



A new approach to the war on drugs

Implementation of Proposition 36: One county's story

by Maureen Bauman

California, like most states in the nation, had been losing the war on drugs since the early 1990s. Methamphetamine abuse had reached serious levels. County jails were overcrowded. Drug addicts were clogging the courts, often passing through the system as if in a revolving door. There were some conversations between the criminal justice system and substance abuse treatment programs; however, the two systems needed an interpreter to understand each other.

**A new model emerges:
Drug courts**

During the 1990s, there was some talk

in Placer County about a new model for treating drug offenders. Called a drug court, it involved collaboration between the courts, treatment and the criminal justice system. Though the goal of these different systems was the same (reduce crime and recidivism), the strategies were very different. However, through collaboration, the county discovered that treatment could help law enforcement achieve public safety goals in the long run.

In Placer County, there was a belief that incarceration worked because people in jail did not commit crimes. However, at the end of a commitment in jail, these offenders usually returned to the community and, often, to the criminal justice system. Incar-

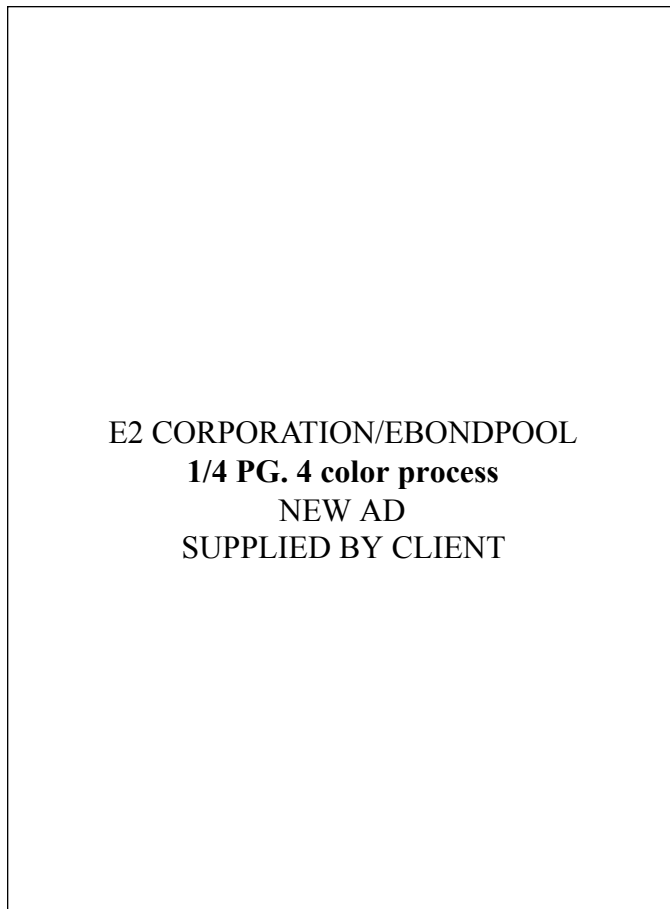
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ceration could not help the offenders overcome major barriers to reintegration into the community: criminal records, periods of lost employment, poor job skills and addiction issues. Still, the notion that treatment could be an alternative to incarceration seemed radical at the time.

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Early stages of drug courts

However, the county did begin the drug court experiment and experienced success. Good treatment, court supervision, judicial



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involvement, retention in treatment, rewards and sanctions seemed to stop the cycle of drug addiction. Recidivism was significantly reduced. The momentum was growing. Yet, with limited funding, the drug court only served a small number (three percent) of the persons coming to the criminal justice system eligible for drug courts.

The passage of Proposition 36

In fall 2000, there was a growing debate about a ballot proposition—Proposition 36. The initiative provided an alternative to incarceration for specified adults in the criminal justice system with drug-related crimes. It proposed treatment for the disease of addiction instead of incarceration. Proposition 36 proposed moving the treatment for the disease of addiction out of the criminal justice system and into public health.

An interesting phenomenon took place. The voters in California decided that treatment was a worthy alternative to incarceration, and they passed the initiative that doubled the state commitment to substance abuse treatment. Next came implementation.

Proposition 36 operates as a component of the criminal justice system. Persons are eligible only after they have been convicted and sentenced for a drug-related crime. And so, like a drug court, many county partners must collaborate to ensure its proper implementation.

Implementation conversations began in November 2000 as counties faced a deadline of July 1, 2001, to begin this program. County staff had to move quickly into a cooperative steering committee to design a local plan.

Lead agencies

The first major step in implementation at the local level was the establishment of a lead agency, which was necessary to receive the planning dollars. In many counties, the local department that housed the division of drug and alcohol programs acted as the lead agency. Some counties opted for different models and selected the probation department or county administrative office as the lead.

Placer County decided that the drug court steering committee would plan the implementation of this program and that the lead agency would be health and human services.

Program capacity

The initial question many counties faced in the early stages of program design was how to estimate program capacity. Counties began to project the number of persons they anticipated going into the Proposition 36 treatment program. The actual number of persons drives the program design. The projection of actual participants has been a difficult question for all counties. However, courts, defense attorneys and prosecutors completed research, and each county projected estimates. Planning began based on the best estimates from the local program designers.

Supervision

A major program design decision was determining the level of supervision and the qualifications of the staff to provide the probation services required by the initiative. The results are unique for each jurisdiction. In Placer County, a team approach (probation and social work) is used to case manage other programs. This model uses the strengths of the probation staff and the case management staff to monitor program participants. This decision significantly impacted the way the funding was distributed in each county.

A second part of the supervision question was the county relationship with the local state parole authority. The number of parolees projected swung widely from high to low during the planning time of this proposition. Proposition 36 challenges counties to bring the parole system into the county process for those eligible for this proposition.

Treatment

The treatment detail was the next design question for the implementation team. What levels of treatment would be considered? What ancillary services would be

necessary? Would any services be considered inappropriate for this population? The question of whether methadone treatment should be provided stirred debate in some jurisdictions.

In Placer County, the planning committee decided that all treatment modalities would be considered for the Proposition 36 population, including methadone. Treatment projections were based using the experience of the drug court continuum of care.

the area. Other counties conducted formal request for proposal (RFP) processes.

Placer County did an RFP and solicited proposals from all interested providers. The process requested an extensive continuum of care. Providers could apply for all or a portion of that continuum. Eight providers were selected to serve the Proposition 36 participants in Placer County.

Accountability

Program accountability was the next

The key to the Placer County Proposition 36 planning process was to strive for consensus on all issues. This process creates a model that everyone can live with, rather than a model designed by only one part of the county system.

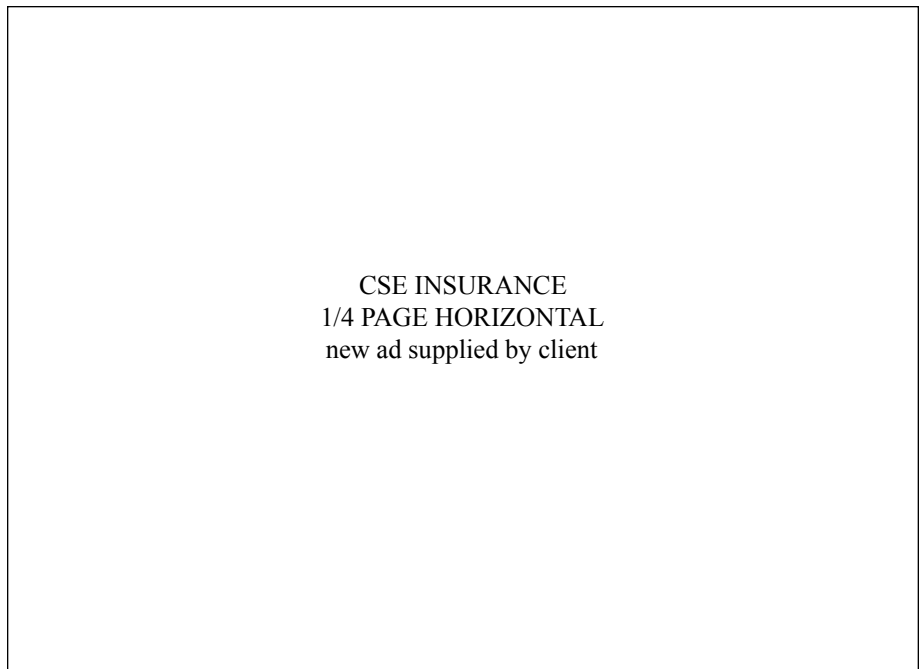
Counties across the state also had to decide how to select the treatment providers who would be used for this program. Some counties themselves served as the treatment providers; some counties held meetings with all treatment providers in

serious program design conversation. Counties had to decide how treatment could remain accountable to the criminal justice system. Some counties separate treatment and the criminal justice system, which allows the staff with expertise in addition to manage the appropriate treatment for the participants.

Other counties sought a holistic approach to permit a closer review of the ongoing progress of each participant. This second approach, which was adopted in many counties including Placer County, looks more like a modified drug court program. The key to the Placer County Proposition 36 planning process was to strive for consensus on all issues. This process creates a model that everyone can live with, rather than a model designed by only one part of the county system.

An experiment the nation is watching

There are many questions that remain about the potential effectiveness of Proposition 36. We have a huge experiment in



California that the nation is watching. We are putting \$120 million annually into a program with hopes of determining whether treatment is more effective than incarceration for non-violent drug offenders. An outstanding issue is whether, depending on the number of people involved, we will have enough resources to provide the appropriate level of care to actually allow treatment to work.

The experiment will play out differently in different counties, which will permit some comparisons on the most effective model. We have never had a treatment experiment on such a grand scale. As the numbers grow, we will be faced with difficult decisions on resource allocation. We will be looking to assure the provision of both supervision and treatment. Hopefully, our work and the program outcomes will be reviewed and evaluated as part of this decision-making process.

Proposition 36 presents a unique opportunity and challenge for the treatment field and for our criminal justice partners. It will allow us to prevent huge numbers of persons, their families and society from moving deeper into the criminal justice system and their addiction. It will all be played out at the local county level. We must support the local programs so that we can succeed at this critical social experiment. ■

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2001 CALENDAR OF CSAC EVENTS

SEPTEMBER

27-28 CSAC Executive Committee Retreat, Riverside County

OCTOBER

17-18 Northern Calif. County Supervisors Assoc., location TBA

17-19 CAOAC Annual Meeting, Carmel

NOVEMBER

27-30 CSAC Annual Conference, Sacramento

29 CSAC Board of Directors, Sacramento

28-12/2 NACo Board of Directors, Santa Fe, New Mexico

"OWN WORDS" - FROM PAGE 10

We have expanded our economic base from the traditional agriculture and oil industries to include manufacturing, distribution and regional offices for several national companies. I believe President Bush would be impressed with the way our Human Services Department handles assistance cases and the way that law enforcement keeps our residents safe. ■

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**2001 Editorial
Calendar
For CA County**

**NOVEMBER-DECEMBER
CSAC Annual Meeting**