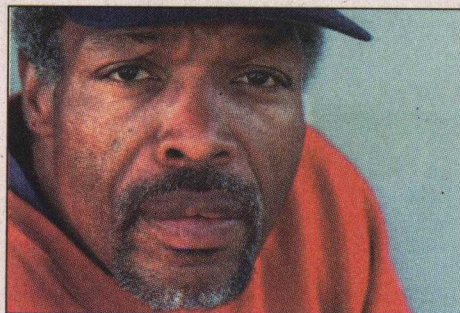


A COSTLY PROPOSITION



Dan Coyro/Sentinel

Promises of drug treatment hard to keep as need grows



Shmuel Thaler/Sentinel

Superior Court Judge Kathleen Akao hears a Proposition 36 case in her courtroom on Thursday. **ABOVE:** Santa Cruz resident Timote Peterson has been assigned to a court-ordered treatment program to help him battle drug addiction.

By **BRIAN SEALS**
SENTINEL STAFF WRITER

SANTA CRUZ

Perry says he would have benefited from a longer stay at Sunflower House, a residential treatment program for drug users. Convicted last year of illegally possessing methamphetamine, Perry, 33, was sentenced to two months of drug rehabilitation under Proposition 36, the voter-approved initiative that puts drug offenders in treatment instead of jail. Still, Perry says the court-imposed treatment gave him the tools to help him avoid future drug use.

"I could have been here longer," he said last week as he left Sun-

flower House on Rigg Street. "Then again, I'm ready to go."

The Sentinel is withholding Perry's last name out of respect for his recovery and to abide by the tradition of anonymity in the Alcoholics Anonymous and Narcotics Anonymous recovery programs.

Administrators of Proposition 36 in Santa Cruz County, who rely on the state for funding to treat drug offenders like Perry, say they're stretched too thin financially to ensure all offenders get the rehabilitation time they need.

There are enough offenders to fill twice as many residential treatment beds, if the money was available, estimated Bill Manov, who heads the county's alcohol and drug prevention program.

Meanwhile, treatment programs,

which already face tough odds for overcoming drug addictions, are dealing with offenders who have increasingly serious abuse problems, county administrators say.

A UCLA study released this summer found addicts coming in to Proposition 36 programs have been using drugs longer than expected, and hence need more treatment than expected.

Facing funding shortages, though, the county has been unable to expand treatment. Instead, the county is trying to leverage its Proposition 36 funds by scaling back the number of people sent to costly residential treatment programs. The county uses full-time treatment for fewer days and supplements it with

Summary findings

■ Drug offenders sent to rehabilitation programs instead of jail, under Proposition 36, have more severe addictions and require more treatment than the authors of Proposition 36 anticipated.

■ The amount of state money given to Santa Cruz County for Proposition 36 rehabilitation programs has been insufficient to adequately treat all the county's drug offenders.

■ Still, more drug offenders in Santa Cruz County are receiving drug treatment under Proposition 36 than were previously.

■ The majority of drug offenders who complete local Proposition 36 treatment programs continue using drugs after their treatment. A more comprehensive study of success rates is pending, which will determine whether treatment is helping offset the costs of incarceration.

See **PROPOSITION** on **PAGE A8**

432

Number of drug users assigned to Proposition 36 treatment (instead of jail) in county last year.

\$1 million

Approximate amount of state money given county to treat Proposition 36 clients last year.

\$4,000

Average amount spent on each Proposition 36 client who underwent drug treatment last year.

SOURCE: Santa Cruz County Alcohol and Drug Program

THREE YEARS OF PROPOSITION 36

Proposition

Continued from Page A1

extensive, though cheaper, follow-up counseling and time living in "clean and sober" halfway houses.

"If we had the money, we would like more residential capacity," said probation officer Roger Bauman. "It would be nice to have more intensive supervision."

Critics of Proposition 36, though, say the need for more money undermines the very premise of the proposition—that treatment would be cheaper than sending people to prison.

"It's somewhat questionable if the money that needs to be put out would result in a cost savings," said Jeff Rubin, of the Alameda County District Attorney's Office. Rubin's boss, Thomas Orloff, was one of the authors of the argument against Proposition 36.

Santa Cruz County Sheriff Mark Tracy, who opposed the proposition when it was on the ballot, says there has been no drop in the county's jail population; this was an expectation of Proposition 36 supporters who said treatment would decrease the number of drug offenders in jail.

Tracy concedes, though, that the larger jail population today may have other origins.

"There may be other factors, we don't know, but (Proposition 36) hasn't reduced our population," he said.

With the proposition only 3 years old, administrators say it's too early for criticism.

Supporters of Proposition 36 agree it's tough to gauge the law's overall success in weaning drug users from their addictions. But they say more drug users are being helped now than before the law took effect.

The question remains as to whether the money spent on treatment will ever be made up through a reduction in prison expenses.

What's been spent

Proposition 36 was passed by voters in November 2000.

Santa Cruz County voters approved it with an overwhelming 72 percent of the vote. It won about 60 percent of the vote statewide.

Backers said treatment would ultimately reduce costs for sending people to prison. Opponents decried it as taking the teeth out of drug laws and basically decriminalizing dangerous drugs.

The law mandates that the state set aside \$120 million annually for drug treatment programs. It is doled out to counties based on a formula that accounts for population, annual drug arrests and treatment admissions.

Offenders facing drug charges — with the exception of those facing a dealing charge or violence infraction — can enter a treatment program if they choose. If they complete their court-ordered treatment, their record can be expunged.

Santa Cruz County received a little more than \$1 million from the state during the first two years of the program and received about \$981,000 this fiscal year.

Some counties supplement state funds with their own money, but cash-strapped Santa Cruz County has not contributed local money to the program.

The money pays for treatment slots at six local agencies, which provide 16 different types of treatment programs, each suited to the different needs of offenders. There are about 18 total residential slots among these programs.

The state also finances three county probation officers and three others to assess the severity of a person's addiction.

A clerk's position that was funded through the program was cut this year.

"We wanted as much money as possible to go to treatment," probation officer Terry Pohle said.

Last year, 432 people entered the Proposition 36 program in Santa Cruz County, according to administrators. About 55 percent actually ended up in treatment. Many don't report for treatment, in which case a warrant is issued to bring them back into court.

Many of those in treatment are ordered to start their programs over again, for failing a urine test or some other requirement, like attending Alcoholics Anonymous or Narcotics Anonymous meetings. Some 317 were re-assessed and assigned a second round of treatment last year, according to the county Alcohol and Drug

No quick fix: There is no simple cure for addiction

By BRIAN SEALS
SENTINEL STAFF WRITER

SANTA CRUZ — While the premise of treating drug offenders rather than jailing them seems simple, implementing the plan requires navigating a complex web of issues.

Proposition 36 was passed with the thought that treating people for nonviolent and nondealing drug crimes would ultimately be cheaper than sending them to prison.

"We got five years to prove or disprove this," said James Zitro, a case manager for the county's Alcohol and Drug Prevention Program.

The proposition set up a \$120 million annual statewide pot of funding to pay for assessing, treating and monitoring people in the program. It expires in the 2005-06 fiscal year.

But while drugs are the focus of Proposition 36, helping the clients runs a gamut of issues from mental health to family to employment. It brings prosecutors, judges, probation officers and counselors

together.

"We do a lot of social work here trying to get people help with our limited resources," said Judge Kathleen Akao, who oversees county Proposition 36 cases.

The court often sees people who have mental health problems co-existing with drug habits.

"With mental health, if you don't treat that, you won't solve the drug issue," Akao said.

So, the people who assess addicts have to consider a range of issues in deciding what level of treatment is needed, and with limited funds, how much is feasible.

There are three tracks. The less involved track is for people who have a low probability of relapsing and can include outpatient treatment and education classes. The most intensive track is employed for the more addicted and generally requires a stay in a residential facility followed by outpatient treatment time in a "clean and sober" house. There is also a middle track for people whose level of addiction is average.

The common ingredients are Alcoholics Anonymous and Narcotics Anonymous meetings, where addicts find sponsors who know the ropes of fighting addiction and following the 12 traditional steps of recovery. The steps address things like making amends to people one has wronged, taking a moral inventory and acknowledging a higher power in combating addictions.

"You're obligated to get to the meetings and work the steps," said Perry, a 33-year-old fighting methamphetamine addiction who is nearing the end of a Proposition 36 sentence.

The Sentinel withheld Perry's last name out of respect for his recovery.

The initial assessment of drug offenders is based on a person's abuse history, criminal history, family issues, mental health and employment status, Zitro said.

"It is strength-based," he said. "I'm looking for the strengths they have so I can use these strengths in their best interest."

The Proposition 36 program came on the heels of drug courts that began pop-

ping up around the county in the late 1990s.

The difference is that judges have more leverage with drug courts than with Proposition 36 defendants.

People in Proposition 36, for example, can have two positive urine tests showing drugs and not be jailed, the three-strikes approach.

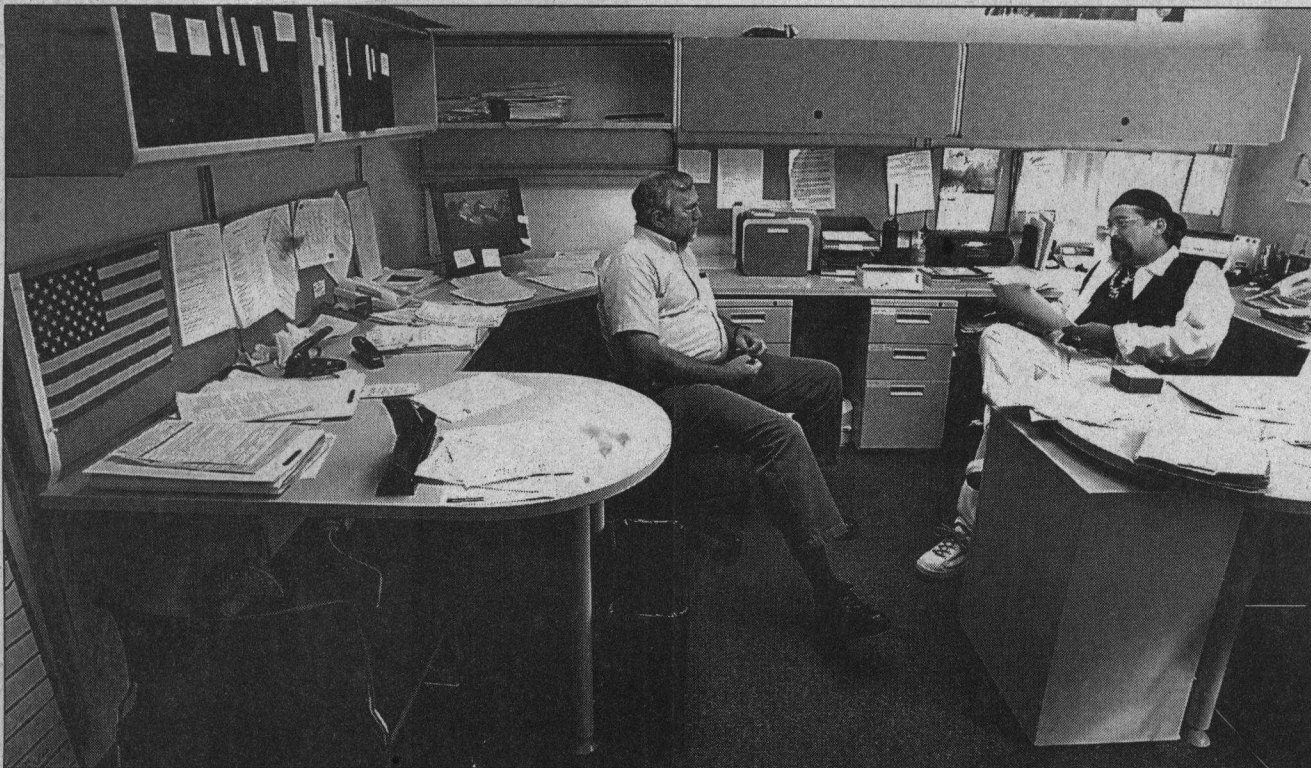
In drug court, a positive drug test can result in a weekend in jail, Akao said, as can failing to attend court-ordered Alcoholics Anonymous or Narcotics Anonymous meetings.

Absent of a jail threat, Proposition 36 offenders are often required to come to court more frequently so authorities can better monitor their progress.

"That alone can be a pretty good incentive to stay clean and sober," Akao said.

However, addicts and authorities agree that it's up to the person to get well, no matter how many court-ordered steps are required of them.

Contact Brian Seals at
bseals@santacruzsentinel.com.



Shmuel Thaler/Sentinel

Deputy probation officer Rick Masters, left, and Proposition 36 case worker James Zitro confer on how well a drug offender is doing in a court-ordered treatment program.

Division. The second round is likely to be more intensive.

"We recognize part of the disease of addiction is relapse," said Superior Court Judge Kathleen Akao, who handles Proposition 36 cases.

First-time efforts at recovery are rarely successful, experts say. That's why the proposition allows for two positive urine tests, indicating drug use, before a person is disqualified from treatment and sent to jail.

The cost benefit

With Proposition 36, drug offenders are getting a chance to work through their drug problems, which they're less likely to do in jail, proposition supporters say.

"The proposition is providing opportunities for treatment for people who have not had that opportunity in the past," insisted Manov, with the county's Alcohol and Drug Prevention Program. "We know drug treatment works (better than just jail time)."

Manov said, however, it remains to be seen whether the cost of treatment will ultimately be cheaper than incarcerating people.

In pushing the proposition three years ago, backers said the \$30,000 annual cost of prison time for a convict pales when compared with about \$4,000 or so for treatment, though some full-time residential programs can be much more costly.

However, opponents claim the low recovery rates associated with drug treatment mean that many offenders, even after treatment, will test positively for drugs and have to be put in jail, too.

The next phase of a UCLA study, the

most comprehensive analysis of Proposition 36 yet, will focus on repeat drug offenders and evaluate how successful Proposition 36 treatment programs really are.

In the meantime, the county's Proposition 36 administrators continue to work at keeping expenses down and success rates up.

Of those assigned to Proposition 36 treatment, 38 percent of county offenders got some residential care during 2002-03, according to county administrators. This is normally the most effective, yet most costly form of treatment.

In comparison, only 10 percent of the people in the program statewide are receiving residential care.

"We don't have the money to send everybody who ideally should be in long-term residential care," said probation officer Pohle.

Still, county administrators say the county is doing well piecing together other less costly programs to serve those with addictions.

Jan Tice, director of Janus of Santa Cruz, a rehabilitation center, says some level of residential care is needed for hard-core addicts.

"It takes quite a while to change their thinking and stability," Tice said.

Janus scaled back some of its treatment services this summer, but that was due more to shrinking private insurance payments than public funding, though both have dwindled, she said.

Of 22 people currently in its residential program, two are Proposition 36 clients, Tice said. Of Janus' outpatient clients, about 15 percent are Proposition 36 clients, she said.

Roger McCune of New Life Center, a Santa Cruz treatment facility, warns that cut-

ting residential treatment programs short does little good. Hard-core addicts need months of residential care to break addictions to drugs like heroin, he says.

This becomes increasingly true when addictions are more severe, as the UCLA study and program administrators have suggested.

"The folks we are seeing are more severely impaired than the authors of Proposition 36 imagined when they cost this out," Manov said.

Often when treatment programs aren't long enough, addicts can go through the motions of treatment but with no intention of recovery once they're out, program administrators say.

"Pretty much anybody can go 60 days if it's a court order. You can white-knuckle that," McCune said.

Santa Cruz resident Timote Peterson stayed clean from a heroin addiction for two years, but is now battling a newer addiction — crack cocaine.

He said a long stay in a rehab center helped him the first time around.

"It kept me out of the community, it kept me sequestered there," Peterson said. "I'm glad I wasn't allowed to go out."

"(But) twenty-eight days, that's just a spin and dry."

Questions remain

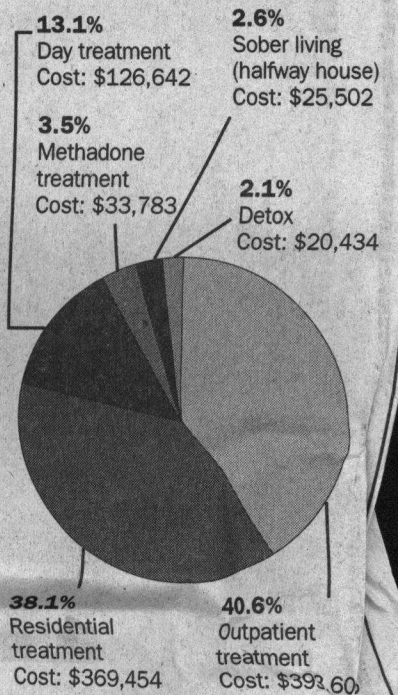
Despite budget constraints, county administrators remain convinced they are making progress on treating drug offenders.

"There's more than one way to accomplish anything," said James Zitro, a case manager with the county who assesses what level of treatment offenders need. "We make masterpieces out of what we

How Proposition 36 cash is spent in county

(2002-03 fiscal year)

The county has tried to stretch its state funding for Proposition 36 by limiting costly residential treatment programs and expanding less expensive day programs. Still, residential treatment eats up a good portion of the almost \$1 million spent annually.



Source: County Alcohol and Drug Program

have to work with."

Most drug offenders in the county's Proposition 36 program are in for use of heroin, according to program administrators.

Statewide, methamphetamine is the drug of choice.

The two drugs are relatively equal in their addictiveness and severity, experts say.

On a recent morning in Judge Akao's courtroom, about a dozen people crowd the three rows of padded benches.

One by one, the defendants, all convicted of illegal drugs charges, step up to a podium for a status check on the progress of their court-mandated rehabilitation.

Most of the questions directed at them are similar.

"Are you going to meetings?"

"Have you completed the 12 steps?"

"Have you been tested recently?"

County administrators say as Proposition 36 continues to take hold, the answers to these questions will increasingly be affirmative.

The verdict remains out.

Contact Brian Seals at
bseals@santacruzsentinel.com.