

GROUP 2

DIVERSION OPTIONS AND TREATMENT METHODS IN THE COMMUNITY SETTING

Rapporteur: Mr. Gun Young NA (Korea)
Co-Rapporteurs: Mr. Abdul Sattar ABDUL HAMEED (Maldives)
Ms. Joanna FIGARO JOLICOEUR (Mauritius)

Chairperson	Mr. Nishantha HAPUARACHCHI	(Sri Lanka)
Co-Chairperson	Mr. Najeeb ULLAH	(Pakistan)
Members	Mr. Syahrul Amri Bin ABD MUTALIB	(Malaysia)
	Ms. Pareena NOKCHAN	(Thailand)
	Ms. TANIGUCHI Maki	(Japan)
	Mr. KABE Tsuyoshi	(Japan)
	Mr. ANDO Yo	(Japan)
	Mr. TONE Kazumasa	(Japan)
	Mr. Somlith MANICHANH	(Lao PDR)
Advisers	Prof. OTANI Junichiro	(UNAFEI)
	Prof. HIRANO Nozomu	(UNAFEI)
	Prof. KITAGAWA Mika	(UNAFEI)
	Prof. FURUHASHI Takuya	(UNAFEI)

I. INTRODUCTION

A. Framework of Discussion

Diversion is a form of approach in which offenders join specified programmes that help people to reintegrate successfully into society. These programmes can be done by police, prosecutors and courts depending on each country. Many evidence-based studies imply that alternative measures to imprisonment can produce benefits for the treatment of drug offenders. Therefore, the group discussed how the criminal justice system could create and implement effective alternatives to imprisonment and how effective initiatives for treatment and reintegration could be offered in the community setting.

B. Our Target

In this group discussion, alternative measures were targeted to drug users/abusers, drug peddlers and drug users committing petty crime under the influence of drugs. Drug traffickers shall not be targeted for diversion options in the community because drug traffickers in the community can remain a potential threat to society.

II. ISSUES AND CHALLENGES

Drug-related crimes are considered to deserve relatively heavy punishment in many countries, even for the crime of personal use. This is because use of illicit drugs harms not only the users' mental and physical health but also causes harm to society by encouraging other crimes. Also, the drug money can be used to increase funds of organized anti-social groups. In some of the participant countries, many drug addicted people are not willing to get help, because drugs are considered punishable crimes, and they are afraid of getting involved in the criminal justice system.

To enhance the effective treatment of drug addicted people in the criminal justice system, collaboration among inter-governmental agencies should be encouraged, but any information sharing about the people seeking treatment outside of the criminal justice system should not take place. Therefore, the group discussed promising ways to promote public understanding and create an environment where drug addicts are free to visit and receive treatment, while addressing many challenges such as social stigma, staff training, clearing obstacles to continual treatment, and lack of facilities, interagency collaboration and confidentiality.

III. BEST PRACTICES

A. Benefits of Alternative Measures and Their Impact on Relevant Stakeholders

Alternative measures to imprisonment should be taken into consideration for drug users. Alternative measures bring big advantages in reducing prison populations and saving money for managing correctional facilities while reducing the risk of infectious diseases. Also, it is shown that imprisonment affects the economic status of the inmate's family and, what is worse, after release from prisons, people have low prospects for employment, perpetuating the vicious cycle of incarceration.

B. Our Ideal Model for Diversion

1. Pre-Trial Stage

Pre-trial diversion can be taken into consideration at two different levels:

- (a) Police—for offenders with no previous criminal records: advice, warning, fine and bail can be implemented.
- (b) Prosecutor—for offenders with minor previous offences: house arrest, bail and suspension of prosecution can be used.

2. Trial Stage

During the trial stage, a judge can employ various options such as fine, probation, suspension of execution of sentence, parole and so on.

3. Post-Trial Stage

In the post-trial stage, probation and parole officers conduct relevant diversion options such as day parole, weekly parole and so on. At each stage, relevant stakeholders such as police, prosecutors, and judges can decide to put the offender under community-based treatment. Community-based treatment is mainly based on assessment that needs to be carried out prior to trial to identify the most effective method of rehabilitation in the community.

C. Other Options

Group 2 unanimously agreed that each country should implement legal reform, so that police and prosecutors are empowered to discharge an offender pre-trial or impose non-custodial measures in minor cases. The rules should encourage the use of non-custodial sentencing options including warning, conditional discharge, referral to non-institutional treatment and so on depending on each country's situation.

The group agreed that drug misuse is a complex problem which needs a multidimensional approach, and each country should work hard to employ and coordinate various opinions of many stakeholders in the treatment of drug offenders. Also, judges, prosecutors, treatment personnel along with probation officers must work together in providing alternative measures to imprisonment. To effectively cope with drug problems, each governmental agency should closely cooperate with each other while guaranteeing the confidentiality of people in the non-criminal justice system. Also, those seeking treatment on a voluntary basis should be given encouragement in a way that is more tailored to the needs of each person. As the offender is considered a patient, a holistic approach, in terms of social, psychophysical and economical, educational aspects is essential for selecting a proper diversion option.

IV. CONCLUSIONS AND RECOMMENDATIONS

The group agreed that drug addiction is a disease that needs to be cured and a continual monitoring system should be in place in connection with community resources. Therefore, it is very necessary that each country should utilize community resources such as volunteer probation officer systems, village mediation, village community and so on.

Summary of Recommendations:

1. Legal reforms adopting diversion methods

Since government officials cannot carry out their duties without a legal basis, it is necessary to introduce new laws and regulations creating diversion options.

2. Training and skills development of officers

Trained officers are prerequisites for the efficient management of community-based treatment as well as the penal setting for the effective treatment of drug addicts, since diversion could be a new practice in some countries; the officers and personnel involved in the area need to be well trained and skilled.

3. Community outreach programmes / public awareness
Continuous education about drugs should be accessible to all interested people, since without public support, it is impossible to implement effective community-based treatment and initiate appropriate legal reforms adopting diversion methods.
4. Countering stigmatization and prioritizing community rehabilitation
Each government should work on eliminating stigmatization of people with drug problems, so that they can live as responsible members of society, while making it one of their priorities to build community rehabilitation centres and manage them efficiently.

Finally, the group recommended that all countries should join hands to solve drug problems.