

Making the Case for Systems Change: Models for Integrating Treatment into Judicial Decision-making



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Overview of Presentation



- Drug-involved offenders in the criminal justice system
- Criminal justice response to substance abuse and addiction
- An integrated, comprehensive solution
- Bringing the solution to scale: Building the Infrastructure
- Your role in systems change



*Drug-involved Offenders in
the Criminal Justice System*

The Scope of the Problem



- In 2007, 2,299,116 prisoners were held in federal or state prisons or in local jails
- In 2008, 2,319,258 prisoners were held in federal or state prisons or in local jails
 - 1,596,127 in prison, 723,131 in local jails
 - 1 out of every 100 citizens for the first time in history
- The number of adults supervised on probation or parole at the end of 2006 reached 5,035,200
 - 4,237,000 on probation (84%)
 - 798,200 on parole (16%)
- 80% of offenders in the U.S. are drug-involved (Mumola & Bonczar, 1998)

Drugs Are a Major Factor



- 2/3 of jail inmates in the U.S. meet diagnostic criteria for substance abuse or dependence (2002)
- 45 – 53% of prisoners in the U.S. meet diagnostic criteria for substance abuse or dependence (2004)
- As many as 87% of male arrestees tested positive for at least one illicit drug (2008)
- As many as 40% of arrestees tested positive for *more than one* illicit drug (2008)
- Other cities participating in ADAM II ranged from < 2% to 12%
- Justice system is largest catchment area for people with addictions

Drugs Are a Major Factor



- Estimated Percentage of U.S. Adult Male Arrestees Testing Positive by Urinalysis for Illicit Drugs, 2008
- **Total testing (+) for opiates in all 10 ADAM cities: ~48,000**

ADAM II Site	Any Drug*	Marijuana	Cocaine	Opiates	Methamphetamines
Atlanta	60%	32%	41%	2%	<1%
Charlotte	69%	51%	30%	1%	<1%
Chicago	87%	49%	44%	29%	<1%
Denver	68%	42%	33%	4%	3%
Indianapolis	64%	46%	21%	5%	2%
Minneapolis	65%	48%	23%	6%	2%
New York	69%	42%	30%	7%	<1%
Portland	64%	41%	21%	8%	15%
Sacramento	78%	47%	17%	4%	35%
Washington, D.C.	49%	31%	27%	12%	2%
Range	49% – 87%	31% – 51%	17% – 44%	1% – 29%	0.1% – 35%

Source: Arrestee Drug Abuse Monitoring Study, 2008



*Criminal Justice Response
to Substance Abuse & Addiction*

Justice System Theory vs. Reality



- In a theoretical justice system, fewer and fewer individuals progress through the more serious levels of justice involvement: prosecution, trial, and corrections
- In a theoretical system, individuals that are diverted out of the system are not considered an ongoing concern
- In a theoretical system, individuals who *do* go through the system achieve satisfactory rehabilitation and restitution
- In reality, the first instance of justice involvement significantly increases the likelihood one will become justice-involved again *and* progress further into the system, bloating each level of the process.
- In reality, individuals diverted out of the system may have unaddressed substance use issues that predispose them to future justice involvement
- In reality, absent or fragmented clinical interventions within the justice model don't adequately address the bio/psycho/social needs of offenders, predisposing them to future involvement

The Gap Between Justice & Treatment



- Most offenders with substance use disorders have only received treatment in jail or prison, if at all
- Justice system may not access available community services or resources
- Community treatment resources may not be available or may be limited in scope
- Continuum of care not available or offered
- Court dockets crowded with insufficient time or resources to address offender substance use or mental health needs

The Gap Between Justice & Treatment



- Judiciary may select inpatient treatment as default because it seems safest, despite being inappropriate therapeutic intervention
- Judges may compete for treatment slots without organized prioritization of cases / offenders

Consequences



- Drug-*involved* offenders often slip through the cracks with their addictions untreated
- Untreated - or ineffectively treated - offenders will recycle through the system, regardless of their level of prior involvement
- Short-term episodic treatment is ineffective and can lead to *worse* outcomes
- Poor outcomes lead to cynicism about treatment ineffectiveness

Consequences



- Criminal records build for lower-level, drug-involved offenders, and so do mandates for increasingly harsh sentences
- Each stage of the justice system becomes over-burdened, and the gap between justice and treatment is exacerbated
- **Result:** Consistently overwhelming numbers of drug-involved individuals perpetually under justice supervision

Consequences



- Disproportionate minority representation in the prison population

Imprisonment rates for sentenced prisoners, 2007 (per 100,000 U.S. residents)		
	Men	Women
White	481	50
Hispanic / Latino	1,259	79
African American	3,138	150
Total	955	69

- Similar disproportionalities found at arrest, charge and sentencing

Consequences



- Inefficient use of taxpayer resources...lower investment in early stages leads to escalating costs for incarceration. Taxpayer burden contributing to state budget problems
- Perpetuation of generational cycles of poverty and crime in certain communities



*An Integrated,
Comprehensive Solution*

A Call for Systems Change



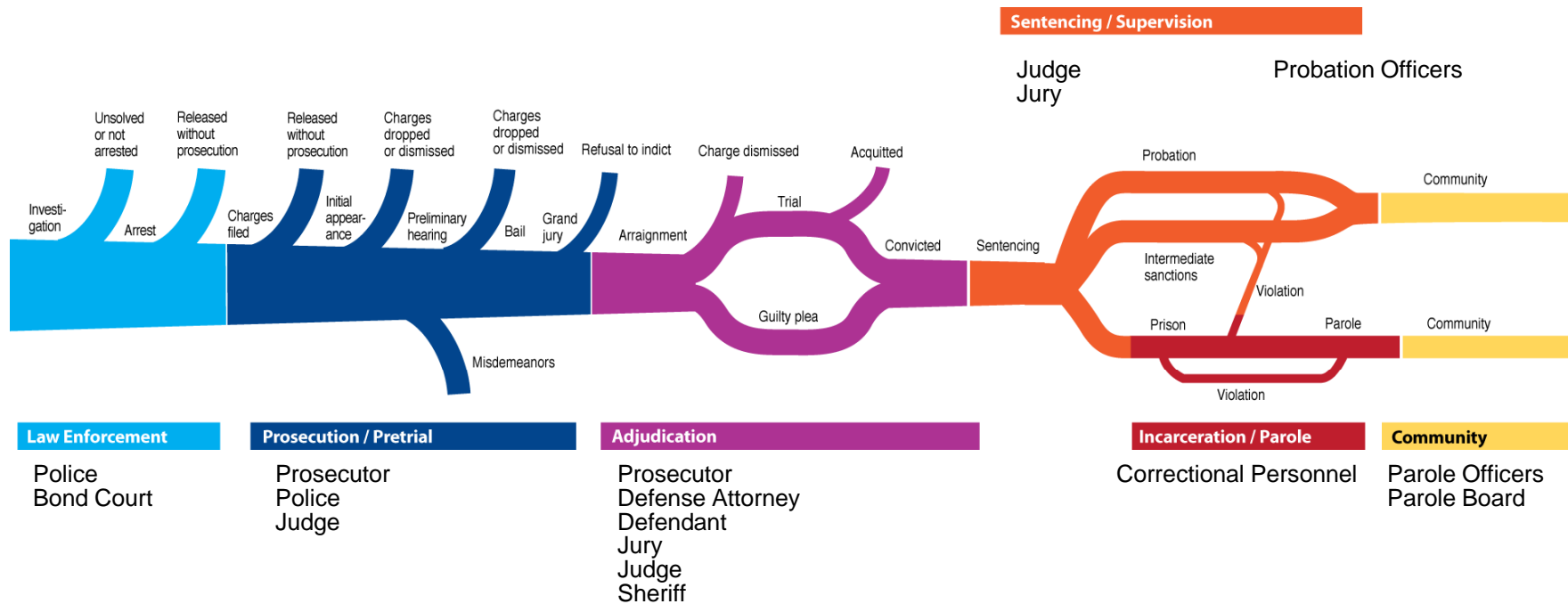
- Need to reframe addiction – from “The War on Drugs” to a balanced public health approach that acknowledges
 - Addiction is a disease
 - Public safety interests
 - Offender addiction has stressed the process of justice
- Scientists have informed us about what works
 - Treatment efficacy has been established!

A Call for Systems Change

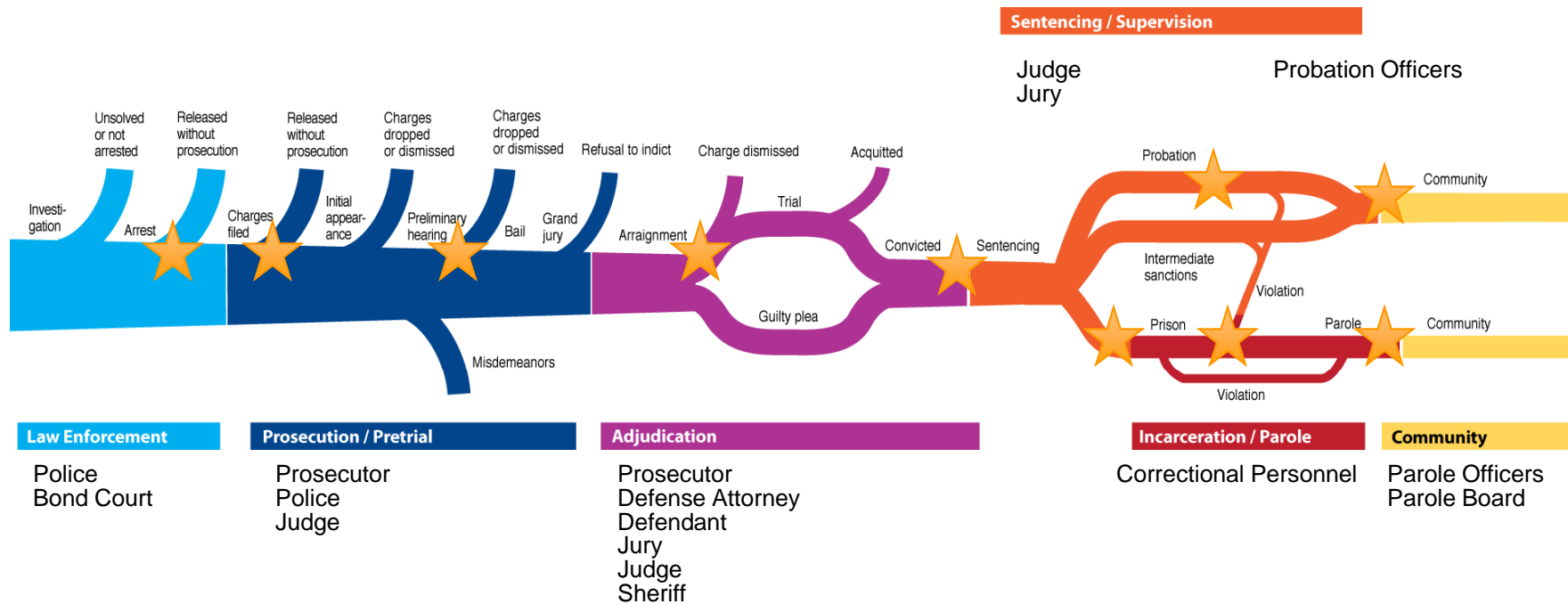


- The justice system is ideally positioned to have significant impact driving people away from criminal behavior and into recovery
- How can the justice system organize treatment interventions to maximize this impact?

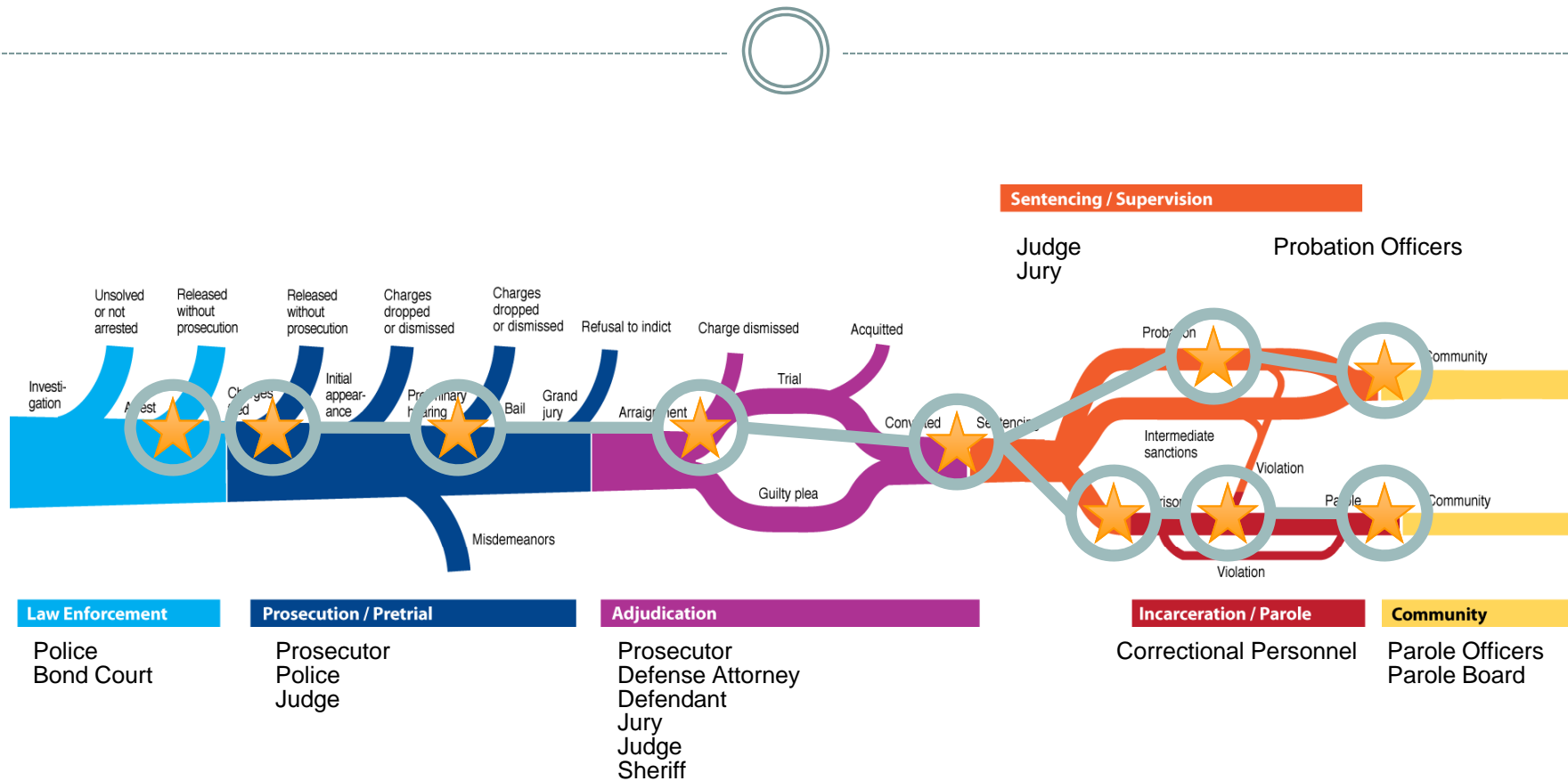
The System Roadmap: A Continuum of Decision-Makers



The System Roadmap: A Continuum of Opportunities for Intercept



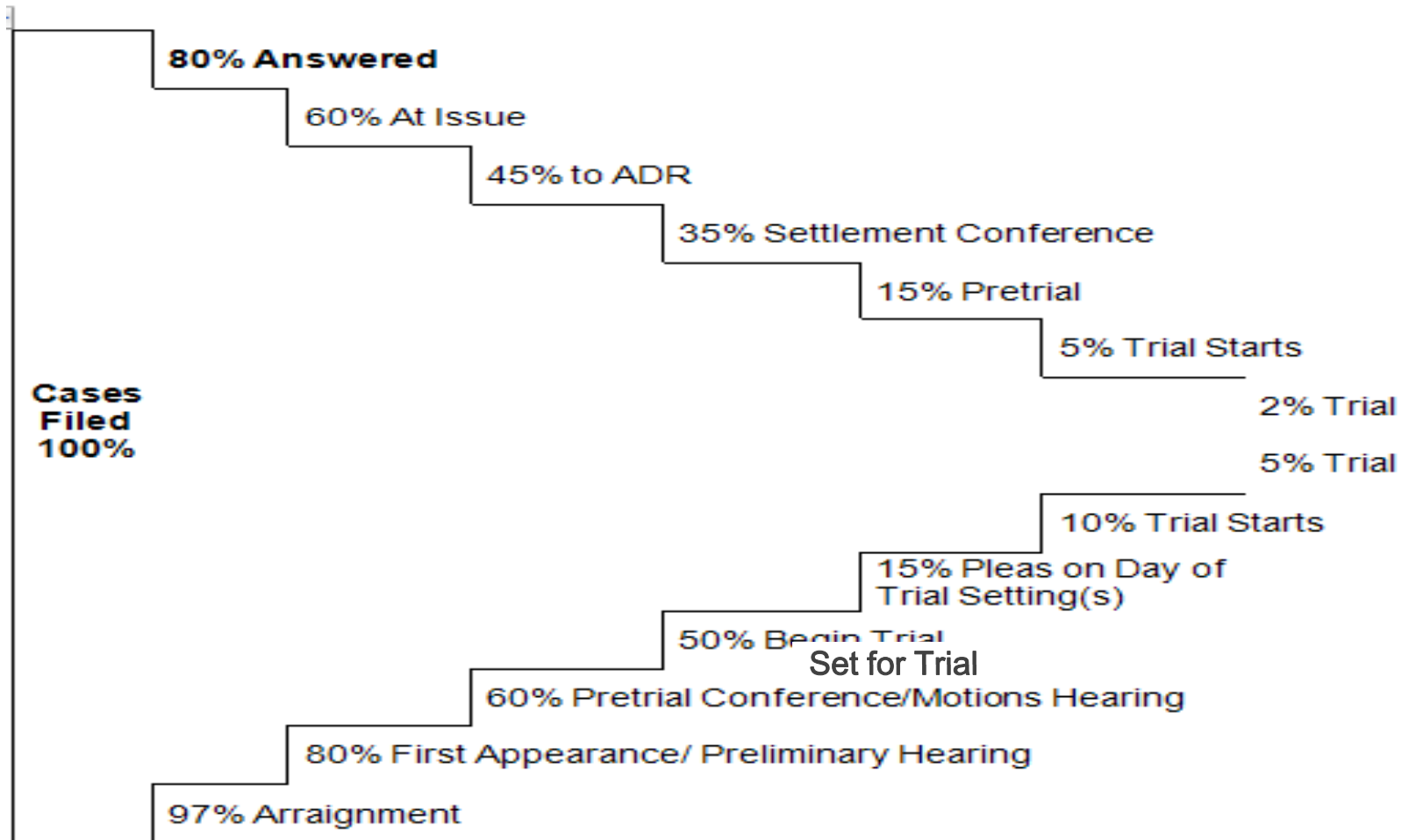
Core Elements of Effective Interventions



A framework for understanding how all of the intervention points and partners work together to achieve systemic success.

Walking the Track

CIVIL



CRIMINAL

1 → Arrest

2 → First Appearance
Advise of Rights

3 → Bond

4 → Pre Trial Hearing

5 → Plea/Disposition

6 → Trial Conference

7 → Trial/Guilty Plea

8 → Sentencing

Legal
System
/Court
Steps



Core Elements of Effective Interventions



- **Long-term, big picture goals:**
 - Stop the revolving door for now and future generations – improve criminal justice outcomes
 - Reduce drug use and criminality
 - Reduce the total size of the criminal justice population
 - Reduce prison crowding
 - Reduce court docket size and pressure
 - Decrease disproportionate minority representation in the justice system

Core Elements of Effective Interventions



- Interventions are systemic – implemented at all points in the criminal justice process
- Interventions are of a scale to have a measurable impact
- Continuity of care between services and points in the justice system are ensured
- A coordinated system would ensure that offenders have equal access to available services based on clinical need
- Need to identify unique need and match treatment – like in a doctor's office

Core Elements of Effective Interventions



- Drug-involved individuals diverted as early as possible in the process
- Risk and needs assessments guide treatment and justice decision making
- Low criminogenic risk would receive treatment in the community
- Thus increasingly smaller numbers move deeper into the system, those who have committed more serious crimes and/or represent criminogenic risk remain in system
- Community treatment interventions
 - Less expensive
 - More effective than jail / prison treatment
 - Tailored to individual needs

Examples of Systemic Interventions



- **Deferred Prosecution / Drug Education**
 - For drug-involved first-time or low level offenders
 - Low-risk, low-needs offenders = Low-intensity of services
 - Education re: consequences of criminal conviction
 - Identifies individuals in need of assessment for treatment need
 - Dropping of charges contingent on successful completion
- **Drug Testing**
 - Useful at all stages of justice involvement
 - Trigger to levy incentives / sanctions

Examples of Systemic Interventions



- **Pre-trial / Detention / Jail-based treatment**
 - Treatment and other recovery support within local jails
 - Day reporting centers
 - Needs to be tied to community-based services to ensure continuity

Examples of Systemic Interventions



- **Problem-solving courts**
 - E.g Drug Courts, Mental Health Courts, Veterans Courts
 - Higher-risk, higher-needs = more intensive treatment, supervision and justice involvement
 - Need to cooperate / collaborate with each other *and* community treatment to ensure efficiencies and equity
 - Need to balance specialized populations with broad-based impact

Examples of Systemic Interventions



- **Probation / Deferred Sentencing / Alternative Sentencing**
 - High-risk, high-needs offenders = high level of supervision and judicial involvement
 - Can be seen as “last chance before prison”
 - Couple community supervision with community treatment mandate
 - Incentives / Sanctions (e.g. charges dropped / violation of probation; incarceration)
 - Involve centralized/specialized case management to achieve systemic impact and efficiencies

Examples of Systemic Interventions



- **Prison-based programs**
 - Therapeutic community (TC) prisons
 - TC programs within prisons
 - Less effective if not followed up with community treatment
 - Assessment and triage
 - High-risk, high-needs offenders
- **Re-entry Planning**
 - Assessment, triage and pre-release planning
 - Engagement of community providers prior to release
 - Assessment of housing, employment needs
 - Improves recidivism and substance use outcomes

Examples of Systemic Interventions



- **Release / Reentry Case Management & Community Treatment**
 - Goal is to achieve stability to mitigate violations and re-incarceration
 - Halfway houses
 - Recovery homes
 - Outpatient treatment
 - Community Support Coalitions



*Bringing the Solution to Scale:
Building the Infrastructure*

Building the Infrastructure



- **Identify key gaps / barriers:**
 - What points in the justice system are experiencing the greatest burden?
 - How can treatment interventions be integrated/organized to relieve the justice burden?
 - Do any existing laws or protocols hamper implementation?
 - Where are we limited in clinical treatment resources?

Building the Infrastructure



- Identify key partners:
 - Single state agency
 - Criminal Justice Information Authority
 - State Associations of Addiction Services (SAAS) *Provider association*
 - ✦ www.saasnet.org
 - CADCA
 - ✦ www.cadca.org
 - Faces and Voices of Recovery (FAVOR)
 - ✦ www.facesandvoicesofrecovery.org
 - Local TX agencies
 - Lions Clubs
 - Federally Qualified Health Clinics (FQHCs)

Building the Infrastructure



- **Identify building blocks:**
 - What existing programs can we leverage?
- **Prioritize effectiveness and efficiency:**
 - What model will give us the greatest impact for our investment and relieve the justice burden?
- **Identify knowledge base:**
 - What are the research-driven practices and principles which must be the foundation of our strategy?

What are the Systemic Best Practices?



- Continuity of care throughout justice process and into the community
- Access to a greater quality and diversity of community treatment
- Greatest number of appropriate offenders are removed from the system and into community treatment at the earliest possible stage
- Assessment-driven strategy to match *appropriate* offenders to *appropriate* interventions and levels of supervision
- Align treatment and public safety outcomes to prevention of criminal behavior
- Reduces state and county expenditures

What are the Programmatic Best Practices?



- Screening for substance use / mental illness
- Comprehensive risk and treatment needs assessment
- Tied to a justice mandate
- Client-centered planning
- Case management (intensity matches level of need)
 - Treatment/Recovery planning and matching
 - Referral to appropriate community provider/s
 - Monitoring and accountability to justice entity
 - Ability to follow offenders throughout criminal justice process
- Long-term recovery management



Your Role in Systems Change

Judges as Change Agents



- Judges as **consumers** – are typically not treatment experts but should become informed consumers
- Judges as **leaders** – can stimulate public policy discussion
- Judges as **conveners** – can order changes in their jurisdiction
- Judges as **analysts** – can identify priorities of changes to implement
- Judges as **advocates** – to demand increased resources

What's Next? The Process of Systems Change



- Analyze drug-involved offender flow and impact on the justice system and community safety
- Prioritize points for development of interventions along the justice continuum
- Work with community prevention and treatment partners to build support for systems change
- Assess treatment resource access and availability
- Consolidate court access to treatment and case management through a centralized function that covers general courts, specialty courts and specialized probation functions

What's Next? The Process of Systems Change



- **Identify funding options:**
 - State through USDOJ Byrne Grant / SAMHSA Block Grant administered through Single State Agency
 - Medicaid
 - Stimulus
 - General Revenue
 - USDOJ, Bureau of Justice Assistance discretionary grants
 - USDHHS / SAMHSA discretionary grants
 - County fees / asset forfeiture
 - Client fees

What's Next? The Process of Systems Change



- **Build for sustainability:**
 - Plan for system change across justice continuum
 - Don't rely on funding stream to dictate system plan
 - Use funding opportunities to help build modules of interventions
 - Keep plugging in the gaps
 - Partnerships and collaborations between organizations and institutions, not just individuals – remove dependence on specific people
 - Evaluate your effectiveness and revise your strategy accordingly

What's Next? The Process of Systems Change



Build a system of treatment interventions from diversion to sentencing alternatives to reentry initiatives in order to have a real impact on the scale and scope of substance abuse and addiction in your jurisdiction.

Promote your success to gain broad-based support and buy-in.

Contact



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