

DRUGS AND THE COURTS

In light of the growing drug abuse in our State, an increased burden has been placed on our courts to deal with drug violations. At the same time, doctors, psychologists, and social workers are becoming increasingly insistent that drug cases be treated from a medical, rather than punitive, standpoint. One result has been the exposure of the inability of the court system to insure a speedy trial or to compel medical treatment and rehabilitation for the defendant.

The total number of cases now on the dockets of North Carolina's courts has reached staggering numbers. In one county alone the number of cases pending in the Superior Court stands at over a thousand; a six-county survey reports more than three thousand Superior Court cases pending, many of which are well over two years old, and three hundred of these are narcotics violations. The paperwork and administration of such vast numbers of cases as well as repeated procedural delays have ground our court system almost to a standstill. Until swiftness of trial can be returned to the courts and respect for justice restored, there can be little hope for progress in the expeditious handling of drug cases.

In addition, the lack of flexibility in sentencing makes it all but impossible to deal with the drug problem from a medical standpoint. In order for a judge to consider and to provide for the medical needs of an offender, he must have enough discretion to be able to consider the merits of that individual case and to ascribe an appropriate sentence. But existing narcotics laws rigidly define the sentences for each offense, often making medical considerations impracticable.

It has been suggested that judges have the discretion to

commit a drug offender for medical treatment instead of sentencing him to an active sentence in a penal institution. In addition, the judge should have the power to give a "split sentence" allowing him to sentence the offender to a short active sentence and then a period of closely supervised probation.

However, North Carolinians should ask themselves whether our facilities for drug treatment are adequate. Aside from mental hospitals, there are no public facilities where an addict can go for help. And drug offenders in our state hospitals, as well as in our prisons, unfortunately can receive only a minimum of constructive treatment and rehabilitative services.

It is clear that our courts are encountering difficulty in dealing efficiently with narcotics violations, and it will demand a combined effort of law enforcement agencies, correctional institutions, and specialized treatment facilities, as well as the more rapid administration of justice through the court system, to control the drug problem effectively.