

**“Do you want a bunch of addicted, mind dead  
zombies running around?”  
Interviews with Criminal Justice Professionals  
on Drug-Related Policies in Regina**

**A Research Snapshot**

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**In collaboration with the**

**‘Accessing Drug Use Reality in an Inner City Community’ Research Team**

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## **Accessing Drug Use Reality in an Inner City Community**

A joint project of the University of Regina's Social Policy Research Unit, Faculty of Social Work, School of Journalism and Dept. of Justice Studies, University of Regina, Regina, SK. and the Dept. of Criminology and Criminal Justice, St. Thomas University, Fredericton, NB. The research team consists of Fiona Douglas, Patricia W. Elliott, Garson Hunter (University of Regina), Kathleen Donovan (Dalhousie University) and Josephine Savarese (St. Thomas University).

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### ***About This Work***

The project "Accessing Drug Use Reality in an Inner City Community" was comprised of two components: 1) the views of drug users and 2) the views of people working in the justice system.

This collection of papers was compiled by Josephine Savarese, Department of Criminology and Criminal Justice, St. Thomas University in 2010 with writing and research assistance provided by Allison Paciga, B.A. Corene Rathgeber, M.A. provided invaluable research assistance in the interview stage of the project. The reports are based on interviews with criminal justice system workers conducted in the Spring of 2006, as well as a review of research on types and methods of illegal drug use in Canada.

The Research Team acknowledges the support of the St. Thomas University, JOBS Program which provided funding to hire the research assistant, Allison Paciga. As well, funding assistance was received from the Centre for Sustainable Communities/Communities of Tomorrow Program, University of Regina.

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## Overview of the Research Problem

*I don't know - do you want a bunch of addicted, mind dead zombies running around? Is that what you want from your inner city people? I don't. It becomes one of those issues where we keep the people drugged up, doped up and controlled.*

- Police Officer, in Response to a Question About Methadone Clinics

When this study was initiated in 2005, the Government of Saskatchewan identified substance abuse as a significant health and social issue. (Addley) Confronting substance abuse within the criminal justice system has also been seen as a priority matter. One of the ways this is demonstrated is through the establishment of a drug treatment court in Regina in 2006.

This portion of the study examined criminal justice policy responses to substance abuse through interviews with members of the criminal justice community including a judge, a prosecutor, a defence lawyer and others. Because substance abuse is often linked to offending behaviour, it seemed important to find out more about the policies that were in place in Regina's inner city and to document the human aspects of the policies, as seen through the eyes of those who have some responsibility for implementing them. We want to share some details about this portion of the study in this research "snapshot."

### Sample Comments - From a Crown Prosecutor

One of the research participants interviewed for this study described his work as a prosecutor who often addresses sentencing matters for offenders with drug related problems. He commented that the desire to understand offending behaviour is commonplace:

I think there is a natural human desire to understand why something happens rather than just the fact that it happens. Why did this guy rob the 7-11? You know you prove that he did do it but I think there is a natural curiosity – why did he do it? If he has a productive job – why is he robbing the 7-11? So when you find out he has a drug problem – you have an answer and in that respect you feel a little more comfortable. And . . . when do you understand that, [then] there is a natural desire to try to address it.

On his approach to sentencing recommendations, he stated:

. . . once it becomes known [substance use] is a reason for this offence being committed . . . then the direction you have to take in sentencing to address rehabilitation is a lot clearer . . . as to the type of action that needs to be taken – [if] the person needs to be taught a lesson and given a good slap ... you can get them sent to jail for a period of time and hope they will learn something. But again . . . if they wouldn't normally do something like that, it is because of drugs – then one can focus more on the drug addiction. There is this desire to rehabilitate people and it is a fundamental part of the system.

This study sought to obtain and record professional perspectives on the strengths and limitations of the criminal justice response to substance use, like the ones offered by the Crown Prosecutor on sentencing and on correctional programming.

## **Methodology**

Research ethics approval was granted by the University of Regina Research Ethics Board in 2006. Once approval was granted, the participants were located through snowball sampling techniques. During the initial contact, the research project and its goals were explained to participants. The participants were informed that the research sought to document and evaluate criminal justice system responses to substance abuse. A standard consent form was presented and reviewed prior to the interviews. The interview process was explained at the

outset, highlighting the semi-structured nature of the questions and the fact that the interviews would take approximately one hour. Because the interviews were taped by the research assistant, the participants were guaranteed confidentiality rather than anonymity. The tapes were transcribed by the research assistant and were available only to members of the research team for research purposes.

### **Background on the Research Team**

The research team included persons who have worked for several decades with social institutions, including the criminal justice system, and team members who had experience volunteering with persons with substance abuse issues. The research assistant was provided with an overview of substance abuse issues and was chosen due to her knowledge of appropriate interviewing techniques.

### **Some of the Anticipated Benefits of the Research**

The research documented perceptions of the criminal justice system's responses to substance abuse by recording the insights of persons directly involved in the system. It will inform researchers and decision makers on the effectiveness of current strategies providing an opportunity to revisit those that are considered less effective. The research from this project may be a resource for persons interested in knowing more about the interface between substance use and criminal involvement. Importantly, it may provide guidance on programmatic and policy responses that might serve to lessen recidivism among substance users.

## Research Participants

Eight professionals who work within the justice system and come into regular contact with drug users through their work were interviewed for this research.

### Overview of the Participants

**Laura** is a senior prosecutor, having worked with prosecutions for nearly 12 years. She explains that her “responsibility as a prosecutor [is] to ask ‘can the public be protected by this individual out in the community and going to a drug treatment centre?’” She favours community based interventions and believes that “there is too much emphasis on making everything an offence and charging.”

**Robert** is a judicial representative. Through his work, he comes into contact with many IV drug users, but he notes that they are not always identified as such. He believes that addictions can significantly alter a case, by lessening the charge, for example. He supports drug courts, methadone programs, and education. He considers the best intervention strategy would be to,

...get at the problems [such as] the marginalization of the poor – as there is much a higher percentage of addicts [among the poor] – and those are the kinds of things you have to get at [to bring about fundamental societal changes]. The justice system can't fix most of those things. We are involved after the damage is done.

**Charles** has worked with the police for 21 years and has spent this time working operationally, patrolling the street, serving in the child abuse unit, and working undercover on drug and

property crimes. He has also served as a school resource officer and as the executive director for the police and fire games. He enjoys the diversity of his job, stating,

it is what makes policing interesting, you can have completely different jobs and still retain the same benefits. To go from Executive Director of a \$7 million organization to working undercover in the next week is fun and it keeps you fresh mentally.

**Charlotte** is a criminal defence lawyer who has numerous alcohol and drug addicted clients, although some are hesitant to admit that fact. She “primarily – 99% of the time – [deals] with people that are not in custody but people that have been charged with an offence and been released.” She usually has about 40 clients at a time and is in court every day. Thinking about criminal justice responses to substance use, she says,

for us when... someone comes in with charges and we are going to defend them, we're not going to adjust what we do because they have an addiction. But what we might do, if it is an addiction's issue, we might look for an assessment for the drug treatment program.

**Sean** works as a prosecutor. He has found that shooting drugs, rather than smoking or snorting them, will be an aggravating circumstance in a case. He supports early, community based interventions, such as anti- poverty interventions. He would like to see more research conducted regarding the link between poverty and crime and that relate these issues to government policies, such as social assistance payments and child protection laws.

**Frank** served as a senior administrator in the corrections system. His emphasis in the last 10 years was mainly regarding security matters. Although his personal experience with IV drug users is limited, he still sees its effects. One of his major concerns is contagious diseases,

particularly during searches. He explains that there is only so much the justice system can do in the context of larger social conditions,

For me, it all starts in the community. Basically, in general, don't expect the correctional facilities to fix people, when people are going straight back to the [same] social and physical environment. [...] [J]ail is such a false environment - taking the courses and addictions programs etc. - and then to be thrown back out in the same street, neighbourhood, community. Basically, we are providing a service in there with the programs and there is a chance it might help a small number. But really, everything with crime control is difficult.

**Devin** began as a parole officer in 1989 but began working on projects, such as working with a staff as a reintegration manager to identify the roadblocks which face offenders returning to the community. As of 2006, he had returned to his duties as a parole officer. He says he prefers working on projects because they are “interesting and exciting and you meet a lot of different people and do a lot of different things.” Looking at his job as a whole, he says,

Sometimes our success isn't measured so much in an offender . . . turning their life around but it is measured more in incremental gains, the next offence they commit might not be as serious, might not be violent or it will take longer for them before they commit another offence. And all of those things add up to less crime in Canada and to safety for Canadians while it is fairly rare to end up having an offender who does a complete 360 and becomes a model offender after they serve a sentence.

Finally, **Christine**, who holds a bachelor's degree in psychology and a master's degree in sociology, has worked as a correctional program officer for 6 years. Drawing from her training in substance abuse, “cognitive learning skills, substance abuse programs, generic maintenances, [and] pretty much everything,” she facilitates groups, as well as one- on-one, intervention

programs. Through the group programs, she conducts assessments, pre-testing, and questionnaires and writes reports about her findings. She claims that,

A lot of [what] I have learned is probably through the offenders - listening to what they say in groups, comparing it to what the literature says.

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## **Drug Courts in Canada: Views from the Research Participants**

Persons who are addicted to drugs may commit crimes to support their habits. In these cases, a pre-sentence report may be prepared in order to determine the possibilities for rehabilitation of the offender. In some jurisdictions, there are special courts in place to deal specifically with this type of situation called “drug courts.” The court may be used under the condition that the crime was committed because of entrenched drug use and is not alcohol or solvent related. The crime may also not include driving offences, perjury, or domestic assault (Laura). Most often used for intravenous drug users, these courts place more emphasis on the fact that the person on trial is an addict rather than an offender. The judge in these courts specializes in addiction issues and is aware of the various options available for sentencing, rehabilitation, and treatment (Robert). According to one research participant, the “drug court is an example of how the justice system recognizes that there is an issue. They take it seriously” (Charlotte).

Sentences from drug courts often consist of mandated addiction treatment that is judicially supervised. Offenders who complete the program assigned to them may have their charges dropped or their sentence reduced. Conversely, those who do not finish the program successfully will have to return to the regular court system to face a new sentence, including possible imprisonment (Anderson, 2001).

Offenders usually receive harsher punishments if they have a history of crime and have been given prior sentences which aimed to relieve their addiction problem. Offenders without such history will usually be given a sentence which focuses on rehabilitation. These types of

sentences, however, are often perceived as insufficient punishment, so there is pressure to move toward more punitive sentences (Robert).

### **Criticisms of Drug Courts**

There are many criticisms made of the drug court system. First, it is argued that drug courts do not address the larger social issues involved in addiction (Laura). Thus, some believe that while the system is very good at responding to problems, it falls short of improving the overall situation. The argument is that the system should be more proactive and try to prevent drug use, rather than responding to problems reactively, as it does currently (Sean). This issue is exacerbated by the fact that new provisions are constantly being added to the *Criminal Code* which creates more offences (Laura).

Other arguments criticise the drug court itself. Some argue that the court has been manipulated in such a way that the onus has landed on the suspected drug user to prove his or her innocence rather than the prosecutor having to prove guilt. It has also been pointed out that the court fails to distinguish between recreational drug users and drug abusers, which might greatly influence the sentence imposed (Hadaway, Beyerstein, & Youdale, 1991).

Finally are some general criticisms. Some people value the drug court while also having the impression that it is inappropriate in some situations, necessitating various alternative drug treatment plans (Laura). Other individuals who expressed approval of the drug court point out certain practical issues still need to be addressed. These include, staff shortages in treatment programs and offenders having to wait for the current program to end so they may begin treatment at the beginning of the next program (Christine).

### **Post-Sentencing Treatment**

After an offender has been sentenced to serve federal time, he or she is assessed using standardized tests to determine areas where the individual needs help, including substance abuse. The inmate is then assigned to a program according to his or her level of need (Devin).

Training varies for the people who run these programs. One research participant said that there was no standard protocol for dealing with addicts but he had learned how to deal with them safely (Charles), while another said that she had been trained in detecting substance abuse but drug education was not emphasized. She said that most of her training was learned from listening to what the offenders said during group sessions although annual personal development training did include a drug treatment component (Christine). One participant points out that a strategy his program uses is to treat the addiction as a cognitive behavioural problem, rather than a physical or medical problem (Devin).

### **Suggestions for Improvement**

The research participants agreed that drug treatment programs would benefit from a shift into a community based setting, as they had been in the past (Laura). Programs would have to examine the criminogenic factors in the community, such as poverty and discrimination, and intervene to prevent drug abuse and its related crime (Sean; Benoit, 2004). Programs would also have to educate people from an early age in order to prevent them becoming involved in the drug business (Robert, Frank) and provide exit strategies for those

who are already involved. These programs could also reach individuals who suffer mental health issues and self-medicate with drugs and alcohol (Charles).

Community based treatment programs would also provide access to rehabilitation to those who might otherwise not benefit from institutional treatment programs. People with addictions may fear leaving their community to go to an unknown city for treatment. They may also have certain responsibilities, such as work and family, which prevent them from leaving home for an extended period of time. This treatment process may also present a financial burden that the addicts simply cannot afford, whereas living at home while they were treated would allow them to save money and concentrate on their recovery (Wiebe & Huebert, 1996).

Other suggestions include increasing the standard four to five day detox for teens to 18 months in a program which is separate from adult addicts (Charles, Charlotte) and creating more user-friendly programs to access people who cannot read (Christine).

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## Stories from the Field

This project canvassed and documented the research informants' working knowledge of the links between drug use, criminal involvement and criminal justice processing. In this "Research Snapshot", we want to share more from the stories heard in the interviews.

### **Devin - Parole Officer**

I have friends whose children have become involved in methamphetamine - two of them. And both of them coming from fine families with no criminal background. As soon as they became involved with that drug, they started getting involved in criminal activity - either because the people who supplied them were involved or to supply themselves.

### **Christine - Facilitates Drug Intervention Programs**

I think it is important for people to recognize and remember, safety is important and I live in the neighbourhood too. I worked with youth six years prior to this and now I am seeing them which is really sad, but they have gone through a lot of things before they have reached federal – YO, provincial, foster homes, federal, you name it. So a lot of people think we should be able to fix them and you have to recognize the fact that there is a lot of, I don't want to use the word damage, but there [are] a lot of areas that need some help.

### **Frank – Senior Administrator, Regina Provincial Correctional Centre**

We have had to purchase, which I think is a good idea, special needle resistant gloves for searching which is pretty much common across Canada, I think. We were probably quite slow on the draw in purchasing them. It is difficult to find something that is tightly [woven] enough to prevent the needle from going through. But we do have some of those items and there is a fairly significant cost to them.

A few years ago, a program worker came out to talk to us and the message we got was [that] we were Neanderthals and Barbarians for not wholeheartedly accepting the methadone program. For some of the guys, it is one of the few times they can count on a warm bed, decent food, medical services, dentistry, optical – physical health, some mental health and an opportunity not to have a bunch of drugs flowing through their system ... can walk into jail and say "I have been given the opportunity to go cold turkey."

But you would have guys saying "yeah right, it is going to be pretty tough and I need to be observed." But now, everyone comes in and goes, in a quite demanding way, "my

methadone better be here on time ... “ [and] “I think with the stress of jail I will need the dose raised.”

### **Robert- Judicial Representative**

I recall one case, and this was in a sentencing circle, where addictions were an issue and an individual who came to the circle was a recovering heroin addict. [I]n that kind of situation, he had time to say as much as he wanted to say about how strong of a hold a heroin addiction has on a person. Taking heroin to him was as important as eating to someone else -absolutely overpowering. [...] He wasn't the offender, he was there to support the offender. But I have had other ones that were memorable to the extent to which the person had been brought down by becoming an intravenous drug user, losing [their] job and family and spouse, just completely everything of value in their life, gone.

When I started in the North, alcoholism was already everywhere and almost everyone in the community was an alcoholic. If drug abuse and alcohol abuse – if you don't make a distinction - it has absolutely been a central issue. In the North, alcohol was involved in every single case – in some cases, it might be clear because the child was abused by alcoholic parents. Alcohol or drugs are an element in almost all offences.

. . . there is always more pressure on the justice system to deal in a more punitive way with events. So any program that is primarily designed to address an addiction, it is going to look like a slap on the wrist to someone on the outside. It is always difficult to keep a focus on addressing addiction.

### **Charlotte - Criminal Defense Lawyer**

I just got back from Vancouver and there was a *National Post* article on the Eastside and there [are] people that won't use the safe injection sites because there is politics involved. And people say “Well, I don't know the right people at the injection sites so I am not safe there.”

We need more drug treatment programs. And we definitely need more treatment programs for kids. It is just mindboggling. When I was in private practice I had numerous cases, although mostly alcohol and [some of the clients] were 12 years old and there was nothing for them. I had one kid at age 17 that we said “yes – now there is something for him” – but it was all in Alberta, nothing in Saskatchewan. It is just really not enough for kids. There needs to be programs for kids. Programs that kids want to go to – otherwise if you stick them in the programs that adults are in, it is not going to work. If they get out there with their peers they will just do the same things again.

### **Charles – Police Officer**

Selling drugs is a business. They want people to buy and they want return customers and the way they do that is they get you hooked on it and you keep coming back. In order to sell stuff on a regular basis they have to make it cheap enough so people can afford to do it. If they sell rocks of coke for \$150 they won't have any customers, because no matter how much they steal they just won't be able to afford to do that. If it is \$25, they will do it.

The robberies when you have a guy standing on a counter with a shotgun, people in a rational state of mind don't do that, so those are amphetamine based crimes. Those are higher than they have been in the past. Percentage wise it is difficult but it is high. From Thursday at 6pm to Monday morning, 80-90% of the calls for service we respond to are chemical based whether it is alcohol or drugs. Whether it is domestics or assaults or car accidents, it is all chemical based. Usually, the more extreme the behaviour the higher the likelihood that you are dealing with some sort of a stimulant [such as] an IV drug.

### **Laura - Senior Prosecutor**

Society seems to think that everything can be treated and that is not the case. Most of these matters would be better dealt with in the community as they used to be. And I am not talking about murders or serious crimes, but the things like mischief and threatening [cases] – you wouldn't believe how many files we are seeing because someone is concerned that someone has threatened them. [T]hat used to be dealt with in the community. Someone just might go and talk to the other person and take care of it, now everyone thinks you have to call the police and you have to go to court and that is going to take care of it.

You can actually have people charged for trafficking in drugs but if it's not for a profit and it doesn't involve children, selling to children or selling in places where children frequent, those people that are trafficking [are selling] just enough to feed their own habit. For example, the majority of people are in for a whole series of property offences so they are stealing, shoplifting, and maybe stealing cars or things like that to get money to feed their own habit. The people that are doing it are under the influence of drugs, sometimes they are not. But they are committing the crimes and it tends to be property offences. I have only one case where a woman was caught trafficking but it was low end trafficking where she wanted to get money to buy her own drugs.

### **Sean- Prosecutor**

The [criminal justice system] is a reactive system. It is not proactive because we become involved after something has happened. While there are certain small things . . . that could be considered preventative, we are by and large reactive, just by the nature of what we do. But if there was no crime of course, they wouldn't need us at all. We exist to react to social problems rather than try to prevent them or we intervene at a suitable time. So we don't

have much to do with preventing drug use or [with addressing] problems that lead to drug use. We just try to deal with it after it happens.

[T]he justice system is quite efficient in doing what it does - dealing with things like addictions. Our track record in rehabilitating addicts and criminals is pretty dismal. It has always been a major part of what we do, but I don't think we succeed very well.