

**Remarks<sup>1</sup> of**  
**The Honorable R. Gil Kerlikowske**  
**Director**  
**White House Office of National Drug Control Policy**

**COMMUNITY JUSTICE 2012:**  
**THE INTERNATIONAL CONFERENCE OF COMMUNITY COURTS**  
**February 1, 2012**

Thank you **Julius (Lang)** for that kind introduction. I'm delighted to be here today.

And I am so pleased to see Judge Bonner on the panel. I have to tell you that during my nine years as Chief in Seattle that Judge Bonner was highly regarded by the criminal justice community; other jurists, law enforcement, prosecutors, and the defense bar. He worked hard to accomplish what this conference is about; problem-solving and collaboration.

As you are well aware, drug use and its consequences harm every sector of our society. It tears families apart, strains our healthcare system, drives crime, and burdens our criminal justice system. And research confirms what you witness each day in your communities.

Drug-induced deaths are the number one cause of injury death in America. There were approximately 38,000 drug-induced deaths in America in 2009. More Americans are dying from drug-induced deaths than from traffic fatalities.

The drug problem is an obstacle to our economic recovery. A recent study by the Department of Justice shows that drug use cost our society approximately \$193

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<sup>1</sup> As prepared.

billion dollars in 2007. Fifty-six billion of those dollars can be traced directly to criminal justice system costs.

This should not surprise any of us.

Today, more than 7 million people in the United States are under the supervision of the criminal justice system. Of these, more than two million are behind bars. The good news is that last year, the U.S. prison population fell for the first time in nearly four decades.

Still, for states and localities across the country, the costs of managing the criminal justice population have grown significantly. Between 1988 and 2009, state corrections spending increased from 12 billion to more than 50 billion dollars per year.

These figures are staggering. Not only because of the sheer number of people in prison or under criminal justice supervision, but because of the impact drugs and substance use disorders have on crime.

Data show that over half of state and Federal inmates used drugs during the month preceding the offense for which they were sentenced. Nearly a third of state prisoners and a quarter of Federal prisoners used drugs at the time of the offense.

These facts underscore the need to take a different approach to drug policy in America – one that sees drug addiction as a disease and seeks to improve the criminal justice system to help break the cycle of drug use, crime, incarceration, and re-arrest.

The Obama Administration believes our approach to drug policy should be guided by three facts: **Addiction is a disease and it can be treated; people can recover; and, simply put, we cannot arrest our way out of the drug problem.**

As outlined in the Administration's National Drug Control Strategy, innovative new interventions are needed to fairly and effectively address substance use and drug-related crime.

By recognizing drug addiction as a chronic and progressive disease, we can prevent and treat the underlying substance use disorder, reduce drug-related crime and recidivism, and help people overcome institutional barriers to recovery.

It makes more sense to support programs and interventions that treat underlying substance use disorders before the condition becomes chronic than to just keep filling our prisons and jails with drug offenders. To get on the right track, the Obama Administration is embarked on an unprecedented effort to reform our criminal justice system and restore balance to the way we reduce drug use in America.

The President's approach is guided by action, not words.

This last fiscal year, the Federal Drug Control Budget devoted **\$10.4 billion dollars to drug prevention and treatment programs, compared to just over \$9 billion dollars on domestic law enforcement.**

To improve fairness and confidence in our system while protecting public safety, **President Obama signed the Fair Sentencing Act** into law. This important and long-overdue criminal justice reform dramatically reduced a 100-to-1 sentencing disparity between powder and crack cocaine. And more recently, we advocated for (and the U.S. Sentencing Commission approved) the retroactive application of these sentencing guidelines, which became effective on November 1 of last year.

To build on this reform, **I held a series of criminal justice policy roundtables across the country last fall**, where I met with local African American leaders to specifically discuss drug policies and how they affect the African American community.

Whether I was in Los Angeles, Brooklyn, Atlanta, Philadelphia or Chicago, everyone around the table agreed that reducing drug use and its consequences can only occur with a balanced approach of public health and public safety.

As community justice professionals, you are well aware of the power of community engagement and collaboration. Community courts can harness the power of the justice system to address local problems and create new relationships with outside stakeholders such as residents, merchants, churches, and schools. By addressing local problems with residents and other stakeholders, community courts can go a long way in bolstering public trust in the criminal justice system.

As someone who served in law enforcement for over 37 years and was an early and strong proponent of community policing, I am happy to see the strides being made with community justice and community courts.

**So it should come as no surprise that this Administration strongly supports alternatives to incarceration such as community courts and drug courts.** There are now over 2,600 drug courts across the Nation, diverting about 120,000 people a year into treatment instead of prison and over 40 community courts currently in operation or being planned around the U.S.

Jurisdictions are also piloting other innovative community supervision programs that employ swift but certain sanctions for drug offenders on probation or parole which have been showing promise for those at high risk of re-offending.

Community courts have expanded sentencing options for low-level offenders. Rather than a judge's choices boiling down to jail or nothing, community courts create a range of intermediate sanctions that allow judges to craft individualized sentences. Community courts have also achieved promising results with drug-addicted offenders and the reduction of local crime.

As a former Chief of Police, most recently in Seattle, I am quite familiar with community courts and have observed first-hand the positive results they can have for a neighborhood and its participants. An independent outcome evaluation found that community court defendants in Seattle re-offended less often than a control group.

The community court defendants committed 66 percent fewer offenses within 18 months of community court intervention compared to before while the control group showed an increase of 50 percent.<sup>2</sup> I also visited the Red Hook Community Justice Center on one of my trips to Brooklyn and saw another successful program in action.

The criminal justice system needs a spectrum of strategies and approaches to effectively address offenders with substance use disorders. Community courts are

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<sup>2</sup> (M. Elaine Nugent-Borakove, "Seattle Municipal Community Court Outcome Evaluation Final Report," Justice Management Institute, October 2009).

an important part of that spectrum - testing new and aggressive approaches to public safety and focusing on creative partnerships and problem-solving.

**We are also providing support for the Second Chance Act**, which provides resources for common-sense, evidence-based approaches to reducing crime. Specifically, this Act provides funding for programs that improve coordination of reentry services and policies at the state, tribal, and local levels.

The programs that are funded include demonstration grants, reentry courts, family-centered programs, substance use disorder treatment, employment, mentoring, and other services necessary to improve the transition from prison and jail to communities, and to reduce recidivism. In FY 2012, the Second Chance Act program received \$58 million dollars in funding, and the Department of Justice will be administering several types of reentry grants this year.

I am sure some of you are involved with reentry programs in your own jurisdictions and can attest to the fact that successful, evidence-based reentry initiatives provide a significant opportunity to reduce recidivism, save money, and make communities safer.

**We are also working to help formerly incarcerated individuals successfully reenter society through the Federal Interagency Reentry Council.** This cabinet-level council, led by the Attorney General, brings key Federal agencies together to remove *actual* Federal barriers to reentry and clarify *perceived* Federal barriers, including obstacles to employment, housing, and access to Federal benefits.

Removing these barriers is vital, because of the more than two million individuals currently behind bars, 95 percent will be released back into their communities. Just recently, the Attorney General requested that all Council agencies review the collateral consequences of Federal laws that prevent those reentering society from becoming productive members of their community. He made the same request of state attorneys general to review their state's laws and regulations. It is possible to protect public safety by carefully tailoring collateral consequences to address genuine public safety risks.

We are making strides at the Federal level, and states are also taking constructive steps through sentencing reform and other criminal justice policy measures.

While state legislative packages vary in scope and scale, many states have enacted evidence-based policies to address the factors that can drive increased corrections costs, crime, and recidivism. This will allow for greater use of alternatives to incarceration with community-based substance use disorder treatment and services, community supervision, and treatment in prison.

I realize these are tough economic times, and that the reforms occurring at the state level, though encouraging, will affect the communities within your jurisdictions. Still, it is essential that we make these types of reforms and these investments in substance use disorder treatment and other services.

It is also important for those of us in the criminal justice field to take the time to understand addiction and how drugs affect behavior. We know drug use changes people and science tells us these changes affect the brain in ways that are long lasting. Understanding this concept helps break the cycle of drug use, crime, incarceration, and re-arrest.

I encourage all of you to learn more about effective strategies and programs, like community courts for substance-abusing offenders and, if you haven't done so already, to consider becoming advocates for innovative approaches in your communities.

Let me conclude by thanking you for your dedication to protecting your communities and by offering some perspective: The smart community justice efforts you are engaged in bring cutting edge innovation to the criminal justice system while improving public safety in your communities.

Your work at the local level plays a critical role in addressing the drug problem in America, making it substantially smaller today than it once was. Rates of drug use have dropped by roughly one-third over the past thirty years. More recently, cocaine use has dropped by 40 percent, and meth use in America has been cut by half.

With your continued support and commitment, we will continue to make ours a healthier, safer Nation.

Thank you.