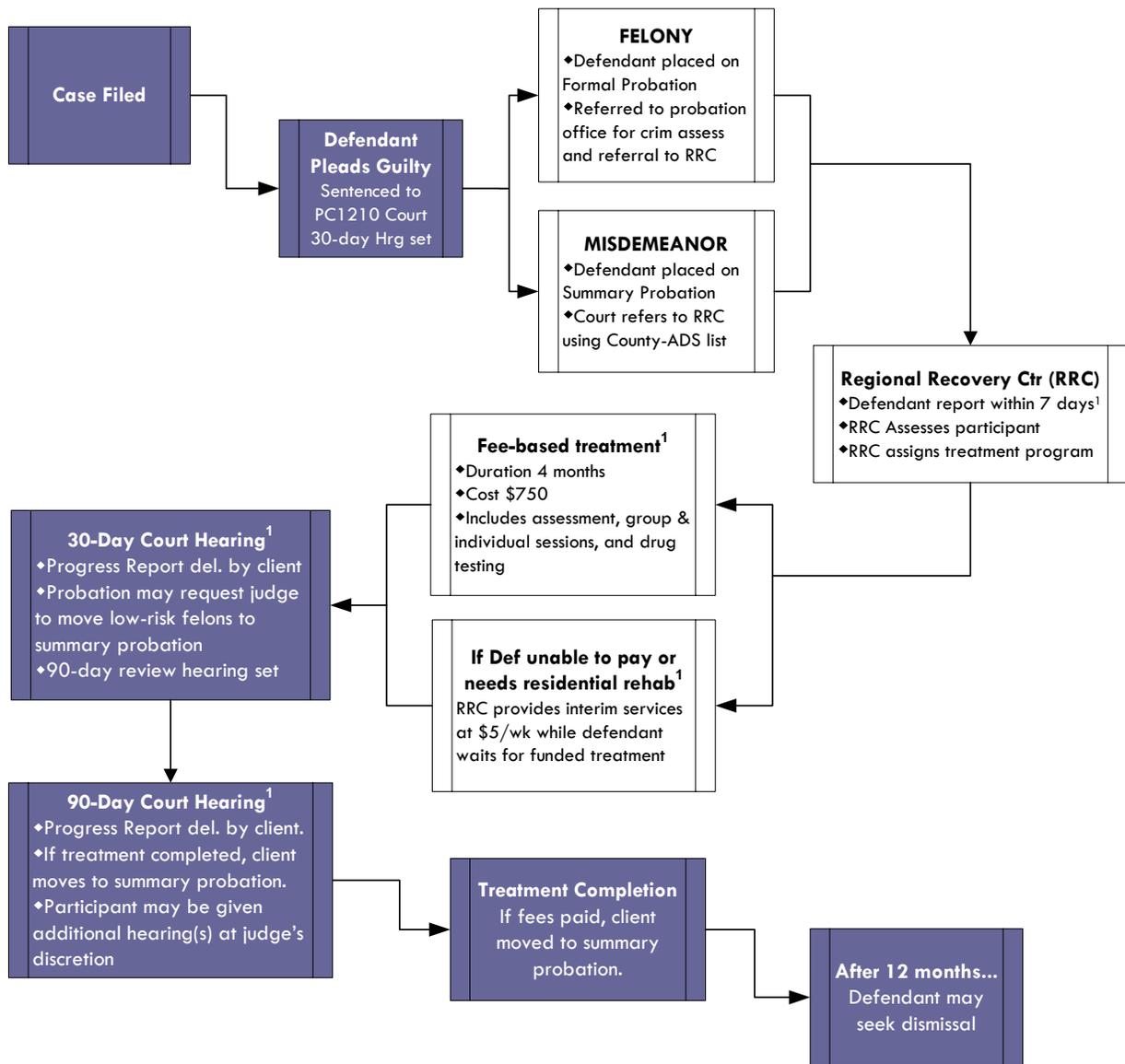


# PC 1210 Process—San Diego County

Revised 8/26/09



<sup>1</sup> If Def FTA's for court then warrant ordered by judge.  
 If Def FTAs at treatment appt, negative test, then notice provided to Probation for Formal Probation cases.  
 DA will receive Summary Probation negative reports.

**Process Highlights:**

1. Court review hearings would be 30 and 90 days after sentencing. Waitlist participants may be scheduled at the discretion of the judge (such as 30, 45 or 90 days).
2. Probation Dept will receive negative reports on Formal Probation cases only. The District Attorney will receive negative reports on Summary Probation cases (misdemeanors and low-risk felonies approved by court).
3. Treatment reports are provided to court by the participant at review hearings. Defendants not providing reports should be given a return date of 1-3 weeks to show proof.

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## **Purpose**

The following information was prepared and created by a coalition of entities formed to modify processes and program components associated with the Substance Abuse and Crime Prevention Act of 2000 (Prop 36) treatment program in order to meet the mandates of Penal Code sections 1210 to 1210.5, inclusive, without the requisite funding from the state of California. Entities involved in the development of these processes included representatives of: the San Diego Superior Court, San Diego District Attorney, San Diego City Attorney, San Diego Office of the Public Defender, Probation Department, and San Diego County Alcohol & Drug Services.

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## **Overview**

In FY 2003-04, the state Department of Alcohol & Drug Programs provided \$11 million to San Diego County for Prop. 36 treatment and Probation Department monitoring. Since 2003, between 1,600-2,100 participants entered the Prop. 36 program each year. Approximately 1/3 of those people required residential treatment, while 2/3 were accepted into outpatient treatment programs. Approximately 1/3 of those entering Prop 36 treatment, completed it successfully. Under Prop. 36, the Probation Department assessed each offenders criminal risk using the federal salient scoring system, 40% were deemed high risk.

In FY 2009-10 it is estimated that the county will receive approximately \$4.7 million for treatment and monitoring (nearly 60% decrease since FY 03-04). In response to this severe funding cut, the program will need to change, but it is still bound by the statutory requirements of Penal Code sections 1210 to 1210.5, inclusive. The overhauled PC 1210 Offender Treatment Program described in this memorandum is designed to continue meeting statutory requirements when limited funding is provided. Under the PC 1210 program:

- Felons will be monitored by the Probation Department unless they are low risk.
  - Each felon will be assessed by the Probation Department to determine their risk level. Probation will also refer felony participants to a Regional Recovery Center (RRC) using the list provided by the County Department of Alcohol & Drug Services. Low-risk felons will be recommended for Summary Probation.
  - Misdemeanants will be placed on summary probation.
  - Court staff will refer Misdemeanants to a list of Regional Recovery Centers (RRC), which is provided by the County Department of Alcohol & Drug Services.
  - Offender treatment will be self-funded and will last approximately four months.
  - Persons unable to pay for treatment, or deemed to be needing residential treatment, will be placed on a waiting list for county-funded treatment. The RRC will provide organized wait-list services for participants pending placement.
  - Dedicated PC 1210 calendars will be utilized. Ideally, there will be 30- and 90-day status hearings, then a treatment completion hearing. Participants will be responsible for providing treatment reports to the court.
  - After 12 months, the defendant may request dismissal.
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*A more detailed description of both felony and misdemeanor PC 1210 processes is attached.*

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**Felony Cases** Penal Code sections 1210 to 1210.5, inclusive, have not been amended since being added in 2000. So the same types of offenders are eligible for treatment. At sentencing, felony defendants shall be ordered to Formal Probation and directed to report to the regional probation office immediately, or within 24 hours of release from custody. A 30-day court review hearing should be set for the “PC1210” court.

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**Probation Review** The Probation Dept. will complete a risk assessment and refer the defendant to a Regional Recovery Center (RRC) using the list from County Department of Alcohol & Drug Services. Probation will submit an ex-parte court report for offenders designated as low-risk and will be recommending Summary Probation at the 30-day hearing.

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**Regional Recovery Center** RRC completes an addiction assessment and determines if defendant/participant needs residential or non-residential treatment. RRC also determines if participant is able to pay for the four month treatment (cost \$750). If able to self-pay, participant is directed into a treatment program that will consist of: (1) intake/orientation, (2) assessment and treatment plan, (3) 12 weekly group sessions, (4) an individual session, (5) 3 drug tests, and (6) one discharge session upon completion.

Participants unable to pay, or those needing residential treatment services, will be placed on a waitlist and receive interim services while waiting for a county funded treatment slot. Interim services will be provided by the RRC at a cost of \$5 per week to the participant. While on the waitlist, each participant must attend at least three weekly activities. At least one of those activities must be participation in a group session at the RRC. The remaining activities may consist of self-help meetings or additional group sessions. Two weeks of unexcused absences will result in discharge from the interim services and a negative status report will be sent to Probation if the participant is on Formal Probation, and to the District Attorney if the participant is on Summary Probation.

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**30-Day Hearing** After 30 days from sentencing, the defendant will appear in court to deliver a client status report (a sample form is attached) which will note if the participant is in a program, note their participation, attendance, drug tests results, fees paid, and any additional comments by the counselor.

If a participant appears in court, but does not have a report, the court should set another hearing 1-3 weeks into the future for the defendant to produce the report.

Due to limited funding of the PC1210 process, the Probation Department will also request that low-risk felony offenders be moved to Summary Probation.

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**Negative Reporting** If a participant either stops attending sessions, has a positive/missed/adulterated drug test, is delinquent paying fees, is in violation of program rules or is a safety threat to the program, the treatment provider will generate a negative status report and send it to the Probation Department if the participant is on Formal Probation and to the District Attorney if they are on Summary Probation.

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90-Day Hearing	At the 90 day hearing, the defendant will appear in court to deliver another client status report which will note the participant's progress in a program, note their participation, attendance, drug tests results, fees paid, and any additional comments. The judge may wish to calendar an additional hearing to show proof of completion or for another status report depending on participant progress.
Treatment Completed	After a participant completes the treatment program and has paid all the fees, as applicable, they may be placed on Summary Probation (if not already done at the 30-day hearing) and may be given a date to return to court.
Dismissal	Pursuant to PC 1210.1(e), after 12 months and completion of treatment where the participant "substantially complied" with the conditions of probation, the participant may request the court dismiss the indictment, complaint or information.

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<b>Misdemeanor Cases</b>	Penal Code sections 1210 to 1210.5, inclusive, have not been amended since being added in 2000. So the same types of offenders are eligible for treatment. At sentencing, the defendant shall be ordered to Summary Probation and told to make an appointment with a Regional Recovery Center within 7 days. Clerks will provide the defendant with a referral list provided by the County Department of Alcohol & Drug Services. A 30-day court review hearing should be set for the "PC1210" court.
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Regional Recovery Center	<p>RRC completes an addiction assessment and determines if defendant/participant needs residential or non-residential treatment. RRC also determines if participant is able to pay for the four month treatment (cost \$750). If able to self-pay, participant is directed into a treatment program that will consist of: (1) intake/orientation, (2) assessment and treatment plan, (3) 12 weekly group sessions, (4) an individual session, (5) 3 drug tests, and (6) one discharge session upon completion.</p> <p>Participants unable to pay, or those needing residential treatment services, will be placed on a waitlist and receive interim services while waiting for a county funded treatment slot. These services will be provided by the RRC at a cost of \$5 per week to the participant. While on the waitlist, each participant must attend at least three weekly activities. At least one of those activities must be participation in a group session at the RRC. The remaining activities may consist of self-help meetings or additional group sessions. Two weeks of unexcused absences will result in discharge from the interim services and a negative status report will be sent to the District Attorney.</p>
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30-Day Hearing	<p>At the 30 day hearing, the defendant will appear in court to deliver a client status report (a sample form is attached) which will note if the participant is in a program, note their participation, attendance, drug tests results, fees paid, and any additional comments by the counselor.</p> <p>If a participant appears in court, but does not have a report, the court should set another hearing 1-3 weeks into the future for the defendant to produce the report.</p>
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Negative Reporting	If a participant either stops attending sessions, has a positive/missed/adulterated drug test, is delinquent paying fees, is in violation of program rules or is a safety threat to the program, the treatment provider will generate a negative report and send it to the District Attorney for appropriate action.
90-Day Hearing	The defendant will appear in court to deliver a client status report (a sample form is attached) which will note the participant's progress in a program, note their participation, attendance, drug tests results, fees paid, and any additional comments. The judge may wish to calendar an additional hearing to show proof of completion or for another status report.
Treatment Completed	After a participant completes the treatment program and has paid all the fees, as applicable, they will continue Summary Probation and may be given a date to return to court.
Dismissal	Pursuant to PC 1210.1(e), after 12 months and completion of treatment where the participant "substantially complied" with the conditions of probation, the participant may request the court dismiss the indictment, complaint or information.

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### Miscellaneous

Treatment	<p>There are currently nine Regional Recovery Centers (RRCs) contracted by the County of San Diego, Alcohol &amp; Drug Services.</p> <p>The RRCs assess and create a treatment plan for all participants. They also refer them to other treatment programs, both residential and out-patient, throughout San Diego County.</p>
Waitlist Services	Persons unable to afford fee-based treatment, or assessed as needing residential services, will be placed on a waitlist for county-funded treatment. Persons on a waitlist will be required to attend and complete at least three treatment activities per week, which will include at least one group session at the RRC or self-help meetings, and pay \$5 per week to the RRC.
Drug tests	Additional drug tests will cost the participant \$25 per test.
Reinstatement After Discharge	For those in a fee-based program (i.e. not county-funded) who are discharged without completing the program, a fee of \$100 will be charged if they contact the program and request reinstatement within 30 days of discharge. They will receive credit for progress attained prior to discharge. For those who contact the program more than 30 days after discharge, reinstatement may not occur without first appearing in court.

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att: Attachment 1: Sample Client Status Report and Client Status Report—Waitlist Services  
Attachment 2: PC1210 Adult Regional Recovery Centers

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## ATTACHMENT 1

### Sample: Treatment Report

COUNTY OF SAN DIEGO CLIENT STATUS REPORT					
<input type="checkbox"/> Fee for Service <input type="checkbox"/> Treatment Programs		Court Case No. [REDACTED]			
		Parole I.D. (CDC#): [REDACTED]			
		Juris I.D. No. [REDACTED]			
Report Type:	<input type="checkbox"/> 30 Day <input type="checkbox"/> 90 Day <input type="checkbox"/> Completion	Probation A#: [REDACTED]			
	<input type="checkbox"/> Negative <input type="checkbox"/> Treatment Program Change	Division	<input type="checkbox"/> North <input type="checkbox"/> Central <input type="checkbox"/> East <input type="checkbox"/> South	<input type="checkbox"/> Board of Prison Terms (BPT)	
1. Name of Client (Last, First): [REDACTED]					
2. Treatment Program Name:				Phone#: [REDACTED]	
3. Report Date: [REDACTED]					
4. Reporting Period:					
5. Program Participation:		<input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory			
6. Program Attendance per treatment plan:		<input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory			
7. Any positive drug test?		<input type="checkbox"/> Yes---Dates: [REDACTED] <input type="checkbox"/> No			
8. Program Fees:		<input type="checkbox"/> Compliant <input type="checkbox"/> Delinquent	Amount Owed: \$ [REDACTED]		
9. Client discharged for the following reason:		<input type="checkbox"/> Treatment completion <input type="checkbox"/> Non-Compliance			
10. Comments (reason for non-compliance): [REDACTED]					
11. Counselor Name (printed): [REDACTED]					

### Sample: Waitlist Report

COUNTY OF SAN DIEGO PARTICIPANT STATUS REPORT-WAITLIST SERVICES					
		Court Case No. [REDACTED]			
		Parole I.D. (CDC#): [REDACTED]			
		Juris I.D. No. [REDACTED]			
		Probation A#: [REDACTED]			
		Division	<input type="checkbox"/> North <input type="checkbox"/> Central <input type="checkbox"/> East <input type="checkbox"/> South	<input type="checkbox"/> Board of Prison Terms (BPT)	
1. Name of Participant (Last, First): [REDACTED]					
2. Program Name:				Phone# [REDACTED]	
3. Report Date: [REDACTED]					
4. Reporting Period:					
5. Participation:		<input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory			
6. Attendance:		<input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory			
7. Program Fees:		<input type="checkbox"/> Compliant <input type="checkbox"/> Delinquent	Amount Owed: \$ [REDACTED]		
8. Participant discharged for:		<input type="checkbox"/> Transferred to fee for service/treatment program <input type="checkbox"/> Non-Compliance			
9. Comments (reason for non-compliance): [REDACTED]					
10. Counselor Name (printed): [REDACTED]					

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**ATTACHMENT 2**

County of San Diego  
Health and Human Services Agency  
Alcohol and Drug Services  
3255 Camino del Rio South  
San Diego, CA 92108  
(619) 584-5007 • www.sdads.org



**PC 1210 ADULT REGIONAL RECOVERY CENTERS**

Defendant's Name: \_\_\_\_\_

Court Case Number: \_\_\_\_\_

Probation type (circle one): SUMMARY                      FORMAL

Future Court Date: \_\_\_\_\_

You must contact one of the following Regional Recovery Centers within 7 Days for an appointment and you must bring a client status report to your next court hearing.

**CENTRAL**

CRASH – Tim Huddleston  
220 N. Euclid Avenue, Suite 120  
San Diego, CA 92114  
(619) 263-6663

MHS – Mid-Coast  
3340 Kemper Street, Suite 105  
San Diego, CA 92110  
(619) 523-8121

MHS – Central East  
6244 El Cajon Boulevard, Suite 15  
San Diego, CA 92115  
(619) 287-8225

MHS – Central North  
6693 Convoy Court  
San Diego, CA 92111  
(858) 505-0228

**EAST**

MITE – East County  
1365 North Johnson Ave., Suite 111  
El Cajon, CA 92020  
(619) 440-4801

**NORTH**

MITE – North Coastal  
2821 Oceanside Boulevard  
Oceanside, CA 92054  
(760) 721-2781

MHS – North Inland  
620 North Ash Street  
Escondido, CA 92027  
(760) 741-7708

MHS – North Rural  
323 Hunter Street  
Ramona, CA 92065  
(760) 788-6246

**SOUTH**

MITE – South Bay  
1180 Third Avenue, Suite 3  
Chula Vista, CA 91911  
(619) 601-8164

You must bring a "Client Status Report" to your next court hearing. Failure to enroll in a Regional Recovery Center and attend treatment will result in referral to court for action.