



At what cost?

The futility of the war on drugs in South Africa



Quintin van Kerken, Anti Drug Alliance SA

At what cost?

The futility of the war on drugs in South Africa

Introduction

In February 2011, an article by Dr. JP van Niekerk in the South African Medical Journal spoke of the legalisation of drugs.

Dr. Van Niekerk wrote:

“The war on drugs has failed! Humans have always taken psychoactive substances and prohibition has never kept them from doing so. The international evidence suggests that drug policy has very limited impact on the overall level of drug use. Making people criminals for taking psychoactive substances is in itself criminal, for one is dealing with, at worst, a vice but not a crime.” (February 2011, Vol. 101, No. 2 SAMJ, Page 2)

The article hit a nerve. Up until that stage, legalisation had only been spoken of by fringe groups, and their argument always took the religious (Rastafarianism) approach, or was an uneducated and biased approach to legalisation.

This was one of the first articles of its kind by a well-respected, well-known and well educated South African gentleman, who spoke from a completely scientific point of view.

However, my position as Chief Executive Officer of the Anti Drug Alliance of South Africa made it difficult to accept the article. After all, we (the Anti Drug Alliance) took a firm stand against drugs and addiction, and the name of the organisation clearly spelt out our purpose.

Yet it was the science behind the thought process that made sense. Years of fighting drugs seemed to have been (almost) pointless and futile. Suddenly, morals and deeply entrenched beliefs were no longer relevant. The war on drugs is the real enemy, and people fighting addiction are its victim.

I would like the reader to understand something. I do not use drugs, nor do I currently wish to. I was in active addiction for ten years of my life, and have spent nearly an equal amount of time in sobriety since then, fighting the effects of drugs and addiction in our country. Taking the legalisation stand was not just something that was just decided one day. It took months of intensive research, and many long hours arguing with myself, colleagues, friends and family.

After many long hours of debate, we decided that the organisation would take the official stance of legalisation.

This report sets out to show the cost of the war on drugs in South Africa.

We have ensured that the figures are correct, and most often taken the lowest (financial) figures to illustrate the point. What we have done is calculate the LOWEST possible amount the war on drugs costs our most populous and wealthiest province – Gauteng. We would have liked to investigate further, however, budget and time restraints did not allow for it.

We had endeavoured to use facts and figures that are readily available to the public.

To date, we have not received response from the government departments we contacted for facts and figures. SAPS, GCIS, Justice and Correctional Services, to name a few, simply never returned calls or emails.

All information we used is in the public domain, available via the internet on the various departments' websites, as well as via reports from major publications.

We would like to thank Danny Kushlick and his team at Transform Drug Policy Foundation in the UK for their invaluable input into this document.

What happens when the Police leave



Pic courtesy www.timeslive.co.za

Much has been said and done regarding drugs the last few months. It is a very emotional saga. A colleague recently noted that it was strange how the government “suddenly” got involved (with a sector that they had really pushed aside for some time) just before an election year.

Crime and the eradication thereof, is a major selling point for politicians. If they can show what an amazing job they have been doing cracking down on criminals, they garner votes.

With this said, it is clear that the media love drug busts. These busts make for wonderful headlines and public opinion of police and government soar when they see these headlines.

Mothers have written letters to the President, the press has been in a frenzy to cover the latest biggest bust. Radio, newspapers and television have focused on the scourge our country finds itself in.

Public-private partnerships with the Police have made for great headlines, lauding thousands of arrests and millions of Rands worth of confiscated drugs.

Communities such as Eldorado Park were thrust into the headlines and cameras were there to show the President making promises, and shortly after, to watch the Police arresting those that had fallen foul of the law with regards to drugs.

And then, the police left.


It is very much a case of back to business for dealers in many areas. What has happened is a power vacuum that was created when a lot of the dealers were arrested. New people take their place - with far less power than the bigger bosses in jail.

Before the police actively went into these areas big crime bosses kept the areas relatively peaceful (sic). The only crime allowed in those areas was the crime allowed by the bosses. What we see now in these areas are ongoing street battles which are literally fights over power and control of turf.

Now that the Police and media have made arrests and publicized it, they have moved out of those areas, and the reality of drugs and addiction has set back on the communities.

According to a media release (1) around the end of September 2013, roughly 23000 people have been arrested in the Drug Watch initiative with over R13 million worth of drugs having been confiscated.

A press release by Crime Line on the 29th of August also gave further information. (2)



99%

Dagga accounts for 99% of all drugs confiscated during "Drug Watch" operations in Gauteng.

The following tables show the recent breakdown of arrests per cluster:

Orlando	1808
Sebokeng	1725
Ga-Rankuwa	1405
Benoni	1270
Germiston	969
Moroka	1278
Temba	1111
Katlehong	1088
Tembisa	1083
Jo'burg Central	1049
Pretoria Central	1031
Honeydew	944
Brakpan	784
Sunnyside	725
Mamelodi	706
Springs	447
Hillbrow	561
Vereeniging	584
Carletonville	512
Krugersdorp	455
Alexandra	299
Bronkhorstspuit	110

The press release clearly claims 20068. A discrepancy of 124 arrests is clear. We put this down to a clerical error.

The following drugs have so far been confiscated in Gauteng since June 21 (up to 29 August as this is when these figures were published. *Please note all tables were copy/pasted directly from the website.*

Dagga	
Dagga Weight (Gram)	1702758.918 (1.7 tons)
Dagga Plants	2296
Other Drugs	
L S D (Units)	113
Crack (Grams)	449.2
Heroin (Tablets)	1966
Rocks (Grams)	2794.01
Crystal Meth(Tik-Tik) (Grams)	1413.987
T I K Pipes (Lollypops)	79
Whoonga (Grams)	2
*Khat (Grams)	1468.471
Thai White (Grams)	27.405
Rivotril (Tablets)	366
Nyaope (Grams)	12997.847
Hashish	1
Mandrax (1 Tablet)	7919
Mandrax (1/2 Tablet)	346
Mandrax (1/4 Tablet)	113
Ecstasy (Tablets)	639
Cocaine Powder (Grams)	5022.119
*Methcathinone (C A T) (Grams)	888.558

Khat vs CAT. We were unable to get clear answers from the Police as many are unaware that Khat is a plant and Cat is the street name for Methcathinone. The two are often confused.

Due to current legislation, we find it rather interesting that the Police are able to immediately identify these drugs and publish quantities etc. when it takes several months, if not longer, for forensic testing.

The following tables were taken from the Crime Line website (3)

Clarification

1. It must be made clear at the beginning that the intent behind initiatives such as Drug Watch must be applauded, and that this report does not wish to diminish or devalue these efforts into making our country a safer and better place to live. We fully agree that drugs are dangerous and must be controlled. How they are controlled is a matter of opinion, and we wish to bring our opinion to the public forum as well.
2. The aim of this report is not to berate or degrade the Police. We salute the men and women in blue for their tireless efforts in keeping us safe. Their job is to enforce the law, and as such they are only doing what the law tells them to do. We wish to highlight the futility of their actions with regards to current legislated drug enforcement.
3. This report sets out to highlight the unforeseen problems that have arisen due to operations such as “Drug Watch”, and will set out to quantify the real cost of the war against drugs in our country, and more specifically Gauteng.

Statistically Speaking

Annually, the Anti Drug Alliance conducts a survey on drugs and addiction (See www.antidrugalliance.com to download this report).

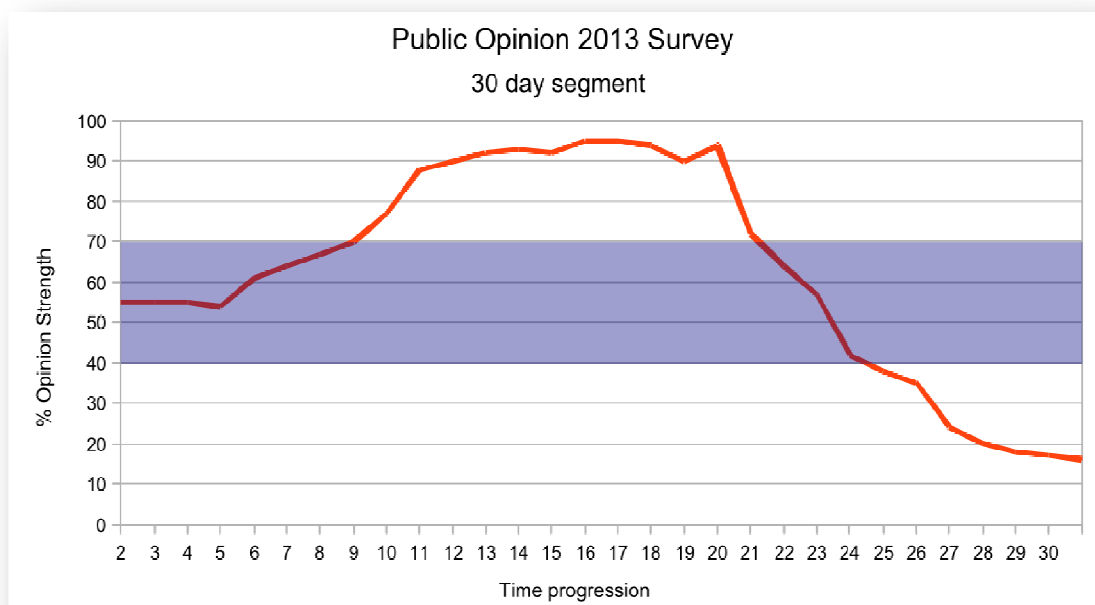
It was during a routine meeting looking over preliminary figures for the 2013 survey that certain anomalies were found. At first, it was thought that perhaps the data was being interpreted incorrectly. Then, we thought that perhaps wording in questioning may be ambiguous and caused confusion. Then we checked to see if perhaps it was an IT error. Days later it was very clear that the numbers were correct.

Operation Drug Watch was showing success in taking drug related offenders off the streets. Public approval of government and police was sky high – figures we had never seen before.

We quickly jumped in and started to conduct on the ground interviews with people in communities such as Eldorado Park. These interviews confirmed the figures.

Days later, these figures began to plummet. Lower and lower. In fact to some of the lowest points we have seen.

On a timeline graph it became blatantly obvious what was happening. As the drug related arrests were made, opinion ratings soared. As they returned, or were replaced, opinion showed a massive decline.



- *The blue bar represents the average range of opinion strength that our survey generally finds.*
- *The red line represents the fluctuations we saw over a 30 day period.*

We received innumerable emails and irate calls from members of the community, asking why the dealers were back on the streets. Corruption was the word most often used, and it took many hours of explaining to show that it was not corruption at all.

Offenders are back because, legally, they simply cannot be held.



Understanding the system

How is it that someone that has been arrested for drug related crimes is back on the street within days, if not hours, after arrest?

Let us look at the system. (*This is a simplified version of the chain of events, for ease of understanding.*)

1. Upon arrest, the person is taken to the Police Station to be processed.
2. Arrest reports are filled out, and the person is fingerprinted.
3. The drugs they were caught with are catalogued, weighed etc.
4. (Generally) the substance is named as an “Unknown Substance” because of the way our system works.
5. Samples of the “Unknown Substance” are sent for forensic testing to the SAPS Forensic Labs.
6. Depending on the day and time of day, the accused is most often held in custody until their court appearance (most often the following morning).
7. Before court, at the police station, the docket is then assigned to an investigating officer. It will be his responsibility to ensure the case is properly investigated, and to make sure that all evidence such as the forensic test results, are put into the docket.
8. The docket is then taken to court for the initial hearing.
9. At this hearing, it is quickly established if the person qualifies for bail or not. Due to our very powerful constitution, only a few provisos need to be met and bail is most often granted. (This type of offence is currently seen as a Schedule 1 offence.)
10. The case is postponed for “further investigation” and to wait for forensic reports.
11. The accused pays bail and goes home, until his next court appearance. Should the person not be able to afford bail, they are remanded until their next appearance.

The Anti Drug Alliance has tracked 12 random drug related cases* for several months. We chose cases simply by going to court, listening to who was arrested for possession, and returning on the dates laid down for those cases, and tracking the proceedings and outcomes.

We chose 3 courts in three different magisterial districts.

Out of the 12 cases we tracked, 3 accused had previous convictions for drug-related offences. These were the only cases where penalties were handed down.

The other 9 cases were all first offences. Of these 9:

- 5 were struck off the roll after an average of four months of postponements, as the forensic reports were either lost or not ready yet;
- 1 plead guilty on their first appearance and was given an admission of guilt fine and sent away with a “stern warning”;
- 2 accused were untraceable, and had absconded;
- 1 accused requested help in the form of rehabilitation and was sent to rehabilitation, with the file being held over until the treatment was completed. On completion the case was struck off the roll.

(*This was prior to the Drug Watch campaign being launched in Gauteng.)

Subsequently, over 23000 (twenty three thousand) arrests have been made (as of 26 September 2013).

In the following section let us look at the cost of these arrests.

Police and Government spend with direct regard to the war on drugs

We were unable to get a response from most departments on this question.

According to the National Drug Master Plan, departments set aside a budget for substance abuse related matters. Many letters, phone calls and emails never gave us concrete information, but did give us an indication.

We estimated that if the Western Cape spends in excess of R85 million a year, we can extrapolate that Gauteng's budget would be similar, if not larger.

Cost of detention

It costs R329.21 per day to keep a prisoner in prison (R9876.35 per month). (4)

Recent reports show that we currently have about a 9% conviction rate. (5)

The SA Law Commission Report gives us further indication. (6) (7)

Upon contacting the NPA, the Anti Drug Alliance was told that "It is difficult to quantify conviction vs. arrest rates, as it is a complex matter," by a high ranking NPA official who refused to be named in this report.

For the purposes of this report, and in order to begin to quantify the cost of the war against drugs, we felt that the statistics given in a report in the Mail & Guardian (8) would be used, as they give us an average compared to a Law Commission report as well.

Taking this into account, it would mean that of the 23000 arrests, we would see 6900 going to court; and hence 2070 convictions – a conviction rate of just 9%.

The criminal offences act stipulates various sentences for drug related crimes, from 2 years for simple possession up to the maximum of 25 years for serious cases.

Let us hypothesise that the average person of the 2070 we spoke about above was given 2 years.

That would cost the taxpayer **R490 657 068** (or **R245 328 534** per year).

**AND THESE ARE JUST THE FIGURES FOR
GAUTENG.**

Cost of Man Hours

We extrapolated costs by working out how many hours were spent on each case, by how many people. We worked out hourly rates by working out the average hourly rate of each person in each position that deals with the case earns. (9) (10) (11) (12) (13)

Let us begin by looking at who would be directly involved in the arrest of someone for simple possession, and the process thereafter.

1. The arresting officer;
2. The Investigating Officer;
3. The officer taking fingerprints;
4. Officer in charge of the holding cells;
5. The Prosecutor;
6. The Translator;
7. The Bailiff;
8. The Magistrate;
9. Lawyer / Legal Aid;

Should we ONLY take the above people into account, figures begin to climb dramatically. (*We were unable to get the exact number of police personnel directly involved in the various "Drug Watch" operations.*)

For illustrative purposes, and to ensure a reasonable figure, we will only include man hours for the arresting officer, investigating officer, the holding cell officer, the prosecutor and the magistrate. (i)

An arrest, including booking the suspect in takes approximately 2 hours.

The amount of time investigating a case is subjective; however let us say that the investigating officer spends 12 hours tracking and tracing forensic results, interviewing the suspect and possible witnesses to the case, and appearing in court.

The amount of time the actual court proceeding take is also subjective, however, let us say that an initial appearance takes 15 minutes, subsequent appearances (due to postponements) also 15 minutes each (with a total of 3 postponements waiting for forensics and further information, and the trial (should there be one) 4 hours in total.

Cost of arrest, processing and conviction

Cost of arresting 23000 suspects – R2 048 380

Cost of detaining 23000 suspects overnight in police cells in man hours – R8 193 520

Cost of investigating 23000 suspects – R15 414 600

Cost of court proceedings for 23000 suspects – R 9 417 580

Cost of trial of 2070 (using conviction rate of 9%) suspects – R3 390 329

Total R38 464 469 (at this stage it is important to take into consideration that only R13 000 000 worth of drugs was seized.)

Should we include the amount to incarcerate 2070 offenders (9% conviction rate of 23000 arrests) for 1 year - R245 328 534.

We reach a grand total of R283 793 003.

Should we begin to increase the conviction rate these are the figures -

18% - R567 586 006 per annum

36% - R1 135 172 012 per annum

50% - R1 576 627 794 per annum

Please refer to ii – v in Reference section for breakdown of costs

**ONCE AGAIN, THESE ARE JUST THE FIGURES
FOR GAUTENG.**

R283793003

=



OR



Based on only 3 people per household.

What are the answers?

It is clear the prohibitionist way of thinking South Africa currently holds, is simply not working. If it were, there would be no drugs on our streets, all the dealers would be in jail, and there would be no recreational users of drugs, and no addicts.

Enforcement-led policy offers stunningly poor value for money – it is hugely expensive and creates further costs to society.

The government and media love telling us that “prohibition reduces availability”. We constantly hear this argument from politicians and those backing the so-called war against drugs in South Africa. The goal of reducing the availability of drugs remains a key goal in our national drug strategy, and indeed of the entire UN international drug control apparatus, costing billions in government spending each year.

The simplistic rationale for this strategy is that if drug supply can be stopped then no one will take drugs and the drug problem will disappear.

We live in a society of supply and demand. Dealers are simply supplying a demand. Trying to eradicate them from the equation makes no sense. If we had to put it into simple terms, should there be two supermarkets in the same road, and one is closed down, the public will now flock to the one that is open. Close that one and the people will look for another that is open elsewhere.

Simply put, where high demand exists alongside prohibition, a criminal profit opportunity is inevitably created. Attempts to interrupt criminal drug production and supply are doomed as the effect (if successful – which they very rarely are) will be rising prices; this then makes the market more attractive for new producers and sellers to enter – which they always do. No matter how many dealers we arrest or smuggling networks we ‘smash’, the void is always filled by the queue of willing replacements, hungry for the extraordinary profits prohibition offers them.

Arresting dealers and confiscating drugs simply funnels business elsewhere. It does not stop the supply of drugs; it simply slows the flow down. We have to realise that addiction is a health problem, and that not all drug users are drug addicts. There are porn addicts, gambling addicts, prescription medication addicts, even food and alcohol addicts. The aforementioned addictions can be just as (if not more) detrimental to a family and addict.

We have heard recently that the Gauteng legislature wants to change possession of drugs from a Schedule 1 to a Schedule 6 offence.

Policy must be judged on outcomes, not inputs or process indicators.

Will this change in scheduling make any difference to the bigger picture on supply, availability, or problematic use? The problems with prohibition are fundamental and cannot be solved with superficial tweaks to policy which, at best, will marginally reduce the harms created by the policy in the first place, and more likely will cost government and taxpayers more money for no benefits.

We cannot measure the Police's success on completely meaningless indicators such as 'volume of drug seizures is up', 'number of dealers jailed has increased', 'we have 'smashed' record numbers of drug gangs' etc.

These are measures that reflect the level of expenditure on enforcement and the size of the illegal market. They rarely, if ever, translate into the policy outputs that prohibition is striving for – i.e. reduced drug production, supply, availability or use (let alone reduced harm). They sound great in the media; catching dealers, intercepting drug shipments etc – but it gives the misleading impression of success when in reality the opposite is true.

These are not meaningful indicators of the bigger picture. We look at the quantities of drugs seized that have been touted by the Police and spoken of in this report. These seizures have no impact on overall supply, and if we are honest with ourselves, drugs are cheaper and more available than ever. Higher DEMAND means more dealers, which equates to lower prices.

The Police simply cannot prove that every single person they arrested during these operations were dealers. Taking this one step further, that would mean that they are now criminalising someone with a health issue, and that suddenly becomes a human rights issue.

The problem is that we are fighting a lost war against drugs and not combating the actual problems – society has changed rapidly and the substance is no longer the problem, addiction is.

It is untrue to say that everyone that consumes drugs is an addict. If that were the case then we could easily say that any person who consumes alcohol is an alcoholic, and that anyone that goes to a casino is a gambling addict.

Another fact that we do not know is that how many people actually consume drugs versus how many are addicts. Using the alcohol industry as an example, we could extrapolate that only a small percentage of people that drink become alcoholics. The same rings true for the gaming (gambling) industry and even people that watch porn.

Does that mean that people do not lose everything due to gambling addiction? Not in the least. The industry is very well regulated. Does regulation mean that a few underage people still do not manage to sneak into casinos and gamble? Not in the least.

There will always be the exception to the rule. There will always be underage drinkers, even if the sign says no person under the age of 18. There will always be cigarette smokers, even if the warning tells us that smoking may cause cancer.

What we are saying is that the only realistic way to look at drugs these days is by changing firstly our mindset, and then legislation. Drug addicts are no different to alcohol or gambling addicts, except for the fact that their choice of substance is (currently) illegal.

The moralistic and prohibitionist viewpoints simply no longer make sense, and are no longer working. If they were, drug busts would never make headlines, as drugs would simply not be available or allowed.

Recently, high ranking police officials in the United Kingdom have agreed that the so called war on drugs is a failure in that country. (14)

Prohibition has thus far failed us, has it not?

Politicians and police are using the words “tough on crime” a lot these days. Prohibition has historically achieved the exact opposite of its stated goals.

- Drug prohibition is not tough on crime – it is manna from heaven for organised criminals, just as it was for the Mafia during alcohol prohibition.
- Prohibition is ‘a gangster’s charter’ - abdicating control of a multi billion Rand market in dangerous substances to violent organised criminal networks and unregulated dealers.
- It is organised crime’s single biggest source of income, and continues to grow despite the huge enforcement efforts and hundreds of billions spent on the drug war over a number of decades.
- Legally regulating and controlling currently illegal drugs would collapse the illegal markets and get the drug smugglers and dealers out of this business. If we want to really get tough on the drug dealing gangsters let’s take away their biggest source of revenue and try to collapse the illegal drug business for good.

Current drug policy sends out an extremely confused message; one that supports:

- Mass criminalisation of the young and vulnerable;
- Policies that maximise drug harms such as drug deaths, overdoses and blood borne disease transmission;
- ignoring the decades of evidence that shows the policy is a counterproductive failure;
- using the blunt tool of criminal justice enforcement to deal with complex social and public health problems;
- Commercial promotion of dangerous legal drugs.

Arguing that drugs are morally reprehensible simply because of their effects on someone is a moot point, if we look at the alcohol and tobacco industries. Factually, the amount deaths attributed to drugs are a proverbial drop in the ocean when we take the amount of deaths that are attributed to the alcohol, pharmaceutical and tobacco industries. It is a fact that even caffeine is more physically addictive than marijuana (dagga), yet it’s legal and socially acceptable to drink coffee or smoke tobacco or have a glass of wine.

Using criminal law to send out messages about public health or private morality is a bizarre strategy that has been, by any measure, a complete disaster. We do not imprison people for having unsafe sex, or other consenting adult risk taking behaviours such as dangerous sports, or for that matter, legal drug use. Homosexuality was legalised when the unacceptable injustice of imposing private morality with criminal law was exposed.

We simply cannot afford the war on drugs.

Looking at the figures in this report, we can extrapolate that the war is costing South Africa billions of Rand each year.

Internationally, more and more countries are legalising and regulating the (drug) industry. By doing so, they are taking the control back from organised crime, and making tax money from the industry. (15) (16) (17) (18) (19).

It would be silly to expect South Africa to simply legalise everything tomorrow. It would be anarchy.

An extremely valid argument is that drugs are dangerous and must be controlled.

We fully agree that this is right. However, the drug war concept of 'controlled drugs' is an absurdity, because prohibition has abdicated all control of drugs to gangsters. Control of drugs under prohibition is demonstrably impossible. In reality it leads to a complete lack of control and creates criminal anarchy.

Real control means taking the markets back from criminal networks and bringing them within the government sphere, where drug production, supply and use can be regulated, as strictly as is deemed appropriate for each drug in any given locale.

It is precisely because drugs are dangerous that they need to be regulated and controlled. Drugs are too dangerous to be left in the hands of criminals. The more dangerous a drug is, the more important that it is properly controlled by the government. Drugs are made even more dangerous when produced and supplied through illegal channels.

What we are saying is that let us look at the reality we find ourselves in, and realise that making laws harsher is simply not the answer. Let us be realistic and see that it would simply make no sense to legalise a drug like crystal meth, yet looking at regulating the cannabis (dagga) industry would make fiscal sense.

By applying fair trade practices, correctly regulating the industry, and applying the correct taxes, cannabis, for example, could become a major contributor to the economy.

Just as it is our choice not to buy cigarettes or alcohol, it is our choice not to buy something like cannabis.

Will regulation mean that there will be no addicts or corruption in the industry? The simple answer is no, but it will mean that there is a chain of distribution, just like cigarettes for example, and a framework to work within which is legal and ensures that those that need help can get it without fear of criminalisation, and that we can use that tax money to buy textbooks and stock hospitals with medicines, for example.

We have to use words like harm reduction.

Currently, the unregulated industry means that we cannot reduce harm due to a variety of factors. We cannot promise that the drug is pure, we cannot ensure that it has been grown according to regulated and acceptable standards, and we cannot even scientifically study what the effects actually are because it is illegal to do so.

The reality is that we simply cannot ignore that regulating (or legalising or decriminalising) the drug industry is an avenue that we simply have to explore.

How to move forward

South Africa has a massive cultural, religious and racial diversity, each with its own belief system and ways. It would be unreasonable to expect no resistance to this concept. Honestly, it does not *sound* right. And yet, more and more people, and even major religious institutions are seeing that perhaps legalisation is the key to solving the problem of a pointless drug war.

The Church of England Social Responsibility Board, in a written submission to the United Kingdom Home Affairs Select Committee, wrote,

*“We support the ... inquiry’s recommendations that “the possession of cannabis should not be an imprisonable offence.” We also wish to support some of the cogent argument of Peter Lilley MP...where he says that inebriation is regarded as a sin because it can lead to more serious wrongdoing. Alcohol inebriation has long been associated with violence in some cases, and it is possible that cannabis abuse could sometimes have harmful effects. **However that is a matter for personal responsibility, guided by moral imperatives. Abuse, which is a sin, is not necessarily a crime.**”*

It is blatantly clear that legalisation and regulation is the only real way forward.

How can we justify spending billions on fighting something we will never win? Even with all the busts, all the arrests, all the negative media coverage, it still carries on.

The Anti Drug Alliance has seen year-on-year increases in drug use. This year is no different. Even with all the anti-drug operations, marijuana use is up, as well as drugs such as crystal meth and Cat.

We need to:

- ✓ Begin dialogue.
- ✓ Begin looking at fiscal benefits and harm reduction.
- ✓ Realise that the religious and moral concepts we hold dear will be tested.
- ✓ Realise that simply because the law says we cannot do something, it does not mean that we will not do it.

In Conclusion

South Africa was the first country to make marijuana illegal in 1870. Right from the beginning the law was inherently racist, applying only to only one population group, and then was rolled out to other population groups when in 1928, it was found “to make mine workers lazy”. (20)

Our government claims to have the most progressive constitution in the world, and yet still perpetuates the blatant racism of an old, archaic and outdated law, which had nothing to do with science, but more to do with control. Because of this prohibitionist outlook, we now stigmatize and criminalize a massive section of our population for simply believing differently.

We stand at the precipice of a massive decision in this country. As South Africans, we see the damage of drugs highlighted and sensationalized in the media, and cannot help but to demand something be done.

However, we see drugs *highlighted and sensationalized*. It is time we reset our misdirected moral and prohibitionist compasses and see that we simply cannot go on like this anymore. Financially we cannot afford the billions it is costing.

Change needs to happen, because what we are doing is simply not working. Across the world, this process (of change) is underway on many levels:

- Personal use of drugs is widely (de facto) decriminalized in much of Western Europe, Russia, and regions of Canada, Australia and South America.
- Supervised injecting rooms (and drug smoking rooms) have been established in Vancouver, Sydney, and across Europe.
- Heroin and other drugs, including stimulants, are available through medical prescription, to long term problem users in a number of countries including the UK, Canada, Australia, Switzerland and Germany.
- Cannabis cultivation is decriminalized in some countries/regions and licensed sales are allowed in Holland.
- There is a global trend away from harsh, costly and ineffective enforcement, towards a greater emphasis on treatment, harm reduction and approaching problem drug use primarily as a public health issue.

These changes are chipping away at the monolith of prohibition in many different places. At one end, we can expect an expansion of medical maintenance prescribing of opiates, and some stimulants (possibly including cocaine); at the other end, moves towards the decriminalization and eventual legalization and regulation of cannabis and other comparatively low risk drugs (simultaneously we are witnessing tightening of regulation of alcohol and tobacco).

Different countries are moving at different paces and information from those experiences will feed into the body of knowledge about what works best for different drugs in different environments. It is time we realized that no amount of arrests, no amount of baseless prohibitionist arguments, and no amount of stricter laws will stop drug use in South Africa. Legalization is the only rational and logical step forward.

References

1. <http://leadsa.co.za/?p=15235>
 2. <https://crimeline.co.za/PressRelease.aspx?Identity=ead364ad-4184-4ee1-8a1e-75be054b101a>
 3. <https://crimeline.co.za/PressRelease.aspx?Identity=ead364ad-4184-4ee1-8a1e-75be054b101a>
 4. <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71656?oid=379780&sn=Detail&pid=71616>
 5. <http://mg.co.za/article/2012-09-20-marginal-improvement-in-crime-stats>
 6. <http://www.justice.gov.za/salrc/rpapers/rp18.pdf>
 7. <http://www.africacheck.org/reports/conviction-rates-an-unreliable-benchmark-of-npa-success/>
 8. <http://mg.co.za/article/2012-09-20-marginal-improvement-in-crime-stats>
 9. <http://www.popcru.org.za/docs/SSSBC-Collective-Agreement-22011-on-the-Two-New-Ranks-in-SAPS.PDF>
 10. <http://www.info.gov.za/view/DownloadFileAction?id=176475>
 11. http://www.justice.gov.za/legislation/notices/2011/20110923_gg34629_pnr54-mag-salaries.pdf
 12. <http://www.tech4law.co.za/business4law/efficient-business-process/the-south-african-law-firms-hourly-rate-survey-results.html>
 13. Court Interpreter – R115 212 – R135 714 per annum (SL 05)
 14. <http://www.bbc.co.uk/news/uk-24320717>
 15. http://www.huffingtonpost.com/2013/04/20/legalizing-marijuana-tax-revenue_n_3102003.html
 16. http://www.balancedpolitics.org/marijuana_legalization.htm
 17. <http://www.independent.co.uk/news/uk/politics/legalising-cannabis-125bn-tax-benefit--without-necessarily-damaging-public-health-8818064.html>
 18. http://articles.sun-sentinel.com/2013-08-11/news/fl-kgcol-drugs-oped0811-20130811_1_legalizing-marijuana-alcohol-abuse-abused-drug
 19. http://economics.about.com/od/incometaxestaxcuts/a/legalize_pot.htm
 20. <http://belowthelion.co.za/cannabis-in-south-africa-an-infographic>
- i. For the purpose of this report we will say that the arresting officer and holding cell officer are both a sergeant with a mid range pay grade of R138 963 per year, the investigating officer a warrant officer earning R174 264 per year, and that both the magistrate and prosecutor are mid-range on their respective pay grades i.e. R671 219 per year and R180 594 per year.
 - ii. A sergeant earns R44.53 per hour (annual salary / 12 months / 21.67 working days / 12 hour shift)
 - iii. A warrant officer earns R55.85 per hour.
 - iv. A prosecutor earns R86.81 per hour (annual salary / 12 months / 21.67 working days / 8 hour shift)
 - v. A magistrate earns R322.65 per hour

We would like to thank the Transform Drug Policy Foundation UK for their support and the use of so many tools they provided us with.

COPYRIGHT © 2013 Anti Drug Alliance of South Africa & Quintin van Kerken

Copyright is reserved in accordance with Section 77 of the Copyright Designs and Patents Act, 1988. All rights reserved. No part of this document shall be reproduced, stored in a Facsimile or retrieval system, or transmitted by any means, electronic, mechanical, photocopying, recording, or otherwise, without a written permission from the copyright holder. No patent liability is assumed with respect to the information herein. Although every precaution has been taken in the compilation of this document, the copyright holder assumes no responsibility for errors or omissions. Neither is any liability assumed for damages resulting from the use of the information herein. The copyright holder may have patents or pending patent applications, trademarks, copyrights, or other intellectual property rights covering subject matter in this document. The furnishing of this document does not give you license to these patents, trademarks, copyrights, or other intellectual property except with the mentioned written permission. Certain parts of this document have been reproduced and quoted with the permission of the Transform Drug Policy Foundation UK.