I negate the resolution, resolved: The abuse of illegal drugs ought to be treated as a matter of public health, not criminal justice.

To clarify the debate, I offer the following definitions:

**Public Health:** The American Heritage Dictionary, 2002 defines public health as the science and practice of protecting the health of a community, as by preventative, health education, and sanitary measures. For the sake of debate, we shall assume public health to be preventative measures.

**Criminal Justice:** In dealing with illegal drug abuse, the four methods of criminal justice are punishment, deterrence, incapacitation, and rehabilitation.

Rebecca Dresser, 1995 (Professor of Law and Ethics at Washington University St. Louis, Long-Term Contraceptives in the Criminal Justice System. http://www.questia.com/googleScholar.qst;jsessionid=Mf2b0CbQqgQqZ6hvh8IC7QKw4Q0Yt3IL52n1MLh6Gq7G8t1qKQJ;137109394547733517?docId=5002220032)

The value is morality because ought is a moral obligation.

We need to look to the impacts of our decisions to determine true morality. **We must focus on the end results to uphold rights and lives.**

Cummiskey, 1996 (David, Associate Philosophy Professor at Bates College, Kantian Consequentialism, p. 145-146)

We must not obscure the issue by characterizing this type of case as the sacrifice of individuals for some abstract “social entity.” It is not a question of some persons having to bear the cost for some elusive “overall social good.” Instead, the question is whether some persons must bear the inescapable cost for the sake of other persons. Robert Nozick, for example, argues that “to use a person in this way does not sufficiently respect and take account of the fact that he is a separate person, that his is the only life he has.” But why is this not equally true of all those whom we do not save through our failure to act? By emphasizing solely the one who must bear the cost if we act, we fail to sufficiently respect and take account of the many other separate persons, each with only one life, who will bear the cost of our inaction. In such a situation, what would a conscientious Kantian agent, an agent motivated by the unconditional value of rational beings, choose? A morally good agent recognizes that the basis of all particular duties is the principle that “rational nature exists as an end in itself” (GMM 429). Rational nature as such is the supreme objective end of all conduct. **If one truly believes that all rational beings have an equal value, then the rational solution to such a dilemma involves maximally promoting the lives and liberties of as many rational beings as possible** (chapter 5). In order to avoid this conclusion, the non-consequentialist Kantian needs to justify agent-centered constraints. As we saw in chapter 1, however, even most Kantian deontologists recognize that agent-centered constraints require a non-value-based rationale. But we have seen that Kant’s normative theory is based on an unconditionally valuable end. How can a concern for the value of rational beings lead to a refusal to sacrifice rational beings even when this would prevent other more extensive losses of rational beings? If the moral law is based on the value of rational beings and their ends, then what is the rationale for prohibiting a moral agent from maximally promoting these two tiers of value? If I sacrifice some for the sake of others, I do not use them arbitrarily, and I do not deny the unconditional value of rational beings. Persons may have “dignity, that is, an unconditional and incomparable worth” that transcends any market value (GMM 436), but persons also have a fundamental equality that dictates that some must sometimes give way for the sake of others (chapters 5 and 7). The concept of the end-in-itself does not support the view that we may never force another to bear some cost in order to benefit others. If one focuses on the equal value of all rational beings, then equal consideration suggests that one may have to sacrifice some to save many.

Thus, the standard is maximizing the quality of life.

Contention 1: Criminal Justice solves for drug abuse and violence.

The coercive nature of the drug courts makes rehabilitation far more effective than through voluntary public health measures.
As discussed previously, part of the success of drug courts in retaining participants is believed to stem from the legal coercion entailed by the threat of incarceration for failing. Further, some evidence indicates that added amounts of legal coercion within drug courts can produce incrementally better outcomes. For instance, presumably because of the added leverage that results when participants are required to plead guilty in advance of participation, drug courts using “post-plea” as opposed to “pre-plea” models may be more effective. One study of a court-mandated treatment program (not a drug court per se) confirmed that the program’s one-year retention rate rose by 10 percent (64 percent to 74 percent) after switching from a pre-plea to post-plea model.35 Also, comparing different post-plea situations, a study of the Brooklyn Treatment Court found that participants facing a progressively longer jail or prison sentence in the event of failing were increasingly likely to become engaged in treatment.36 However, the recent statewide study in New York found less strongly supportive evidence for this relationship across a range of drug courts, and the Baltimore study did not confirm this relationship at all.37 A study of the Las Vegas drug court similarly found that clients entering the drug court post-plea performed worse than pre-plea clients, but the authors believed this may be due to a higher risk clientele entering the court post-plea.38 Thus while the coercive aspects common to all drug courts are effective when compared with voluntary treatment, further research is needed to clarify under what conditions extra levels of coercion produce added value in terms of additional improvements in participant outcomes.

In this regard, the work of Doug Young and Steven Belenko is highly suggestive. In one study, they found that treatment retention rates varied as a direct result of variation on four distinct legal coercion dimensions: (1) information (degree to which program rules and consequences of noncompliance were clearly communicated to participants); (2) monitoring (degree to which compliance was closely monitored through regular progress reports to the court and other means); (3) enforcement (degree to which noncompliant participants could expect to be rapidly caught, brought back to court, and face consistent consequences); and (4) severity (length of the resulting jail or prison sentence or other consequence). Further, this research suggests that legal coercion becomes more effective when coupled with clear communications by justice system authorities that reinforce participants’ impression that failure will elicit adverse consequences. This reinforcement creates a perception of coercion, which in turn mediates the relationship between the court’s objective mandate on one hand and the resulting compliance outcomes on the other. For example, the dimension of “severity” is not measured merely by the objective facts of what will happen if participants fail but by participant perceptions of how much jail or prison time or what other consequence they will face. Implication: Drug courts should convey clearly, frequently, and specifically to participants exactly what will happen if they graduate (case dismissal or other legal benefit) and what will happen if they fail (how much jail time they will have to serve); and should convey the nature of the court’s monitoring and enforcement efforts to detect and address noncompliance.

Graduates of drug courts have lower rearrest rates. King ‘09,1


An analysis of research findings from 76 drug courts found a 10% reduction in rearrest, with pre-adjudication courts experiencing a 13% decline in rearrest. An analysis of 30 drug court evaluations found an average 13% decline in the rate of recidivism for a new offense. A meta-analysis of 57 studies estimated that participation in a drug court program would produce an 8% decline in crime relative to no treatment.4 A Government Accountability Office report found that 13 of 17 courts reporting on post-program recidivism measured reductions between 4 and 25 percentage points in rearrests and recidivisms. An evaluation of drug courts in Florida and Missouri, which tracked drug court participant progress for 24 months, found a substantially lower rearrest rate for drug court graduates relative to the comparison group: 12% vs. 40% in Florida and 45% vs. 65% in Missouri. These represent a reduction in rearrest rates of 70% and 31%, respectively. Six drug courts in New York State averaged a 29% reduction in rearrest measured over 3 years following participants’ initial arrest.11 Recent research suggests that these reductions in rearrest extend beyond the first few years following treatment. An evaluation of the Multnomah County, Oregon drug court found a 24% reduction in drug arrests for participants thirteen years after initial entry into the program.12
Drug abuse and violent crime correlate. DEA 03

According to the [In] 1999 Arrestee Drug Abuse Monitoring (ADAM) study, more than half of arrestees for violent crimes test positive for drugs at the time of their arrest. It is impossible to claim drug use is victimless crime or deny the relationship between drugs and violence, especially when looking at an Office of National Drug Control Policy (ONDCP) estimate for [in] 1995, which estimates there were almost 53,000 drug-related deaths in that year alone, compared to 58,000 American lives lost in eight and a half years in the Vietnam War. The assertions dismissing the connection between drugs and violence by legalization proponents are simply not true. Drug use, legal or not, is not a victimless crime; it is a crime that destroys communities, families, and lives.

Thus, drug court not only solve for drug abuse but also solves for violence and rearrests that come from drugs as well.