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

The initiative aims to support Member States in their efforts to pursue alternative measures to conviction or punishment for appropriate drug-related offences of a minor nature. United Nations Member States are encouraged to take advantage of the potential for alternative measures in order to reduce the number of those who are incarcerated.

WHY CONSIDER TREATMENT AS AN ALTERNATIVE TO CONVICTION OR PUNISHMENT?

The initiative suggests five rationales that are listed below.

1. **Public health and public safety.**
   - Prison overcrowding severely impacts the quality of nutrition, sanitation, prisoners’ activities, physical and mental health conditions, and the provision of health services. The safety of staff and prisoners is compromised. The mental health of prisoners who have committed drug-related offences is also affected.

2. **Cost-effectiveness.**
   - The provision of treatment as an alternative to conviction or punishment can be implemented at all stages of the criminal justice process.

3. **Effective criminal justice strategy.**
   - Drug users should be seen as health-care consumers and should be treated in the health-care system.

4. **Cost savings.**
   - Alternative to imprisonment for minor drug-related offences can save society, including the costs of incarceration and associated criminal justice costs.

5. **Equity and human rights.**
   - People with drug use disorders may be involved in different types of offences. They may engage in possession, purchase, or supply of controlled substances or non-medical use of prescribed substances, and other kinds of crimes.

**HOW TO IMPLEMENT?**

From the justice perspective, treatment can be implemented as an alternative to conviction or punishment through the criminal justice system from pretrial to trial to the post-sentencing stage.

**HEALTH FOR JUSTICE – JUSTICE FOR HEALTH**

UNODC has a series of workshops on the role of the health and justice sectors in Côte d’Ivoire and Kenya to discuss prevention of drug use and non-custodial measures at different stages of criminal justice proceedings. The work has been supported by the UNODC organization and the UNODC Regional Office as Drug Control (2013-2017), which promotes the safe and effective-based treatment services to address the health and social impact of drug use among Member States and disseminated programmes for drug users in conflict with the law, especially alternatives to incarceration for minor offences.

**CONCLUSIONS**

Investing in treatment as an alternative to conviction or punishment has been found to be an effective public health and public safety strategy. A comprehensive treatment approach requires the involvement of all stakeholders, including law enforcement, treatment, health, and justice authorities, to pursue alternative measures to conviction or punishment.

SEVEN PRINCIPLES

1. **Drug use disorder treatment should be available and accessible to all people who need it.**
   - Drug use disorder treatment should be provided to those who need it, regardless of their legal status.

2. **The implementation of alternative measures to conviction or punishment should be based on evidence.**
   - Alternatives to conviction or punishment should be based on evidence and best practices.

3. **Prisons should be places of rehabilitation and treatment.**
   - Prisons should focus on rehabilitation and treatment, not punishment.

4. **A total ban on imprisoning drug users is not practical.**
   - A total ban on imprisoning drug users is not feasible, but some restrictions are necessary.

5. **Prevention and education should be prioritized.**
   - Prevention and education should be prioritized as a means of reducing drug use and related harm.

6. **Drug use disorder treatment should be provided in all settings.**
   - Drug use disorder treatment should be provided in all settings, including community-based services, residential treatment facilities, and specialized care.

7. **Drug use disorder treatment should be integrated with other treatments.**
   - Drug use disorder treatment should be integrated with other treatments, such as mental health treatment and social services.