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DATA ON ILLEGAL SUBSTANCE USE IN ROMANIA PROVIDED BY N.A.A.¹ COMPARED WITH THE ANALYSIS OF INDICTMENTS PREPARED BY D.I.I.C.O.T.² ORADEA

Rares Traian BUSTEAN³, Adrian HATOS⁴

Abstract

Drug use and New Psychoactive Substances (NPS) use are a sensitive issue due to the consequences that those who admit having this habit may expect to suffer. Part of the scientific community recommends that quantitative descriptions on this topic be verified or possibly supplemented by data obtained from research activities that use more reliable data and methods. In Romania, the prevalence estimation of drug and NPS use is performed by the National Anti – Drug Agency by conducting two studies, one every three years and another conducted every four years, respectively. In order to analyze the accuracy of the results presented in the reports prepared by the National Anti – Drug Agency, in this article we compared these results with those resulted from the analysis of the indictments issued by the Directorate for Investigation of Organized Crime and Terrorism – Oradea Territorial Service in 2013 – 2019. As a result of this comparison, it was found that there are certain significant differences between the information contained in the two data.

Keywords: New psychoactive substances, drugs, self – reports studies, drug users, users of new psychoactive substances, National Anti - Drug Agency.

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Introduction

The quantitative description of the phenomenon of drugs and NPSs consumption in Romania is made by the National Anti – Drug Agency (N.A.A.) that publishes annual reports in which the trends and evolutions in the field are presented. Those reports are based on two survey – based studies, one called the General Population Study (GPS) which is accomplished every three years and the other is the European School Survey Project on Alcohol and Other Drugs (ESPAD) realized every four years.

Given the sensitive nature of the subject represented by drug use, there is a possibility for respondents to give desirable answers. For reasons such as fear of possible repercussions or being put in embarrassing situations, some respondents, especially in the case of self – administered questionnaires, will tend to exaggerate desirable behaviors and minimize unwanted ones (Tourangeau & Yan, 2007).

The most prone to such behaviors are those who feel that they have something to lose due to illegal substances use recognition, often being members of ethnic minority communities, people living in small communities or those working in fields like law enforcement (Fendrich & Vaughn, 1994).

For these reasons, there are opinions according to whom the results of studies conducted on sensitive topics, especially in studies involving self – administration of questionnaires, should be compared with objective data obtained from sources such as blood tests, urine tests, saliva tests or medical records (O'Malley, Bachman, & Johnston 1983).

Thus, during the following pages we will compare the results obtained by the National Anti – Drug Agency as a result of the application of the GPS and ESPAD study with the results obtained after analyzing the indictments from 2013 – 2019 prepared by the Crime Investigation of Organized Crime and Terrorism – Oradea Territorial Service for crimes provided by Law 143/2000 on preventing and combating illicit drug trafficking and consumption and those provided by Law 194/2011 on combating operations with products likely to have psychoactive effects, other than those provided by other normative acts in force. Obviously, the two aforementioned laws provide the basis for indictments for drug and, respectively, NPS use.

Context and issues

If the concept of “drug” is well known and does not require much attention in terms of its definition and explanation, the situation is different when it comes to NPSs. From a legal point of view, in Romania drugs and NPSs are two different categories of substances. In this sense, drugs are incriminated by Law 143/2000 on preventing and combating illicit drug trafficking and consumption while NPSs are incriminated by Law 194/2011 on combating operations with products likely to have psychoactive effects, other than those provided in normative acts in force.

NPSs known over time by names such as “designer drugs” between 1980 and 1990 and “legal highs” after 1990 (United Nations Office on Drugs and Crime,

2013) represent according to JHA decision No. 385 (2005), all those products which have psychoactive effects on the human psyche but which are not included in the lists of prohibited substances and whose trade and consumption are not incriminated by the laws governing the situation of conventional drugs.

NPSs are classified into several categories, two of them being more common, the catenoids and the synthetic cannabinoids. A description from this perspective can be found in Prosser and Nelson (2012), which highlights that NPSs catenoids category is that those that mimic the effects of drugs in the category of stimulants (ecstasy, cocaine, amphetamine). Thus, this category of NPSs promotes hyperexcitability and increase the energy level of those who consume them. On the other hand, NPSs synthetic cannabinoids category is the category that mimic the effects of cannabis, promoting relaxation and altered perception (Alcohol and Drug Foundation, 2021).

Drug use at the national level according to official data

The main institution in Romania responsible, among others, for the national monitoring of drug use is the National Anti – Drug Agency, an institution that periodically conducts studies to statistically describe the phenomenon of drug use. The studies and research results conducted by the National Anti – Drug Agency are presented annually in a report called “Report on the drug situation in Romania.”

According to the National Anti – Drug Agency, the studies are developed in compliance with the recommendations of the European Monitoring Center for Drugs and Drug Addiction, the most important and complex of it being the General Population Survey (GPS) – a survey in the general adult (15 – 64) population and The European School Survey Project on Alcohol and Other Drugs (ESPAD) – survey in the teenage school population.

The study in the general population (GPS) was first conducted by the National Anti – Drug Agency in 2004, being applied every three years. In addition to the study of illicit substance use, the use of licit drugs is also studied and analyzed through GPS. Regarding the methodology of the most recent GPS study conducted in 2019, from the National Report on the situation of drugs in Romania – (2020) we find that in order to collect data, a questionnaire consisting of 285 questions was used, which was applied by a service provider specialized in opinion polls. The total sample consisted of 7,200 people of Romanian citizenship aged between 15 and 64 years.

The ESPAD study, on its part, is carried out with a frequency of once every four year at the level of several European countries, its first application being in 1995. Romania started to take part in this study in 1999 and the aim is to identify and describe the trends of licit and illicit substance use among the 16 – year – old population. The latest ESPAD study, according to the National Report on the Drug Situation in Romania – 2020 uses data collected in 2019, that is before the pandemic, and little is known about the impact of pandemic on illegal substance use in Romania. The questionnaire was applied at the level of educational institutions to a sample of 3,764 students born in 2003. The sampling population excluded students that were part of classes taught in a language other than Romanian, also the students who could not be summoned to school and those who were in special education classes.

The situation of illegal substance use in Romania according to the National Anti-Drug Agency

Reiterating the above, the only statistical data regarding illegal substances use at national level are provided by the National Anti – Drug Agency and can be found in their annually published reports. The respective reports are based on the data obtained as a result of the application of the two, GPS and ESPAD, studies. It should be emphasized that given the different populations included in the two surveys, it is reasonable to expect that there are some differences between their results. On the other hand, as will be obvious from the lines below, most of the differences are in the margin of error so that it is difficult to draw inferences about trends in drug use.

According to all GPS surveys and all indicators used, the incidence of NPS use is similar to that of cannabis use. In 2019, 6.3% of respondents used NPSs at least once in their lives compared to 6.1% of those who used cannabis at least once in their lifetime. Consumption of NPSs in the year before the survey was 3.1%, lower than that of cannabis where it was indicated by 3.5% of respondents. However, consumption reported in the last month is also in favor of NPSs with 2.5% of respondents as opposed to 1.8% for cannabis. Both in the case of NPSs and in the case of cannabis, the GPS – 2019 study indicates a higher prevalence of illegal substance use in the case of males than females. The minimum age of onset of NPS use was 12 years with a mean age of onset of 19.4 years, similar actually to the cannabis data where the lowest age of onset was 14 and the mean age of onset he was also 19.4 years old. Most of the NPS consumers identified as a result of the GPS – 2019 study are part of the 15 – 24 years category. While, according to the GPS – 2019 study, NPSs are as frequently consumed as other drugs, such as cannabis or ecstasy, according to the ESPAD – 2019 study, the situation is more nuanced, drug use being much more frequent. Thus, among the 16 – year – old students, only 3.2% reported at least once in a lifetime NPS consumption and 2.2% in the last 12 months as opposed to 8.7% and 7.2%, respectively, for consumption of cannabis having the same reference period.

At the same time, analyzing the results of ESPAD studies from 2011, 2015 and 2019, they indicate a decrease in the consumption of NPSs both during life and in the last 12 months, from 5.4% to 3.2% for the indicator of consumption of NPSs at least once in a lifetime.

On the other hand, analyzing the trend of cannabis use among the school population of 16 years, ESPAD data indicate a small increase in the same interval, years 2011, 2015 and 2019 from 6% to 7.2% for those who have cannabis consumed at least once in a lifetime.

Referring to the difficulty of procuring drugs, a change can be observed over the years, so that the situation presented following the results of ESPAD in 2015, the easiest way to procure drugs were those in the category of NPSs, and ESPAD – 2019 presenting cannabis as being the easiest to purchase drugs for 16% of respondents.

Regarding the consumption of other types of drugs, introduced in the National Report on the situation of drugs in Romania in 2019 in the category called “stimulants” and which includes drugs such as ecstasy, cocaine / crack and

amphetamine, the data presented in the most recent report indicate minor variations over time, below the margin of error:

In the GPS studies the share of ecstasy consumers was 0.5 – 1% while in the ESPAD studies the same indicator varied between 2011 – 2019 between 1 – 2%. Cocaine use varied according to the GPS surveys from an incidence of 0.7% (2016) to 1.6% in 2019 for those who say they have used it at least once in their life, while the same indicator measured by ESPAD decreases from 3.3% to 1.8% in the same range.

Let us remember, therefore, that in the general population the consumption of NPSs and cannabis, the most frequently consumed prohibited substances, have a similar incidence. However, among the school adolescent population, cannabis seems to be, according to the study, the most popular drug.

Criticisms and limitations of illegal substances use studies that are conducted on representative samples

There are serious doubts about the consistency of data on the incidence and characteristics of illegal substances use as evidenced by surveys. In the literature there are opinions that surveys collecting self – report data on sensitive topics such as drug use should be confirmed by objective means such as saliva tests, urine tests, medical records of respondents or even interviews with close people of them. (Fendrich & Vaughn, 1994).

The explanation for this exhortation, as seen from the beginning of the paper, is that certain categories of respondents may offer answers that do not correspond to reality for various reasons or even return to the answers provided if they are asked to answer the same questions after a period of time. Whether it is about respondents who come from certain ethnic groups or with a low level of education, there is a risk that they will not reach to a real knowledge of the phenomenon represented by illegal substances use (Mensch & Kandel, 1988).

In favor of this argument there is study conducted in two stages, the first in 1980 and the next in 1984 (Mensch & Kandel, 1988). Apparently 9% of the respondents who admitted that they were using drugs during the first application of the questionnaire in 1980, came to deny what was previously stated when re – applying the questionnaire in 1984.

Regarding the limits of the studies conducted by the National Anti – Drug Agency, one of them, applicable to both the GPS study and the ESAD study, is that they are performed at long intervals, every 3 years in the case of GPS and every 4 years in the case of ESPAD. This frequency of studies makes it impossible to have a real knowledge of the annual illegal substance consumption situation, which should inevitably lead to a change of naming the reports prepared by the agency.

In the case of ESPAD study, which has advantages such as the application of a large number of questionnaires in a short period of time, the availability of respondents that is assured by the educational institution, logistical availability and last but not least low costs (Bjarnason, 1995), in the literature some limitations can be identified:

For example, Percy, McAlister, Higgins, McCrystal, and Thornton (2005) promoted the idea that school drug studies tend to generate exaggerated responses from some respondents who try to appear to be drug users in order to impress the group of friends. In the same context, the authors invoked another limit that studies conducted in schools may have, namely the social stigma that can be generated with the association of a person with drug use. The fear of a possible stigma is also invoked by Zemore (2012) who argues that for this reason respondents may offer answers that do not conform to reality. Of course, members of minorities are most likely to provide unrealistic answers, as this category is considered to be more exposed to repercussions due to the recognition of the habit of using drugs (Mensch & Kandel, 1988), which at least theoretically can be attributed to the ESPAD – 2019 study because students from minority classes are not included in the sample population.

Also in the literature there are certain studies that have tried to test the reliability of answers of students when it comes to drug use.

Thus, in a survey conducted in Chicago on a number of 628 students (Petzel, Johnson, & McKillip, 1973), they were presented a drugs list, including a fictitious drug. 3.8% of the respondents stated that they had used the drug, and in those students high values were also identified regarding the use of other types of drugs.

Last but not least, a limitation that this time must be attributed to the reports prepared by the National Anti – Drug Agency is that the situation of drug and NPS use is not presented at the level of each county where the GPS and ESPAD study questionnaires were applied.

Given these doubts about the validity and reliability of the information on the prevalence of drugs and NPSs use established by questionnaire based by the National Anti – Drug Agency, we proposed in this article to compare the results of these latest investigations with similar information extracted from the results of the activities of the public safety bodies involved in combating the trafficking of prohibited substances.

Methodology

Given that an analysis such as the one indicated in the previous paragraphs would be impossible at the moment in the case of studies conducted by the Anti – Drug Agency it was chosen to compare them with the data contained in the indictments prepared at the level of the Organized Crime and Terrorism – Oradea Territorial Service in the period 2013 – 2019 for criminal offences that are incriminated by Law 143/2000 on preventing and combating drug trafficking and consumption and those that are incriminated by Law 194/2011 on combating operations with products likely to have psychoactive effects, other than those provided by normative acts in force.

Units of analysis

The comparative presentation analyzes, on the one hand, the indictments issued by the Organized Crime and Terrorism – Oradea Territorial Service from the point of view of the type of prohibited substances involved using the classification of files according to the two laws: Law 143/2000 and Law 194/2011 in the period 2013 – 2019, and the persons identified in these indictments, on the other hand.

All these data were extracted from 127 indictments issued between 2013 and 2019.

Regarding the indictments, it should be noted that this is the final form of criminal prosecution carried out against someone and is limited to the presentation of concrete evidence gathered both against and in favor of the defendant. In this case, the selected indictments are those in which various persons were investigated for drugs and NPSs trafficking. Among the evidence gathered in those cases there are also the statements provided by drug users or NPSs who have purchased such products from defendants, which provides certainty as to their status as users.

The reason for starting with the indictments in 2013 is that although the law criminalizing the consumption of NPSs in Romania was published in 2011, the first indictment prepared by Organized Crime and Terrorism – Oradea Territorial Service based on that law, was issued only in 2013.

Analytical categories

The analysis consisted in classifying the files into two broad categories, the first of it included all indictments in which drug trafficking activities were investigated (Law 143/2000) while the second category was about persons who were investigated for trading (according to Law 194/2011).

Subsequently, from these files there were identified all the persons involved, classified according to their status in relation to substance use (dealers vs. consumers) and gender, identified on the basis of the names.

At the same time, it should be noted that in the case of indictments prepared for the offenses established by Law 143/2000, there was no separation between users of cannabis, ecstasy, cocaine and other drugs being analyzed as a whole. This approach was chosen also because it was not possible to determine which types of NPSs (synthetic cannabinoids/ synthetic catenoids) were consumed even in the case of NP users. The results below concern the files, on the one hand, and the persons – consumers and dealers – identified in these files, on the other.

Results

Between 2013 and 2019, 127 indictments were issued, of which 98 for offenses established by Law 143/2000, 21 for offenses presented by Law 194/2011 and 8 both for offenses present by Law 143/2000 and for those presented by Law 194 / 2011. Regarding the distribution of indictments by years, the situation is as follows:

Table 1. Indictments issued between 2013 and 2019

	2013	2014	2015	2016	2017	2018	2019	2013-2019
Law 143/2000	11	8	9	13	13	18	26	98
Law194/2011	2	3	6	3	2	3	2	21
Law 143/2000 and Law 194/2011	2	0	1	3	1	1	0	8

Source: prepared by the authors

The total number of persons sent to trial between 2013 – 2019 for committing offences established by Law 143/2000 was 193 and of those sent to court for committing crimes designed by Law 194/2011 was 93.⁵ The yearly distribution of the persons sent to trial for committing offenses provided by Law 143/2000 and of those who were sent to trial for committing offenses provided by Law 194/2011 are presented as follows:

Figure 1. Distribution by year of persons sent to court

Source: prepared by the authors

Between 2013 and 2019, 394 drug users were identified, of which 350 were male and 44 female and a number of 712 NPS users, of which 665 were male and 47 were female. We mention that the sex was identified based on the names identified in the files⁶.

From the point of view of distribution by year, the data are as follows:

⁵ The persons investigated in cases sent to court for crimes established by the Law 143/2000 and the Law 194/2011 have been counted for both categories.

⁶ Consumers who appeared in common cases (Law 143/2000 and Law 194/2000) were counted for both categories.

Table 2. Distribution of drug users and NPSs by gender

Year	Drug type	Consumer type	Men	Women
2013	Drugs	115	103	12
	NPS	178	156	22
2014	Drugs	37	32	5
	NPS	125	123	2
2015	Drugs	68	59	9
	NPS	141	134	7
2016	Drugs	90	79	11
	NPS	118	111	7
2017	Drugs	29	27	2
	NPS	47	45	2
2018	Drugs	34	30	4
	NPS	65	60	5
2019	Drugs	21	20	1
	NPS	38	36	2

Source: prepared by the authors

The number of drug users who were identified at least twice in the reference period is 11 and that of NPS users is 45.

Comparison between the results presented by the National Anti-Drug Agency and those obtained as a result of the analysis of the indictments

From the previously presented data obtained following the analysis of the indictments issued by Organized Crime and Terrorism – Oradea Territorial Service regarding the type of prohibited substances involved, identified using the classification of files according to the two laws: Law 143/2000 and Law 194/2011, in the period 2013 – 2019, and the persons identified in these indictments, it can be seen that in the period 2013 – 2019, the total number of indictments pronounced under the Law 143/2000 is much higher, unlike those pronounced for offenses falling under the Law 194/2011, those referring to NPSs. In other words, the indictments referring to Law 143/2000 are 98, and those referring to Law 194/2011 were 21. The trend is maintained in the same direction when analyzing the situation of the defendants, the same difference being observed in the case of persons accused of committing crimes under Law 143/2000 which is much higher than those accused of committing crimes under Law 194/2011 (193 vs. 93).

Crossing from general to concrete, the situation of consumers identified as a result of indictments is different. Thus, it seems that if in the case of drug users,

there were identified in the period 2013 – 2019, 394 persons of which 350 were male and 44 female while in the case of NPS users there were identified 712 persons involved, of which 665 were male and 47 were female.

Therefore, regardless the reference period, the number of NPS users identified as a result of the analysis of requisitions is much higher than that of drug users, which contradicts the data presented by the N.A.A. according to which the number of drug users is higher than that of NPS users, except for the most recent GPS study – 2019 in which NPSs appear to be the most frequently consumed substances.

Even taking into account the fact that the studies included in the Anti – Drug Agency reports are carried out at national level, and the indictments refer to the territory of Bihor County, the latter can be considered as a sample extracted from the study referred to by Anti – Drug Agency which would mean that the results should be similar, or at least the trends.

In this sense, a simple comparative exposition of the results obtained by Anti – Drug Agency in the mirror with the indictments drawn up at the level of Anti Organized Crime and Terrorism – Oradea Territorial Service in the period 2013 – 2019, is observed for example taking as reference the period between 2011 and 2015, according to Anti – Drug Agency the prevalence of lifelong NPS use was about 5%, and cannabis use between these years is around 8%. On the other hand, the indictments displays an inverse situation, so that approximately in the same reference period, the number of NPS users is higher compared to that of users of other types of drugs, the number of NPS users being almost double compared to that of drug users.

Even if the situation seems in balance with the most recent GPS study when 6.3% of respondents state that they have consumed NPSs at least once in their lives compared to 6.1% of those who have consumed cannabis at least once throughout their life, things are not exactly clear. It should be noted that in this case the difference is way too small between the percentage of those who used NPSs and those who used cannabis.

Limitations of the indictment analysis method

When choosing the study of indictments as a method of analysis, we must keep in mind that in addition to criminal cases that end up taking the form of indictments, all prosecutors offices also have criminal cases that do not end like this. More precisely, in situations where the existing documents in a criminal case do not indicate the need imposed by law to send that person to court, the measure of filing or waiving the prosecution may be taken. Thus, there may be situations in which consumers detected as having drugs or NPSs on them will not be prosecuted, which leads to a decrease of number of identified consumers in both categories.

Another limitation of this method of analysis, at least in the present case, is that the persons sued (dealers) in some cases consumers of the products they sell, were not taken into account when consumers were count.

On the other hand, it is debatable to what extent the indictments and their content are a faithful indicator of the criminal phenomenon related to drug trafficking and NPSs. It is obvious that not the whole phenomenon is described by the indictments and at the same time the assumption that these indictments are

representative samples of drug trafficking and consumption, in terms of dealers and consumers, would be a very bold one. This aspect could be clarified if we had reliable information about the phenomenon studied. Unfortunately, we are in a vicious circle: the data of the investigations of the National Anti – Drug Agency, for which we have detailed the methodological doubts, should confirm those resulting from the indictments. Furthermore, the extent to which drug and trafficking cases and NPSs use investigated in Bihor County are representative of the national situation is also uncertain.

Given these limitations, we believe that the results we obtained from comparing the two sources of information on drug use and NPSs are exploratory. They highlight, through the reported differences, a possible inconsistency in the data provided by the National Anti – Drug Agency based on personal reports.

Conclusion

Real knowledge of the level of drug use and NPSs is important for a good adaptation of policies to combat and prevent this habit. As it could be observed, in Romania there are only two studies focused on measuring this phenomena, applied for long periods of time by the National Anti – Drug Agency, using quantitative methods relying on self – report by subjects.

The main limitation of self – report studies, especially in sensitive subjects such as drug use, is that respondents may tend to provide desirable responses or to minimize undesirable ones for various reasons. Thus, parallel measurements, preferably objective ones, are needed in order to compare the results.

Regarding the reports published by the National Anti – Drug Agency as a result of the periodic conduct of two national studies, it can be seen that apart from one of them (GPS study - 2019) all indicate cannabis as the most consumed drug in Romania.

In this way, a comparison was made between the results presented by the National Anti – Drug Agency and those obtained as a result of the analysis of the indictments issued by the Anti Organized Crime and Terrorism – Oradea Territorial Service between 2013 and 2019.

As a result of comparing data presented by the National Anti – Drug Agency with those obtained through the analysis of the indictments, a large and important difference can be observed regarding the most consumed type of drug in Romania. Basically, except for the GPS – 2019 study, the most consumed type of illegal substances in Romania, according to the National Anti – Drug Agency, is cannabis while from the results obtained after the analysis of the indictments NPSs are on the first place in this ranking.

In conclusion, studies measuring the population's drug behavior should be validated or supplemented by objective research methods, which cannot be influenced by respondents desirable behaviors.

More specifically, in the case of studies conducted by the National Anti – Drug Agency we consider that it would be appropriate to increase the frequency of their application, at least annually, their application on much younger students (in the case of ESPAD study), comparing results with existing data at county prosecutor's offices and last but not least, the specification of the level of drug

and NPS consumption according to the administrative counties in Romania, not in a unitary way at national level.

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