

Little bang for enforcement buck

Posted: January 02, 2009, 10:34 AM by Karen Hawthorne

[Crime](#)



Costs, return of street-level drug arrests questioned

Shannon Kari, National Post

Following a two-day investigation in a neighbourhood in Scarborough, the vehicle of Denroy Wolcott was boxed in by four Toronto police cars and he was quickly arrested.

A scale and just over a gram of crack cocaine were found inside the vehicle. The takedown followed an undercover police operation where an officer purchased half of an "eight-ball" (one eighth of an ounce) of crack for \$120.

Wolcott was charged with trafficking and possession of cocaine for the purpose of trafficking.

They are offences that entitle a defendant to a jury trial.

After a two-day Ontario Superior Court trial and more than 15 hours of deliberations, Wolcott was convicted of the trafficking charges, but acquitted of possession for the purpose of trafficking.

In the end, about two grams of cocaine were taken off the streets of Toronto after an investigation and criminal trial that costs taxpayers tens of thousands of dollars.

While the Wolcott case may be an extreme example of significant public resources used for little return, arrests, prosecutions and trials for low-level street dealers are common across Canada. It is a reality that has some legal observers -- and even law enforcement officials -- asking whether police and prosecutors are accomplishing much good by going after the people at the bottom end of the drug trade chain.

"If it is a question of bang for the buck, there is none. Look how much this is costing and how little you are getting," said Jerry Paradis, who was a provincial court judge in North Vancouver

for more than 25 years before he retired.

According to the Centre for Justice Statistics, there were nearly 11,000 trafficking cases prosecuted in Canada in its most recent annual court survey.

While these statistics are not broken down by the drug or amount of narcotic, other data suggest that most of these cases involved street-level dealing. The average trafficking jail sentence was 220 days, which is in line with the normal penalty for someone convicted of street-level dealing. In contrast, someone convicted of commercial trafficking, such as a kilogram of cocaine or more, would normally be facing a minimum of a three-year prison term.

As a result, tens of millions of dollars are spent each year by police and federal prosecutors to punish people who are clearly engaged in illegal activity, yet those efforts do little to stifle the crack cocaine trade.

"Are we making a huge impact on street-level trafficking? Probably not," said Staff Sergeant Darren Derko, who heads the drug section of the Edmonton police. "But it still needs to be enforced. The public expects us to do something."

While the drug squads may not stop the flow of crack in certain areas, he said these units generate "spinoff" benefits, by cultivating sources to investigate other criminal activity in the city.

Frustration about the lack of tangible results in the effort to curb drug activity in downtown Calgary was notably revealed last year by a provincial court judge in that city.

During a sentencing hearing for a man found with two grams of crack, Heather Lamoureux lamented that drug dealing and addicts had "ruined this city in downtown."

"Now I know why my compatriots and friends never come, even to come and have lunch with me. They don't want to hang out in Olympic Plaza and watch a drug deal go down," the judge said.

While she agreed the man had a drug addiction, "he is part of a huge frigging social problem that we have in Calgary," she said.

This past summer, the Alberta Court of Appeal ordered a new trial in the case because the judge's comments displayed a reasonable apprehension of bias. The accused pleaded guilty to a lesser possession charge, as he had been willing to do after he was initially arrested.

Privately, many prosecutors will suggest changes to the Criminal Code would help shift the focus away from street dealers. Trafficking even one gram of crack is a "straight indictable" offence that entitles a defendant to a jury trial and preliminary hearing. If it were amended so that it had a lesser maximum penalty, then prosecutors could decide whether to proceed at the provincial court level and reach plea bargains without the necessity of a trial.

In an ongoing case in Edmonton, a judge agreed with defence lawyer Darin Slaferek that his client's Charter rights were violated in a trafficking case involving about \$700 of crack and marijuana. The three days of court time used for legal arguments would have been unnecessary if the Crown reduced the charge to possession, Mr. Slaferek said. "The Crown should use more of its discretion," he said.

Dan Brien, a spokesman for the federal Public Prosecution Service of Canada, said there is a two-step process in every case. "We weigh the sufficiency of the evidence and whether it is in the public interest to prosecute," Mr. Brien said. He explained that the prosecution service is there to apply the law and not to make policy decisions, which is up to the federal

government.

Mr. Paradis, however, is one of many observers who believe crack cocaine use should be addressed first as a health and addiction issue. It would be better tackled by legalizing it, regulating the drug and treating the users, he said.

The former judge had praise for the Vancouver Police Department and what he called its "restrained approach" to dealing with the addiction problems in the notorious Downtown Eastside.

Many of the street dealers in Vancouver "clearly have health issues," said Inspector Dean Robinson, head of the gang and drug sections of the city's police department. "The street dealers are low-hanging fruit. We want to target the people who are a part of the fabric of trafficking," Insp. Robinson said.

At the same time, police cannot simply ignore the "disorder and chaos" that accompanies open drug use in the Downtown Eastside. "At some point we have to try to stem the flow," he explained.

Law enforcement cannot deal with the problem on its own, said Insp. Robinson, who agreed that the long-standing need for more affordable housing and treatment for addicts is as important as police resources.

As for Wolcott, he was convicted of selling drugs in a part of Toronto that also has its share of poverty and addiction problems. "Why are police always targeting the poor areas?" Wolcott said to the National Post while awaiting his verdict in the fall.

He may have some time to think about the issue when Justice Frances Kiteley issues her sentence this month. The Crown is seeking a sentence of six to nine months in jail.

It costs the public more than \$1,000 a week for every inmate in a provincial jail in Ontario.

(File photo: Saskatoon Police hold a news conference after a major drug bust in the city where four people were arrested in two separate homes: \$30,000 in cash, 1Kg of cocaine plus a small amount of crack cocaine were on display. Gord Waldner/Canwest News Service)