

**Substance Abuse and Crime Prevention Act of 2000 (SACPA)
STATEWIDE ADVISORY GROUP MEETING SUMMARY
May 30, 2003**

Del Sayles-Owen, Deputy Director, welcomed the Statewide Advisory Group members and attendees, and conveyed the regrets of Director Kathryn Jett. The Director could not be present as she was attending a meeting of the National Association of State Alcohol and Drug Abuse Directors, where she will be presenting a workshop on Proposition 36.

Check-In and Program Updates

Members engaged in a roundtable discussion and commentary on implementation of the Substance Abuse and Crime Prevention Act of 2000 (SACPA). Comments included:

Criminal Justice

- The members were presented with a handout describing Proposition 36 case law as of May 23, 2003. It contains (1) a summary of cases and the courts' decision, and (2) a discussion of the issues to be decided by the Court in cases that are pending.
- Members reported that local budget reductions and increasing caseloads are overwhelming probation departments. Probation departments continue to try to protect communities and provide services. Reductions often mean officers have a reduced field presence and capacity across the service delivery systems is strained.
- Parolee referral numbers into Proposition 36 are up a bit from this time last year. To date, eight of the fourteen Parole Agents with specialized Proposition 36 caseloads have been hired. It was noted that the increase in parole referrals is a good, positive change, but it is happening at a crucial time--a time when dollars and services may be lost or cutback due to the budget crisis.
- A member reported that in his county a number of jail treatment beds and services have been lost due to local budget cuts and other reductions. Drug Court beds remain in tact; however, the county is braced for potential additional reductions.
- Efforts to train judges are progressing. A Judicial Council work group will meet to discuss an educational offering to Judges. One approach may be to offering two sessions, one in the North State and one in the South. Recently, judges in rural areas received training that addressed such topics methadone treatment, successful completion of treatment, and medical marijuana.

- Law enforcement is seeing a lot of methamphetamine use and noted that they are concerned about the number of client failures in treatment and returns to custody they are seeing. In addition, officers are seeing an increase in sexual crimes using “date rape” drugs. Federal law enforcement has issued a handbook on how to deal with the date rape trend.
- There continues to be concern that specialty courts and calendars (i.e., dedicated courts) may be collapsed into regular court proceedings, as a means to achieve cost savings in court operations. This threat continues in spite of data from studies demonstrating the efficiencies achieved by specialty courts and calendars.
- Legislation on cross-jurisdictional transfer of cases passed the Assembly with no amendments. A Senate hearing is scheduled for June 10, 2003.

Funding, Capacity, and Services

- In Los Angeles County, services continue to ramp up. Methamphetamine and cocaine are the most prevalent drugs used by Proposition 36 clients. Los Angeles is also seeing a preponderance of Latinos and Blacks in the program. Currently, men comprise 70 percent of referrals. Capacity has expanded as a result of concluding the Request for Proposal process.
- Methadone providers have been actively focused on dealing with Proposition 36 implementation. Of concern are issues regarding completion of treatment and the number of client referrals into methadone treatment to date.
- Assembly Bill 1308 is moving through the legislature and seeks to address the needs of indigent Narcotic Treatment Program clients and Medi-Cal reimbursement requirements. It is reported that providers are encountering barriers to serving poor clients and maintaining compliance with Medi-Cal rules prohibiting cost shifting.
- There is continued concern about the impact of the budget crisis on the program, as well as the consequences that cuts and service reductions will have on evaluation outcomes. Capacity and service delivery issues are becoming more critical. Some counties are experiencing reductions to their initial services design and there is concern about the policy guiding such changes.
- There was concern that the field needs guidance on drug testing during treatment. It appears there is a great deal of variance in the criminal justice community on how drug testing should be used.
- In Santa Clara, 5,000 clients have been sentenced under Proposition 36, with 810 successes, 178 disqualified, and a bench warrant rate of 5 percent (250 clients).

- Recently, the National Institute on Drug Abuse (NIDA) and the Center for Substance Abuse Treatment (CSAT) rolled out Buprenorphine, a partial agonist used to treat opiate addiction. Although new to the United States, Buprenorphine has been used in France for the last ten years. It has demonstrated good client outcomes, with increased safety and less risk of overdose. This medication can be prescribed and monitored by physicians out of the office, so long as the client caseload is no more than 30.

In response to members' comments, Deputy Director Sayles-Owen commented that there is an expectation that the tough budget choices facing some counties will be reflected in the FY 2003/04 SACPA County Plans.

Budget Update

Ann Horn, Deputy Director of Administration, provided an update on the State Budget. The Governor's May Revise, released earlier this month, largely deferred most of the realignment proposals. The current budget proposal now includes an \$11.5 million reduction in State General Fund discretionary funds for alcohol and drug program services. Other impacts include:

- Drug Courts – the May Revise restores \$7.6 million, as well as a \$2.3 million increase for CDCI.
- Proposition 36 - The May Revise eliminated the realignment of this program. In addition, state operations were augmented to provide for three additional staff positions. The cost of this additional staffing is funded by savings in the State Trust Fund from previous years, and does not impact the amount available for county allocations.

Some comments and questions from members regarding the budget included:

- The Senate adopted drug court language to require counties to focus on adult felons and provide cost avoidance data. However, it is still an open question as to whether the drug court focus will be changed to adult felons only. The legislative interest in doing so stems from data demonstrating that serving the adult felon population results in more savings to the state.
- Members asked how the \$11.5 million cut impacts California's Maintenance of Effort (MOE) requirement under the federal Substance Abuse Prevention and Treatment (SAPT) Block Grant. According to initial data runs, the MOE did not appear impacted. ADP now has information indicating that California may be \$2 million short of meeting the MOE. ADP is exploring whether the "material compliance" provision of the SAPT Block Grant, which technically allows a three percent variance, may be used to address the shortfall with no adverse impact on the award amount.

Evaluation Update

Larry Carr, Ph.D., Acting Deputy Director, ADP Office of Applied Research and Analysis, provided members with an update on the status of Substance Abuse and Crime Prevention Act of 2000 (SACPA) evaluation.

The focus of the presentation was selected findings from the first year of implementation July 1, 2001 - June 2002. The selected findings address the following questions:

- How many SACPA eligible offenders received treatment?
- What were the characteristics of SACPA treatment clients?
- What types of programs were SACPA clients referred to?

Initial findings indicate that 53,697 clients were found to be eligible for sentencing under SACPA by a court. Eighteen percent of those eligible for treatment took other options while 44,043 were referred for treatment, and 37,495 showed up for assessment. There were 30,469 SACPA clients placed in treatment resulting in an overall treatment show rate of 69 percent.

Client characteristic data from the California Alcohol and Drug Data Set (CADDSS) indicate that 72.1 percent of SACPA clients are male, and 27.9 female. The majority of SACPA clients are less than 46 years old, and the SACPA clientele ethnicity is primarily White (48.4 percent), followed by Hispanic (30.7 percent), and African-American (14.4 percent).

The drug of use for SACPA clients was Methamphetamines (50.2 percent), Cocaine/crack (14.5 percent), Marijuana (11.7 percent), Heroin (11 percent) and Alcohol (10.6 percent).

Eighty-six percent of SACPA clients were placed in outpatient treatment, 12 percent were placed in residential treatment; 1.8 percent received detox services; and, 1 percent received treatment or detox using methadone.

In summary, SACPA clients, compared to other treatment populations, are:

- More likely to be male
- Less likely to be over the age of 45
- More likely to use methamphetamine
- More likely to have longer years of drug use

The Legislative Annual Report is in the final stages and that report will be shared very soon. Member comments are as follows:

- There is a need for more clarity on the whole methadone issue and how drug of choice and treatment services are matched.

- Proponents noted that the intent of the initiative was to give everyone two chances at treatment and was not aimed at low-level drug users, as has been widely reported.
- The numbers are derived from CADDs, the SACPA Reporting Information System (SRIS), and base information collected from the evaluation focus counties. As the report draws on several different data sets, it is important to clearly disclose what data is being used.
- Concern was expressed regarding low treatment penetration when there are high rates of addiction. Few positive outcomes materialize after just one treatment episode. The concept of “treatment dosing,” i.e., the amount of treatment received over time, may be useful in understanding and correlating positive client outcomes.
- Members wanted to know when the law enforcement issues would be addressed in the evaluation. Larry Carr responded that this first report is focused on implementation. Law enforcement impacts are reflected in outcome data, which will be included in upcoming evaluation data and conclusions.

Legislative Update

Chris Janzen, Deputy Director, ADP Office of Legislative and External Affairs discussed bills impacting alcohol and drug issues that ADP is tracking. He noted that the Department’s Health and Safety Code clean-up bill is a two-year spot bill that is expected to be revisited in the fall. It was held this spring due to the realignment proposal.

Also discussed was the legislative interest in moving the Office of Compulsive Gambling (OCG) from the Department of Mental Health to ADP. The OCG was created as a result of the Gaming Compacts negotiated with various Native American Tribes. It was noted that no funds are appropriated for the operation of the OCG.

Treatment System Impact Study

Yih-Ing Hser, Principal Investigator, University of California, Los Angeles – Integrated Substance Abuse Programs, provided the members with an overview of the Treatment System Impact Study.

The study, funded by the National Institute on Drug Abuse (NIDA) seeks to investigate the impact of Proposition 36 on treatment service delivery systems and on treatment outcomes. It is hoped that the study will contribute to science-based treatment by focusing on organizational aspects and clinical practices, and identifying “best practices” in treating drug-abusing offenders.

Although this is a five-year study, preliminary findings show that Proposition 36 clients are more likely to be:

- Male
- Admitted to treatment for the first time
- Treated in outpatient drug free programs
- Employed full-time
- Using methamphetamine or marijuana

Next steps for this study include:

1. Interviews with county personnel
2. Treatment program survey
3. Stakeholder focus group
4. Preparation for the treatment outcome study

It was also noted that the study would also address the displacement impact, if any, of Proposition 36 on the general treatment system. Copies of Dr. Hser's presentation were provided to members along with an abstract of an upcoming research article on the study to be published shortly.

Members expressed an interest in data regarding third-party payments, given the rate of full-time employment figures reported.

Program Policy Update

Del Sayles-Owen, Deputy Director, Office of Criminal Justice Collaboration, provided members with updates on major areas of policy and program administration.

All County Lead Agency Letter (ACLA) – Court Costs

ADP released ACLA Letter No. 03-04 on April 11, 2003. This letter discusses allowable court costs, providing guidance to counties on determining which costs are appropriate and examples of expenditures that have been questioned under audit.

ADP determined that unallowable costs include customary costs of prosecuting or defending individuals arrested for drug violations that are incurred by district attorneys, public defenders, court reporters, bailiffs, and etcetera. When the SACPA client has been sentenced for treatment then some probation violation court proceedings would be allowable.

County Lead Agency Implementation Meeting (CLAIM) 2003

Plans are well underway for the fall 2003 CLAIM. The conference will be held October 28-29, 2003, at the Radisson Hotel in Sacramento. A "Save the Date" flyer is available along with additional information regarding registration and costs.

In planning the curriculum content for this year's CLAIM, a "Call for Workshops" to the field is being issued. It is hoped that many involved in the implementation and ramp-up of SACPA will respond. Additional information is available from the University of California, San Diego at (858) 551-2944.

Fiscal Year 2003-04 SACPA County Plan Update

SACPA County Plans for Fiscal Year 2003/2004 were due to ADP on May 1, 2003. To date, 33 of 58 counties have submitted plans. Staff is following up with counties on the status of their plans.

SACPA Statewide Allocation Formula

The ADP Fiscal Work Group is reviewing the SACPA allocation formula to determine whether changes may be needed. Because the ADP Fiscal Work Group had not met for some time, there was a question as to whether ADP is considering disbanding this group. ADP clarified that it is not considering disbanding the Fiscal Work Group. However, there are discussions about consolidating the Drug Medi-Cal Rate Work Group into the ADP Fiscal Work Group.

The Fiscal Work Group has asked ADP for data on county expenditures and SACPA clients. It also asked for information on counties that spent more than their SACPA allocation for fiscal year 2000-2001, using carryover funds from the previous year. There is an interest in focusing the 25 percent treatment caseload factor on the Proposition 36 treatment caseload, rather than the treatment caseload as a whole. The Fiscal Work Group is also looking at whether conviction data should be used in the allocation methodology. The timing of the next meeting of the Fiscal Work Group is contingent upon completing additional data runs. Collection and verification of this data has taken longer than expected. ADP anticipates a Fiscal Work Group meeting within the next six weeks with a report back to the Advisory Group at its next meeting.

SACPA Audits Field Work

To date, fifty-five final audit reports have been issued for FY 00-01. Fourteen audits are currently in progress, including three for which ADP staff is performing a two-year review. Ten final audit reports have been issued for FY 01-02. In addition, the County Alcohol and Drug Program Administrators Association of California (CADPAAC) has formed a work group with ADP to discuss concerns regarding the issues surfacing in the SACPA audits conducted to date.

Narcotic Replacement Therapy and Completion of Treatment

A draft ACLA letter regarding Narcotic Replacement Therapy and completion of treatment was presented for comment. Developed in response to the Statewide Advisory Group's request for state guidance, the letter addresses the issue of methadone maintenance and treatment success for the SACPA offender.

Members commented that the letter is a very good, well-researched discussion. Suggestions and comments from the members included the following:

- There was a concern that not all who need to see the letter will. Under the law, it is up to the Judge as to whether or not the client has successfully completed treatment. It was reported that the Lead Agency may not consistently share ACLA letters with all members of the county collaborative. A recommendation was made that a sentence be added to instruct the Lead Agencies to share the letter with members of the local collaborative team.
- It was noted that most heroin users do not come into methadone through Proposition 36. Continued efforts to train Judges and law enforcement personnel are important and should continue. The perception that methadone is substituting one drug for another is widespread, and is not just criminal justice perspective. Approaches to changing this perception should be educational, informal and motivating, not demanding. Education should discuss how methadone works, the practice of methadone, the treatment plan, the counseling, and the dosage. It was also suggested that this topic be presented as a plenary session to all conference attendees at the SACPA conferences.
- Using education, incremental improvement has occurred, however ideological differences remain regardless of how much educational effort is made. There was a question as to whether a law change is needed to make methadone more available to Proposition 36 clients that need it.
- Studies show a seven to 50-fold death rate increase when clients go off methadone. A suggestion that an executive summary of the research be included with the letter as a companion document.
- There is concern about how clients continue to pay for methadone. It is difficult for a Judge to know that a client can either afford to or will continue on methadone after Proposition 36 eligibility ends.

Del Sayles-Owen thanked the group for their positive response to the letter and constructive input. Staff will revise the letter to incorporate many of the suggestions and release the final letter to the field shortly.

Parolee Subcommittee Update

Del Sayles-Owen, Co-Chair of the Parolee Subcommittee, provided an update on the recent activities of the Parolee Subcommittee. The most recent meeting of the Parolee Subcommittee was April 9, 2003. The meeting focused on the following areas:

- Soliciting county input on the proposal for piloting draft mental health screening and referral forms developed by the California Department of Corrections (CDC) for use by counties, assessment centers, and treatment providers.

- Utilization of other CDC-funded treatment services by Proposition 36 parolees, such as those provided through the Substance Abuse Services Coordinating Agencies (SASCA's). Discussed were the issues and alternatives identified in the client flow, referral, and placement of Proposition 36 parolees across these two systems.

The next Parolee Subcommittee meeting will be held in conjunction with the October 28 & 29, 2003 County Lead Agency Implementation Meeting (CLAIM).

Facilitated Discussion – What's Working, What's Not Working?

Members were asked to engage in a discussion about what in Proposition 36 is working and what is not working or needs improvement. This item is in follow up to some of the concerns from the last meeting regarding problems with existing data collection and other system gaps. Comments, recommendations, and concerns of the members focused on several areas:

Funding

- Consider linking funding to county performance.
- Examine the relationship between the allocation and the Proposition 36 caseload and what to do when the allocation is not sufficient to support the needed services.

County Performance

- Enhance ADP leadership and “muscle” in enforcing best practices.
- ADP should promote evidenced-based approaches, putting the funding where best used. ADP should use stakeholders to effect change and to “carry the message.”
- There is concern that Proposition 36 is the same program in statute but implemented differently statewide and implications of this need to be examined.

Collaboration with Law Enforcement

- The caseload impact on probation is huge and it is very hard for probation to see success or positive outcomes from its vantage point. Efforts should be made to get probation and parole on board with data about how clients are actually doing, and how probation and parole can have a role. There is specific interest in collecting re-arrest data for review and analysis.
- ADP should get the Criminal Justice/Law Enforcement data and issues on the table at Statewide Advisory Committee meetings and conferences.

- Criminal Justice/Law Enforcement members should be involved in building the Agenda for the next meeting

Policy Development

- Statewide Advisory Group meetings should be a place to work on problems and create solutions. Reports currently presented orally can be provided in written form, reserving meeting time for a problem-solving focus. Agendas should focus on action items like housing and third party payments.
- ADP should consider looking at local steering committees that actually work and create some models from what is learned.

Del Sayles-Owen thanked the group for the comments and suggestions. She stated that there will be follow-up and that ADP will work with Bob Elsberg and other law enforcement members in building the agenda for the next Statewide Advisory Group meeting.

Next Statewide Advisory Group Meetings

The meeting of the Statewide Advisory Group previously scheduled for July 11, 2003 is cancelled. Members will be surveyed via e-mail to identify an alternative meeting date.

Adjournment

The meeting was adjourned at approximately 12:30 pm.