

A Weekly FAX from the Center for Substance Abuse Research

University of Maryland, College Park

California Passes Initiative to Divert Nonviolent Drug Offenders into Treatment

This past November California voters passed an initiative prescribing the diversion of nonviolent drug offenders into treatment instead of prison. The Substance Abuse and Crime Prevention Act (SACPA), which is designed to treat drug addiction as a health problem rather than as a crime, was approved by 61% of California voters.

Under the SACPA, an offender convicted of a first- or second-time nonviolent drug possession offense is sentenced to probation and required to complete up to one year of community drug treatment and up to six additional months of follow-up care. The court can also require offenders to meet other probation conditions, such as vocational training and counseling. SACPA provisions exclude those offenders who are arrested for selling or manufacturing drugs, those arrested on nondrug charges as well as on drug charges, those who used a firearm while possessing or acting under the influence of drugs, and those who have refused drug treatment.

SACPA supporters emphasize the cost benefits. According to the California Legislative Analyst's Office, the measure will likely save between \$100 million and \$150 million annually for the state and about \$40 million annually for the counties because of a decrease in the inmate population. Additionally, continued steady inmate population increases would have otherwise resulted in the need for additional prison beds at a cost of between \$450 and \$550 million. The passage of SACPA may diminish or eliminate these expected costs.

SACPA opponents argue that the measure will limit the power and effectiveness of the state's existing drug courts. Additionally, opponents criticize the measure for not providing graduated sanctions and for not requiring, nor allocating money for, drug testing of offenders.

Supporters counter that this measure will reach far more addicts than the drug courts and that it avoids a one-size-fits-all treatment regimen by not requiring drug testing. They point out that the measure still allows judges to order drug testing and judges can even require offenders to pay for their own drug testing if they can afford it. If not, extensive state and federal funds for drug testing are available through the court and probation systems.

Challenges for implementing SACPA include: 1) establishing licensing standards for treatment providers, 2) determining how funds will be distributed, and 3) accommodating the new influx of cases. In addition, the role of the drug courts in the new system remains unresolved.

SOURCE: A complete list of sources is available online at <http://www.cesar.umd.edu/www2root/prod/csrfax/fax9/docs/FAX9-50sources.htm>

CESAR Wishes You a Very Happy Holiday Season!

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