

September 16, 2011

Honorable Vincent J. O'Neill II
Presiding Judge of the Superior Court
Superior Court of California, Ventura County
800 South Victoria Avenue
Ventura, CA 93009

J. Matthew Carroll
Assistant County Executive Officer

Paul Derse
Assistant County Executive Officer/
Chief Financial Officer

John K. Nicoll
Assistant County Executive Officer/
Human Resources Director

Catherine Rodriguez
Assistant County Executive Officer/
Chief of Operations & Strategic Development

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SEP 22 2011

VENTURA COUNTY
GRAND JURY


Subject: Board of Supervisors' Consolidated Response to 2010-11 Grand Jury Final Report

Dear Judge O'Neill:

In accordance with State requirements, the consolidated response from the Ventura County Board of Supervisors to the 2010-11 Final Grand Jury report is hereby submitted. The Board approved the response on September 13, 2011.

Should you have any questions, please call Matt Carroll at 654-2864 or Kathleen Van Norman at 654-2566.

Respectfully submitted,

 Michael Powers
County Executive Officer

Enclosure – Board of Supervisors' Consolidated Response to the 2010-11 Grand Jury Final Report

copies: County Clerk, Mark A. Lunn
Superior Court Jury Services (3 copies as listed)

- For Jury Services, Peggy Yost, Manager
- For transmittal to State Archives
- For transmittal to Grand Jury

BOARD MINUTES

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

SUPERVISORS STEVE BENNETT, LINDA PARKS,
KATHY I. LONG, PETER C. FOY AND JOHN ZARAGOZA
September 13, 2011 at 8:30 a.m.

228.3

COUNTY EXECUTIVE OFFICE – Approval of Responses to the 2010-2011 Ventura County Grand Jury Reports: “Bullying in the Workplace,” “Inmate Processing and Suicide Prevention in the Ventura County Jail,” “Emergency Communications Interoperability,” “Election Process,” and “Under-Enrollment in Proposition 36”

- (X) All board members are present.
- (X) The following person is heard by the Board: Matt Carroll.
- (X) Upon motion of Supervisor Bennett, seconded by Supervisor Foy, and duly carried, the Board hereby approves the attached reports and includes an appreciation to the Grand Jury for their service in terms of presenting their reports to us and complements them for the new and higher standards that they follow.

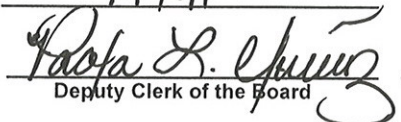
By: 
Deputy Clerk of the Board

CLERK'S CERTIFICATE

I hereby certify that the annexed instrument
is a true and correct copy of the document
which is on file in this office.

MICHAEL POWERS, Clerk of the Board of Supervisors,
County of Ventura, State of California.

Dated: 9.14.11

By: 
Deputy Clerk of the Board



Item# 43
09/13/11

county of ventura

COUNTY EXECUTIVE OFFICE
MICHAEL POWERS
County Executive Officer

September 13, 2011

County of Ventura
Board of Supervisors
800 South Victoria Avenue
Ventura, CA 93009

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Chief Financial Officer

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Human Resources Director

Catherine Rodriguez
Assistant County Executive Officer/
Chief of Operations & Strategic Development

Subject: Approval of Responses to Five (5) 2010-2011 Ventura County Grand Jury Reports: "Bullying in the Workplace," "Inmate Processing and Suicide Prevention in the Ventura County Jail," "Emergency Communications Interoperability," "Election Process," and "Under-Enrollment in Proposition 36"

Recommendation:

That your Board approves responses to the five subject Grand Jury reports pertaining to County government under your authority for submittal to the Presiding Judge of the Superior Court in accordance with State statute.

Discussion:

Penal Code §933.05 requires that your Board comment on the findings and recommendations of the Grand Jury pertaining to county government under your authority. The 2010-2011 Ventura County Grand Jury issued 11 individual reports, seven of which pertain to County government.

Responses from the Board of Supervisors were required on four of the seven reports pertaining to County government and were prepared on your behalf by the County Executive Office. Responses from appointed officials were also required for three of the seven reports. These responses have been coordinated through our office and are submitted for your approval.

For your reference, the report titles and respondents listed in the Grand Jury Report are summarized in the table below. The underlined respondents require Board approval.

<p>Special Property Tax Assessments</p> <p>Responses from the Auditor-Controller and Treasurer-Tax Collector are for information only. Approval is not required.</p>	<p>Auditor-Controller Treasurer-Tax Collector</p>
<p>Rancho Simi Recreation and Park District Rangers</p> <p>The RSRPD is an independent entity. Response from the Sheriff is for information only. Approval is not required.</p>	<p>Sheriff</p>
<p>Bullying in the Workplace</p> <p>Response from the Auditor-Controller is for information only. Approval is not required.</p>	<p><u>Board of Supervisors</u> Auditor-Controller *<u>Director-Human Resources Division</u> (CEO) (*Response was requested, not required)</p>
<p>Inmate Processing and Suicide Prevention in Ventura County Jail</p> <p>Responses from the Sheriff and the District Attorney are for information only. Approval is not required.</p>	<p>Sheriff District Attorney <u>Health Care Agency</u></p>
<p>Emergency Communications Interoperability</p> <p>Responses from the Sheriff and the Ventura County Emergency Planning Council are for information only. Approval is not required.</p>	<p><u>Board of Supervisors</u> Sheriff *Ventura County Emergency Planning Council (*Response was requested, not required)</p>
<p>Election Process</p> <p>Response from the Registrar of Voters (County Clerk and Recorder) is for information only. Approval is not required.</p>	<p>Registrar of Voters <u>Board of Supervisors</u></p>
<p>Under-Enrollment in Proposition 36</p>	<p><u>Board of Supervisors</u> *<u>Behavioral Health</u> (Health Care Agency) (*Response was requested, not required) *<u>Probation</u> (*Response was requested, not required)</p>

The responses that pertain to County government under your control will serve as your Board's response to the subject 2010-2011 Grand Jury Reports to be filed as indicated in the above-recommended action along with any additional comments your Board may wish to make.

If your Board does elect to amend responses submitted from agencies headed by appointed officials or if your Board elects to change a response prepared on your behalf by the County Executive's office, then CEO staff, at your direction, will make such changes or additions prior to submitting the responses to the Presiding Judge.

As you are aware, elected officials submit their Grand Jury responses directly to the Presiding Judge. Although your approval is not required for responses from elected officials, copies of responses from the following elected officials are included here for your information: from the Auditor-Controller and the Treasurer Tax Collector to the report "Special Property Tax Assessments;" from the Sheriff to the report, "Rancho Simi Recreation and Park District Rangers;" from the Auditor-Controller to the report, "Bullying in the Workplace;" from the Sheriff and District Attorney to the report, "Inmate Processing and Suicide Prevention in the Ventura County Jail;" from the Sheriff to the report, "Emergency Communications Interoperability," and from the Registrar of Voters to the report, "Election Process."

This letter has been reviewed by County Executive Office, Auditor-Controller and County Counsel. Should you have any questions or require additional information, please contact Matt Carroll at 654-2864 or Kathleen Van Norman at 654-2566.

Sincerely,



MICHAEL POWERS
County Executive Officer

Attachments:

- Exhibit 1 – Response to "Special Property Tax Assessments"
- Exhibit 2 – Response to "Rancho Simi Recreation and Park District Rangers"
- Exhibit 3 – Response to "Bullying in the Workplace"
- Exhibit 4 – Response to "Inmate Processing and Suicide Prevention in the VC Jail"
- Exhibit 5 – Response to "Emergency Communications Interoperability"
- Exhibit 6 - Response to "Election Process"
- Exhibit 7 - Response to "Under-Enrollment in Proposition 36"

EXHIBIT 7

FY 2010-2011 GRAND JURY FINAL REPORT

RESPONSES TO FINDINGS (FI) AND RECOMMENDATIONS (R)

Report Number (& Date)	Report Title	Respondents (with FI and R #)
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REPORT NO. 07 (June 10, 3011)

Title: Under-Enrollment in Proposition 36

Required Respondents: Board of Supervisors (FI-02 thru FI-05) and (R-01 thru R-03)

Requested Respondents: Director, Behavioral Health (FI-02 thru FI-04) and (R-02 & R-03)
Director-Chief Probation Officer (FI-02 thru FI-04) and
(R-02 & R-03)

Response to 2010-11 Grand Jury Report Form

**Report Title: Under – Under-Enrollment in Proposition 36
(Currently known as the PC 1210 Program)**

Report Date: June 10, 2011 Responding Agency/Dept: Board of Supervisors

Response by: David Stoll for BOS Title: CEO Program Management Analyst

FINDINGS

- We agree with the findings numbered: FI-02, FI-05
- We disagree wholly or partially with the findings numbered FI-03, and FI-04 (see Page 2)

RECOMMENDATIONS

- Recommendations numbered R-01 and R-02 have been implemented. (see page 3)
- Recommendation numbered R-03 has not yet been implemented, but will be implemented in the future. (see Page 3)
- Recommendations numbered (n/a) requires further analysis.
- Recommendations numbered (n/a) will not be implemented because they are not warranted or are not reasonable.

Date: _____

Signed: _____

Linda Park

Chair, Board of Supervisors

Number of Pages attached 3

Response to 2010-11 Grand Jury Report Form
Under-Enrollment in Proposition 36
From the County Executive Office
And On Behalf of the Board of Supervisors

FINDINGS

FI-02 From the time an offender walks out of the Prop 36 Courtroom until treatment begins, many obstacles exist: long waiting lists for fewer affordable outpatient treatment centers; transportation difficulties; and heavy financial burdens on the enrollees.

We generally agree with this finding of the Grand Jury. However, this statement should be considered within the broader perspective of the reason for such obstacles and what is being accomplished in spite of them.

Both the Ventura County Behavioral Health Department (VCBHD) and the Ventura County Probation Agency (VCPA) acknowledge that, similar to other counties, challenges exist in serving offenders that were formerly served by the Prop 36 program. These challenges can be primarily attributed to discontinuance of state funding for the original Program. However, while the funding for the Prop 36 program has been discontinued, the mandate that the court require completion of a drug treatment program (California Penal Code 1210) remains.

As a result of funding being eliminated, some counties have made the decision to drop the program entirely. Other counties have maintained the Program at various levels while still others, such as Ventura County, have essentially replaced the Program with alternatives that leverage existing VCBHD and VCPA programs and staff to treat former Prop 36 program offenders. Ventura County is utilizing a combination of self-pay, one-time grant funds and existing alternative program budgets to fund our efforts.

Although the lack of state funding for a dedicated program does mean longer waits and user fees, we continue to provide motivated offenders an avenue for treatment and no qualified individual willing to participate in treatment is turned away.

FI-03 Most treatment programs are on an outpatient basis because they are less expensive, but they often lack consistency and continuity, thus contributing to a higher dropout rate.

We partially agree with this finding of the Grand Jury. Keeping costs down is necessary due to the aforementioned discontinuance of state funding for the Prop 36 program. Even with this funding obstacle, VCBHD statistics show acceptable completion rates comparable with other addiction programs when treating former Prop 36 program offenders. An important aspect to note is that these completion rates were achieved in a program that was designed for first-time offenders, yet over half of the recent offenders entering the Program have been using drugs for more than 10 years.

FI-04 If the offender has financial means, self-payment for an inpatient treatment facility is the best option. Presently, this enables those who are better off financially to have the best chance at rehabilitation. Prop 36 was designed to provide funds for successful treatment to all offenders who met the enrollment criteria, irrespective of financial means.

We partially agree with this finding of the Grand Jury. Yes, as originally designed and funded, increased access to inpatient facilities such as Khepera House and Prototypes was available for clients enrolled in the former Prop 36 program. When the State discontinued its funding, state-funded inpatient beds were likewise no longer available. However, those offenders who lack the ability to pay remain able to access inpatient treatment for substance abuse through the same means available to other clients in the County behavioral health system. As noted within the VCBHD's response to this report, male residential bed space for all VCBHD clients has increased 129% since FY 06-07 in recognition of the growing demand for such inpatient treatment.

FI-05 The BOS has worked with both the VCBHD and the VCPA to find alternative sources of funding.

Agree with finding. As previously noted in response to FI-02, Ventura County utilizes a combination of self-pay, one-time grant funds and leveraging of existing VCBHD and VCPA programs and staff to treat former Prop 36 program offenders.

RECOMMENDATIONS

R-01 The BOS should continue to assist the Ventura County Behavioral Health Division (VCBHD) and the Ventura County Probation Agency (VCPA) in finding alternative sources of funding to better accomplish the statutory mandates intended under Prop 36.

This recommendation has been implemented. The Board generally encourages departments to search for grants and other sources of funding to pay for mandated services and will continue to do so. Unfortunately in the case of PC 1210 offender treatment, there is no direct funding of the program. However, VCBHD utilizes funding they get in the Alcohol and Drug Program, such as Drug Medi-Cal, to help fund the lower income cases. In addition, fees are charged for those who can afford to do so. This provides a basic level of support for those seriously trying to overcome their addiction.

R-02 The BOS should ensure that adequate personnel are designated to be responsible for tracking offenders from the Prop 36 Courtroom, through the treatment process, and back to the Prop 36 Judge, in order to determine rehabilitative outcomes.

This recommendation has been implemented. Despite inadequate funding VCBHD still has kept reporting capability intact through existing personnel and the use of automation. The program utilizes a PC 1210 Case Management System with portals in the court as well as at VCBHD provider sites. There is a PC 1210 Referral System that tracks referrals from the courts to the provider sites. There is a California Outcome Measurement System which collects admission and discharge data on clients. Finally, each VCBHD provider site submits progress reports to the dedicated court. The actual supervision of the offenders through the process is maintained by Ventura County Probation Agency (VCPA) staff at an appropriate, although reduced, level.

The above aside, it may not be possible to continue providing adequate staff as the Ventura Courts have indicated they will discontinue having a dedicated courtroom for the former Prop 36 Program. If this occurs, continuing in the above manner may no longer be feasible as additional staff would be required in order to have a presence in multiple courtrooms.

R-03 The BOS should ensure that some kind of statistical process be put in place to calculate success, recidivism, and failure rates of the County's Prop 36 program.

This recommendation has been partially implemented in that service data is collected from the mechanisms described in the response to recommendation R-02 that allow VCBHD to track PC 1210 client admissions, completions and discharges over the course of their treatment. However, analysis of that data is not formalized into ongoing program reports by either VCPA or VCBHD, and an integrated mechanism across participating agencies does not exist to allow basic recidivism statistics to be determined. Given the lack of funding for the Program and the fact that at Ventura County, alternative existing programs are now being leveraged to treat former Prop 36 program clients, it is difficult to justify investing further in dedicated Prop 36 outcome reporting measures.

Under the County's newly initiated program budgeting initiative, performance measures are kept for selected programs. The longer term plan is to have a performance measure for every County program. As departments fully implement program budgeting in the next fiscal year (FY 2012-13), County Executive Office staff will work with VCBHD and VCPA staff to leverage the program measures utilized for the alternative existing programs that now treat former Prop 36 Program clients.

VENTURA COUNTY
HEALTH CARE AGENCY



MEMORANDUM

Response to 2010-11 Grand Jury Report

Report Title: Under-Enrollment in Proposition 57

Report Date: June 10, 2011

Response by: Meloney Roy, LCSW Title: Behavioral Health Director

FINDINGS

- I (we) agree with the findings numbered: N/A
- I (we) disagree wholly or partially with the findings numbered: FI-02, FI-03, FI-04
(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefore.)

RECOMMENDATIONS

- Recommendations numbered N/A have been implemented.
(Attach a summary describing the implemented actions.)
- Recommendations numbered N/A have not yet been implemented, but will be implemented in the future. (Attach a timeframe for the implementation.)
- Recommendations numbered R-02 and 03 require further analysis.
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)
- Recommendations numbered _____ will not be implemented because they are not warranted or are not reasonable. (Attach an explanation.)

Date: July 22, 2011

Signed: Meloney Roy

Number of pages attached: 3

VCBHD appreciates the Grand Jury's continued interest in the challenges that face the Prop 36 Program, recently renamed PC 1210. As you are aware, the Substance Abuse and Crime Prevention Act (SACPA) was approved in 2000, to provide a cost effective alternative to incarceration for minor, non-violent drug offenders. VCBHD believes strongly that community-based treatment, which results in lower recidivism, is a fiscally responsible alternative to incarceration.

FI-02

From the time an offender walks out of the Prop 36 Courtroom until treatment begins, many obstacles exist: long waiting lists for fewer affordable outpatient treatment centers; transportation difficulties; and heavy financial burdens on the enrollees.

VCBHD agrees that challenges exist, in a large part due to the fact that this program is an unfunded mandate. Therefore, Ventura County is not unique in the challenges it faces in implementing PC 1210. Other like-sized counties across the State have seen even more significant decreases in referrals and enrollment. Although not ideal, waiting lists are used by multiple counties to balance resources and demands.

- VCBHD agrees that waiting lists are not preferable. We attempt to ensure that clients are able to access treatment timely by offering treatment at other VCBHD Alcohol and Drug (ADP) program sites. Should clients choose to remain on the waiting list, they are required to check in on a regular basis, attend interim "Getting Started" services at VCBHD ADP, and are subject to random drug testing.
- Although VCBHD has instituted client fees for PC 1210, those who qualify for Drug Medi-Cal receive services free of cost. Depending on income, clients may be eligible for a fee waiver. Of the clients who enroll under the self-pay (fee) option, at least 85% pay consistently. As is commonly done in the Mental Health field and with consideration of the clinical setting, clients are asked to contribute financially to treatment, as their means permit, to promote self-responsibility and commitment to recovery.
- VCBHD's Alcohol and Drug Programs offer a continuum of services, funded by local, state and federal resources. Our major sources of funding require that we utilize our resources to treat the most needy and at-risk priority populations, based on criteria such as type of drug use, pregnancy status etc. Court-mandated treatment for criminal offenders, who may or may not meet treatment priority criteria, must therefore be balanced in the context of available resources and the needs of Ventura County residents accessing our continuum of care.
- Quality is fundamental to positive treatment outcomes. As such, VCBHD has maintained key elements in our service delivery system to ensure that viable treatment opportunities exist for qualifying PC 1210 clients. VCBHD's services are individualized, evidence and outcome-based, physician directed within a multi-disciplinary team, and utilize sufficient levels of drug testing.

FI-03

Most treatment programs are on an outpatient basis because they are less expensive, but they often lack consistency and continuity, thus contributing to a higher dropout rate.

Ventura County PC 1210 completion rates are commensurate with State-wide California Outcome Measurement System data, which shows an increase in completion rates from FY 01-02 to 07-08 from 34% to 40%. To put the topic of completion rates into perspective, according to a National Institute on Drug Abuse Report, relapse rates for drug addiction are similar to those for other well-known medical illnesses such as Type 1 Diabetes, Hypertension and Asthma (*Addiction Science: From Molecules to Managed Care McLellan et al., Journal of Addiction Medicine (JAMA), 2000*). Due to the chronic nature of the illness, long-term, successful management of drug addiction is likely to involve multiple treatment episodes. Substance abuse addiction requires ongoing treatment and recovery is a continuous process (*Inspector General's Special Review into In-Prison Substance Abuse Programs Managed by CDCR, 2007*). Inpatient services provide an important acute intervention for some clients, but do not address the chronic and relapsing elements of their addiction.

It is also important to note that the clients served in the program have a more chronic and persistent level of drug use than was originally anticipated. Statewide enrollments for Proposition 36 show that 57% of first-time treatment clients had been using drugs for *more than ten years* and that one in five had been using drugs for *more than 20 years*. Despite that reality, results of a cost-benefit analysis conducted by UCLA indicated that taxpayers saved \$2.50 for every \$1 spent on offenders who did not complete treatment and \$4 for every \$1 invested for offenders who did complete treatment (*Evaluation of Proposition 36, Darren Urada, PhD et al UCLA 2008; SACPA Cost Analysis Report, Douglas Longshore, PhD et al., 2006*)

There is no categorical funding for residential treatment for clients participating in the PC 1210 program. However clients, if they meet criteria and are willing, are able to access residential treatment (including detoxification) through the processes utilized by other clients in our system. Recognizing the need for available male beds, VCBHD has increased the number of available male residential bed days by 129% since FY '06-07.

Despite the above noted challenges, VCBHD will continue to review and adapt our programs with the goal of improved access and continuity of care.

FI-04

If the offender has financial means, self-payment for an inpatient treatment facility is the best option. Presently, this enables those who are better off financially to have the best chance at rehabilitation. Prop 36 was designed to provide funds for successful treatment to all offenders who met the enrollment criteria, irrespective of financial means.

It is unfortunate that state funding for Prop 36 was discontinued and that the program is now an unfunded mandate. To create the opportunity for any offender who desires treatment to access treatment, fees for the PC 1210 Program are based on "ability to pay". As was stated above, clients who meet criteria and are willing to commit to residential treatment are able to access it (including detoxification) through the processes utilized for any other client in our system.

It is important to note that Ventura County has an established Adult Drug Court option, designed primarily for clients who are failing in PC 1210 and may be facing long-term incarceration.

REC R-02

The BOS should ensure that adequate personnel are designated to be responsible for tracking offenders from the Prop 36 Courtroom, through the treatment process, and back to the Prop 36 Judge, in order to determine rehabilitative outcomes.

Despite the lacking funding, many of the original elements related to tracking and treatment outcomes are still in place. Please see tracking mechanisms outlined below in response to REC R-03.

REC R-03

The BOS should ensure that some kind of statistical process be put in place to calculate success, recidivism, and failure rates of the County's Prop 36 program.

The following data elements are in place currently and allow us to track admission, completions, discharges, and other relevant outcome and performance measures. At this time, a data system, integrated with other agencies, does not exist through which recidivism data would be collected.

- Case Management System. Clients referred into PC 1210 are tracked via the proprietary Case Management System or CMS. The CMS portal exists inside the dedicated courtroom and allows the VCBHD treatment liaison to provide up to date status reports to the judge, public defender and probation as collected and entered by the VCBHD provider sites.
- PC 1210 Referral System. All clients referred through the Quick Start Assessment Center (located inside the Hall of Justice across from the PC 1210 courtroom) are tracked as referrals to the provider sites are made.
- California Outcome Measurement System. Each provider site collects both admission and discharge data on clients via the California Outcome Measurement System, as required by State ADP. Finally, each VCBHD provider site submits progress reports to the dedicated court.

Response to 2010-2011 Grand Jury Report Form
(Insert Fiscal Year)

Report Title: Under-enrollment in Proposition 36

Report Date: July 12, 2011 Responding Agency/Dept. Probation Agency

Response by: Patricia E. Olivares

Title: Division Manager

FINDINGS

- I (we) agree with the findings numbered: F1-02, F1-04
- I (we) disagree wholly or partially with the findings numbered: F1-03
(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefore.)

RECOMMENDATIONS

- Recommendations numbered R-02 have been implemented.
(Attach a summary describing the implemented actions.)
- Recommendations numbered R-03 have not yet been implemented, but will be implemented in the future.
(Attach a timeframe for the implementation.)
- Recommendations numbered _____ require further analysis.
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)
- Recommendations numbered _____ will not be implemented because they are not warranted or are not reasonable.
(Attach an explanation.)

Date: August 16, 2011

Signed: Patricia E. Olivares

Number of pages attached: 3

Response to 2010-2011 Grand Jury Report Form
(Insert Fiscal Year)

Report Title: Under-enrollment in Proposition 36

Report Date: July 12, 2011 Responding Agency/Dept. Probation Agency

Response by: Patricia E. Olivares

Title: Division Manager

FINDINGS

- I (we) agree with the findings numbered: FI-02, F1-04

FI-02

From the time an offender walks out of the Prop 36 Courtroom until treatment begins, many obstacles exist: long waiting lists for fewer affordable outpatient treatment centers; transportation difficulties; and heavy financial burdens on the enrollees.

Response:

Long waits: Some offenders have waited up to 9 months or more (on "Getting Started" (GS) wait list). After court, a defendant immediately reports to the Quick Start Center for assessment (or within 72 hours of release if in custody). The offender is then assigned to a particular group based upon their geographic residence. The majority are placed on a waiting list ("Getting Started" meetings) as the groups are routinely full. These GS meetings take place twice monthly. Average wait is anywhere from 4 to 6 months.

(NOTE: In some cases, the offenders contribute to this challenge by their own violations of the ADP protocols: If a defendant misses a GS meeting, they will be "bumped to the back of the line" per ADP policy. Missing a GS meeting usually results in a Treatment Reporting Form (Violation of Probation) filed by ADP with the Court.

Transportation: The only program we are aware of that provides transportation is A New Start For Moms (ANSFM). This is reserved for moms and moms-to-be and is based upon space, and availability. Many offenders do not possess a California Driver's License, do not own or have access to a vehicle and often lack support systems. These obstacles can make it difficult for the offender to attend treatment. Therefore, most program/treatment sites are assigned based upon the residence of the offender in order to make transportation more feasible. Those offenders living in Santa Paula, Ojai and Fillmore must attend programs located in Oxnard or Ventura. Offenders residing in East County attend Simi Valley ADP.

Financial Burdens: Offenders who request a stay on fines/fees are routinely granted a 90 day stay on those fines/fees at time of sentencing (or, upon their first request following sentencing). Beyond 90 days, they can request a financial evaluation and get the fines/fees further stayed or pay at a reduced scale as determined by their ability to pay. As to program/treatment costs, defendants are sometimes violated or disqualified (DQ) for inability (or unwillingness) to pay the treatment costs. However, when failure to pay is the only violation, the Court team does not automatically consider it to be a violation leading to a strike or DQ from Prop 36. The offenders in these cases are often granted an opportunity

to work with ADP on setting up a financial plan or making application to General Relief. Should they fail to seek assistance or meet with treatment to devise a plan, then a penalty (i.e. strike or DQ) is imposed.

In some rare instances, the Court has allowed offenders to seek treatment elsewhere as a means to provide treatment sooner and/or reduce their financial burden if the alternative program is offering them a better rate or sliding scale.

FI-04

If the offender has financial means, self-payment for an inpatient treatment facility is the best option. Presently, this enables those who are better off financially to have the best chance at rehabilitation. Prop 36 was designed to [provide funds for successful treatment to all offenders who met the enrollment criteria, irrespective of financial means.

Response:

We agree offenders who are in need of inpatient treatment should receive these services. ADP was using Prop 36 funding for inpatient programs at Khepera House and Prototypes. It is uncertain whether ADP will be able to continue funding these programs after the loss of the Prop 36 funding. Offenders who do not have the financial means to pay for inpatient treatment can apply for General Relief and obtain approval for that funding. Alternatively, there are some free sober/residential homes such as Salvation Army, Teen Challenge and Rescue Mission. Additionally, there are other spiritually based recovery homes.

- I (we) disagree wholly or partially with the findings numbered: FI-03
(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefore.)

FI-03

Most treatment programs are on an outpatient basis because they are less expensive, but they often lack consistency and continuity, thus contributing to a higher dropout rate.

Response:

We do not feel we are in a position to make an informed response to this finding. VCBH is responsible for assessing clients and referring them to treatment providers.

RECOMMENDATIONS

- Recommendations numbered R-02 have been implemented.
(Attach a summary describing the implemented actions.)

R-02

The BOS should ensure that adequate personnel are designated to be responsible for tracking offenders from the Prop 36 Courtroom, through the treatment process, and back to the Prop 36 Judge, in order to determine rehabilitative outcomes.

Response:

Probation will continue to supervise the highest risk offenders placed on formal probation. Generally speaking, these offenders are felons. Supervision of this population is guided by their risk level as determined by the PROXY, a risk assessment tool. Supervision is decreased or increased based on performance on probation and risk to the community.

Probation will continue to collaborate with the VCBH/ADP treatment providers to ensure offenders placed on formal probation are participating in treatment. Violations will be reported to the court in a timely manner.

- Recommendations numbered R-03 have not yet been implemented, but will be implemented in the future.

(Attach a timeframe for the implementation.)

R-03

The BOS should ensure that some kind of statistical process be put in place to calculate success, recidivism, and failure rates of the County's Prop 36 program.

Response

Probation agrees that in order to determine the success of the Prop 36 program, outcomes need to be tracked. For those offenders who pose the highest risk to the community through assessment by the PROXY, Probation can develop a report using information from the Ventura County Integrated Justice Information System and the Probation Records Information System Management (PRISM) to track subsequent convictions, and successful termination of probation (defined as completed treatment and no subsequent convictions).