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Law and Order: Dealing with repeat drug offenders in property crimes.

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Summary

Recidivism in property crimes (theft, robbery, and receiving stolen goods) associated with problematic drug use constitutes a persistent challenge for public safety and prison governance. The phenomenon tends to manifest as a short-term cycle of imprisonment–release–new offense, with repeated victimization, increased institutional costs, and low preventive impact when the state response is limited to episodic incapacitation. This theoretical-analytical article, based on narrative review and document analysis, proposes a reading of "Law and Order" as the state's capacity to produce social protection with legality, proportionality, and procedural legitimacy. Four axes are articulated: (i) the drug-crime nexus through Goldstein's tripartite model, with emphasis on the economic-compulsive dimension; (ii) the theory of routine activities as an explanatory framework for opportunities and vulnerabilities; (iii) the Risk-

Need-Responsiveness (RNR) as a basis for targeting and proportional correction; and (iv) evidence on therapeutic justice and drug tribunals. It is argued that exclusively punitive responses often capture symptoms without reordering mechanisms of recidivism, while integrated approaches—combining accountability, risk screening, graduated supervision, and structured access to treatment—have greater potential to reduce asset recidivism and increase the operational predictability of the system.

Keywords: recidivism; property crimes; drugs; prison governance; therapeutic justice; RNR.

Abstract

Recidivism in property crimes (theft, robbery, and receiving stolen goods) linked to problematic drug use remains a recurring challenge for public safety and correctional governance. It often manifests as a short cycle of arrest–release–reoffending, with repeated victimization, increased institutional costs, and limited preventive impact when the State response relies primarily on episodic incapacitation.

This theoretical-analytical article, grounded in a narrative review and document analysis, frames "Law and Order" as the State's capacity to deliver protection through legality, proportionality, and procedural legitimacy. Four analytical pillars are integrated: (i) the drugs–crime nexus through Goldstein's tripartite model, economically compulsive dynamics; (ii) routine activity theory as an opportunity-structure explanation; (iii) the Risk–Need–Responsivity (RNR) correctional paradigm as a proportional targeting framework; and (iv) evidence on therapeutic jurisprudence and drug courts. The core argument is that purely punitive strategies often address symptoms without reshaping underlying mechanisms, whereas integrated approaches—combining accountability, risk triage, graduated supervision, and structured access to treatment—are more likely to reduce property-crime recidivism and strengthen operational predictability.

Keywords: recidivism; property crime; drugs; correctional governance; therapeutic jurisprudence; RNR.

1. Introduction

Recidivism in property crimes attributed, wholly or partially, to problematic use.

The use of psychoactive substances occupies a sensitive position in the contemporary debate on public safety. Sensitivity arises from an operational and normative tension: on the one hand, the social demand for immediate protection against repeated victimization; on the other hand, the need for state responses that are legal, proportionate and sustainable, preventing the punitive mechanism from becoming a mechanism



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of instability reproduction.

The problem is not marginal, nor can it be reduced to a moral category. On a large scale Internationally, a significant number of people continue to use drugs, and among them, a portion... with substance use disorders, in a context of gaps in access to care — which weakens Consistent public responses and broader effects on health, safety and governance (UNODC, 2023). In Brazil, the debate gains depth when viewed through the lens of recidivism: the report "Criminal Recidivism in Brazil" systematizes national indicators and reinforces the importance of Reliable parameters to guide policies and evaluate the effects of the prison-release-reentry cycle. (SILVA et al., 2022).

This article makes a central argument: "**Law and Order,**" here, **does not equate to punitive maximalism**, but it should be understood as **the state's capacity to reduce risk and victimization through institutional predictability**, articulating criminal accountability, management risk and evidence-based interventions. To develop this argument, they mobilize classic and contemporary references in criminology and drug policy, as well as Evidence regarding programs targeting offenders involved in drug use.

2. Methodology and analytical delimitation

This is a theoretical essay based on a narrative literature review and analysis. documentary, with a selection of publications up to 2023. The review prioritized: (i) international reports (i) reference documents on drugs; (ii) official Brazilian documents on recidivism; (iii) benchmarks relevant Brazilian regulations; and (iv) criminological literature and evidence syntheses (reviews) (systematic and meta-analyses) on therapeutic justice, drug courts, treatment, and recidivism.

As a strategy for minimal transparency — suitable for the narrative format —, they were combinations of descriptors in Portuguese and English are used (e.g., "recidivism," "crimes against the "property", "drugs", "addiction", "drug court", "property crime", "recidivism", "therapeutic jurisprudence", "risk-need-responsivity") in repositories with broad academic coverage and institutional (editorial databases and digital libraries of public organizations), prioritizing texts with: (a) recognized institutional authorship or indexed journals; (b) explicit method (when applicable); and (c) direct adherence to the drug–property crime–recidivism link. The analysis The documentation covered Brazilian federal legislation and public reports cited in the references.

3. Theoretical framework: four keys to understanding the "drug-asset-recidivism" cycle

3.1. The drug-crime link and the economically compulsive component

Goldstein's tripartite model structures the drug-violence/crime relationship into three parts. dimensions: psychopharmacological, economic-compulsive, and systemic (GOLDSTEIN, 1985). In the case



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Of crimes against property with repetition, the economic-compulsive dimension is especially

Illustrative: describes situations in which the need to finance consumption or alleviate symptoms of

Abstinence creates immediate pressure for resources, favoring acquisitive crimes (theft, robbery,

(receiving stolen goods) as a strategy for obtaining quick liquidity.

The value of this framework lies in avoiding two common reductionisms. The first is...

A simplistic moralization, as if conduct were explained solely by "willpower." The second is...

totalizing medicalization, which would erase agency and criminal responsibility. The theoretical key allows

to recognize the coexistence between legally required accountability and mechanisms

Criminogenic factors linked to problematic use, if ignored, tend to preserve the driving force behind it.

recidivism.

3.2. Routine activities, opportunity and vulnerability

The routine activities theory shifts the explanation of crime towards convergence.

situational relationship between motivated offender, suitable target, and absence of a capable guardian (COHEN; FELSON, 1979). In trajectories marked by problematic use, housing instability, and broken ties.

Movement in high-risk areas can increase exposure to opportunities and reduce barriers.

Informal circumstances lead to more frequent situational convergences that favor property crimes.

This framing also corrects a common blind spot in exclusively [responsible] responses.

centered on the individual: part of the problem lies in the structure of opportunities and arrangements of

Guardianship (formal and informal). Interventions that reorganize routine — effective treatment, housing,

occupation, monitoring — they operate precisely on these convergences, reducing

opportunity and expanding protection.

3.3. Risk-Need-Responsiveness (RNR) as an axis of corrective proportionality

Contemporary correctional literature has consolidated the RNR paradigm as a guideline for

Assessment and intervention: (i) intensity proportional to risk; (ii) focus on needs

criminogenic; and (iii) responsiveness in the form and content of the intervention (ANDREWS; BONTA,

2007). For the debate on drug-related asset recidivism, the RNR is relevant because

It offers a technical path to overcome homogeneous responses directed at heterogeneous populations.

In analytical terms, this implies recognizing that "repeat offenders with property crimes"

"Involvement in drugs" does not constitute a single category. There are profiles involving instrumental violence and

Criminal networks; profiles with low violence and high vulnerability; and episodic cases. A

Proportionality, then, ceases to be merely an abstract principle and becomes an institutional design:

Resource allocation, levels of supervision, type of intervention, and monitoring goals.

3.4. Legitimacy and procedural justice: lasting order depends on institutional trust.

The discussion about "Law and Order" loses consistency when the focus is limited to the intensity of punishment.



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In high-tension environments — vulnerable territories and prison units — the legitimacy of

The exercise of power (transparency, neutrality, respect, procedural consistency) is a component.

governance. Technical documents on police leadership and procedural justice indicate that the

Procedural quality strengthens trust and cooperation, with indirect effects on stability.

institutional (PERF, 2014). In this sense, lasting order depends on mechanisms that reduce

Arbitrariness and increased predictability of the system, including in custody and post-incarceration.

4. Discussion: Why "toughening up" isn't enough and what the evidence suggests.

4.1. The structural limit of exclusively punitive responses

Imprisonment may be necessary in situations of high risk and violence, but it has its limits.

when applied as a standard response to economic-compulsive dynamics and trajectories of

vulnerability. In many contexts, short-term deprivation of liberty functions as

"interruption" of the event, without necessarily altering underlying mechanisms of reiteration in

Return, especially when there is no continuity of care, social support, and calibrated supervision.

(SILVA et al., 2022).

Furthermore, incarceration contexts can produce significant adverse effects:

Further disruption of ties, stigmatization, and criminogenic contact. Through the lens of activities.

Routine, such effects can increase situational risk upon return to freedom (COHEN; FELSON,

1979). The point is not to deny the function of punishment, but to assert that punishment without a strategy for reducing [conflicts]

Risk tends to produce turnover with repeated victimization.

4.2. Therapeutic justice and drug courts: accountability with structured supervision

Experiences with therapeutic justice and "drug courts" are frequently mobilized as

Alternative or supplementary treatment for offenders involved in drug use. Evidence summaries.

On average, they indicate favorable effects on recidivism, although with heterogeneity and

design constraints. A widely cited meta-analysis identified an average reduction of

Recidivism associated with participation in drug courts, with variations according to the target audience.

Implementation and quality of studies (MITCHELL et al., 2012). Previous systematic review

It also recorded positive effects in various contexts, again highlighting dependence on

Design and evaluation (WILSON; MITCHELL; MACKENZIE, 2006).

From a theoretical point of view, what these models add is not "replacing the law with care,"

but create an institutional framework for risk governance: monitoring, clear rules, responses

Graduated to address violations, intersectoral coordination, and structured access to treatment. A

Accountability remains, however, it is operated with predictability and the capacity for learning.

institutional.



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4.3. Treatment and recurrence: evidence, limitations and implications

The relationship between treatment and criminality is complex and varies depending on the substance and context and design. The Cochrane review on methadone maintenance found robust evidence of Retention in treatment and reduction in opioid use, but more heterogeneous results regarding criminal outcomes in analyzed trials (MATTICK et al., 2009). This data is relevant because This prevents easy conclusions: treatment is necessary, but not necessarily sufficient to reduce [the disease]. Patrimonial recidivism, especially among populations within the justice system, where repetition can It also responds to situational, economic, and criminal-associative factors.

Therefore, approaches with a higher probability of impact tend to combine treatment. Effective with structured supervision, psychosocial interventions, reduction of opportunities Criminogenic factors and reintegration support. Evidence in populations with substance problems in Justice system studies indicate that usage profiles are associated with different types of crime, including acquisitive crimes, reinforcing the need for targeted and proportionate design (HÅKANSSON et al., 2018).

4.4. The Brazilian regulatory framework: drugs, penal execution and reintegration

In legal terms, Law No. 11,343/2006 establishes SISNAD and provides for preventive measures. attention and social reintegration, alongside the penal treatment of typified conduct (BRAZIL, 2006). In In the context of criminal enforcement, Law No. 7.210/1984 establishes as its purpose the enforcement of the provisions of the sentence and to provide conditions for the harmonious social integration of the convicted person (BRAZIL, 1984). These These milestones matter for a crucial theoretical reason: they define that state action is not limited to Containment, but it includes — as a duty — the horizon of reintegration and prevention of return.

From this framework arises a criterion of coherence: a policy of "Law and Order". The most technically defensible option is not the one that promises maximum punishment in all cases, but rather the one that operates... with legality, proportionality, and a real capacity to reduce risk and victimization, combining Accountability and secondary prevention tools.

5. Final considerations

The recurring financial burden associated with problematic drug use challenges interpretations. simplistic. When treated exclusively as a moral failing, the understanding of economic-compulsive and situational mechanisms that fuel repetition; when treated If the focus is solely on clinical matters, there is a risk of shirking responsibility and neglecting the... Protection of society against repeated victimization. This article argued that "Law and Order," in a key Technically relevant, they should be understood as risk governance with legality. proportionality and procedural legitimacy, and not as a synonym for hardening. undifferentiated.



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The theoretical framework — Goldstein (drug-crime nexus), Cohen and Felson (opportunity and guardianship), RNR (proportional targeting) and the procedural justice literature — converge on a Operational conclusion based on theory: integrated responses tend to be superior to individual responses. Isolated. Evidence from drug courts suggests promising results, albeit dependent. of design and implementation (MITCHELL et al., 2012; WILSON; MITCHELL; MACKENZIE, 2006). In turn, the literature on treatment indicates that it is a necessary condition for Stabilization occurs in many cases, but does not, by itself, guarantee a reduction in recidivism, reinforcing the need for institutional arrangements that combine care, supervision and reintegration (MATTICK et al., 2009).

In short, reducing drug-related asset forfeiture requires more than rhetoric. It requires an institutional design capable of differentiating profiles, focusing resources, ensuring continuity of care, and sustaining procedural predictability. It is at this point that prison governance... It ceases to be crisis management and becomes results-oriented public policy: fewer victims, Less turnover, more effective order.

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