

**SERIALIZATION: NADCP AND THE DRUG COURT  
MOVEMENT: A FIRST PERSON ACCOUNT, 1990-2001 (Judge  
Jeff Tauber ret.)**

**EXCERPT NO. 9: REENTERING THE REAL WORLD; 2001**

<http://www.reentrycourtsolutions.com/2015/07/27/excerpt-n0-9-2001-reentering-the-real-world/>

*2001 was a difficult year. The only good part for me was that I was weaning myself away from my 80 hour workweek. I had my music to return to and for that I was grateful. I played my tenor saxophone and harmonica in a number of bands around the D.C. area (and on many a night, played solo jazz saxophone to the seagulls on the Alexandria Pier).*



Expressing the duality of law and music in a life; NADCP Founding President Jeffrey Tauber (Photo Art by Frank Tapia)

**RESIGNATION FROM NADCP/NDCI**

NADCP had become the organization I had dreamed of building, an accepted Institution, a part of the Washington Establishment. I intended to develop projects dealing with Reentry from Prison, DUI Offenses, and Sentencing Systems that went beyond the Drug Court idiom. But the reality was that since the 2000 Conference in San Francisco, I was virtually handcuffed by the Board, under constant scrutiny, with almost no opportunity to move ahead on new projects; in essence a lame-duck President.

Before the end of year 2000 it became clear that senior staff members had wrested control of the dialogue with the Board, and were not going to let go until they got what they were after, my resignation. I decided it was best for me to concede the inevitable and accept “early retirement”.

I submitted my resignation from the Presidency of NADCP, to take effect in early 2001. I would remain as President at least in name, until a new President took over. I also co-chaired a committee screening for my successor.

I knew that West needed to stay at NADCP and that his outsized charm and drive would keep NADCP as a major presence in the field, but his possible selection as a successor was never in issue. There were too many fresh accusations floating around about his stewardship of NDCI and he was too young and new to the job to vie for that position. I never did get to the bottom of the rumors swirling around West. At the time, I believed them to be spread by jealous colleagues that were piqued by his quick ascension to crown prince of NADCP.

When I first told West of my intention to resign, he appeared stricken. He argued against it and when I wouldn't budge, he proposed that the two of us set up our own organization. I was moved by his offer, but I knew that it would be a mistake. I didn't want to further weaken NADCP by removing its two mainstays, (and truthfully I didn't want to compete with or diminish the organization I had worked so hard to create). I remained on the Board of NADCP as an Emeritus member, to monitor the organization, and help West stay on his leadership track.

## **HELPING TO CHOOSE MY SUCCESSOR**

My last significant responsibility at NADCP was to assist in the selection of its new CEO (the board decided that my successor would not be a President, but a more malleable CEO). I screened dozens of résumés with members of a Board selection committee. Most of the applicants appeared to be limited in experience, expertise, and background.

We ultimately came down to a single applicant who appeared to have the drug court background required (she had been Gary, Indiana's first Drug Court Judge), and had a promising low-key managerial style more in keeping with NADCP's increasingly bureaucratic structure. With Judge Karen Freeman-Wilson's ascension to the leadership of NADCP, I began to look for other avenues for my energies.

## **DIFFICULTIES IN REMAINING ON THE SCENE**

I unfortunately felt more or less persona non grata at NADCP. The work that I had wanted to move forward on fell to the wayside.

I considered returning to California at that time but thought that the proliferation of Problem-Solving Courts and the threat of legalization across the U.S., presented an opportunity to remain in D.C. and make a contribution to the field as a consultant and educator.

Let's just say I still had the fire in the belly and wasn't ready to retire to California just yet. But I didn't realize how difficult it was for an organization's founder to remain on the scene after resigning his position. On the other hand, I don't think that I would've been very receptive to a lingering (and some would say meddling) organization founder had I been in the new CEO's position.

## **MUSIC AS HEALER OF ALL WOUNDS**

Washington D.C. had a wonderful music scene. It was there for me to disappear into when work became too intense, or my life too hectic. For some reason there was a dearth of saxophone players in the D.C. area and I worked often, mostly in blues and R&B bands. I played at the Washington D.C. Blues Festival, and several street festivals near the Washington Monument.

When I left NADCP I began to focus more on my music, something I loved, that gave me spiritual sustenance. I sometimes played several music gigs in a single weekend. I spent hours a day playing, yet one achievement eluded me. I wanted to play jazz saxophone, solo on the Alexandria Pier, on the Potomac River, under the night sky.

At the time I was often played with a piano man and blues singer, "Jazzy Blue", and he encouraged me "to free my soul" and get out under the stars and play what was in my heart. And I did, reluctantly at first (a bit scary playing by yourself in front of tourists and seagulls), but then I spent many an evening (in winter and summer) playing solo jazz on the Pier. Tourists would drop dollar bills in my sax case and I would save their handouts until I could make a substantial contribution to a Los Angeles organization, MAD also known as "Musicians Against Drugs".

Jazzy and I played gigs all over the D.C. area, but our favorite gig was Friday night, at the club, “Bojangles” on M St. in Georgetown. I remember as though it were yesterday, Jazzy banging out a rock and roll tune during the hot summer evenings, and me playing through my cordless mike on the sidewalk outside, as a crowd spilled out of the club, dancing onto M Street.

When I left D.C. in December of 2001, for home in the Bay Area, I first visited Jazzy in St. Croix where he had taken up residence. We played all over the island and almost every day. I can’t say that’s it’s my kind of lifestyle, but I’ve been back to play with Jazzy several times over the years. He’s become an island icon, was named “St. Croix Musician of the Year” several times, and continues to play daily for tourists and locals.

## **THE CENTER FOR PROBLEM SOLVING COURTS (CPSC)**

I started a small non-profit dedicated to the effective development of the “problem solving courts”, specialty courts modeled after the drug court, unanimously championed by the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) in their resolution of August 3, 2000 (see chapter 8).

My new NGO was located in the den of my Alexandria Condo. I decided that my first project would be a defense of Drug Courts under onslaught by the “Drug Policy Institute”, an organization with strong legalization roots (the primary sponsors for California’s Proposition 36). I began by writing an article on the recently passed Proposition 36, the California de-criminalization Proposition, “How California’s Prop. 36 Came To Pass”.

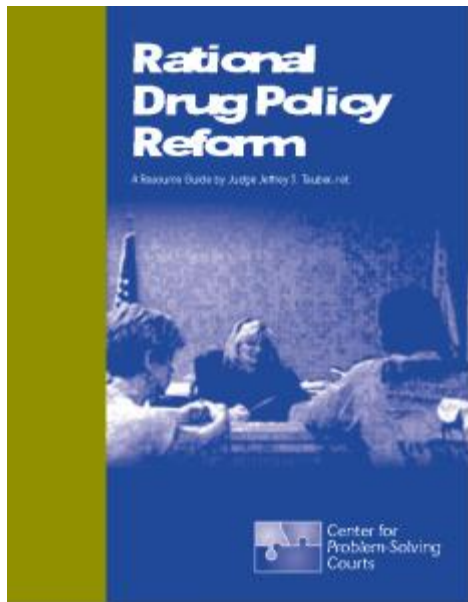
This was an especially difficult project as my only use for computers up till then was as a kind of bulletin board, placing sticky notes on my PC monitor. But I was now a private contractor and consultant, struggling to set up an NGO. I took advantage of an inexpensive series of classes at a local “Comp USA”, and learned the fundamentals of word-processing (luckily, my girlfriend was an IT consultant, and was willing to assist).

I found an attorney willing to help me set up the non-profit, and began by putting out a newsletter on-line with the help of my good friend and Oakland drug court colleague, Frank Tapia. I occasionally published in other periodicals (most notably the Drug and Alcohol Newsletter on the subject of Therapeutic Rehabilitation).

West and I remained close (he came up with a name for my new entity, the “Center for Problem-Solving Courts”). He gave me what assistance he could, but he had an enormous responsibility in running NADCP/NDICI from the No. 2 position, which

clearly weighed heavily on him. Frankly, he was between the proverbial rock and a hard place; we were good friends, but if it were seen as too close a friendship, he would be risk distancing himself from NADCP's new leadership.

## **“RATIONAL DRUG POLICY REFORM: A RESOURCE GUIDE”**



Originally conceived as a series of articles on Prop. 36, it developed into an analysis of how to best promote drug policy reform

The one area that I was able to devote myself to (outside of NADCP) and had ostensibly resigned to work on, was my active opposition to California's Proposition 36, a law that I believed would move California toward ultimate drug legalization.

I wrote a series of articles on Prop. 36, and how best to promote drug policy reform while opposing drug legalization. I proposed straightforward procedures that state and local drug practitioners and their organizations could adopt to maintain their leadership in drug policy reform. I turned those articles into one of my better publications, "[Rational Drug Policy Reform: A Resource Guide](#)". The monograph was distributed at NADCP's 2001 National Conference in New Orleans and across the nation, and at the time it appeared to be well received (click on image for full text)

My opposition to California's Prop. 36 became something of a turning point for me. I found myself struggling to understand the implications of decriminalization and legalization. Having sat on the Bench in Oakland, CA and visited dozens of courts around the country (and around the world), I had no illusions about the effectiveness of the criminal justice system's heavy handed dealing with drug abusers. Drug Courts were a good alternative to punishment, but were only being used in a small percentage

of appropriate cases (and then often poorly implemented). I had begun to understand that we needed to take a more science-based, comprehensive and nuanced approach to the drug offender (as we should all offenders).

My research and writing of the monograph, as well as, my separation from NADCP had reduced any inclination to advocate for a primarily drug court solution, and opened up my thinking as to other approaches to the problem. Existing national drug control policies profoundly disturbed me. I didn't have much faith in Prop. 36 or other hastily constructed decriminalization cure-alls, but also understood the extraordinary damage done by the criminal justice system in its attempts to root out illegal drug usage.

I came out in my monograph, for the restructuring of our criminal justice approach to drug abuse, acknowledging that it was primarily a public health issue; that the courts were only one of a number of approaches that could be used to reduce substance abuse. I recommended that all drug usage offenses be reduced to misdemeanors, with no initial custodial sentence as a condition of probation (and inferentially no felony conviction or state prison sentence). Still I supported a court based monitoring function (and the possibility of limited custody for non-compliance) to make sure the drug dependent offender had the motivation to move away from drugs.

I had a conversation at a restaurant in the Los Angeles Airport in 2001 with Bill Zimmerman, Executive Director of the "Campaign for New Drug Policies" and public relations Director for Pro-Prop. 36 forces. I contacted him to see if his organization was interested in talking about rapprochement. I flew to Los Angeles to see if there was any way the drug court field and the legalization movement could work together to reform the drug criminalization laws across the nation. At first he was a bit standoffish, but was noticeably interested when I provided him with a copy of my Resource Guide and pointed out that I had called for the reduction of all drug use offenses to misdemeanors with no immediate custodial sentences. I proposed that we work together to make that a reality. He said he would get back to me. He never did.

## **NADCP MOVES ON**

NADCP'S 2001 National Conference in New Orleans was less than stellar. The specter of legalization hung over the conference as more and more states were considering legalization. Less than 2000 attended (of course there was also a recession to deal with at the time).

I received the first "Stanley Goldstein Award" ever presented, at that Conference (an annual award for the brightest lights of the Drug Court world). I believe it was for

being the founder of NADCP. But my star as founding President of NADCP seemed to be more a chain I dragged behind me, than an honor.

Personally, this was a trying time. I struggled to get the “Center” off the ground with minimal success. My best moment: I spoke at the Betty Ford Clinic’s Annual Board meeting in Aspen, Colorado, and received generous funding for my “Resource Guide” from the Clinic.

But I had no idea how quickly your colleagues and admirers could and would forget you. Of course, I had been a strong, even an aggressive leader of the drug court movement, when such leadership was effective, and to my mind necessary. Early on, my approach to decision making didn’t leave much room for collaboration or partnerships (or decision by committee) and now there was little offered in return. To many, intent on remaining in the good graces of NADCP, I had received the equivalent of a dishonorable discharge from the organization. No one could say why, but that appeared to be incentive enough to keep one’s distance.

## **MY FOCUS ON INTERNATIONAL AFFAIRS**

The one drug court area that I was to maintain an active involvement in during 2001 was the international drug court field. I made several trips abroad in 2001, the most illuminating being my second state department sponsored trip to Brazil. In many ways my trips overseas were more instructive to me than they were to my audiences. I learned of the difficulty of finding financial and rehabilitation resources believed necessary for drug courts, in third world countries. I also learned how different cultures see drug usage. Somehow, the U.S. has become the center of virulent anti-drug sentiment (as long as the drug isn't alcohol or for medicinal purposes). This is not necessarily the attitude of the cultures I have observed during my visits to nearly one hundred nations around the globe.

Shortly after becoming President of NADCP in 1994, I made my first presentation at the U.N Conference on Communities in the Global Drug Problem, on May 18, 1994 (["A National Strategy for the Co-Funding of Drug Court Systems"](#)). I was to present to the NGO section of the United Nations on several occasions as NADCP’s President and the movement’s leader. I made more than twenty trips abroad in over a decade to promote the drug court concept and also wrote the first publication on International Drug Courts, “The International Drug Court Handbook”.

In 1997, I was invited to the UNDCP Headquarters in Vienna, Austria, where I spent a week meeting with UNDCP officials, making presentations on Drug Courts. These U.N. meetings were later followed by presentations in Milan, Italy, Gloucester,

Scotland, and Loughborough, England, (where I led a team of NADCP practitioners in a two day training for rather disinterested English criminal justice personnel).

NADCP's most important international ally was Andrew Wells, a representative for the United Nations Drug Control Programme (UNDCP). I had the good fortune to meet Andrew, at a Conference in New Delhi, where U.N. policy was to be drafted for the year 2000, "United Nations Conference on the Global Drug problem" (when national leaders from around the world would meet at U.N. headquarters in New York City to endorse a new Global Drug Control Policy). With the help of Andrew, and others, I was able to convince the drafting committee to include a section in the policy statement approving court-ordered treatment as an alternative to incarceration (thus validating the drug court, at least in concept).

[The story behind the writing of that U.N. Resolution deserves a brief description. About a dozen mostly western delegates of the 400 plus participants at the New Delhi conference retired to a suite where an expansive resolution was written overnight. To my knowledge, no one at the Conference saw the final draft except for those who wrote it. What is truly amazing is that when it was called to a vote the following day, before the full body of some four hundred delegates, one delegate stood up and demanded to see the document before he voted on it. His colleagues shouted him down and the Resolution that was to be presented to the General Assembly was passed unanimously. And that is the sum of what I know about how U.N. Resolutions are drafted]

## **AUSTRALIA: THE BEST INTERNATIONAL MODEL**



## AUSTRALASIAN CONFERENCE ON DRUGS STRATEGY



*State Dinner, Government House  
Adelaide 27 April 1999*

My second visit to Australia took me to the West Coast, where interest existed in starting up Drug Courts as Sidney had done the previous year. I am standing behind Marilyn Roberts, Director of the U.S. DOJ's Drug Court Office, a strong proponent for, and a stabilizing presence in the burgeoning Drug Court field

In 1998 and 1999, I was asked to assist in the formation of Drug Courts in the Pacific region. In 1998, I flew to Guam to make a series of presentations and meet with Pacific Island Judges who were developing local drug court models. After visiting Guam, I continued on to Australia, where I spent a week meeting with officials from every relevant organization and government entity, including the New South Wales Prime Minister and his Cabinet. The following year I was asked to present to provincial officials in Western Australia.

The adoption of Drug Courts in Australia turned out to be our greatest international success. The Australians picked up on the idea quickly and implemented drug courts almost immediately. When I returned for further consultations and a conference in Western Australia the following year, I found a thriving drug court in Sydney, working with the high risk drug offenders, that drug courts are designed for, (and

many Americans courts have been so reluctant to establish). The Australians were so pleased with their drug court, that other drug courts were already being implemented.

[The Australians turned out to be better coordinated, more collaborative, and appreciative of how drug courts could be effective with the most serious criminals and addicted offenders. (Perhaps it was because of Australia's unusual history as a one time penal colony.) That was a position that NADCP supported at the time, but without the overwhelming supportive scientific evidence that exists today for the Australian approach.]

## **INTERNATIONAL ASSOCIATION OF DRUG COURT PROFESSIONALS**

From the founding of NADCP in 1994 to the creation of the International Association of Drug Court Professionals (IADCP) in 1999, I engaged the international community wherever and whenever I could. Through our National Conferences and other training events, as well as individual consultations, discussions and meetings both in the states and abroad.

From 1997 on, our National Conferences had workshops and then whole tracks devoted to international drug courts. From 1997 through 1999, NADCP paid the hotel expenses of two official visitors per nation, to encourage them to attend our National Conferences and learn about drug courts. Our only requirement was that one visitor be from the criminal justice field, and the other from treatment. Our purpose was to expand the drug court field to other cultures (hopefully learning from them as they did from us), while accruing the credibility that international cooperation (and replication) might bestow upon the field at home.

In 1999, at the 5<sup>th</sup> National Conference in Miami, there were sufficient representatives from nations with drug courts to form an international organization. Besides the U.S., Australia, Barbados Brazil, Canada, England, Ireland, and Jamaica claimed existing drug courts. There were approximately ten additional nations represented at that initial 1999 Founders Meeting of the International Association of Drug court Professionals (IADCP). Bylaws were adopted. Officers were elected: Myself as President, Judge Paul Bentley of Canada (Toronto Drug Court Judge), Vice-President, Andrew Wells as Secretary (UNDCP Representative) and Paul Hassett of Scotland (Treatment Professional), Treasurer. It was a quiet beginning, but an important first step for the international drug court community.

## **QUESTIONS THAT INTERNATIONAL DRUG COURTS POSED**

The countries that had the most success were so-called modern, industrialized, western nations, with English-based judicial systems (in particular Australia, Canada,

England, and Scotland). I was on a constant lookout for ways to deal with drug abuse that did not require the financial or rehabilitative resources found in Western countries. I had embraced Community-Based Drug Courts early on in my career (see chapter 3) and was convinced that community was the key to a successful drug treatment court, in other nations, as well as the U.S.

I was skeptical of some of the claims for drug courts at home and abroad, and painfully aware of the shortcoming of many of our courts. I visited and consulted with drug courts in the U.S. all the time that were drug courts in name only. Drug courts that were ordering thirty days for a first positive marijuana drug test was not what I thought drug courts should do.

The drug court concept, could clearly be used to confuse and dodge criticism of jail-based responses to drug usage. I wasn't opposed to jail sanctions, but felt that many courts were over-using them and unnecessarily. I understood what civil libertarians were saying when they claimed some drug courts were widening the net, (forcing drug users who weren't necessarily drug dependent and didn't need intense treatment into drug courts).

I had been writing about the need for "systemic approaches to drug offenders" since 1998 and the need to build science-based sentencing systems with multiple tracks that could deal effectively with the differing problems of drug offenders, as well as non-drug offenders([The Development and Implementation of Drug Court Systems,1999](#))

There was a delicate juggling act being performed by drug courts and it was the national organization's job to see that the field did not collapse into a more punitive system than that which had existed before. An excellent example of this problem, was taking drug courts international. While the concept can and was adopted successfully in other western countries, the idea that they could be easily adopted in third world countries was somewhat problematic. Nations that didn't have drug treatment, drug testing, probation systems, or even clean drinking water would have a hard time replicating the western drug court model.

## **9/11 FORCES ME TO REASSESS MY WORLD VIEW**

Everything changed on September 11, 2001. I was driving towards the Pentagon Mall to purchase copies of the Christian Science Monitor, which contained my first (and last) major OP Ed piece on Drug Courts and the dangers of legalization. Needless to say I never made it to the Mall as traffic was streaming Virginia bound after the Pentagon attack.

The next few months were brutal for everyone I knew. For me it had significant consequences, (though obviously less so than for many others more directly affected); it marked the end of any attempts to launch the Center. No one was talking about drug offenders, drug laws, or criminal justice issues. All were consumed with the 9/11 tragedy.

I was depressed and understood that I would not be moving ahead any time soon in my quest to establish myself in the problem-solving court field. I resigned my last formal connection with the Drug Court field, the Presidency of the International Association of Drug Court Professionals in the fall of 2001.

## **OLD FRIENDS AND FAMILIAR PLACES**

In November of 2001, I received a call from my close friend and collaborator from our Oakland Drug Court days, Frank Tapia, with a suggestion. "Why not leave Washington D.C. and make a new start in the Bay Area?" The occupants of the cabin next to Frank's home had moved on and it could be rented for a very reasonable sum.

I moved back home and slowly reintegrated myself into the Bay Area with the support of friends, in particular, Frank, his wife Marna, and their son Nick who would be my next-door neighbors for the next four years.

I didn't want to return to the bench or bar at that time. I continued to play music on a daily basis, concentrating on my jazz chops, taking classes at the Jazz School in Berkeley, and focusing on music as an occupation (though it was a fanciful aspiration at best).

It made all the sense in the world to be back in the bosom of the East Bay (Oakland, Berkeley, etc.). There wasn't much to do or learn while the Capitol remained in mourning. I had accomplished more than I had ever imagined possible in Washington, D.C over the past six year, and over my decade as leader of the drug court field.

NADCP was an institution now, accepted as such by almost everyone in the criminal justice field. There wasn't much I could contribute as a past President, but who knows, I might be able to do so in the future.

According to the DOJ's National Institute of Justice (NIJ), there were a total of 19 existing drug courts in 1994, when NADCP was formed and I became its President. By the end of 2001, NIJ estimated that there were 847 established drug courts, 44 times the number existing when NADCP was established (according to American University's Criminal Justice Program, there were an additional 450 drug courts in the planning stage).

Judge Jeffrey Tauber (Ret.)