

Erica Marshall
Executive Director
Idaho Justice Project
emarshall@idahojusticeproject.org

By email

Members of the Idaho Behavioral Health Council
IBHC@dhw.idaho.gov

June 30, 2023

Re: Idaho Opioid Settlement Fund Recommendations

Dear Members of the Idaho Behavioral Health Council:

Thank you for seeking public input regarding the prioritization of expenditures from the state directed Opioid Settlement Fund. As millions of dollars flow to states and localities across the country, it is imperative that the communities disproportionately harmed by the overdose crisis and opioid use guide decision-making about how such funds can be most effectively spent to improve lives.

Idaho Justice Project is a nonpartisan nonprofit that elevates system-involved persons, in partnership with citizens, nonprofits, justice stakeholders, and government officials, to improve Idaho's justice system using organizing, public education, collaboration, and advocacy. Our guiding principles are to reduce the size of the criminal legal system, its cost, and the number of people in the system. In this regard, Idaho Justice Project envisions an Idaho with fewer people in prison and more people thriving in the community after accessing the mental health or substance use disorder treatment they need.

In partnership with feedback received from community members, Idaho Justice Project asks the Council to recommend to Gov. Little and the Joint Finance-Appropriations Committee that State Opioid Settlement Funds be used to: (1) increase access to **community-based treatment** and comprehensive **wrap-around services** (including housing, peer support services, counseling, transportation, education, job placement, and job training) for individuals with Opioid Use Disorder (OUD) and/or any co-occurring Substance Use Disorder (SUD) and Mental Health (MH) conditions, (2) prioritize **prevention** through public education and investment in communities most at risk, and (3) expand opportunities for evidence-based **medical treatment in criminal justice settings**, including Medications for Opioid Use Disorder (MOUD) and other forms of Medically Assisted Treatment (MAT) as guided by qualified medical professionals.

These recommendations could help effectively reduce the number of people in Idaho's justice system over time while simultaneously strengthening families and communities. Right now, the criminal justice system in Idaho is full of individuals directly impacted by substance use disorder and mental health challenges. According to the most recent Bureau of Justice Statistics Prison Population report, **Idaho is the only state in the country where the most people in prison as of**

Dec. 31, 2020 were incarcerated for a *drug* offense, rather than a *violent* offense.¹

Additionally, this report shows that:

- Idaho had the fourth highest rate of incarceration for adults (18 and older),² and
- Idaho had the *highest* rate of incarceration for women. The women’s incarceration rate of 127 per 100,000 was nearly triple the national average rate of 47 per 100,000 in 2021.³

Research shows that increased access to mental health services and treatment is both a compassionate and cost-effective solution to decreasing crime.⁴ Further, state governments have long been recognized as critical players in expanding access to medication to treat substance use disorders and increasing the availability of affordable, evidence-based treatments. Now, in the wake of receiving millions of dollars in settlement funds to combat the opioid epidemic, Idaho should expand such evidence-based treatments to Idahoans. Justice-involved individuals are more likely to die of an opioid overdose compared to the general population; and, drug overdose is among the leading causes of death for individuals re-entering the community, with a majority of these overdoses involving opioids.⁵ Noting these harms, broad stakeholders have supported the expansion of MOUD and MAT in prisons and jails. Indeed, the National Sheriff’s Association stated that “[e]ffective treatment, including MAT, particularly when coupled with evidence-based behavioral treatment, improves medical and mental health outcomes and reduces relapses and recidivism.”⁶

Struggles with substance use and mental health continue to remain serious challenges for many Idaho families. Idaho Justice Project urges the IBHC to recommend to Governor Little and the Joint Finance-Appropriations Committee funding opportunities that prioritize recovery and that will decrease the size of the criminal justice system in Idaho. Along this line, we encourage the council to refer to resources provided by the Rand-USC Schaeffer Opioid Policy Tools and Information Center (OPTIC) to guide strategies for fund allocation. Thank you for your thoughtful approach to the conversations regarding Idaho’s use of Opioid Settlement Funds. Please do not hesitate to contact us to discuss this matter further.

Best Regards,

Erica Marshall

¹ Bureau of Justice Statistics, Prisoners in 2021—Statistical Tables, (Dec. 2022), Table 18, page 33, available at <https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/p21st.pdf>. This report categorizes incarceration by “most serious offense” and uses defined crime categories of “violent,” “property,” “drug,” “public order,” and “other/unspecified.”

² Bureau of Justice Statistics, Prisoners in 2021—Statistical Tables, (Dec. 2022), Table 7, page 15, available at <https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/p21st.pdf>.

³ *Id.*

⁴ Jennifer Doleac, *New Evidence that Access to Health Care Reduced Crime*, Brookings (Jan. 3, 2018), available at <https://www.brookings.edu/articles/new-evidence-that-access-to-health-care-reduces-crime/>.

⁵ Shabbar Ranapurwala and Megan Shanahan, *Former Inmates at High Risk for Opioid Overdose Following Prison Release*, Gillings School News (July 2019), available at <https://sph.unc.edu/sph-news/former-inmates-at-high-risk-for-opioid-overdose-following-prison-release/>.

⁶ National Sheriffs Association, *Jail-Based Medication-Assisted Treatment* (Oct. 2018), available at <https://www.sheriffs.org/publications/Jail-Based-MAT-PPG.pdf>.