



UNODC

United Nations Office on Drugs and Crime

Treatment and Care for People with Drug Use Disorders in Contact with the Criminal Justice System – Alternatives to Conviction or Punishment

Anja Busse

**Prevention, Treatment and
Rehabilitation Section**

**United Nations Office on Drug and
Crime**

anja.busse@un.org



UNODC_PTRS





UNODC

United Nations Office on Drugs and Crime

Launch at 59th session of Commission on Narcotic Drugs 2016



UNODC

United Nations Office on Drugs and Crime



**World Health
Organization**

Treatment and care for people with
drug use disorders in contact with the
criminal justice system

Alternatives to Conviction or Punishment

3

**GOOD HEALTH
AND WELL-BEING**



16

**PEACE, JUSTICE
AND STRONG
INSTITUTIONS**



Advance Copy



**WHY and HOW to
consider treatment as an
alternative to conviction
or punishment for
people with drug use
disorders in contact with
the criminal justice
system**





What is the response we want to give and why?



UNODC

United Nations Office on Drugs and Crime

Public health & public safety





UNODC

United Nations Office on Drugs and Crime

Many people with drug use disorders are in contact with the criminal justice system and many people in the criminal justice system have a history of drug use and drug use disorders





Drug use – prison -community

- On any given day, more than **10.2 million people** are held in penal institutions throughout the world (WDR, 2015)
- About half of the people who inject drugs will be incarcerated once or more during their life.
- A significant portion of people going through the criminal justice system worldwide, if not the majority, suffer from drug use disorders





UNODC

United Nations Office on Drugs and Crime

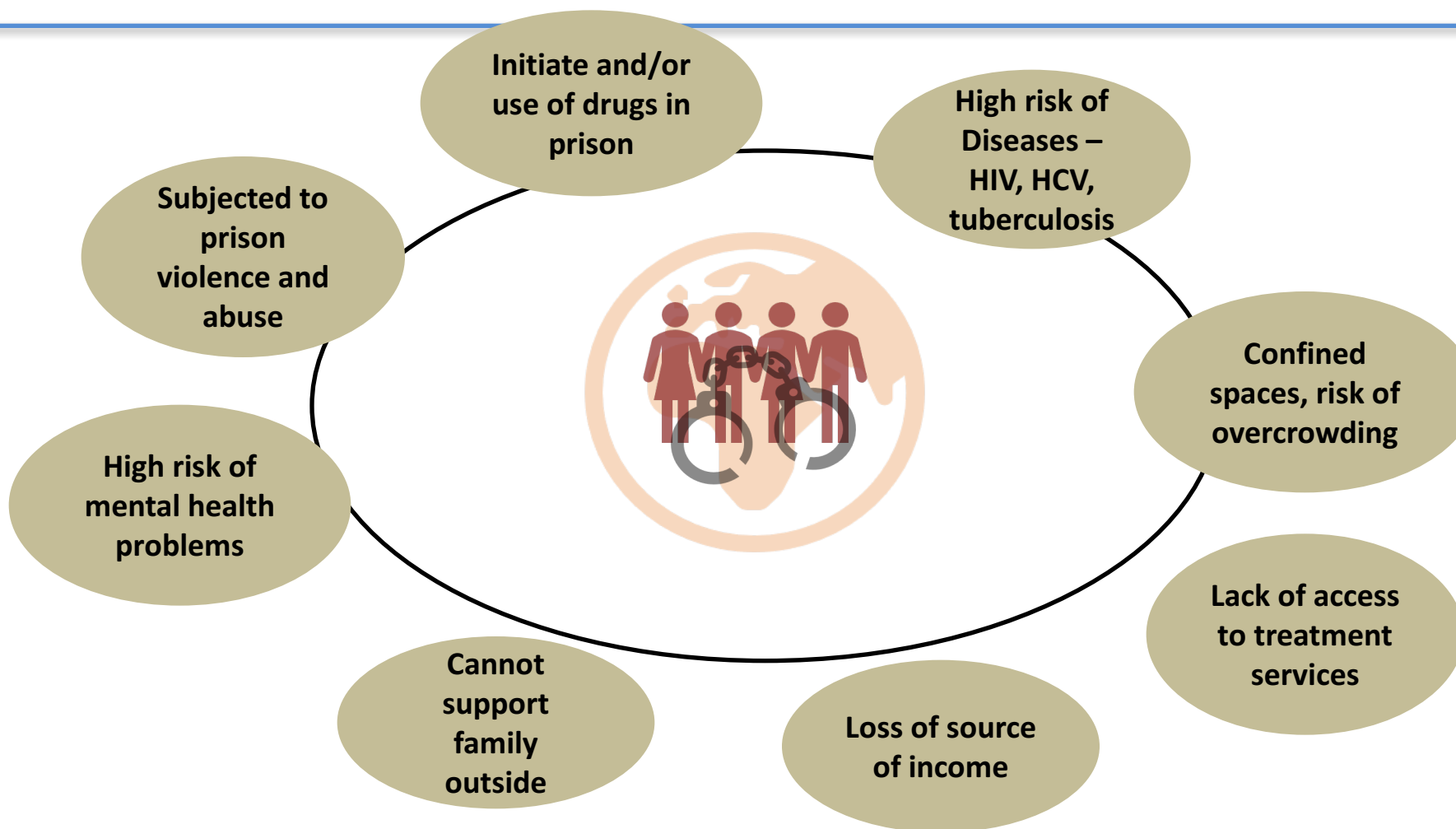
Drug use in prison (WDR 2017)



Cannabis, Heroin, IDU



Risks associated with incarceration





UNODC

United Nations Office on Drugs and Crime



Treatment (as an alternative) is an effective criminal justice strategy





UNODC

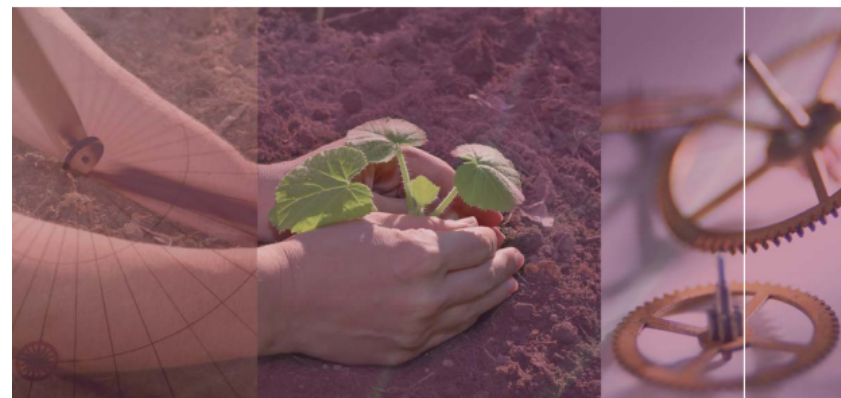
United Nations Office on Drugs and Crime

UNODC Handbook of basic principles and promising practices on Alternatives to Imprisonment.

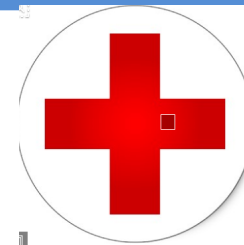
- Little evidence that increasing imprisonment rates are improving public safety
- Alternative strategies can reduce prison overcrowding and associated risk factors & might be more effective (health and safety)
- Prison is expensive (direct & indirect costs)
- Human rights (liberty & dignity)



UNITED NATIONS
Office on Drugs and Crime



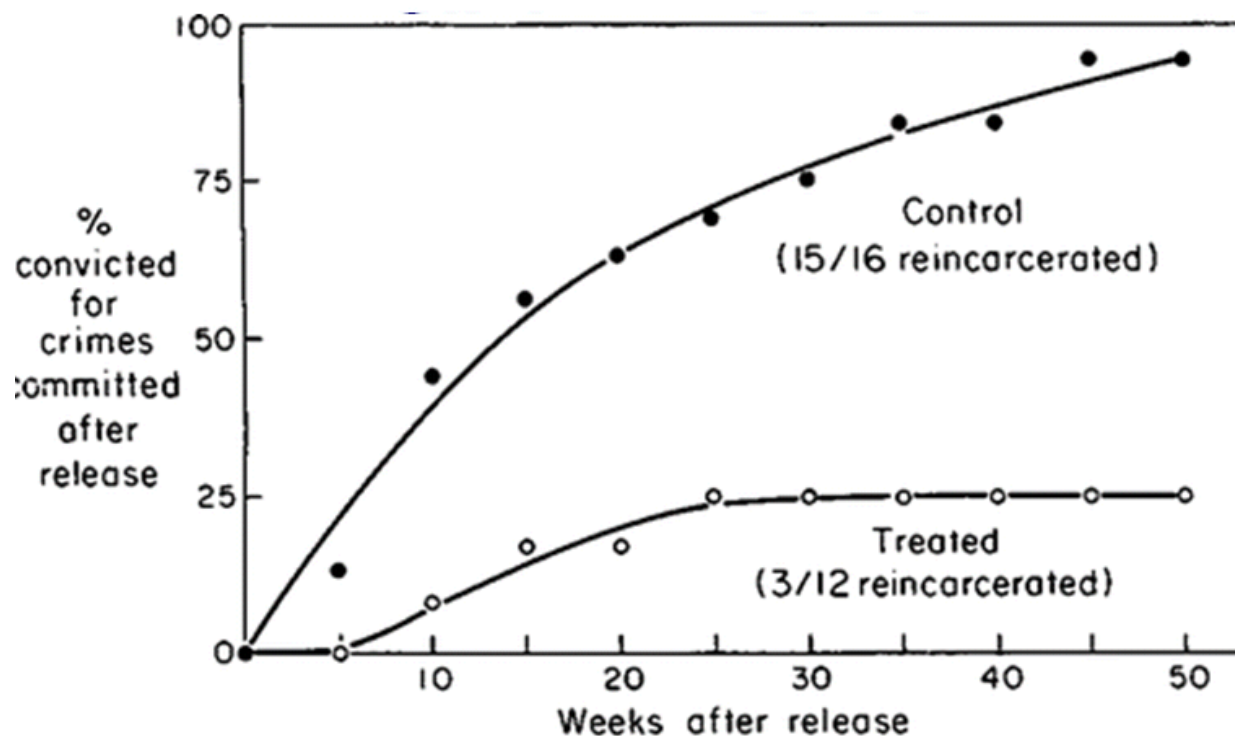
Handbook of
basic principles and
promising practices on
Alternatives
to Imprisonment



Accessible and attractive treatment
& care in the community reduces
criminal justice contacts for people
with drug use disorders §



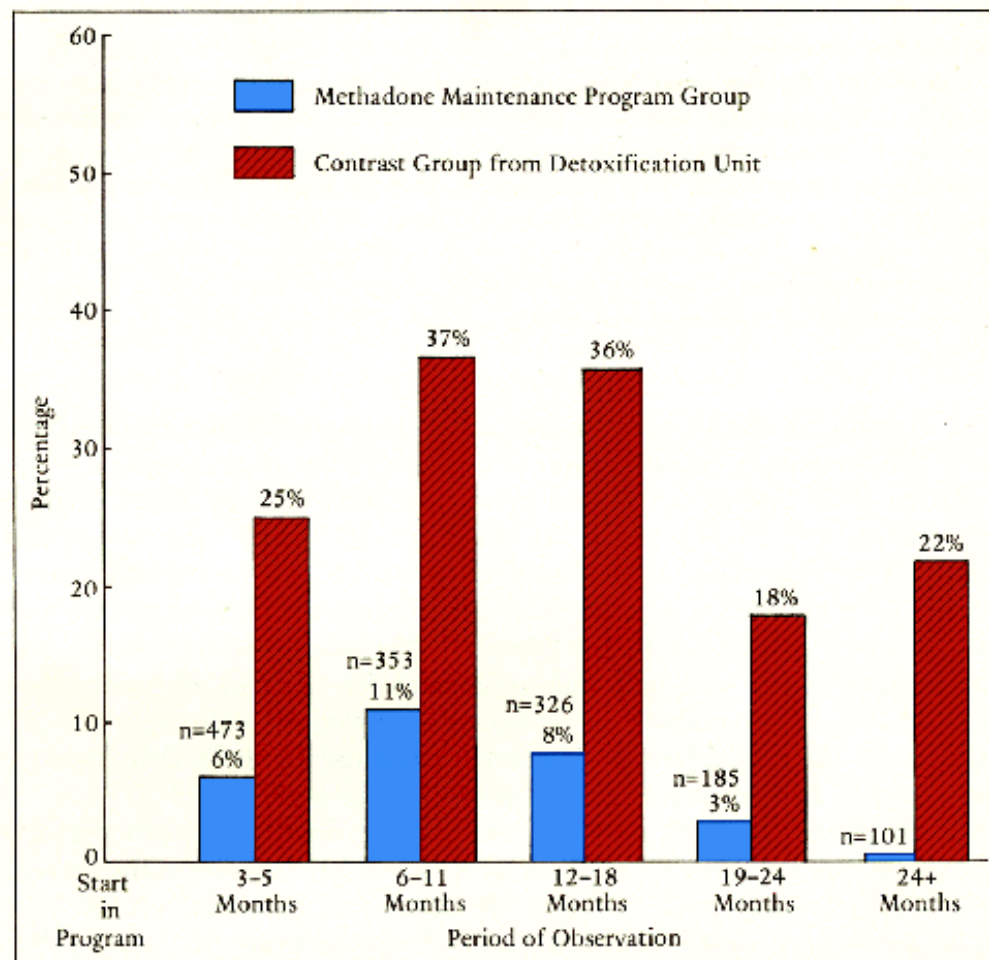
Pharmacological treatment reduces reincarceration



Offenses:	<u>Control</u>	<u>Treated</u>
	11 Burglary	3 Poss. dangerous drugs
	1 Assault	1 Poss. gun
	1 Murder	
	2 Poss. dangerous drugs	



Reduction in arrests through evidence-based treatment

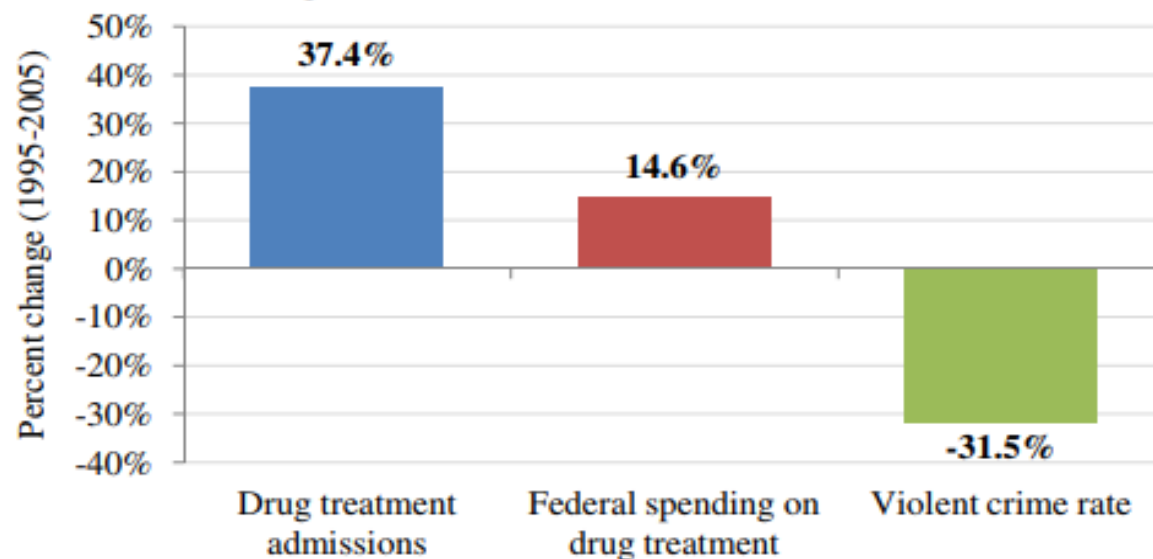


N=544



Association between investment in treatment and crime reduction

While drug treatment admissions and federal spending on drug treatment increased, violent crime fell.

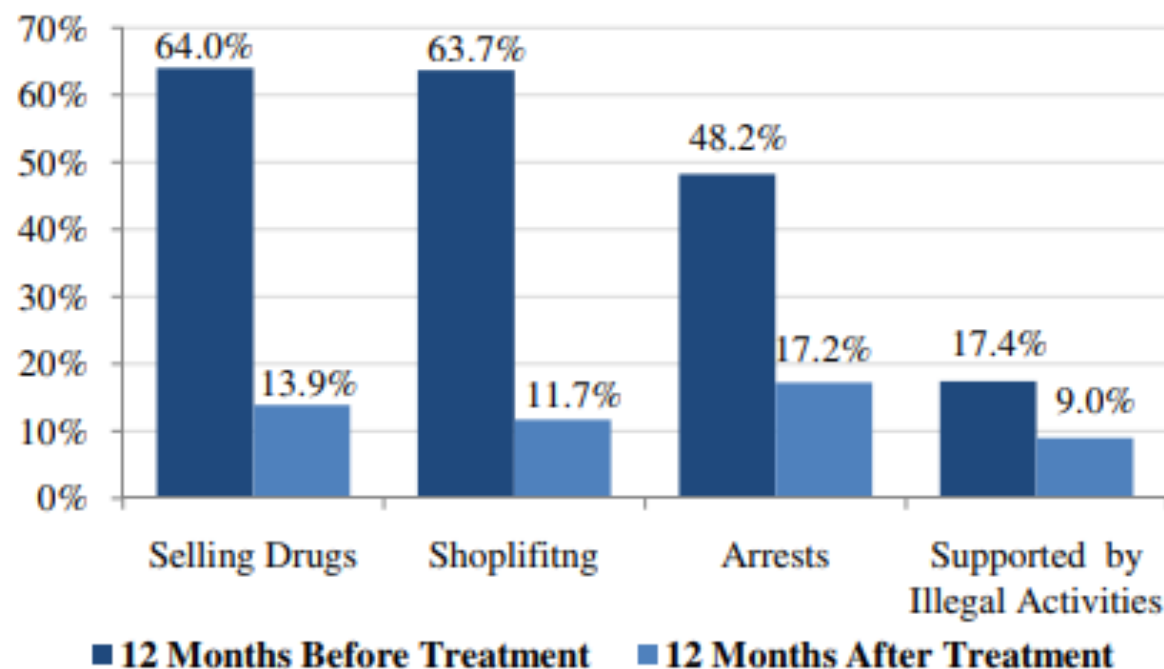


Sources: National Admissions to Substance Abuse Treatment Services, 2005. *Treatment Episode Data Set (TEDS) Highlights-2005*. Drugs include heroin and other opiates, cocaine, marijuana, methamphetamines/amphetamines; Federal Bureau of Investigation, Uniform Crime Report, *Crime in the United States, 1995, 2000, 2005*; Office of National Drug Control Policy. 2005. *National Budget Control Policy: FY 2005 Budget Summary Table 3: Historical Drug Control Funding by Function 1997-2006*.



Treatment effects involvement in criminal behaviour

Treatment can reduce the chance that someone will be involved in criminal activity

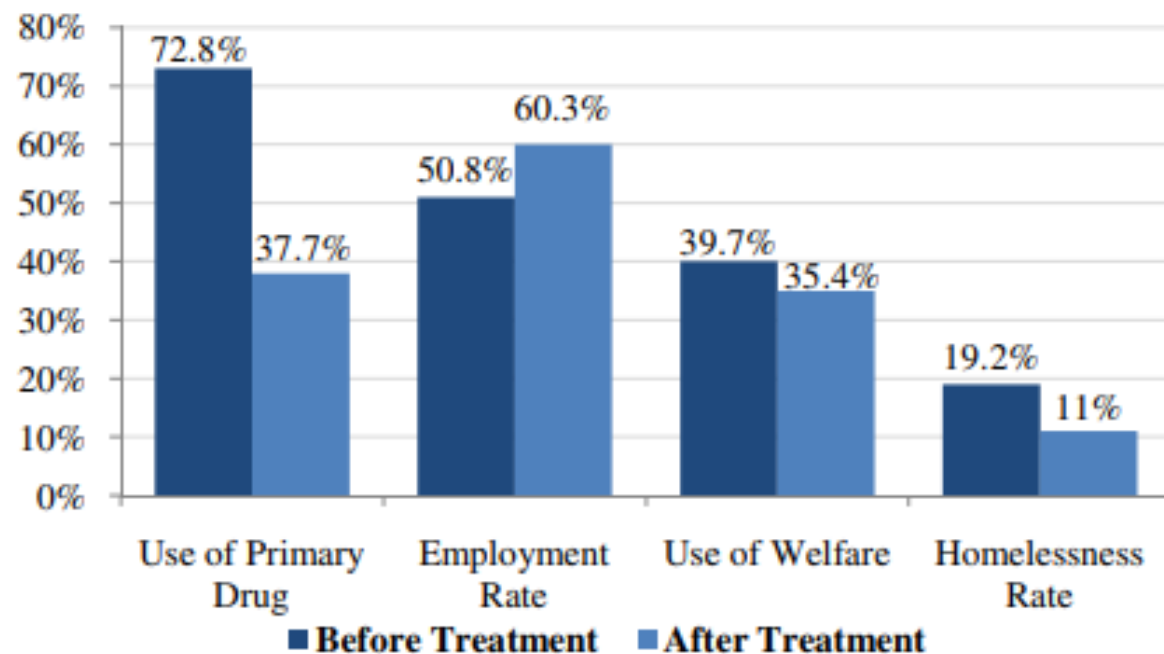


Sources: U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Association, Center for Substance Abuse Treatment. 1997. *The National Treatment Improvement Evaluation Study: NTIES Highlights*.



Treatment improves quality of life and benefits community

Treatment can improve quality of life and can benefit the community.



Sources: U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Association, Center for Substance Abuse Treatment. 1997. *The National Treatment Improvement Evaluation Study: NTIES Highlights*.



Community-based treatment reduces crime rate (Zhang, 2017)

Psychosocial and pharmacological treatment:

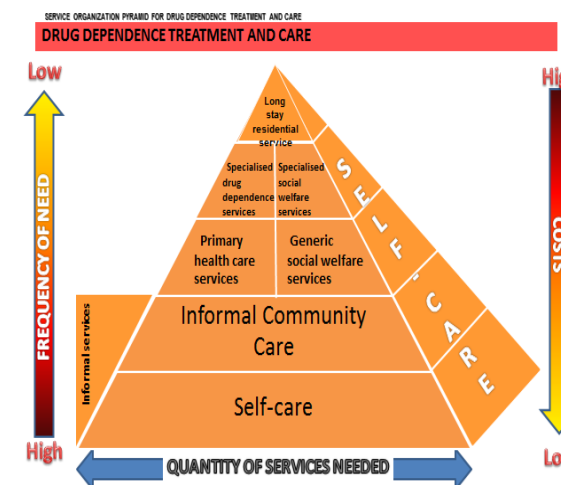
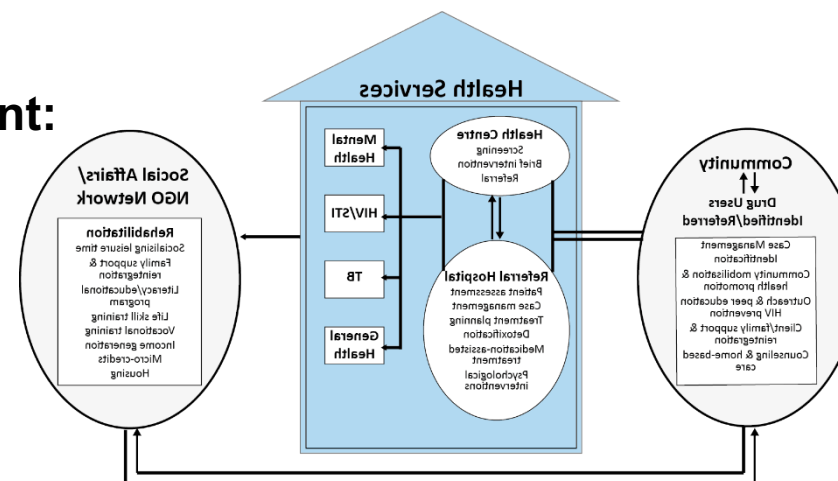
Retention at 12-months: 91.9%, at 24-months: 88.1%

Morphine-positive subjects:
from 61.4% at baseline to 36.2% and 30.5%

Crime rate: from 32.4% at baseline to 2.2% and 1.6%

Employed: from 24.3% at baseline to 37.8% and 50.8%

Addiction-related issues and mental health status improved





UNODC

United Nations Office on Drugs and Crime

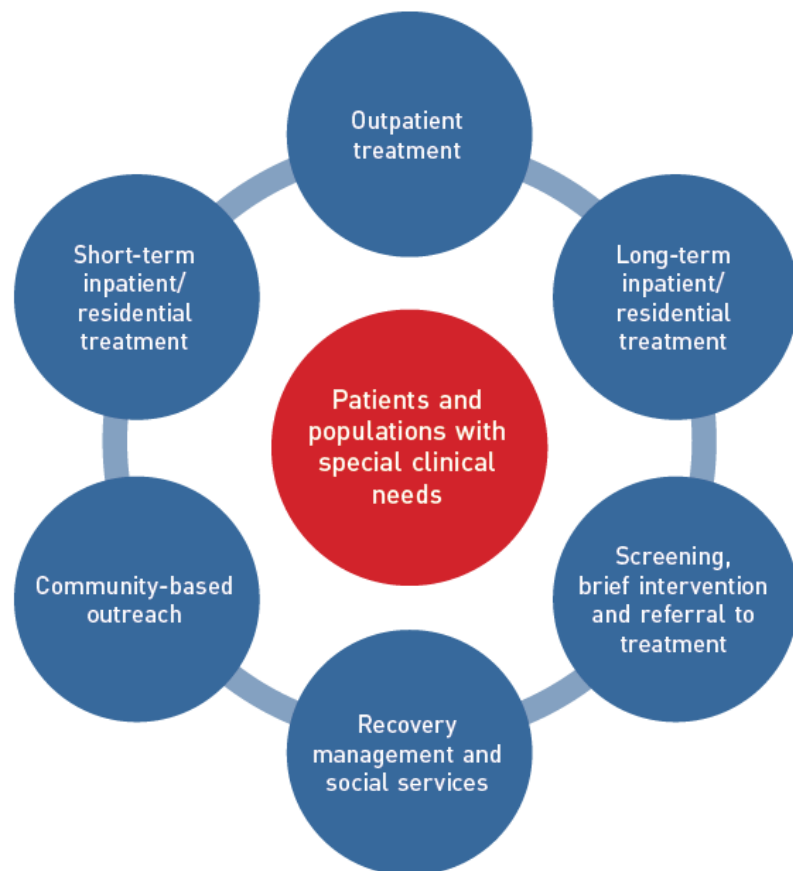


Treatment (as an alternative) is an effective public health strategy





TX is an effective public health strategy





Treatment in community is cost-effective

- Every **1\$** spent on drug treatment in the community is estimated to return **\$18.52** in benefits to society in terms of reduced incarceration rates and associated crime costs

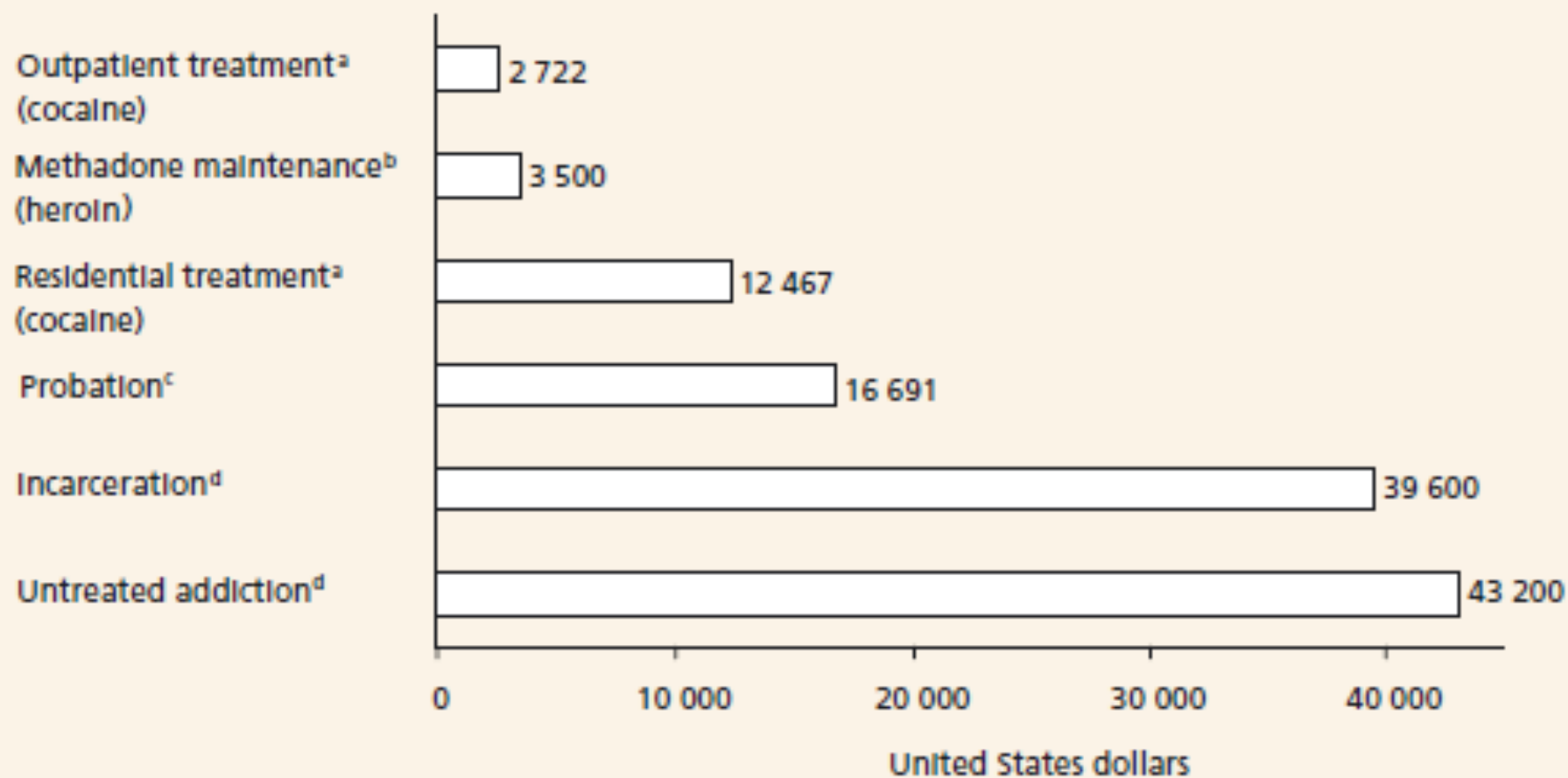


Washington State Institute for Public Policy
(2006).



Costs of drug abuse treatment in the USA per person, per year

(United States dollars)





UNODC

United Nations Office on Drugs and Crime



Treatment (as an alternative) and international legal and policy framework





What do the Drug Control Conventions say?

- Do the conventions consider drug users as criminals that need to be punished?
- Do the conventions consider the health needs of people with drug use disorders?
- Can treatment, in some cases, be applied as an alternative to criminal justice sanctions?





International drug control conventions

(1961, 1971, 1988)

- **Community:** Parties shall take all practical measures* for the prevention of abuse of drugs and for the early identification, treatment, education, after-care, rehabilitation and social reintegration of the persons involved
- **Persons in contact with the criminal justice system:** Parties may provide (those measures) either as an alternative to conviction or punishment or in addition to conviction or punishment
- Measures* above as alternative in cases **of drug consumption offences** and cases of (drug trafficking) of a minor nature



Offences and possibility to offer treatment for people with drug use disorders: **Alternative or addition?**

- a) Possession, purchase or cultivation of controlled drugs for non-medical personal use/consumption
- b) Small-scale drug sale to finance a drug habit or international transport of limited quantities of drugs
- c) Large-scale drug production and distribution involving violence or organized crime
- d) Non-violent property offences to finance a drug habit
- e) Violent offences under the influence of drugs





Offences and possibility to offer treatment for people with drug use disorders: **Alternative or addition?**

- a) Possession, purchase or cultivation of controlled drugs for non-medical personal use/consumption (**Alt**)
- b) Small-scale drug sale to finance a drug habit or international transport of limited quantities of drugs (**Alt**)
- c) Large-scale drug production and distribution involving violence or organized crime (**Add**)
- d) Non-violent property offences to finance a drug habit(**Alt**)
- e) Violent offences under the influence of drugs (**Alt/Add**)





Guidance from international standards and norms



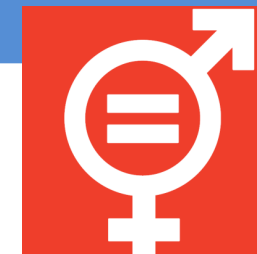
- **International human rights law**
 - Provides general rules on due process and treatment of offenders
- **Tokyo Rules** United Nations Standard Minimum Rules for Non-custodial Measures , 1990
 - Elaborate on the types and implementation of non-custodial alternatives
- **Bangkok Rules** United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, 2010

Based on the principle of non-discrimination: non-custodial measures for women offenders; treatment of women prisoners



Tokyo rules (non-custodial measures)

- Consideration shall be given to develop new non-custodial measures and dealing with offenders in the community
- Within non-custodial measure various schemes, such as case-work, group therapy, residential programmes and specialized treatment of various categories of offenders, should be developed
- Treatment needs professionals who have suitable training/experience
- For treatment: understand the offender's background, personality, aptitude, intelligence, values and, especially, the circumstances leading to the offence.
- The failure of a non-custodial measure should not automatically lead to the imposition of a custodial measure.



Gender-specific alternatives

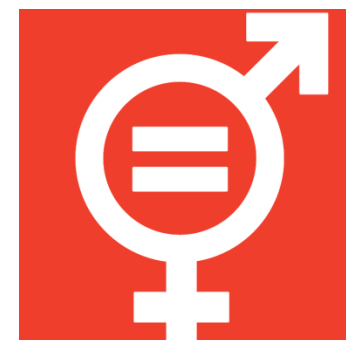
- Most jurisdictions do not have gender-specific alternatives to imprisonment tailored to meet the specific requirements of women offenders.
- Alternatives to imprisonment are well-suited for women offenders as they rarely pose a risk to society and have specific needs (e.g. health care, related to domestic violence and sexual abuse) and responsibilities (e.g. child care)



UN Rules for Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (Bangkok, 2010)



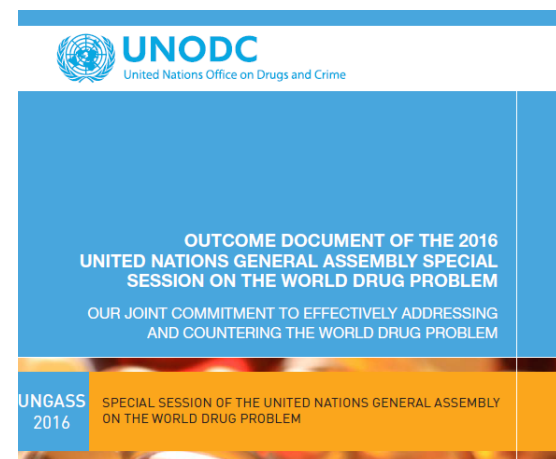
- Gender-sensitive non-custodial measures (background and family ties of women, best interests of their children)
- Gender-sensitive, trauma-informed risk-assessment and specialized female substance abuse treatment programmes in the community and in prisons





OUTCOME DOCUMENT OF THE 2016 UNITED NATIONS GENERAL ASSEMBLY SPECIAL SESSION ON THE WORLD DRUG PROBLEM

- “Encourage the taking into account of the specific needs and possible multiple vulnerabilities of women drug offenders when imprisoned, in line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).”





UNODC

United Nations Office on Drugs and Crime



How to support implementing treatment as an alternative?





Developing and Implementing drug treatment alternatives in a legal system

- Every country's individual legal system and tradition particularly the process, timeframe and the role of judicial actors need to be taken into account





Health-justice interaction & mutual understanding

- It is therefore essential that police, prosecutors, judges and other judicial officials are aware of alternatives and use them
- It is equally important that qualified health and social service providers implement comprehensive clinical assessment and evidence-based treatment and have a good understanding of the realities of patients in contact with the criminal justice system



CND resolution 58/5: collaboration of justice and health authorities on alternative measures to conviction or punishment for appropriate drug-related offences





How to start?

- Increase accessibility of treatment in the community
- Review existing laws
- Use flexibility in existing laws
- Joint training for legal and health professionals and institutions
- Public information and debate: community cohesion
- Consider legal options

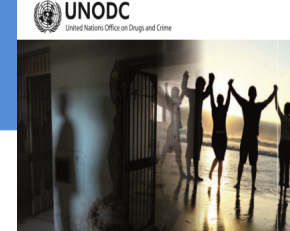


ADMINISTRATIVE RESPONSE		CRIMINAL JUSTICE RESPONSE		
PRE-ARREST	PRE-TRIAL	TRIAL/SENTENCING	POST-SENTENCING	
Police	Police, Prosecutor, Defence, Examining magistrate	Judge, Probation officers	Prison Director, Parole Board, Minister of Justice	
Administrative response with information/referral to treatment	Caution with a diversion to education/treatment	Postponement of the sentence with a treatment element	Early release/parole/pardon with a treatment element	
	Conditional dismissal/ Conditional suspension of the prosecution	Deferring the execution of the sentence with a treatment element		
	Conditional bail (alternative to pre-trial detention)	Probation/judicial supervision		
		Special courts/docks (f.e. the Drug Treatment Court)		



UNODC

United Nations Office on Drugs and Crime



**From coercion
to cohesion**

Treating drug dependence
through health care, not punishment

DISCUSSION PAPER

From coercion to cohesion

**Alternative strategies
depend on a network of
accessible treatment
services in the
community**



Health screening and assessment of offenders with drug use disorders in contact with the CJS

- **Interception points** for screening and assessment in the CJS: as early as possible after contact
- **Screening:** by trained professional
- **Clinical Assessment** conducted by trained health professional
- **Treatment intervention** in line with health needs
- Additional care and support to be offered





UNODC

United Nations Office on Drugs and Crime

Workshop Cote d'Ivoire 2016 and Kenya 2018

- Health and justice practitioners
- International health and justice experts
- To discuss non-custodial measures at different stages of criminal justice proceedings
- Opportunity to interact and exchange experiences

To inform revision of drug laws towards health-centred approach and to reduce prison overcrowding





What is the response we want to give and why?



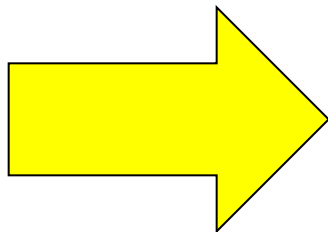
UNODC

United Nations Office on Drugs and Crime

From coercion to cohesion



**From a sanction-oriented
approach**



**To an effective health-
centred focus**



UNODC

United Nations Office on Drugs and Crime

Treatment as an alternative:

**Public health
&
public safety**





UNODC Justice and Health Sections

- Improving legal safeguards for prisoners;
- Introducing and widening the scope of alternatives to conviction or punishment
- Supporting offenders and ex-offenders to address their social reintegration needs



In collaboration with WHO:

- Support improvement of treatment services and quality assurance
- Provide training for treatment providers
- Provide policy and technical guidance
- Support assessment and data collection



UNODC

United Nations Office on Drugs and Crime



Thank you for your attention!

unodc-healthandjustice@un.org

anja.busse@un.org



[UNODC_PTRS](https://twitter.com/UNODC_PTRS)

