



Pregnant Women in Jails & Opioid Use Disorder

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Presentation Breakdown

Level-Set

Nexus Between
Pregnancy, the Justice
System and Opioid Use
Disorder (OUD)

State Legislatures &
Justice System
Stakeholders

Women represent the fastest growing corrections population in the United States.



2x = the rate women's incarceration has grown compared to men.

Women are disproportionately housed in local jails relative to the total incarcerated population (individuals in both jails and prisons).



Image courtesy of the Prison Policy Initiative

700%

Increase in
incarcerated women
from 1980 to 2019

2,019,900

Number of women
jailed each year

80%

Percent of jailed
women who are
mothers

55,000

Number of pregnant
women who enter
U.S. jails annually

What We Know

Mental health, SUD, or both.

- Majority of women in jail had at least one assessed mental health disorder in their lifetime.
- 1 in 4 women met criteria for serious mental illness, post-traumatic stress disorder or substance use disorder.

Higher rates of mental health issues compared to men.

- In local jails, 23% of women reported being diagnosed with a mental health disorder in the last 12 months, compared to 8% of men.

Nonviolent, low-level offenses.

- Davidson County, TN: 77% of the women were arrested for property or drug possession misdemeanors; the most frequent charge for all the surveyed women was failure to appear.
- Tulsa County, OK: 58% most serious offense was a municipal or misdemeanor offense; 43% had no prior arrests.

What We Know

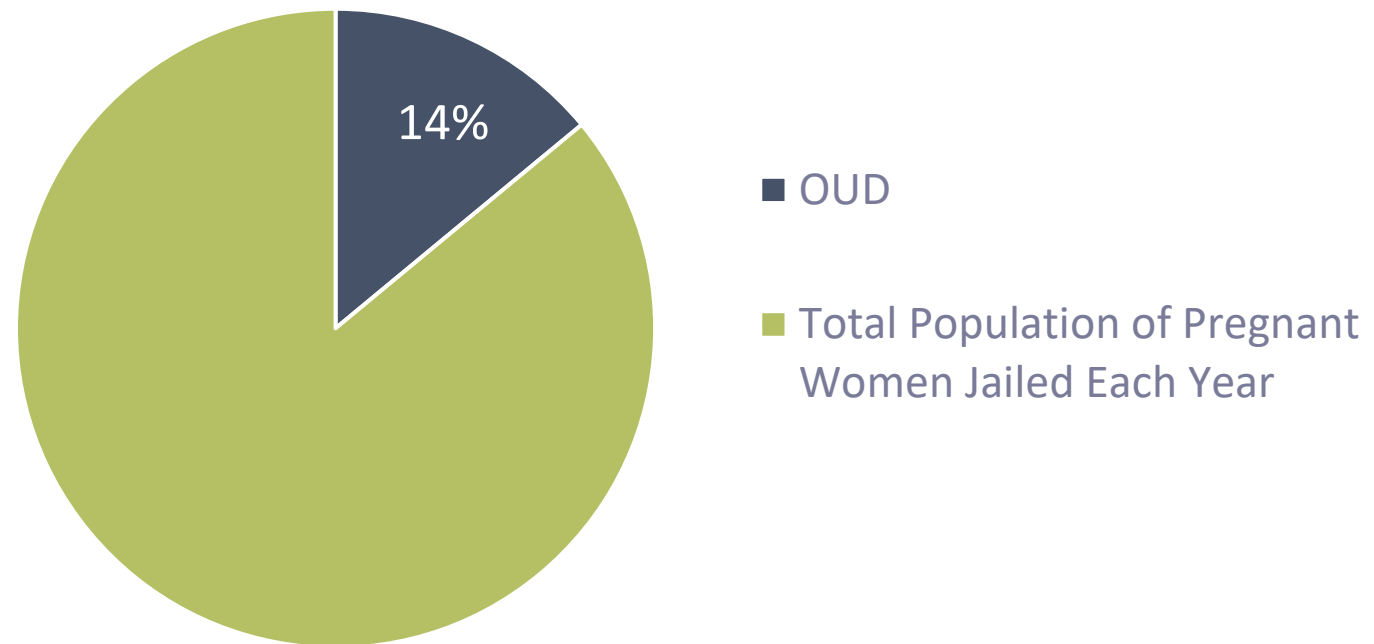
Women have inherently unique and different pathways into the criminal justice system and therefore, require different services and responses.





Pregnant, Justice-Involved Women & Opioid Use Disorder

Pregnant Women with Opioid Use Disorder in Jails



OUD, Jails, and the Standard of Care

Treating Opioid Use Disorder (OUD)

- Methadone or buprenorphine is considered the standard of care for pregnant women.
 - MAT = medication-assisted treatment
 - MOUD = medications for opioid use disorder
- American College of Obstetricians and Gynecologists: opioid agonist pharmacotherapy preferable to medically supervised withdrawal.

Sufrin, et al. (2022)

- 60% of jails provided MOUD if it was initiated prior to the pregnant individual entering the carceral setting.
- 32% of jails initiated medication assisted treatment for pregnant women during confinement.
- 23.8% of jails continued medication assisted treatment postpartum.
- Treatment in jails is inconsistent.

The Whys

Why MAT or MOUD?

- Fetal and maternal health.
 - Risk of neonatal opioid withdrawal syndrome, poor fetal growth, preterm labor, fetal convulsions and fetal death.
- Decrease risk of overdose death upon re-entering the community.
 - Overdose is the leading cause of death following incarceration.
 - 642% for women compared with 439% for men.
 - Rhode Island: 2019 retrospective analysis → 60% reduction in post-release overdose deaths after implementing MAT programs.

Why not?

- Medication diversion.
 - Concern among some jail administrators that OUD medication can be sold within the carceral setting.
- Provider availability.
 - Healthcare professionals able to serve those with complex treatment needs (not every provider can prescribe MAT or MOUD).
- Cost.
 - \$115 per person per week = average cost of providing methadone to justice-involved individuals.
- Length of stay.



State Legislatures & Justice System Stakeholders

Responding to This Population

- Local justice and utilization of jails.
- Tailoring existing policies.
- Widening the scope and adopting solutions as well as innovative programs to address the specific needs of women.



State Laws

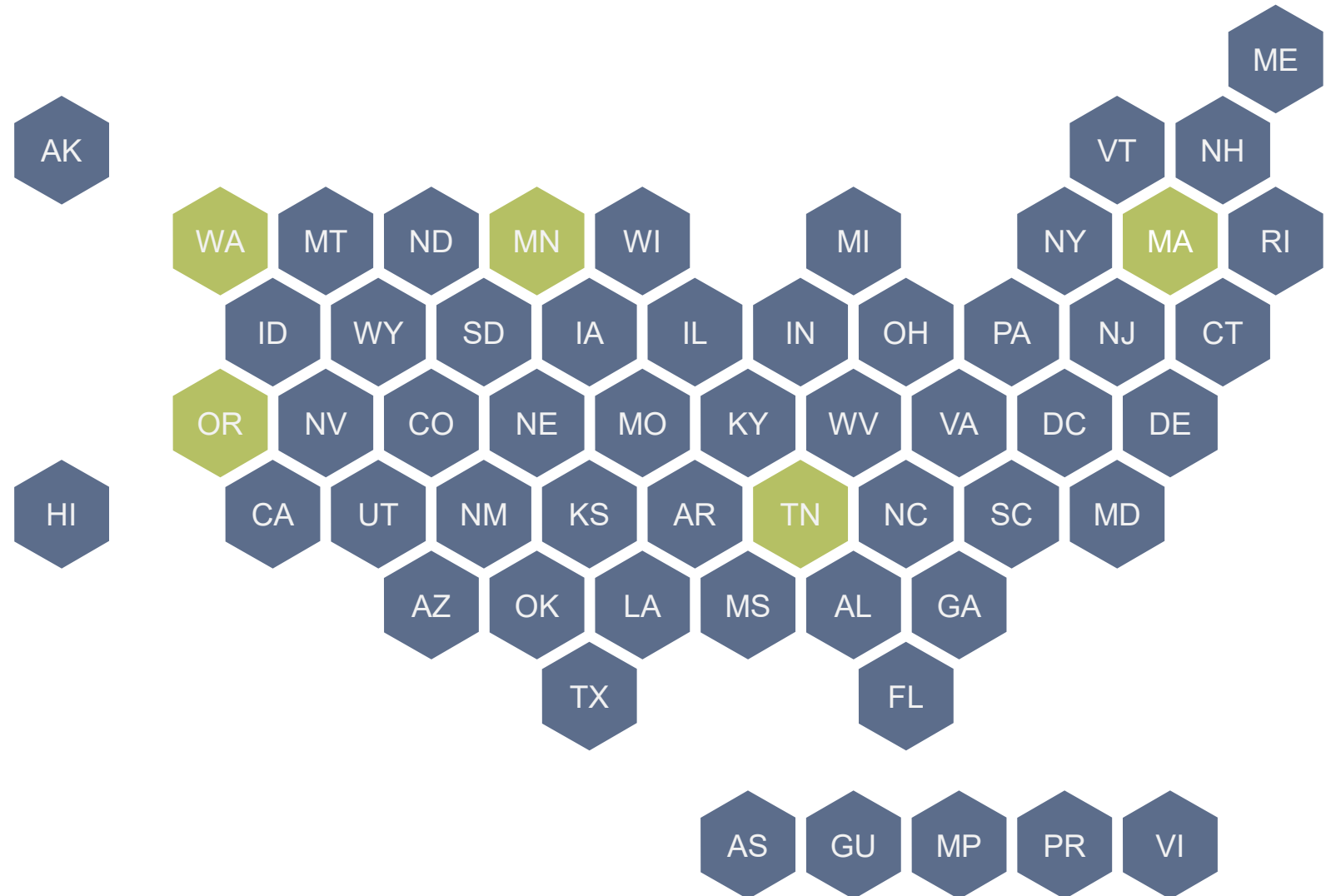
From 2019 to 2021, at least 14 states introduced and passed legislation pertaining to treatment of pregnant women in jails.



State Laws

Community-based sentencing

- Alternative to incarceration for parents of dependent children who are convicted of a crime.
- Strong relationships with family and children has a correlation with decreased arrest rates for women.



- Parenting Sentencing Alternative (PSA)
 - 2010; Substitute Senate Bill 6639
 - Judges can waive a term of incarceration and impose 12 months of community supervision that includes programming and treatment.
- Initial findings show these laws work.
 - Study of Washington's PSA program → participants were 71% less likely than those in a control group to be convicted of a new felony in the 2 years following discharge from the program.
- Fiscal Note (FY 2011):
 - ≤ \$ 50,000 for additional judicial staff hours and general operational costs for sentencing hearings.
 - ≈ \$145,000 for additional staff hours secondary to increased case loads for Department of Social and Health Services → children's administration, mental health, medical assistance.
 - Split between state and federal general funds.



Washington

Community-based sentencing

- Primary Caregiver Bill (PCB)
 - 2019; HB 1449/SB 985
 - Bi-partisan bill.
 - Requires courts to determine eligibility for sentencing alternatives.
 - Examples: drug and alcohol treatment, financial literacy courses, or parenting classes.
- Fiscal Note (FY 2019):
 - Average daily operating cost per individual = \$73.18.
 - Decrease state incarceration costs by at least \$267,290
 - Derived from assuming at least 10 primary caregiver parents will be convicted of a nonviolent offense each year.
- Costs covered by funds allocated to Department of Corrections.



Tennessee

Community-based sentencing

Treatment While Incarcerated

- California AB 653 (2021)
 - Medication-Assisted Treatment Grant Program.
 - Board of State and Community Corrections to award grants to counties to establish MAT programs in jails or in the community.
- Colorado HB 1326 (2022)
 - Mandates county jails to provide MAT by 2023.
- New York SB 1795 (2021)
 - MAT must be offered to justice-involved individuals in jail when clinically indicated.
- Oklahoma SB 1047 (2021)
 - Appropriates funds for 5 pilot programs to provide MAT in county jails.



Thank You!

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Resources

Barbosa-Leiker, Celestina, et al. “Opioid Use Disorder in Women and the Implications for Treatment” (October 2020; <https://onlinelibrary.wiley.com/doi/10.1176/appi.prcp.20190051>).

Bertram, Wanda and Sawyer, Wendy. “Prisons and jails will separate millions of mothers from their children in 2021” (May 2021; updated 2022; <https://www.prisonpolicy.org/blog/2021/05/05/mothers-day-2021/>).

Green, Traci C., et al. “Postincarceration Fatal Overdoses After Implementing Medications for Addiction Treatment in a Statewide Correctional System” (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5875331/>).

Horn, Brady P., et al. “The economic costs of jail-based methadone maintenance treatment” (July 2018; <https://pubmed.ncbi.nlm.nih.gov/30024783/>).

Ney, Becki and Martin, Teri K. “Using Jail Exit Surveys to Improve Community Responses to Women Offenders” (December 2005; <https://s3.amazonaws.com/static.nicic.gov/Library/020853.pdf>).

Lynch, Shannon M., et al. “Women’s Pathways to Jail: The Roles & Intersections of Serious Mental Illness & Trauma” (September 2012; https://bja.ojp.gov/sites/g/files/xyckuh186/files/Publications/Women_https://bjs.ojp.gov/content/pub/pdf/mhppji.pdf). [Pathways to Jail.pdf](https://bjs.ojp.gov/content/pub/pdf/mhppji.pdf)).

Sufrin, Carolyn, et al. “Opioid Use Disorder Incidence and Treatment Among Incarcerated Pregnant People in the U.S.: Results from a National Surveillance Study” (March 2020; <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7483586/>).

Sufrin, Carolyn, et al. “Availability of Medications for the Treatment of Opioid Use Disorder Among Pregnant and Postpartum Individuals in US Jails” (January 2022; <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2788243>).

Sultan, Bonnie and Myrent, Mark. “Women and Girls in Corrections” (November 2020; <https://www.jrsa.org/pubs/factsheets/jrsa-factsheet-women-girls-in-corrections.pdf>).

Teigen, Anne. “Conditions and right for Women in Jails” (January 2022, https://www.ncsl.org/Portals/1/Documents/cj/women-in-jails_web_final.pdf).

United States Department of Justice. “Mental Health Problems of Prison and Jail Inmates” (September 2006; ; <https://bjs.ojp.gov/content/pub/pdf/mhppji.pdf>).



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