

# TREATMENT OF ILLICIT DRUG USERS IN KOREA

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## I. INTRODUCTION

There have been studies about the treatment of prisoners with drug dependence, because these people are one of the most vulnerable to the temptation of drugs even if they finish their times in the correctional facilities and are most likely to recidivate.

Therefore, it is very necessary to treat them physically and mentally while they are incarcerated. Based on the recognition that drug addiction is a disease that must be cured, Korea Corrective Service created a psychotherapy division at the Ministry of Justice for enhancing the efficacy of treatment and modified relevant laws and regulations while running various psychotherapy programmes. As a result, there has been gradual progress for the treatment of inmates with drug dependence.

However, there are still challenges lying ahead of us such as reducing the population of correctional facilities and so on.

## II. CURRENT SITUATION OF THE TREATMENT OF ILLICIT DRUGS USERS IN KOREA CORRECTIVE SERVICE

### A. Establishment of the Psychotherapy Division at the Ministry of Justice

In Korean society, there have been constant drug involved accidents, and these have posed severe threats to the safety of the Korean people. Inmates with a history of drugs are likely to suffer from anxiety, depression, and cause disturbances in the correctional facilities. In regards to recidivism, these people are likely to recidivate at the highest rate. And at some point, we came to realize that drug dependence is a disease that needs treatment and care. Therefore, Korea Corrective Service introduced 'individual psychotherapy' rather than 'general education' to these inmates, putting treatment as the first priority, and established the psychotherapy division at the Ministry of Justice (September 2016). As a subsequent measure, Korea Corrective Service created 11 psychotherapy centres at the correctional institutions and had relevant teams in place at 52 correctional facilities.

### B. Modification of Various Laws and Regulations

On June 2018, a new law called the "Act On Medical Treatment and Custody" was enforced, paving the way for the alternatives to criminal sanctions or imprisonment for drug users, making it possible to provide them with community based treatment.

#### 1. Relevant Law on Alternative Measures to Imprisonment

The Act on Medical Treatment and Custody law was enforced on June 2018. And according to the law, the court can declare a sentence of medical treatment and custody by means of judgement when necessary. A prosecutor may apply only for medical treatment and custody without instituting a public prosecution in cases as follows:

##### *(i) Prosecutors could resort to alternative measures to imprisonment*

Where an accusation or complaint does not exist or is cancelled in a crime which is arguable based on the accusation or complaint, or a victim has expressed a wish not to have the offender punished or has retracted his/her wish to have the offender punished in a crime which is not arguable against the explicitly expressed

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will of the victim;

*(ii) Other special circumstances for the prosecutor to resort to alternative measures*

Where the prosecutor makes a decision not to prosecute the suspect under the Criminal Procedure Act.

2. Establishing Internal Regulations

Korea Corrective Service established relevant regulations and manuals as the new division was created, and main contents of the regulations are as follows:

The Central Psychotherapy Committee was established to assist with counselling in regards to the treatment for drug/behavioural addicts, sexual assaults and so on. And all the correctional facilities started to offer customized counselling to the inmates (based on the severity of illness).

**C. Running Various Psychotherapy Programmes**

Previously, instructors gave lectures to inmates, transferring knowledge, and there were not specialists involved such as clinical psychologists and counsellors. But, nowadays, there are 3 programmes (Basic, intensive, in-depth programme), and inmates with the highest drug addiction join in the in-depth programme, and they receive more than 130 hours of psychotherapy treatment, interacting with psychiatrists and mental health nurses.

1. The Contents of Treatment

Specialists such as clinical psychologists conduct personal interviews with each inmate having drug problems and help them become aware of the importance of rehabilitation through counselling, and they continue to consult with inmates while prisoners go through all the therapy, helping them adapt to the prison settings. There are various programmes: the effects of drugs and alcohol (knowledge about drugs, and the pursuit of right values), drug-related crimes (understanding the connection between drugs and crimes, origins of crimes, and the ways to avoid drug temptation), finding alternatives (what to do when temptation rises, and work-life balance), yoga for stress relief, tea ceremony, and various treatment activities.

2. The Effects of Treatment

*(i) The new medical interventions of Korea Corrective Service*

The new medical interventions of Korea Corrective Service have brought significant efficacy in terms of inmates' attitudes while in prison. The constant treatment helps inmates become aware of the need to change, and this change of attitude can be a turning the point, avoiding the vicious cycle of incarceration.

*(ii) The change of disciplinary cases*

According to an internal study conducted by Korea Corrective Service, the rate of disciplinary cases changed significantly from 19.7% to 4.5% after the treatment programme.

*(iii) The change of self-confidence of inmates with drug dependence*

With the help of treatment programmes, inmates are motivated to find intrinsic motivation and have confidence to live as responsible members of society. According to the study conducted by the Korea Corrective Service, self-confidence of inmates with drug problems saw a significant increase from 66% to 72.9%, and that of inmates with alcohol problems went up dramatically from 63% to 74.17%.

*(iv) Helping inmates find peaceful lives in correctional institutions*

Various activities and counselling by the psychotherapy team help inmates relieve stress and manage peaceful lives at the institution, ultimately realizing a just society free from crimes.

**D. Case Study of Psychotherapy**

According to the basic psychotherapy for the treatment of prisoners with drug dependence, which was conducted by Daegu Detention Center (from March 21-27, 2018), we came to know that there was a big change of personal attitude to drugs, and prisoners became aware of the danger of drugs and their impact of their lives.

The main contents of the programme are as follows: Fostering motivation (based on interviewing prisoners), sharing personal opinions, setting up personal goals, problem recognition, personal review and so

on.

After prisoners finished their programmes, we conducted subsequent prisoners' review whose contents are as follows:

Prisoner A: I came to realize how dangerous drugs are and have a chance to reflect on my life again. I would like to return to my family as early as possible, and never try drugs again, living as a responsible member of society.

Prisoner B: I came to have an interest about the function of the brain and how drugs could affect my brain. And this training became my turning point for a better life.

Prisoner C: I was addicted to drugs and alcohol, but I did not know how much drugs could have an impact on my life. With the help of counsellors and staff, I came to know a lot about drugs and their harmful effect on me. I feel very thankful for all the sincere attention to me.

## **E. Relevant Statistics**

### 1. Prison Population

As of August 2, 2018, the total number of prisoners was 54,739 (35,570 convicted, 19,169 unconvicted), and the number of drug-related prisoners was 3,548 (2,092 convicted, 1,456 unconvicted).

### 2. Recidivism (by Crime)

According to the statistics issued by the Ministry of Justice (Judicial Yearbook 2016, 2017), the recidivism rate of drug-related inmates recorded highest among other crimes (42.3% in 2011, 49.6% in 2012).

## **F. Relevant Laws (About the Treatment of Drug-Related Inmates)**

### 1. Administration and Treatment of Correctional Institution Inmates Act

#### *(i) Article 104 (Management of Persons who Commit Crime Related to Narcotics, etc.)*

(a) With respect to prisoners prescribed by Ordinance of the Ministry of Justice, such as persons who commit crimes related to narcotics and organized violence, a warden may manage them separately from other prisoners to maintain security and order of a correctional institution, as prescribed by Ordinance of the Ministry of Justice, by preventing them from contacting other prisoners, keeping safe guard of them strictly, or taking other measures.

(b) In cases of managing prisoners under paragraph (a), each warden shall not limit the basic treatment to them.

### 2. Enforcement Decree of the administration and Treatment of Correctional Institution Inmates Act

#### *(i) Article 112 (Inspection of Wards, etc.)*

Each warden shall have a correctional officer periodically inspect the wards and places of work of prisoners and other places where prisoners live (hereafter referred to as "wards, etc." in this Article): Provided, That any warden may have a correctional officer frequently inspect the wards, etc. of prisoners suspected of hiding the prohibited goods referred to in Article 92 of the Act and prisoners determined by Ordinance of the Ministry of Justice, such as prisoners who committed crimes related to narcotics and organized violence.

#### *(ii) Article 66 (Censorship of Content of Correspondence)*

(a) When a prisoner who falls under any of the following cases exchanges correspondence with another prisoner pursuant to Article 43 (4) 4 of the Act, a warden may censor the contents thereof.

(b) Where the relevant person is a prisoner determined by Ordinance of the Ministry of Justice, such as a criminal of narcotics or organized violence under Article 104 (1) of the Act.

### III. CHALLENGES AND PROPOSED SOLUTIONS

#### A. Challenges

1. Overcrowding

As of June 2017, there were 57,754 prisoners at the 53 Correctional Facilities, exceeding 22.9% of correctional capacity. (As of August 2nd, 54,739 prisoners, exceeding 14.5%) prison overcrowding is one of the biggest obstacles for the edification of convicted prisoners and their sound rehabilitation into society, and without the minimum space, prisoners with cramped accommodation are likely to be violent, ultimately leading to higher recidivism. If this situation persists, prison authorities have to focus on the management of the facilities, rather than treatment.

2. Security Reasons which Make It Difficult for Prison Authorities to Provide Vocational Training and Jobs to Drug-Related Inmates

According to the study, prisoners who participated in education programmes while incarcerated showed lower rates of recidivism<sup>1</sup>. However, as for the correctional authorities, it is very hard to for each warden to determine types of work to be assigned to drug-related inmates because the warden may manage them separately from other prisoners to maintain security and order of a correctional institution, as prescribed by Ordinance of the Ministry of Justice, by preventing them from contacting other prisoners, or taking other measures to prevent drugs from coming into the prisons.

3. Lack of Qualified Staff

Korea Corrective Service hired many talented clinical psychologists, and so on, but still, there has been a shortage of staff for the treatment of inmates, both physically and psychologically.

4. Nimby Syndrome (Not in My Backyard Syndrome)

Korea Corrective Service has tried to build additional correctional facilities but often faces strong resistance from local citizens claiming that building new prisons in their communities violate their pursuit of happiness and the mere presence of them could pose big threats to their security. (Even though there was a survey proving that crime rates near the prisons have been dramatically lower than any other regions).

#### B. Proposed Solutions

1. Reducing Overcrowding in Correctional Facilities

Overcrowding has been one of the biggest tasks to solve by the Korea Corrective Service. In December 2016, the Constitutional Court of Korea ruled that it is unconstitutional for inmates to live in less than one square meter, declaring it a clear violation of a human's pursuit of happiness, and basic rights. And as a subsequent ruling, the civil court ruled that the Korean Government should compensate the prisoners whose rights were infringed by living in cramped spaces.

To address this problem, the Korea Corrective Service initiated an overcrowding committee at the Ministry of Justice while closely cooperating with prosecution and relevant authorities such as courts. As a result, there has been a remarkable decline of prison population. Still, the present number of prisoners exceeds its capacity by 14.5% (As of August 2, 2018)

2. Building Rehabilitation Facilities for the Treatment of Drug-Related Inmates

To maximize the efficacy of treatment, I think that it is advisable to build rehabilitation facilities and centres so that inmates can focus on their training.

3. Forming a National Consensus

For Korea Corrective Service to push forward its projects such as building rehabilitation centres and so on, it is very important to form a national consensus. Therefore, we need to publicize the importance of treatment for inmates with drug dependence while emphasizing better treatment of general prisoners. If Korea Corrective Service continues to do so, the Korean people will become more aware of the needs to cure drug-related prisoners, not just punishing them.

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<sup>1</sup> A United States-based three-state recidivism study (Steurer, Smith & Tracy 2001)

4. Inauguration of Central Correctional Agency Independent from the Ministry of Justice

For the effective management of corrective service and sound rehabilitation of inmates into their community as responsible members of society, I believe that it is very necessary for Korea Corrective Service to be a Central Correctional Agency independent from the Ministry of Justice.

**IV. CONCLUSION**

Inmates are the ones who are separated from the society but will eventually return to the society as responsible members and will become our neighbours. Therefore, it is in our best interest for them to be free from illness and have confidence through vocational training, necessary treatment and so on.

According to the First Article of Administration and Treatment of Correctional Institution Inmates Act, the purpose of this Act is to promote correction and edification of convicted prisoners and their sound rehabilitation into society and to prescribe necessary matters concerning treatment and rights of prisoners and operation of correctional institutions. Therefore, we have our own duty to return prisoners to their community armed with confidence and good health. To achieve that goal, there are challenges lying ahead of us. I do not think that it is an easy task.

However, if we put our hands together and move forward, I believe that we can make our society or our world better. Drug addiction is a disease that must be cured, and we can do better jobs if we share our knowledge and wisdom together.