



Drug Courts: reducing drug related crime

Drug courts first began in Australia in 1999. The aim of drug courts is to divert drug dependent offenders from the criminal justice system and into treatment. Their establishment represents a significant move towards a therapeutic model of offender management – shifting the focus from offenders and their actions to the problems and potential causes of their behaviour.

Australian drug courts are largely based on the models developed in the USA in that they feature an integrated community-based treatment program that is monitored through regular appearances before a judicial officer. The treatment program requires drug abstinence through frequent and random drug testing, and increases participant accountability through a series of sanctions and rewards. Unlike US drug courts, which generally target first-time offenders, the Australian programs are primarily aimed at offenders with a long history of property offending and are used as a final option before incarceration.

Eligibility requirements for a drug court order vary in each jurisdiction. In general however, the defendant must plead guilty to their charges and satisfy the court that their drug dependency contributed to the commission of their offence/s. Once a drug court order has been made, participants follow a three-phase program over a 12-month period. During this time they will engage in a variety of drug rehabilitation and life skills programs aimed at reducing offending and drug use and preparing participants for community re-integration as non-drug using individuals.

Opponents of therapeutic jurisprudence and drug courts claim that strict, judicially supervised treatment programs fail to account for the 'normative' change processes required for successful drug rehabilitation. It is believed that this form of 'coerced treatment' is unlikely to deliver sustainable results for both offenders and the community.

However, recent evaluations both in Australia and overseas have generally identified a number of positive outcomes from drug courts. These can include:

- reductions in drug use and criminal recidivism both during and after program completion;
- improvements in participant's health and well-being;
- monetary savings in prosecution, law enforcement, prison and court costs;
- social benefits such as the long-term reduction in drug use, increases in employment, education, and the reunification of families.

Assessing the long term effectiveness and cost-benefit of this approach to breaking the drugs-crime link will require ongoing evaluations.

Further reading:

Indermaur D & Roberts L 2003. Drug Courts in Australia: The First Generation, *Current Issues in Criminal Justice*, Vol. 15, No. 2. Sydney: Institute of Criminology

Freiberg A 2002. Drug Courts: Sentencing responses to drug use and drug related crime, *Alternative Law Journal*, Vol. 27, No. 6, December 2002