Jail Time for Addicts

Ballot initiative would hamstring drug courts

EDITORIAL

It’s really sad that California’s public debate over treatment for addicted criminals could be co-opted by a few multimillionaires like George Soros on one side and the corrections officers’ union on the other. Neither knows much about the disease of addiction.

But instead of the public and lawmakers learning from the exhaustive research on addiction treatment and then crafting sound policies, we’re in for another divisive, superficial battle over a ballot initiative.

Soros, who is a New York financier, and a couple of other wealthy men are funding the campaign for the California Substance Abuse and Crime Prevention Act, which will appear on the November ballot. It would spend $120 million for addiction treatment and prevent nonviolent drug offenders from being sent to jail. The investment in treatment is widely supported. The ban on jailing offenders is viewed by many drug court officials as a dangerous experiment.

Corrections officers say the ballot initiative would remove judges’ discretion in sentencing. Weighing in is San Diego Superior Court Judge James Milliken, presiding judge for the juvenile court and chairman of the Superior Court’s substance abuse policy committee. Milliken runs a very successful drug court for addicted parents of kids in foster care. His court has increased reunification rates for families from 30 percent to 70 percent. San Diego judges and the National Association of Drug Court Professionals overwhelmingly oppose the Soros initiative.

Said Milliken: “It’s well-intentioned, but it eviscerates the power of the court.... The hallmark of drug courts is to sentence substance abusers to short terms in jail for relapses.... If you tolerate relapse and don’t have consequences, these people will use (drugs) again and again.... We are successful because we use the coercive power the court judiciously.”

Clients in San Diego County drug courts are tested regularly. If they test dirty, they get an automatic 36 hours in jail for their first relapse, with graduated sanctions thereafter. Under the Soros initiative, judges no longer could send addicts to jail for using drugs or alcohol. The only choice would be to send them to prison if they relapsed many times.

There’s no middle ground.

Milliken just returned from Maricopa County in Arizona, a state that passed a very similar initiative to the Soros measure. He visited their drug court, where the judge is not allowed to send people to jail if they relapse. The result? Forty percent tested dirty that very day.

In Milliken’s court, only one or two test dirty at each session, precisely because of the threat of jail.

Alcohol and drug addiction is the leading cause of crime. If we prohibit the jailing of addicts on probation who relapse, we will wind up with more addicts on our streets, more families torn apart by drugs and alcohol, and more addicts committing serious crimes because they were never coerced into treatment.