



Treatment, Not Jail, For Low Level Drug Crimes

Tony Cox

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A pilot program in Seattle, Wash., and surrounding King County allows some low-level drug offenders to go to rehabilitation programs instead of prison. Guest host Tony Cox speaks with King County's sheriff, a public defender and a member of the Seattle police department about the bi-partisan plan.

TONY COX, HOST:

This is TELL ME MORE from NPR News. I'm Tony Cox sitting in for Michel Martin. Still to come, we take a look at a Duke University documentary project that captured first person stories of African-Americans from the Jim Crow South. But first, former President Richard Nixon declared war on drugs more than 40 years ago, but America's struggle to control illegal narcotics and substance abuse continues today with uneven results. This week, the White House issued a report saying blacks and Hispanics arrested for drug offenses are jailed at a disproportionate rate compared to whites.

The report also says we, quote, "cannot arrest our way out of the nation's drug problem," end quote. As new approaches are sought, a novel idea has come out of Seattle, Washington and surrounding King County. Officials there have just started a program that gives low level non-violent drug offenders who are arrested a choice - go to rehab or go to jail. Joining me now to speak about the program called Law Enforcement Assisted Diversion, or LEAD, are King County Sheriff Sue Rahr; Jim Pugil, an assistant chief in the Seattle Police Department - he oversees the investigations bureau that is in charge of narcotics - and Lisa Daugaard, a public defender in the Seattle area. Welcome, the three of you.

JIM PUGIL: Thank you for having us.

SUE RAHR: Thanks, Tony, thank you.

COX: Lisa, I'd like to begin with you. Obviously your office thought there was a problem with the way drug crimes were being prosecuted in Seattle. What was that problem?

LISA DAUGAARD: Well, just like everywhere, Seattle has had a pattern of arrests where people of color and in particular African-Americans are disproportionately represented among those being arrested for drug crime. We thought that was a problem and I think there's a growing national recognition that it is a problem. It's a policy problem, not one necessarily caused just by the choices of police forces, and we began 10 years ago, actually, litigating a challenge to racial bias in drug arrests that lasted several years.

COX: You know, it's not often, Sue Rahr, you're the sheriff of King County. It's not often that I think it's fair to say that the police and the prosecutor's office and the public defender are on the same page with

respect to how to pursue some of these cases. Number one, do you agree that there was a problem? And number two, how comfortable are you with this solution?

RAHR: I do agree that there was a problem and I also agree with Lisa that the problem wasn't necessarily a result of bias on the part of police officers. The problem is with the system, and I think we are all adults here and we were able to come together thanks to Lisa's leadership and talk about a way to not have a system that is going to disproportionately impact a particular class of people, a class of people that may not have the means to hire a lot of expensive attorneys and be able to make the system work for them.

COX: I want to ask you, Jim, because you also are in law enforcement and your charge is to protect the community - how are you able to make sure that that charge is adequately met while at the same time trying to address this other important issue?

PUGIL: Well, the standards that have been set up on screen, these low level non-violent drug offenders, are pretty strict and they allow the officer who's been specifically trained in this geographic area of downtown Seattle, which is known as Bell Town, to refer the candidate directly to the wrap-around services, and as I mentioned earlier, the standards that are used as a screening tool do not allow violent offenders or other people who are traditionally preying on innocent people or some of the other drug dealers.

So it took quite a while to set up and to agree on what the standards would be, but we feel confident that not only is the community going to be protected but we're going to really help the low level non-violent drug offender.

COX: Lisa, help us understand who exactly we are talking about when we say non-violent low level offender and give us - walk us through an example of a case.

DAUGAARD: Sure, so people are eligible for LEAD if they are in possession of or selling small amounts of narcotics, but that still encompasses about 90 percent of the arrests that are being made by the Seattle Police Department. So it's potentially a large number of cases. So what a case looks like is that an officer in the ordinary course of business makes a drug arrest just like she or he would ordinarily have done. If the person is willing, the officer can immediately refer the individual to LEAD and a case manager comes and they develop an individual intervention plan that identifies, you know, what are the factors that led this individual to be out selling drugs on the street corner, which is not a situation that most people, frankly, want to see themselves in five years down the road.

So there are conversations about what would you like to be doing, what leads you to be here? For some people that's addiction, and so some strategy to address substance dependency would probably be involved. Some people are selling drugs not because of addiction but frankly because it's a wage. We have, you know, profound unemployment in this country, and particularly for this segment of the population.

So people who are selling drugs because it's the way that they can make their rent, you know, for them the intervention is going to be quite different. It's going to be oriented toward developing a way that they can earn a living to support themselves and their family long term. So there is no problem that leads somebody to be out on the street engaged in the drug economy that LEAD is not willing to take a look at and engage with.

COX: If you're just joining us, you're listening to TELL ME MORE from NPR News. I'm Tony Cox speaking with Seattle Assistant Police Chief Jim Pugil, King County Sheriff Sue Rahr, and Lisa Daugaard, who is a public defender in Seattle. We are discussing a new program there to divert low level drug offenders to rehab rather than to prison. I would like to ask you, Sue, if I may - the community's reaction to this, what has it been?

RAHR: The community's reaction so far has been positive. The bottom line is we all have the same goal and that is to get people to stop breaking the law, to stop dealing drugs and to stop abusing drugs, and the most effective way to stop that is to get them out of their addiction. If we can get them direct into a treatment plan without bringing the criminal justice system in, we save money that can then be applied to the treatment side.

We've had great success with drug court in this area, and this is a way of simply removing the first step before somebody has the same type of process they would have in drug court.

COX: You know, other jurisdictions around the country, particularly in Southern California, are having problems with over-crowding and inmates. Is that in anyway an impetus for this?

RAHR: Absolutely it is, and again, the focus here is to spend our limited resources wisely. It makes more sense to devote the greatest amount of resource into fixing the problem. We have seen that punishing people out of drug addiction is not effective. Now, with that said I want to be clear - this is a system where you use the carrot and the stick. We still have to have the stick. There still has to be a legal consequence for not going along with the program, but we want to offer the carrot first because the carrot is less expensive and more effective.

COX: How many people would you say, Lisa, have taken advantage of this so far?

DAUGAARD: Well, LEAD just launched in October, so we're just in the very early stages of really making it operational. There have been numerous referrals and those individuals are so engaged with the service provider who is providing case management.

We've seen, already, really sort of a new day of cooperation between social service providers and law enforcement. Those folks are working together on the street every day in communication about, you know, what's going on with the folks who have been referred to lead, how they're doing, collaborating on having these referrals turn out well.

COX: Is there a racial element to this?

DAUGAARD: There is a racial element to the impetus for many of us to be involved in, putting this approach together. That's not true for everybody. This is what we call an interest-based collaboration for all kinds of different reasons. Virtually, everybody involved in our local justice system was frustrated with the status quo and felt like it wasn't delivering the kinds of outcomes we wanted to see.

For some of us, the primary concern was racial disparity or bias in the administration of the war on drugs and, again, that isn't something that is specialized to Seattle, localized to Seattle.

But for others, especially law enforcement and prosecutors, I think it was just a feeling of, you know, there's got to be a better way. We've been doing the same thing for a long time and, although it is a

reflection of our national policy, folks can see on an individual basis that often is a revolving door. You put people in jail, you put people in prison, they come out, they're no further down the road to being able to lead a healthy life. And so there was this shared dissatisfaction with the status quo, even though that may have come from different sources.

COX: I can't imagine that anyone would choose jail over LEAD, but does it happen?

DAUGAARD: It hasn't happened yet. I think it could. There are times when people are not ready to sit and talk with somebody about making changes. They know that they'd really rather stay where they are for the time being and if such a person is referred to LEAD, you know, as I said, it's a completely voluntary program for the individual, so they can always choose the traditional route.

If that happens, that doesn't mean the person might not be referred to the program, you know, a year or so down the road and have a real different outcome.

COX: How long, from a law enforcement standpoint, are you willing to support a program like this?

DAUGAARD: Well, I'm willing to give it a couple of years. Drug addiction is not an easy problem to correct. Unemployment, homelessness - those problems are very, very difficult to overcome and I think it's going to take us a couple of years to establish the credibility of the program and I think that's when we'll begin to see the outcomes.

COX: You agree with that, Jim?

PUGIL: Yes, I do. In fact, I was a precinct commander 10 years ago when we started really responding to the Bell Town neighborhood that wanted us to get rid of the drug dealers. And simultaneously, and because of the disproportionality of the street level user and seller, Lisa started suing us. And so we were not only spending money on the law enforcement and the incarceration and the prosecution, but we were also spending money on defending our actions. So I would say at least two years, and it took us 10 years to get here and I know that the mayor, the chief and I and everyone else are willing to do it another 10 years to see if it works.

COX: Jim Pugel is an assistant chief of the Seattle Police Department. Sue Rahr is the sheriff of King County and Lisa Dugaard is a public defender there. They joined us from member station KUOW in Seattle. If you missed any of the conversation, you can hear it online. Just go to NPR.org/TellMeMore.

COX: Coming up, a lot of people told Lester Spence that he was not smart enough to succeed in college, but his first professor disagreed.

RALPH STORY: Lester's intelligence was almost automatically apparent, from the first assignment that he turned in.

COX: And that experience changed Spence's life.

LESTER SPENCE: That was the first time anybody had ever talked to me, that they identified what I felt was inside me.

COX: Our regular Barber Shop guy, Professor Lester Spence, shares the story of a teacher who inspired him with the folks at StoryCorps. That's just ahead on TELL ME MORE from NPR News. I'm Tony Cox.