

Statewide Advisory Group Meeting

February 14, 2001

MEETING SUMMARY

INTRODUCTION

On February 14, 2001, twenty-five members of the public Statewide Advisory Group convened in Sacramento for the first meeting to discuss implementation of Proposition 36, the Substance Abuse and Crime Prevention Act of 2000. The audience also included invited guests and members of the public. Convened by the Department of Alcohol and Drug Programs (ADP), the meeting was devoted to hearing and discussing the perspectives of different providers within the law enforcement and treatment communities. Members of the Statewide Advisory Group represent diverse interests and organizations. This advisory group will provide direction on implementing the Act, which changes current law and public policy in ways that affect treatment and justice systems at all levels.

Grantland Johnson, Secretary of the Health and Human Services Agency, acknowledged the challenges and hard work that lie before this group in successfully implementing this initiative. Secretary Johnson pointed out that representatives of the different organizations involved in this effort have much in common, and need to continue to build upon the foundation of cooperation that already exists between treatment and law enforcement. He noted that the success of Proposition 36 will produce many benefits: fewer individuals sent to jail and prison; increasingly productive lives of those completing successful treatment programs; stronger families; and ultimately, safer and more vibrant neighborhoods and communities.

Kathryn Jett, Director of the California Department of Alcohol and Drug Programs provided a high level overview of the Substance Abuse and Crime Prevention Act of 2000. The Act, approved by voters in November 2000 is the most significant state law change since "Three Strikes" and the Department of Alcohol and Drug Programs has been designated to implement it. Specifically, the Department must promulgate regulations, distribute funds, certify treatment programs, and report on the effectiveness and fiscal impacts of the programs. The Act also sets out responsibilities for criminal justice systems as well as probation, parole and treatment providers. To date, the Administration has designated the Department as the lead agency for this process and created a State Trust Fund. Start-up funds have been allocated to counties through the development of emergency regulations. A State Agency Workgroup has been formed which will coordinate activities between the Health and Human Services Agency, the Youth and Adult Correctional Agency, the Office of Criminal Justice Planning and the Office of the Attorney General. The California Department of Alcohol and Drug Programs is working to quickly establish necessary support systems. To this end, the Department has created the Office of Criminal Justice Collaboration, headed by Del Sayles-Owen, Deputy Director. Next steps that need to be addressed include:

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- development of emergency regulations for funding and programmatic elements;
- sponsorship of regional technical assistance training;
- creation of an Evaluation Advisory Group;
- selection of a contractor for long-term evaluation.

PARTICIPANT PRESENTATIONS

Participants provided their perspectives on Proposition 36 implementation issues, challenges and opportunities. Key points made by representatives included:

LAW ENFORCEMENT: Sheriff Lee Baca, Los Angeles County Sheriff; Sheriff Lou Blanas, Sacramento County Sheriff; Chief Mike Dunbaugh, Santa Rosa Police Department and California Police Chiefs Association

- The observation was made that initiative will require use of “out of the box” thinking and approaches.
- Law Enforcement was opposed to Proposition 36, but now it is time for Law Enforcement to move beyond that.
- Law Enforcement must resolve to work closely with those who will be doing the heavy lifting for this program.
- Some of the intense focus about how funds will be distributed needs to be relaxed. Funding will remain a constraint, but we need to get the job done with the resources available to us. There are models of success in other arenas. Assembly Bill 35, addressing the needs of the mentally ill, was a great success.
- Though there is the funding need for drug testing to assess program success, this program needs to be implemented, even if funds for drug testing are not available.
- The need for a collaborative structure and approach to designing implementation strategies for Proposition 36 was emphasized. Common values and principles identified in this group’s charter need to be built on, recognizing that the areas of concern we share outweigh any differences.
- Local law enforcement needs to emphasize the value of treatment, along with the importance of public safety. We need to bring down the barriers that impede our ability to provide effective treatment.
- Traditionally, the priorities from leadership have focused on enforcement and maintenance of order. Social issues, such as dealing with the homeless and drug users, relied on considerations as to whether or not individuals posed a danger to themselves or others.
- As a force for getting people into treatment, implementation of Proposition 36 needs to be developed and applied consistently. Proposition 215 did not have a consistent approach.

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LEGISLATIVE: David Panush, Consultant for Office of the Senate President Pro Tempore John Burton

- There are huge challenges, as well as a tremendous willingness, to try to make this work. The extra effort will make all the difference.
- Senator Burton will introduce an urgency bill to address drug testing as a component of treatment. County eligibility for drug testing funds will involve criteria looking at assessments, parolees and overall program. There is a possibility that this bill could be enacted before July 1, 2001 if there is consensus.
- To justify funds for drug testing, we will need better data regarding who is in the program and what their treatment needs are. There is a need to determine what is being done for these clients now, and how much more would be necessary for this program.

PROBATION: Dennis Handis, Executive Director of the Chief Probation Officers Association

- A key issue area is that efforts must be collaborative to address the fact that there are not enough financial resources to do everything that ought to occur. This program is a matter of local responsibility — a local control issue with State oversight.
- There are issues regarding assessment, qualifications, and level of service.
- There is an immediate need for collecting data identifying the number of individuals in the population who will be eligible for Proposition 36 services.

YOUTH AND ADULT CORRECTIONAL AGENCY: Louie DiNinni, Executive Officer of the Board of Prison Terms; Sharon Johnson, Parole Administrator with the Department of Corrections (CDC); Greg Potnick, Parole Administrator with the Department of Corrections

- Programs and criteria vary by county, liaison staff will be needed to work with individual counties.
- An important element of the program will be preliminary screening for eligibility; then analysis of risk factors, such as conviction history.
- Dual diagnosis makes the situation even more complex. Fifteen to twenty percent of those on probation have been diagnosed with a mental illness.
- CDC has received substantial funding and relies on broad discretion for dealing with low-end offenders in seeking an approach that balances both treatment and supervision for approximately 120,000 parolees. Different aspects of CDC's program address: prevention, illiteracy, substance abuse, and homelessness. There are also models for in-house treatment.

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- Estimates done in December 2000 indicate that there could be 13,690 to 28,400 “behaviors” that could fall within Proposition 36 guidelines. It is estimated that 9,500 individuals on probation will be diverted from jail, with another 14,500 diversions from parole.
- Current and existing CDC programs will continue to be utilized before moving into Proposition 36 programs.

TREATMENT FIELD: William Demers, President of the County Alcohol and Drug Program Administrators Association of California; Patrick Ogawa, Administrator for Los Angeles County Alcohol and Drug Programs; Albert Senella, President, California Association of Alcohol and Drug Program Executives; Sharon Blacksher, Executive Director, California Association of Addiction Recovery Resources; Toni Moore, Administrator, Sacramento County Alcohol and Drug Services Division

- Use of the current AOD system for assessment and placement should be considered.
- Utilize assessments to identify client needs and match clients to appropriate level of services in certified/licensed programs through placement criteria.
- The need for increased education and training for staff, especially in certifying and licensing counselors was raised. State standards should raise requirements for current certification.
- Four critical areas were identified in developing a statewide system:
 1. Expansion of current system of services;
 2. Development of more culturally specific, community-based treatment and recovery services;
 3. Marketing a comprehensive alcohol and drug system of prevention, treatment and recovery in a way that policy makers and the public appreciate and value;
 4. Continuing and enhancing partnerships with criminal justice, building effective collaboration that links good public health policies with public safety.
- Assessment should be a standardized process. People who understand drug and alcohol disorders should be making treatment decisions. Assessments should respect areas of expertise. Treatment providers should lead on assessment, while probation should lead on risk assessment and degree of appropriate supervision. This program needs to move beyond cooperation to integrated models. Training and team building should occur among all members of the team.
- Standards and accountability systems must be put in place for treatment facilities. Level of care must also be standardized, so that clients are in a program that is appropriate to deal with the behavior.
- Drug courts need to be integrated into the treatment model.
- There is a need for licensing of “sober living” recovery maintenance facilities.

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- The treatment field faces strong challenges for siting residential and out-patient alcohol and drug treatment facilities — “Not In My Back Yard” (NIMBY) protests from local communities.
- Use and expand available tools to generate assessment, placement, and outcome data measures.
- Ancillary services such as vocational/family/literacy training, as well as components addressing mental health and health, are important and need to be brought into local programs early.

COURTS: José Guillén, Assistant Director, Administrative Office of the Courts, Judicial Council of California; Judge Anna Marie Luna, Judicial Council of California; Judge Stephen Manley, Co-Chair, Judicial Council of California Drug Courts

- The Local Justice Advisory Council is developing best practices and guidelines for the local level, while multi-agency task forces need to address a myriad of issues.
- A process based on groups partnering to develop system-wide implementation, with local control was by urged.
- Court staff members should be on planning committees and must be active participants. Judges must be educated about the value of working with local planning committees.
- There is a challenge in securing judicial involvement to make the program work. Planning needs to occur at the county level. In many counties, there are not enough treatment opportunities available. The first priority is to increase the availability and capacity of treatment.

DISTRICT ATTORNEY: Thomas Orloff, District Attorney for Alameda County

- The questions was raised as to whether having criminal convictions trigger Proposition 36 actions is an effective process. Cases that will now be Proposition 36 eligible have traditionally involved plea bargains that offer probation and drug court referrals instead of jail time. There is a potential loss of incentive for offenders to plead guilty. The number of actual trials also depends on the Public Defenders who handle these cases.
- The California District Attorneys Association wants to make this work -- its interest is in getting people into effective treatment.
- The certification process is very important. Counties could build on minimum guidelines from the State.
- Accountability issues will have to be addressed, as will evaluations on how the program is working.

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PUBLIC DEFENDER: Gary Windom, President, California Public Defenders Association

- The Public Defenders Association is developing a position paper for the Advisory Group. Public Defenders are looking at the requirements of Proposition 36 and are sensitive to the impacts on the courts.

KEY THEMES, ISSUES AND QUESTIONS RAISED

During the meeting, key themes, issues and questions emerged which are grouped below by subject area:

A. FUNDING AND EXPENDITURES

1. Standard parameters for funding need to be considered. Can costs be standardized and spending rates controlled?
2. Does allowing for additional construction convey the right message and direction for Proposition 36 expenditures? Do we need more programs, or can we adjust independent programs? Leadership is essential to expanding facilities. No venture capital exists to retool and expand current system. Could Proposition 36 funds be used for a venture capital program? For example, counties could purchase facilities for multiple-purpose centers and tie contracts to the facilities and not the contractors.
3. The treatment providers' system is so diverse, from residential treatment to out-patient care. By addressing rate structures and standardized treatment, we may be able to accomplish things that have been talked about for years.
4. Technical assistance will play a key role for the 60% of treatment providers who have small programs, and face problems with infrastructure.

B. TREATMENT

1. What will mental health and law enforcement partnerships mean to the treatment community?
2. Will treatment be available when it is needed?
3. Is Proposition 36 an entitlement program?
4. Potential transfer of authority from the courts to providers raises issues about the need to have certification and standards in place.
5. ADP should certify recovery maintenance facilities.
6. The lack of fee standards makes it difficult to provide services. Fees must reflect the level of services provided.
7. How will we integrate faith-based treatment into county efforts?

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C. CRIMINAL JUSTICE AND COURT ISSUES

1. How will shifts in statewide policies impact community and law enforcement agency priorities?
2. There is a question to whether testing would be linked to treatment as an accountability measure. Probation has a role in accountability as a part of treatment. Treatment is a condition of probation. Accountability could be transferred to the treatment facility. There are concerns about further burdening an overburdened system with a new requirement.
3. There is a question as to whether misdemeanors will be dropped to infractions. Additional information is needed on how many misdemeanors would be involved and how we currently deal with them.
4. Will District Attorneys add extra charges to eliminate Prop 36 eligibility?
5. Once someone is in system, how does front line law enforcement know that? Conditions on violations of treatment agreement need to be relayed.
6. Parolee issues that need to be addressed are:
 - Consistency in conditions for parole
 - Uniform requirements for hearing officers
 - Standardized training
7. Some courts think the drug court model is working, and does not need to change. There is a need to challenge judges to change and expand the drug court concept.
8. Judges have a great impact on clients and their families. It would be helpful if judges could get clients involved in the dialogue regarding their treatment.
9. Will Proposition 36 programs increase demand for trials? Are there admission criteria about which courts will hear Proposition 36 candidate issues?
10. There is a lack of consistency across municipalities regarding how drug offenses are dealt with. How will the courts work in the counties? Los Angeles has 300 courts. Some counties use one court.

D. SYSTEM ISSUES AND SUCCESS FACTORS

1. What defines success or failure? Is a single failed urine test a violation, or not? How do we distinguish a slip, from a relapse, from a treatment failure? What patterns are there regarding recidivism and tendencies for violence among Proposition eligible?
2. Clear definitions must be established for various terms, such as “not amenable” to treatment. Definition of common terms will help reduce emotional tensions. Will ADP need to provide cross-education? Do members need an overview of how the system works currently, in order to achieve mutual understanding? In creating models of collaboration, we need to give up past areas of authority and “territory.”

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3. The funds in this program must produce results from a Proposition 36 point of view. Outcomes must be measured against baseline conditions.
4. How will this program roll out in various counties, with what models?
5. Concerns for public safety need to be addressed.
6. Drug courts provide a good example of different parts of the system coming together to work things out. We need to plan for the \$120 million and find a way to make it work.
7. Confidentiality is an issue yet should not be used as a shield to obscure collaboration.
8. The challenge is in developing alternative models for implementation.
9. Who monitors the process as clients are transferred from the courts into treatment facilities? What happens when they leave treatment? There will need to be a system in place that provides notification when clients leave the system, as well as movement of clients within the treatment milieu.

NEXT STEPS FOR THE STATEWIDE ADVISORY GROUP

1. Establish subcommittees that include:
 - Capacity Building
 - Certification/Standards of Care/Rate Structure
 - Assessment/Data Forms Standardization
2. Statewide Advisory Group Meeting
March 14, 2001
8:30 AM – 3 PM
Department of Alcohol and Drug Programs Office
1700 K Street, First Floor Conference Room
Sacramento
3. Potential future agenda items include:
 - Presentation on system of care redesign (SOCR): what do the current and potential programs look like?
 - Overview of proposed legislation.
 - Discussion of estimates of parolee population eligible for services under Proposition 36.
 - Review of regulatory changes.