



LAW ENFORCEMENT EXPENSES WITH OPIOID SETTLEMENT FUNDS

Fact Sheet

California Participating Subdivisions receiving allocations from the California Abatement Accounts Fund are required to fund future opioid remediation activities, as listed in Exhibit E of the National Opioid Settlement Agreements. This includes the ability to fund local law enforcement agencies to conduct opioid-related activities. This fact sheet is intended to highlight allowable and non-allowable law enforcement expenditures for California Abatement Accounts funds.

More information about opioid settlement funds can be found on the [DHCS Opioid Settlements webpage](#). Questions can be directed to OSF@dhcs.ca.gov.

Allowable Law Enforcement Activities

Settlement funds are intended to be used for future remediation of the opioid crisis, and efforts should be focused on community-based public health approaches to prevention, treatment, recovery, and/or harm reduction. A comprehensive list of allowable activities for the California Abatement Accounts Fund can be found in [Exhibit E](#) of the National Opioid Settlement Agreements, including law enforcement activities. Specific law enforcement activities must fall into one or more of the following categories, all of which **must** focus on opioid remediation:

- » Education or training on opioid remediation for first responders;
- » Diversion from the criminal justice system;
- » Warm handoff or overdose response;
- » Naloxone purchase and/or distribution;
- » Treatment within corrections or transitioning into the community;
- » Drug take back or disposal; and
- » Wellness and support services for first responders related to secondary trauma associated with opioid-related emergency events.

Exhibit E of the National Settlement Agreements

Participating Subdivisions may coordinate with local law enforcement agencies to implement the activities outlined in [Exhibit E](#) of the National Opioid Settlement Agreements.¹ Exhibit E is broken into Schedule A (Core Strategies) and Schedule B (Approved Uses). Schedule A provides a list of core opioid remediation strategies identified through the National Opioid Settlements, while Schedule B provides a list of additional opioid remediation strategies identified through the settlements.

Table 1 at the end of this document provides a list of Exhibit E activities relevant to law enforcement.

California’s High Impact Abatement Activities

Importantly, **at least 50 percent of California Abatement Accounts funds must be spent on one or more of California’s High Impact Abatement Activities (HIAA)**. The HIAA are specific activities that the State of California has prioritized for the use of opioid settlement funds. California’s HIAA ensure that funds are spent toward marginalized communities that are disproportionately impacted by opioid use disorder (OUD); substance use prevention for vulnerable youth; building substance use disorder (SUD) treatment infrastructure; diverting people with a SUD from the justice system; and expanding naloxone access. California’s HIAA are listed below.

No.	Activity
1	Provision of matching funds or operating costs for substance use disorder facilities with an approved project within the Behavioral Health Continuum Infrastructure Program (BHCIP)
2	Creating new or expanded substance use disorder (SUD) treatment infrastructure
3	Addressing the needs of communities of color and vulnerable populations (including sheltered and unsheltered homeless populations) that are disproportionately impacted by SUD

¹ The List of Opioid Remediation Uses (“Exhibit E”) was established in the 2021 National Janssen and Distributors Settlement Agreements. Since its creation, Exhibit E has been used as the basis of eligible opioid remediation uses for funds received from California Opioid Settlements.

No.	Activity
4	Diversion of people with SUD from the justice system into treatment, including by providing training and resources to first and early responders (sworn and non-sworn) and implementing best practices for outreach, diversion and deflection, employability, restorative justice, and harm reduction
5	Interventions to prevent drug addiction in vulnerable youth
6	The purchase of naloxone for distribution and efforts to expand access to naloxone for opioid overdose reversals.

Criminal Justice Diversion

California’s HIAA #4 relates to diversion from the criminal justice system. Diversion is a term used to describe intervention approaches that redirect individuals with an SUD away from formal processing in criminal justice settings and into treatment, recovery, and/or other support services. Diversion strategies include pre-arrest, pre-arraignment, and pre-trial activities aimed at directing an individual towards a treatment or care program as an alternative to imprisonment. For example, many diversion programs involve law enforcement engagement with individuals at the point of a potential arrest, and offer referrals to behavioral health services, other physical health services, social supports, and harm reduction resources.

For more information and examples of diversion programs, visit:

- » National Council on Mental Wellbeing: [Deflection and Pre-arrest Diversion to Prevent Opioid Overdose](#)
- » AddictionFreeCA.org: Information about Opioid Treatment in [California’s Jails and Drug Courts](#)
- » [Civil Citation Network](#)
- » [The Police Assisted Addiction and Recovery Initiative \(PAARI\)](#)
- » [Law Enforcement Assisted Diversion \(LEAD\) Model](#)
- » [Drug Abuse Response Team \(DART\)](#)
- » [Naloxone Plus Strategies](#)
- » [Civil Citation Network Pre-Arrest Diversion Program](#)
- » [Narcotics Diversion to Treatment Initiative](#)

Unallowable Law Enforcement Activities

A list of unallowable activities is available in the [Opioid Settlement Guiding Principles Resource](#). Additional law enforcement activities that may **not** use funds from the Abatement Accounts Fund include:

- » Conducting search and seizure activities, including the purchase of K9s;
- » Providing training not specific to opioid remediation;
- » Activities or equipment related to the apprehension of suspects, such as the BolaWrap handheld device and other compliance tools;
- » Gathering evidence for prosecution of potential criminal activities;
- » Purchasing equipment for the identification of illicit substances that result in criminal charges in correctional facilities, such as body scanners;
- » Purchasing equipment for the purpose of evidence gathering for prosecution, such as the TruNarc Handheld Narcotics Analyzer;
- » Purchasing equipment not related to the treatment of SUD or mental health conditions, such as automated external defibrillators (AEDs), first aid kits, extrication equipment, gloves;
- » Providing officer health/wellness services not specifically geared toward addressing secondary trauma associated with opioid-related emergency events and response; and
- » Covering direct and indirect costs not in alignment with [DHCS' Reasonable Administrative Costs policy](#).

Additional Resources

- [Guiding Principles for Allocating Opioid Settlement Funds](#)
- [Evidence Based Strategies for Abatement of Harms from the Opioid Epidemic](#)
- [SAMSHA Evidence-Based Practices Resource Center](#)

Table 1. Exhibit E Allowable Law Enforcement Activities for Opioid Remediation

The below table lists Exhibit E activities relevant to law enforcement, matched with potential High Impact Abatement Activities that may be relevant depending on the focus of the effort.

Education and Training on Medication-Assisted Treatment (MAT), SUD, and/or Naloxone

Location in Exhibit E	Description/Example Activities	Potential High Impact Abatement Activity (HIAA)
Schedule A, A (Naloxone), 1	Expand training for first responders, schools, community support groups and families.	3, 6
Schedule A, A (Naloxone), 1	Increase distribution to individuals who are uninsured or whose insurance does not cover the needed service.	3, 6
Schedule A, B (MAT), 3	Provide MAT education and awareness training to healthcare providers, EMTs, law enforcement, and other first responders.	-
Schedule B, Part I, D (Criminal Justice-Involved Persons), 7	Provide training on best practices for addressing the needs of criminal justice involved persons with OUD and any co- occurring SUD/MH conditions to law enforcement, correctional, or judicial personnel or to providers of treatment, recovery, harm reduction, case management, or other services offered in connection with any of the strategies described in this section.	3, 4
Schedule B, Part II, H (Preventing OD), 3	Training and education regarding naloxone and other drugs that treat overdoses for first responders, overdose patients, patients taking opioids, families, schools, community support groups, and other members of the general public.	6

Education and Training for Officers on Dealing with Fentanyl

Location in Exhibit E	Description/Example Activities	Potential HIAA
Schedule B, Part III, I (First Responders), 1	Education of law enforcement or other first responders regarding appropriate practices and precautions when dealing with fentanyl or other drugs.	-

Diversion Activities

Location in Exhibit E	Description/Example Activities	Potential HIAA
Schedule A, G (Prevention Programs), 5	Funding and training for first responders to participate in pre-arrest diversion programs, post-overdose response teams, or similar strategies that connect at-risk individuals to behavioral health services and supports.	4
Schedule B, Part I, D (Criminal Justice-Involved Persons), 1 (1-6)	<p>Support pre-arrest or pre-arraignment diversion and deflection strategies for persons with OUD and any co-occurring SUD/MH conditions, including established strategies such as:</p> <p>Self-referral strategies such as the Angel Programs or the Police Assisted Addiction Recovery Initiative (“PAARI”);</p> <p>Active outreach strategies such as the Drug Abuse Response Team (“DART”) model;</p> <p>“Naloxone Plus” strategies, which work to ensure that individuals who have received naloxone to reverse the effects of an overdose are then linked to treatment programs or other appropriate services;</p>	3, 4

Location in Exhibit E	Description/Example Activities	Potential HIAA
Schedule B, Part I, D (Criminal Justice-Involved Persons), 1 (1-6)	<p>Officer prevention strategies, such as the Law Enforcement Assisted Diversion (“LEAD”) model;</p> <p>Officer intervention strategies such as the Leon County, Florida Adult Civil Citation Network or the Chicago Westside Narcotics Diversion to Treatment Initiative; or</p> <p>Co-responder and/or alternative responder models to address OUD-related 911 calls with greater SUD expertise.</p>	3, 4

Warm Handoff to Treatment/Participation in Overdose Response Teams

Location in Exhibit E	Description/Example Activities	Potential HIAA
Schedule A, E (Hand-off Programs), 2	Expand warm hand-off services to transition to recovery services	4
Schedule B, Part I, C (Connect People), 11	Expand warm hand-off services to transition to recovery services.	4

Purchase and Distribution of Naloxone

Location in Exhibit E	Description/Example Activities	Potential HIAA
Schedule A, A (Naloxone), 2	Increase distribution to individuals who are uninsured or whose insurance does not cover the needed service	3, 6
Schedule B, Part II, H (Preventing OD), 1	Increased availability and distribution of naloxone and other drugs that treat overdoses for first responders, overdose patients, individuals with OUD and their friends and family members, schools, community navigators and outreach workers, persons being released from jail or prison, or other members of the general public	3, 6

Substance Use Treatment Services to Individuals in Correctional Facilities or Transitioning to the Community

Location in Exhibit E	Description/Example Activities	Potential HIAA
Schedule B, Part I, D (Criminal Justice-Involved Persons), 2	Support pre-trial services that connect individuals with OUD and any co-occurring SUD/MH conditions to evidence-informed treatment, including MAT, and related services.	3, 4
Schedule B, Part I, D (Criminal Justice-Involved Persons), 3-6	Support treatment and recovery courts that provide evidence-based options for persons with OUD and any co-occurring SUD/MH conditions.	2, 3
Schedule B, Part I, D (Criminal Justice-Involved Persons), 3-6	Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any cooccurring SUD/MH conditions who are incarcerated in jail or prison.	2, 3

Location in Exhibit E	Description/Example Activities	Potential HIAA
Schedule B, Part I, D (Criminal Justice-Involved Persons), 3-6	Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any cooccurring SUD/MH conditions who are leaving jail or prison or have recently left jail or prison, are on probation or parole, are under community corrections supervision, or are in re-entry programs or facilities.	2, 3
Schedule B, Part I, D (Criminal Justice-Involved Persons), 3-6	Support critical time interventions (“CTI”), particularly for individuals living with dual-diagnosis OUD/serious mental illness, and services for individuals who face immediate risks and service needs and risks upon release from correctional settings.	2, 3

Drug Takeback, Disposal, and Education

Location in Exhibit E	Description/Example Activities	Potential HIAA
Schedule A, G (Prevention Programs), 4	Funding for community drug disposal programs	-
Schedule A, H (Expanding SSP), 1	Provide comprehensive syringe services programs with more wrap-around services, including linkage to OUD treatment, access to sterile syringes and linkage to care and treatment of infectious diseases.	3
Schedule B, Part II, G (Prevent Misuse), 4	Drug take-back disposal or destruction programs.	-

Wellness Services for Officers

Location in Exhibit E	Description/Example Activities	Potential HIAA
Schedule B, Part III, I (First Responders), 2	Provision of wellness and support services for first responders and others who experience secondary trauma associated with opioid-related emergency events.	-