

**Substance Abuse and Crime Prevention Act
Statewide Advisory Group Meeting Summary
July 11 & 12, 2001**

DIRECTOR'S WELCOME AND REPORT

Department of Alcohol and Drug Programs (ADP) Director Kathryn Jett welcomed the members of the Substance Abuse and Crime Prevention Act (SACPA) Statewide Advisory Group to the two-day meeting. She then provided a brief background on the group, which was first convened on February 14, 2001. Since that time, the Advisory Group has served a vital role in review of the program guidelines and has provided a forum for discussion of the implementation of SACPA. Director Jett noted that even though there have been disagreements, the Group has modeled collaboration in working through issues.

Director Jett discussed the Technical Assistance Conference -- "Proposition 36 - Making It Work!" -- held in San Diego in May 2001 and thanked the Statewide Advisory Group members who collaborated on its success. The conference focused on the science of addiction and recognizing drug abuse as a public health issue. A lead agency meeting sponsored by ADP and the Center for Substance Abuse Treatment (CSAT) is being planned for fall, 2001. ADP would like to hold another Technical Assistance Conference in early 2002.

ADP Deputy Director Del Sayles-Owen presented an update on the implementation of SACPA, noting that 57 counties have submitted plans and that 45 have been approved to date. The \$120 million allocation for FY 2001-02 will be sent to counties with approved plans as soon as the state budget is signed. Ms. Sayles-Owen reported that a summary of the plans from all 58 counties would be available soon. Preliminary information on the twelve largest counties was discussed. Emergency regulations for SACPA will be extended for 120 days when they expire in August, and ADP will be initiating a public comment period for permanent regulations in September. It is anticipated that those permanent regulations will be in place by January 2002.

STATEWIDE ADVISORY GROUP MEMBERS UPDATE

There was an announcement that "Recovery Happens" Month is September. There will be a kick-off on September 5, at the state capitol to celebrate recovery. Proposition 36 is the theme and Senator John Burton is the Honorary Chair. Advisory Group members were asked to update their current status with the implementation of SACPA. Below are some of the themes expressed:

Implementation of SACPA in some counties is starting slower than anticipated, while some report that cases are in fact coming in quickly.

Overall, counties are making progress implementing procedures and processes.

- SB 537 (Vasconcellos) that deals with counselor certification is of concern of to some provider organizations.
- The recent negative press is of concern. Some feel that a strategy should be developed to respond to press articles that could be relentless. However, some positive press has been experienced in some counties.
- There are areas where there has had to be an adjustment in the local court schedule which has trickled down to an increased workload for local law enforcement.
- Clarification is needed that Proposition 36 does not supplant PC 1000 diversion statutes.
- There has been confusion regarding who is Proposition 36-eligible and there will likely be court challenges based on whether the date of the offense or the date of conviction must be on or after July 1 for eligibility to exist.
- Concern was expressed by methadone providers of the plans of some counties to use detoxification for heroine addicts
- Work continues around the process of defining the system for delivering services to parolees.
- Improved communication is needed between the American Indian tribes and county administrators.
- Issues around District Attorney and Public Defender perspectives continue in some counties. In at least one county, they are not getting Proposition 36 pleas. Defendants continue to go to hearing and trial.
- Confidentiality is a continuing issue, particularly with regard to waivers.
- Inter-county transfer of cases continues to be an issue.
- Capacity development is a major issue in some areas. Finding staff that can be trained will soon be an issue.
- There was a desire expressed for more public advocacy around the disease model of addiction.

SUBCOMMITTEE REPORTS

CROSS-JURISDICTIONAL SUBCOMMITTEE

The Subcommittee presented its report and recommendations.

Recommendation:

1. ADP should develop an All County Lead Agency (ACLA) Letter addressing the question of who pays for treatment when it is ordered outside of the county of arrest. The letter should be reviewed by the Statewide Advisory Group for concurrence prior to being sent to the counties and posted on the ADP website. The letter should state that (1) treatment for Proposition 36 clients will occur in the county of residence, (2) and supervision will occur in the county of arrest, and (3) the county of residence will pay for the treatment.
2. The County Alcohol and Drug Program Administrators Association of California (CADPAAC) will work with ADP to get a list of contacts in the counties for assessment. This list will be sent to the County Lead Agencies and posted on the ADP website.

The Group approved the recommendation and ADP will follow up.

CONFIDENTIALITY SUBCOMMITTEE

The Advisory Group directed the Confidentiality Subcommittee to review and research limitations on exchange of information, as well as current practice. Of particular concern were the following:

1. The potential implications when the probation officer serves on the assessment team.
2. Clarification around what kinds of data go back to court and the impact if there is a subpoena of records.
3. Clarification on the appropriateness and design of confidentiality waivers and the how the information released will be used (treatment vs. coercion).
4. Determination of how training on confidentiality can be most effectively delivered

The Advisory Group also expanded the membership of the Subcommittee as follows:

- Public Defenders
- District Attorneys
- Judiciary
- Sponsors of the Initiative
- Center for Substance Abuse Treatment

ISSUE #1 - ROLE OF THE ADVISORY GROUP IN PROGRAM

Director Jett restated the Group's six-month charge to work as an Association-based advisory group, designed for problem solving. Although there was some discussion about the potential expansion of the role of the group, there was agreement that the role as currently defined continues. Dialogue among Advisory Group members is valuable especially as ADP engages in regulation changes. The group members expressed a willingness to continue to work collaboratively to advise ADP and continue the process for a minimum of six months.

ISSUE #2 – PROGRAM EVALUATION AND RESEARCH OBJECTIVES

There was a presentation by Dr. Douglas Longshore of the University of California at Los Angeles – Integrated Substance Abuse Programs (UCLA). UCLA was contracted to do the longitudinal study and evaluation of Proposition 36. There was considerable discussion around the evaluation. Key themes and issues included the need for:

1. A Core Data Set to ensure consistency in data collection
2. A research design that makes county comparisons given California's diversity
3. Consensus around the outcomes/success factors, including (a) Cost offsets to the state, (b) impact on client drug use and criminality, and (c) impact on crime using pre-Proposition 36 baselines
4. Simple objective measures of success of treating addiction, in a way that is understandable to the public and recognizes that courts, treatment and probation each have an interest
5. Leverage for getting data forms completed and returned

The Office of the Attorney General will meet with UCLA to provide information on counties that are good at mandatory reporting. There was also discussion of the usefulness of including a crime trend analysis, including a comparison with other states. It was recognized that a media plan needs to be developed around data. In summary, the Group noted the following:

1. Be honest about the anticipated rates of completion and provide that information to the media and stakeholders. Include fiscal savings.
2. Keep in mind that the program is in a developmental process. All need to be careful about expected outcomes (including the anticipated success rate for treatment).

Recommendation:

1. Provide the issues, suggestions, and recommendations listed above to the ADP Evaluation Advisory Group.
2. Request that the ADP Proposition 36 Evaluation Advisory Group develop the data requested above for the next Statewide Advisory Group meeting. Dr. Banys, Judge Manley, and a representative from the Public Defenders Association agreed to assist in that development.

ISSUE #3 -- IMPROVED COLLABORATION WITH LOCAL TRIBES AND INDIAN HEALTH CENTERS

There was discussion regarding the interface between Public Law 280 and Proposition 36 regulations. It was agreed the issue needs to be reviewed. Additionally, the following suggestions were made:

1. Include all tribes in the local Proposition 36 planning process not just federally recognized tribes. Counties should be made aware that tribes are economically supportive of substance abuse treatment and prevention programs. Emergency regulations for Proposition 36 do not address steps counties should take to outreach to tribes and tribal courts may not be fully aware of the program. The County Supervisors Association of California (CSAC) offered to use their contacts with County Administrators and Boards of Supervisors to get input, identify the need for technical assistance in this area, and to relay information.
2. Cultural Competency Training: The suggestion was made to provide cultural competency training to county administrators. CADPAAC will explore such a presentation for their September meeting.
3. Communication: A written “how to” package regarding Proposition 36 should be developed and provided to each tribe, along with the local county contact for that tribe. In addition, the Group discussed (a) the need to keep tribal courts apprised of appropriate written information and (b) coordinate cross-jurisdictional assessment referrals with tribes.

4. Treatment: Non-tribal courts need information to make the most appropriate and effective treatment referrals for Native Americans tried in Superior or Drug Courts. A set of guidelines for providing culturally competent treatment was suggested.

Recommendation:

1. The ADP Native American Constituency Committee should be given the information discussed above to review and make a recommendation regarding communication (such as a letter) that the ADP Director could issue to counties and tribal governments to improve collaboration.
2. ADP Legal Office should review the effect of Public Law 280 on Proposition 36.

ISSUE #4 -- COUNTY IMPLEMENTATION, INFRASTRUCTURE STANDARDS AND BEST PRACTICES

The Advisory Group discussed the implementation of Proposition 36 locally and the following observations were made regarding assessment of county implementation:

- It may be too early to tell whether counties are implementing effectively.
- County implementation is an element of the local decisions
- It is difficult to isolate out “Best Practices” during implementation. Identifying “Effective Practices” or “Promising Practices” may be more appropriate,
- There is a need to informally identify issues and what is working locally to establish an improved process for year two. One way of accomplishing this would be to develop a team of ADP staff and other group representatives to do fact-finding and then share the information. Open, non-fearful, thoughtful communication is needed.
- There is a need to strengthen communication through County Lead Agencies to all stakeholders at the county level.
- There is a need to develop the infrastructure to support the on-going collaboration. There are groups, which have not been invited to the table, such as faith-based organizations. Fear may be creating barriers to collaboration.
- Tension exists between those who want ADP to take a minimalist position and those who prefer ADP to take a strong leadership/oversight role. Counties should be encouraged to problem-solve and work things out locally. ADP should be available for technical assistance.
- An effective framework is needed for a strong evaluation process/system, which could include a Key Performance Indicator List.

Director Jett and Deputy Director Sayles-Owen accepted the input from the group and agreed to consider the suggestions as implementation continues.

ISSUE # 5 -- CAPACITY DEVELOPMENT

In reviewing the issues around capacity development for Proposition 36, the Statewide Advisory Group determined the need for further work on infrastructure capacity and staffing.

With regard to the infrastructure capacity, the group raised the issue of displacement. This will be looked at during the evaluation process, however the Group cautioned that it may be an issue requiring earlier review. Capacity issues included:

1. Early on there may be “bottlenecking,” where the greatest capacity may not be where the greatest need is.
2. Market forces dictate what goes on in the field -- bed space goes to the highest bidder. This may make it difficult to track Proposition 36 impact on displacement.
3. There are a significant number of 6-bed or less facilities due to NIMBY issues.
4. There may be additional challenges in paying for Proposition 36 services with only \$120 million annually. It was estimated that that is only about \$2600 per Proposition 36 client per year.
5. While the Rand study identified that there were not enough residential treatment slots available, the counties need to also look at modality to provide the appropriate level of treatment. Counties will need to consider the number of slots at the right level.
6. Work with provider associations is needed to ensure that private pay is effectively maximized.
7. The concept of Regional Residential treatment should be explored.

The second major issue area raised concerned treatment staff. Major concerns expressed in this area were:

1. Treatment counseling made up the number one staffing vacancy in the state.
2. Outcomes suffer without experienced, skilled and competent staff -- it relates to the salaries paid.
3. There is a lack of time and financial support for training of staff.
4. Though certification of the counseling workforce is desirable, it must be recognized that it drives costs up.
5. Counselors are not included in the Department of Labor’s Dictionary of Occupational Titles (DOT). The occupational analysis may occur because of legislation.

6. Well-paid internships need to be developed for counselors; perhaps using the model of doctors in rural service for whom the costs of education is forgiven with service.

The following issues are to be forwarded to the Capacity Building Subcommittee for review and recommendation:

1. Investigate the idea of dedicated beds.
2. Meet jointly with the California Department of Corrections (CDC) Capacity Building Subcommittee to coordinate CDC/ADP efforts.
3. Identify barriers and recommendations regarding who needs to take action for each issue identified above.
4. Develop a process for effectively engaging private providers.

ISSUE #6 -- DEFINITION OF SUCCESS

Members were asked to provide indicators of the success of Proposition 36 by the areas they represent. Those indicators are:

◆ **LAW ENFORCEMENT:**

- Effect on crime rate and on the use of drugs while committing other crimes.
- Impact of Proposition 36 on the law enforcement work force.
- Success will be a public perspective. The successful Proposition 36 client may not be seen by the street cop.

◆ **COURTS**

- Clients succeed so they will not come back.

◆ **PUBLIC DEFENDERS**

- Fewer violations of probation. Fewer clients going to prison. Use caution with the concept of "crime and drug-free" since prisons are just that.
- Fewer resources needed to churn the same case repeatedly.

◆ **TREATMENT PROVIDERS**

- More involvement of law enforcement in seeing how treatment works, and training their own in how it works.
- Showing major results/returns for very little investment in treatment.
- Individuals are (1) no longer using drugs, (2) employed and (3) paying taxes.
- Cost avoidance (prisons, etc) in contrast to pre-Proposition 36.
- Turning around minor offenders before they become serious offenders.

◆ **LEGISLATURE**

- Unified voice regarding anticipated results of Proposition 36 communicated to the public, using scientific data. Realistic anticipated rate of success.
- Completions of program -- including relapses -- and living crime and drug-free long-term.
- Success rate provided in the context of other diseases.

◆ **INITIATIVE'S PROPONENTS**

- Public opinion may only expect a 30-40% success rate (per focus groups pre-Proposition 36).

◆ **GENERAL MEMBER COMMENTS**

- Focus on cost savings
- Use time-line, follow-back technique to record drug and crime-free days for the evaluation process.
- Success is active engagement in a recovery process.
 - Chance of relapse decreases with time in treatment
 - Length of stay in process is a measure
- ADP should take the lead to communicate "success" to the public through the media.

MEETING EVALUATION AND NEXT STEPS
--

- Next meeting of the Statewide Advisory Group was set for Thursday, September 6.
- Agenda items should include a review of the Core Data Set and a review of the data developed by the Evaluation Advisory Group.