

# Proposition 36 (SACPA, PC 1210, PC 3063) TREATMENT PROCESS REFERENCE GUIDE

November, 2009 Update

While funding conditions to support treatment under Proposition 36 were significantly reduced through the State's Fiscal Year 2009-10 budget, the law known as the Substance Abuse and Crime Prevention Act (SACPA) of 2000 remains in force. Individuals who have been adjudicated under certain eligible drug offenses must still be sentenced under the provisions of SACPA, and referred to treatment.

As a practical matter in San Diego County, this means that any County-funded treatment program for adults may accept and treat a Proposition 36 referral as long as the referred client fits the basic entry criteria for the program. Proposition 36 referrals may be served under any funding source for which they qualify, following the established funding hierarchies. Another term you may hear in connection with these services is the Offender Treatment Program, or (OTP).

The process begins at a court hearing.

## **Referral Process**

Upon sentencing at the Superior Court, Proposition 36 clients will be provided a list of the Regional Recovery Centers (RRC's), and instructed to:

- choose a program that is most convenient for them to attend, and
- report to that program no later than seven days from the court date.

The RRC will conduct an alcohol and drug screening to determine treatment needs, as well as a financial screening. One of the following three actions will take place as a result of the screening:

*Placement Into Fee for Service Program* – if the individual has a low level substance abuse issue, is determined to be able to benefit from a weekly group meeting for four months, and agrees to pay the required program fees, the RRC

will enroll them into a Fee for Service Program located at the site. Please see Attachment A for a description of the program services and fee requirements for this program level. The fee for service program is voluntary, and the client must agree to the program services, fee requirements, and have been deemed as having lower level substance abuse issues allowing the individual to benefit from the service.

Non-Residential Services – for those individuals who are screened as needing more intensive services than available through the Fee-for-Service program and/or they are unable to agree to pay the required program fees, they will be referred to non-residential services. Services will be provided at the RRC's. For those individuals that need specialized non-residential services, they will be referred by the RRC to a program that will better meet their needs.

Residential/Detoxification Services – for those individuals who are screened as needing residential or detoxification services, the RRC will refer the individual to the most appropriate residential or detoxification program.

NOTE: Referral Process and Services for California State Parolees – for those individuals who are on parole, services are available as above at the discretion of the parole agent, who will make the necessary referral to a program and will be the designated recipient of treatment programs' status and progress reports.

### **Service Availability**

Proposition 36 clients may be referred to any treatment program funded through the County of San Diego. Clients shall be served as any other individual seeking treatment, and do not have special priority in waiting lists, unless they fall within federally defined priority population groups - pregnant women and injection drug users. For those programs that do not have specific funding for SACPA clients, services may be billed under the following priorities per the California Department of Alcohol and Drug Programs.

[http://www.adp.ca.gov/ADPLTRS/PDF/ADP\\_Bulletin\\_09-08.pdf](http://www.adp.ca.gov/ADPLTRS/PDF/ADP_Bulletin_09-08.pdf)

1. Drug Medi-Cal
2. CalWORKs
3. General Population Funding

### **Treatment Length**

The County is unable to fund treatment services beyond six months, or 180 days from admission date to discharge date. It is incumbent upon treatment programs to actively work with clients to help them engage in ongoing supportive services in the community prior to and in preparation for discharge.

### **Supervision**

The County Probation Department will provide supervision only to those Proposition 36 clients who are on Formal Probation. These will typically be felons and those who have been assessed as medium or high-risk for additional criminal behavior. All other Proposition 36 offenders (typically misdemeanants and low-risk felons) will be supervised by the Court, with no Probation involvement.

Clients referred by Probation will have the PC1210 referral form generated from Probation when they arrive at the treatment program (form A2126P). Clients referred by the Court will have the attached PC1210 Regional Recovery Centers Referral Form (Attachment B), with the information completed at the top of the form indicating if the individual is on formal or summary probation. If the RRC further refers a client to another program, all the referral forms accompanying the client need to be sent to the receiving program by the RRC.

Clients referred by California State Parole will have a referral letter from a parole agent. This is an interim arrangement while referral procedures are being worked out between Parole and the County of San Diego; this guide will be updated once the new procedures are completed.

### **Reporting Requirements**

Proposition 36 clients admitted to any program (fee-for-service, non-residential, residential, or detoxification) will be required to bring reports from the treatment provider to their court appearances. Please see Attachment C - Client Status Report. The report will be completed by the treatment program for the client's scheduled 30-day, 90-day and completion court hearings, and given to the client. If there is a negative event or change in status (i.e. referred to a different program better suited to the client's individual needs), the treatment program shall complete a Client Status Report and submit as follows:

- Clients supervised by Probation – send to Probation Officer
- Clients supervised by the Court – send to Richard McCue, District Attorney's Office at [Richard.mccue@sdcdca.org](mailto:Richard.mccue@sdcdca.org). The report must be e-mailed in a secure, password protected, zip-filed attachment.
- Clients supervised by Parole – send to Parole Agent

### **Waiting List Services**

It is fully expected that funding reductions will negatively impact all treatment services and increase wait lists. To assist people become actively engaged in the treatment process if they are on a wait list, the RRCs have implemented specific Waiting List services. These services are available to anyone waiting for a treatment slot at any program, regardless of their specific referral source. The Waiting List Services consist of three contacts per week at the RRC, with at least one of the contacts consisting of participation in a facilitated group. The RRC will

charge clients in Waiting List Services \$5 per week. Participants will be removed from Waiting List Services if they fail to contact the program for two consecutive weeks, or are delinquent on their Waiting List Services fees for two consecutive weeks. Attachment D - Participant Status Report – Wait List Services, will be completed by the RRC's and sent to the referral entity when a negative event occurs, or the individual is removed from the waiting list for either admission into a treatment program or lack of participation. All negative events must be reported to either Probation or the District Attorney's Office within 48 hours.

### **Negative Events**

The following constitute a "negative event" that requires a report to either Probation, Parole or the District Attorney's Office within 48 hours:

- Any unexcused absence
- Any positive/missed/adulterated drug test
- Delinquent on fees over 2 weeks (in the fee for service programs, any delinquency must be reported immediately)
- Violation of a major program rule or behavior that constitutes a threat to the safety of the program or other participants
- Discharge from the program if other than completion

### **Data Reporting**

It is critical that San Diego maintains accurate data regarding the number and characteristics of individuals served through the treatment system who were sentenced through Proposition 36. Regardless of whether the client is enrolled in fee-for-service, or funded treatment services, they must be coded in SanWITS as a SACPA Referral. This also applies to clients whose treatment costs are being billed to other funding sources.