

Fact Sheet

Proposition 36, also known as the Substance Abuse and Crime Prevention Act, is an initiative measure passed overwhelmingly by California voters on November 7, 2000, which made significant changes in California's judicial processes and substance abuse treatment systems for handling certain non-violent drug offenders. Implementation was effective July 1, 2001.

Key Provisions

- Requires probation and drug treatment, instead of incarceration, for persons convicted of possession, use, transportation for personal use, or being under the influence of a controlled substance, and for probationers and parolees with drug-related probation or parole violations.
- Applies to non-violent drug possession/use offenses only; excludes sales or anyone with prior violent felony convictions.
- Provides for up to 12 months of community-based substance abuse treatment and up to six months of aftercare and authorizes the court to also require vocational training, family counseling, literacy training, and other services.
- Permits the Court to sanction offenders who are not amenable to treatment.
- Allows for dismissal of charges after successful completion of substance abuse treatment.
- Requires participating drug treatment programs to be State certified or licensed.
- Provides statewide total of \$60 million in FY 2000-01 for planning and start-up costs and \$120 million annually from FY 2001-02 through FY 2005-06. Funds may be used for drug treatment, vocational training, family counseling, literacy training, as well as probation, court monitoring and other Proposition 36-related expenses.
- Prohibits funding to be used for drug testing purposes.
- Funds allocated to counties are based on a formula that distributes 50% on a base allocation, 25% on drug arrests, and 25% on drug treatment caseload.
- Requires annual State evaluation and a long-term study on the effectiveness of Proposition 36.

Los Angeles County Process

Implementation

- Board of Supervisors designated the Department of Health Services Alcohol and Drug Program Administration as the lead County agency for administering Proposition 36, and the Proposition 36 Implementation Task Force (Task Force) of the Countywide Criminal Justice Coordination Committee (CCJCC) as the advisory group on policy/procedures for the coordinated implementation of Proposition 36 among all County agencies and the Court.
- The County's implementation plan was developed by the Task Force which included

representatives from the State, County and city criminal justice agencies, judicial officers, other County departments – Health, Mental Health, Chief Administrative Office, and other social services, as well as treatment provider associations. The Steering Committee of the Task Force has continuing oversight of implementation and changes to the County's Proposition 36 program.

- The plan was approved by the Board of Supervisors on May 15, 2001 for submission and approval by the State Department of Alcohol and Drug Programs.
- Regular Regional Roundtable Meetings are conducted to address Proposition 36-related local issues and include representatives from ADPA, community-based substance abuse treatment providers, Community Assessment Service Center staff, Proposition 36 Monitoring Courts, Probation Department, District Attorney's Office, Public Defender's Office, other key Proposition 36 agencies, and the community.

Funding

- \$15.7 Million -- FY 2000-01
- \$30 Million -- FY 2001-02 and each subsequent FY through 2005-06
- \$2.2 Million -- FY 2001-02 for Proposition 36 drug testing (see Drug Testing below).

Program Model

- 26 Monitoring Courtrooms were designated to process Proposition 36 cases, including sentencing, referrals for assessment of treatment needs, and probation revocation hearings when necessary.
- 11 County-contracted Community Service Assessment Centers (CASCs) located throughout the County to assess treatment needs and make referrals to appropriate drug treatment programs based on participants' level of need.
- Use of the Addiction Severity Index as the standard clinical assessment instrument.
- Co-location of Deputy Probation Officers at each of the 11 CASCs to provide probation orientation and to facilitate coordination between treatment and probation supervision services.
- Comprehensive array of services which include outpatient, daycare habilitative, narcotic replacement therapy and residential treatment services. Services consist of a three level system that increases in duration (Level I - 120 days or 18 weeks, Level II - 224 days or 32 weeks, and Level III - 280 days or 40 weeks) and intensity depending on the assessed severity of the participant, public safety concerns, and Court-ordered level of treatment. Drug testing is required for all three levels.
- Automated information system for data collection and reporting of Proposition 36 participants. The Treatment Courts and Probation eXchange (TCPX) will provide the Court and County agencies with all required Proposition 36-related reports, when fully automated.
- Publication of a quarterly newsletter, *Focus on Proposition 36*, by ADPA for dissemination to all Proposition 36 partners, Court staff, treatment providers, CASCs,

community, and the media.

- A Proposition 36 link on ADPA's website for updated Proposition 36-related activities and information.

Participant Data

As of March 31, 2002:

- Clients referred from the Court and opting to participate in Prop 36 - 6,602
- Clients involved in treatment referral/treatment services - 5,120

Drug Testing

SB 223 (Chapter 721, Statutes of 2001) appropriated \$8.4 million from the Federal Substance Abuse Prevention and Treatment Block Grant for FY 2001 for Proposition 36 drug testing grants to counties that meet the application requirements. Upon approval of its application, Los Angeles County received \$2.2 million for FY 2001-02. Governor Davis indicated his intention to include Federal Block Grant funds for drug testing in his 2002-03 budget. A Request for Proposals was released in November 2001 for the selection of one laboratory for all Proposition 36-related drug testing functions. The contract award is pending at this time.

Evaluation

Following a competitive process, the Integrated Substance Abuse Program (ISAP) of the University of California at Los Angeles was selected by the State Department of Alcohol and Drug Programs to conduct a multi-year, long-term evaluation of Proposition 36, focusing on the implementation process, client outcomes, cost-effectiveness and other related issues. Los Angeles County is also one of ten focus counties selected to work with ISAP on addressing the research issues for the evaluation.