

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 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 a 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 these 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 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.¹² The economic cost of illicit drugs in Victoria is more than \$468 million every year.¹³ This includes the costs of drug-related deaths, medical and drug treatment programs and lost productivity, without factoring in the criminal justice system costs such as police, prosecutions and prisons.¹⁴ Analysis by VCOSS shows that annual spending on alcohol and other drug treatment and prevention has in real terms reduced by 4% in 2012-13¹⁵ to \$146.4 million.¹⁶

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.¹⁷

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.¹⁸ 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.¹⁹ 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.²⁰ 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.²¹

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.²² This puts them at greater risk of developing serious health conditions such as Hepatitis C and is contributing to a prison health crisis with rates of Hepatitis C infection.²³ Over 40% of people in prison in Victoria have Hepatitis C compared with 1% of the general population,²⁴ with medical treatment programs only available at three of the 14 Victorian prisons.²⁵

After release from prison, without accessible, integrated and consistent drug treatment²⁶ 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.²⁷ 49% of Victorian prisoners have been in prison before²⁸ with 80% of men and 90% of women who return to prison reporting problems with drug use.²⁹

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.³⁰ An independent evaluation of the NSW Drug Court Completion Program found participants to be 37% less likely to be reconvicted during the follow up period.³¹ While evaluations of the Victorian

Drug Court have not been released since 2005, an initial evaluation report indicates that the Drug Court Pilot had a greater effect on reducing offending rates compared with prison.³²

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.³³ While Government funding for community based treatment programs has recently been increased,³⁴ funding is still not meeting escalating demands for these services for people who are in prison.³⁵

Solutions

- 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.
- Expansion of effective alcohol and other drug treatment programs in and out of prison and improving transitional supports and treatment options.

This factsheet was written with research assistance from VAADA on 6 February 2013.

1. Victorian Ombudsman *Investigation into prisoner access to health care* (2011) 10; Victorian Auditor (2011) *Managing Drug and Alcohol Prevention and Treatment Services*, 66.
2. See Winford 'Drug Offences' *The Law Handbook* (2012) 4.1. 'Illicit drug' refers to a drug of dependence: *Drugs, Poisons and Controlled Substances Act 1981* (Vic) S 4(1). Alcohol is classified as a legal or restricted drug: Smart Justice (2010) *Factsheet on reducing alcohol-related violence*.
3. For a detailed overview see Caraniche (2011) *Forensic AOD treatment in Victoria*, 38–45.
4. See Douglas & McDonald (2012) *The prohibition of illicit drugs is killing and criminalising our children: report of a high level Australia 21 Roundtable*.
5. Attorney-General's Department (2004) *The relationship between drugs and crime*, 53.
6. McGregor & Makkai (2001) *Drugs and Law Enforcement*, 3.
7. Caraniche (2011) *Forensic AOD treatment in Victoria*, 65.
8. Caraniche (2011) *Forensic AOD treatment in Victoria*, 65.
9. Weatherburn (2004) *Law and Order in Australia*, 67.
10. Unpublished Corrections Victoria data cited in Department of Justice (Vic) *Alcohol and Drug Strategy* (2008), 6.
11. Department of Justice (2005) *Better pathways: an integrated response to women's offending and re-offending*, 9.
12. Department of Health and Ageing (2005) *National Hepatitis C Strategy*, 5–7.
13. Smyth *Cost of Crime in Victoria* (2011) Monash University, 17.
14. The total annual costs of administering the criminal justice system in Victoria are estimated to be \$2.7 billion: Smyth, Above n 13. \$135. \$7 million was spent on alcohol and drug prevention and treatment in 2010 with 19% of this spent on prevention: Victorian Auditor-General (2011) *Audit Summary: managing drug and alcohol prevention and treatment services*.
15. VCOSS *Media Release* 'A mixed bag for Victorian Families' 1 May 2012. This calculation includes inflation and population growth.
16. Victorian Government Budget (2012-2013) *Service Delivery*, 119.
17. Corrections Victoria (2002) *Victorian Prison Drug Strategy*, iv.
18. Corrections Victoria (2002) *Victorian Prison Drug Strategy*, iv, 4.
19. Victorian Ombudsman (2011) *Investigation into prisoner access to health care*, 10, 12, 45.
20. Victorian Ombudsman (2011) *Investigation into prisoner access to health care* (2011), 12.
21. Victorian Auditor-General (2012) *Prison Capacity Planning*, 18.
22. Medew 'Prisons a disease hotbed' *The Age*, 21 July 2012.
23. Dyer (2009) 'Hepatitis C education and support in Australian prisons' *Health Promotion Journal of Australia*, 37.
24. Butler, National Prison Entrants' Blood-borne Virus and Risk Behaviour Survey Report (2004 & 2007) cited in Victorian Ombudsman (2011) *Investigation into prisoner access to health care*, 8.
25. Victorian Ombudsman (2011) *Investigation into prisoner access to health care*, 10.
26. Caraniche (2011) *Forensic AOD treatment in Victoria*, 26; Victorian Auditor-General (2011) *Managing Drug and Alcohol Prevention and Treatment Services*, 17.
27. Graham (2003) 'Post-Prison Mortality: Unnatural Death Among People Released from Victorian Prisons', *The Australian and New Zealand Journal of Criminology*, 94; Andrews (2012) 'Understanding drug-related mortality in released prisoners', *BMC Public Health*.
28. Department of Justice (2010) *Statistical Profile of the Victorian Prison System 2005-06 to 2009-10*, 37.
29. Corrections Victoria (2002) *Victorian Prison Drug Strategy*, 1–2.
30. Mitchell (2012) *Drug Courts' Effects on Criminal Offending for Juveniles and Adults Campbell Systematic Reviews*, 8. See also the cost benefit analysis of prison v. residential treatment in Deloitte Access Economics (2013) *An economic analysis for ATSI offenders*, xi.
31. Weatherburn (2008) 'The NSW Drug Court: A re-evaluation of its effectiveness', *Crime and Justice Bulletin*, 121.
32. Preliminary evaluation reports suggest that the Drug Court Pilot had a greater effect on reducing offending rates compared with prison: King and Hales (2004) *Victorian Drug Court: Cost Effectiveness Study final report*, 1.
33. See research studies cited in VAADA (2011) *Position paper on pharmacotherapy*.
34. Department of Health (Vic) (2013) *Enhancing the Victorian Community Based Pharmacotherapy System: Directions Paper*, 5.
35. Victorian Ombudsman (2011) *Investigation into prisoner access to health care*, 44–55.