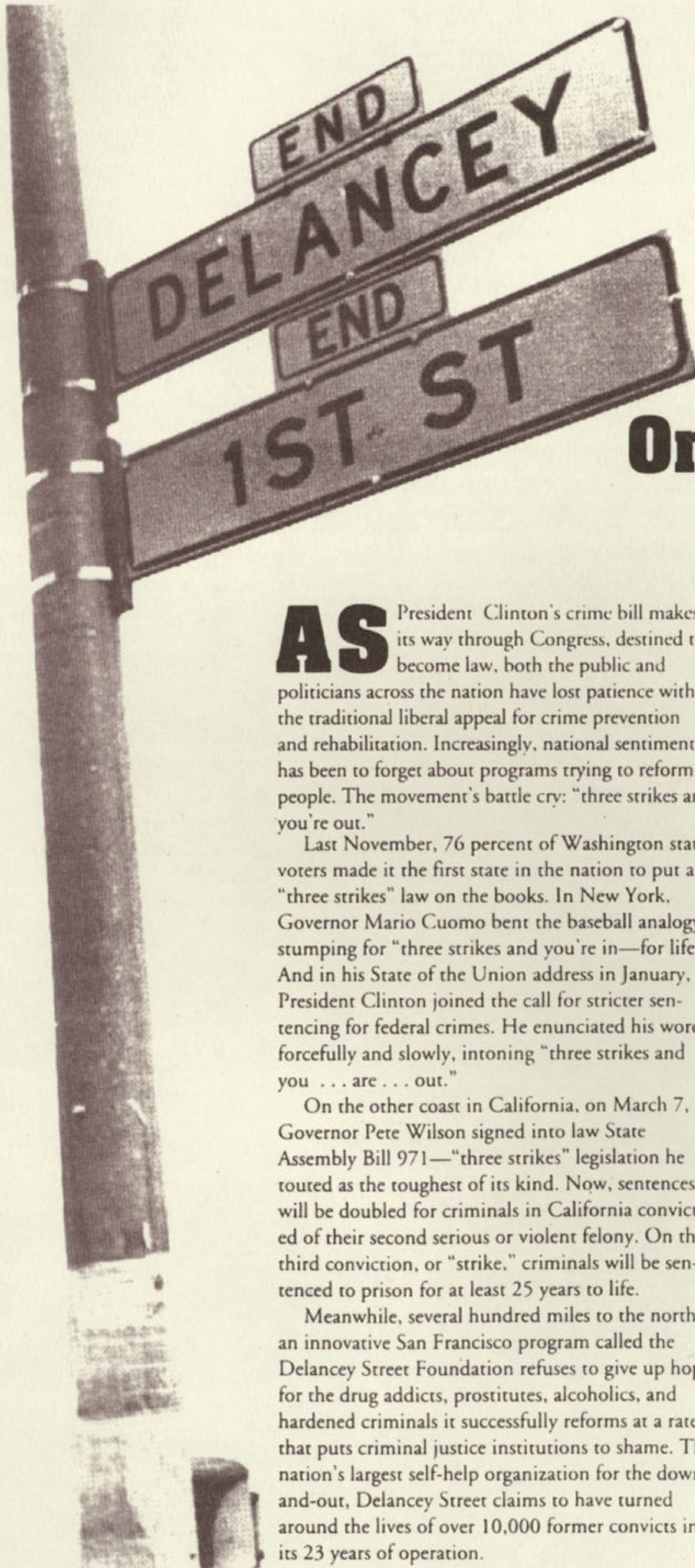

Before Three Strikes

One last chance

by Thomas W. Haines

Photography by Christopher Smith

AS President Clinton's crime bill makes its way through Congress, destined to become law, both the public and politicians across the nation have lost patience with the traditional liberal appeal for crime prevention and rehabilitation. Increasingly, national sentiment has been to forget about programs trying to reform people. The movement's battle cry: "three strikes and you're out."

Last November, 76 percent of Washington state voters made it the first state in the nation to put a "three strikes" law on the books. In New York, Governor Mario Cuomo bent the baseball analogy, stumping for "three strikes and you're in—for life." And in his State of the Union address in January, President Clinton joined the call for stricter sentencing for federal crimes. He enunciated his words forcefully and slowly, intoning "three strikes and you . . . are . . . out."

On the other coast in California, on March 7, Governor Pete Wilson signed into law State Assembly Bill 971—"three strikes" legislation he touted as the toughest of its kind. Now, sentences will be doubled for criminals in California convicted of their second serious or violent felony. On the third conviction, or "strike," criminals will be sentenced to prison for at least 25 years to life.

Meanwhile, several hundred miles to the north, an innovative San Francisco program called the Delancey Street Foundation refuses to give up hope for the drug addicts, prostitutes, alcoholics, and hardened criminals it successfully reforms at a rate that puts criminal justice institutions to shame. The nation's largest self-help organization for the down-and-out, Delancey Street claims to have turned around the lives of over 10,000 former convicts in its 23 years of operation.

At a time when the recidivism rate for prisons approaches 70 percent, and the public has lost faith in rehabilitation, the question begs to be answered: between locking dangerous criminals up and letting them go, is Delancey Street an alternative that works?

From the red brick walls and dark hardwood doors outside to the linen tablecloths and polished silver inside, there is little about the Delancey Street Restaurant to indicate it is owned and operated by a group of ex-convicts and drug addicts who are reforming their lives.

Here, Delancey Street Foundation residents in starched white shirts and black bow ties—who, on average, have made four trips to prison and spent 12 years addicted to drugs—prepare homemade oatmeal biscotti and focaccia sandwiches and wait on tables with care. After work, these men and women return to their rooms in the adjoining three-story Mediterranean-style apartment complex to study for high school equivalency exams, learn other trades, and socialize with fellow residents. When they are ready, usually after three or four years, they will leave Delancey Street, find jobs on their own, and maybe even raise a family.

These people are proof, says Delancey Street Foundation President Mimi Silbert, that even hard-core criminals and drug addicts can learn to be civil, responsible, productive members of society. Silbert has been praised by presidents and the Pope alike for being able to do what politicians and prisons have not. The Foundation has established a track record of turning repeat criminals and drug addicts into clean, sober, law-abiding citizens, without costing taxpayers a cent. Delancey Street generates enough cash from its in-house businesses—a

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restaurant, catering service, print shop, moving company, and sales and tele-marketing staff—to operate without any government funding.

Today, in addition to the San Francisco headquarters that houses 500 residents, Delancey Street has smaller locations in Brewster, NY; Greensboro, NC; Santa Fe, NM; and Los Angeles, which house another 500 residents among them. Though the sites are all overseen by Silbert, they are locally administered and run. Senior residents often take on key leadership roles within each program, requiring few outside staff.

Mimi Silbert, president of the Delancey Street Foundation, sits in the restaurant run by ex-cons.

But Silbert has long been reluctant to work with the government to replicate the program on a larger scale, calling the government's approach to rehabilitation ineffective. When Bill Clinton was elected, Silbert hoped that his administration would be different— and still does. But, so far, discussions with officials in the Office of National Drug Control Policy have not resulted in any specific action on behalf of Delancey Street.

Silbert hasn't exactly been quiet about the new "three strikes" direction that the Administration and other politicians have taken. "A few criminals need to be put in prison forever; most do not," she wrote in an Op-ed piece in the New York *Times* in January. "In the last decade, California's prison population has increased 400 percent, its corrections budget 500 percent, yet violent crime is up 40 percent. No credible study concludes that more imprisonment means less crime."

She is not alone in her argument. The call to incarceration traditionally has met resistance from those who say locking people away does little to diminish crime in the long run. In many cases, prison education and counseling programs are overworked or misguided. Inmates while away the days pumping iron and playing cards until they can hit the streets again.

The National Center of Institutions and Alternatives (NCIA), a research group on criminal institutions and rehabilitation programs, claims that the prison recidivism rate is over 70 percent, citing studies that track parolees over a period of a few years. "Prisons make people less employable and more violent ," says NCIA founder and director Jerry Miller.

Miller also criticizes many models of rehabilitation that are run by states, or within prisons. "These days I almost hesitate to talk about alternatives, because most of them are not real, they're just ways of spreading the net of social control," says Miller. "Halfway houses and programs like them often are not different in philosophy and attitude from a prison's—law and order, lock people up, be hateful. They have nothing to do with care and compassion and reform."

But Miller praises Delancey Street as a rare program that actually rehabilitates people, calling it "a little island of sanity in an insane world." When rehabilitation works, claims Silbert and others, it stops crime at its roots, making the streets safer. Furthermore, it decreases the number of future potential prison inmates, relieving an overburdened prison system—a system that will be severely strained with "three strikes" laws.

A study conducted this spring by California's Department of Corrections estimates that the state's "three strikes" law will add more than 80,000 inmates to the state's prison population by the year 2000. And by the year 2027, the first year the full impact of a generation of "three strikes" inmates will be realized, more than 275,000 additional inmates will be incarcerated. All told, more than $21 billion will have been spent on new prison construction. Yearly operating costs will be nearly $6 billion.

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— president, Mimi Silbert

Yet despite the costs of building more prisons, no one can deny that those being locked up have committed significant crimes against society. Silbert stresses that Delancey Street is not a "soft on crime" approach. As quickly as she attacks those who want to put people behind bars and forget about them, she bashes those who feel sorry for criminals and want to let them walk right back into society.

"Between setting people free and locking them up comes the real issue," she says. "We have a growing number of anti-social people whose values and attitudes are irresponsible, angry and self-destructive."

Silbert thinks people should be held accountable for their actions and refuses to make any excuses for criminals: "they have every problem in the book." Instead, she looks beyond assigning blame and seeks answers.

There's no magic in what Delancey Street does—though there might be in its results. The program attempts to provide a structured environment in which residents can learn everything from reading and writing, to auto mechanics and polite dinner-table conversation. "This is a combination of Harvard University and an old-fashioned immigrant family with aunts and uncles and grandparents and older brothers and sisters all crammed in," Silbert says.

Delancey Street doesn't enlist the services of trained professionals or outside experts. Silbert, who earned a double doctorate in psychology and criminology from UC-Berkeley, is the only member of Delancey Street who's not a resident in the program: "No one is making money here. There are no counselors. No healthy people taking care of sick people. All there is is us."

For the past two decades, people have entered the Delancey Street family from the judicial system—70 percent are referred by the courts as part of an alternative sentencing agreement — or walked in off the streets, where they're strung out on drugs, or "just in between gigs." The only requirement for entrance is that potential residents must ask for help themselves, considered the first step in accepting responsibility for their own lives. Because demand is so high, the program is forced to turn away about 80 percent of applicants. Of those who are admitted, approximately one third are white, one third black, and one third Latino; women make up between 25 and 35 percent of the group at any given time.

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Senior residents Gerald Miller, 38 years old, and Frank Schweickert, 28, review the applications. They both entered the Delancey Street program two and a half years ago. Today, they work as assistants in Silbert's office, interview potential residents, and are involved in several of the businesses—sales, construction, electrical work, and truck driving. Miller served four different prison terms for committing between 18 and 24 felonies—"I lost count along the way"—including armed robbery. Schweickert had never gone longer than 90 consecutive days out of custody since he entered the California juvenile system at age 13. If "three strikes" had been in effect when they were on the streets, both men would be behind bars for life.

Miller and Schweickert are both broad-shouldered, powerful men—men you wouldn't want to have met two and a half years ago. But they are quick to smile, quick to demonstrate that the changes they've undergone at Delancey Street run deeper than their pressed suits, neatly trimmed hair and refined manners.

Miller remembers first walking through the foundation's black cast-iron gates with little to offer. "I came with a pair of jeans, a shirt that was too small, a screwdriver and a pair of gloves in my pocket," Miller says, narrowing his dark eyes to recall that earlier life. "The first day I sat down on a bench and said 'fuck you' to someone, and they said, 'why?' All these years

When Delancey Street outgrew its original location, participants built a new 177-unit residence and the Delancey Street Restaurant in San Francisco's trendy South-of-Market neighborhood. Resident Frank Schweikert, 28, entered the juvenile system at age 13; he now helps interview new residents.

I've been going in front of judges and not one ever asked me 'why?'"

Residents are asked to make at least a two-year commitment, though they stay until they are ready to leave, often phasing out gradually by first finding a job outside and finally moving out of the residence. About 25 percent of residents drop out—usually in the first few months. For those that stay, "why?" is a question often asked of them. There are only three rules at Delancey Street: no drugs, no violence, no threats. As long as each member follows these rules and continues to ask "why?", to learn accountability for his or her actions, he or she is welcome. If a resident violates the basic rules too many times, he or she is asked by the group to leave.

There are only three rules at Delancey Street: no drugs, no violence, no threats.

At first, privileges are few. Dorm rooms for beginners are relatively sparse. Bedding is basic and personal space is limited. Depending on residents' education levels, they learn reading, writing and arithmetic, eventually well enough to obtain a high school equivalency diploma. But as the weeks pass and each resident demonstrates responsibility, living quarters improve. Rooms are shared with fewer people; beds come with private cupboards and desks. "Slowly, you start to think there's something else for you," Schweickert says.

Responsibility also grows in Delancey Street's businesses, which bring in more than $6 million annually, allowing the program to remain economically self-sufficient. Each resident is required to learn three different trades, making them more marketable when it comes time to leave. Several times a week, residents meet in "groups" to learn to understand their feelings and behaviors; twice a day, they meet for "seminars" where they present and study a vocabulary word and concept of the day, and learn basic life skills.

Of all Delancey Street's lessons, the most important are learned in the small routines of daily life. Wearing a coat and tie to dinner. Talking politely with fellow residents. Learning to live within a society that is as diverse and dynamic as that beyond Delancey Street's walls. In many ways, Delancey Street is racing against the clock, trying to teach residents these lessons before it's too late.

Miller has just interviewed a man who will move into Delancey Street soon. "He reminds me a lot of Frank when he first came here," Miller says, smiling at his friend. "I'm already looking forward for him to get here. I know what he's going to do, and that he can do it."

If not, the government may soon have a less attractive and more permanent solution for the applicant—life behind bars.

For more information about the Delancey Street Foundation contact: (415) 957-9800