



Lessons Learned for Opioid Courts: Responses for Tribal and Rural Areas

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Today's Agenda

- The opioid and overdose crisis: the basics
- The Ten Essential Elements of Opioid Courts
- Challenges and lessons learned
- Overdose prevention
- Sample tribal strategy
- Funding opportunities
- Q&A



Center for Court Innovation

The Center for Court Innovation works to achieve justice and equity; create safe, healthy, and thriving communities; and ultimately transform justice systems.



We do this in 3 ways:

- Operating programs
- Research & Policy
- Technical assistance

Center for Court Innovation's Tribal Justice Exchange

- Provides training and technical assistance to American Indian and Alaska Native tribes seeking to develop or enhance their justice systems
- Helps tribes develop problem-solving justice initiatives, encourage collaboration between tribal and state justice systems, and highlights innovative tribal justice practices from across the country



TRIBAL ACCESS TO JUSTICE INNOVATION

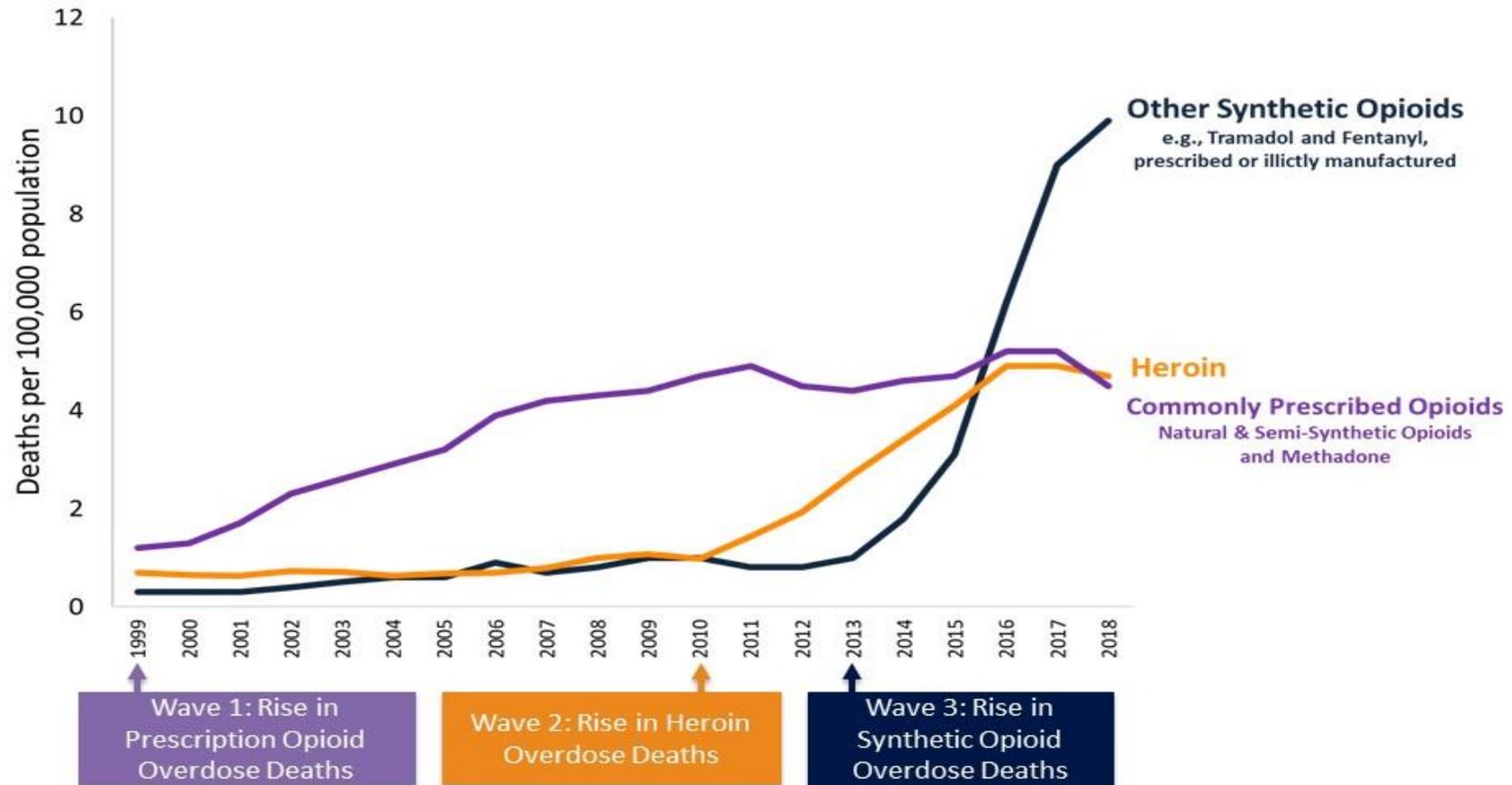
A website to enhance the ability of tribal justice practitioners to learn from each other.

Opioids: The Basics

- Class of drug primarily used to treat **pain**
- Opioids include: opiates like opium, morphine, heroin, codeine + **synthetic opiates** like fentanyl, oxycodone, Percocet, Vicodin
- Effects:
 - **Analgesic** (pain relief)
 - Secondary effects: **euphoria, relaxation**
 - Side effects:
 - **Respiratory depression**
 - **Nausea and vomiting**
 - **Constipation**



3 Waves of the Rise in Opioid Overdose Deaths

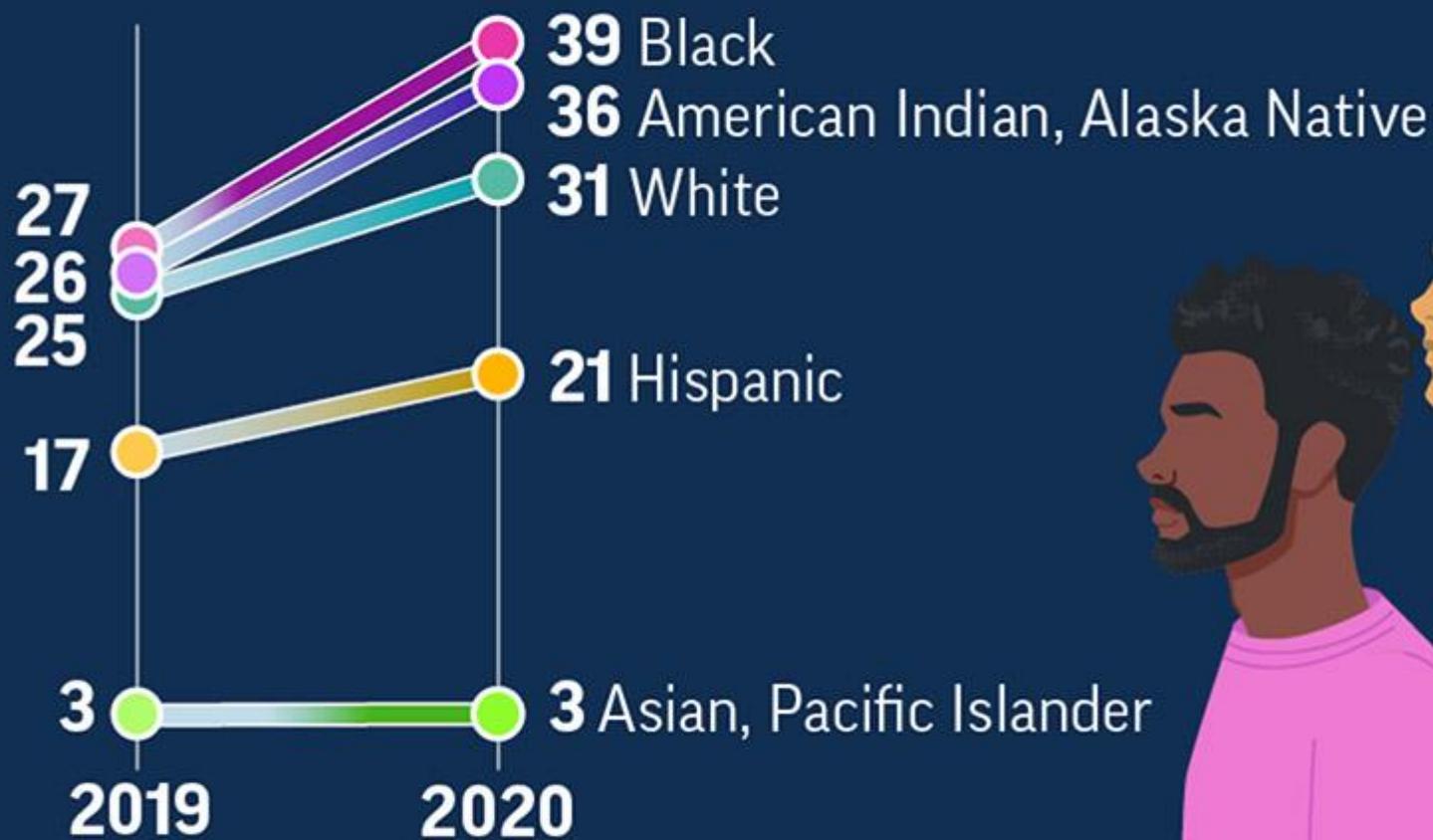


SOURCE: National Vital Statistics System Mortality File.

SOURCE: <https://www.cdc.gov/drugoverdose/epidemic/index.html>

Overdose Deaths by Race and Ethnicity Over One Year

Per 100,000 People



Vital^{CDC}signs™

Source: July 2022 Vital Signs



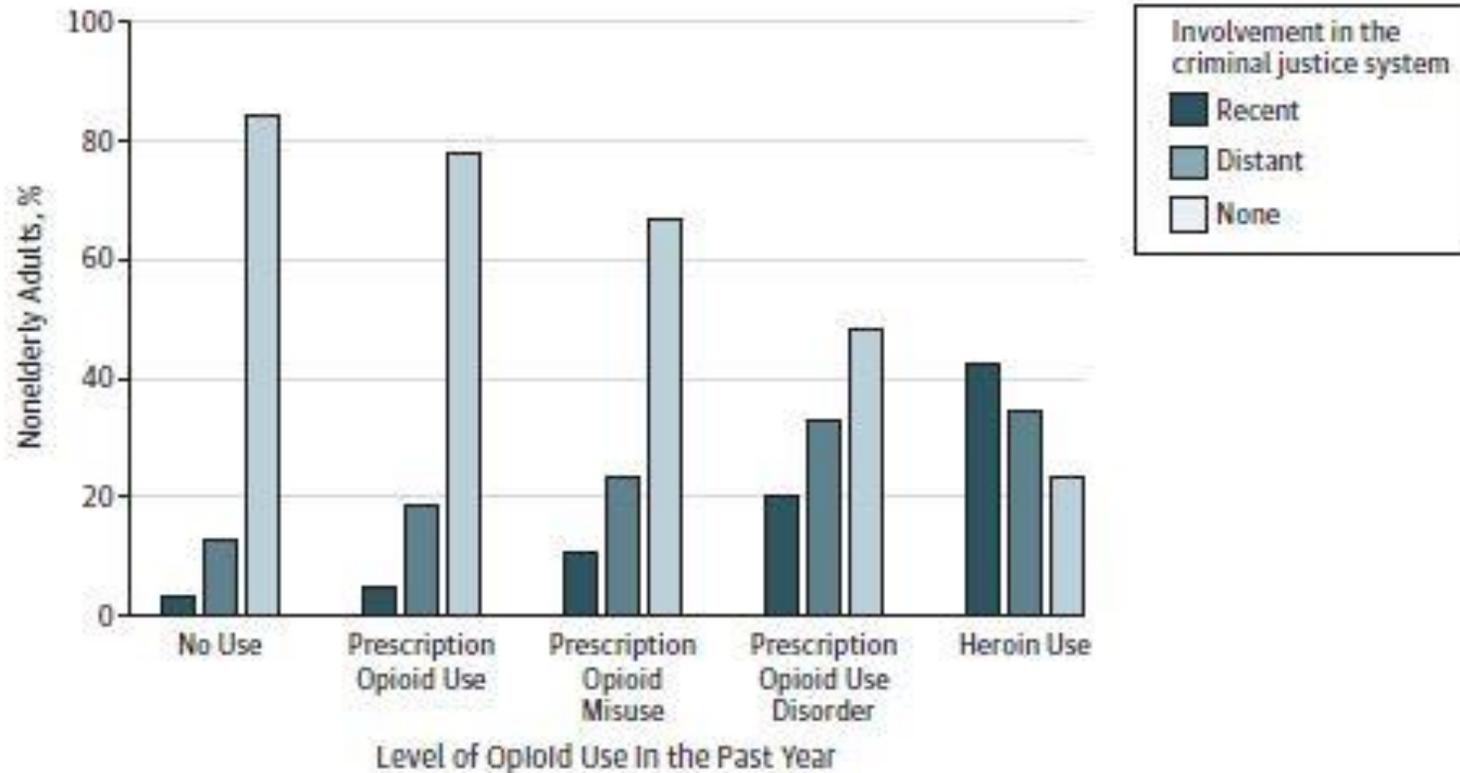
CS331041

Substance Use Disorder in the Criminal Justice System

- Rates of substance use disorders among justice-involved individuals are significantly higher than the general population.
 - 63% of individuals who are incarcerated in local jails have reported issues with substance use, and 58% of individuals in state-run criminal justice facilities have substance use disorders ([Bureau of Justice Statistics, 2017](#)).
 - 19.5% of individuals with a prescription opioid use disorder and 42.5% of those who used heroin reported contact with the criminal justice system in 2016 ([Winkelman, T, 2018](#)).

Substance Use Disorder in the Criminal Legal System

Figure. Criminal Justice Involvement by Level of Opioid Use in the United States, 2015-2016



Treatment Courts and the Opioid Crisis

- Downstream (high-risk/high-need)
- Upstream (overdose prevention)
- Well-positioned
- Well-resourced
- ...BUT no guarantees

The Buffalo Opioid Intervention Court

The Buffalo Opioid Intervention Court



- In 2017, the Buffalo Opioid Intervention Court in Buffalo, New York, was launched to support **immediate, targeted, and intensive treatment and court supervision** for individuals at risk of overdose
- Rapid access to medications for opioid use disorder (**MOUD**)
- Supporting stabilization through intensive court supervision, and **peer support**

Buffalo OIC Outcomes

The NPC study found that compared to opioid-involved defendants who did not enter the program:

- Participants were one-third as likely to die in the six months after their jail booking and entry into OIC, and half as likely to die within one year
- Individuals who received MOUD within 14 days of their jail booking were less likely to die in the following year than those who received MOUD sometime later
- Participants had lower rates of recidivism
- For every taxpayer dollar invested in the OIC program there is a return of \$5 after just 1 year, saving over \$300,000 in costs to society per participant

BUFFALO OPIOID INTERVENTION COURT
Final Evaluation Report - Summary

June 2021

Submitted to
National Drug Court Institute and
the Bureau of Justice Assistance

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BJA
Bureau of Justice Assistance
U.S. Department of Justice

This project was supported by grant number 2016-MU-BX-K004 awarded to the National Association of Drug Court Professionals by the Bureau of Justice Assistance. The National Association of Drug Court Professionals contracted with NPC Research to conduct an independent analysis of the Buffalo OIC.

To a National
Model...

The Ten Essential Elements of Opioid Courts

1. Broad legal eligibility

2. Immediate screen for overdose risk

3. Informed consent after consultation with defense counsel

4. Suspension of prosecution or expedited plea during treatment

5. Rapid clinical assessment and treatment engagement

The 10 Essential Elements of Opioid Intervention Courts



6. Recovery support services

7. Frequent judicial supervision and compliance monitoring

8. Intensive case management

9. Program completion and continuing care

10. Performance evaluation and program improvement

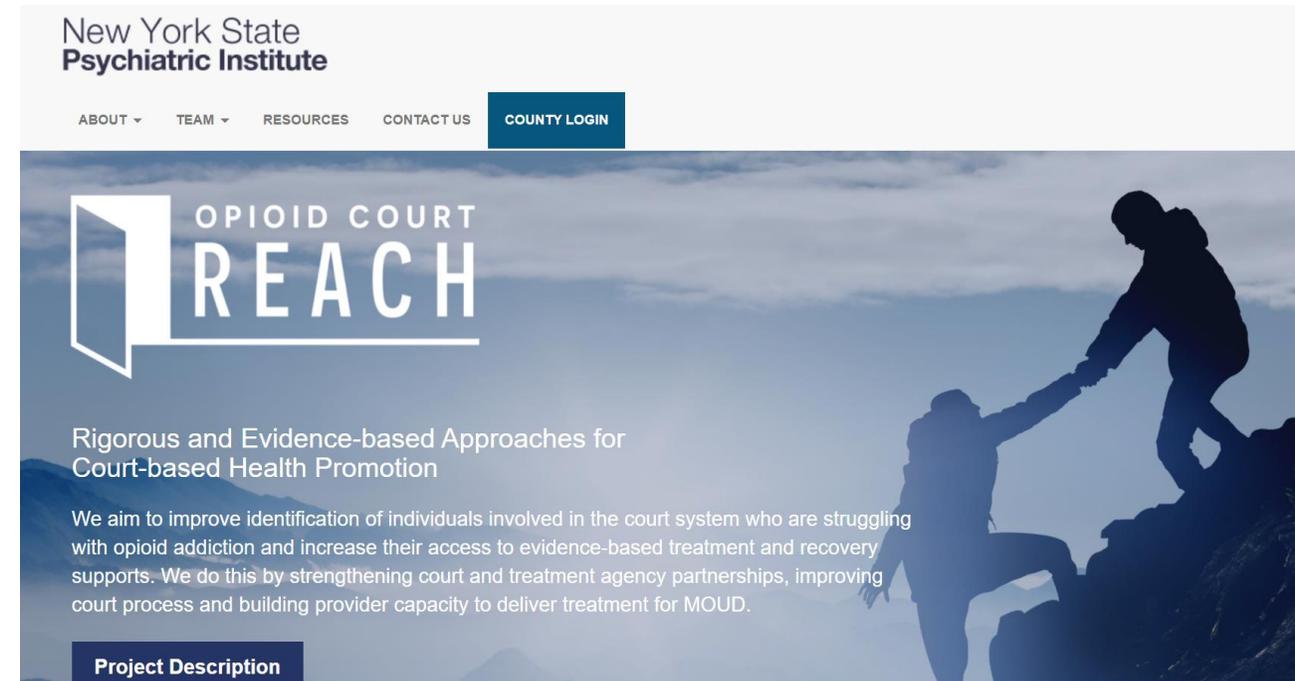
Exhibit 1: Traditional treatment court practices compared to OIC practices

Activity	Standard Treatment Court	Oplold Intervention Court
Referral and entry	Can take 50+ days	Immediate (within 24 hours) – focus on clinical needs rather than legal eligibility of the case
Screening and Assessment	Days to weeks	Within hours of arrest
Court appearances/ Status Hearings	Weekly or bi-weekly appearances in front of Judge	Daily (M-F) appearances in first 60 days; 3 times weekly post 60 days
Evidence based treatment	After assessment, evidence-based treatment may be provided within a few weeks	MAT offered/utilized within 24-48 hours of arrest (methadone/vivitrol/suboxone) Referral to other evidence-based therapies are provided in addition to MAT
Case management	Weekly contact with case manager and/or probation officer	Daily contact with case manager
Incentives and sanctions	Ongoing use of incentives and sanctions	Extremely limited use of traditional incentives and sanctions (though positive regard from the judge, changes to the treatment plan, the peer support specialist and case managers is effective in participant engagement)
Curfew	Curfew typically used as sanction	Nightly curfew calls conducted by case manager to monitor status/health
Drug testing	Best practice is drug testing twice per week	Drug testing for opioids (random while attending court daily)
Community support groups	AA/NA and other sober support	Peer Recovery Support Specialists assigned to all participants within hours of arrest
Legal status at entry	Pre and post disposition model	Suspension of charge via prosecutor agreement
Eligibility	Specific, targeted, charges	Broad range of eligible charges, ranging from misdemeanors to felonies.
Program completion	Graduation if conditions completed	If conditions completed, either transferred to a treatment court program; charges dismissed, favorable disposition, or full prosecution. Each case varies according to legal criteria and participant assessment.
Staffing meetings	Weekly staffing (before court) of cases on the docket among all team members	No formal staffing. Case manager(s) meets daily with judge briefly before court to review each case.

Technical Assistance Initiatives

Opioid Court Technical Assistance Initiatives in New York State

- Project Opioid Court REACH: National Institute of Health
- Opioid Expansion in New York State: Bureau of Justice Assistance
- Teleservices; Interactive Journaling, MRT-O: COSSAP



The screenshot shows the website for the New York State Psychiatric Institute's Project Opioid Court REACH. The header includes the organization's name and a navigation menu with links for ABOUT, TEAM, RESOURCES, CONTACT US, and a prominent COUNTY LOGIN button. The main content area features the project logo, a tagline, a descriptive paragraph, and a Project Description button. The background image depicts two silhouetted figures climbing a rocky mountain peak against a cloudy sky.

New York State
Psychiatric Institute

ABOUT ▾ TEAM ▾ RESOURCES CONTACT US **COUNTY LOGIN**

**OPIOID COURT
REACH**

Rigorous and Evidence-based Approaches for
Court-based Health Promotion

We aim to improve identification of individuals involved in the court system who are struggling with opioid addiction and increase their access to evidence-based treatment and recovery supports. We do this by strengthening court and treatment agency partnerships, improving court process and building provider capacity to deliver treatment for MOUD.

Project Description

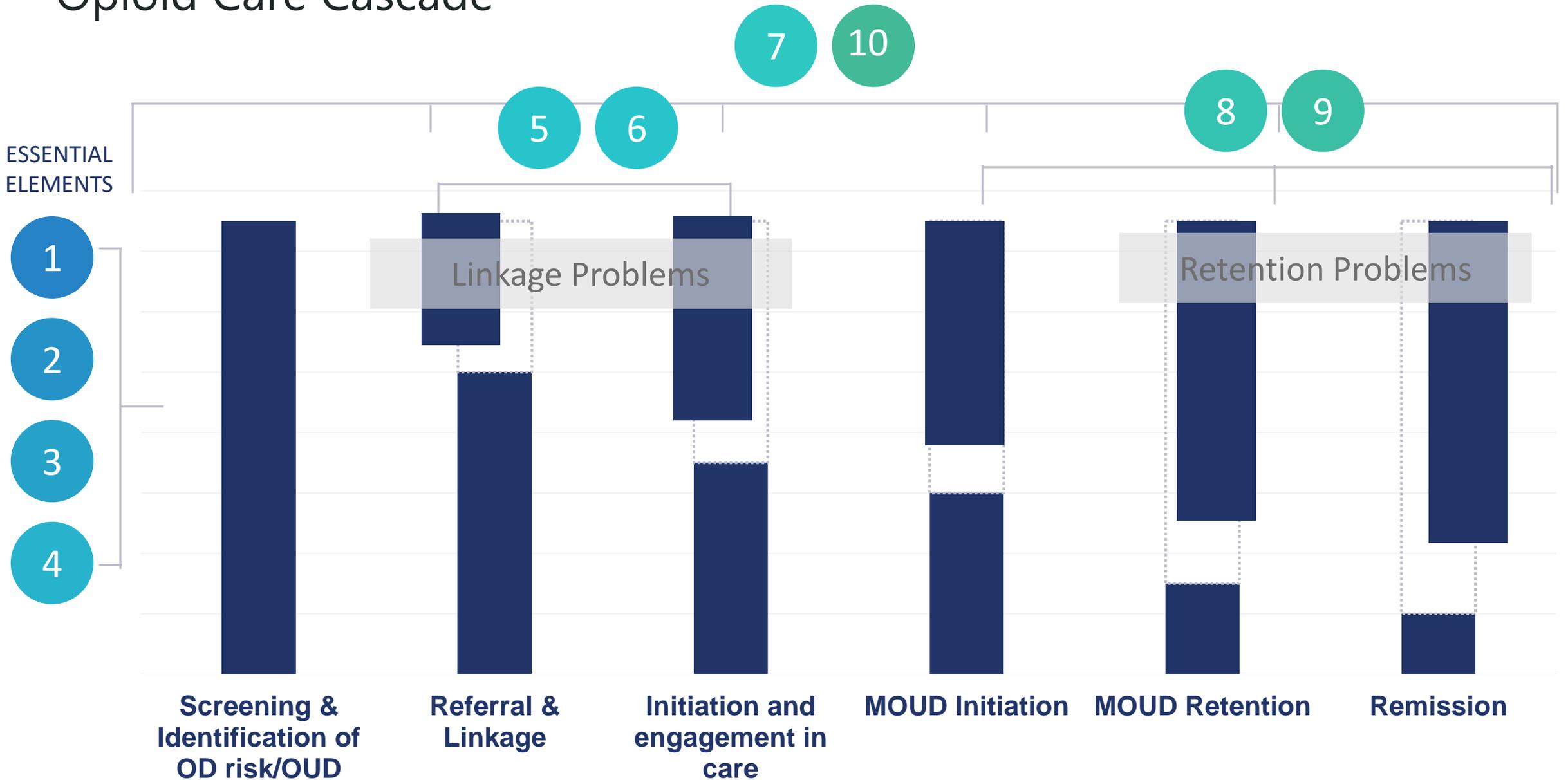
Project Court REACH: Rigorous and Evidence-based Approaches for Court-based Health Promotion

- Implementation science research project
- Funded by the National Institute on Drug Abuse (NIDA)
- Research + training and technical assistance
- 10 opioid courts in New York
- Goal: Improve access to treatment and recovery supports for participants, and enhance opioid court operations



<https://projectreach.nyspi.org/>

Opioid Care Cascade



Screening Tool for Risk of Overdose

Opioid Court Screen V.2

AAA

This survey is to be completed by a court staff

Court Staff Should read the following to the individual being screened:

"This screen will help us determine your eligibility for [OPIOID COURT PROGRAM TITLE], a voluntary program that connects people who use opioids or other drugs and might be at risk of overdose with services, like peer support, treatment, and/or medications. We will ask you a few questions to see if you might be a good fit for the program."

NYSID

Gender Female
 Male
 Prefer not to answer reset

Ethnicity Hispanic/Latinx
 Not Hispanic/Latinx reset

Race African American/Black
 Asian
 More than one race
 Native American
 White
 Other reset

Age (in years)

Where is this screening being conducted? Jail
 Courthouse
 Other reset

Was this individual previously referred to you for potential participation in the opioid court? Yes
 No reset

1. In the past 12 months, have you used opioids (for example heroin, oxycodone, prescribed or non-prescribed methadone, suboxone, or vivitrol, etc.), cocaine, and/or methamphetamine? Yes
 No reset
** must provide value*

2. Have you ever experienced an overdose? Yes
 No reset
** must provide value*

3. Have you ever witnessed an overdose? Yes
 No reset

4. Have you ever lost consciousness or blacked out from using? Yes
 No reset

5. Have you been released from jail, prison, or residential treatment in the last six weeks? Yes
 No reset

6. Are you currently accessing treatment for opioid use (e.g., medications, counseling)? Yes
 No reset

7. Would you be interested in accessing treatment for opioid use (e.g., medications, counseling)? Yes
 No reset

Common Themes

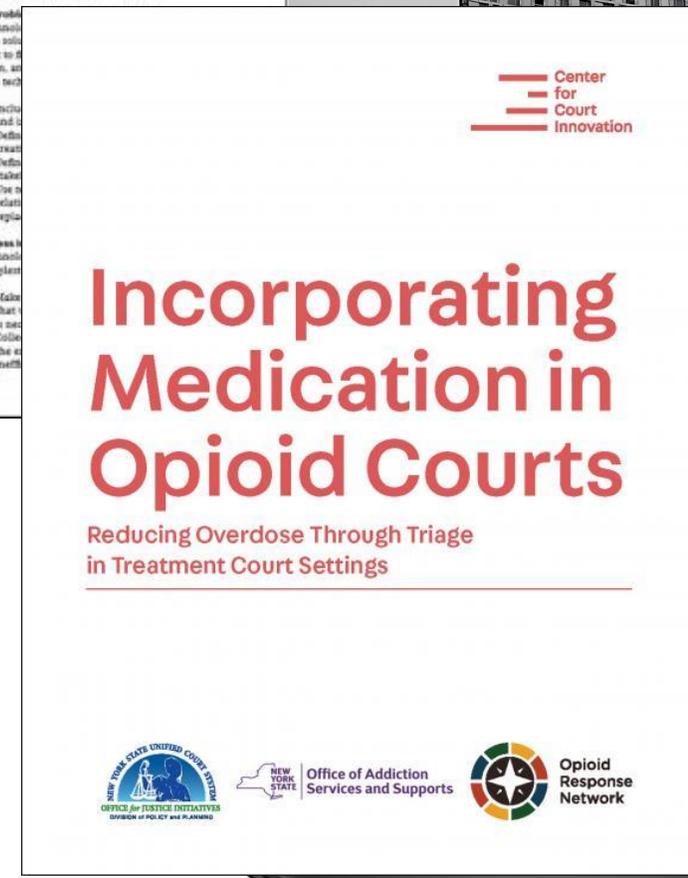
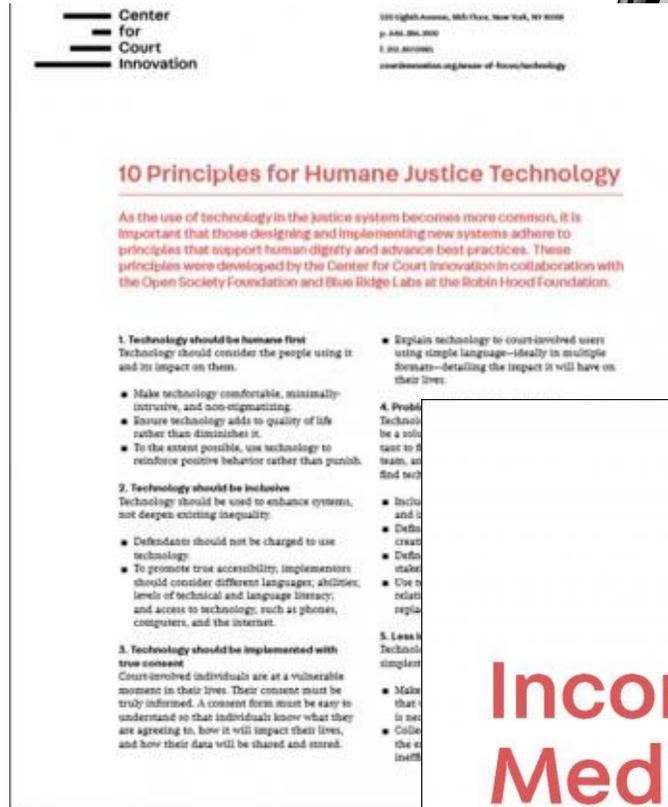
- Identification and referral
- Education on opioid use and medications
- Voluntary nature of the program
- Program completion

COSSAP 2018

Scope of original project:

Enhance communication through technology between 3 courts, treatment agencies and MOUD providers

Provide courts with technology



Office of Addiction Services and Supports



Office of Addiction Services and Supports



Opioid Response Network

COSSAP 2019

Scope of original project:

- Moral Reconciliation Therapy – Opioid and Interactive Journaling
- Additional training and fidelity check-ins
- Pilot with Farnham Family Services
- Research component with X Lab and the Lerner Center at Syracuse University
- Addition: Recovery Capital Index



Syracuse University



Office of Addiction
Services and Supports

Overdose Prevention Strategies

What is an opioid overdose?

- Overdose risk is a factor of the **amount** and **potency** consumed
- Opioids affect the part of the brain that regulates **breathing**, an overdose can result in the slowing or stopping of breathing (**respiratory depression**)



Source: <https://www.cdc.gov/drugoverdose/deaths/index.html>

Overdose Prevention Strategies: General Guidance

- **Prevention:** social drivers--trauma, housing instability, mental health, unemployment, isolation, etc.
- **Raise awareness:** supply contaminants, polysubstance use risks
- **Reduce stigma and improve access** to medications for opioid use disorder (MOUD)
- Include **culturally tailored traditional practices, spirituality, and religion**, when appropriate, with proven substance use disorder treatment
- **Naloxone distribution and education**
- **Fentanyl test strips, syringe service programs** (harm reduction)
- Reduce barriers between "us and them" ; therapeutic alliance

Source and for more information: <https://www.cdc.gov/vitalsigns/overdose-death-disparities/index.html>

Overview of Sample Tribal Strategy

Healing to Wellness Court Tribal Key Components

- Individual and Community Healing Focus
- Referral Points and Legal Process
- Screening and Eligibility
- Treatment and Rehabilitation
- Intensive Supervision
- Incentives and Sanctions
- Judicial Interaction
- Monitoring and Evaluation
- Continuing Interdisciplinary and Community Education
- Team Interaction

Source and for more information: <http://www.wellnesscourts.org/tribal-key-components/index.cfm>

Addressing opioid use

- A separate opioid intervention court may not be feasible.
- Responding to opioid use can still happen and does happen.
 - Common themes between Healing to Wellness Courts and the 10 Essential Elements of Opioid Courts
 - Screening, intensive supervision, rewards and consequences, monitoring and evaluation
 - Consider using the commonalities and tailoring them to respond to opioid use in your court

Sample Tribal Strategies

- Treatment that is culturally-appropriate and includes implementation of MOUD.
- Community involvement
- Support groups, coaches
- Culturally-appropriate opioid prevention outreach
 - Schools, tribal behavior health services, social workers

Funding Opportunities

Financial Resources

- Bureau of Justice Assistance's (BJA) Comprehensive Opioid, Stimulant, and Substance Abuse Program (COSSAP) Grant Program <https://www.cossapresources.org/Program>
- Substance Abuse and Mental Health Services Administration (SAMHSA) <https://www.samhsa.gov/grants>
- U.S. Department of Health & Human Services <https://www.hhs.gov/grants/index.html>

Discussion

- What kinds of opioid use are you seeing?
- Are there barriers to treatment?
- Is there an opioid response being implemented in your court?
- What would you like to see in your tribal justice system to respond to opioid use?



Thank you