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California State Sheriffs' Association

Organization Founded by the Sheriffs in 1894

Little Hoover Commission – Public Hearing on Alcohol and Drug Treatment Programs August 23, 2007

Deputy Chief Mark M. Iwasa, Chief of Investigative Services
Sacramento County Sheriff's Department

Thank you for the opportunity to testify today on behalf of the California State Sheriffs' Association (CSSA). As you may know, sheriffs' departments throughout the state have had but a cursory hand in the administration of programs in the Proposition 36 domain, however, we do share a common interest in the reduction of drug use and its related criminality.

As it stands today, CSSA's position on Proposition 36 remains as it was when the measure was first being contemplated, which is that its configuration was somewhat flawed from its onset. Primarily, CSSA fought for the inclusion of stricter acceptance criteria and accountability measures similar to the drug court design. Back then, CSSA predicted that the lack of supervisory oversight and effective sanctions for non-compliance would be problematic in obtaining compliance with the prospective programs. Today, CSSA believes that the data compiled supports our position that Proposition 36 provides the carrot for drug offenders, but lacks the much needed stick.

Although the results of Proposition 36 vary by the counties that administer the programs, CSSA is not opposed to its continuation. Rather, CSSA wants to improve it. As such, CSSA is in support of the legislative changes that were previously attempted that would have provided "flash incarcerations" and program dismissals for violators. Secondly, CSSA believes that a strong supervision network is key to keeping the program successful and legitimate. The comprehensive involvement of the local probation departments is, therefore, a major component in the process.

In light of the correctional facilities funding proposed under AB 900, CSSA would also like to emphasize the problems that Proposition 36 programs are facing in many of our counties. Currently, 20 jails are under court ordered population caps and another 12 have implemented self-imposed caps with the goal of combating jail overcrowding. In many of those jurisdictions, drug offenders are bypassing their option to enroll in Proposition 36 programs and accepting local incarceration because they know that they will be released with minimal jail time due to the population caps.

These 32 jails are not alone in their struggles with inmate population limits; throughout the state, including Sacramento County, sheriffs' departments are struggling with an ever exploding inmate population. If our counties are also going to be asked to participate in the housing and processing of state prisoners returning to their county of origin, it is obvious that our burgeoning jail systems will have little choice than to implement early releases on an even broader scale. Unfortunately, this leaves little hope for success for programs like those administered under Proposition 36.

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In summary, I would like to once again thank the Commission for allowing the California State Sheriffs Association to participate in this process. Within the Proposition 36 arena, we see ourselves as partners with all of those involved in trying to reduce the recidivism of drug offenders.

In that capacity, CSSA is in support of modifications to the law that would align program entrance criteria with the types of offenders who would benefit from the program and exclude hardened profiteers and others who would use the program as a free pass. Furthermore, CSSA believes that the court needs to be provided with the ability to quickly incarcerate program violators so that their drug-seeking behaviors can be stopped quickly and treatment programs reinstated. Finally, in a related matter, CSSA wants to emphasize that significant corrections funding needs to be provided to our counties, without which treatment and rehabilitative programs will be severely hampered.

Thank you for your consideration.

MI/cmc