

Justice Commission
Report on Drugs and Health
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Abstract: The relationship between drugs and crime, especially drugs and violence, is a driver of policy. However, there are many misconceptions about the nature of this relationship. Most ‘addicts’ engage in drug dealing or property crimes to support their habit, not violent crime. While there is a lot of drug related violence, this primarily occurs within drug markets. Because drug users or dealers can’t call the police when a drug deal goes sour, they resort to violence. Drugs, directly or indirectly, are probably responsible for about 90% of those incarcerated in Delaware. At a cost of over \$40K per year per inmate, significant savings could be realized if meaningful alternatives to incarceration were available, especially those that treat addiction and provide employment opportunities. Currently, drug markets are a major source of employment in inner cities across the US. Not only do inner city residents have to contend with violence from the drug market, but there exists a ‘code of the streets’ that permeates inner city neighborhoods and creates a violent subculture. Perhaps because inner city residents have so little, respect becomes a commodity that must be guarded at all costs, and disrespect often leads to violence. Children growing up in inner cities have to negotiate a world filled with drugs and violence, so it shouldn’t be a surprise that they grow up repeating what they’ve been exposed to. A recent study of children in the Eastside community of Wilmington found that children view drugs and violence as serious problems in their neighborhood and schools. In order to address these issues, it would be wise to consider decriminalizing drug use to free valuable CJS resources for proven alternatives. There also needs to be meaningful alternatives to prison that treat the source of the drugs-violence nexus. There should be treatment interventions in prison designed to reduce drug use, addiction, and drug market employment. Rather than police being on the frontlines in fighting drugs in the city, we need outreach workers as the first line defense. Children “learn what they live,” so changing the subculture of drugs and violence in the inner city will help to break the cycle and be cost effective.

There are many misperceptions about the relationship between drugs and violence. In the public’s eye, drugs and violence are interconnected. It could be argued that much of the U.S. government’s harsh response to drugs is due to the connection with violence. Paul Goldstein’s tripartite theory of the relationship between drugs and violence is a great starting place to understand this relationship. Goldstein (1985) proposes that drug use and violence are related in one of three ways. The first is psychopharmacological, which is probably the image that most people have when they think about drugs and violence. Basically, the idea is the ‘drugs made me do it.’ Violence is attributed to the effect of the drug(s) on mood and behavior; e.g., when a person becomes irrational, agitated, or unable to control impulses. The economic compulsive model suggests that violence arises from actions to obtain money to buy drugs to support an addiction. These economically motivated crimes are either violent by definition (e.g., robbery) or may become violent (e.g., when a victim resists). Finally, the systemic model posits that violence is inherent as a form of social control in any illegal market in desirable commodities. In the drug distribution market, for example, these forms of violence consist of disputes over territory, enforcement of normative codes and punishment for breach of contract. Goldstein postulated that systemic violence was most common, followed by economic compulsive, and lastly, psychopharmacologic.

The testing of Goldstein’s tri-partite model has been applied mainly to homicide data. In his classic study of all homicides in New York City in 1988, Goldstein found the systemic aspect of violence

related to drug markets accounted for most homicides (Goldstein et al., 1989). Over half of the homicides in NY were drug related in 1989. Goldstein classified 39% of the homicides as systemic, 2% as economic compulsive, 7.5% as psychopharmacological, and 4% as multi-dimensional. Crack cocaine was the major drug associated with a third of the homicides, but this was during the period of the crack cocaine 'epidemic' and expansion of the crack cocaine market. Crack cocaine is not the major drug abuse among incarcerated men in Delaware, or elsewhere. Surprisingly, even drugs are faddish. Goldstein found that all the psychopharmacological violence was due to alcohol. Economic compulsive linkages were much more likely to involve property crimes rather than violent crimes. The violence surrounding the drug market among sellers and users resulted in the majority of drug-related homicides (Goldstein et al., 1989).

Incarcerated men in HRYCI agree that Goldstein's theory and findings are still very relevant for understanding the relationship between drugs and violence today. The men agreed with Goldstein that most drug related violence is systemic, related to the unregulated illicit drug market where violence is often used to settle disputes. Even 30 years following Goldstein's seminal article, its lessons are still relevant.

To begin with, incarcerated men agree with Goldstein's assessment of the overall linkages between drugs and crime, and drugs and violence. Following are some of their thoughts:

- ◆ James - I have known addicts to sell candle wax, pieces of drywall, and anything else that looks like drugs to other users just to get money to support their habits. Occasionally, a user may get desperate for some money causing them to burglarize, rob or hurt someone, but heroin and cocaine addicts usually commit petty crimes.
- ◆ Gordon - ... I was 12 years old when the streets recruited me. I started selling crack rock... I fell into the drug dealer's lifestyle by observing uncles, my father, and the neighborhood's so called 'corner boys.' I would watch the moves that they made, the way they talked (slang), and how they treated their customers. I learned a lot of do's and don'ts from them as well as on my own...
- ◆ Jason – growing up around drug dealers and drug addicts, I have seen addicts go through withdrawal. ...I was at one point the dealer getting ripped off, and at another point, I was the user ripping off the dealer. In both instances, I couldn't control myself mentally. As a dealer being ripped off, you can't call the police, so the only thing you think of is violence. And, as a user, all you know is that I want what I want when I want it, and will go to any extreme to get it.
- ◆ John – When I was still being groomed in my pre-teens for the life, it was clear that every person in the game was 'game.' You were to steer clear of citizens or workers, as we called them. There were only two exceptions: 1) if they did something to harm you or your loved ones, or 2) what you were taking from them was probably insured.
- ◆ Will – I have rarely heard of a case where someone responds to a question as to why they committed the crime as due to the fact they were blitzed or high. More likely, it was because they wanted to be.
- ◆ Al - most of us kind of stay away if it don't involve me. We turn the blind eye because it's the safest thing to do, especially if you live in the city. I'd never say anything...

The **psychopharmacological** model holds that the effects of drugs may encourage violence by relaxing inhibitions, increasing irrationality, and/or disorienting the individual. Goldstein found this was most related to alcohol abuse. He also found that addicts were not engaging in violence when they were high on drugs, but rather when they were withdrawing. Addicts were also more frequently victimized when they were high, as they were more vulnerable, and would not call the police.

Incarcerated men had some of the following comments:

- ◆ Sam - the feelings of sickness is a painful experience that clouds your rational brain. They only think about getting the next fix.

- ◆ James – I have been in numerous amounts of alterations stemming from being drunk. When I was high on marijuana or Percocet's, all I wanted to do was chill with the women. I don't remember many incidents of violence resulting from the use of those drugs.
- ◆ Frank- My current stay of incarceration is a prime example and direct result of the affects of excessive alcohol consumption. After one too many drinks at a softball league party, I blacked out and kicked the officer responding to a disturbance in the groin.
- ◆ Will – People who are under the influence could be considered easy targets because they are more defenseless, allowing them to be vulnerable.

The **economic compulsive** model suggests that drug users engage in economically motivated crime to obtain money to support their drug habit. Some of these economic crimes are inherently violent (i.e., robbery), or violence may result from unintended or extraneous factors. Due to their high cost and compulsive patterns of use, heroin and cocaine are probably the most relevant substances in this model. Goldstein concluded that this model better explained the relationship between drugs and property crime. Incarcerated men had some of the following comments:

- ◆ Al - why hurt people if you can take the same drug from a car? For example, I prefer burglary over a robbery because there are no victims for you to confront. Plus, you have more time to raid the house.
- ◆ Tyrone- I know numerous people who have stolen things to sell for drug money. These users generally do not want to hurt anyone physically. Their main objective is to obtain funds simply to get high or to avoid the symptoms of withdrawal. When I was involved in the drug game, there were times when a user did not have any money, so they would bring me merchandise. I have received brand new clothes, jewelry, and all kinds of electronics in exchange for a couple bags of heroin or a piece of crack. I knew they were bringing me stolen products, but I did not care.
- ◆ Charles – When I dealt drugs, I actually faced these behaviors. There were times I was confronted by users in an aggressive manner with a knife, been robbed for what I was selling, and even been hit with one of the oldest tricks in the book, the snatch and run. This trick is when the users asks to purchase a drug and acts as if they are analyzing it, then take off running with the product. They really did not want to hurt me; they just wanted their fix.
- ◆ Frank – the violence usually stems from fear or responses to the victim's reaction, never discriminating against the innocent or not so innocent.

The **systemic** model proposes that violence is inherent to the drug distribution system. For example, a person selling drugs may be assaulted or even killed when he tries to short change his customer or fails to pay his supplier. The drugs most likely to be associated with the systemic model are also heroin and cocaine. Incarcerated men had the following to say:

- ◆ Tyrone—[as a former drug dealer]...many people look at selling drugs as making easy money, but I beg to differ. On a daily basis, drug dealers have to deal with being the focus of not only the police, but also those looking to rob them. The robbers know the dealers will not call the cops so they are the major targets...they know they are targets, so they carry guns to protect themselves and their business. I honestly believe that robberies on drug dealers are the most frequent crime committed. The statistics will never be accurate because these crimes go unreported. More importantly, a lot of shootings and murders are the outcome of these robberies, due to retaliation.
- ◆ Frank - having lived in the city of Philadelphia, I can sadly confirm the violence within the system of drug distribution. I can relate to the rival disputes, weekly funerals, robberies and shootouts, violent retaliations for collections of debts, chains of commands or hierarchy, etc.
- ◆ James- generally, high caliber drug dealers or distributors of heavy volume drugs follow the unwritten rules of the drug trade. The goals of these people are commonly the same (money, power respect). Any interference with these goals will result in some form of violence. Trappin' (selling drugs) outside of your 'turf' (territory) and/or 'booking' (robbing) another dealer are means for violence in the streets, at time even causing a person to 'check out' (be killed).

- ◆ Dan - ...this is the way of the law and code for drug dealers. Nowadays, if you owe a drug debt, you can really get hurt or maybe killed...the systemic model is the main reason why inner city crime rates are so high today. Most dealers feel that they have to protect themselves and their business.
- ◆ Sam – Disputes over territory between rival drug dealers is an actual fact. One type of systemic violence that was not mentioned was the code of no snitching. For instance, if someone robbed you (drugs or money), you don't call the cops. You either retaliate or let it go. If you tell the cops, you create more violence because of the no snitching code.

Incarcerated men support Goldstein's assessment of the tripartite relationship between drugs and violence and find that systemic violence—among those engaged in the drug market— is the most common. While there is a lot of violence around drugs, most addicts prefer dealing and property crime to support a habit. Alcohol is probably the main contributor to psychopharmacological violence and a lot of this type of violence goes unreported. Most psychopharmacological violence related to illicit drug use is related not to being under the influence of the drug, but withdrawal symptoms. While the concern over psychopharmacological violence is probably biggest driver of policy, it is RARE.

There are rules in the drug dealing business that the majority of those involved abide by:

- Don't call the cops
- Handle things yourself with violence to maintain your respect
- If you are victimized, no snitching
- Others in the drug trade, including users, are fair game, but the biggest target are drug dealers due to supply of cash and drugs that users desire
- Drug users are vulnerable because they may carry money or drugs and also won't call the cops
- Don't pass off another brand name
- Don't sell in other peoples territories
- Never get high off your own supply (although drug dealers are vulnerable to becoming users/customers)

It's not only drug-related violence that permeates the drug markets in inner cities that residents have to live with, but violence is a part of their everyday lives. According to Elijah Anderson, an ethnographer who studied inner city communities in Philadelphia, "of all the problems besetting the poor, inner-city black community, none is more pressing than that of interpersonal violence and aggression...The inclination to violence springs from the circumstances of life among the ghetto poor — the lack of jobs that pay a living wage, the stigma of race, the fallout from rampant drug use and drug trafficking, and the resulting alienation and lack of hope for the future...Simply living in such an environment places young people at special risk of falling victim to aggressive behavior" (Anderson, 2004, p 1).

Anderson explains that "Street culture has evolved what may be called a code of the street, which amounts to a set of informal rules governing interpersonal public behavior, including violence. The rules prescribe both a proper comportment and the proper way to respond if challenged. They regulate the use of violence and supply a rationale that allows those who are inclined to aggression to precipitate violent encounters in an approved way. The rules have been established and are enforced mainly by the street oriented, but on the streets, the distinction between street and decent is often irrelevant; everybody knows that if the rules are violated, there are penalties. Knowledge of the code is thus largely defensive; it is literally necessary for operating in public. Therefore, even though families with a more 'middle class' orientation are usually opposed to the values of the code, they often reluctantly encourage their children's familiarity with it to enable them to negotiate the inner-city environment" (Anderson, 2004, p. 2).

“At the heart of the code is the issue of respect — loosely defined as being treated “right” or granted the deference, or “props,” one deserves... In the street culture, especially among young people, respect is viewed as almost an external entity that is hard-won but easily lost, and so must constantly be guarded” (Anderson, 2004, p2). It is high maintenance, and is never secured once and for all but depends on a series of performances that effectively answer challenges and transgressions by others. It is in this way that one’s street credibility is established, and when possessed and successfully claimed, it works to deter advances; with the right amount, a person can avoid “being bothered” in public. In fact, the rules of the code provide a framework for negotiating street credibility. The person whose very appearance — including his clothing, demeanor and way of moving — deters transgressions can feel that he possesses, and may be considered by others to possess, a measure of respect; he is reminded of this by the way he is treated and regarded. Hence, if he is bothered and advances against his person are made, not only may he be in physical danger, but he has been disgraced or “dissed” (disrespected) and often feels vulnerable to further, and possibly more serious, advances” (Anderson, 1994).

“This hard reality can be traced to the profound sense of alienation from mainstream society and its institutions felt by many poor, inner-city black people, particularly the young. The code of the streets is actually a cultural adaptation to a profound lack of faith in the police and the judicial system. The police are most often seen as representing the dominant white society and not caring to protect inner-city residents. When called, they may not respond, which is one reason many residents feel they must be prepared to take extraordinary measures to defend themselves and their loved ones against those who are inclined to aggression. Lack of police accountability has in fact been incorporated into the local status system: the person who is believed capable of “taking care of himself” is accorded a certain deference, which translates into a sense of physical and psychological control. Thus the street code emerges where the influence of the police and the justice system ends and personal responsibility for one’s safety is felt to begin. When respect for the civil law erodes, “street justice” fills the void, thus underscoring the need for street credibility to operate on the streets of the local community. Exacerbated by the proliferation of drugs and easy access to guns, this volatile situation promises those with unassailable street credibility, often the street-oriented minority, the opportunity to dominate the public spaces” (Anderson, 1994, p3).

The “Lifers,” a group of incarcerated men in Graterford Prison in Philadelphia, have also written about the code of the streets and the culture of street crime. Similar to Anderson, they define street crime culture as groups of individuals who live outside societal norms. They have their own values, codes, practices, and principles that are oftentimes in direct opposition to the large society. These destructive values are passed onto new generations. The Lifers believe that economic influences *entice* those within culture into drug dealing and violence, which account for a large portion of street crime. Its’ members are influenced by American dream. They desire more than what traditional employment can provide, so turn to hustling, drug dealing, and illegal activities. They crave power, influence, and the respect received from having cars, the latest fashion, and flashy jewelry. Just as Anderson proposed, they concur a major feature of this subculture is the need for respect, proving one’s manhood and being viewed as courageous (Lifers, 2004).

The Lifers have presented their ideas for reducing street crime at two major conferences over the years, including the American Society of Criminology meetings and the International Society of Criminology meetings, as well as their own Anti-Crime Summit. “We believe that the reasons for America’s stunning defeats in these wars on criminality lie in the top-down approach, which bypasses the people as opposed to empowering them for change” (Lifers, 2004). The communities where most crime occur are only nominally incorporated in crime-fighting efforts. Further, it’s unrealistic to think that efforts to address drug addiction could be successful while simultaneously excluding drug users and dealers.

“We cannot deny role that a society filled with poverty, unemployment, racism and discrimination plays in pushing people towards the criminal underclass”(Lifers, 2004). Imprisonment of non-violent offenders has served to exacerbate the problems of communities by effectively turning them into incubators for

more poverty, crime and violence. To end street crime, the Lifers suggest that those who are included, and made a part of their community by personal investment, will be motivated to work to sustain that community's well-being. Recidivism occurs because the values from street crime culture are deeply ingrained and provide inappropriate strategies on how to respond to life's challenges. They suggest that we need to move away from the rehabilitation models presently employed as they are ineffective, to a more effective transformation model to introduce a true new way of thinking. They believe members of street crime culture need an identity transformation, or they will resist the change process. Transformation entails reconfiguring an individual's way of perceiving the world. They need to be educated or perhaps, socialized, to a new way of thinking about the world and themselves.

The Lifers propose beginning with ending the culture of street crime in prisons. Education and treatment have generally been the tools to do this, but an identity transformation will require members of the former culture who have already been transformed to lead the way. "Those most acquainted with the street crime culture and who have gone through transformational process should be empowered to use their unique experience and street knowledge to end it" (Lifers, 2004). Further, the Lifers propose transforming, organizing, training and equipping prisoners with the skills necessary to empower current perpetrators to leave the culture to assist at-risk youth to avoid entry into the culture, and assist the community in addressing the destructive forces that sap area's vitality. The Lifers present some interesting ideas and solutions that must be seriously considered. They give voice to the people who have generally been excluded from any of our conversations about drugs and violence.

In Delaware, there is a treatment programs in each of the state's prisons modeled on the Therapeutic Community (TC) model. The TC is a residential treatment program in which members are responsible for the 'treatment of other members' through the reliance on community, is highly structured in a hierarchal manner, and the residents are isolated from others prisoners, so they are theoretically only interacting with others focused on acquiring the tools to remain drug free in society. The HRYCI treatment program, the Key Therapeutic Community (TC), was extensively evaluated by James Inciardi and colleagues at the Center for Drug and Alcohol Studies at UD from the mid-1980sthrough the early 2000s. The 3 stage process consisting of 12-18 months treatment in the Key TC, followed by 6 months of treatment in a TC in one of the state's Work Release programs, and 6 months of Aftercare, was found to greatly reduce recidivism and drug use. The program's success led to its replication in not only other states, but in several other countries. The program was the cornerstones of the Residential Substance Abuse Treatment Act funded by the federal government, which gave large grants to all 50 states and U.S. territories to expand treatment options in prisons, using the TC model.

The original TC programs in Delaware's prisons were funded by federal grants to Inciardi and colleagues at the University of Delaware. The states assumed control of the programs and their budgets beginning around the early to mid 1990s. Since then, there have been massive changes to the prison treatment programs, undoubtedly due to increases in incarceration and lack of funding. These changes are such that it's unlikely the programs have retained enough 'elements' of a TC, to still be considered TCs. Therefore, a great first step would be creating a treatment program similar to a TC and the Lifer's vision in all of Delaware's prisons. We need to invest in treatment in our prisons. Otherwise, we are wasting over \$40K per year per inmate, as they will likely return to the street and to the patterns of life with which they are familiar.

Policy needs to be based on a clearer understanding of role of drugs in violence and crime. Most drug users, other than alcohol users, are not violent. Most illicit drug users would rather support their addiction with drug dealing or property crime. Increasingly, poor inner city men are being pulled into dealing as a career, not to support a costly addiction. There are norms that those in the drug market observe, and violence is used as a way to punish and control the drug market. It's rarely used against those not involved in the market, although it can occasionally spill over. Many of these low level drug

dealers are just repeating what they grew up seeing their fathers, uncles, brothers and the guys on the corner doing.

I estimate that 90% of men incarcerated are there directly or indirectly due to drugs. It may be a property crime due to theft in order to buy drugs, or it may be systemic violence related to the drug trade, but there are many drug users and dealers incarcerated in the nation's prisons. We spend billions incarcerating low level drug dealers annually when most just return to society and reengage in the drug market – isn't this the definition of insanity?

Recognizing the amount of violence generated by the drug market, most of which occurs in inner city impoverished communities, we need to take more of a public health approach by reducing sentences and implementing meaningful interventions that will break the cycle. I suggest decriminalizing drug use so that users are not wasting valuable CJS resources. If they receive multiple citations, funnel them into evidence based treatment programs to disrupt the cycle of addiction.

There needs to be meaningful alternative to prison for drug users/dealers. Not only should there be interventions to break addiction, but to give people skills to earn a living that will allow them to retire from the life of a drug dealer. We also need meaningful interventions to disrupt the code of the streets norms that pervade inner city impoverished communities where drug markets persist. The Lifers have valuable ideas about using ex-offenders who have been transformed in this role. We also need to devote more attention to meaningful programs that help youth negotiate their drug and violence-filled lives, especially poor inner city youth, dropouts and youth involved with the juvenile CJS.

There needs to be meaningful interventions in prisons to really 'correct' behaviors. This means drug reduction programs, but also programs that focus on reducing drug dealing, and giving people vocational skills and training that enable them to be employed and earn a livable wage. Like TCs, these programs can be cost effective because they can effectively utilize other prisoners in the treatment process. But, there needs to be sufficient professional oversight as well.

We should seriously examine the model of 'harm reduction' prevalent in the majority of industrialized nations for our policies around drugs, and require an 'impact statement' so that our drug policies aren't doing more harm than good. Ignoring the collateral damage of our war on drugs is the reason we are here today. The Lifers have good ideas about employing former prisoners as outreach workers in inner city communities. This compares with the European model of outreach, which is a cornerstone of prevention in Europe. In most major cities in Europe, outreach workers 'hang out' in inner cities where drugs and crime are prevalent, and function as 'health aides,' referring people for needed services. They get to know the addicts (and homeless and other involved in the criminal subculture), and are generally treated with respect in the communities they serve, as they are seen as helpers.

Considering unintended consequences, it's important to point out the resources devoted to incarcerating offenders. Prison is the most costly part of our CJS. It costs over \$40,000 per year per offender imprisoned in the State of Delaware. The amount of money we spend on incarceration is staggering, especially considering few of those incarcerated had much in the way of resources devoted to prevention or treatment before or after they entered prison. National estimates are that \$7 is saved for every \$1 spent on treatment, and \$4 is saved for every \$1 spent on prevention. We need to move resources from incarceration to programs that will really make a difference for people, their communities, and our state.

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