

Smart Justice

“Smart action for a safer community”

Reducing drug-related crime

People in prison for drug-related offences do not always receive timely, targeted, effective and on-going drug treatment.¹ The key to reducing drug-related crime is tackling the underlying factors that contribute to offending through increased investment in effective, tailored drug treatment and mental health programs both in and out of the corrections system as well as family support, housing, employment and education.

How does the criminal justice system respond to illicit drugs?

Victoria uses a system of ‘total prohibition’ which means that it is illegal to possess or deal in illicit drugs.² Penalties range from fines and cautions to prison.³ In Australia there is debate about the failure of the system to control drug use and the associated harms.⁴

What are the links between drugs and crime?

The relationship between substance use in terms of both illicit and legal drugs (such as alcohol and pharmaceuticals) and crime is complex⁵ as there are at least four potential intersections between substance use and offending:

- People who are prosecuted for possessing drugs for personal use but are not otherwise involved in crime;
- People involved in drug dealing, trafficking, production and related offences;
- People who commit crimes to support drug habits; and
- People who use drugs and commit crimes but their activities are not causally related.⁶

No single factor causes crime. It is caused by a complex interaction of individual, social, family, community, and situational factors.⁷ When offending is combined with substance use, the picture is further complicated by the types of the substances used, the level of dependence and psychological factors such as personality, trauma and mental illness.⁸

While most people who use illicit drugs do not commit serious crime,⁹ a large portion of people are in prison for drug-related offending. More than half of all convicted prisoners in Victoria report that their offences were committed either to support their substance use or while under the influence of a drug.¹⁰ Women’s offending is linked to a higher rate of mental illness, substance use and trauma than male offending.¹¹

What’s the impact of drug-related harm in Victoria?

At an individual level, the community response can cause significant harm to people who use illicit drugs. Research shows that illicit drug dependence is the most stigmatised health condition globally.¹² Discrimination increases vulnerability and social exclusion leading to higher levels of homelessness, imprisonment, unemployment, poverty and chronic health problems such as Hepatitis and HIV infection.¹³ The economic cost of illicit drugs in Victoria is more than \$468 million every year.¹⁴ This includes the costs of drug related deaths, health interventions related to chronic and acute drug related issues, drug treatment programs and lost productivity. This does not include the criminal justice system costs such as police, prosecutions and prisons.¹⁵

Prison does not deter and often fails to treat or even stop drug use and reoffending

Research shows that two thirds of Victorian first-time prisoners have a history of substance use that is directly related to their offence.¹⁶

Corrections Victoria recognises that many people sentenced to prison have entrenched drug problems and that it is virtually impossible to stop drug use in prison entirely.¹⁷ However, not all prisoners who want to address their drug problem can access effective drug treatment programs in prison because the demand for treatment exceeds existing resources. This issue is currently being investigated by the Victorian Ombudsman.¹⁸ The Victorian Ombudsman has stated that numbers of prisoners

requiring drug treatment programs will continue to increase in proportion to the growing prison population, resulting in limitations to effective treatment unless further resources are provided.¹⁹ A separate report by the Victorian Auditor-General has confirmed that rehabilitation and treatment services available in prison have not kept pace with Victoria's expanding prison population.²⁰

Prison can further compromise the health of people who use intravenous drugs because they resort to sharing unsafe injecting equipment because they cannot access needle and syringe exchange programs.²¹ This puts them at greater risk of developing serious health conditions such as Hepatitis C with²² over 40% of people in prison in Victoria infected with Hepatitis C compared with 1% of the general population.²³ Only three of the 14 Victorian prisons provide treatment for Hepatitis C.²⁴

After release from prison, without accessible, integrated and consistent drug treatment²⁵ and support such as access to housing and employment, people with substance use issues are at higher risk of re-offending and returning to prison or dying from a drug overdose.²⁶ 51% of Victorian prisoners have been in prison before²⁷ with 80% of men and 90% of women who return to prison reporting problems with drug use.²⁸

There are better and cheaper ways of reducing drug related offending than prison

Early intervention through court programs such as drug courts which reduce drug-related re-offending through rehabilitation with supervised drug treatment programs and support services have been shown to be cost effective ways of reducing re-offending.²⁹ An independent evaluation of the Victorian Drug Court at Dandenong found the reoffending rate was 31% lower within the

first 12 months and 34% within the first 24 months than the control group, indicating that the Drug Court had a greater effect on reducing reoffending rates compared with prison.³⁰ In fact, the reduction in the frequency and severity of control group offending amounted to 4,492 fewer days in prison, resulting in savings of \$1,212,840 over 2 years.³¹

Drug treatment therapies such as pharmacotherapy, where illicit drugs such as heroin are substituted with prescription drugs are effective evidence based means of reducing drug use and crime.³² While Government funding for community based treatment programs has recently been increased,³³ funding is still not meeting escalating demands for these services for people who are in prison.³⁴

Solutions

- Expansion of effective alcohol and other drug treatment programs in and out of prison and improving transitional supports and treatment options.
- Tackling underlying factors that contribute to drug-related offending through increased investment in child protection, family support, housing, employment, education, mental health and effective alcohol and other drug programs.
- Expansion of early intervention court programs and Drug Courts for drug-related offenders that focus on treatment and rehabilitation such as drug diversion programs.
- Greater investment in drug treatment therapies such as pharmacotherapy to meet increased need and to reduce drug use and crime.
- Trial and evaluate proven harm reduction measures such as prison needle and syringe programs.

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