

# Balanced Justice

## Tackling drug-related crime

### Link between drugs and crime

There is clear evidence that drugs and crime have a strong association.<sup>1</sup> However, the exact relationship between drug use and crime is a complex and intricate phenomena.<sup>2</sup>

It has been stated that the best way to summarise the relationship between drug use and crime is to see that many people who persistently commit crimes also frequently use illicit drugs, and that the two activities may amplify each other and may prolong the duration of the crime and drug using career.<sup>3</sup>

Therefore, responses which are focused on only one part of the drug-crime link will be unlikely to succeed in reducing overall crime.

### The nature and scale of drug-related crime

In 2011-12, illicit drug offences including importing, exporting, dealing, trafficking, manufacturing, cultivating, possessing or using illicit drugs accounted for:

- 20% of the matters dealt with in Queensland's higher courts;
- 9% of the matters dealt with in Queensland's Magistrates' courts; and
- 3% of the matters dealt with in Queensland's Children's courts.<sup>4</sup>

It is also believed that drugs play a role in other criminal offences (i.e. robbery, theft, burglary, property offences). While the precise extent of this relationship is not known, there is evidence to suggest a high correlation between drug usage and offending behaviour.

The Australian Institute of Criminology (AIC) through the Drug Use Monitoring in Australia

(DUMA) program has collected both self-report and urinalysis from more than 40,000 police detainees.<sup>5</sup> In its most recent annual report the AIC presented findings that 66% of offenders detained by the police tested positive to at least one drug, not including alcohol; female detainees were more likely to test positive (73% vs. 65%) and 47% of those who had been charged with an offence in the preceding 12 months reported having taken drugs at the time of that prior offending.<sup>6</sup>

The findings from the DUMA program suggest that substance misuse is more prevalent among those who commit crimes than in the general community, and reinforces the importance of diversion and treatment in the criminal justice system.<sup>7</sup>

### What is the cost of drug-related crime?

The cost to society of drug-related crime in Australia is extremely high. The AIC estimates that drug offences cost Australia approximately \$3.24 billion per year.<sup>8</sup> Crimes such as theft, burglary and robbery, some of which may be attributed to drug-use, cost Australia approximately \$7.92 billion per year.<sup>9</sup>

Costs directly associated with drug-related offences are not the only drug-related costs borne by society. Other costs associated with drug-use include:

- loss of productive capacity due to intoxication and when a life is lost prematurely;<sup>10</sup>
- increased reliance on social services (i.e. supported accommodation, or income support);<sup>11</sup> and
- health care costs (i.e. medical services, hospitals, pharmaceuticals and ambulances).<sup>12</sup>

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In Queensland, the cost to the community of illegal drug use in the financial year 2004–05 (latest data) was estimated at \$1.59 billion, including costs to the health and hospital system, loss of workplace productivity, road accidents and crime.<sup>13</sup>

## How does the Queensland criminal justice system respond to drug-related crime?

### *Punitive measures*

Possessing or supplying illicit drugs is prohibited in Queensland and can lead to severe penalties, ranging from fines to imprisonment.<sup>14</sup> Similarly, other possible drug-related crimes, such as theft, burglary and robbery, are all extremely serious offences which carry severe penalties.

However, the imposition of punitive penalties fails to adequately respond to drug-related crime. This is because punitive measures fail to address the complex nature and causes underlying the commission of drug-related offences.<sup>15</sup> It has been found that after release from prison, without accessible, integrated and consistent drug treatment 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.<sup>16</sup>

### *Intervention measures*

In Queensland, a number of measures have been introduced which focus on addressing the factors underlying the commission of drug-related offences.

#### **The Queensland Illicit Drug Diversion Initiative:**

The Police Drug Diversion Program (*PDDP*) for small quantities of cannabis and the Illicit Drug Court Diversion (*IDCD*) for small quantities of other drugs. These programs allow a person facing a minor drug offence to participate in a brief intervention and education program, rather than going through the criminal justice system. This

ultimately provides the opportunity for early intervention prior to entrenched behaviours being formed.<sup>17</sup>

#### **The Queensland Magistrates Early Referral into Treatment Initiative:**

This initiative is a bail based diversion program where, in the pre-sentencing stage, the offender is referred for treatment for their drug dependency.<sup>19</sup>

These approaches recognise that the nature of drug-use and drug related harm is difficult to treat and requires a more holistic response from the criminal justice system.

However, there needs to be greater recognition of the benefits of these programs. Unfortunately, in 2012 funding to the Queensland Drug Court Program was cut. This program granted offenders a suspension on their imprisonment and allowed them to undergo an Intensive Drug Rehabilitation Order, with a view to reducing recidivism by helping participants address their drug problems.<sup>20</sup> The removal of the Drug Court Program is extremely disappointing, given that this program resulted in a saving of 588 years of 'actual imprisonment time' by diverting 155 people from prisons.<sup>21</sup> It has also been shown that the Queensland Drug Court was able to prevent and delay further offending behaviour by the participants<sup>22</sup>.

Research has found that intervention through programs such as Drug Courts which reduce drug-related offending through rehabilitation with supervised drug treatment programs and support services have been shown to be cost effective ways of reducing recidivism.<sup>23</sup>

## Balanced Justice View

- Underlying factors that contribute to drug-related offending must be addressed. This requires increased investment in child protection, family support, housing, employment, education, mental health and effective drug treatment programs.

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- Policies which focus on increasing the penalties for drug related offences and ignore the reasons behind such offending are ineffective and should be avoided.
- There should be greater utilisation of treatment and rehabilitation programs for offenders with drug-related crimes or where substance use was a contributing factor in their criminal behaviour. Court diversion programs such as the Queensland Drug Court Program are effective and should be funded.
- There needs to be an expansion of drug treatment programs both in and out of prison.

## References

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- <sup>2</sup> Stevens, A, Trace, M and Bewley-Taylor, D, 'Reducing drug-related crime: an overview of the global evidence' (2005), Beckley Foundation Drug Policy Programme at 3 <[http://altgeorgia.ge/documents/publikaciebi%20ENG/BeckleyFoundation\\_Report\\_05.pdf](http://altgeorgia.ge/documents/publikaciebi%20ENG/BeckleyFoundation_Report_05.pdf)> (18 June 2013).
- <sup>3</sup> Stevens, A, Trace, M and Bewley-Taylor, D, 'Reducing drug-related crime: an overview of the global evidence' (2005), Beckley Foundation Drug Policy Programme at 3 <[http://altgeorgia.ge/documents/publikaciebi%20ENG/BeckleyFoundation\\_Report\\_05.pdf](http://altgeorgia.ge/documents/publikaciebi%20ENG/BeckleyFoundation_Report_05.pdf)> (18 June 2013).
- <sup>4</sup> Australian Bureau of Statistics, 'Criminal Court Australia, 2011-12' <<http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/4513.02011-12?OpenDocument>> (19 June 2013).
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<sup>7</sup> Payne, J and Gaffney, A, 'How much crime is drug and alcohol related? Self-reported attributions of police detainees' (May 2012) No. 439 *Trends and Issues in Crime and Criminal Justice*, Australian Institute of Criminology at 6

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<sup>8</sup> Australian Institute of Criminology, 'Costs of crime' (30 April 2013)

<[http://www.aic.gov.au/crime\\_community/communitycrime/costs.html](http://www.aic.gov.au/crime_community/communitycrime/costs.html)> (19 June 2013).

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<sup>13</sup> Queensland Government, '2011-2012 Queensland Drug Action Plan' at 3 <<http://www.health.qld.gov.au/atod/documents/qld-drug-action-plan.pdf>> (19 June 2013).

<sup>14</sup> *Drugs Misuse Act 1986* (Qld).

<sup>15</sup> Micheal S King, 'Therapeutic Jurisprudence Initiatives in Australia and New Zealand and the Overseas Experience' (2011) 21 *Journal of Judicial Administration* 19.

<sup>16</sup> Caraniche 2011, 'Forensic AOD treatment in Victoria' (2011) at 26; Victorian Auditor-General, 'Managing Drug and Alcohol Prevention and Treatment Services (2011) at 17; Graham, 'Post-Prison Mortality: Unnatural Death Among People Released from Victorian Prisons' (2003) *The Australian and New Zealand Journal of Criminology*, 94; Andrews, 'Understanding drug-related mortality in released prisoners' (2012) *BMC Public Health*.

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