

In States' Anti-Drug Fight, A Renewal for Treatment

By TIMOTHY EGAN

PHOENIX — A thief, a burglar, a gang member, a drug dealer and a mother stepped into a windowless room in this overbaked city one Tuesday afternoon, strip-searched of pride and any material possession that made them somebody outside the brick-walled room.

They are drug addicts in treatment, and every one of them might well be in prison under Federal law and the statutes of most other states. But in defiance of Arizona's political establishment, voters here took the law into their own hands and voted twice, by large majorities, to make their state the first to mandate treatment instead of prison for drug offenders.

So they sat in the ground-floor room, five people on a shaky frontier, talking about how tough it was to keep away from the pills, powder and smoke that used to run their lives. Several had been heavy users of crack cocaine, once characterized, as so addictive that its users were deemed to be beyond help. All of them have tested clean for drugs.

"Believe me, this is harder than jail," said Albert Delatorre, the former gang member who would have faced up to five years in prison before the new law mandated treatment. "It's been a struggle. But treatment has helped me become a man. I've grown up." He is 22.

A dozen years after the national alarm over crack speeded the discarding of drug treatment in favor of punitive laws that helped create the world's largest prison system, drug policy is taking another turn. Treatment is making a comeback, driven largely by a grass-roots revolt.

In changing its laws, Arizona has taken the boldest step. But at least 40 states are giving judges and prosecutors discretion within existing laws to steer offenders toward treatment instead of jail through drug courts. A number of states are considering changing their mandatory prison laws for drug offenders, most notably New York, which was the first to re-

quire long sentences for possession of small amounts of drugs 26 years ago.

In the crack years of the 1980's, treatment programs were gutted while the drug-fighting budget quadrupled. News reports said crack was the most addictive substance of all, and prisons started to fill with people who once might have received help instead. As a result, the number of Americans locked up on drug offenses has grown to 400,000 today from 50,000 in 1980.

Yet even during the height of the prison boom, when some people were sentenced to life behind bars for possessing small amounts of a drug, a number of treatment centers continued to

CRACK'S LEGACY

A special report.

have success.

While not all addicts respond to treatment — some studies show that a majority fail, usually in the first month — these programs showed that crack was less addictive than some other street drugs, or even nicotine, and that many of its users responded to conventional group therapy. Habitual users of crack, according to a five-year Federal survey of treatment published last year, showed greater success at staying clean than alcoholics.

"It was simply nonsense, this notion that crack addicts were untreatable," said Dr. Mitchell Rosenthal, the president of Phoenix House of New York, the nation's largest private, nonprofit drug treatment institution, which has worked with more than 75,000 addicts over the last 30 years.

Some of the experts who called crack the worst drug of all have done an about-face.

"I've changed my view because of the data that has come in over the last 10 years," said Dr. Charles P. O'Brien, chief of psy-

chiatry at the Veterans Affairs Medical Center in Philadelphia, who in the late 80's described crack as "by far, the most addictive drug we've ever had to deal with."

What changed his mind were national surveys that showed 84 percent of people who tried cocaine — either smoking it as crack or inhaling it in powder form — did not become addicted. Dr. O'Brien said he had also been swayed by a study of habitual users of crack who were assigned to treatment. A year after treatment, at least half tested free of drugs, according to the study, which he co-wrote.

"It turns out that many people can, and do, stop using crack — even those who were addicted to it," Dr. O'Brien said.

The Impetus

From the Voters, A New Mandate

Locking up crack users is still the policy in the Federal system. A person caught with five grams of crack — worth about \$125 on the street — and prosecuted under Federal drug laws in any state faces a mandatory five years in prison if convicted. Crack is the only drug that carries a mandatory prison term for possession.

But in Arizona, because of a voter initiative, the same crack user prosecuted under state laws cannot be sent to prison. Instead, he must undergo drug treatment. The money for treatment comes from the offenders themselves and from a tax on liquor.

Many states have adopted similar policies by establishing drug courts, which sentence people to treatment as a way to keep them out of jail. Started in Miami by judges and prosecutors frustrated by the conveyor-belt justice of the war on drugs, these courts have grown from a handful at the start of the decade to nearly 600 nationwide. More than 90,000 people have been sent to treatment through drug courts.

In recent months, even some of the most punitive states have turned away from imprisoning all drug offenders. The Legislature in Washington, a state that helped start the policy of life in prison after three convictions, recently passed, 97 to 0, a bill that would give judges discretion to send addicts to treatment instead of jail.

Louisiana, which trails only Texas in the percentage of its population in prison, has embarked on an ambitious drug court program, led by prosecutors and judges who say their jails can take no more people whose only crime is drug use.

Drug courts have sprouted throughout New York, New Jersey and Connecticut, though the basic laws on mandatory sentences for a host of drug crimes have not changed. In many cases, it is prosecutors who have discretion to send offenders to treatment, instead of filing charges that could lead to jail time.

"Drug courts work," said Judge John R. Schwartz, chief of the city court system in Rochester, N.Y. "They treat the underlying disease of addiction. Prison does not break the cycle of addiction."

While critics say the drug courts coddle chronic abusers who belong in jail, the cost savings have won over many others. Treatment instead of prison saves about \$20,000 per person a year, according to a study last year by the National Center on Addiction and Substance Abuse at Columbia University.

Gen. Barry R. McCaffrey, the director of national drug policy, has become a promoter of drug courts, saying they "constitute one of the most monumental changes in social justice in this country since World War II."

After three years as the drug czar, General McCaffrey says he has concluded that treatment is the best way to reduce drug use.

The Clinton Administration has increased financing for treatment by 17 percent over the last four years. But President Clinton's drug-fighting budget, at \$18 billion, the biggest in history, still directs nearly two-thirds of the money to enforcement and interdiction of the drug supply, a proportion unchanged since the Reagan Administration.

Treatment will get about \$3 billion from the budget.

According to the General Accounting Office, the investigative arm of Congress, 70 percent of the people sent to drug courts successfully complete treatment. People who are sent to prison instead of treatment are four times as likely to commit another drug crime within five years of release, the

1/2
The New York Times

THURSDAY, JUNE 10, 1999

report found.

"Drug treatment programs are like Madonna — they keep reinventing themselves after everyone has written them off," said Barbara Zugor, executive director of one of Arizona's oldest treatment centers, the Treatment Assessment Screening Center.

On Ms. Zugor's office wall are pictures of her with the nation's drug czars through the years, from William J. Bennett, who advocated locking up casual users, to General McCaffrey, who says he has dropped the term "drug war" as inappropriate.

Looking at the pictures, Ms. Zugor said drug policy had essentially gone full circle, from the hope of early treatment years to a harsh period of prison-building and zero tolerance to a trend toward treatment but with a coercive element.

"For all the money we've spent as a country, we haven't really had a good debate on what works," she said. "I do know this, though: Law enforcement and the courts and prosecutors seem to be awfully tired of picking people up and sending them off to jail."

The Change

Retired Millionaire Began Effort in 1996

Arizona might seem an odd state to turn the table on American drug policy. Its voters are generally conservative and definitely not soft on crime. For years, the state's imprisonment rate has ranked among the top. And under the state's basic drug laws, it is a felony to possess even the smallest amount of drugs like marijuana.

In the last five years, the prison population has ballooned by 50 percent, to 26,000. State officials say drug and alcohol abuse are at the root of the crimes of about 75 percent of the inmates, matching national surveys.

Arizona used to proclaim zero tolerance toward drugs, a policy publicized with commercials showing graphic images of prison life. A tent camp for prisoners — nicknamed Camp Arpaio, after the tough-talking Maricopa County Sheriff, Joseph Arpaio — was perhaps the most visible symbol of crime and punishment in the Grand Canyon state.

But in 1996, a retired millionaire, Joseph G. Sperling, started a political rockslide that is still sending down stones. Mr. Sperling, who is 78 and calls himself a lifetime student of British empiricism and economic history, made his fortune by building a university system for profit and then taking public the company that ran the system, called Apollo. But he was not ready to retire.

"As a social scientist, I thought the drug war was one of the most disastrous public policies I'd ever encountered," he said in an

interview from Vienna, where he was vacationing. "Three years ago, I was talking with some Arizona politicians, and I said, 'We ought to reform the drug laws.'"

Mr. Sperling was particularly incensed by how crack had been depicted in the press and by policy makers as something that turned people into robots or animals. A front-page article in *The New York Times* in 1988, for example, reported alarm among drug experts: "Once people become addicted, these experts say, it is nearly impossible for them to stop using crack and never go back to it again."

Mr. Sperling said, "It was the same thing people said about marijuana-crazed blacks back in 1914."

Joined by George Soros, the philanthropist who has poured millions of dollars into overturning drug laws in several states, Mr. Sperling became a principal financial backer of an initiative to change Arizona's drug laws, Proposition 200.

Virtually the entire Arizona political establishment, the press and major national anti-drug leaders campaigned against Proposition 200. Its most controversial part could have made drugs like heroin, LSD or marijuana legal for medical purposes when prescribed by two doctors.

But a less-discussed provision mandated treatment instead of prison for drug offenders as well as for certain nonviolent lawbreakers, mainly criminals whose core problem was drug addiction.

Proposition 200 passed by a 2-to-1 ratio in 1996. Then the Legislature amended the measure, saying voters had committed a grave error. But then supporters of the original initiative put it up for another statewide vote and again it passed, with a 57 percent majority in 1998.

"It was a dirty little secret that most people understood — the drug war had failed," Mr. Sperling said. "The people were way ahead of the politicians on this."

The part of the law that allowed doctors to prescribe major drugs has been effectively halted by Federal restrictions on the medical use of such drugs.

But the treatment provision was quietly put to work more than two years ago, and early results show that three-fourths of the people who complete treatment test clean for drugs afterward.

The initiative labeled pro-drug by its opponents "is doing more to reduce drug use and crime than any other state program," said Judge Rudy Gerber of the Arizona Appellate Court.

Proposition 200's requirement that offenders get treatment instead of prison infuriated Rick Romley, the prosecutor of Maricopa County, which encompasses Phoenix, because he believes that the threat of punishment is essential.

Under a county treatment program called Do Drugs, Do Time, drug users are threatened with jail if they do not agree to accept treatment. Using this coercive approach, the program has been very successful, officials at the prosecutor's office said, with a recidivism rate of less than 10 percent.

"We believe strongly in treatment," said Barnett Lotstein, a special assistant to the Maricopa County prosecutor. "We're not 'lock 'em up and throw away the key' people. But you have to have something to hold over people, a hammer if you will."

Not far from the new office buildings and sports complexes of downtown Phoenix is a strip of asphalt that used to be the haunt of crack addicts. In recent months, many of them have disappeared. Some have been rounded up by the police and sent to jail on a variety of charges. But many others are in treatment, county officials said.

Asked about the view of experts in the 1980's that crack addiction was untreatable, Norman Helber, Maricopa County's chief adult probation officer, said, "We seem to have an awful lot of ex-crack addicts in Arizona who could tell you otherwise."

The Early Fight

Combining 'War' And Prevention

Richard M. Nixon was the first President to declare a "War on Drugs," but he also directed about two-thirds of all Federal anti-drug money at treatment and prevention, particularly of heroin addiction, with great success, as measured by sharp drops in crimes committed by drug addicts. Nixon's policy, led by a young psychiatrist, Dr. Jerome H. Jaffe, expanded federally financed treatment centers from 6 in 1969 to more than 300 in 1973.

"What worked for Jerome Jaffe a quarter-century ago could be just as effective today," Michael Massing wrote in his narrative history of drug policy, "The Fix" (Simon & Schuster, 1998).

Discouraged by news accounts of addicts who had skipped out of treatment, Gov. Nelson A. Rockefeller of New York became one of the first major politicians to turn against treatment.

"Let's be frank," he said in a 1973 speech. "We have found no cure."

The Governor created some of the nation's most punitive drug laws, which locked people up for 15 years for possessing certain drugs.

For the next 20 years, the dominant sentiment among politicians and prosecutors was "nothing works," and treatment fell out of favor — particularly in the crack years.

The Process

Trying to Rebuild Wrecked Lives

Ever since his mother handed him a marijuana joint laced with opium at the age of 10, Leslie Angle said, he has had a companionship with illegal drugs. Mr. Angle is 39 now, gray haired, with a bit of a slouch.

"Crack is the one drug that made me see that I needed help," he said. "I hit my bottom with that drug." He was homeless, stealing to stay high, selling stolen property. He has been in and out of jail a half-dozen times for a variety of petty crimes, all of them tied to his drug addiction.

Mr. Angle entered the Proposition 200 treatment program in Arizona early last year and pays about \$40 a week, using money from Social Security disability payments for mental illness. Like others in treatment, he attends about two sessions of group therapy a week, led by a licensed counselor.

There is no acupuncture. No synthetic substitutes such as methadone. No shock therapy or drugs designed to mute the brain's pleasure impulses. The treatment is aimed at getting Mr. Angle to recognize the patterns of abuses in his life.

"This teaches me things I didn't know before," Mr. Angle said. "I'm tired of just stumbling along through life — sick of everything I became. This program has taught me that I have a choice: that I can change."

In New York, Phoenix House admits about 1,000 people every year to a residential treatment program. Many of them might otherwise go to prison under the state's Rockefeller drug laws. The laws give judges no choice but to sentence offenders to jail, but prosecutors often decide not to press charges if an offenders agrees to stay in a program like Phoenix House.

Gov. George E. Pataki of New York, a Republican, has suggested that the drug laws, arguably the harshest in the country, could be amended to give judges discretion to send some first-time offenders to treatment instead of jail. Critics say Mr. Pataki proposal is too modest, but Democrats, concerned they would be labeled soft on drug crime if they agreed to the changes, have refused to act on it.

A majority of the people who enter Phoenix House identify crack as their primary drug. Treatment involves extensive group therapy for 12 to 18 months, paid for by state and Federal grants, or donations. The routine is strict, with 10 people to a room, military-like insistence on neatness, punctuality and politeness.

For people who are used to instant gratification, Phoenix House is a long, slow process — a prospect that makes many addicts balk at entering on their own.

But the program's results defy the assessment that crack addicts are untreatable. About 70 percent of those who complete at least a year of the program have tested drug-free up to five years later, said Dr. Mitchell Rosenthal, president of Phoenix House.

"Crack and me were like best friends," said Danny Servera, a 31-year-old New Yorker who has been in treatment for eight months. Mr. Servera is a natty dresser who used to manage a men's clothing store. This is his second time in treatment for crack.

"I never woke up in the morning with the shakes or anything like that," Mr. Servera said. "For me, it was always mental. I'd start to think about getting high as a way to numb myself."

Treatment is built around the person, not the drug. It involves rebuilding a life, in contrast to prison, where the concept of rehabilitation has been all but abandoned.

"There's a growing number of us who never walked away from the belief that the key to bringing down drug use is trying to change behavior," said Barbara Broderick, who administers the drug treatment fund for the state of Arizona. "Prison should be for violent people and the recalcitrant."

It is prison where most hard-core drug users who get in trouble with the law now reside. More than 90 percent of them have had no treatment for the addictions that got them behind bars, where drugs often remain freely available.

Locking up these people, in the view of some criminologists, is a main reason crime is down. But as many of the nation's 400,000 imprisoned drug offenders are released in the coming years, they are likely to follow a pattern that has already taken hold: the ones who have not been treated — the great majority — will commit another crime within five years.