

FY2020 Collin County District Attorney Opioid Treatment Program

Program Narrative

Illicit drugs represent significant threats to public health, law enforcement, and national security. Drugs and crime are connected with one study showing eighty-five percent of inmates throughout the nation are substance-involved and illicit drugs are implicated in seventy-five percent of incarcerations. Because of the crimes committed due to the influence of drugs, drug-related criminal offenses, and crimes in which possession of illegal substances is the crime, the role of drugs in crime is extensive and continues to grow.

The Collin County District Attorney Opioid Treatment Program (DAOTP) is a first of its kind District Attorney-led pretrial diversion program to address opioid addiction in the criminal justice system. Historically, addicts charged with crimes have had limited access to treatment, especially medication-assisted-treatment (MAT) combined with cognitive behavioral interventions. However, the DAOTP has forged partnerships with health care and mental health providers and juvenile probation to provide those battling addiction the support, skills, and insight needed to break free.

The DAOTP is a diversion program, whereby a successful graduate receives a dismissal of their criminal charges and an expunction. Instead of replacing an addict's opioid of choice with another opioid, like suboxone or methadone, which also has street resale value and can be addictive, the DAOTP utilizes MAT treatment and Vivitrol, a non-opioid non-addictive injectable medication that does not rely on the individual to daily dose.

The proposed projects seeks to round out the funding needed to administer the DAOTP and to provide participants with the services, medication and counseling needed to address their addiction while also ensuring that their most basic needs are also met.

Problem Statement

The devastating and harmful effects of drug addiction can be felt medically, financially, and legally. For an addict, access to affordable treatment while also navigating the criminal justice system can be overwhelming. Furthermore, when addiction leads to crime and no employment (because of age and inability to work), some addicts seeking treatment are faced with their uninsured status and limited access to treatment options as a main obstacle to recovery. For this reason, the DAOTP has created two paths, one for insured patients, whereby the provider takes all forms of insurance and the participant is responsible for co-pays and the other for uninsured patients, currently funded by MedPro Treatment Centers.

A major obstacle faced creating this program has been funding, ease of access, because the program is so novel. In the area of Opioid substance use disorder, funds are typically allocated to the local behavioral health authorities and health care providers and not directly to criminal justice programs. Furthermore, there are no other programs we can point to similar to this one, except a non-diversion based program in Athens, Ohio, a Medicaid-expansion state, allowing ease of funds for this type of treatment. Initially, the DAOTP partnered exclusively with our Local Behavioral Health Authority (LBHA) to provide services to uninsured participants in this

program. However, the LBHA limited the number of uninsured participant slots for this program to eight only to find out after one participant was in the program that we likely would not have funding for an additional seven participants after all. Furthermore, while federal funds exist and are allocated to MAT treatment using Vivitrol those funding sources are still limited and this medication is not as widely used as its opioid-replacement counterpart's suboxone and methadone.

After locating a new uninsured provider and bringing in two initial participants in the program on the uninsured path, we discovered that there are still recouped costs being incurred in relation to our administration of the program, \$290 per participant per year of treatment, which the uninsured indigent person cannot pay.

For insured patients, copays can get very expensive in a program of this intensity and duration. In addition, several of the young participants only have insurance through their parents, and thereby no other ability to pay. Monthly injections average around \$1,100, and at 15 months minimum time in the program and receiving injections, the total that medication cost is very expensive.

While this program provides addiction recovery services in the way of cognitive behavioral therapies and medication management, it has previously been unable to assist participants in meeting some of their most basic needs. The ability to share or offload some of that burden through funding will only serve to put participants in a better position to engage in addiction treatment services more fully.

Finding reliable housing after incarceration especially for a drug offense can be very challenging. Meeting this basic need has shown to be a growing problem among participants, as recovery requires separating one's former habits and associates from the new healthy habits sobriety requires. The Collin County homelessness rate has tripled in the last two years.

Finally, the need for one fully dedicated Probation Office (Opioid Treatment Officer) to administer the program has proved essential, since the current probation officer is required to divide his attention between the DAOTP caseload, which requires extensive contacts and coordination, and a regular probation caseload.

Supporting Data

Opioid addiction is a long-lasting disease that can cause major health, social, and economic problems. (U.S. National Library of Medicine, Genetics Home Reference)

It is widely accepted that drugs and crime are connected, with the National Institute on Drug Abuse noting three main types of offenses related to drugs: 1) offenses defined by drug possession or sales, 2) offenses related directly to substance abuse (e.g. stealing to get money for drugs, violent behavior resulting from use), and 3) offenses related to a drug-using lifestyle (e.g., skills learned from other offenders, exposure to situations encouraging crime). In their 2010 report, the National Center on Addiction and Substance Abuse at Columbia University showed that 85% of inmates throughout the nation were substance-involved and 65% met the DSM-IV medical criteria for substance abuse or addiction. Additionally, the report noted that alcohol and

drugs were involved in 78% of violent crimes, 83% of property crimes, and illicit drugs were implicated in 75% of incarcerations.

The seriousness of the drug problem in the United States can hardly be overstated. Illicit drugs, as well as the transnational and domestic criminal organizations that traffic them, represent significant threats to public health, law enforcement, and national security. According to the 2018 National Drug Threat Assessment, drug-poisoning deaths are at their highest recorded level and are the leading cause of injury death in the US, outnumbering deaths by firearms, motor vehicle crashes, suicide, and homicide. Drug sales account for billions of dollars in illicit proceeds annually and result in criminal activity affecting public safety from the large criminal organizations who manufacture and transport narcotics to the end users who commit ancillary crimes, such as theft or burglary, in order to finance their “fix”.

Crime rate for the Collin County has increased going from 869.1 in 2015 to 937 in 2017. Additionally, the total volume of index crimes has increased each year since 2015. Collin County Sheriff's Office (CCSO) has received an increasing number of calls for service from 65,536 in 2015 to 80,880 in 2019. The number of illicit drug related offenses investigated by Collin County Sheriff's Office has increased 60% since 2015 (2015 = 205; 2018 = 328).

Recognizing that these issues exist within the criminal justice system was only the first step in building this program. Beyond that initial recognition, it was imperative to develop a framework that could serve all interested individuals, regardless of their insured status. For insured individuals, with long-term recovery services comes high and sustained copays. The current copays our participants are required to pay range from \$20 up to \$250 depending on the service rendered, and that cost becomes prohibitive in a long-term program such as this one.

Of the ten participants admitted to any part of the program since September 2019, seven were insured and three were uninsured. We did have a pause on considerations of uninsured participants while looking for a replacement provider for approximately two months during that time.

The county identified over 668 (families)-experience homelessness-up 30.68% from 2019. The DAOTP will connect those without a place to sleep or live with transitional housing and supportive services. This will play a critical role in assisting to end their homelessness and helping them begin to live healthy and productive lives.

Probation officers typically average \$50k/year plus benefits and oversee approximately 130-150 cases. Their work involves somewhat limited, often only monthly contacts, and minimal coordination with outside resources. However, due to the close coordination and novelty of this project, each DAOTP case requires much more time than a regular probation caseload due to case management and the age of each participant. Contacts with the DAOTP participant will be weekly, if not more at the beginning, but those contacts also extend to monitoring the urinalysis, call-in line and results, weekly and sometimes daily coordination with the treatment provider to ensure that the participant is attending medication management appointments and appointments for cognitive behavioral therapies. One of the probation officer's current DAOTP cases takes the same amount of hours as 10 regular probation cases.

Collin County Sheriff's Office (2015 – 2019).

National Center on Addiction and Substance Abuse at Columbia University (CASA). Behind Bars II: Substance Abuse and America's Prison Population. New York: February 2010. <http://www.casacolumbia.org/articlefiles/575-report2010behindbars2.pdf>.

North Texas Sheriff's Criminal Interdiction Unit (2019).

Texas Department of Public Safety Uniform Crime Reporting Bureau. Crime in Texas (2015 – 2019).

http://www.dps.texas.gov/administration/crime_records/pages/crimestatistics.htm

Project Approach & Activities

The District Attorney Opioid Treatment Program (DAOTP) is a voluntary program for defendants charged with a criminal offense, per the Government Code Sec. 76.011. The DAOTP only accepts certain types of criminal offenses, and each applicant must go through an assessment before he/she will be accepted into the program. Once accepted, defendants must agree to follow all treatment requirements and obligations set forth in their DAOTP agreement. Due to the individualized nature of the treatment provided, there is no set time frame for completion. Some defendants may complete the program in as little as fifteen months, while others may remain in the program for twenty-four months.

The DAOTP will utilize Medication-Assisted Treatment (MAT) through the use of extended-release naltrexone as an alternative to incarceration for appropriate non-violent offenders suffering from opioid addiction. The DAOTP offers eligible defendants a chance to potentially avoid a criminal conviction and other punitive sanctions (including fines, probation, and incarceration), while also providing the tools and education necessary to help defeat addiction and prevent future criminal behavior. Participants in the DAOTP shall progress through four MAT Phases, each with individualized medical and counseling requirements, in their recovery journey.

Failure to successfully complete any phase requirement may result in sanctions determined appropriate by the DAOTP administrators. Possible sanctions include, but are not limited to the following:

- Increased phone calls/office visits with DAOTP administrators and/or treatment providers;
- Demotion to a previous Phase until released by DAOTP administrator and/or treatment team;
- Increased participation in treatment options, such as inpatient treatment or sober living;
- Increased drug and/or alcohol screenings;
- Additional community service requirements; or
- Removal from the DAOTP.

Capacity & Capabilities

The mission of the District Attorney Opioid Treatment Program is preventing crime and increasing public safety by holding eligible defendants accountable while providing the resources, skills, community-relationship building, and education needed to break the often-

recurrent cycles of addiction and crime. The office employs 137 lawyers, investigators, and staff to fight and prosecute crime in a fearless, just, and ethical manner.

District Attorney's Office – One prosecutor assigned to develop and administer the DAOTP reviews cases for intake, coordinates with probation officer and treatment teams, and handles all criminal case aspects of prosecution including creating bond and program agreements, filing cases and notices of admission, and filing motions to hold bond insufficient where appropriate.

Probation Officer– One probation officer (Opioid Treatment Officer) assigned to the DAOTP caseload coordinates with prosecutor, medical and counseling providers, and call-in UA system. Maintains frequent phone and in-person meetings with participants.

MedPro Treatment Centers – currently seeing uninsured patients for injection, medication management, and counseling. Also administers UAs and coordinates with prosecutor and probation officer regarding needs of each participant.

Prime Psychiatry - currently seeing insured patients for injection, medication management, and counseling. Also administers UAs and coordinates with prosecutor and probation officer regarding needs of each participant.

Exult Healthcare- currently seeing insured patients for injection, medication management, and counseling. Also administers UAs and coordinates with prosecutor and probation officer regarding needs of each participant.

Performance Management

Goal: Deliver MAT services to individuals with cases in the criminal justice system

Objectives:

1. Ensure minimum of 95% of participants seeking assistance, deemed eligible for the DAOTP and committed to recovery are served.
2. Demonstrate maximum 10% increase yearly in participant enrollment.
3. Graduate 15 from project by 3rd year.

Measures:

1. Provide assistance services to 30-50 participants (over the course of the three years).
2. Provide case management and advocacy for 30-50 participants (over the course of the three years).
3. Provide advocacy and assistance for participants.
4. Provide treatment referrals for 50-60 individuals (whether ultimately accepted into the DAOTP or not) (over the course of the three years).
5. Assist 30-50 participants with developing plans (over the course of the three years).

Client outcome measurements will be used to establish and evaluate the program's progress in achieving service goals. The Probation officer will analyze the outcomes and an action plan will be developed and implemented as needed to ensure that objectives are being met. Collin County also agrees to work closely with a researcher selected by BJA to conduct site-specific or cross-site evaluation in future years.

Target Group

Participant population – those opioid-addicted individuals who have been arrested or charged with a non-violent criminal offense in Collin County, who have no previous violent offenses or arrests, who are not possessing any substances with intent to deliver, and who are interested in this program to address their addiction. Participants are identified as early as arrest, in order to provide treatment and intervention at an early stage. The DAOTP also collaborates with law enforcement to assist in identifying appropriate individuals for the program. Participants are not required to be Collin County residents.