The Intersection of Opioid Use Disorder and the Criminal Justice System

J O S E P H S H E N K A R
G E N E R A L C O U N S E L
Objectives

• Opioids Trends in SC
• The science of addiction
• Drug-dependency in Justice Involved population
• The new frontier – Integration of MAT and evidence based practices into the Criminal Justice System
  ▫ MATC / OJP 30
  ▫ MATDrug Court
In 2018, there was a reported 67,744 drug overdose deaths across the US, a 4.2% decrease from 2017.

### 2018 in South Carolina
- A total of 1103 drug overdose deaths (up from 1001 in 2017)
- A total of 816 deaths attributed to opioids (up from 748 in 2017)
- A total of 460 deaths attributed to fentanyl/fentanyl analogs (up from 362 in 2017) – 27% increase from 2017.
  - 576% increase from 2014 to 2018.
- A total of 254 deaths attributed to Cocaine (up from 235 death in 2017)
- A total of 619 overdose reversals from administrations of Narcan by LE, with 554 lives saved from June 2016 through January 2019.
- Total number of traffic fatalities?
  - 841
- Total number of murders?
  - 393
EMS Administrations of Narcan

Yearly total

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>3847</td>
</tr>
<tr>
<td>2014</td>
<td>4187</td>
</tr>
<tr>
<td>2015</td>
<td>4610</td>
</tr>
<tr>
<td>2016</td>
<td>6427</td>
</tr>
<tr>
<td>2017</td>
<td>7278</td>
</tr>
<tr>
<td>2018</td>
<td>8187</td>
</tr>
</tbody>
</table>

Expected 2019
Eliminating the Stigma: Who is Overdosing?

Overdosed Individuals (by Age & Year)

<table>
<thead>
<tr>
<th>Overdosed</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-times</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>5-times</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>4-times</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>3-times</td>
<td>5</td>
<td>4</td>
<td>20</td>
<td>2</td>
</tr>
<tr>
<td>2-times</td>
<td>85</td>
<td>121</td>
<td>162</td>
<td>90</td>
</tr>
<tr>
<td>1-time</td>
<td>3945</td>
<td>4,308</td>
<td>5,367</td>
<td>2,724</td>
</tr>
<tr>
<td>Total</td>
<td>4,036</td>
<td>4,435</td>
<td>5,554</td>
<td>2,817</td>
</tr>
</tbody>
</table>

- For the past 3.5 years, there has been a total of 498 repeaters of whom 5 had 5-times, 4 had 4-times and 458 had twice overdose (ranging between 2% to 3% of all overdoses per year).
- Most ODs are first-timers
Comparison of Relapse Rates Between Drug Addiction and Other Chronic Illnesses

Percentage of Patients Who Relapse

Type I Diabetes: 30 to 50%

Drug Addiction: 40 to 60%

Hypertension: 50 to 70%

Asthma: 50 to 70%
CHEMICAL DEPENDANCY AMONG JUSTICE-INVOLVED POPULATION

• Challenges:
  • **192,565 people were arrested** in South Carolina in 2018.
  • No proper way to determine chemical dependency as a motivator in criminal activity – Lack of EBP in screening (SBIRT, TC UDD) individuals who get into county jails.
  • No communications between addiction service providers and LE agencies.
  • Stigma
CHEMICAL DEPENDANCY AMONG JUSTICE-INVOLVED POPULATION

- **SC DOC:**
  - 18,848 total inmates in 2019
    - Out of 17,478 males, **5,398** were chemically dependent
    - Out of 1,370 females, **675** were chemically dependent
  - **71%** of chemically-dependent inmates serve sentences for serious offenses, such as murders, armed robberies, and burglaries.

- Crime Prevention? Prevent a loss of a loved-one? Prevent a loss of security at home? Prevent many years of treatment for victims?
MATC/OJP 30 and MATDrug Court: The Gaps

- **Arrest**: 24-48 hrs
- **Bond**: 30 days
- **1st App**: 60 days
- **2nd App**: 2-3 months
- **Plea / DC**: 1 year

Crime → Preliminary Hearing → DC Screening → Lack of comprehensive services:
- No MAT
- No PSS
- No Housing

Completion / Expungement

4-7 months gap- no treatment
MAT in the Criminal Justice System

The Sequential Intercept Model

Best clinical practices: the ultimate intercept

Law enforcement and emergency services

Postarrest: initial detention and initial hearings

Post-initial hearings: jail, courts, forensic evaluations, and forensic commitments

Reentry from jails, state prisons, and forensic hospitalization

Community corrections and community support

RECIDIVISM

South Carolina Department of Alcohol and Other Drug Abuse Services
MATC / OJP 30

- The Medication Assisted Treatment Court:
  - Provide an opportunity for meaningful treatment to individuals suffering from OUDs from the point of incarceration
    - Have a nurse practitioner available to induct into buprenorphine stabilization
    - Provide a continuum of care by having defendants enrolled in treatment in exchange for PR bond.
  - Incorporate Peer Support Specialist Services
  - Provide transportation and connection to housing, employment and other medical needs.
  - Goal:
    - Have as little interruption as possible with the case itself, but
    - Prime the candidates to enter into a drug court program, or remain on probation after having several months of treatment and recovery
  - $900k in federal grant through the BJA OJP – implemented in York County. Divert 30 individuals/year for 3 years
MAT Drug Court

- The Medication Assisted Treatment Drug Court:
  - Incorporate MAT into the drug court program to maximize success
  - Provide PSS to help with accountability
  - Assistance with transportation, housing, access to employment and benefits.
  - Program’s length is in line with best practices for proper MAT treatment.
  - Attention to Mental Health needs – referral to treatment.
- $500k in State Proviso funding
- Partnership is underway with the 16th Circuit Solicitor Office.
- When addiction is treated, communities are safer!
Heroin and CII Narcotics
Heroin spreads

- From larger cities to smaller towns
- Cost $45.00 for one Dilaudid
- Versus $10.00 bag heroin
- Users begin bouncing back and forth
- Or transitioning to heroin all together
- Fentanyl analogues arrive 2012 or so
- 100 grams from China less than heroin
- When mixed “the sky is the limit”
Never Prepared Enough
Pressing plus Fentalogue

- As most fentalogues are similar to other opioids:
- Fentalogue +
- Binder (cellulose) +
- Coloring +
- Die set +
- Machine
- LIMITLESS SUPPLY
Clandestine "pressing"
ILLICIT FENTANYL

• Fentanyl (powder – raw China)
• Into US via Canada, Mexico and mail
• Acetylfentanyl
• Butylfentanyl
• Furylfentanyl
• Cypropylfentanyl
• U47700
• And so on…
FULTON Drug Trafficking
Questions? Comments?

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