

UCLA issues new report on Prop. 36

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The effectiveness of Proposition 36, a ballot measure approved by California voters in 2000 that offers treatment instead of incarceration for nonviolent drug offenders is being undermined by inadequate funding, participants dropping out of treatment, and increased arrests for drug and property crimes.

The good news, however, is that the initiative has saved taxpayers millions of dollars, several promising new programs have the potential to improve Proposition 36's results, and violent crime arrests have decreased more in California than nationally since the proposition's implementation.

These are some of the key findings from UCLA's latest report on Proposition 36, also known as the Substance Abuse and Crime Prevention Act (SACPA) of 2000. The measure, which went into effect in July 2001, allows nonviolent adult drug offenders to receive substance-abuse treatment with supervision as an alternative to incarceration or supervision without treatment. The law also calls for an independent evaluation of the program, which is being conducted by UCLA's Integrated Substance Abuse Programs at the Semel Institute for Neuroscience and Human Behavior.

According to the report, under Proposition 36, more than 30,000 drug offenders enter treatment each year and about half of them are being treated for the first time. Most receive outpatient care, which is less expensive than residential treatment but is also less effective for heavy drug users. Although the number of available residential treatment beds

has increased since the measure's enactment, the increases have not been able to meet the rising need. Stakeholders interviewed in focus groups indicated that this was due to limited funding and infrastructure.

The report also found that drug and property crime arrests were higher among Proposition 36 participants than among a comparison group of pre-Proposition 36 drug offenders, the latter having spent more days in custody and fewer days "on the street" during which they could get arrested. However, despite early concerns by critics of SACPA that the law would result in an increase in violent crime, the rate of violent crime dropped more in California (12 percent between 2001 and 2005) than nationally (9 percent over the same period).

While the Proposition 36 group was more likely to be rearrested, the measure has been a much less expensive alternative to jail or prison time. By reducing incarceration, Proposition 36 has helped save taxpayers about \$2 for every \$1 invested in the program. To improve Proposition 36's implementation, the report calls for greater use of narcotics-treatment programs, employment assistance and residential treatment, as well as graduated sanctions, ranging from more drug-test requirements to short jail stays, for those participants who fail to comply with the program's provisions.

Better integration of substance-abuse and mental health services for the mentally ill homeless population and more restrictive management for offenders with many prior convictions are also recommended in the report. While additional funding would likely be needed to implement some of these recommendations — and the use of jail sanctions would require a change in the law, since Proposition 36 forbids it — other recommendations could be implemented now and at low cost.

One such low-cost recommendation was demonstrated in a recent pilot project. Currently, about 15 percent of those convicted in California

who agree to Proposition 36's provisions never show up to be assessed. But according to a Los Angeles County study, treatment programs that adopted a set of "process improvement" practices borrowed from the business world showed a dramatic 80 percent reduction in the number of assessment no-shows.

"It is particularly exciting to find a tool like this in the current environment of budget cuts," said Darren Urada, the principal investigator on UCLA's Proposition 36 evaluations. "Funding for Proposition 36 has been insufficient and shrinking over the years, and this has eroded stakeholders' ability to adequately treat and monitor offenders. Furthermore, the unpredictability in funding from year to year has undermined long-term planning efforts."

Proposition 36 funding was cut further last month when Gov. Arnold Schwarzenegger vetoed 10 percent of the program's funding in response to the state's fiscal problems. Funding for the voter-mandated evaluation of the measure, which includes research on ways to improve the program, has also been suspended.

UCLA's evaluation reports may be of particular interest to voters this year, given that a closely related measure, Proposition 5 (the Nonviolent Offender Rehabilitation Act), will be on November's ballot. If passed, this proposition would integrate Proposition 36 into a tiered system of treatment and supervision for nonviolent drug offenders. According to the official summary provided by California's attorney general, the new initiative would allocate \$460 million annually to improve and expand treatment programs for those convicted of drug and other offenses; limit court authority to incarcerate offenders who commit certain drug crimes, break drug-treatment rules or violate parole; substantially shorten parole for certain drug offenses; divide California Department of Corrections and Rehabilitation authority between two state secretaries; and create a 19-member board to direct parole and rehabilitation policy.

UCLA's reports on Proposition 36 are available at www.uclaisap.org/prop36/html/reports.html .

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