

**Substance Abuse and Crime Prevention Act of 2000 (SACPA)
STATEWIDE ADVISORY GROUP
April 22, 2005**

WELCOME AND DIRECTOR'S REPORT

Tom Powers, Chief Deputy Director of the Department of Alcohol and Drug Programs, welcomed the members on behalf of Director Kathryn Jett who was unable to attend the meeting.

Mr. Powers reported that Director Jett had the opportunity to speak at the Chief Probation Officer's Association meeting in March. He stated that the Association clearly understands the role treatment plays in the criminal justice continuum. Director Jett participated in the Walk for Recovery events that took place in Sacramento on March 13, 2005, and San Diego March 20, 2005. Donations from those events go directly to treatment programs in those communities.

Mr. Powers reported that Director Jett attended the National Association of State Alcohol and Drug Abuse Directors meeting in March. Methamphetamine use is a problem in California and appears to be spreading east. Congress has introduced several bills to step up enforcement, ban pseudoephedrine, provide for toxic clean-up, and expand treatment provisions. Director Jett has asked UCLA to review the scope and magnitude of methamphetamine use in the state.

Mr. Powers announced that the counselor certification regulations were approved and became effective April 1, 2005. This 25-year effort for ADP offers consumers protection and raises performance expectations for counselors in the state.

Mr. Powers reminded the membership of the ADP "Designing the Road Map" treatment conference to be held May 4-6, 2005 at the Sacramento Convention Center. This conference is an opportunity for the field to join together to improve programs and services, make policy recommendations, and learn about the most effective treatment practices.

Del Sayles-Owen, Deputy Director, ADP Office of Criminal Justice Collaboration, reported that ADP is currently reviewing four bills that would change the Substance Abuse and Crime Prevention Act of 2000 (SACPA). Those bills are:

- SB 803 introduced by Senator Denise Ducheny. SB 803 would fashion SACPA after drug courts and provide \$150 million annually.
- SB 556 introduced by Senator Carole Migden. SB 556 makes changes to offender eligibility, length and completion of treatment, probation, and several other areas.
- SB 899 introduced by Senator Charles Poochigian. This bill would require amendments to the act that are designed to correct problems identified by the University of California at Los Angeles (UCLA) Evaluation Long Term Study or the SACPA Annual Report completed by ADP, to be construed as amendments that further, and are consistent

with the purposes of, the act. The changes must be consistent with, and address problems identified by, those studies.

- AB 858 (Bass) provides continuous SACPA funding at \$120 million annually for the next five years. It includes compromise measures that could be supported by most stakeholders. It does not, however, provide jail sanctions and the increased court flexibility that representatives of criminal justice advocate. Supporters of this bill are the County Alcohol and Drug Program Administrators Association of California (sponsor), Applied Research Center, and California State Association of Counties (CSAC).

Ms. Sayles-Owen reported that the Senate Budget and Fiscal Review Subcommittee 3 on Human Services met on March 10, 2005, and was chaired by Senator Denise Moreno Ducheny. Ms. Sayles-Owen represented ADP in responding to an information-only request on SACPA and Drug Courts. Committee members were provided with the latest program data reported in the 2003 UCLA Report showing that 54,140 Proposition 36 clients were processed through the criminal justice system in the second full-year of SACPA operations (FY2002-03). Of those, 71.4% received treatment and 34% of those completed treatment.

Ms. Sayles-Owen discussed the release of the Recidivism Among An Early Cohort Of California's Proposition 36 Offenders, which contained early data on Proposition 36 re-arrests during the first six-months of SACPA operations. At the request of the subcommittee, ADP presented information on statewide expenditures for FY 2000-01 through FY 2003-04, and projected expenditures for FY 2004/05 and FY 2005/06.

During the hearing Ms Sayles-Owen reported that UCLA continues to develop new research results. Concern was expressed by the Committee Chair that cost offsets and recidivism data will not be released until spring 2006. The Committee Chair was assured that future results will cover criminal recidivism as well as cost offsets, and there may be some preliminary data available sooner.

Ms. Sayles-Owen reported that the UCLA 2004 Report is being finalized for release this summer.

Ms. Sayles-Owen reported she met with the Vera Institute of Justice which is looking at criminal justice issues in New York and around the world. The Institute was provided an update on Proposition 36.

Ms. Sayles-Owen announced that Addison "Tad" Davis, Deputy Director for Demand Reduction from the White House Office of National Drug Control Policy (ONDCP), will be visiting ADP.

Ms. Sayles-Owen announced that with the funding received from The California Endowment, ADP and the University of California at San Diego Center for Criminality & Addiction Research, Training & Application (CCARTA) will be able to present one conference annually. The next Making It Work Conference will be held in San Diego on October 26-28, 2005.

**PROGRAM UPDATES
FROM STATEWIDE ADVISORY GROUP MEMBERS**

Statewide Advisory Group members engaged in a roundtable discussion and reported on program updates from their associations:

Santa Clara reported work being done to address changes to the waiting lists at every level of treatment modalities. The wait for residential care is four weeks.

The goal and challenge for Los Angeles County remains to expand treatment and recovery services. The county will continue to explore access to other resources to provide adequate services to the public. Los Angeles County attributed their collaborative success to continued regional meetings.

There was a discussion regarding client access to treatment. The issue was whether clients not getting into treatment is due to lack of funding versus lack of a bed or "capacity. It was noted that in rural counties clients are receiving treatment as affordable, not treatment as assessed.

Sacramento County reported that its year-three evaluation report will be ready soon and will include recidivism information for the first two years.

THIRD ANNUAL REPORT TO THE LEGISLATURE

Del Sayles-Owen reported to the members that the Third Annual Report to the Legislature is expected to be released in May 2005. The report highlights 2003 UCLA findings on client demographics, completion rates, and treatment placement and duration.

RECOVERY AND REDISTRIBITON OF EXCESS FUNDS

Peggy Blair, a Manager with the Office of Criminal Justice Collaboration, provided the membership with an update on status of the regulations that would recover and redistribute excess funds.

On March 18, ADP issued preliminary SACPA allocations for Fiscal year 2005-2006 to county lead agencies. There were two allocations. One was based on the current formula only. The second was based on the current formula but with allocations adjusted based on excess funds recovered and redistributed.

Fourteen counties were subject to recovery of excess funds, with 21 counties scheduled to receive redistributed funds totaling \$4.4 million. ADP is considering issuing revised preliminary allocations to reflect the updated data from the counties and the voluntary return of funds. If revised, excess funds in the amount of \$6.9 million will be recovered from 12 counties and redistributed to 22 counties.

MAINTENANCE OF EFFORT

Susan Lussier, Fiscal and Administrative Services Branch Manager, Department of Alcohol and Drug Programs, provided the membership with a description of the Maintenance of Effort (MOE) requirement and the impact of Proposition 36 funding. Susan reported that the Federal government requires as a condition for receiving the block grant that State level expenditures must be:

- Expended by the principal state agency
- Spent on authorized substance abuse activities
- Maintained at the average level of expenditures for the two previous years

Ms. Lussier reported that the federal Substance Abuse Prevention and Treatment (SAPT) Block Grant funds can not be used to supplant state-funded substance abuse programs. The consequence of an MOE shortfall is a dollar-for-dollar reduction to subsequent federal block grant awards.

PROPOSITION 36 REFUNDING AND RESTRUCTURING COMMITTEE UPDATE

The Honorable Stephen Manley, Santa Clara, reviewed the proposed changes. Judge Manley commended the wonderful collaborative spirit of the Refunding and Restructuring Committee that he co-facilitates with Toni Moore Administrator Sacramento County Department of Health and Human Services. He noted that many different perspectives have come to agreement on many issues.

Sanctions

Assembly Member Bass and Senator Ducheny asked whether the stakeholders could reach consensus on the issue of sanctions without any promise that they would accept the language. The sub-committee of the Refunding and Restructuring Committee met on April 21, 2005 and developed language regarding sanctions. Judge Manley acknowledged that not everyone in the stakeholder group came to consensus on the sanction language. Consensus was reached among some stakeholders yet the Drug Policy Alliance and the California Organization of Methadone Providers (COMP) oppose jail sanctions. Discussed was the legality of sanctions under the current initiative and whether there would have to be a new initiative in order to incorporate sanctions.

The stakeholder group came to agreement on appropriate sanctions for violations: up to 48 hours for the first violation, up to 120 hours for the second violation, and leaves the sanction after the third violation to the discretion of the court. The proposal adds language giving court discretion to keep an offender in Proposition 36 after the third violation, refer to a drug court, or impose sanctions not to exceed 120 hours. The purpose is to retain offenders in SACPA treatment.

In imposing sanctions, the court must consider the offender's employment status, progress in treatment, and other factors, along with input from probation and the treatment provider. Language was added that if the offender has recent drug use, the court has the option to refer offender immediately to a detoxification bed.

A member noted that jail sanctions are a problem for offenders on narcotic replacement therapy (NRT), stating that most jails do not have the capability to issue methadone, forcing the offender into an uncomfortable detoxification. A member spoke of the need for language to protect them if they cannot receive medication in jail. Judge Manley stated that the committee would consider amending the language to include consideration of methadone. Another member commented that there is consideration for job and family in the discussion of sanctions, so a reference to medical condition should be added as well.

"Successful Completion of Probation"

The Refunding and Restructuring Committee agreed that "successful completion of treatment" under SACPA must require offenders to complete the required course of treatment and continue to abstain from use of drugs during the period of probation. They removed the language that states the judge must have reasonable cause to believe that the offender will not use drugs in the future. However, this language regarding future drug use will be added as a condition for the dismissal of charges.

Funding

Toni Moore provided an update on the second Unmet Needs Survey conducted by CADPAC and CAAR. With 38 responses so far, there is an estimated a need of \$220 million annually. One member noted that a primary objective should be the continued funding of the initiative and keeping programs running. Expressed was need to receiving funding as soon as possible to keep contracts in place and prevent a break in the provision of services. AB 858 (Bass) would provide for continuous \$120 million annual appropriation. Member Bass is not receptive to increasing that amount, even though more funding is needed.

Caps on Non-Treatment Expenditures

The Refunding and Restructuring Committee has discussed non-treatment spending caps. The committee could not reach agreement on caps. However, should an author add language to a bill, the committee would ask that small counties be exempt.

Evaluation

The stakeholder group agreed on definitions of criminal justice and treatment measures for the long-term evaluation and expanded the current language to allow public and private firms to conduct the studies. There would be two additional evaluation studies with reports every three years.

Audits

The annual audit requirement for every county changed to periodic audits, giving ADP the discretion to determine which counties to audit and when. The group also agreed to add language to allow imposition of a corrective action plan for audit exceptions rather than repayment only.

Definition and Length of Treatment

The language changes included an extension of the length of treatment for up to 24 months: up to 12 months with, at court or parole authority discretion, two six-month extensions. The purpose is to allow more latitude in providing treatment services. The definition of drug treatment was also revised to include aftercare as part of treatment and to include drug education, outpatient services, narcotic replacement therapy, residential treatment, and detoxification services.

AVISA EVALUATION STUDY

Dr. Suzanne Gelber and Dr. David Rinaldo of the Avisia Group presented highlights of “Proposition 36 Today: A study of Stakeholders in Ten California Counties” report that was to be released the end of April 2005. Dr. Rinaldo stated that the impetus for the study was the reauthorization of funding of Proposition 36 presently under consideration. Ten focus counties were identified and are a broad representation of the 58 California Counties. The Avisia Group conducted 84 interviews with 111 stakeholders in the ten counties. Dr. Rinaldo reported that the report was not a statistical sample and there was no attempt to evaluate client outcome, they spoke to the people who wanted to speak to them.

Dr. Gelber reported potential changes to Proposition 36 highlighted in the report:

- Proposals requiring statutory change
 - Increased funding
 - Graduated sanctions
 - Clinical resources focused on clients most motivated to change (eligibility)
 - Intensified drug testing and case management
- Suggestions for operational improvements
 - Sustain or re-invigorate interagency collaboration
 - Assure availability of a broad range of treatment
 - Identify and reward the most effective treatment practices
 - Reduce time between court determination of eligibility and initiation of treatment
 - Provide aftercare based on clinical necessity
- It was recommended that the Department of Alcohol and Drug Programs ensure that Proposition 36 local administrative and oversight processes are more timely, consistent, and clearly defined at the county level

Dr. Gelber reported that the counties were extremely cooperative at a time that was very busy for them.

A member noted that their county participated and appreciated the efforts of the Avisia Group.

NEXT STEPS

Members suggested the following agenda items for the next meeting:

- Update on Excess Funds Regulations
- Refunding and Restructuring Committee Update
- Program Expenditure Data

The next meeting is scheduled for August 5, 2005, 8:30 A.M. to Noon. The meeting will be held at 1700 K Street, Sacramento, First Floor conference room.