



# 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.

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

2,019,900 women are jailed in the U.S. each year

80% are mothers

■ one square = 1,000 women in jail

PRISON  
POLICY INITIATIVE

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

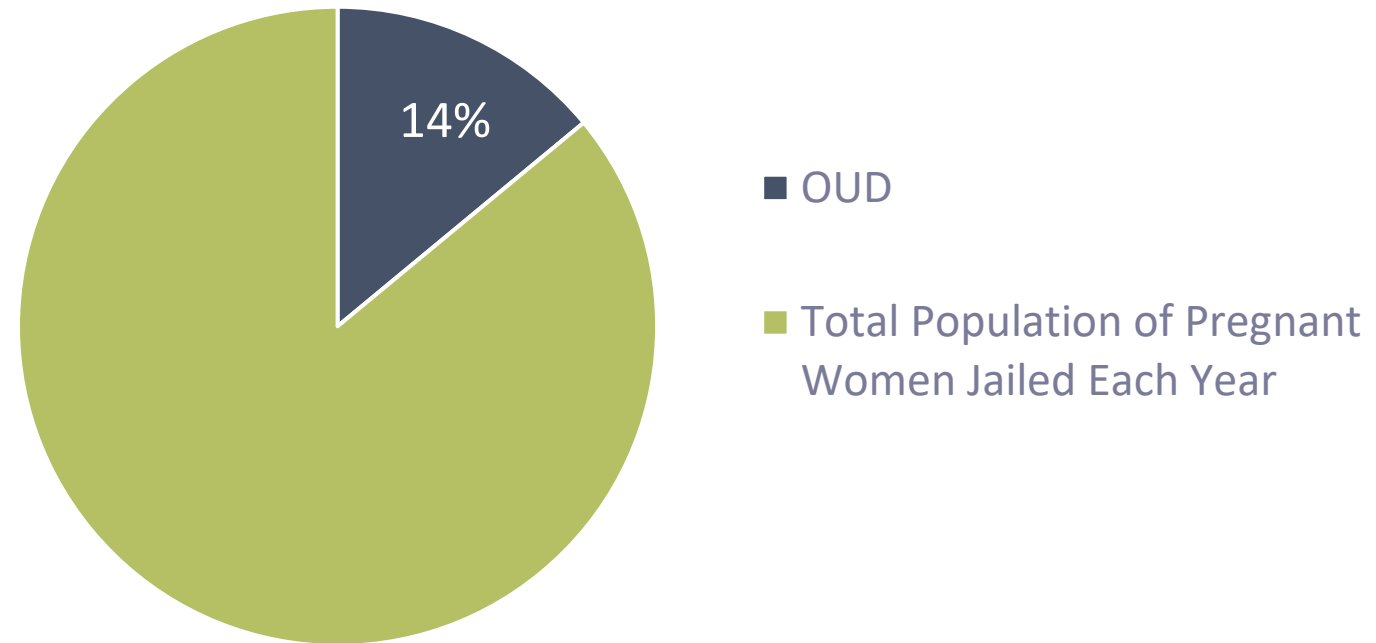
Women have inherently unique and different pathways into the criminal justice system and therefore, require different services and responses.





# 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?

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- 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?

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- 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

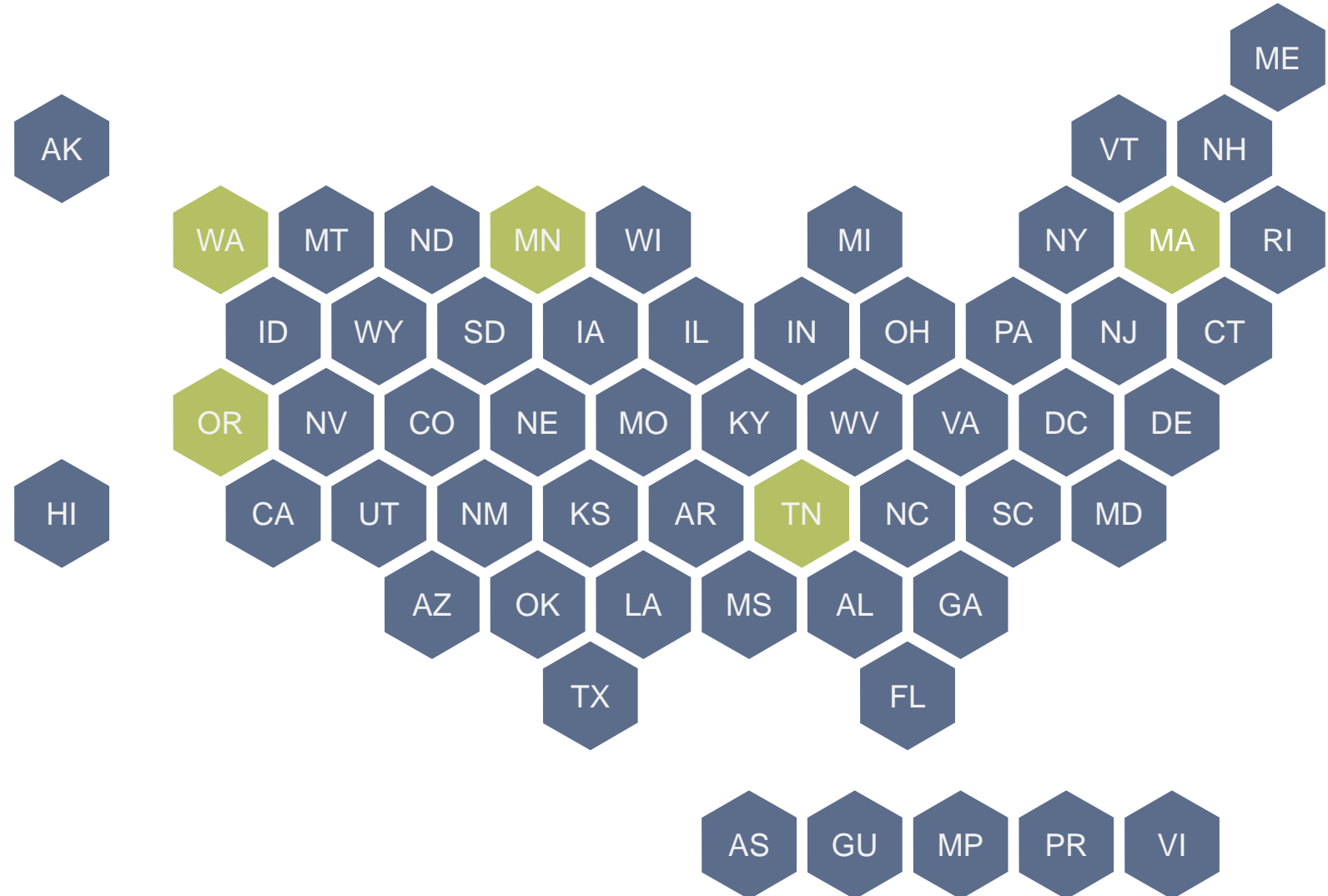
From 2019 to 2021, at least 14 states introduced and passed legislation pertaining to treatment of pregnant women in jails.



# 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

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