

NADCP



National Association of Drug Court Professionals

**Position Statement on the
*Nonviolent Offender Rehabilitation Act (NORA)***

SUMMARY

The *Nonviolent Offender Rehabilitation Act* (NORA) is a comprehensive ballot initiative sponsored by the Drug Policy Alliance (DPA) that will be placed before California voters for the November, 2008 election.

NORA is 36 single-spaced pages long, in small font, and makes numerous amendments to statutes, court cases and executive orders. The brief summaries and fact sheets provided by the authors do *not* accurately reflect what this law would do, and voters are likely to be seriously misled as to what they are being asked to endorse.

The National Association of Drug Court Professionals (NADCP) is committed to setting the record straight on NORA and assisting California voters to understand what is truly at stake.

NORA is actually a drug-decriminalization measure disguised in sheep's clothing. NORA is a sentencing statute and not a treatment statute. It prevents judges, prosecutors and law enforcement officials from holding offenders accountable for abusing illegal drugs and continually violating the law. NORA requires judges to give drug offenders *six* bites at the apple before they can be meaningfully sentenced for their crimes. Offenders can commit six consecutive felonies and/or probation violations before receiving appreciably more than a slap on the wrist. Worse still, inmates released from prison on parole can only be supervised for a few short months, and cannot be returned to prison for committing new misdemeanor crimes and continuing to abuse drugs.

NORA is *not* limited to nonviolent offenders. Despite its innocent sounding name, NORA does not deal solely with nonviolent offenders. Rather, it deals with criminals who have been arrested (this time) for a nonviolent drug offense. Offenders who were convicted of violent crimes more than 5 years in the past would still be eligible for some aspects of NORA. And those who were arrested for violent crimes, but not convicted, would also be eligible. Finally, repeat offenders who were convicted of 5 different nonviolent felonies (not necessarily drug felonies) in a short 2½-year period would not only be eligible for NORA, but judges would not have the discretion to deny them access to the program in the interest of protecting public safety.

NORA ignores scientific evidence about what works best for drug abusing criminal offenders. Decades' worth of research indicates which types of interventions work well for drug-abusing criminal offenders, and which ones do not. The clearest lesson from this research is that offenders must be closely monitored and held accountable for their actions. NORA ignores this evidence and erects steadfast barriers against effective dispositions. Worse still, it requires the criminal justice system to put "harm reduction" services on equal footing with legitimate treatment programs. For those who don't know, in this context "harm reduction" is a euphemism for the legalization movement. It *requires* treatment professionals and criminal justice professionals to tolerate continued drug usage by offenders if that's what the offenders set as their own personal goals.

NORA is built upon the failed foundation of Proposition 36. If passed, NORA would extend a previous ballot initiative called Proposition 36. Proposition 36 did not go nearly as far as NORA in permitting numerous violations by offenders. Regardless, the results were still disastrous. Several evaluations conducted by leading researchers at UCLA concluded that over one-quarter of the offenders never arrived for a single treatment session, 60% of those who did arrive dropped out prematurely, and only one-quarter completed treatment. Put simply, over 75% of the cases were failures. Worse yet, crime actually increased! Offenders in Proposition 36 committed more drug crimes and property crimes than offenders who were not in Proposition 36.

NORA claims economic benefits that are speculative and might never materialize. The DPA states (falsely) that NORA will save California taxpayers over \$1 billion per year. If something sounds too good to be true, it probably is. California's Legislative Analyst's Office concluded:

"The exact cost to the state of carrying out the various provisions of this measure [NORA] are unknown and could, in the aggregate, be higher or lower than we have estimated by *hundreds of millions of dollars annually*, depending on how this measure is interpreted and implemented." (p. 8, emphasis added)

In other words, NORA could wind up saving California relatively little money, or could even end up costing California more money in the long run as a result of higher crime and victimization rates. In fact, at least one study in two California communities found that Proposition 36 wasted money because it required the treatment system to continuously enroll and re-enroll offenders who quickly dropped out, re-offended, and were then sentenced back to treatment again and again and again.

NORA is little more than a power-grab by its authors. The Drug Policy Alliance wrote NORA in such a way as to enhance its own political influence at the expense of its political and ideological foes. NORA creates independent oversight boards to control the departments of corrections, probation and parole, the courts, and the public treatment system. Not surprisingly, these oversight boards will be staffed by laypersons and professionals sympathetic to DPA's legalization agenda. In essence, DPA will assume, directly or indirectly, power over your publicly elected and appointed officials. And they want you to vote for that without telling you what's really going on.

Vote NO on NORA because it threatens public safety, mandates ineffective treatments, wastes money, and legitimizes drug abuse.