

Weekly Memo

A REGULAR COMMUNICATION FOR CAADPE MEMBERS

LAO Report on realigning criminal justice programs addresses low level substance abuse offenses and treatment

As part of a 2009-10 Budget Analysis Series the Legislative Analyst's Office (LAO) released a report last week entitled *Judicial and Criminal Justice: Realigning Certain Criminal Justice Programs*. The report explains the Governor's budget proposes to shift some funding for some criminal justice programs from the state to the local level and makes independent recommendations. The report recommends that the Legislature expand upon the Governor's proposal and implement a policy-driven realignment of nearly \$1.4 billion of state responsibilities to counties for juvenile offenders and adults convicted of drug possession crimes.



savings. This recommendation in the face of the budget shortage has potential for driving that point home. With a ruling from the three-judge panel charged with making population reduction order on its own, the legislature may be in a better position to ensure that any population reductions are achieved in a way that reflects its policy choices about the mix of offenders released or diverted from prison beds and how these offenders are supervised in the community.

Make Certain Offenses Ineligible for Prison. Another option for reducing court admissions is to change sentencing laws to make certain crimes ineligible for state prison. These include a variety of offenses, such as drug possession. Offenders would instead be incarcerated in local

The LAO plan includes the following recommendations:

Reduce Prison Admissions From Criminal Courts.

The report indicates that reducing prison admissions from the courts has the potential for the greatest state savings. Each person diverted from state prison saves the state an average of at least \$100,000 over several years. The AOD community has endeavored for years to show the legislature that diversion from jail to treatment results in huge

Figure 8

Strategies and Options to Reduce State Corrections Populations

Reducing Court Admissions	Reducing Inmate Time Served	Reducing Parole Caseloads and Returns to Prison
<ul style="list-style-type: none"> • Make certain offenses ineligible for prison. • Change property crime thresholds. • Divert offenders from prison to community-based sanctions and treatment programs. 	<ul style="list-style-type: none"> • Reduce sentences for certain crimes. • Release certain inmates from prison early. • Increase amount of release credits inmates can earn. • Reduce prison time served by parole violators. 	<ul style="list-style-type: none"> • Implement programs to reduce reoffending. • Make certain parole violations and/or parolees ineligible for return to prison. • Divert parole violators to community-based sanctions and treatment programs. • Discharge certain parolees early.

jails and/or supervised by county probation departments, mitigating the effect on public safety. Counties would be provided additional resources to supervise these offenders and provide them with intensive substance abuse treatment services.) Certain offenses would be reduced to misdemeanors changing sentencing that would reduce the incarceration time, and thus the severity

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Capitol budget negotiations may be wrapping up

Since the middle of January, little news about the negotiations of the "Big Five" (Governor Schwarzenegger and party leaders from the Senate and the Assembly) has filtered out of closed-door meetings as they work to close the state's \$42 billion budget gap.

The leaders have been criticized for their secretive negotiations with complaints that lawmakers are making decisions in a vacuum and without the kind of public input important to a democracy. No public hearings have been held on the budget, and rumors abound that the leaders are bargaining over non-budget related issues such as worker rights and environmental standards.

Now, news sources from the Capitol report that it appears that they are close to agreement, with the legislature likely to take a vote as early as Wednesday or Thursday.

Typically, this time of year, they are talking about mid-year adjustments, but give the deep financial crisis the state has reported, some sources are reporting that they are looking at passing and enacting not only mid-year cuts to the current year budget but also to passing the budget for the 2009-2010 state budget year that begins July 1, 2009.

Such a plan buck the trend for habitually late budgets and a multi-year budget has never been done before. Essentially it would mean that the State would be operating under a 16 or 17 month state budget, a move that, for treatment providers, would help with stability of funding and planning.

The governor's proposal imposed a 10% across the board cut for the current year and includes a proposal for 2009/10 to pay for all AOD services from a new Alcohol Excise Tax Revenue.

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Los Angeles County**LAO report, continued from p.1**

of punishment, for the affected offenders compared to current law. This is because the maximum jail sentence for a misdemeanor is one year, which is about six months less than the actual time these offenders would serve in prison on average. Savings to the state could reach \$750 million per year.

Divert Offenders to Community-Based Programs.

Another option is to expand the availability of local community-based punishment and treatment programs and require the courts to divert certain offenders to these programs. These programs could include intensive probation supervision, substance abuse and mental health treatment, and day reporting centers. Proposition 36 and drug courts (now a discretionary choice for judges during sentencing) are two examples of this type of approach. If 10 percent of total court admissions were diverted to community-based programs, the state inmate population would be reduced by about 13,000 offenders, saving the state more than \$300 million annually. Ideally, the offenders would be diverted to programs that are evaluated and proven to be effective at reducing recidivism, thereby having a positive effect on public safety. It would take significant financial investments — offsetting, perhaps, one-third or more of the total savings — to expand the availability of community-based programs. These activities would likely also delay the date when savings could be achieved.

Make Certain Parole Violations Ineligible for

Prison. About 44 per-cent of the 72,000 parolees returned to prison for parole violations in 2007 had a technical violation as their principal offense (such as for failing a drug test or not attending a required meeting). One option to reduce state costs would be to prohibit parole returns for certain types of less serious violations. Prohibiting returns for technical and misdemeanor violations could reduce the state prison population by about 16,000 inmates and save the state \$400 million annually.

Discharge Certain Parolees Early. Nearly all inmates are placed on parole supervision after they are released from prison, with most serving a standard three-year parole term. Under current law, parolees are eligible to be discharged from parole as early as one year after release if they have not been returned to prison for a parole violation and their parole officer recommends early discharge. One option would be to allow parolees to be discharged even earlier than after one year. Qualification for early discharge could be based on the offense history or risk level of the parolee.

While the LAO generally supports the Governor's proposal to raise the excise tax on alcoholic beverages by a "nickel-a-drink," it disagrees with the plan to dedicate the funds to AOD services. The LAO estimates that such a tax could generate an estimated \$585 million annually in new revenues. The Governor's plan calls for these new revenues to be deposited into the General Fund and then

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Save the Date

March 8 – 10. California Prevention Summit 2009: "Under One Tent: The Power of a Comprehensive Approach to Prevention." An opportunity to bring together young people, community coalitions, educators, law enforcement, health professionals, community based organizations, county alcohol and drug administrators and community members to take action to strengthen the alcohol and other drug prevention field. NAPA County Contact: Shirin Vakharia, SVAKHARIA@co.napa.ca.us Website: <http://www.californiapreventioncollaborative.org/CPCSummit2009.html>

March 15-18 CAARR 37th Annual Conference "Celebrating 37 years of Recovery Service" Double Tree Hotel, Point West Way, Sacramento Ken Jones 916-338-9460, www.caarr.org

April 17-19 23rd Annual CAADPE Conference The Politics of Addiction Treatment and Prevention. Doubletree Hotel Sacramento Lori Phelps 805-641-1677 caade@sbcglobal.net <http://www.caade.org>

April 17-19 Community Addiction Recovery Association (CARA) Conference Annual Conference "Brain Repair for Addictive Disorders: Successful, Cost Effective, Drug-Free Therapies" Hilton Arden West, Sacramento Carolyn Reuben, 916-485-2272, carolynreuben@aol.com

Spring 2009 Prop. 36: 2008 Conference Proposition 36: Building Bridges Between Criminal Justice & Treatment. A working conference with topics that include: Commitment to Rehabilitation; Cultural Responsiveness; Co-Occurring Disorders; Narcotic Replacement; Reporting Procedures; Like Size County Workshops; Criminal Justice Connection to Prop 36. Marriott Del Mar, San Diego. Marilee Moon-Vanni, 916-327-9532, <http://www.cce.csus.edu/conferences/adp/prop36/index.htm>

ADP Meetings

February 25 Counselor Certification Advisory Committee Meeting, Sacramento. Joan Robbins (916) 322-2911

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be transferred into a newly created special fund called the Drug and Alcohol Prevention and Treatment Fund (DAPTF). Under the Governor's proposal, these funds would be used for the support of alcohol and drug treatment programs administered by the state (and currently paid by the General Fund). Specifically, those programs are administered by the Department of Alcohol and Drug Programs (\$312 million), CDCR (\$219 million), and the Department of Social Services (\$54 million). The funding provided from the DAPTF to CDCR would support existing substance abuse treatment programs for inmates and parolees.

Report released – Juvenile Justice at a Crossroads: The Future of Senate Bill 81

In September, 2007, the Legislature enacted Senate Bill 81, which in effect, "realigns" juvenile justice responsibility and resources from the state to counties. The Prison Law Office has just released a report on its implementation and recommendations for SB 81. Each county was required by SB 81 to submit a "Juvenile Justice Development Plan" to the Corrections Standards Authority (CSA) by January 1, 2008, describing all "programs, placements, services or strategies" to be funded by the Youthful Offender Block Grant (YOBG) which was created as a result of the new law.

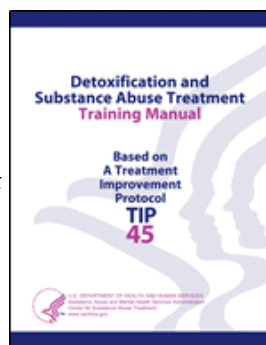
Counties using the funds are charged with using the funds "to enhance the capacity of county probation, mental health, drug and alcohol, and other county departments to provide appropriate rehabilitative and supervision services"

The state report noted "the absence of hands-on and comprehensive state efforts to oversee realignment processes," leaving "many fundamental questions regarding implementation are left unanswered at this time. Consequently, the recommendations largely reflect the critical need for increased transparency in SB 81 implementation. The report also declares that "the impact of SB 81 ultimately rests on counties' approach and adherence to best juvenile justice practices."

New Resource Available on Detoxification

The Substance Abuse and Mental Health Services Administration's (SAMHSA's) Center for Substance Abuse Treatment (CSAT) has announced the availability of the *Detoxification and Substance Abuse Treatment Training Manual*. This new curriculum, based on Treatment Improvement Protocol (TIP) 45, is for use by clinical supervisors for training staff members about detoxification services for individuals with substance use disorders. The manual includes information on the physiology of withdrawal, pharmacological management of withdrawal, patient placement, and incorporating detoxification services into comprehensive systems of care. It includes step-by-step instructions for providing in-service training.

Available free – http://www.kap.samhsa.gov/products/trainingcurriculums/pdfs/tip45_curriculum.pdf



The LAO takes issue with the a Governor's plan to create a new special fund for drug and alcohol treatment programs. It points out that the proposal limits the Legislature's ability to set fiscal priorities by dedicating the General Fund revenues from the proposed alcohol tax increase to a specific fund for a specific purpose. The LAO claims the Governor's plan provides no fiscal benefit and only serves to restrict legislative discretion over the budget and recommends that the Legislature reject the Governor's proposed fund shift as well as the creation of the DAPTF. http://www.lao.ca.gov/analysis_2009/crim_justice/crimjust_anl09.pdf

The report finds that a high proportion of the population suffers exceptionally high levels of mental health, substance abuse and/or behavioral disorders. Additionally, juvenile justice professionals have cited intensive mental health and substance abuse treatment services as the most expansive and pressing service gap for youth in California juvenile justice systems. In response, one specific recommendation is that counties should prioritize the development of more appropriate and cost-effective local and regional programs to avert commitments in juvenile halls and out-of-state facilities. Counties should expand regionalized YOBG planning efforts to develop essential intensive mental health and substance abuse residential treatment facilities.

Little else in the report addresses the need for substance abuse treatment for youth, so it is up to each county to live up to its responsibility to recognize that treatment should be included in its "adherence to best juvenile justice practices." CAADPE members can affect those outcomes by being proactive – by educating county supervisors and administrators to the need and the effectiveness of treatment for youth. The full report can be obtained at http://sz0023.ev.mail.comcast.net/service/home/~/~SB81Report-JuvenileJusticeataCrossroads.pdf?auth=co&loc=en_US&id=3423&part=2



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