

AGENDA**ASSEMBLY BUDGET SUBCOMMITTEE NO. 5 PUBLIC SAFETY****ASSEMBLYMEMBER REGINALD B. JONES-SAWYER SR., CHAIR****WEDNESDAY, APRIL 9, 2014
1:30 P.M. - STATE CAPITOL ROOM 444**

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VOTE ONLY ISSUES

2720 CALIFORNIA HIGHWAY PATROL

CONSENT ISSUE 1: SANTA FE SPRINGS PROJECT
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Spring Finance Letter Proposal. The Administration's spring finance letter requests:

- 1) To shift the procurement methodology for the Santa Fe Springs Area Office Replacement Facility project from standard capital Outlay to build-to-suit leasing. This requires a reversion of the current appropriation (\$4.9 million from the Motor Vehicle Account) and new Budget Bill language;
- 2) An increase of \$32.4 million (Motor Vehicle Account) to support the acquisition and design of office replacement projects in Truckee (\$2.4 million), Santa Barbara (\$9.9 million), San Diego (\$12.1 million), Crescent City (\$2.4 million), and Quincy (\$2.2 million);
- 3) Authority to reappropriate prior year funds in continued support of the California Highway Patrol Enhanced Radio System (CHPERS).

Staff Recommendation: Approve the proposed capital outlay budget.

0250 JUDICIAL BRANCH**CONSENT ISSUE 2: JUDICIAL BRANCH – CAPITAL OUTLAY**

Spring Finance Letter Proposal. The Administration's spring finance letter requests an increase of \$900,000 for the working drawings phase of the New Lakeport Courthouse in Lake County. In addition, the letter requests reductions in four projects in Tuolumne, Sonoma, Shasta, and Santa Barbara counties resulting in approximately \$11 million in savings.

Project status codes at January 10, 2014: A = Acquisition, C = Construction, P = Preliminary Plans, W = Working Drawings).

Projects by County	Actual		Estimated		Proposed	
	2012-13	Stage	2013-14	Stage	2014-15	Stage
BUTTE COUNTY	\$51,324		\$-		\$-	
Butte County-New North County Courthouse	51,324	C	-		-	
CALAVERAS COUNTY	\$-		\$1,188		\$-	
Calaveras County-New San Andreas Courthouse	-		1,188	C	-	
EL DORADO COUNTY	\$-		\$1,084		\$3,696	
El Dorado County-New Placerville Courthouse	-		1,084	A	3,696	P
GLENN COUNTY	\$-		\$2,600		\$34,793	
Glenn County-Renovation and Addition to Willows Courthouse	-		2,600	W	34,793	C
IMPERIAL COUNTY	\$-		\$3,344		\$-	
Imperial County-New El Centro Courthouse	-		3,344	W	-	
INYO COUNTY	\$-		\$-		\$1,930	
Inyo County-New Inyo County Courthouse	-		-		1,930	A,P

KINGS COUNTY	\$99,497		\$-		\$-	
Kings County-New Hanford Courthouse	99,497	C	-		-	
LAKE COUNTY	\$-		\$-		\$3,550	
Lake County-New Lakeport Courthouse	-		-		3,550	W
LOS ANGELES COUNTY	\$-		\$-		\$52,348	
Los Angeles County-New Mental Health Courthouse	-		-		33,457	A
Los Angeles County-New Eastlake Juvenile Courthouse	-		-		18,891	A
MADERA COUNTY	\$90,810		\$-		\$-	
Madera County-New Madera Courthouse	90,810	C	-		-	
MENDOCINO COUNTY	\$-		\$3,466		\$4,550	
Mendocino County-New Ukiah Courthouse	-		3,466	A	4,550	P
MERCED COUNTY	\$-		\$1,974		\$21,889	
Merced County-New Los Banos Courthouse	-		1,974	W	21,889	C
RIVERSIDE COUNTY	\$-		\$3,898		\$4,259	
Riverside County-New Indio Juvenile and Family Courthouse	-		3,484	W	-	
Riverside County-New Mid-County Civil Courthouse	-		414	A	4,259	P
SACRAMENTO COUNTY	\$-		\$10,000		\$-	
Sacramento County-New Sacramento Criminal Courthouse	-		10,000	A	-	
SAN BENITO COUNTY	\$52		\$1,099		\$-	
San Benito County-New Hollister Courthouse	52	C	1,099	C	-	

SAN DIEGO COUNTY	\$-		\$515,997		\$-	
San Diego County-New San Diego Courthouse	-		515,997	C	-	
SAN JOAQUIN COUNTY	\$-		\$246,471		\$-	
San Joaquin County-New Stockton Courthouse	-		243,266	C	-	
San Joaquin County-Renovate and Expand Juvenile Justice Center	-		3,205	C	-	
SANTA BARBARA COUNTY	\$-		\$-		\$4,411	
Santa Barbara County-New Santa Barbara Criminal Courthouse	-		-		4,411	P
SANTA CLARA COUNTY	\$-		\$205,258		\$-	
Santa Clara County-New Family Justice Center	-		205,258	C	-	
SHASTA COUNTY	\$-		\$-		\$6,028	
Shasta County-New Redding Courthouse	-		-		6,028	P
SISKIYOU COUNTY	\$-		\$3,277		\$4,518	
Siskiyou County-New Yreka Courthouse	-		3,277	P	4,518	W
SOLANO COUNTY	\$21,926		\$-		\$-	
Solano County-Renovation to Fairfield Old Solano Courthouse	21,926	C	-		-	
SONOMA COUNTY	\$-		\$-		\$7,670	
Sonoma County-New Santa Rosa Criminal Courthouse	-		-		7,670	P
STANISLAUS COUNTY	\$-		\$6,860		\$11,026	
Stanislaus County-New Modesto Courthouse	-		6,860	A	11,026	P

SUTTER COUNTY	\$-		\$51,308		\$-	
Sutter County-New Yuba City Courthouse	-		51,308	C	-	
TEHAMA COUNTY	\$-		\$3,982		\$46,662	
Tehama County-New Red Bluff Courthouse	-		3,982	W	46,662	C
TUOLUMNE COUNTY	\$-		\$-		\$3,049	
Tuolumne County-New Sonora Courthouse	-		-		3,049	P
YOLO COUNTY	\$121,450		\$-		\$-	
Yolo County-New Woodland Courthouse	121,450	C	-		-	
Totals, Major Projects	\$385,059		\$1,061,806		\$210,379	

Staff Recommendation: Approve the proposed capital outlay budget.

ITEMS TO BE HEARD

0250 JUDICIAL BRANCH

ISSUE 1: CHILDREN'S LAW CENTER OF CALIFORNIA

The issue before the subcommittee is the Children's Law Center of California's budget request intended "to ensure that every child in foster care is provided with effective, high quality legal representation".

PANELISTS

- Leslie Starr Heimov, Esq., CWLS Executive Director, Children's Law Center of California
- Administrative Office of the Courts
- Department of Finance
- Legislative Analyst's Office
- Public Comment

BACKGROUND

When a child is removed from his/ her home because of serious physical, emotional or sexual abuse, the state of California assumes the role of a legal parent. Through the Dependency Court, the state makes decisions that have huge implications on the child's life and future – i.e. whether the child will ever return to her parents, if she will be placed with her siblings, where and with whom she will live, and what services she will receive.

Given the impact of these decisions, having a competent and dedicated attorney is critical. The child's attorney is the one person in the system with the sole responsibility of advocating for that child's protection, safety, and physical and emotional well-being. This role is unlike any other practice of law. Serving dually as Guardian Ad Litem (pursuant to the Child Abuse Prevention and Treatment Act) and attorney, the duties of a child's attorney are vast and go well beyond the courtroom. The attorney must advocate in all court proceedings, and also ascertain and advance the needs of the minor outside of the legal proceedings.

For example, an overwhelming number of youth in foster care are at risk of or have already become victim to sexual exploitation and trafficking. Because of the unique and confidential relationship between a child and her attorney, often times the child's attorney is the sole individual aware of these desperate circumstances. The attorney is

tasked with advocating in court for desperately needed resources and/or working outside of court to access appropriate placements and intervention services.

Similarly, when youth in the child welfare system have unmet special education needs, are denied essential benefits or become involved with the juvenile justice system, their dependency attorneys step in to fight for them, providing the court or relevant agency with critical perspective, historical information and more.

The significance of this advocacy cannot be understated. A 2008 study from Chapin Hall Center for Children found that children with effective counsel were moved to permanency at about twice the rate of unrepresented children. A 2010 study found better court outcomes for Los Angeles County “crossover youth” (those who are dually involved in the Dependency and Delinquency Courts) when the youth had the involvement of Children’s Law Center attorneys.

Today’s Caseload Crisis

Unfortunately, the duties of children’s attorneys and the protections they offer California’s most vulnerable youth are rendered meaningless without reasonable caseloads. According to the National Association of Counsel for Children, a full-time child’s attorney should represent no more than 100 clients at one time. This is the same standard recommended by the U.S. Department of Health and Human Services, as well as the American Bar Association. In 2008, a California specific study concluded that the basic caseload standard where the attorney is supported by a social work investigator is a maximum of 188 child clients, while the optimal standard is 77.

In 2006, a federal court in Atlanta ruled that high caseloads violated children’s constitutional right to zealous and effective legal representation. The average caseloads for children’s attorneys in Atlanta were reduced from 500 to 90. Several states, including Massachusetts, New York, Arkansas and Wyoming now have strict caseload standards.

Caseloads in California continue to be high. California’s court appointed counsel in 32 counties are not resourced to meet the basic caseload standard of 188 clients per lawyer. Of those counties, 15 are so under-resourced that caseloads are more than double that of the basic standard.

California’s abused and neglected children deserve better. With such high caseloads, there is simply no way to provide appropriate and effective advocacy. The following examples represent the “on the ground” impact of unreasonable caseloads:

- Attorneys are forced to adopt a triage approach to representing children – responding to crisis after crisis rather than taking a proactive approach to representation.
- Without time for meaningful contact with clients and supportive adults, attorneys are not able to conduct necessary independent investigation to identify educational, mental health, and other needs to advocate for appropriate intervention services.

- Long hours and the frustration of not being able to do more lead to high turnover, which results in less stability for children and less experienced attorneys.

Proposed Solution

It would cost an additional \$33.1 million annually to move dependency attorney caseloads to the recommended number of no more than 188 clients per lawyer. (See the Chief Justice's January 14, 2014 blueprint). The entirety of this relatively small allocation would go directly to court appointed counsel. There are no State funded overhead costs because administration of these funds is paid for by a federal grant.

STAFF QUESTIONS

- 1) Please describe the Dependency Representation, Administration, Funding, and Training (DRAFT) pilot program and explain the differences between standard counties and DRAFT counties.
- 2) If the state shifted to the DRAFT model, could ratios be improved at a lesser cost?

ISSUE 2: COLLABORATIVE JUSTICE COURTS

The issue before the subcommittee is an expansion of California's Collaborative Justice Court system as a durable solution to the state's jail and prison overcrowding issues.

PANELISTS

- Legislative Analyst's Office
- Administrative Office of the Courts
- Department of Finance
- Public Comment

BACKGROUND

In January 2000, then Chief Justice Ronald M. George appointed the Collaborative Justice Courts Advisory Committee to explore the effectiveness of such courts and advise the Judicial Council about the role of these courts in addressing complex social issues and problems that make their way to the trial courts. Formation of the committee expanded the scope of the Oversight Committee for the California Drug Court Project, which was appointed by Chief Justice George as of July 1, 1996, and continued until December 31, 1999. On August 3, 2000, the Conference of Chief Justices and the Conference of State Court Administrators passed a resolution to support collaborative justice courts.

The Judicial Council's Collaborative Justice Courts Advisory Committee advises the Judicial Council regarding collaborative justice, or problem-solving, courts. It makes recommendations to the Judicial Council for developing collaborative justice courts, improving their processing of cases, and overseeing the evaluation of such courts throughout the state.

The mission of the Collaborative Justice Courts Advisory Committee is to:

- Make recommendations to the Judicial Council on criteria for identifying and evaluating collaborative justice courts;
- Assess and measure the success and effectiveness of collaborative justice courts;
- Identify local best practices;
- Recommend minimum judicial education standards and educational activities;
- Advise the council of potential funding sources;
- Make recommendations on grant funding programs administered by the AOC; and
- Recommend appropriate outreach activities to support collaborative justice courts.

Collaborative justice courts, also known as problem-solving courts, combine judicial supervision with rehabilitation services that are rigorously monitored and focused on recovery to reduce recidivism and improve offender outcomes. Collaborative Justice Courts are distinguished by the following elements:

- a problem-solving focus,
- a team approach to decision making,
- integration of social and treatment services,
- judicial supervision of the treatment process,
- community outreach,
- direct interaction between defendants and judge, and
- a proactive role for the judge inside and outside the courtroom.

TYPES OF COLLABORATIVE JUSTICE COURTS

Examples of collaborative justice courts include:

- veterans courts, community courts,
- domestic violence courts,
- drug courts,
- DUI courts,
- elder abuse courts,
- homeless courts,
- mental health courts,
- reentry courts, and
- Special minor courts including:
 - dating/youth domestic violence courts,
 - drug courts,
 - DUI court in schools program,
 - mental health courts, and
 - peer/youth courts.

KEY PRINCIPLES OF COLLABORATIVE JUSTICE COURTS

Collaborative justice key principles, as defined by the Collaborative Justice Courts Advisory Committee, are based on the National Association of Drug Court Professionals' (NADCP) 10 components described in "Defining Drug Courts: The Key Components," are as follows:

- Collaborative justice courts integrate services with justice system processing.
- Collaborative justice courts emphasize achieving the desired goals without using the traditional adversarial process.
- Eligible participants are identified early and promptly placed in the collaborative justice court program.
- Collaborative justice courts provide access to a continuum of services, including treatment and rehabilitation services.
- Compliance is monitored frequently.
- A coordinated strategy governs the court's responses to participants' compliance, using a system of sanctions and incentives to foster compliance.
- Ongoing judicial interaction with each collaborative justice court participant is essential.
- Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
- Effective collaborative justice court operations require continuing interdisciplinary education.
- Forging partnerships among collaborative justice courts, public agencies, and community-based organizations increases the availability of services, enhances the program's effectiveness, and generates local support.
- Effective collaborative justice courts emphasize a team and individual commitment to cultural competency. Awareness of and responsiveness to diversity and cultural issues help ensure an attitude of respect within the collaborative justice court setting.

California Counties with Collaborative Justice Courts (as of 3/28/2014)

<u>Superior Court of California, County of</u>	<u>COMMUNITY</u>	<u>DRUG - ADULT</u>	<u>DRUG - JUVENILE DELINQUENCY</u>	<u>DRUG - DEPENDENCY</u>	<u>DUI</u>	<u>ELDER</u>	<u>HOMELESS/ STAND-DOWN</u>	<u>MENTAL HEALTH - ADULT</u>	<u>MENTAL HEALTH - JUVENILE</u>	<u>REENTRY</u>	<u>TRUANCY</u>	<u>VETERANS</u>	<u>YOUTH/PEER</u>
Alameda		X		X		X	X	X	X	X	X	X	X
Alpine													
Amador		X											X
Butte		X		X	X								X
Calaveras		X											
Colusa													X
Contra Costa		X				X	X	X		X			
Del Norte		X											
El Dorado		X	X	X	X			X					
Fresno		X	X			X	X	X	X				X
Glenn		X	X										
Humboldt		X					X						X
Imperial													
Inyo		X											
Kern		X					X						
Kings		X										X	
Lake		X	X	X									
Lassen		X											X
Los Angeles		X	X	X			X			X		X	X
Madera		X	X										
Marin		X	X					X					X
Mariposa		X											
Mendocino		X	X	X									X
Merced		X	X	X									
Modoc		X	X	X									
Mono													
Monterey		X	X					X	X				
Napa		X	X	X				X					X

California Counties with Collaborative Justice Courts (as of 3/28/2014)

<u>Superior Court of California, County of</u>	<u>COMMUNITY</u>	<u>DRUG - ADULT</u>	<u>DRUG - JUVENILE DELINQUENCY</u>	<u>DRUG - DEPENDENCY</u>	<u>DUI</u>	<u>ELDER</u>	<u>HOMELESS/ STAND-DOWN</u>	<u>MENTAL HEALTH - ADULT</u>	<u>MENTAL HEALTH - JUVENILE</u>	<u>REENTRY</u>	<u>TRUANCY</u>	<u>VETERANS</u>	<u>YOUTH/PEER</u>
Nevada		X	X	X	X			X					X
Orange	X	X	X		X		X	X			X	X	X
Placer		X	X		X		X	X				X	X
Plumas		X											
Riverside		X		X				X				X	X
Sacramento		X	X	X			X	X			X		X
San Benito		X											
San Bernardino		X	X	X				X	X			X	X
San Diego	X	X	X	X			X	X	X	X		X	X
San Francisco	X	X	X	X			X	X			X	X	X
San Joaquin		X	X	X	X		X	X	X	X			
San Luis Obispo	X	X	X	X				X		X		X	
San Mateo		X	X					X				X	X
Santa Barbara	X	X	X	X			X	X		X		X	X
Santa Clara	X	X	X	X			X	X	X	X		X	
Santa Cruz		X		X									X
Shasta		X	X										X
Sierra		X											X
Siskiyou		X	X	X									
Solano		X	X										
Sonoma		X		X	X			X					X
Stanislaus		X						X					X
Sutter		X											
Tehama		X		X									X
Trinity			X										
Tulare		X						X				X	X
Tuolumne		X		X									X
Ventura	X	X	X	X		X	X		X	X		X	X
Yolo		X					X	X					
Yuba		X											

STAFF COMMENTS

California's prisons, along with several of the state's county jails, are currently being monitored by court officers to ensure short-term and long-term compliance with identified population limits. In many cases, lack of compliance with the identified population limits triggers the early release of prison and jail inmates.

In order to avoid triggering early releases and gain/maintain compliance with state and county population mandates, California must look to all justice partners for support. Considering this, and the fact that the Judicial Branch serves as the justice system's gatekeeper, the Judicial Branch must be viewed as one of the most important partners in any reform efforts.

California's Collaborative Justice Court program is one example of how the Judicial Branch has aided in mitigating state and local jail and prison population issues. Collaborative Justice Courts in California have also proven to be effective at relieving pressure on impacted court calendars, improving relationships between state/local justice partners, ensuring offenders' criminogenic needs are met, keeping offenders in their communities where they can maintain family and professional relationships, and ultimately, reducing recidivism.

Lastly, an expansion of California's Collaborative Justice Court program would be a wise investment toward addressing the federal court's directive for the state to implement durable prison population solutions (*Plata/Coleman v. Brown*). It would also serve as an effective method of providing additional resources to the state's trial court system at a time when many vital court services are facing reductions and/or elimination.

Staff Recommendation:

- 1) Appropriate \$20 million dollars (General Fund) in support of a new grant program intended to expand California's Collaborative Justice Court program.
 - 2) Direct staff to work with the LAO, the AOC, the BSCC, and the DOF to identify the proper entity to oversee the grant program considering its relationship to prison and jail crowding mandates.
 - 3) Direct staff to work with the LAO, the AOC, the BSCC, and the DOF to draft grant program guidelines and associated language.
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0820 CALIFORNIA DEPARTMENT OF JUSTICE**ISSUE 1: STATEWIDE RAPE KIT BACKLOGS**

The issue before the subcommittee is an exploration of the Department of Justice's capacity to help with the Statewide Backlog of unprocessed rape kits.

PANELISTS

- California Department of Justice
- Department of Finance
- Legislative Analyst's Office
- Public Comment

BACKGROUND

Existing law establishes the "Sexual Assault Victims' DNA Bill of Rights," which, among other things, encourages a law enforcement agency assigned to investigate specified sexual assault offenses to perform DNA testing of rape kit evidence or other crime scene evidence in a timely manner to assure the longest possible statute of limitations.

Existing law also requires law enforcement agencies to inform specified sexual assault victims, if the identity of the perpetrator is in issue, if the law enforcement agency elects not to analyze DNA evidence within certain time limits.

In January 2012, Attorney General Harris announced that, for the first time ever, the backlog of untested DNA evidence in state labs had been eliminated.

On 4/8/2014, Attorney General Kamala D. Harris announced that the California Attorney General's office would receive the United States Department of Justice's Award for Professional Innovation in Victim Services for its successful efforts to improve the DNA analysis of rape kits by law enforcement agencies.

The California Attorney General's Rapid DNA Service Team (RADS) will receive the award during the Department of Justice's National Crime Victims' Rights Service Awards ceremony on April 9th in Washington, D.C.

The RADS Team, part of the Attorney General's Bureau of Forensic Services, developed a program in 2011 that improves the traditional process by which rape kits are tested and reduces the processing time to within 15 days. This program currently operates in eight counties across the state including Butte, Lake, Marin, Napa, Sonoma, Solano, San Luis Obispo and Santa Barbara.

The program allows for the screening of rape kits by processing of evidence from sexual assault cases within 15 days from the start of analysis and uses automation to reduce processing time, allowing for a threefold increase in casework capacity. The DOJ provides a supplemental sexual assault kit, consisting of three additional body swabs, to sexual assault teams in the RDS counties. The DOJ also trains sexual assault examiners who perform forensic medical examinations on sexual assault survivors in those counties to obtain three probative body swabs (in addition to the materials in regular rape kits) from survivors, and send those three swabs directly to a DOJ lab for expedited processing. The DOJ analyzes the swabs using large-batch automated DNA analysis, informs local law enforcement agencies of its findings, and uploads DNA profiles to CODIS when appropriate. This process includes the upload of DNA profiles into the FBI's Combined DNA Index System to search for unknown suspects.

In her first year in office, Attorney General Harris eliminated a long standing backlog of untested rape kits in state-run labs, which included 1,300 DNA cases. Along with committing additional resources to the labs, Attorney General Harris introduced new technology that dramatically increased the speed with which cases are analyzed.

QUESTIONS FOR THE DOJ

- 1) Please briefly describe the work of the Rapid DNA Service Team (RADS)
- 2) What are the benefits and challenges of using the rapid screening process?
- 3) What is the DOJ's capacity to take on additional rape kit screening (RDS) workload from counties with large backlogs of unprocessed DNA evidence?
- 4) What is necessary to equip a lab to perform RDS screening per the DOJ's model (equipment, personnel, funding)?
- 5) What is the DOJ's capacity to provide training and technical assistance to counties on the Rapid DNA Screening process (for counties that want to set up their own RDS programs)?
- 6) Does the DOJ have a procedure/recommendation for prioritizing the full testing of rape kits?

STAFF COMMENTS

The California Department of Justice has implemented a Rapid DNA Service (RDS) which could be a model for the entire state. The RDS system saves time and resources by screening all kits, but only providing full testing of priority kits upon the request of law enforcement. DOJ's experience shows that using RDS may be an efficient way to ensure that all rape kits are at least screened in the future. It may make sense to either expand DOJ's labs to handle forensic testing for additional counties, replicate DOJ's system in the larger counties with their own crime labs, or both. Furthermore, additional funds could potentially be available from the Prop 69 DNA state and local funds.

Staff Recommendation: Hold Issue Open

ISSUE 2: UPDATE ON THE STATUS OF CURES 2.0

The issue before the subcommittee is the status of California's efforts to update the Controlled Substance Utilization Review and Evaluation System (CURES).

PANELISTS

- California Department of Justice
- Department of Finance
- Legislative Analyst's Office
- Public Comment

BACKGROUND

Created in 1939, California's Triplicate Prescription Program (TPP) was the nation's first multiple-copy prescription program to regulate the distribution of controlled prescription drugs. For 60 years, the TPP captured information regarding prescriptions of Schedule II controlled substances. In 1996, the Legislature initiated the development of the Controlled Substance Utilization Review & Evaluation System (CURES) in an attempt to identify solutions to the programmatic challenges facing the TPP. Specifically, inadequate staffing and an outdated automated system had reduced the effectiveness of the TPP hampering efforts to prevent, investigate, and prosecute serious cases of abuse and misuse of controlled prescription drugs.

Initiated in 1997, CURES operated in parallel with the TPP and the Automated Triplicate Prescription System (ATPS) to examine the comparative efficiencies between the two systems over a three-year period. After only ten months of evaluation, it was evident that the CURES far outperformed the ATPS. The comparison of the two systems was suspended permanently in March 1999. The ATPS was decommissioned in January 2005 when SB 151 (Burton), Chapter 406, Statutes of 2003 eliminated the triplicate prescription requirement for Schedule II controlled substances and made the CURES permanent.

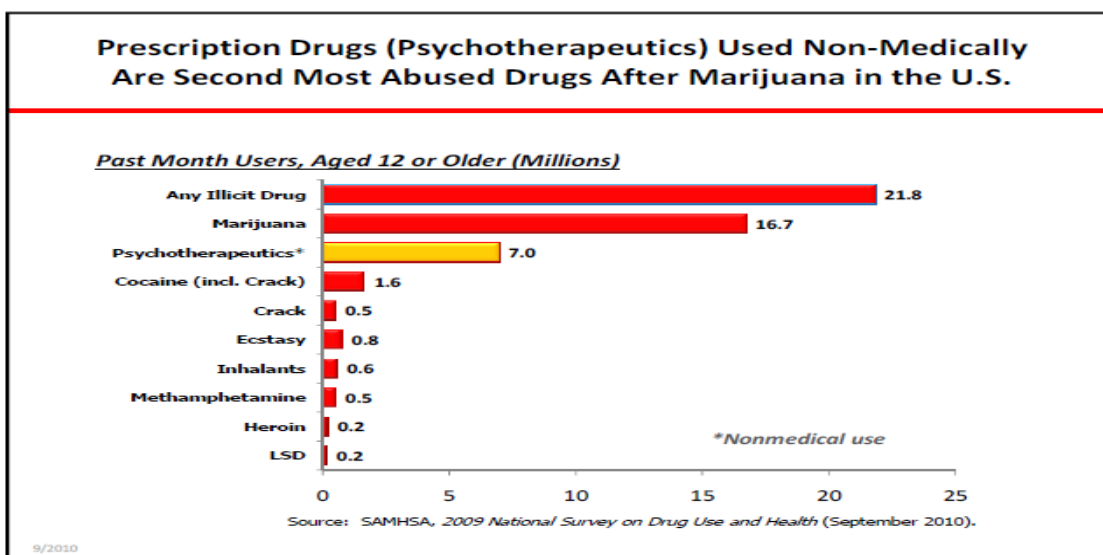
While the CURES represented a significant improvement over ATPS, the system did not provide licensed healthcare practitioners and pharmacies with access to uniform and timely information to proactively diminish and deter the diversion of controlled substances. To address the issues with the CURES system, in 2009, the DOJ initiated the Prescription Drug Monitoring Program (PDMP). The PDMP allows licensed prescribers and dispensers to access PDMP data at the point of care through the PDMP system. Consistent with California Health and Safety Code section 11165 et seq, the DOJ uses the PDMP system to collect and store data on the prescription and dispensation of controlled substances.

State law requires the DOJ to assist law enforcement and regulatory agencies in their efforts to control the diversion and resultant abuse of controlled substances. The Health and Safety Code specifically allows licensed prescribers and dispensers to access the system in order to prevent and intervene with patients under their care who may be abusing controlled substances.

Currently, less than 9,000 prescribers and pharmacists are registered users of the CURES/PDMP system. This represents 3.6 percent of the possible 245,186 licensed California prescribers and pharmacists. Consequently, diversion prevention and intervention efforts have been less than stellar.

STAFF COMMENTS

The Centers for Disease Control and Prevention has classified prescription drug abuse as an epidemic. While there has been a marked decrease in the use of some illegal drugs like cocaine, data from the National Survey on Drug Use and Health show that nearly one-third of people aged 12 and over who used drugs for the first time in 2009 began by using a prescription drug non-medically (See chart below).



Unfortunately, many individuals who misuse prescription drugs, particularly teens, believe these substances are safer than illicit drugs because they are prescribed by a healthcare professional and dispensed by a pharmacist.

The 2013-14 budget included authority for the DOJ to work with the partners (governmental and non-governmental) to update California's CURES system. To date, it is unclear what progress has been made. The Subcommittee may wish to request additional information on working relationships and a regular update on CURES 2.0 progress.

Staff Recommendation: Informational issue
