

Substance Abuse and Crime Prevention Act of 2000 (SACPA) STATEWIDE ADVISORY GROUP MEETING SUMMARY December 2, 2004

WELCOME AND DIRECTOR'S REPORT

Director Kathryn Jett, Department of Alcohol and Drug Programs (ADP), welcomed the members.

- Director Jett commented that the County Lead Agency Implementation Meeting (CLAIM) held December 1 - 2, 2004, was an educational experience for both the counties and the state. Collaboration is a key component of this initiative and every field was represented at the conference.
- Director Jett had the opportunity to speak at the Narcotic Officers Association annual meeting the previous month. The members conveyed their desire to see a successful program.
- Director Jett noted that David Farabee, UCLA, released a new report titled *Recidivism Among An Early Cohort Of California's Proposition 36 Offenders*, which was funded by the National Institute on Drug Abuse. Farabee analyzed data from the first six months of the program and concluded, among other things, that Proposition 36 participants are more likely to be re-arrested than participants in other criminal justice treatment programs. This report is a snapshot in time following 688 participants during the first six months of the program. Director Jett noted that since that time, more than 30,000 individuals each year have agreed to enter treatment. ADP is expecting new research results from the more comprehensive, five-year evaluation of Proposition 36 being conducted by Doug Longshore, UCLA. Future results will cover criminal recidivism.

STAKEHOLDERS' REPORT ON PROGRAM IMPROVEMENTS

Representatives from treatment and law enforcement met on November 17, 2004, to discuss proposals for improvement to Proposition 36. The effort was lead by The Honorable Judge Manley. Director Jett thanked this group in advance for all of their work and acknowledged that this was not an easy task.

Judge Manley presented the proposals and outcomes of the meeting. He prefaced his presentation by clarifying that there are two draft proposals: one by criminal justice, and one by treatment and other stakeholders. Both proposals are available for review. Judge Manley reported that there was a large turn-out with good representation from all parties. Given the meeting's time limitations, there was no attempt to reach final consensus on any of the issues. However, the group made an effort to move toward

potential consensus on many topics. Members expressed agreement that treatment and criminal justice are not that far apart on some of the issues. There was good discussion of the issues and viewpoints.

The topics discussed were:

Sanctions and Violations

Criminal justice representatives indicated that sanctions should be a part of the treatment program. The issue of sanctions remains outstanding, as does the question as to whether the change can be made by amendment or would require a new initiative.

Eligibility

There was no agreement on the overall topic of changing eligibility. Criminal justice proposes that the opportunity for individuals with serious and violent felonies, as well as multiple prison priors, to participate in SACPA be at the discretion of the court.

Funding

Both criminal justice and treatment believe an increase in funding for Proposition 36 is necessary. Criminal justice estimates a total of \$150 million in funding is needed each year; that includes an estimated \$30 million for testing. Treatment estimates a need for \$500 million each year. The additional money is needed for testing, cost of living adjustments, and the expansion of populations to be served under a new initiative. However, criminal justice and treatment representatives stated that the numbers are just placeholders, pending further official analysis on the proposed changes.

There was discussion of a possible two-track approach. The first track would be for refunding of Proposition 36 by the legislature, with some changes. The other track would be for a comprehensive expansion of drug treatment via a new initiative.

Drug Testing

Criminal justice proposed that mandatory drug testing become part of the basic activities paid for through the base funding of Proposition 36. Treatment proposed that drug testing would be permissible with separate funding. Under their approach testing would be used as a treatment tool; a positive test in and of itself would not be enough for a violation of probation. While there are related funding issues to be discussed further, there was movement toward agreement.

Treatment Completion

The criminal justice proposal states that "successful completion of treatment" include the requirement that the defendant complete primary treatment, and continues to refrain from the use of drugs for the remainder of the term of probation. In contrast, the treatment proposal states "successful completion of treatment" does not require completion of probation, and may not be conditioned on payment of fines and fees if defendant found unable to pay. No agreement was reached on this topic which needs more thought and structure.

Drug Court Model

Criminal justice proposes utilizing dedicated calendars in court and the collaborative drug court model, including sanctions, to the greatest extent possible. Treatment is willing to consider components of drug court yet sanctions remain an unresolved issue.

Dismissal and Record Clearance

The criminal justice proposal requires participants to complete all terms of probation as well as treatment before dismissal of charges. The treatment proposal would dismiss non-drug charges, as well as drug charges on completion of treatment; lack of ability to pay fines and fees would not bar dismissal.

Evaluation

The criminal justice proposal mandates evaluation of the program's impact on crime. It would also require impact analysis of prison and jail costs, as well as law enforcement, court and other criminal justice costs. Treatment proposes using a broad-based analysis of the overall outcomes of treatment. They do not want the success rate of the program determined solely on abstinence and recidivism rates.

Other Topics

Several other topics were introduced, but not thoroughly discussed. The topics were: length of treatment; exclusion of eligibility for defendants armed with a deadly weapon; funding caps on non-treatment expenses; standardized reporting by treatment; co-occurring disorders; and narcotic replacement therapy.

The group will meet again on January 5, 2005, to continue discussion of the issues. Judge Manley extended an invitation to Joe Ossmann, Department of Corrections; and Del Sayles-Owen, ADP, Office of Criminal Justice Collaboration; to provide technical input as appropriate.

ALL COUNTY LEAD AGENCY LETTERS (ACLA)

Del Sayles-Owen reported that two ACLA letters are nearing release:

1. **Audit Repayments**

At the September County Alcohol and Drug Program Administrators Association of California (CADPAAC) quarterly association meeting, CADPAAC formally recommended that ADP reconsider and allow SACPA trust fund monies to be used to repay any county SACPA audit exception, excluding those findings involving a determination of fraud. ADP has subsequently confirmed that SACPA funds cannot be used to repay audit exceptions. The final draft of an ACLA letter is under administrative review and may address handling of audit disallowances in situations where county funds augment state SACPA allocations.

2. Probation Expenditures

County inquiries have been received on the allowability of SACPA reimbursements for probation activities that are not provided concurrently with the treatment/aftercare episode. Generally, SACPA-reimbursable activities and related costs must be provided concurrently with treatment and aftercare and limited to an 18-month maximum, per Penal Code Section 1210.1. Costs associated with probation activities provided during gaps in treatment are allowable if activities are geared to re-engage the client into treatment, and provided that the client has not yet exhausted the 18-month treatment/aftercare window.

COUNTY PLANS FY 2004/2005

OCJC has received all fifty-eight county plans. Forty-one have been approved, and the remaining seventeen are currently under review. The review process is lengthier and more complex this year due to the addition of the multi-year plan.

NEXT STEPS

Members contributed the following as potential agenda items for the next Statewide Advisory Group meeting:

- Reauthorization Proposal Updates
- Implications of the Unmet Needs Survey conducted by California Alcohol and Drug Program Administrators Association of California and California Association of Addiction Recovery Resources
- Placement of High Severity Clients in Outpatient Care
- Success Rates for People of Color
- Update on the County Return of Excess Funds

Next Meeting

The next meeting is scheduled for February 18, 2005, 8:30 a.m. to noon, at 1700 K Street, Sacramento, in the first floor conference room.