the pervitin scene in favor of the heroin scene. The documented changes in availability of materials necessary for pervitin production are also reflected in the detected changes and trends of production. The difficulty of obtaining pure ephedrine and the better-controlled field of issue of Solutan® increases pressure on efforts to find new possibilities. One of the changes was that Modafen® started to be used as an input material. There are also changes in sales strategies. **With the onset of mobile phones and new phone operators and the consequent increased availability of this technology, sales are more dynamic and hard to monitor.**

The changes related to drugs legislation identified by the approached participants were not perceived in an unambiguous manner and there was a disagreement in the evaluation of the benefits of the new law.

As far as evaluation of the impact of the amendment to law on the drug scene is concerned, the situation is similar. The participants do not mention any significant changes of behavior of people who appear on an open drug scene that would take place as a consequence of implementation of the amendment.

In general, the participants from the Police of the Czech Republic report an increasing level of unwillingness to provide testimony in drug-related cases; they think the reason is that the proceedings are lengthy and people fear the complications that might occur to the witnesses in the case of testimony.

In connection with clearing up of criminal activities related to drug-related criminal offences, several criminologists use summons in connection with Section 187a in order to get testimonies and evidence related to dealers – in exchange for "overlooking" a criminal offence according to Section 187a of the Criminal Code.

We also encountered a very interesting statement that documents that some people are not prosecuted for the quantity of drugs they possess but rather because of the possibility of providing probative evidences or materials related to fighting the criminal activities of high links of the hierarchic drug sales chain. Therefore, it mostly depends on how the criminologist works with testimonies. (File 23) *"When someone has something on him, then it may also serve as a supporting means in order for him to tell you what you want to hear. That's why I am saying that I never prosecuted anyone for it. It means – a client who had some quantity on him, which would qualify for a violation or criminal offence – that doesn't matter, gets to me ... then the only thing I care for is to get a testimony against the dealer. Are you going to speak? No? he is showing how he would show a drug to the client... Because, you know, self comes first. Why would he have to be accused when does not have to? It is quite possible that I would use the law if we didn't come to an agreement ... However, that has never happened yet. But we're still talking on an academic level, the crunch has not come yet. (...) ... It means that when I get twenty pieces of evidence against a dealer, four of them made by juveniles, then it means that if he has twenty envelopes with heroin on him when we arrest him, then it is... Just when you consider those sentence rates, we do not even accumulate them, then it is nothing. He will be sentenced for eight to twelve years for those juveniles; and as far as that envelope he has on him is concerned, he would not even be sentenced for a year or so."*

Therefore, the law provides the operative branches with considerable opportunities and margin (File 1): *"The new law pretty much gave us this opportunity ... and we are able to use when we need it ... although I must admit that it is not completely legal. In a way, it is a bit of blackmail."*

The contacts with informants are based on the advantageousness of co-operation for both parties. When a respondent was asked about how such an operation works, he answered: (File 26): *"Well, it may consist of mutual sympathies, or I may sometimes pay for you somewhere or I will overlook some criminal*

activity, which is obviously the most frequent." The claim corresponds with the findings and it fully supports the results of the sub-study focusing on drug users who report that criminal activities of co-operating users or dealers get "overlooked" (File 26) *"...had it not been based on overlooking criminal activities, which, obviously, is not allowed, then it would be covered by the law. You know, the thing is, when you like someone and he tells you something sometimes, then why not, and then, when I invite him for a glass of beer, again, why not?..."*

Some of the respondents have also mentioned the unofficial manner of evaluation of work results, the so-called index system (File 23): *"Well, everybody will tell you that there is no official index system... Well, it doesn't exist officially, but it certainly does exist unofficially."*

The field of Police statistics was another important topic. The efforts of high branches of the Police of the Czech Republic to reduce the picture of crime in the Czech Republic in statistics were apparent in several interviews. (File 26): *"And since statistical views related to the itemizing of drug-related criminal activities keep changing constantly and they are increasingly strict, then they usually used to accept any demonstrable case of drug sales for statistical purposes, and the numbers were astronomical. Then, a different system was implemented and data were considered for each so-called damaged person – I hate using that term because the person does it voluntarily – in four-week terms. That means that when the distributor had ten customers and supplied them all with drugs for ten months, then there were one hundred cases. Then, they made it even stricter, there was pressure for reduction of the number of the cases, and so now they regard each customer as one case. However, it doesn't matter how many times or how long for and so on. The thing is that the pressure keeps leading to the fact that they will only accept dealers from us, one case by one dealer."*

Therefore, the Police of the Czech Republic henceforth do not report the number of detected attacks on subjects of interest protected by the society (in this case, the interest of reduction of danger to human lives and health resulting from use of narcotic and psychotropic substances), but rather only report the number of criminal offences as such without any regard to the number of attacks committed by one offender. **Statistics designed in this manner are not even able to reflect the development of crime in individual regions, and they become worthless and cannot serve for relevant crimi-**

nological conclusions that would substantially serve application practices.³⁸

The hypothesis related to the increase in prices after the implementation of the "drug law" amendment has neither been confirmed in the statements of the criminalists nor in the interviews made with the investigators. The price of drugs has remained the same; there are only short-term changes in connection with availability of the drugs in certain localities, which is not a direct consequence of the above-mentioned law.

As far as the age structure of people who use drugs is concerned, there are marked shifts towards a decreasing in age (File 13): "...recently, the number of addicted people who are as young as thirteen keeps increasing. Actually, we even encounter juveniles (people under fifteen – interviewer's note) who start using drugs..." (File 21): "The age has gone down to fourteen or fifteen." (File 24): "... there are even people under fifteen..."

As far as the work of the investigators and changes related to the implementation of the new law are concerned, there are two types of contradictory and approximately equally frequently represented opinions. The first one is that the effect of the impact of the new law is regarded as inconsiderable, and the second view is that the amendment has made police work easier (File 23): "... it allows us... to prosecute people who we know defend themselves by saying that they are addicted and they need the dose, they simply have to have it on them. That is all very nice but the dealer, or that very small distributor always had a very small quantity of that drug on him and then he kept reselling, and therefore, there is a realistic assumption that the person did not only have it for his personal use when he had a large quantity of the drug on him..." (File 22): "... I think that the Police really got a good tool for fighting against dealing on the lowest level, and I don't mean the users by that, I mean the lowest levels of the dealers, those who actually do the worst thing, they don't use it but they sell it." It remains rather striking that the participants who represented this opinion group were not able or willing to substantiate their opinions with any particular examples even when they were directly asked to do so.

5/4/4/3/2 Judges

In general, there is a prevailing opinion in this group that the change was necessary and that it filled in a legislative gap.

However, there was also an opinion that the existing legislative arrangement is not very advantageous, especially due to the absence of differentiation between users and "distributors" of the so-called soft drugs, and marijuana in particular. The judges have emphasized the necessity of an individual approach.

It is possible to say that it is very substantial that the judges, apart from one exception, have consistently agreed that there has been none of the promised improvement and increased efficiency of sanctions against dealers related to the implementation of Section 187a and that they did not observe any principal change or improvement in this field.

There has also been an absolutely negative opinion about the inclusion of Section 187a into our Criminal Code with reference to the fact that the provisions of Section 187 of the Criminal Code were sufficient for drug control.

The views of the vagueness of the term "quantity greater than small" varied from the necessity to specify the quantity to an approval of such a vague arrangement. One judge made an important comment on the issue of judging the dose necessary for personal use of the addicted person. She apparently understands that it is very difficult to determine how much exactly a person like that needs and that he/she will exceed the quantity specified in the charts anyway when he/she needs a particular quantity of the drug and has supplies for several days on him/her.

There was also an interesting opinion that since there is no differentiation between "soft" and "hard" drugs and between manners of distribution within the framework of the facts of the case according to Section 187, the range and term of punishment are also not differentiated, and this brings about problems, especially in the cases of marijuana smokers where even passing of one cigarette is viewed according to the provisions of Section 187 of the Criminal Code.

The participants called attention to the fact that the courts then often use the provisions of Section 40 article 1 of the Code with regard to the above-mentioned erroneous differentiation; it means that the courts use the institute of extraordinary abridgement of a term of imprisonment. It is possible to use the provisions provided that the court believes that the sentence would be inadequately strict and that it is possible to achieve the purpose of the sentence even with a short sentence with regard to the circumstances of the case or offender.

A female participant made a very interesting comment that the Police apparently know about the offenders of drug related criminal offences, they use them as witnesses but they apparently do not intervene because the cases never get to be processed in a trial. Therefore, this is an evident confirmation that Criminal Police often have sufficient information and yet, criminal proceedings are never instituted – regarding those users who cooperate and supply information (File 40): "...They have their own circle of people that the Criminal Police even know about. I often heard those people as witnesses; therefore, I just approached the Police and they knew exactly – yes, this pervitin-cook lives here and there and he is at home between five and six, not in any other time."

Sensitivity of the judge during qualification of the so-called material part of the criminal offence, that is, dangerousness of the criminal offence for the society, was especially emphasized. (File 36): "That is why the judge is a judge, in order to be able to make a decision as to whether this case bears all the formal attributes of an offence for purely material reasons, because the quantity is always a petty case... therefore, it is always possible to take the material attributes of the case into account and say: no, this is not an offence yet. I think this is the advantage of the material and formal approach, even though we get somewhat criticized for it sometimes"

Therefore, there prevailed an opinion that the judges are able to work with the given range of punishments. The judges have also agreed that it is necessary to sanction dealing severely; on the other hand, they are rather moderate in relation to drug users as such (File 34): "As far as dealers are concerned, I am in favor of strict punishment. Provided that the new provision, Section No. 187a, remains applicable, it will be difficult to punish someone who is not a dealer. In the end, it is he who destroys his health and personality." Nevertheless, all of the judges hesitated to

comment upon the evaluation of combination of both facts, that is, when a drug user is forced to sell drugs in order to make money for the drug when he does not wish to commit other criminal activities.

Application of the drug-related amendment also made many judges contemplate the issue of marijuana liberalization (File 34): "I guess the thing is to prosecute dealers demonstrably, that's where I feel the problem is; I don't see a problem as far as marijuana is concerned. Or, at least, not a big problem. Of course, it is a question as to whether soft drugs should or should not be allowed..." (The respondent told the interviewer that her own children told her that they had experienced marijuana.)

Some respondents said directly that it would be necessary to distinguish between soft and hard drugs. We think that it is very important that the judges thought relatively very deeply about the risks related to drug use and that they are aware of the fact that there are huge differences between drugs in the field of health and social risks and that the risks are not reflected in the level of legal risks (File 35): "... and I think that the list of substances could be a bit different. Let's say, they should say what is included in List "a" or List "b" and then they should judge that according to the lists. And that would have to be included in a clause of the decision (that is, description of the facts of the case). Or, there should be some other provisions regarding this type of drugs."

5/4/4/3/3 Public Prosecutors

(Brief Extract from Materials Provided by the Office of the Supreme Prosecutor of the Czech Republic Related to Issues of Drug-Related Crime)

Within the framework of the PAD qualitative analysis, it was originally planned that at least ten interviews would be conducted with public prosecutors who encountered a lawsuit for a drug-related criminal activity (i.e. according to the provisions of Section 187 to 188a of the Criminal Code) with emphasis on the new facts of the case according to the provisions of Section 187a of the Criminal Code. However, this intention was abandoned for time and personal reasons with regard to delays of provision of co-operation on the part of the Office of the Supreme Prosecutor of the Czech Republic. Evaluation of time demand factor of drug-related cases by the public prosecutors for the purposes of COI PAD was supposed to be a substantial part of the interviews. After the Office of the Supreme Prosecutor had authorized us to conduct the interviews, we ap-

³⁸ In this regard, it is necessary to note that the terms used in police statistics cannot be absolutely matched with the content of these terms according to jurisprudence or theory of the Criminal Code.

proached several public prosecutors who were willing to answer our questions related to the time demand factor. However, conducting these interviews was discontinued after consultation with the supervisors with regard to the change of methodology within the framework of COI PAD.

Therefore, the following materials were used in order to obtain a more complete picture of prosecution of drug-related criminal offences:

1. Special report on knowledge related to the application of amendment of Criminal Law No. 112/1998 of the Code, in particular, about the application of facts of the case of a criminal offence according to Section 187a of the Criminal Code (drawn up by the Analytical and Legislative Department of the Office of the Supreme Prosecutor on April 13, 2000, 1 Spr 169/2000) – reference year 1999

2. Excerpt from the Report of the Office of the Supreme Prosecutor on the activities of prosecution in 2000, provided to the solvers of the PAD project through the mediation of the National Drug Commission of the Government of the Czech Republic on May 16, 2001–reference year 2000.

Separate summary reports were drawn up for each of the studies with regard to the fact that the above-mentioned materials do not have an identical structure. It is necessary to highlight that the contents of the **statements from the reports of the Office of the Supreme Prosecutor were not changed.**

5/4/4/3/3/1 Special Report on Knowledge Related to the Application of Amendment of Criminal Law No. 112/1998 of the Code, in Particular, on the Application of Facts of the Case of a Criminal Offence According to Section 187a of the Criminal Code (Drawn Up by the Analytical and Legislative Department of the Office of the Supreme Prosecutor on April 13, 2000, 1 Spr 169/2000)

5/4/4/3/3/1/1 Evaluation of Frequency of Drug-Related Criminal Offences

In 1999, the prediction that the implementation of new facts of the case according to the provisions of Section 187a of the Criminal Code would lead to inappropriate criminalization of young people, experimentators and first offenders has not yet been confirmed. However, it is impossible to exclude the possibility that the increase in the number of people prosecuted, accused of or convicted of a criminal offence according to Section 187a of the Criminal Code is yet to come.

The alarming trend of development of facts of the case according to Section 187 of the Criminal Code might support the above-mentioned prognosis.

It is also possible to assume that it is only due to the very liberal approach of the Police that there has not been an extreme increase in criminal activities according to the above-mentioned section; the massive media campaign and purposeful focusing of the activities of the Police of the Czech Republic in connection with the publication of the obligatory instruction of the Police President No. 39/1998 with attached appendix that included the chart with orientation values of narcotic and psychotropic substances regarding punishable quantities and types of drugs also played a certain role.

5/4/4/3/3/1/2 Application Problems Related to the Provisions of Section 187a of the Criminal Code

It is apparent that there is a completely contradictory interpretation of the attribute "quantity greater than small" in the evaluation of meeting the formal attributes of the facts of a case according to the provisions of Section 187a article 1 of the Criminal Code. Usually, the lack of other unifying arrangements or judicial measures results in the use of the chart attached to the instruction of the Police President No. 39/1998.³⁹ Indeed, there were also ideas about the necessity of an individual approach to each particular case; however, there were also several completely different interpretations.

For the purposes of individual evaluation of the quantity of narcotic and psychotropic substances, a "quantity greater than small" is a quantity that exceeds the daily dose of the offender determined in terms of the person and contingent addiction because it is a quantity exceeding the quantity of narcotic and psychotropic substances that people who abuse such substances commonly possess.

Practical application of the provisions of Section 187a article 1 of the Criminal Code brings about serious difficulties. Although it is an arrangement of facts of a case of a criminal offence that does not show a significant level of social danger, the arrangement is still inordinately costly, complicated and controversial in many respects. In this context, it is necessary to call attention to the difficulties related to recording serious criminal activities where former witnesses became potential offenders and consequently, they do not have to record in the particular case.

5/4/4/3/3/1/3 Evaluation of Effectiveness of the Amendment of the Criminal Code Established in Law 112/1998 of the Code

The amendment has not brought about the desired effect even in connection with other facts of cases of drug-related criminal offences. As far as criminal offences according to Section 187 and Section 188 of the Criminal Code are concerned, due cohesion of the basic and qualified facts of a case, and articulation of terms of sentences is also missing.

The amendment leads to almost absurd consequences. On the one hand, it does not allow for adequate sanctions for serious cases, e.g. very extensive drug consignments; and on the other hand, in order to enforce the principles of court individualization of punishment, it is necessary to apply the provisions of Section 88 article 1 of the Criminal Code in the sense that circumstances which require the use of the higher term will not be used even in cases that are controversial because the provisions of Section 40 article 1 of the Criminal Code on extraordinary abridgement of imprisonment are incorrectly used even in cases where it is not possible to use them.

It seems desirable to remove the insufficiencies that result from the claimed insufficient cohesion of facts of a case in Section 187 articles 2, 3 and 4 and Section 188 articles 2 and 3 of the Criminal Code and consider a wider range of sentence terms included in these provisions.

With regard to above-mentioned information, it appears necessary to take advantage of all existing alternatives of criminal sanction, or all manners of diversion of criminal proceedings.

5/4/4/3/3/2 Excerpt from the Report of the Office of the Supreme Prosecutor on the activities of prosecution in 2000, provided to the solvers of the PAD project through the mediation of the National Drug Commission of the Government of the Czech Republic on May 16, 2001

5/4/4/3/3/2/1 Evaluation of Rates of Drug-Related Criminal Offences

According to the report of the Office of the Supreme Prosecutor, the number of people prosecuted for or accused of the criminal offence of unauthorized production and possession of narcotic and psychotropic substances according to Section 187 of the Criminal Code increased in 2000, reaching its highest value in the last ten years. There is no doubt that there is a "drug boom" in the Czech Republic.

The highest increase related to the crime of unauthorized production and possession of narcotic and psychotropic substances according to Section 188 of the Criminal Code. In terms of the last ten years, the highest number of people were prosecuted for or accused of this criminal offence.

In addition, there was an increase in the number of people prosecuted for and accused of unauthorized production and possession of narcotic and psychotropic substances according to the provisions of Section 187a of the Criminal Code. However, the increase does not correspond with the catastrophic predictions. The absolute number of prosecuted and accused people represents 10 to 15 % approximately of the value of the indicator in relation to the most frequent indicator of a criminal offence according to the provisions of Section 187 of the Criminal Code.

The only decrease was reported for the criminal offence of propagation of drug addiction according to the provisions of Section 188a of the Criminal Code; however, the decrease was very inexpressive and it followed a period of continuous increase in the number of prosecuted and accused people.

5/4/4/3/3/2/2 Evidence of Drug-Related Criminal Offences

In a majority of cases, public prosecutors usually deal with cases where the witnesses are drug users; the defense usually objects that the witnesses are not plausible with regard to this fact and the possibility of disturbed objectivity of perception, etc. Therefore, the mental health and clarity of percep-

³⁹ The General instruction of the Office of the Supreme Prosecutor was issued as late as in 2000 under No. 6/2000 and it essentially agrees with the reviewed "police charts"

tion of critical witnesses must undergo expert analysis and this considerably prolongs the process and makes it more costly.

People accused of drug-related criminal offences are usually informed on by the witnesses during the proceedings before formal charging; however, the witnesses usually change the deposition after the act and refuse to point the finger at the particular offender or they use the right according to the provisions of Section 100 article 2 of the Criminal Code and refuse to testify. During the detection of drug-related crime, there were problems in connection with the employment of operative investigative means. The defense usually tries to question the reliability of activities of appropriate police branches with reference to the fact that the Police instigated the activities of the offender. The Office of the Supreme Prosecutor is preparing an interpretation statement with regard to this issue.

5/4/4/3/3/2/3 Application Problems Related to the Provisions of Section 187a of the Criminal Code

The application problems relate to a) determination of the quantity of the drug, and b) requirements for examination of mental health of the accused person.

The complicated nature of recording the attribute "quantity greater than small" presents itself especially with regard to marijuana when there is prosecution based on testimonies of the witnesses and offenders without managing to supply exhibits.

In the context of examination of the mental condition of the accused person, there was a case when the court required obligatory examination of the person's mental condition although there was no evidence that the person abused addictive substances at the time of committal of the criminal offence or before.

The investigators rather frequently judge the actions of the accused people simultaneously under the provisions of Section 187 of the Criminal Code and according to the provisions of Section 187a of the Criminal Code despite the fact that concurrence of the criminal offences is excluded.

Upon recording criminal offences according to Section 187a of the Criminal Code, public prosecutors usually follow the instruction of the Office of the Supreme Prosecutor, which established reference values of quantities of narcotic and psychotropic substances. However, sometimes there are problems with legal qualification of marijuana cases where the courts did

not recognize the reference weight value of the drug included in the table of the above-mentioned instruction even though the quantity of the detected drug considerably exceeded the quantity included in the table, and referred to the fact that the drug was only marijuana, arguing that the seized quantity did not meet the attribute of facts of the case according to Section 187a article 1 of the Criminal Code, without giving any detailed reasons what they followed from in this regard and assigning the case for hearing as a violation case.

5/4/4/3/3/2/4 Problems of Application in Relation to Other Drug-Related Criminal Offences

The radical tightening of sanctions in the provisions of Section 187 article 3 of the Criminal Code brings about many problems for judges and public prosecutors, when even provision or delivery of one dose of a drug to a person under fifteen 15 is punished with a sentence of eight to twelve years of imprisonment. Several bodies acting in judicial proceedings, especially in the cases of distribution of marijuana to a juvenile, propose to ease the legal qualification of the crime with regard to low public dangerousness - or to use Section 40 article 1 of the Criminal Code (lower sentence than according to sentencing guidelines) in relevant cases. The situation apparently leads to a high level of differences in judgments of particular cases in different judicial districts. **Let us note that it would probably be sufficient to reduce the minimum sentence by a sufficient degree.**

The lack of differentiation between the age of victims of the attacks included in Section 188 and Section 188a of the Criminal Code, that is, the absence of stricter provisions for sanctions of offenders in relation to people under fifteen, represent another apparent insufficiency.

Problems of application also relate to the judgment of the attribute "in a large scope", especially with regard to criminal offences according to the provisions of Section 187 of the Criminal Code. In cases when the drug was not sold but given as a gift or provided as per contra, it is not possible to follow from the volume of benefits obtained by distribution of the drug.

5/4/4/3/3/3 Conclusion

It is possible to claim that the evaluation of the Office of the Supreme Prosecutor complies with other evaluated parts of criminal proceedings related to sanctions of drug-related criminal offences, i.e. the courts and the Police of the Czech Republic. All of the branches show similar application problems related to the judgment and dealing with criminal offences according to the provisions of Section 187a of the Criminal Code, or other drug-related offences.

FINISH

5/5

Cost and Benefit Analysis of the Implementation of Penalization of Possession of Illegal Drugs for Personal Use in the Czech Republic (PAD CBA) (Zábranský, 2001)

5/5/1 Introduction – Explanation of Terms

A Cost and Benefit Analysis is an economic evaluation and it includes identification, measurement and appraisal of the costs and consequent comparison. The costs and consequences are then compared in order to provide a guide for the best possible use of limited resources.

5/5/2 Data Sources, Methodology

5/5/2/1 What Are the Benefits?

In the first phase of construction of a Cost and Benefit Analysis, it is necessary to define which benefits intervention can bring from an economic point of view. Basically, these are the fields of concern:

(1) Reduction of Costs (Spent Resources) for a Service Provided by the Society

In this case, it is an issue of the social costs of illicit drug abuse – i.e. costs identified in the PAD COI study (see chapter 5.3).

(2) Improvement of Quality of the Existing Service

Improvement of quality of activities (services) of the Police of the Czech Republic in the sense of a higher clear-up rate of more serious drug-related crime⁴⁰ or improvement of the deterrent function of law enforcement (repression) are not quite possible to test, especially with regard to the change of reporting tactics of the Police of the Czech Republic concerning statistics of "drug-related offences" (see Qualitative Analysis PAD – the Police of the Czech Republic) that artificially drives down the statistical indicator of "detected criminal offences." Therefore, there was a change in the course of the research period and it disallowed for comparison of this indicator. The consistent trend of increase in the number of detected

and prosecuted people indicates that the work of the Police of the Czech Republic, and special branches in particular, has continually improved in proportion with the experience of the employees regardless of the change in the law. It certainly is not surprising and we can trace analogous cases in all fields of human activities.

Therefore, the use of Section 187a as "compulsory" measures for obtaining testimonies that will allow for the incrimination of offenders of other drug-related offences (in particular, criminal offences according to the provisions of Section 187 of the Criminal Code – unauthorized handling of narcotic and psychotropic substances and receiving of narcotic and psychotropic substances for another person) which appeared in the interviews of several users and Police officers (Miovský et al., 2001) seems rather marginal. Another reason is that in the cases which come to court, according to the knowledge of the Office of the Supreme Prosecutor (Analytical and legislative department of the Office of the Supreme Prosecutor, 2000) the witnesses "now take advantage of the right to refuse to testify with regard to the fact that they are also threatened with criminal prosecution or that they have already been prosecuted for drug possession for personal use" (Analytical and legislative department of the Office of the Supreme Prosecutor, 2000); therefore, a testimony obtained in this manner is not relevant for the purposes of prosecution of the offender.

The attitude of the judges also does not indicate that the work of the judges was simplified or made more effective as a consequence of the legislative change (Miovský et al., 2001).

No improvement in the work of treatment or service facilities for drug users, possibly in connection with the tested intervention, was recorded; the Qualitative Analysis rather indicates an opposite trend or intactness of the facilities in connection with the legislative change (Miovský et al., 2001). As far as a demonstrable improvement in the quality of provided services and treatment is concerned, the situation is the same as with the Police of the Czech Republic – it is a consequence of the increasing experience of the staff, involvement in the educational system and, last but not least, increasing efforts of central bodies to enforce evaluation of effectiveness of the use of the facilities in connection with allocated resources.

(3) Provision of a brand new service (Benson & Rasmussen, 1991)

No new service was implemented after the introduction of a penalty for possession of illicit drugs for personal use. In all aspects, the enforcement of the law falls within common ("present before the implementation of the amendment") work of the appropriate state bodies.

Therefore, reduction of social costs expended by the society in connection with abuse of illicit drugs is the only possible benefit.

As we have shown in Zábranský et al. (2001), the total costs of society related to illicit drug abuse in 1998 (that is, before the enactment of the surveyed legislative change) were CZK 2,805,520,011.

As the definition describes "problem drug users" as the part of drug users who bear the social costs,⁴¹ and the estimated prevalence of problem use of illicit drugs in the Czech Republic is 37,500 people (Mravčík & Zábranský, 2001b), the social costs per one user of illicit drugs are CZK 74,814 per year.

A contingent saving of the identified social costs of drug abuse represents the potential benefit of the intervention introduced with the purpose of improvement of the drug problem in society. The social costs per "average" problem user of illicit drugs are CZK 74,814.

⁴⁰ That is, pre-existing criminal offences

⁴¹ Therefore, they represent drug "abusers" in the sense of the economic definition of drug use (Collins & Lapsley, 1991): drug abuse includes any use of an illicit drug that brings about social costs with the exception of costs of acquisition of the drug

5/5/2/2 Costs of Criminal Proceedings

According to Section 187a

We analyzed the 1998 National Account and compared it with knowledge acquired from the PAD COI study (Zábranský et al., 2001), and we identified the average costs per one detected offender in each individual phase of the criminal process:

- Police of the Czech Republic: CZK 107,616
- Prosecution: CZK 6,528
- Courts: CZK 18,923
- Prison service: CZK 197,509 per year
- Lost productivity: CZK 140,460 per year

The following table documenting enforcement of Section 187a in the first two years of applicability of the amendment follows from a secondary analysis of Criminal Statistical Annual Almanac (Department of Justice of the Czech Republic, 1999) and outputs of the "Tactical system of capture of the criminal data system" (Police Headquarters).

		1999	%	2000	%	TOTAL	%
POLICE	Persons Detected	98	100.00%	137	100.00%	235	100.00%
	Solved	98	100.00%	137	100.00%	235	100.00%
	Prosecution initiated	92	93.88%	125	91.24%	217	92.34%
PROSECUTION	Solved	137	139.80%	199	145.26%	336	142.98%
	Shelved	7		12		19	
	Number of persons prosecuted	130		187		317	
	Number of persons accused	115		158		273	
	Criminal prosecution halted/discontinued	15		29		44	
COURTS	Criminal offences - total	26	26.53%	92	67.15%	118	50.21%
	Convicted	18		63		81	
	Imprisonment up to one year	10		13		23	
	Imprisonment 1-5 years	1 +	11.22%	4 +	12.41%	5 +	11.91%
	Suspended sentence	3		30		33	
	Fine	1		2		3	
	Community service	2		6		8	
	Other punishment	1		4		5	
	Quashed prosecution	0		4		4	
	Dismissed	0		4		4	
	Protective treatment	0		3		3	

We chose 2000 as the year of reference. The basic reason was that the amendment was implemented in 1999; therefore, the year 2000 better corresponds with the picture of a "routine enforcement" of the law. It is also possible to assume that the cases that transfer from 1999 to 2001 will provide a more realistic practical picture.

The following table describes the costs of enforcement of penalties for possession of illicit drugs for personal use according to Section 187a:

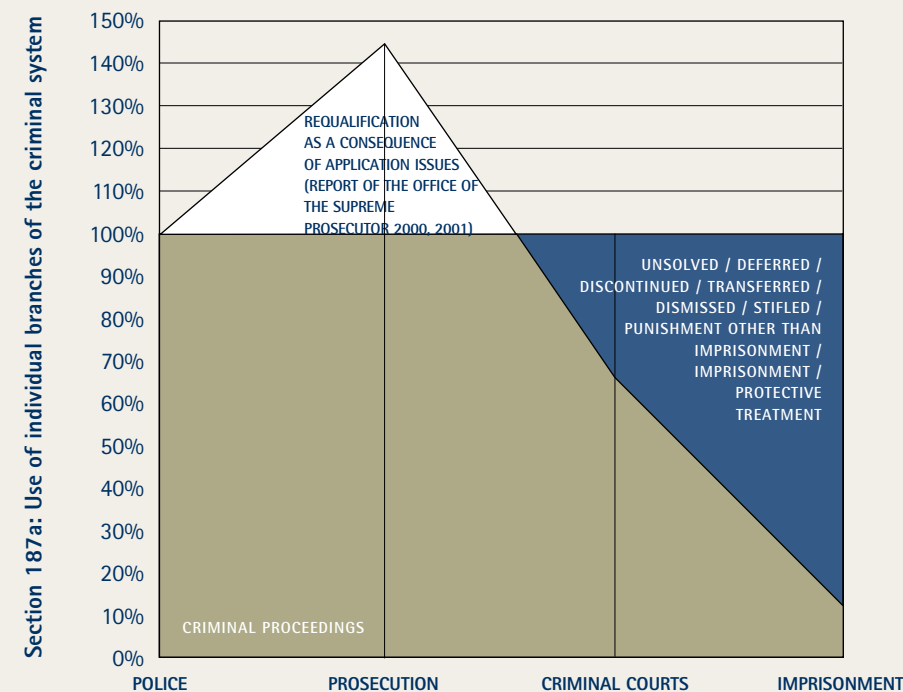
Branch	Probability of using the branch	Costs per each detected offender	Costs per each detected offender according to Section 187a (CZK)
Police	100%	107,616	107,616
Prosecution	145.26%	6,528	9,483
Courts	67.15%	18,923	12,707
imprisonment costs	9.31%	197,509	18,381
imprisonment – lost productivity	9.31%	140,460	13,072
TOTAL			CZK 161,260

With regard to the fact that the possible sentences according to Section 187a of the Criminal Code are determined in the following manner:

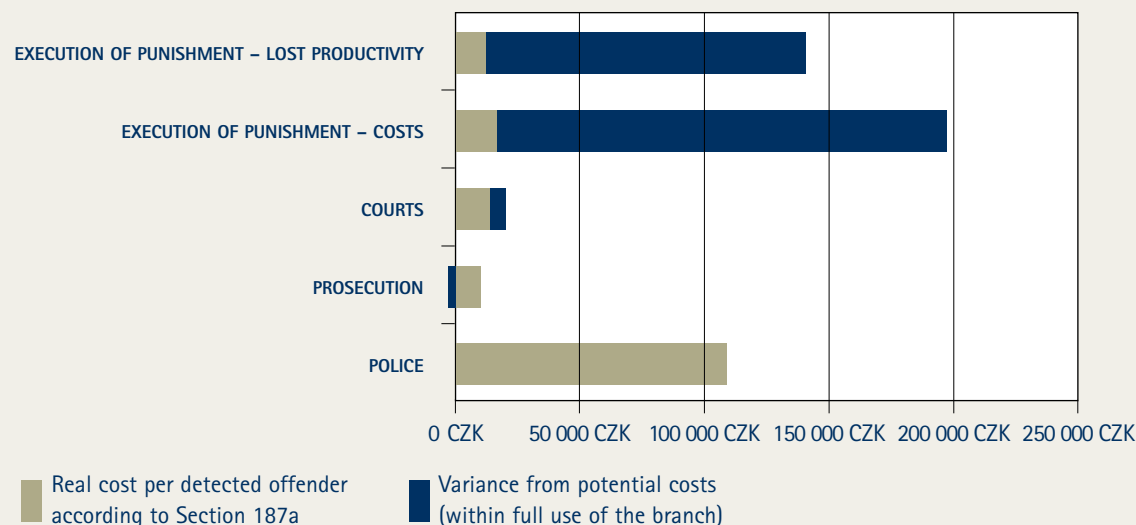
"(1) He/she who without authorization receives a narcotic or psychotropic substance or poison in a quantity greater than small will be sentenced for up to two years or with a statutory penalty.

(2) An offender will be sentenced for one to five years of imprisonment in the case that he/she commits the act specified in article 1 on a large scale"

we followed from case studies and determined the average length of an imposed sentence without suspension according to such provisions at 0.75 years (9 months). We then used this coefficient and multiplied the value of probability of the last two items included in the table and related this to imprisonment (0.75 x 12.41).



Costs per detected offender according to Section 187a

**5/5/3 Results**

A simple comparison of both parts of the analysis (per each detected case or one problem user) leads to the finding that

$$\begin{array}{r} \text{Costs : Benefits} \\ = \\ \text{CZK 161,260 : CZK 74,814} \\ = \\ 2.1554806 \end{array}$$

5/5/4 Interpretation of Results

The following applies to the population of problem users:

– In the case that an average of at least 2.16 problem users (including detected potential offenders) quit using illicit drugs as a consequence of detection of one criminal offence according to Section 187a of the Criminal Code, then the intervention based on the implementation of penalizing possession of illegal drugs for personal use is economically neutral – that is, one invested Czech crown will bring about a benefit of one Czech crown.

The intervention will be profitable in the case that the "deterrent" effect of law enforcement on the target population increases; and the intervention will be loss-making when the deterrent effect of law enforcement on the target population decreases.

Provided that we know that there were 853,815

people in the Czech Republic in 1998 with at least one experience of use of an illicit drug (Public Opinion Research Center, 2001; Český statistický úřad, 1999), and that there were approximately 37,500 problem users in the Czech Republic in the same year (according to the definition included in (EMCDDA & Institute for Therapy Research: 1998)), then it is possible to express the probability that one-time use of any illicit substance⁴² leads to problem (ab)use with a probability of $37,500 / 853,815 = 4.39\%$. It means that at least one of each 22.77 (inverse fraction) representatives of the population may be described by the statement "he/she has tried an illicit drug at least once" (lifetime prevalence)."

Then, the following holds true for the population of the Czech Republic:

– Intervention will be economically neutral when an average of at least 49.08 primarily unaffected individuals⁴³ (non-users) quit (even one-time) use of illicit drugs as a consequence of detection of one criminal offence according to Section 187a of the Criminal Code.

– Intervention will be economically neutral when we manage to break the causal chain with a detection of one criminal offence according to Section 187a of the Criminal Code – i.e. we prevent conversion from one-time use to problem use of at least 49.08 individuals with a one-time experience.

5/5/5 Conclusion

In the final phase of the Cost and Benefit Analysis, we confronted our findings with the results of the qualitative study (Miovský et al., 2001), results of the Secondary Analysis of School Surveys (Mravčík & Zábanský, 2001a) and the results of the population survey (Public Opinion Research Center, 2001). Chapters 4.2, 5.1 and 5.4 include the summaries of the comparisons.

In the short-term perspective (of the two-year period of applicability of the law), the implementation of penalization of possession of illegal drugs for personal use was economically disadvantageous and incurred redundant costs, that is, it caused the society to expend resources that could have been used in a different manner. The minimum costs were of an amount of CZK 161,260 per each case according to Section 187a detected by the Police of the Czech Republic.

It was proved that there was zero deterrent effect on the population of problem users that bears the social costs of illicit drug abuse (Miovský et al., 2001). Members of the subject population, branches of the Police law enforcement apparatus, therapists and experts from helping institutions share this opinion.

It is very likely that the implementation of penalization of possession of illicit drugs for personal use was very economically disadvantageous in the long-term perspective.

The results of the Secondary Analysis of School Surveys (Mravčík & Zábanský, 2001a), analysis of scientific literature where it is impossible, in the context of democratic environments, to find any evidence of preventive effect of the implementation of penalizing behavior that is as widespread as (one-time) use of an illicit drug also support the previous claim.

Although the share of individuals with at least one-time experience with a hard drug⁴⁴, in the population of sixteen-year-olds decreased – most likely even before Section 187a was implemented, the percentage of those who had tried cannabis – a so-called "soft" drug – at least once, increases constantly. The trend of the increasing percentage of those who use cannabis on a regular basis is even more demonstrative.

A legal intervention that does not differentiate between individual types of drugs is disadvantageous from an economic perspective.

⁴² Despite the fact that the probability incorporates the unambiguously disproved theory of marijuana as a "gateway drug," it is necessary to take this limitation of the interpretation into account

⁴³ $22,77 \times 2,1554806952993855$

⁴⁴ In the Czech Republic, hard drugs mostly include pervitin and heroin

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