

Join Together Online, June 27, 2008

link: <http://www.jointogether.org/news/features/2008/calif-drug-reform-initiative.html>

Calif. Drug-Reform Initiative Approved as Addiction Groups Choose Sides

By Bob Curley

The state of California recently gave final clearance for the Nonviolent Offender Rehabilitation Act (NORA) to appear on the November ballot, but some prominent groups in the addiction community have come out in opposition to the measure, fearing its national implications.

In early June, California Secretary of State Debra Bowen certified <http://www.jointogether.org/news/features/2008/new-calif-ballot-initiative.html> NORA, saying that the initiative backers submitted 761,183 signatures, far more than the 433,971 needed to qualify for the ballot.

NORA will appear on the state ballot as the Nonviolent Offenders, Sentencing, Parole and Rehabilitation Statute and read as follows:

"Requires State to expand and increase funding and oversight for individualized treatment and rehabilitation programs for nonviolent drug offenders and parolees. Reduces criminal consequences of nonviolent drug offenses by mandating three-tiered probation with treatment and by providing for case dismissal and/or sealing of records after probation. Limits court's authority to incarcerate offenders who violate probation or parole. Shortens parole for most drug offenses, including sales, and for nonviolent property crimes. Creates numerous divisions, boards, commissions, and reporting requirements regarding drug treatment and rehabilitation. Changes certain marijuana misdemeanors to infractions."

The California legislative analyst and finance director estimated that the measure could cost the state an extra \$1 billion in expenditures for expanded treatment and rehabilitation services for offenders in state prisons, on parole, and in the community. However, the analysts also said that, "Savings to the state that could exceed \$1 billion annually due primarily to reduced prison and parole operating costs," and that net savings on capital costs for new prison facilities could exceed \$2.5 billion.

In a June 18 letter to supporters, Ethan Nadelmann, executive director of the <http://www.drugpolicy.org> Drug Policy Alliance (DPA), called NORA "the most significant reform of prisons and sentencing in the history of the United States."

"It provides a solution to the state's prison overcrowding crisis through a combination of measures that will simultaneously and safely reduce the size of

the prison population, provide effective treatment and rehabilitation, reduce recidivism and crime, and save taxpayers billions of dollars," said Nadelmann, who added that NORA is "also about reforming California's prison industrial complex in ways that will transform the state into a leader in sensible drug and sentencing policy, and serve as a model for other states."

Nadelmann said that NORA's provision for changing marijuana possession from a misdemeanor to an infraction similar to a traffic ticket "will protect some 40,000 people a year convicted of simple marijuana possession from the serious and life-long collateral consequences of a criminal record."

CADCA, Drug Court Group Signal Their Opposition

However, NORA has generated some significant opposition, both within California and nationally. Critics include the California Narcotics Officers Association, the <http://www.nadcp.org> National Association of Drug Court Professionals (NADCP), and <http://www.cadca.org> Community Anti-Drug Coalitions of America (CADCA).

"Some aspects of the NORA initiative are consistent with NADCP's mission of extending treatment in lieu of incarceration for a large proportion of nonviolent drug-involved offenders and endorsing the use of evidence-based treatments, including psychiatric medications and anti-addiction medications," said NADCP in a position statement against NORA. "However, many of the core provisions of NORA are inconsistent with NADCP's core philosophy ... of combining treatment with accountability; ignore research evidence on effective dispositions for drug offenders; threaten the survival and proven success of California's drug courts, and drug courts across the nation; extend DPA's influence at the expense of public safety, proven judicial interventions, and DPA's political and philosophical adversaries; [and] endorse treatments and practices associated with the harm-reduction and legalization movements that are unproven and objectionable."

NADCP says that NORA funding is limited only to adult drug courts, leaving juvenile, family, and reentry drug courts out in the cold.

"NORA fails to learn many of the lessons of Proposition 36 regarding the importance of holding offenders meaningfully accountable for their actions, and matching offenders to appropriate dispositions based upon their criminogenic risks and needs," according to NADCP. "NORA goes well beyond Proposition 36 in restricting the circumstances under which probation and parole may be revoked and permits larger numbers of treatment failures before the drug court model can be applied. The result is likely to reduce the effectiveness of the judiciary for combating drug-related crime in California and contribute to a further increase in drug-related recidivism."

CADCA, meanwhile, also advised its members in California to advocate and vote against NORA, noting that DPA -- "a leading advocate for drug legalization" -- is backing the measure and that the initiative contains a number of "problematic"

mandates, including decriminalization of marijuana possession, the establishment of a state commission that would set rules for treatment diversion programs and oversee funding, and limits sanctions for drug offenders.

"[NORA] effectively discontinues funding for three specific drug court programs and instead provides funding for a three-track drug treatment diversion program which allows offenders, even those with as many as five prior felonies to participate, as long as they appear to have a drug problem," according to a CADCA action alert from public-policy associate David Kurosky.

CADCA's alert also noted the estimated \$1 billion cost of NORA to California taxpayers, but did not mention the estimated cost savings detailed by the California Legislative Analyst's Office. "The enormous taxpayer expenditures mandated by NORA are likely to far exceed any realized benefits," NADCP agreed.

"NADCP is concerned not only about the impact of NORA in California, but also its potential influence at the national level," according to the group's position statement. "As was attempted by DPA in the aftermath of the enactment of Proposition 36, it is anticipated that the backers of NORA will use any success in California as a springboard and template for instituting similar legislative efforts in other states."

Support from California Treatment Community

NORA has received a much more positive reception from the treatment community, however: The <http://www.caadpe.org> California Association of Alcohol and Drug Program Executives has endorsed the measure, as has the <http://www.csam-asam.org> California Society of Addiction Medicine (CSAM). And polls suggest that voter support for NORA also is strong.

"We believe that this is the kind of reform that is necessary," said Kerry Parker, executive director of CSAM. "There were things about Proposition 36 that needed to be improved on and this initiative does so ... It basically doubles funding for drug treatment in California, including for adolescents."

Parker said that many of the opponents of NORA are the same individuals and groups that opposed Proposition 36. "NORA will provide more money and support for drug courts," she said. "It's unbelievable that [groups like NADCP] are not supporting it."

Nor does CSAM have any qualms about working alongside DPA in advocating for the measure, says Parker. "They have the money and we don't," she said. "It behooves the treatment community to rally behind them because we all have the same goal, which is to increase access to treatment."