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Female VO:

The Substance Abuse and Mental Health Services Administration presents the *Road to Recovery*. This program aims to raise awareness about mental and substance use disorders, highlight the effectiveness of treatment and recovery services, and show that people can and do recover. Today's program is *The Road to Recovery 2016: Criminal Justice System Involvement: The Role of Mental or Substance Use Disorders*.

Ivette:

Hello, I'm Ivette Torres and welcome to another edition of the *Road to Recovery*. Today we'll be talking about the criminal justice system and the role of mental or substance use disorders. Joining us in our panel today are Christopher Poulos, Juris Doctor Candidate 2016 at the University of Maine School of Law, Portland, Maine; Cynthia Moreno Tuohy, Executive Director at The Association for Addiction Professionals and Author, Alexandria, Virginia; Mary Lou Leary, Deputy Director of the Office of National Drug Control Policy, Washington, D.C.; John McCarthy, State's Attorney for Montgomery County, Maryland, Rockville, Maryland. Mary Lou, why is it important to address issues of mental and substance use disorder within the criminal justice system?

Mary Lou:

Ivette, it's very important because there are so many people involved in the criminal justice system who do have substance use disorder or mental health disorders. There about 23 million inmates in this country, for example, and two-thirds of them have a substance use disorder or a mental health disorder. The system itself whether you're starting with your very first contact with law enforcement on up through release, probation, parole, etc., there are opportunities at every point along that continuum to intervene and to give assistance to these folks. We always want the criminal justice system—our goal is to make the system fair, efficient and effective. It's not fair, it's not efficient and it is not effective to ignore these disorders. We have an opportunity to provide treatment and assistance to these people. And in addition, we benefit because we know from research that when people do get treatment and assistance throughout the continuum of criminal justice, we have lower rates of recidivism, we have lower rates of relapse when people are released from the system.

Ivette:

Very good.—Cynthia, let's talk about the families. What impact does the criminal justice system engaged individuals have on the family?

Cynthia:

When you have a family involved, a person who has offended and been put in prison or in let's say a county jail, what happens is this abandonment that happens in the family system, so the children aren't sure anymore what to do.

There's a question of financial security particularly if that person was working and bringing home the paycheck. What happens to dollars, what happens to family security, what happens to your reputation in the neighborhood if you're a young person, what happens to your reputation in school, and then where is your connection. So how do you feel connected with that person who is now in prison or the county jail? How do you stay connected and how do you feel like you have a place in the community now that's more normalized.

Ivette:

Mary Lou, I also want to touch on as we're talking about the population overall that is engaged in criminal activity and with the justice system. Are there differences in ethnic, racial and gender issues that we need to address in this country?

Mary Lou:

Oh, yes, absolutely there's tremendous disparity in the criminal justice system and if you look at the incarcerated population, African Americans are five times more likely to be incarcerated than Caucasians. It's a huge disparity and Hispanics are twice as likely as whites to be incarcerated. That does not reflect the actual perpetrators of crime, the racial ethnic identify of folks who actually commit crimes. It's just the incarceration. So we have a big issue here and there are many factors that contribute to that but we can't ignore that. We really need to address it.

Cynthia:

And one of the big factors that affects that is poverty, so when you have people in poverty, living in poverty, lack of job or job skills, you're finding more offenses done because they're looking to survive and they're looking to find a way to do that. So in terms of correcting that, you've gotta look at that whole community system and what we're doing to help with that transition so that that doesn't continue to occur.

Ivette: Christopher

Christopher:

Say you're a juvenile that lives in a middle class or upper middle class neighborhood suburb, then there will be a much different experience. Chances are you will not even have interaction with law enforcement if you, for example, are smoking marijuana. Whereas if it's a neighborhood where they're constantly patrolling by people, there's actually different types of enforcement in different neighborhoods and economics and race have a big role in that.

Ivette:

Absolutely and I want to get back to that during our next panel. We'll be right back.

[Music]

[Drumming]

Female VO:

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Male VO:

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Ivette:

John, in terms of the systems that you're engaged with, does the drug court system, and explain a little bit of what that is for our audience, does that help to mitigate some of these imbalances in how individuals are treated by the courts?

John:

Well, we've had a drug court in Montgomery County for about ten years now. We've had 17 graduating classes of individuals who have gone through our drug court and drug court is not an easy way out. It's an alternative to incarceration. We are taking hardcore repetitive criminal offenders and we're diverting them generally for up to two years. Changing human behavior addiction issues is not simple. It usually doesn't happen, there's no magic bullet for turning these people around but with our drug courts after about two years, and the problem with most of these rehabilitation programs from my standpoint is they're just simply too short. They're not long enough to change the chemical imbalances in the brain and get the people to change their behavior, to change their associations of people who lead them back to drugs or alcohol. That's been the success of it and it's a diversionary program and we meet regularly. It's an intensive weekly program. Actually, another thing that we do is we run our drug courts at night. These are voluntary programs run by judges who come in at night and the reason we do it at night is because we want to make sure that the people that we are treating, while they remain in the community, can get employment. So if you run these drug programs or these diversionary programs during the daytime, what you're actually doing is almost self-defeating because the reality is—

Ivette:

You're interrupting the activities of daily living.

John:

They can't make a living. So our programs all begin at six o'clock at night and it just makes more sense because then you can go to work, feed your family, and

we do it in the evenings and that has been a magic bullet for us to stabilizing the work as well as the individual.

Ivette:

So Cynthia, we've talked about what some of the opportunities are through the drug courts, and for those individuals that didn't have that opportunity, in other words, that are within the system already, can you talk a little bit about the benefits of providing them with treatment while they're incarcerated?

Cynthia:

It is really helpful to provide treatment in incarceration. Part of that is so that they can begin right at that time to start changing their brain patterns. So we know that the limbic system is very engaged when they're using alcohol and drugs and that limbic system does not change just because you're incarcerated. In fact, it pushes the limbic system to be more active; that survival, that fight or flight is gonna kick in. So if they're not learning while they're in that incarcerated situation how to change their brain and their thought pattern, then when they get released and they have more stress getting released and fear of transition, then it kicks in even deeper and that triggers the relapse. So oftentimes we don't use the brain research that we know today to help people in transition or to help them when they're incarcerated. There are some prison systems that are doing wonderful work with working with the people incarcerated, teaching them how to change their brain, teaching them how to be peer helpers within the prison, helping other people to do that so that what it does is it continues to help them stay in that thought process and their cognitive thought process versus their limbic thought process.

Ivette:

Christopher, in your experience when you were going through the justice system, what could've made your exit more solid and successful in terms of reintegrating you to the community?

Christopher:

First off, I think—and this kind of addresses your earlier question about what could be done for people that are incarcerated, and I think comprehensive reentry plans need to be developed when the person is sentenced, or earlier, this process needs to begin. And people returning from prison need to be treated as returning citizens rather than ex-cons. My view is that once you've paid your debt to society it should be paid. When I was sentenced, the judge didn't say, by the way, you may not be able to vote in some states, you may not be able to find employment or housing for the rest of your life. That wasn't part of the plea agreement and that's not what this country stands for.

Ivette:

When we return, I really want to follow up on that and really talk about also getting to the whole issue of justice reform because what you're talking about is

offering opportunities for individuals to reenter into their community life and to find gainful employment, to find housing. Education is yet another area where someone who's been in the justice system is also affected. So we'll be right back in order to continue our conversation.

[Music]

Female VO:

The Adult Drug Treatment Court in Grand Haven, Michigan was established to provide evidence-based treatment services for adjudicated persons who struggle with drug and alcohol addiction in Ottawa County. The mission of the ADTC is "to promote recovery and reduce criminal activity." In order to facilitate this mission, the staff places a high priority on staying abreast of best-practices in substance abuse treatment and incorporating those practices into their everyday interactions with ADTC participants.

Andy Brown. Drug Court Coordinator, 20th Circuit Court. Ottawa County, Michigan.

Andy Brown:

Our drug court works with non-violent felony offenders who have acute substance use and/or mental health disorders. The average participant in our program has 2 felonies and 10 misdemeanors on their record, so they are individuals who have been through our criminal justice system a number of times before, and jail and prison simply hasn't worked or helped solve the problem.

Female VO:

Priscilla Shafor. Recovery Coach, 20th Circuit Adult Treatment Court- Ottawa County, Michigan.

Priscilla Shafor:

Participants when they come to the drug court, some of them are in denial about how bad their alcoholism or drug addiction is.

Female VO: Andy Brown.

Andy:

We really focus on targeting individuals who are highest risk and highest need and getting them into the appropriate treatment programs and getting them involved with the appropriate supports to make changes in their life and the community.

Female VO: Priscilla Shafor.

Priscilla:

So I've seen the roadblocks, I've seen the vicious cycle of people coming back, so my role as an advocate or recovery coach is to help people to meet them where they're at and try to assist them to build them up, and basically what I say is, "How can I help you help yourself?", and I will do my best to find the resources to help someone.

Female VO: Andy Brown.

Andy:

For our drug court, it's important that we incorporate evidence-based treatment practices and operate in accordance to the best practice standards that the National Association of Drug Court Professionals has articulated.

We view ourselves as an accountability program not a punishment program. So it's accountability to the requirements of the court and it's accountability to a treatment plan, and that's what we really bring together during a court hearing and when we are working with and evaluating our participants' progress.

Female VO: Priscilla Shafor.

Priscilla:

The drug court is fair. They, we, do everything in our power to make people successful.

Female VO: James, a person in recovery.

James:

Everybody in the program that I came across was all on my side to be successful and supportive, no one wanted me to fail.

Female VO: Andy Brown.

Andy:

A person who has been in our drug court, whether they complete it successfully or not, is 98% less likely to have been arrested 1 year after they were discharged from our program, 3 years out, 73% less likely to have been arrested.

This work means everything to me. I absolutely love my job and working in the criminal justice system I feel this is one area where we are really able to have a positive impact on people's lives and to see that impact not only in the short term but in the long term through the relationships that we develop and maintain with our participants and our graduates.

Female VO: Ivette Torres.

Ivette:

Mary Lou, in our last panel Christopher was mentioning the need for more reform in terms of individuals that are coming out of the system to be able to gain housing, to be able to gain education, to be able to reintegrate into the community at a faster rate, and I suspect there are other areas where reform is also necessary. Can you speak to what the administration is doing in terms of taking a look at the criminal justice system and creating reforms that are gonna be cost effective and quite frankly more accommodating to really putting individuals back into our communities.

Mary Lou:

This is an extraordinary moment in time because you have bipartisan recognition that we can't incarcerate our way out of this problem. States can no longer afford to just keep building prisons and incarcerating more people. We simply can't afford it, and moreover, there's a recognition that it doesn't work. Folks come out and within 2-3 years they're right back into the system. So there's a collective recognition we need to take a different approach. What we've been doing for decades does not work. And in the words of former Attorney General Eric Holder, we need to get smart on crime and that means being fair, being just and looking at the consequences down the road.

Ivette:

So there's one level which is the federal level, there's also the local level, John. What changes have taken place and what changes need to take place even further thus far in terms of reforming the system?

John:

I think a lot of states including my own state are beginning to look at mandatory minimums for drug offenses. I think that that's a challenge and I think that's a debate that's happening in state legislatures everywhere based on the directive from Mr. Holder. You would not have an opportunity to look at the individual person or the background of an individual and I think this is what offended judges. I don't think judges ever wanted to be hamstrung with mandatory sentencing. I think they wanted to be open and be allowed to consider the full span of potential options with an individual— So I think there's an examination going on in many states about whether or not they're appropriate for non-violent crimes, minimum mandatories are important. And we have some other kinds of things, problem solving courts are being established all over the United States.

Ivette:

What are those?

John:

Problem solving courts are things like—we've talked about this briefly in an earlier portion—drug courts are an alternative to incarceration, they're an alternative to locking someone up and we tried to, through creative means, tried to deal with an individual who's been all too often in our system. Mental health

courts. We are in the process of establishing mental health courts at both levels of our courts in Montgomery County. We had eight individuals, just to give you an example of how the system is broken, we had eight individuals last year that came through our jail collectively 250 times. Their core issue is mental health issue. We saw them, eight people we saw 250 times. Now, I've gotta believe that we can do a better job. We have failed those people. And unfortunately, the other thing that frightens me sometimes is if you do not deal with a mental health issue the first time you see someone at a very early age coming into the criminal justice system, these things can escalate into more serious crimes. I've heard this said oftentimes with people in terms of the reentry program; everybody is coming back into our communities. That's the functional reality. We don't lock up many people for a very long time. The charge then therefore is how best can we make that person in a position where they're gonna have jobs and housing, and with the mentally ill a sustainable medication program because I think it's the fair to maintain medications that's really important.

Ivette:

And we also, John, need to look at peer support, correct Cynthia? I mean this is—I think you were getting at that. That in essence a complete 360 of the best possible reentry programs really take into account having a peer perhaps or someone that's been through the system and has reintegrated already sort of lead the way for the person who's coming out.

Cynthia:

I think the peer support is important for the person who has been incarcerated and for the family because it's a tough walk. So if they're getting that peer support and the other piece to this reform is community enhancement. Many of the people are from communities that are low income. If we're not doing community enhancement, poverty reduction, then we're gonna continue to see this because it's more than the mental health issue, it's more than the substance use disorder, it's also the lack of opportunity for income.

Ivette:

I want to come back to Christopher right now and have him address the issue of-let's go back to federal versus state. In your state of Maine, for example, what can citizens do to really begin to advocate quite frankly for the changes that need to be made particularly for the young people that you're seeing in terms of what should they be asking for that the system provides for the youth?

Christopher:

What we need and what we need to ask for is a balanced approach to drug policy that emphasizes not only supply reduction but demand reduction. That's been done at the federal level. So ONDCP, for example, has an entire department for demand reduction, a branch for recovery that should be implemented at state and local levels as well, and citizens at the citizen level can talk to their local representatives, talk to their elected officials, talk to the

prosecutors and advocate for themselves for their families that have been affected by these issues. There's all sorts of programs right now that are happening at the state level, the local level and the federal level to address criminal justice, policy reform, and I've worked in each of those areas whether it's sentencing reform, the one thing about the moment, everyone is talking about how we are in this moment. What we need to find out is how we can turn this moment into a sustainable movement because any changes in Congress frankly are only going to nip around the edges of mass incarceration. We have 2.2 million people incarcerated. It's great that we're starting with low level non-violent drug offenders. Not going to make a huge dent in the population. We have to look at the length of sentences. There are so many things after—you know, why 27 years instead of 20? What's occurring between year 20 and year 27 that has not occurred prior to that. It actually becomes counterproductive.

Ivette: We'll be right back.

[Music]

Male VO:

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Female VO:

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Female VO: Ivette Torres.

Ivette:

Welcome back. Mary Lou, let's talk a little bit about how are communities going to be able to handle, or not, all these individuals that are reentering society that are going to be released?

Mary Lou:

Well, it's a challenge, that's for sure. Folks are getting released not to come back and prey on the community. They're being released because they're non-violent offenders who have served a lengthy sentence and the assessments that we have done show us that these people are not dangerous. Now, they will have needs and the community needs to anticipate that. So, for instance, if private nonprofits, private industry and government agencies can come together to pool their resources to provide whatever they can to help support these individuals who are coming back to the community, so for instance, jobs, housing, treatment critically important.

Ivette:

That absolutely makes sense. I know that SAMHSA has quite a number of programs that are dealing with reentry issues and they can be found online, but any other particular programs, Christopher, that you think communities can avail themselves to if they are looking for model programs?

Christopher:

Absolutely. First of all, the most important thing is I've found that if you treat a human being as a human being, they will often behave as a human being. By people reentering—when I reentered society, by finding people who welcomed me back in as a returning citizen, as a community member, that made me want to be a returning citizen, want to be a community member. So that's essential. It's a full community-based holistic approach to these issues. Michigan is a great example on reentry. The Michigan Prisoner Reentry Initiative takes a holistic approach that begins when the person is sentenced. They have steering teams with 17 specific areas where they look at where it's coordinated based on the individual's characteristics, the individual's risk assessment and it's a coordination between local and state entities that involves everyone from community leaders, faith leaders, counselors, peer recovery, organizations such as Young People in Recovery which is a national organization that I'm part of, and we create recovery ready communities.

Ivette:

So we'll make those your final thoughts. Cynthia, final thoughts?

Cynthia:

I think it's all about communication. You know, people communicating at the forefront, during and after whatever the situation is. Communication and strategically thinking. Not just reacting but actually taking time to put thought and order into a situation.

Ivette:

Mary Lou, any final thoughts?

Mary Lou:

Yeah. I would echo John's remarks about base what you do on what you know. For instance, apply the social science research to the way you treat individuals coming into the criminal justice system. But I would also be very careful to note that we have to pay attention to the hard science as well because we know from hard science that substance use disorder, for instance, is a chronic disease of the brain. It's not a moral failing, it's not because you are a weak person. You have a chronic disease. What does that mean? That means that it alters the way the brain functions. It means you're gonna have relapse. It's part of the disease like diabetes, heart conditions and so on. When you think about that with other individuals who have chronic diseases, we don't tell them just make yourself better, you're on your own. No. We reach out, we help, we provide

medication for treatment. We need to be doing the same thing with substance use disorder.

Ivette:

Very good. Thank you. John?

John:

Stop using your local jails or jails as mental health facilities. That's the challenge. Since we de-institutionalized the mentally ill beginning with Thorazine like in the early 60's, we've dumped people on the streets. We've never correspondingly put together drug reporting centers. One of the advocates in my community said, look, you want to help my clients, and she's an advocate for the mentally ill, into the community, says just give my clients their medication. Have a giveaway center give away their medication. A lot cheaper than arresting them and incarcerating them. Stop using your local jails as mental health facilities.

Ivette:

Great final thoughts. I want to remind folks that September is **National Recovery Month**. You can go to our website at recoverymonth.gov and learn everything you need to know to put on events for 2016. This has been a great show. Thank you very much for being here.

[Music]

Male VO:

To download and watch this program or other programs in the *Road to Recovery* series, visit the website at recoverymonth.gov.

[Music]

Female VO:

Every September, **National Recovery Month** provides an opportunity for communities like yours to raise awareness of mental and substance use disorders, to highlight the effectiveness of prevention, treatment and recovery services, and show that people can and do recover. In order to help you plan events and activities in commemoration of this year's **Recovery Month** observance, the free online **Recovery Month** kit offers ideas, materials, and tools for planning, organizing, and realizing an event or outreach campaign that matches your goals and resources. To obtain an electronic copy of this year's **Recovery Month** kit and access other free publications and materials on prevention, recovery, and treatment services, visit the **Recovery Month** website at recoverymonth.gov, or call 1-800-662-HELP.

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END.