

Call for 'drug courts' **25/08/2004 12:17 - (SA)**

Cape Town - Crime and drug addiction could be greatly reduced by the introduction of dedicated drug treatment courts, a pressure group called the Drug Court Advocacy Group (DCAG) has said.

The DCAG hopes to persuade the national prosecuting authority and the departments of correctional services and justice of the usefulness of the idea, and proposes a field test to be conducted in Mitchell's Plain, Cape Town.

"We believe that criminal behaviour is often a result of substance abuse and that any crime prevention strategy, in order to be effective, should include the treatment of addicted offenders," said DCAG spokesperson Jacques Joubert, an advocate.

Joubert said the aim is to have "judicially supervised treatment", with magistrates monitoring and supervising addicted criminals, as an alternative to sentencing them to prison.

He said a South African model would be loosely based on successful drug treatment courts in the United States, Brazil and Australia and would work with "high-risk, treatment-resistant offenders".

Joubert said while some magistrates and judges recognised drug addiction as a disease and the role it plays in crime, the level of awareness in the judicial system was low.

Repeat offending

This often resulted in addicted criminals being punished without any treatment, with repeat offending a great problem.

Joubert said the drug courts - which DCAG members recently saw in operation in Boston, United States, during a conference - was "not an easy option", with many prisoners rather choosing a stretch in jail.

"I was informed in Boston that quite a number of them find the prospect of having to face their personal demons in treatment tougher than a term in prison where they are normally able to continue their drug use," said Joubert.

Addicted criminals appear in court on a weekly or bi-weekly basis, have their urine tested when they show signs of relapse, and if they tested positive and failed to declare a relapse, would be sent to jail for a short period.

"However, drug courts never give up on you," he said, adding that the US had apparently achieved a 50% reduction in recidivism among prisoners.

This has brought huge savings in the criminal justice system, and could be a boon in South Africa, where the cost of incarceration is "enormous" according to the Judicial Inspectorate of Prisons' annual report for 2003/04.

The report said the cost of having over four out of every 1 000 South Africans in jail amounted to R7.1bn a year.

The proposed courts were not specialist courts, such as the Sexual Offences Courts, and all they require is a dedicated magistrate, who is prepared to set aside one day a week to judicially supervise the treatment of the addicted offender.

'Not a silver bullet'

According to Joubert, most states in America do not even have special legislation for these courts, with the judges simply making use of the existing state and community resources to help the drug court participants beat the drugs.

He said local magistrates will have to be trained and the "right person" found to work in the court.

Joubert said the mooted courts would become part of a general crime prevention strategy, and could be a catalyst for the development of accessible community-based treatment. Local communities could be empowered to set-up halfway houses and treatment centres.

"However, the courts should not be regarded as a silver bullet, but rather be seen as another tool available in the prevention of crime and recovery of addicted offenders," said Joubert.

Meanwhile, department of justice spokesperson Kaizer Kganyago said that no proposal on the establishment of drug treatment courts had been put to the department as yet.

"We need to look at its viability... However, the department is already dealing with the principle of specialised courts, such as tax, traffic, municipal and children's courts," said Kganyago.

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