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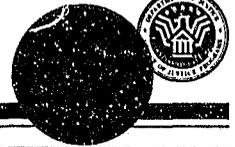
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# National Institute of Justice

Research in Brief

October 1994

## Do Drugs. Do Time: An Evaluation of the Maricopa County Demand Reduction Program

by John R. Hepburn, Ph.D., C. Wayne Johnston, and Scott Rogers

"Do drugs. Do time." That's the warning given by a program in metropolitan Phoenix, Arizona, that has put into practice a new approach to reducing use of illegal drugs—arresting casual users as a deterrent to others and as a means of getting them into counseling and treatment. The

Maricopa County Demand Reduction Program was evaluated under a National Institute of Justice grant during its first 24 months of operation (March 1989 to February 1991). This Evaluation Bulletin outlines the program and the evaluation study.

### A call for user accountability

Early efforts to reduce the demand for drugs emphasized education, prevention, and treatment, especially among young people. More recently, law enforcement and punishment—which had been associated only with efforts to reduce supply—

### Issues and Findings

**Discussed in this Evaluation Bulletin:** Maricopa County, Arizona, adopted a new approach to reducing use of illegal drugs, which targeted casual users of marijuana as well as regular users of potent drugs. The research study assessed the program's first 2 years of operation, 1989–1991.

**Key issues:** A consortium of 26 municipal, county, State, and Federal law enforcement agencies established the Maricopa County Demand Reduction Program to enforce zero tolerance for use of illegal drugs and hold all users accountable for their actions. The program's slogan, "Do drugs. Do time." alerts users to the risk of sanctions under Arizona's laws where possession of an illegal drug is a felony.

Since the program's aim is to reduce demand, it offers diversion to treatment for offenders who are drug users with no prior felony criminal history. Ineligible offenders and those eligible offenders who fail to complete the 6- to 12-month treatment program are prosecuted.

The program requires payment of fines and treatment costs. Revenues generated are contributed to the county's general fund.

**Major findings.** The researchers found that the program achieved its two principal objectives during its first 24 months of operation:

- ◆ Creating communitywide awareness of the severity of the drug problem and the need to hold all users accountable.
- ◆ Increasing and coordinating law enforcement activities in combination with increased prosecutions or participation in drug treatment programs.

These objectives were achieved by:

- ◆ A major public education campaign, which depended entirely on a public/private effort for funds, equipment, and materials.
- ◆ High-profile arrest operations of a task force of representatives of all participating agencies.

◆ Retention within the criminal justice system of drug cases that might otherwise have been dismissed.

◆ Diversion of a large number of drug-use offenders into treatment, most at the prefiling stage.

Other significant findings include the following:

- ◆ Of those who entered the treatment program at the prefiling stage, three out of four successfully met all its requirements (which varied in duration depending on the drug, but included an education component and random urine testing).
- ◆ Defendants who completed the treatment program had a significantly lower rate of recidivism than defendants eligible to enter the diversion program who did not enter treatment.

**Target audience:** Policymakers, local government officials, law enforcement administrators, treatment professionals, and community leaders.

became a part of the strategy to reduce demand. With the passage of the Anti-Drug Abuse Act of 1988, a national policy of "user accountability" was established, and law enforcement came into use as a means of dealing with users of marijuana as well as more potent drugs. Even casual drug use became viewed as an integral and contributing part of the national drug problem. A broad-based range of social and legal sanctions were to be used to hold all drug users accountable for their behavior. Viewed in this light, drug users pose a criminal justice problem because they provide the customer base for illegal drug sales. Drug users are in effect co-conspirators, and therefore legal remedies should be applied to both the supply and demand sides of the conspiracy.

On the basis of this concept, a consortium of 26 municipal, county, State, and Federal law enforcement agencies initiated the Maricopa County Demand Reduction Program in March 1989. The consortium immediately captured the national spotlight with the program's emphasis on zero tolerance and user accountability. Legislators, prosecutors, and police administrators visited Phoenix to see the program in operation.

The program's two principal objectives were:

- To create a communitywide awareness of the severity of the drug problem—to develop a moral consensus—and to alert drug users to the increased risk of legal sanctions. Thus the slogan, "Do drugs. Do time."
  - To increase and coordinate law enforcement activities, in combination with either full prosecution or diversion to treatment in lieu of prosecution, to reduce the demand for drugs.
- The primary purpose of the NIJ study of the Maricopa County Demand Reduction Program was to determine how well the program achieved these objectives during its first 2 years. These were positive findings:
- The "Do drugs. Do time." campaign received broad and sustained acceptance in the community as a public education and general deterrence program.

# WHAT THE CASUAL DRUG USER WILL BE WEARING THIS SEASON.



A tough new anti-drug police task force is now on the streets in Maricopa County enforcing our already tough drug laws. And if they catch you with drugs, they're taking you to jail. You then face felony charges, a prison sentence and stiff financial penalties. Or pay to enter a year-long rehab program. All of which means drugs are no longer the fashionable thing to do.

## DO DRUGS. DO TIME.

Maricopa County Demand Reduction Program.

- The program met its objective of making illegal drug users accountable by retaining within the criminal justice system drug cases that might otherwise have been dismissed.
- The Demand Reduction Program succeeded in diverting a large number of drug-use offenders into treatment, the vast majority at the prefiling stage.
- The program generated revenue for the Maricopa County General Fund through booking fees and additional fees paid by arrestees who chose treatment as an alternative to prosecution.
- During the study period, offenders who completed the TASC (Treatment Assess-

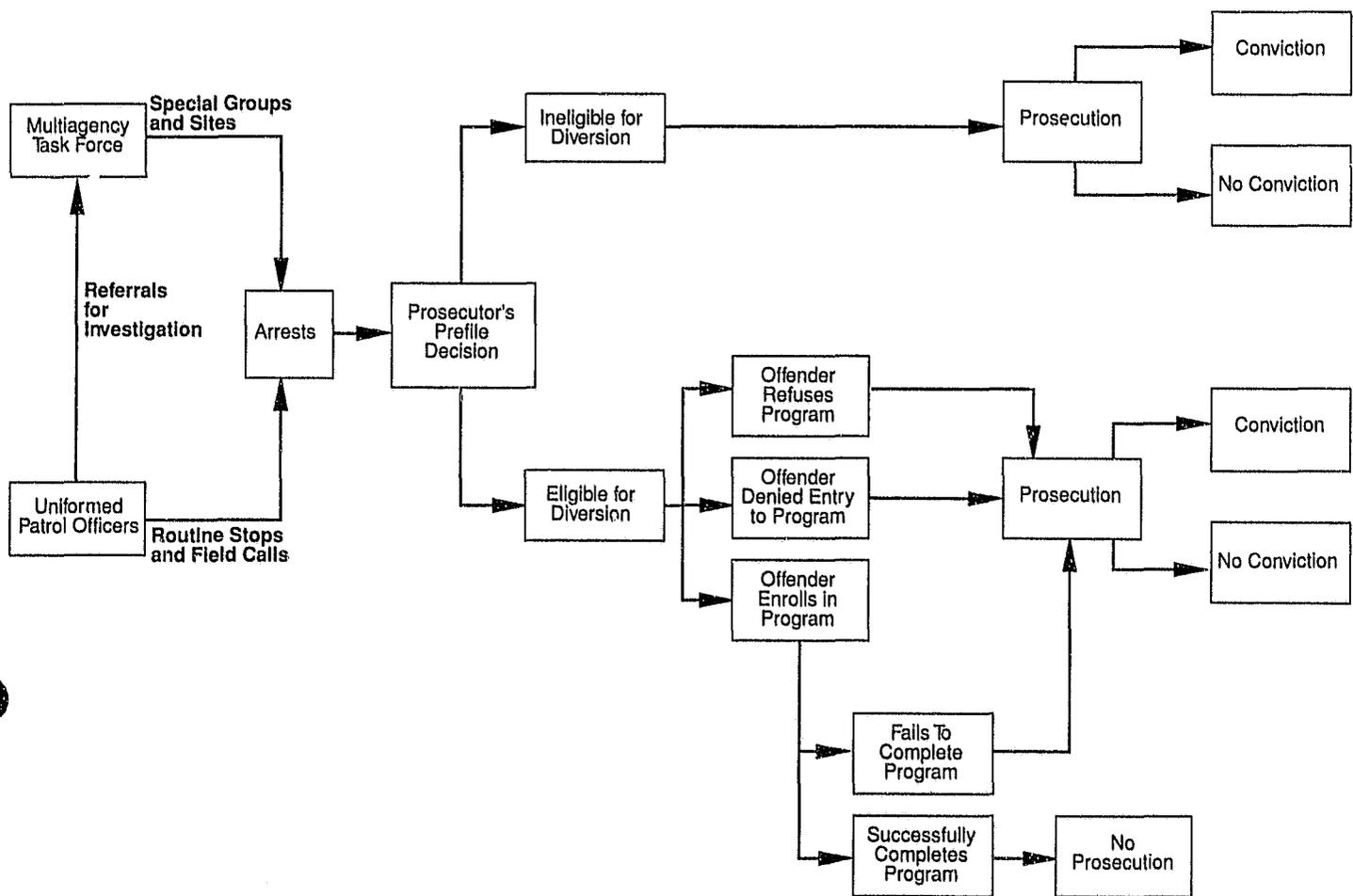
ment Screening Center) program had the lowest rates of rearrest for a new charge of any offender category.

### Features of the Demand Reduction Program

Five general features characterize this program. It is first of all a *comprehensive* program that integrates education, law enforcement, and treatment into a unified campaign against drug use.

Second, there is participation by all law enforcement agencies, thereby ensuring a singular voice, a unified program plan, and a pool of personnel, equipment, information,

Exhibit 1. Demand Reduction Program: Components and Process



and other resources designed specifically for this program. The level of involvement, however, varies considerably among the many participating agencies.

Third, the program enjoys a high level of community support. Public opinion favors strong legal sanctions against drug users, but also supports diversion to treatment for first-time offenders. Local media provide support by extensive news coverage and favorable editorials

The "Do drugs. Do time." campaign depends on a public/private partnership, which has contributed more than \$500,000 in time, equipment, and materials to produce and distribute "Do Drugs. Do Time." posters and television announcements. Placards on city buses, billboards (see ex-

ample of poster, page 2) above major streets and highways, and televised public service announcements proclaim that persons who "do drugs" can expect to "do time." This message is directed to stereotypical casual or recreational users: young white adults with a high level of education and a comfortable style of living.

Fourth, the program is aided by tough laws that provide latitude to the prosecutor and increase the likelihood that offenders will accept diversion to the treatment program. In Arizona possession of even the smallest amount of an illegal drug is a felony.

Finally, the program generates revenues. Every person who enters the diversionary treatment program pays \$50 for jail processing, \$500 to \$1,200 (depending on

type of charge) to the Arizona Drug Enforcement Fund, and \$135 to \$1,800 (depending on the program) for the treatment itself, with a sliding fee schedule for lower income and indigent offenders.

### How the program works

The flow chart in exhibit 1 shows the step-by-step process that is triggered when a user is arrested. The user accountability program has four components. The first two consist of heightened law enforcement efforts leading to arrest, one component under the direction of a multiagency task force and the other directed by uniformed patrol officers. The third component is increased prosecution, and the fourth is diversion to treatment.

## Evaluation methodology

As noted, the objectives of the Maricopa County Demand Reduction Program are to alert potential drug users to their risk of arrest and to increase and coordinate law enforcement, prosecution, and treatment activities to reduce the demand for drugs. NIJ's evaluation looked for answers to these questions: Was the program implemented as designed? Did the program conform to the standards established at the outset? Did decisions to defer prosecution pending treatment adhere to stated eligibility criteria? Did the program result in significant changes in arrests, bookings, and prosecutions?

The evaluation consisted of the following activities:

- A two-wave survey of nearly 1,200 uniformed patrol officers throughout the county in March 1990 and March 1991 to assess the level of officers' knowledge of the program, support for its goals, and behavior consistent with those goals.
- A study of 7,012 persons against whom criminal charges were submitted and reviewed by the County Attorney during the Demand Reduction Program's first 24 months, from March 1989 through February 1991. The purpose was to study the flow of cases and their outcomes.
- A time-series analysis of aggregated data to discover changes in arrest and prosecution practices over time that could be attributed to the program.

**The task force approach.** In addition to providing visibility for the program, the consortium plays an integral part in its operation. The consortium formed a task force made up of 1 or more representatives of each of the 26 participating agencies, with the size made more manageable by dividing the county and its many agencies into 3 regions: East, Central, and West. Each region has its own task force commander, who works with the task force coordinator in obtaining the necessary assistance in personnel and equipment to carry out specific operations in their respective areas.

The task force coordinates and directs two types of operations. The "reverse sting" is used where street drug sales take place. Drug sellers are arrested and replaced by undercover officers; anyone attempting to buy drugs from these undercover officers is arrested. The second operation targets known sites of heavy public drug use, such as nightclub parking lots, rock concerts, and recreational areas, for police surveillance and arrests. In both cases, the operations have been infrequent and irregular, but their high local visibility and media coverage have publicly reinforced the "Do drugs. Do time." message.

**Prosecution or diversion to treatment.** The consequences of arrest results in different options. Under the policy of zero tolerance, the County Attorney's office assures the law enforcement community that it will prosecute all offenders who do not qualify for, accept, or successfully complete the diversion program.

At a minimum, persons arrested for drug use are expected to spend a few hours in the county jail while they are booked and awaiting an initial hearing. It is hoped that the prospect of arrest, formal booking, and short confinement in a holding cell will be a sufficient sanction to deter many of the middle-class casual users targeted by this program.

Qualifications to enter the drug treatment program vary somewhat depending on the drug possessed, but the general purpose is to offer diversion only to casual users with no prior felony criminal history. Arrestees who are diverted to the treatment program can be seen as "doing time" during the 6 to 12 months they are in the outpatient treatment program.

**Treatment program operations.** The Maricopa County Attorney/TASC Drug Diversion Program is a community-based

treatment strategy designed to reduce subsequent drug use. Those who enter it must agree to meet all program conditions including random urinalysis monitoring.

The program incorporates four drug-specific treatment programs, which vary in duration, objectives, and methods. But all involve some combination of random urine testing and an educational seminar, and all but the program for marijuana possession involve some degree of individual or group counseling. Those who enter the program must attend all required seminars, lectures, and counseling sessions.

In addition to meeting all requirements of the diversion program, participants must pay in full all fees assessed them. Each offender booked and held at the county jail must pay a jailhouse processing fee of \$50. The offender must also pay an Arizona Drug Enforcement Fund fee, which varies by drug type from \$500 for possession of marijuana to \$1,200 for possession of cocaine. The offender is also assessed a fee equal to the costs of the treatment program; the fee ranges from \$135 for the 90-day possession of marijuana program to more than \$1,600 for 12-month programs for possession of either cocaine or illegal prescription drugs. A sliding schedule of fees is used for lower income offenders, and a total waiver of all fees is available for indigent cases. The payment of fees may be spread over 24 months.

Exhibit 2 presents the schedule of fines and fees paid by persons diverted to treatment during the study period.

Further, all program participants, including those charged with possession of marijuana, must provide a written statement of facts admitting the instant offense and agreeing that this statement would be admissible in court if they fail to complete the treatment program.<sup>1</sup> Ineligible offenders and those eligible offenders who fail to complete the treatment program are prosecuted.<sup>2</sup>

## Evaluation findings

The findings reported in this Evaluation Bulletin focus primarily on the implementation of the program and on the program's

effects on such issues as net widening and recidivism.

**Program implementation and support.**

The survey of 1,200 patrol officers found the majority aware of the program, and many indicated they had increased their own enforcement efforts. An even larger number felt that the department was making a greater effort in enforcing drug use laws. The survey findings indicated that many officers knew little about the program. It appears that uniformed officers would benefit from periodic information and training sessions regarding the program and from systematic updates on its operations and on the outcomes of cases.

**Task force operations.** The task force played a small but highly visible role in the program. It conducted 38 operations, nearly evenly divided between reverse stings and sweeps, producing a total of 730 arrests during the first 2 years. "Attempt to possess a narcotic drug" was the most frequently cited charge, accounting for 41 percent of the task force cases. Possession of marijuana was also common, representing 32 percent of the cases.

If the value of task force operations were based simply on the number of persons arrested and either prosecuted or diverted to treatment, the 730 arrests could not justify the task force's very high costs in time, resources, and personnel. But the value of

the task force resides in its ability, especially when aided by local electronic and print media, to provide the requisite high-profile activities designed to alert the public that drug users are being arrested. Occurring at a rate of more than one a month, these operations are sufficiently frequent and dispersed around the county to achieve their intended purpose. In sum, task force operations are the visible presence of the "Do drugs, Do time," campaign.

**Net widening.** The program served to "widen the net" of the criminal justice system. Although there was a decrease in the percentage of cases filed for prosecution at submission, there was also a decrease in the percentage of cases dismissed at submission, suggesting that many diverted cases would not have been retained in the system were it not for the commitment to zero tolerance. That is, had there been no program, some cases that were diverted to treatment seemingly would have been dismissed entirely. The inclusion of these cases widens the net in terms of both the number and types of offenders.

Prosecutors basically make two decisions: one, the initial decision that the case is prosecutable; that is, that the strength of the case warrants it to be accepted for prosecution rather than be rejected and returned to the submitting agency. The second decision is whether the case is or is not eligible

for deferred prosecution pending successful completion of the treatment program. Persons referred to the community-based drug treatment program have tended to be young, white, male first offenders charged with a single count of possession of marijuana or cocaine.

Exhibit 3 (page 6) summarizes the outcomes of these decisions. Prosecutors declined to prosecute fewer than one-fifth of the cases.

It is important to note that although nearly 73 percent of prosecutable cases were deemed eligible for diversion to treatment, only 35 percent of those eligible accepted the initial offer. This means that only 1,452 (or about 25 percent) of the 5,737 prosecutable offenders were both eligible for and accepted the offer of treatment.

Relatively few people actually refused the treatment option. Rather, they simply failed to respond to the letters of information about the diversion program sent by the County Attorney, either because they did not receive the letters or because they ignored or refused to take delivery of them. Nonresponse meant that the case was filed and a warrant issued.

A small percentage (10 percent) of this group were later diverted to treatment after being arrested under the warrants that were issued.

**Exhibit 2. Schedule of Fees and Fines Paid by Persons Diverted to Treatment<sup>1</sup>**

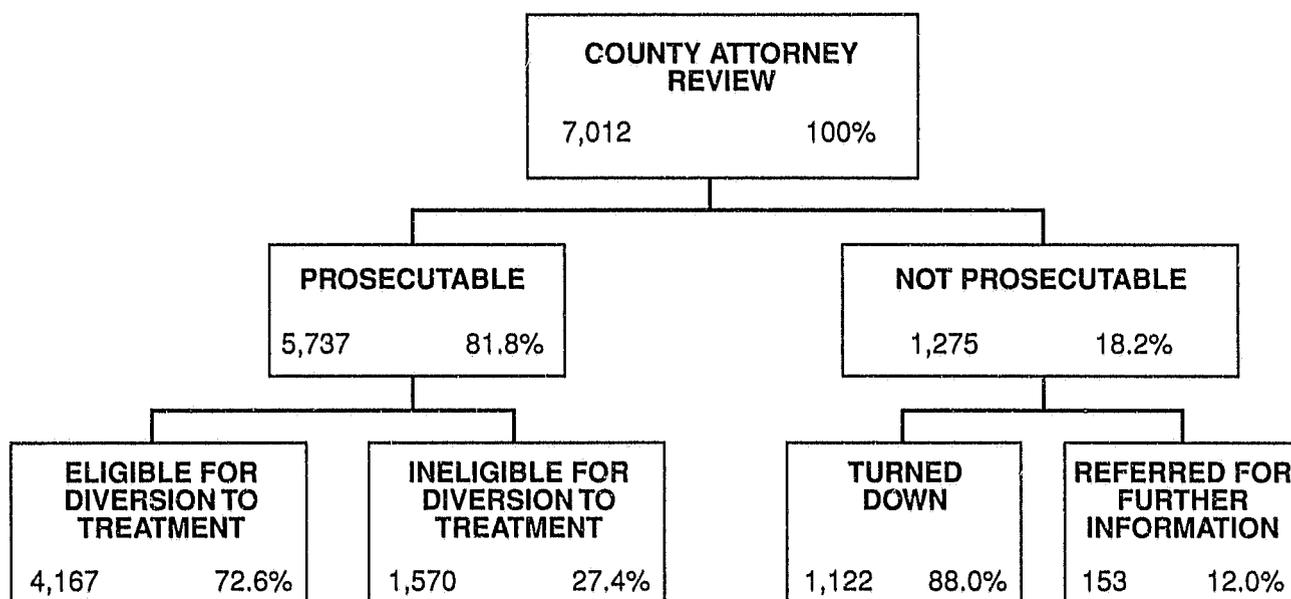
**Type of Drug Charge**

	Possession of Marijuana	Possession of Cocaine	Obtaining of Dangerous Drugs by Fraud	Other Drug Offenses
<b>Offender Pays:</b>				
Jail House Fee	\$50	\$50	\$50	\$50
Arizona Drug Enforcement Fund	\$500	\$1,200	\$750	\$750-\$1,200 <sup>2</sup>
Treatment Program Fee	\$135	\$1,595/yr	\$1,685	\$805
<b>Total Cost</b>	<b>\$685</b>	<b>\$2,485-\$4,080</b>	<b>\$2,485</b>	<b>\$1,605/\$2,055</b>
<b>Program Length</b>	<b>3-6 months</b>	<b>12 months</b>	<b>12 months</b>	<b>12 months</b>

<sup>1</sup>Arizona Drug Enforcement Fund and treatment program fees are waived for persons who meet State Indigency standards.

<sup>2</sup>Actual amount of fund fee varies by type of drug.

Exhibit 3. Initial Reviewing Decision Outcomes,\* All Cases, March 1989–February 1991



\*Outcomes effective May 1, 1991.

Despite this indication that more offenders could have entered the treatment program than actually did, the Demand Reduction Program has succeeded in diverting a large number of drug-use offenders into treatment, the vast majority at the prefiling stage.

Of those who entered the treatment program at this initial stage, three out of four successfully completed the program. This ratio is related to the type of drug used. Marijuana users were significantly more likely to be diverted to treatment, to enter treatment when eligible, and to complete the program they entered than other drug users, especially users of cocaine. This result may be influenced by two factors. One has to do with the different effects of marijuana and cocaine on users' ability to stay drug-free and to adhere to the rules and regimen of treatment. The second factor relates to differences in the marijuana and cocaine treatment programs themselves. The marijuana program is less expensive and of shorter duration than programs for other drugs, making it a more attractive alternative to prosecution and an easier program to complete successfully.

**Recidivism.** Recidivism is defined as any new charge submitted to the County Attorney's office after the initial offense that first brought the offender to the attention of the Demand Reduction Program. Of the 7,012 offenders referred to the County Attorney's review, approximately one out of five were re-arrested during the period of observation; of these, 44 percent were charged with a drug offense, 29 percent with a property offense, and 12 percent with a crime against a person. The mean length of time between entry into the Demand Reduction Program and recidivism was 177 days, or nearly 6 months.

Recidivism rates were different for persons who accepted and persons who refused the treatment option. Of the offenders deemed eligible by the County Attorney's Office for diversion to treatment between March 1989 and March 1990, the following committed another crime before May 1, 1991:

- 26 percent of those who did not respond to the offer of treatment.
- 18 percent of those who refused treatment.

- 11 percent of those who entered treatment.

Further, the evaluation results indicate that defendants who choose to enter treatment, especially those who then complete the treatment program, have a significantly slower return to recidivism than those eligible defendants who do not enter treatment.

These findings may be due to the success of the treatment program, or they may result from the offenders' self-selection into the program. That is, the same reasons that motivated persons to enter and succeed in treatment may have been the reasons that motivated them to cease future criminal activities. It is clear, however, that entering the program and completing treatment were significant indicators of differential lengths of time to recidivism.

**Generation of funds for treatment.** The Demand Reduction Program has resulted in the flow of substantial funds to the Maricopa County General Fund, in addition to the fees paid for the treatment program itself. While the personnel and resource costs of the program are not

known, it is known that \$39,342 was collected in jailhouse processing fees and \$850,411 in the Arizona Drug Enforcement Fund during the first 2 years of the program. These revenues were independent of the fees assessed to cover the costs of the users' participation in treatment.

## Conclusion

In its first 2 years of operation, the Maricopa County Demand Reduction Program resulted in increased use of treatment as an option to either a case turndown or filing of charges. Cases that would have been actively prosecuted previously continue to be actively prosecuted within the program. Due to the net widening of the "zero tolerance" policy, those cases that would have been rejected for prosecution previously are now accepted into the program and diverted to treatment.

Comparisons of those who are eligible for treatment illustrate that exposure to the

TASC treatment significantly prolongs the time to recidivism.

The authors are with Arizona State University. John R. Hepburn, Ph.D., is a professor in the School of Justice Studies; C. Wayne Johnston is a research analyst; and Scott Rogers is a computer specialist. Contributions to this report were also made by Celesta Albonetti, Ph.D., Texas A&M University, and Scott Decker, Ph.D., University of Missouri-St. Louis.

The evaluation is based on data obtained by the Arizona Institute for Criminal Justice under NIJ grant 89-DD-CX-0055. Findings and conclusions reported here are those of the researchers and do not necessarily reflect the official position or policies of the U.S. Department of Justice.

For more information on the Maricopa County Demand Reduction Program, or for a copy of the implementation manual, contact the Maricopa County Attorney's Office, 602-506-7799.

The full report of this evaluation, *The Maricopa County Demand Reduction Program: An Evaluation Report*, can be obtained for a fee from the National Criminal Justice Reference Service, Box 6000, Rockville, MD 20850 (telephone 800-851-3420). Ask for NCJ 138225.

The data sets are available from the National Archive of Criminal Justice Data, Inter-university Consortium for Political and Social Research (ICPSR), University of Michigan. Call Christopher Dunn at 800-999-0960 or 313-763-5010.

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