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Ohio’s policy response to addiction:
Law enforcement and the criminal justice system

Feb. 26, 2020
What is the purpose of law enforcement and the criminal justice system?
What is the purpose of the behavioral health system?
What happens when these two worlds collide?
Behavioral health system

- Prevent addiction and promote mental health
- Treat addiction and mental illness
- Support ongoing recovery
Law enforcement and the criminal justice system

- Protect public safety and deter crime
- Reduce drug supply
- Reduce recidivism
- Provide justice for victims
- *Punish* lawbreakers
- Rehabilitate offenders
• Protect public safety and deter crime
• Reduce drug supply
• Reduce recidivism
• Provide justice for victims
• Punish lawbreakers
• Rehabilitate offenders

• Prevent addiction and promote mental health
• Treat addiction and mental illness
• Support ongoing recovery
Drug and alcohol use among incarcerated people in Ohio

2015

92% of incarcerated people indicated having a history of drug abuse

72% of incarcerated people indicated having a history of alcohol abuse

Source: 2015 Intake Study, Ohio Department of Rehabilitation and Correction, 2016
Rate of drug crime and violent crime in Ohio per 100,000 population, 2004-2018

Note: Participation in OIBRS has increased from 383 law enforcement agencies (covering 64.7% of the population) in 2004 to 539 agencies (covering approximately 72.7% of the Ohio population) in 2014. Ohio Department of Rehabilitation and Correction, 2016.
Source: Ohio Department of Rehabilitation and Correction, 2019

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• Reduce overdose deaths
• De-escalate crises
• Reduce recidivism
• Increase recovery
• Treat substance use disorder in prison, jail and community corrections settings
• Reduce the number of people with substance use disorder in prison or jail
• Punish and deter drug use
Sequential Intercept Model

• What is the purpose of law enforcement and the criminal justice system?
• What is the purpose of the behavioral health system?
• What happens when these two worlds collide?
• What is the purpose of law enforcement and the criminal justice system?
• What is the purpose of the behavioral health system?
• What happens when these two worlds collide?
• How can we improve outcomes related to addiction, public safety, criminal justice and equity?
Policy scorecard overview

• Context
• Purpose and process
• Key findings
• What you can do
Today

• Sentencing and bail reform
• Specialized dockets
• Addiction treatment in jails
Context: Ohio policy challenges
Context: Challenges in Ohio’s policy landscape

- Incarceration
- Inequity
- Data gaps
Adult imprisonment rates in state prisons
per 100,000 population, 2017

Note: Incarceration rate includes incarceration in state prisons only. Federal prisons and local jails are not included.

Source: National Prisoner Statistics, Bureau of Justice Statistics
University and incarceration costs
Ohio, 2019

Average in-state tuition plus room and board at public, four-year Ohio universities: $21,118 per year

State prison cost for incarceration per inmate ($75 per day): $27,375 per year

Incarceration source: Ohio Department of Rehabilitation and Correction, 2019
University source: HPIO analysis of College Tuition Compare, 2019

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Ohio incarceration rate

per 100,000 population, by race, 2017

* Number of people incarcerated
Source: HPIO analysis of data from the Bureau of Justice Statistics and the U.S. Census Bureau, Population Division

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U.S. substance use disorder and illicit drug use in the past year
age 18 and older, by race, 2017

Note: Illicit drug use includes use of marijuana, cocaine (including crack), heroin, hallucinogens, inhalants, and methamphetamine, as well as the misuse of prescription pain relievers, tranquilizers, stimulants and sedatives

Source: National Survey on Drug Use and Health, 2017

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Data gaps

Lack of:
• Standardized data
• Reporting requirements
• Consistent definitions
• Disaggregated data
• Evaluation or outcome data
Drug courts in Ohio

October 2019

*There are several types of specialized dockets included in the drug court category. For example, adult and juvenile drug courts, human trafficking dockets, operating a vehicle under the influence (OVI) courts, substance abuse mental illness (SAMI) courts, family drug courts, and veteran’s treatment courts all fall under the national umbrella of drug courts.

Source: Supreme Court of Ohio
Scorecard purpose and process
Ohio addiction policy inventory and scorecard

Law enforcement and the criminal justice system

HPIO Addiction Evidence Project

November 2019
Addiction overview and project description

Summary
Addiction is a complex problem, and the local impact of Ohio's opioid health challenges is significant. The Ohio Addiction Evidence Project aims to provide guidance on evidence-based strategies to address the opioid crisis and other substance use disorders (SUD) in a comprehensive manner. This project is made possible through the support of the Ohio Department of Health and the Substance Abuse and Mental Health Services Administration (SAMHSA). The goal of the project is to provide policymakers, providers, and others with evidence-based recommendations to inform decision-making and improve outcomes for those affected by addiction.

Evidence resource paper
- Summary of evidence-based practices
- Recommendations for policy makers
- Implementation guide

Policy inventories
- Treatment services
- Recovery support services
- Community-level interventions

Policy scorecards
- Assessment of current state policies
- Recommendations for improvement

The project team has convened a comprehensive team of experts to develop this evidence-based guidance. The project is supported by the Ohio Department of Health and funded by SAMHSA.
Key elements of a comprehensive policy response to addiction

Data and evaluation

Children services

Criminal justice

Law enforcement

Prevention

Treatment

Recovery

Overdose reversal

Harm reduction

Health, wellbeing, equity and economic vitality

Community

Family

Individuals

Perinatal

Children

Adolescents

Young adults

Adults

Older adults

Across the life course, including caregiving and family support

Source: Health Policy Institute of Ohio adapted from Addiction Policy Forum (2017)

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Evidence resource pages
Hubs for:
- Clinical standards and guidelines
- Expert consensus statements and recommendations
- Model policies
- Evidence registries

Policy inventories
Lists of Ohio:
- Legislation
- Rules and regulations
- New or expanded state agency initiatives and programs

Policy scorecards
Analysis of:
- Strengths
- Gaps
- Opportunities for improvement
## Summary scorecard rating

Extent to which Ohio policies and programs align with research evidence and reach Ohioans in need

<table>
<thead>
<tr>
<th>Topic</th>
<th>Subtopic (SIM intercept)</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law enforcement</td>
<td>Community services (intercept 0)</td>
<td>Weak</td>
</tr>
<tr>
<td></td>
<td>Law enforcement crisis de-escalation (intercept 1)</td>
<td>Moderate</td>
</tr>
<tr>
<td>Criminal justice system</td>
<td>Initial detention and initial court hearings (intercept 2)</td>
<td>Weak</td>
</tr>
<tr>
<td></td>
<td>Courts (intercept 3)</td>
<td>Moderate</td>
</tr>
<tr>
<td></td>
<td>Prisons (intercept 3)</td>
<td>Moderate</td>
</tr>
<tr>
<td></td>
<td>Jails (intercept 3)</td>
<td>Weak</td>
</tr>
<tr>
<td></td>
<td>Reentry (intercept 4)</td>
<td>Strong</td>
</tr>
<tr>
<td></td>
<td>Community corrections (intercept 5)</td>
<td>Weak</td>
</tr>
</tbody>
</table>

**Note:** Rating based on evidence alignment and implementation reach
Key findings
What can state policymakers do to improve addiction and criminal justice outcomes?

- Expand law enforcement community services that address addiction
- Expand pretrial diversion and reform bail
- Increase evidence-based addiction treatment in prisons and jails
Expand law enforcement community services for people with addiction
Sequential Intercept Model

Percent change in number of drug overdose deaths
12-month period ending in June 2018 to 12-month period ending in June 2019

Note: 2018 data is based on provisional counts, which may not include all deaths that occurred during a given time period. Numbers are subject to change.

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Overdose Detection Mapping Application Program (ODMAP)
Quick Response Teams (QRTs)/Drug Abuse Response Teams (DARTs)
Law enforcement community services

**Strengths**

- Many counties are using ODMAP to respond to overdose spikes
- Some QRTs/DARTs are established
Law enforcement community services

Gaps

• Reach of ODMAP and QRT/DART is unknown
• No required addiction training for officers
Data gap
Ohio Incident Based Reporting System
Opportunities for improvement

Law enforcement community services

1. **Expand ODMAP.** All first responders and public health agencies can utilize ODMAP to mobilize more effective responses to overdose spikes.

2. **Evaluate QRT/DART.** Assess how many teams exist across the state and continually improve the model.

3. **OIBRS reporting.** Require and providing funding for all law enforcement agencies to report crime data to OIBRS.
Expand pretrial diversion and reform the bail system
Sequential Intercept Model

Pretrial diversion
Methods of pretrial diversion

• Pretrial diversion (administered by prosecutors)
• Intervention in lieu of conviction (administered by courts)
• Targeted Community Alternatives to Prison (T-CAP) program
Data gap: Court data on pretrial diversion
Ohio’s bail system
Pretrial diversion and bail reform

Strengths

• Several pretrial diversion methods exist for offenders who commit crimes related to addiction
• Jails are required to screen inmates for “use of alcohol and drugs” upon arrival
Gaps

- Pretrial diversion is not available to all Ohioans who would benefit from it
- Ohio utilizes a money bail system, which is not an evidence-based tool for pretrial release and detention decisions
Opportunities for improvement

Law enforcement community services

1. **Expand T-CAP.** Encourage all counties to participate in the program and reduce the number of conditions that make offenders ineligible.

2. **Collect pretrial diversion data.** Implement a statewide data system that tracks how often pretrial diversion and intervention in lieu of conviction are used.

3. **Reform the money bail system** and implement a culturally competent risk assessment tool for pretrial release and detainment decisions.
Improve addiction treatment in prisons and jails
Sequential Intercept Model

Addiction treatment and the criminal justice system

Treatment and recovery
Examples:
- Medication-assisted treatment
- Recovery housing
- Peer support and 12-step programs

Connections between treatment and criminal justice system
Examples:
- Quick Response Teams (QRT)
- Specialized Dockets (e.g. drug courts)
- Addiction screening and treatment during incarceration

Criminal activity related to addiction
Examples:
- Bail reform
- Sentencing for drug-related offenses
- Job training and recovery supports upon reentry
Ohio state prisons
## Prisons

<table>
<thead>
<tr>
<th>Overdose reversal</th>
<th>Screening</th>
<th>Treatment</th>
</tr>
</thead>
<tbody>
<tr>
<td>All employees receive naloxone training</td>
<td>Screening is included in addiction treatment regimen</td>
<td>A variety of treatment services are available, including Medication Assisted Treatment</td>
</tr>
</tbody>
</table>
Local jails in Ohio
## Jails

<table>
<thead>
<tr>
<th>Overdose reversal</th>
<th>Withdrawal</th>
<th>Treatment</th>
</tr>
</thead>
<tbody>
<tr>
<td>There is no requirement for jail employees to be trained on naloxone</td>
<td>Full-service jails must develop policies to address symptoms of detoxification</td>
<td>Jail standards do not require evidence-based addiction treatment</td>
</tr>
</tbody>
</table>
Minimum jail standards

All full-service jails must screen inmates for physical and mental health conditions upon arrival, including for

“use of alcohol and drugs”

Minimum Standards for Jails
Ohio Administrative Code 5120:1-8-09
Data gap
Standardized data collection from local jails
Addiction treatment in prisons and jails

Strengths

• Naloxone is available in all Ohio state prisons
• Prisons offer SUD treatment services to inmates
Addiction treatment in prisons and jails

Gaps

• No state-level information on addiction screening, treatment and withdrawal management services in jails

• The Minimum Standards for Jails in Ohio are insufficient
Opportunities for improvement

Law enforcement community services

1. **Minimum standards for jails.** Update the standards to require evidence-based overdose reversal, addiction screening and treatment

2. **Jail data collection.** Institute a standard data collection system across Ohio jails

3. **Addiction training.** Increase training requirements for corrections professionals on addiction, treatment, stigma and implicit bias
1. **Progress toward evidence-informed policies.** Ohio is beginning to move in the right direction.

2. **Systemic issues in the criminal justice system.** More can be done to reduce the number of people with substance use disorder in the criminal justice system.

3. **Gaps in data and information.** Policymakers do not have the information they need to comprehensively address addiction and inequities in the criminal justice system.
Current efforts and potential changes

- Senate Bill 3
- House Bill 1
- RecoveryOhio and state agency initiatives
- Supreme Court of Ohio Bail System Task Force
- Senate Bill 270
- Senate Bill 271
What can you do?

• **Disseminate.** Share the scorecard report with your contacts

• **Educate.** Select one or two opportunities for improvement from the report and education policymakers about them

• **Partner.** Build bridges between addiction treatment, harm reduction, law enforcement and the criminal justice system
Questions?

Download all materials from the Addiction Evidence Project at:
www.hpio.net/tools/addiction-evidence-project/
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