



LAW ENFORCEMENT AND FIRST RESPONDER EXPENSES WITH OPIOID SETTLEMENT FUNDS

Fact Sheet

Background

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 and other first responder agencies to conduct opioid-related activities. This fact sheet highlights allowable and non-allowable law enforcement and other first responder expenditures for California Abatement Accounts Fund. This resource also clarifies which activities may qualify under California's High Impact Abatement Activity #4.

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 and First Responder 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. Exhibit E of the National Opioid Settlement Agreements provides a comprehensive list of allowable uses for California Abatement Accounts Funds, including law enforcement and other first responder activities.¹ Specific activities must fall into one or more of the following strategies, all of which **must** focus on opioid remediation:

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.

- » 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; or
- » Wellness and support services for first responders related to secondary trauma associated with opioid-related emergency events.

Exhibit E is separated into Schedule A (Core Strategies) and Schedule B (Approved Uses). Schedule A provides a list of core opioid remediation uses identified through the National Opioid Settlement Agreements, while Schedule B provides a list of additional opioid remediation uses identified through the settlements. The [Opioid Settlements Expenditure Reporting Form](#) requires reporting only on uses listed in Schedule B.

California’s High Impact Abatement Activities

High Impact Abatement Activities (HIAA) are specific activities that the State of California has prioritized for the use of opioid settlement funds. **At least 50 percent of California Abatement Accounts funds must be spent on one or more of California’s HIAA listed below.**

| No. | Activity |
|-----|---|
| 1 | The provision of matching funds or operating costs for substance use disorder facilities within the Behavioral Health Continuum Infrastructure Program (BHCIP) |
| 2 | Creating new or expanded 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 |
| 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 |

| No. | Activity |
|-----|---|
| 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. |

HIAA #4: Criminal Justice Diversion

Eligible Exhibit E opioid remediation uses that fund diversion programs may fall under HIAA #4. Diversion is a term used to describe intervention approaches that redirect individuals with an SUD away from formal processing in criminal justice settings and instead are diverted into treatment, recovery, and/or other support services. Diversion activities 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. Activities related to or that may result in interdiction or criminal investigation, apprehension, and processing are not considered diversion and would **not** fall under HIAA #4.

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](#)
- » [Narcotics Arrest Diversion Program \(NADP\) - University of Chicago Crime Lab](#)

Unallowable Law Enforcement and First Responder Activities

A list of unallowable activities is available in the Opioid Settlement Guiding Principles Resource. Additional law enforcement and other first responder 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, and protective equipment;
- » Purchasing communication devices such as radios or computer software not specifically for opioid remediation activities;
- » Purchasing vehicles for first responders and law enforcement agencies that are not integral to an allowable opioid remediation activity (i.e., ambulances, fire department vehicles, police department vehicles, etc.);
- » 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](#)
- » [Substance Use Prevention Evidence-Based Resource \(SUPER\)](#)