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CLASSIFIEDS**ABOUT EYE**

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Drug Court is in session

It costs \$40,000 a year to keep a prisoner in jail and \$4,000 for a year of rehab

BY NATE HENDLEY

Standing limply in the centre of the courtroom, Lisa doesn't seem aware she's about to make Canadian legal history. As bored-looking cops and defendants look on, Justice Paul Bentley goes over Lisa's case. She's charged with possession of crack, an offence that could lead to a five-year jail term. But incarceration isn't on the agenda in Old City Hall's courtroom 114 this afternoon.

Lisa is not the defendant's real name -- she can't be identified because she's about to become a client of the Centre for Addiction and Mental Health. On Dec. 3, Lisa became the first person in Canada to be placed in treatment, not prison. It's part of a drug court pilot program that offers a radical break from traditional, failed approaches towards substance abuse.

"I wish you luck," says Justice Bentley with a smile as Lisa confers with CAMH staffers Bill Robb and David MacIntyre.

Over the course of the afternoon, the judge sees a handful of other cases involving possession or possession for the purpose of trafficking. Heroin and cocaine are the only drugs involved and most defendants look like small-time dealers or out-of-it users.

The drill goes like this: if the defence lawyer and the prosecutor agree, the accused is sent for screening by CAMH staff. Defendants then appear before Judge Bentley and return to the Centre for full assessment. If everyone agrees that the accused is suited to the program, they're accepted.

After completing treatment, clients charged with possession don't receive criminal records. Those charged with possession for the purpose of trafficking get records but no jail time. The only traffickers allowed are addicts who deal

on the side, not commercial pushers.

Sitting in his chambers during an adjournment, Judge Bentley, a six-and-a-half-year veteran of the court's provincial division, says he started thinking about alternative approaches to drug offences during a court session in the spring of 1997, when he found he was unable to enter a defendant's name on his computer.

"I tried to type the name in, but couldn't, because the same name was in the hard drive already. It was sitting there from six months ago." At that time, Justice Bentley had given the defendant a brief jail term for crack charges. Now the "same guy was back" facing the "same sentence."

Justice Bentley decided alternatives were in order and started investigating the United States' experience with so-called "drug courts." First established in Dade County, Fla., in 1989 by now Attorney General Janet Reno, drug courts offer non-violent, low-level offenders a break: get clean through mandatory treatment and you won't suffer a jail sentence.

There are currently over 400 drug courts operating in 44 states, and they one of the few bright spots in America's otherwise dismal War on Some Drugs. This summer, the National Center on Addiction and Substance Abuse at Columbia University, N.Y., issued the first major academic analysis of drug court research. The study found such courts "substantially reduce" drug use and criminal behavior. They also "generate savings -- at least in the short-term, from reduced jail/prison use [and] reduced criminality."

Do the math: it costs about \$40,000 annually to keep a prisoner in jail versus \$4,000, according to CAMH estimates, for a year's worth of rehab. A CAMH study from 1997 estimates there are 15,000 opiate addicts in Toronto, while Centre surveys figure one in 100 Ontarians consumes cocaine. Putting every coke and heroin user through a lengthy trial and into jail would bankrupt the justice system.

Shortly after his laptop epiphany, Judge Bentley started approaching substance abuse specialists, law officials and police agencies to sell them on a drug court. With the help of treatment staff and Department of Justice Senior Crown Counsel Croft Michaelson, the protocols for a drug court were worked out. The National Crime Prevention Centre awarded the CAMH a \$1.6 million, four-year contract for treatment and research, and, on Dec. 1, Toronto's first drug court was opened for business. If the Toronto court works out, the feds may institute similar programs across the country, say CAMH officials.

As the judge makes clear, drug court can actually be tougher than traditional methods of dealing with low-level dope offenders. Possession cases, for example, usually result in a fine and don't require defendants to wean themselves off their habit.

"Do you understand what this is about?" the justice asks a young man after finishing with Lisa's case. "You're going to enter intensive drug treatment on a daily basis. Don't enter the program unless you're ready."

While acknowledging that drug court is "a good step in the right direction" longtime activist Alan Young hesitates to endorse the idea.

Drug courts provide "a slight move from the criminal model to the medical model but they're still based on misguided dope-fiend mythology," says Young, an Osgoode Hall law professor who's trying to legalize pot through the courts. "Namely, that everyone who uses hard drugs is an addict who needs treatment. Drug courts widen the net of social control."

Perhaps, although it should also be said that drug court offers a more humane alternative to low-level prisoners of the Drug War than jail.

Better get used to the concept in any case, because Judge Bentley predicts drug treatment courts could quickly become the norm nationwide, if only for budgetary reasons. "When it comes to minor drug cases," says the justice, "we don't have the resources to prosecute them all."

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