

Spend on drug courts, not on more prisons



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BANFF

A bill stipulating mandatory minimum sentences for drug offenders is before the Senate. If passed, Bill S-10 will strip judges of their discretion on whether or not to incarcerate drug traffickers.

Traffickers, under Bill S-10, will include offenders who grow and sell as few as five marijuana plants.

Judges would, however, have leeway to exempt certain offenders provided they enter into drug court treatment programs.

The problem with the proposed legislation — in addition to potentially flooding prisons with a disproportionate number of addicts and offenders from the ranks of the poor, the young and the disadvantaged — is that Canada's measly number of under-funded drug treatment courts already have waiting lists and can't accommodate demand.

If federal and provincial governments don't step up to the plate with more and better-funded drug courts, mandatory minimum laws could face serious constitutional challenges, one expert warns.

"With only 10 drug treatment courts in Canada,

it's going to be hard for someone" to access a drug court program, says Doug Brady, national executive director of the Canadian Association of Drug Treatment Court Professionals (CADTC). "It remains to be seen whether this (mandatory minimums) stands a charter challenge because of the lack of an offender's availability to the courts."

Of Canada's 10 drug courts, six — in Toronto, Vancouver, Edmonton, Winnipeg, Ottawa and Regina — get a total of \$3.3 million annually in federal funding, until March of 2012. That funding is likely to continue, but there is no guarantee of new money, Brady says.

The other four drug courts — in Calgary, Moose Jaw, London and Durham, Ont. — rely on provincial or local funding. Durham, says Brady, gets no government funding and relies on the good graces of a treatment facility for its existence.

Drug treatment courts are an alternative to jail for eligible non-violent offenders. If accepted into a drug court, offenders work, attend school, undergo therapy and drug testing and must make regular appearances before a judge. The rehabilitation success rate is high and the savings to the system are undeniable.

It costs about \$150 a day, or \$54,750 per year, to incarcerate a prisoner in a provincial jail. The Edmonton drug treatment court, where Brady is the execu-

tive director, has 34 clients and a budget of \$580,000 a year, or \$17,058 per client. That's a savings to the taxpayer of \$37,692 per offender annually.

Calgary's drug court, which gets provincial funding (the city of Calgary helped with \$100,000 startup costs, championed by Ald. Druh Farrell) has 16 clients and budget of \$430,000 a year, or \$26,875 per offender. That's less cost-effective than Edmonton's larger drug court, but still half the cost of incarceration.

A cost-benefit analysis of Canadian drug treatment courts in 2007 showed that the taxpayer actually saves up to \$5 for every \$1 spent on funding a drug treatment court, when health and social costs are factored in.

While Canada is getting tough with mandatory minimums, the U.S. is going in the opposite direction.

In the past four years, funding for drug courts in the U.S. has risen from \$20 million to \$88.8 million, with a promise from the Obama administration to up that to \$110 million, according to West Huddleston, a former addict who is now U.S. CEO of the National Association of Drug Court Professionals.

Huddleston, who has been clean for 22 years, spoke this week to the CADTC's annual conference in Banff. In the U.S., drug courts have been in existence for 20 years — twice as long as Canada. Research

proving the success and cost-effectiveness of drug courts is irrefutable, Huddleston says.

One delegate from California I spoke with shook his head when I told him of the Harper government's push to build more federal prisons. He called it "building dumb."

The most effective testimonials at the conference came not from bean counters and administrators, but from former drug addicts. They told delegates how drug court programs have given them back their lives and turned them into productive, taxpaying citizens.

Darren Peterson, one of the first graduates of Calgary's drug court, has been clean for nearly 700 days and now runs a graffiti removal business. I met him a year ago, and despite a recent foot injury, he remains positive.

"I'm no longer a liar, cheater and a thief," he said in a Global TV interview this week. "I'm an honest taxpaying citizen that's just moving forward in life."

He was selling T-shirts at the conference emblazoned with a message that the tough-on-crime, throw-'em-in-jail Harper government should heed. In baseball-style lettering, Peterson's T-shirts read: "Drug court works."

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