

## Feds order release of 40,591 inmates – preempts Schwarzenegger's plan to release 27,000

A panel of federal judges ordered the California prison system last week to reduce its inmate population by roughly 27 percent – within two years. In a strongly worded and lengthy order, the judges found that California prison officials had failed to comply with previous orders to overhaul the prison health care system and reduce crowding. The panel ruled that reducing prison

crowding is the only way to change what the judges called “an unconstitutional prison health care system that causes one unnecessary death a week.”

The judges also ruled that the prison system still violates the Eighth Amendment of the Constitution, which prohibits cruel and

unusual punishment. The judges cited a chaotic system, noting prisoners were stacked in triple bunk beds in gymnasiums, hallways and day rooms; single guards were often charged with observing scores of inmates at a time; and sick inmates died for lack of treatment.

The ruling called substance abuse treatment “a necessary component of California’s goal of reducing its high recidivism rate.” But, citing one of the assessment studies, the panel noted, “Of the 134,000 prisoners who exited California’s prisons in 2006, only 7% participated in substance abuse programs and only 10% participated in vocational education while incarcerated.”

Quoting from a report made after inspections of prison substance abuse and treatment facilities, the ruling noted, “The initial morale and enthusiasm in utilizing QMAT [Quality Management Assessment Team] has evaporated in large part because of the inability of the California Department of Corrections to provide the necessary staff and support to this process. This has delivered an unspoken message that no change will occur.”

Calling California’s prisons, “impossible to manage,” the decision admonished prison officials, charging, “In these overcrowded conditions, inmate-on-inmate violence is almost impossible to prevent, infectious diseases spread more easily, and lockdowns are sometimes the only means by which to maintain control.”

The judges instructed state officials to come up with a specific plan within 45 days, saying there was “no need for the state to release presently incarcerated inmates indiscriminately in order to comply with our order.” Among their recommendations are

incarcerating fewer nonviolent criminals and reducing the number of technical parole violators. California’s “Three-Strikes” law complicates such obvious solutions.

Last month, on behalf of the Governor, California Department of Corrections and Rehabilitation (CDCR) Secretary Matthew L. Cate announced a broad range of plans to reduce the prison population in the coming years and address budget reductions for the 2009-10 FY. His plans claim to meet budget cut targets, without early release by reducing the average daily population in the prison system from about 167,000 today to 140,000 in the coming years through a combination of measures. The Legislature and the Governor are slated to craft a plan for reducing the CDCR budget by \$1.3 billion pursuant to the compromise of the recently amended state budget.

The Governor’s plan shifts the taxpayers’ burden to local or federal authorities. The plan includes turning over incarcerated undocumented individuals to the feds, and passing off others to local governments through the use of technology to provide alternative custody options for low-risk offenders with less than 12 months to serve, as well as the elderly and infirmed. These offenders would be placed on house arrest, or in a medical or treatment facility, and monitored by GPS. CDCR would shift the costs of their medical care to Medi-Cal once they are released.

CDCR Secretary Cate issued a formal statement on the ruling:

“We believe the federal courts are exceeding their authority under the Prison Litigation Reform Act and will continue to fight against a population cap or court-ordered early release. We will appeal to the United States Supreme Court any final ruling that would order the release of 40,000 inmates. The Governor has proposed common sense reforms in collabora-

tion with public safety groups to address overcrowding without early release.”

Attorney General Jerry Brown said in an interview that the order is probably not appealable, but eventually the state will have to consider going directly to the U.S. Supreme Court, marking the first time the high court would face such a case.

In June, the Governor backed out on settlement with the federal receiver that would have provided \$3 billion to build two prison hospitals and renovate other facilities to create 5,000 beds for sick inmates. An earlier plan was for the state to pay \$8 billion for 10,000 prison hospital beds.



### Rally & Advocacy Day in Sacramento

Call on the Legislature to implement criminal justice reforms to cut prison waste and improve public safety. The Legislature has promised to cut prison spending in August. Join us on AUGUST 18<sup>th</sup> to demand they stop incarceration – and restore treatment – for people whose only “crime” is drug addiction. The state spends \$1 BILLION a year on prison for petty drug offenses, but less than a tenth of that on treatment! Demand treatment, not incarceration! Join the sponsoring organizations –

welcome our legislators back to work with the message,  
**“Cut prison spending to improve public safety!”**

Drug Policy Alliance

The ACLU of Northern California

Families Against California’s Three Strikes

Ella Baker Center for Human Rights

Center on Juvenile and Criminal Justice

South Steps, State Capitol, Sacramento, Tuesday, August 18, 11a.m. – 2p.m.

For more information: [mduoley@drugpolicy.org](mailto:mduoley@drugpolicy.org)

August 7, 2009

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## Leading addiction researcher Thomas McLellan confirmed for White House position

Thomas McLellan, Ph.D. has been confirmed by the U.S. Senate to be Deputy Director of the White House Office of National Drug Control Policy (ONDCP). The vote clears the way for McLellan to assume second-in-command leadership of the national drug control strategy.

McLellan is a psychologist, professor of psychiatry at the University of Pennsylvania and is a founder and Executive Director of the Treatment Research Institute (TRI), a research and evaluation institute in Philadelphia. TRI is a research and development organization focused on transforming the results of its research into tools for practitioners, policy makers, and parents.

McLellan was the principal developer of the Addiction Severity Index (ASI) and the Treatment Services Review (TSR), measurement instruments

## U.S. Reps meet with constituents on health care plans – lead the conversation with call for substance abuse treatment

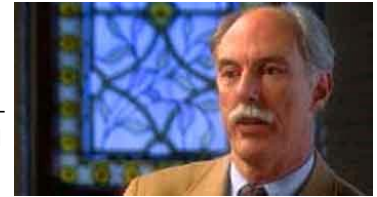
Amid public hysteria and shouting constituents at town hall meetings, U.S. Representatives are in their districts attempting to present information on the several plans for health care reform that are under consideration in Congress, and are trying to listen to the needs of voters in their districts. While representatives are in their districts,

**WHAT YOU CAN DO:** CAADPE members are encouraged to contact California representatives and both U.S. Senators Feinstein and Boxer while they are in the state to urge them to include treatment in the health care reform bill. Find your representative at [www.thomas.gov](http://www.thomas.gov).

### New SAMSHA publication available

Treatment Improvement Protocol (TIP) 49: *Incorporating Alcohol Pharmacotherapies Into Medical Practice* provides guidelines for the use of medications in the treatment of alcohol use disorders. Written for physicians and other health care providers, the TIP presents information on the four medications approved by the Food and Drug Ad-

ministration to treat this disease: acamprosate, disulfiram, oral naltrexone, and extended-release injectable naltrexone. The TIP describes each medication's mechanisms of action, proper dosing, side effects and their management, indications and contraindications, and patient management. Download at [www.ncadistore.samhsa.gov/catalog/productDetails.aspx?ProductID=18117](http://www.ncadistore.samhsa.gov/catalog/productDetails.aspx?ProductID=18117)



Thomas McLellan (photo from PBS video)

CAADPE members have the opportunity to lead the conversation on substance abuse treatment and to advocate for inclusion of treatment as part of the essential benefits. Agreement on a final plan could come early this fall and places urgency on the need to contact members of congress.

### Save the Date

**August 19 Narcotic Treatment Programs Advisory Committee Meeting** To provide input and recommendations on issues and regulations affecting Narcotic Treatment Programs. ADP First Floor Conference Room, Sacramento. 10:00 a.m. - 3:00 p.m. Daniel Steinhart, 916-324-5510

**September 9 Director's Advisory Council** The DAC is responsive to critical issues from judges, counties and the larger alcohol and drug field, identifies barriers to access for traditionally unserved/underserved populations, and provides feedback to the community. Stakeholders identify and discuss issues and build consensus in major policy areas that impact the alcohol and other drug service systems and clients. ADP First Floor Conference Room, Sacramento, 10:30 a.m. Patricia Rey 916-324-4722, [prey@adp.ca.gov](mailto:prey@adp.ca.gov)

**September 28 Effective Clinical Supervision: Clinical Supervision in Practical Application** (How to Support Positive Treatment Outcomes) L.A. CADA trainer Alan Lyme, LCSW (*national trainer and author*). CE units available. 8:00 a.m. - 4:30 p.m. Location: The California Endowment 1000 North Alameda St, Los Angeles. Call 562.906.2686 for more information

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