

# OPIOID EPIDEMIC AND THE COURTS

Texas Judicial Council, Criminal Justice Committee

September 1, 2017



# Topics for Discussion

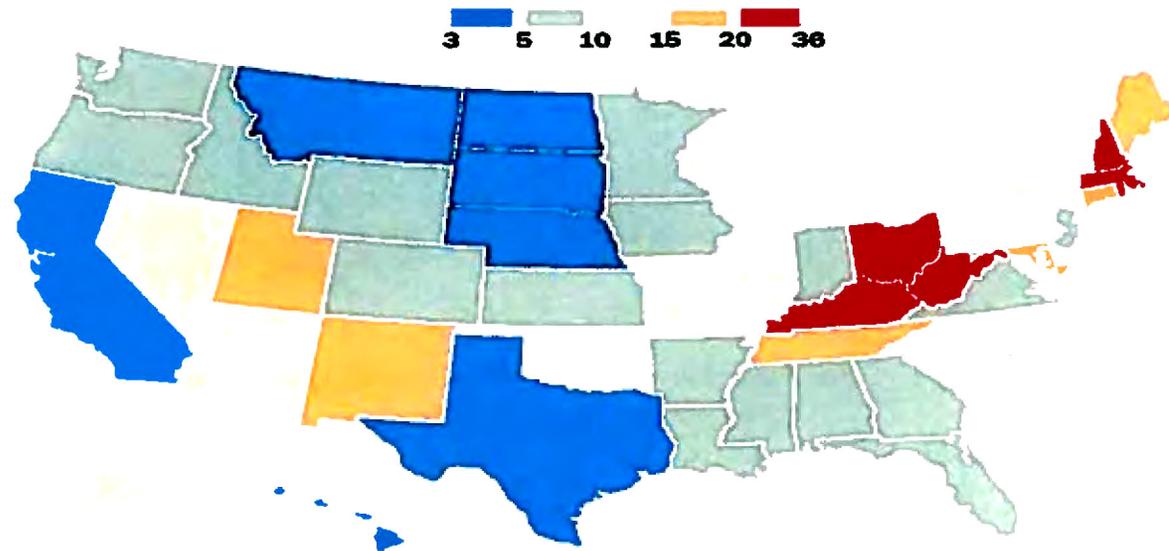
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- National Data
- Impact on the Courts
- Court Led Initiatives
- Recommendations
- Q&A

# National Data

## Opioid deaths in 2015

Age-adjusted death rates (per 100,000) for overdose deaths from all opioid drugs



Includes all opioid deaths – heroin, hydrocodone, fentanyl, etc.

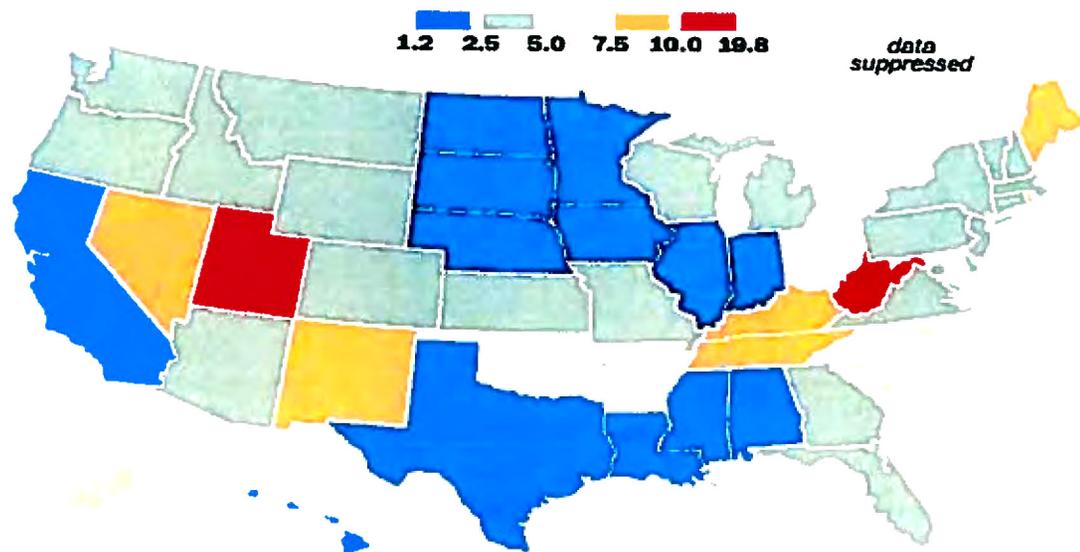
Problem Areas:

- New England
- Ohio/Kentucky/  
West Virginia

# National Data

## Natural opioid deaths in 2015

Age-adjusted natural opioid overdose death rate (per 100,000)



Includes prescription drugs (oxycodone, etc.)

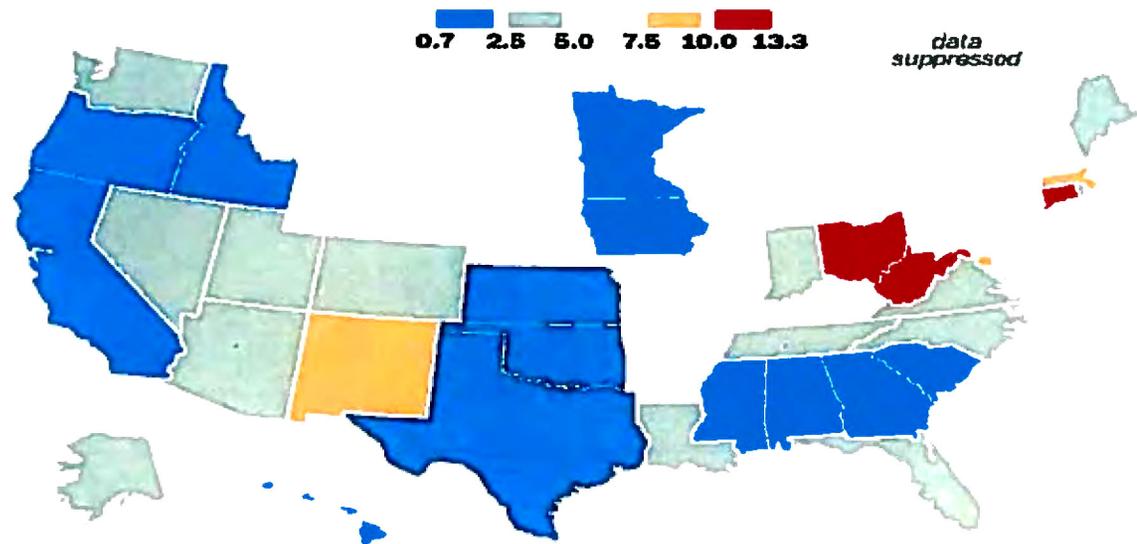
Problem Areas:

- West Virginia
- Utah

# National Data

## Heroin deaths in 2015

Age-adjusted heroin overdose death rate (per 100,000)



Includes only heroin deaths.

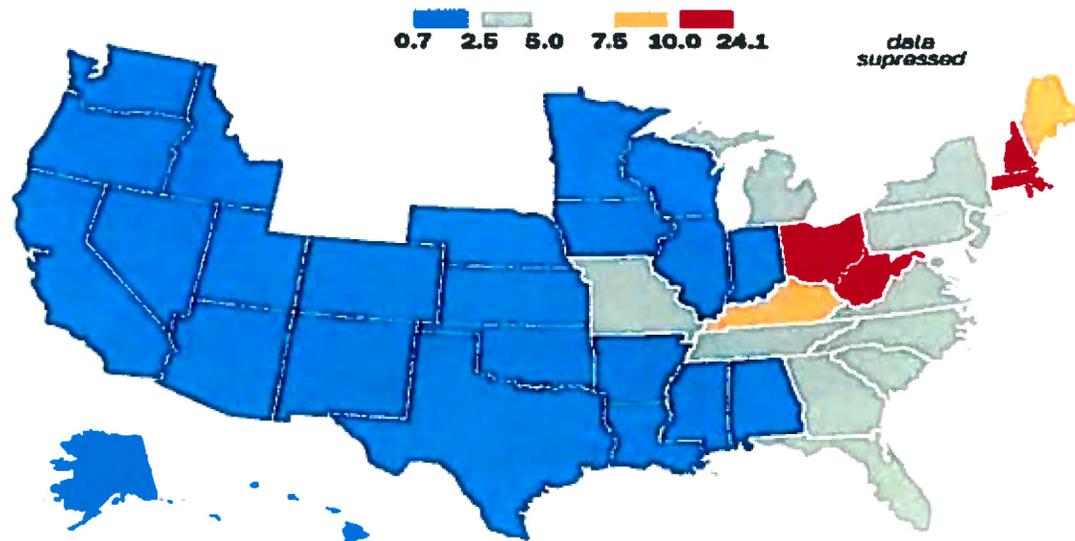
### Problem Areas:

- Ohio
- West Virginia
- Massachusetts
- Connecticut

# National Data

## Synthetic opioid deaths in 2015

Age-adjusted synthetic opioid overdose death rate (per 100,000)



Includes synthetic opioids only (fentanyl, tramadol).

### Problem Areas:

- West Virginia
- Ohio
- Rhode Island
- Massachusetts
- New Hampshire

# Court Areas of Impact

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- Criminal dockets
- Juvenile dockets
- Family dockets
  - Child welfare
  - Adoption
- Other
  - Divorce
  - Bankruptcy
- Pretrial and probation departments
- Child welfare agencies



# Court Led Initiatives

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- Early intervention foster care prevention programs
- Prevention of NAS births and SEI infants
- Utilization of, and access to the full treatment continuum of care
- Medication assisted treatment
- Identifying risk for overdose
- Jail and prison re-entry
- Establishment of opioid courts and opioid tracks in existing PSCs and review dockets
- Use of telehealth/teleservices, particularly in rural communities
- Intersection of mental health and opioid use disorders
- Court access to, and use of PDMP Information (particularly probation and drug courts)

# Court Led Initiatives

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- State level judicial task forces
- Regional Judicial Opioid Initiative (RJOI)
  - Chief Justices of six states (Illinois, Indiana, Kentucky, Michigan, Ohio and Tennessee) signed the RJOI Charter in March of 2017 and North Carolina joined in May.
  - Representatives from a cross-section of all three branches of state and local governments, along with partners in the private sector and the federal government.
  - RJOI stakeholders are comprised of chief justices, state court administrators, judges, executive branch leaders, legislators, behavioral health treatment providers, community supervision agencies, medical experts, PDMP managers, regulatory agencies, child welfare representatives along with numerous others.
- National Task Force
  - Joint resolution passed by Conference of Chief Justices and Conference of State Court Administrators
  - Pending funding from the State Justice Institute

# Federal Funding

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- CARA-Department of Justice
- CURES-Department of Health and Human Services
- Emergency Declaration by the President

# Recommendations

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- Invest in local, state, and regional multidisciplinary, system-level strategic planning to identify policies or practice changes that can improve treatment engagement and reduce the risk of overdose death.
  - Judges are particularly effective at using their convening power to bring together a variety of agencies and community stakeholders.
  - The sequential intercept model is an effective approach to identifying gaps and opportunities for diverting criminal-justice-involved people to treatment.
  - Communities are encouraged to not focus singularly on heroin use but to focus on substance-use disorders in general, as due to heightened enforcement efforts many areas have seen a recent increase in the use of cocaine and methamphetamine.
- Implement law-enforcement diversion programs, prosecutor diversion programs, or both to deflect or divert individuals with substance-use disorders from the criminal justice system into treatment at the earliest possible point.

# Recommendations

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- Expand court diversion and sentencing options that provide substance-abuse treatment as an alternative to incarceration.
  - Problem-solving courts, such as adult drug courts or veterans treatment courts, are the most notable examples of effective approaches.
- Incorporate strategic screening questions designed to identify criminal-justice-involved individuals at high-risk for overdose death into all criminal-justice-agency intake forms.
  - Individuals with a history of non-fatal overdoses
  - Individuals with a history of opioids in combination with benzodiazepines
  - Individuals with an opioid-use disorder recently released from a confined environment (e.g., residential treatment or incarceration)

# Questions?

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