

# 5 Ways

## Prosecuting Attorneys and Public Defenders

### Can Use Public Health Data and Resources to Address Substance Use Disorders

The relationship between prosecuting attorneys and public defenders is adversarial in nature. However, due to the rise of problem-solving courts and the use of multi-disciplinary teams, this relationship has become less adversarial. Most common are the multi-disciplinary teams found in juvenile and family drug treatment courts, where teams work together to target the needs of youth and families that require effective substance use treatment. Attorneys can sometimes find themselves being assigned to serve on a drug court team, as a representative of their respective agencies, without a lot of information or training regarding substance use. The lack of training is somewhat problematic for already established multi-disciplinary teams that are now responsible for training new attorneys about the prevalence of substance use, harm reduction, effective treatment and medication, etc. Therefore, it is important for leadership, in both prosecuting attorney and public defender offices, to understand the scope of the substance use problem in their communities. Ultimately, understanding the data and treatment available for substance use disorders (SUDs), locally and nationally, can help attorneys argue for the most appropriate outcomes. Below are five ways attorneys can use public health data and other resources, to improve their ability to work on multi-disciplinary teams and improve their understanding of substance use by youth and families involved in the juvenile and family court systems.

#### 01

### Understanding the scope of the problem

Take time to periodically review national reports related to substance use as it connects to the juvenile and family court system. The justice system is the largest substance use treatment referral source. Prosecuting attorneys are often seen as the gatekeepers, but should consider access to effective treatment as the best way to ensure community safety. On the other hand, public defenders are seen as advocates for their clients' wishes, but should consider discussing access to treatment as an effective long-term solution with their client. Without understanding the scope of the substance use problem, it is difficult to ensure community safety and to effectively advocate

for youth and families. Consider the following resources to better understand the scope of the problem:

- Access data reported to the [Adoption and Foster Care Analysis and Reporting System](#)<sup>1</sup> and the [National Child Abuse and Neglect Data System](#)<sup>2</sup> to learn about the prevalence of drug use reports for caregivers and children involved with the child welfare system.
- Read the Centers of Disease Control and Preventions: [Youth Risk Behavior Surveillance System](#)<sup>3</sup> yearly report to learn about the prevalence of self-reported substance use for youth in grades 9-12.
- Access [Juvenile Court Statistics](#)<sup>4</sup> to understand the prevalence of drug offenses in the nation's juvenile courts.

- Access the [Overdose Detection Mapping Application Program](#)<sup>5</sup> to understand what data are collected in your area that are related to opioid overdose.

[Access to Medication-Assisted Treatment for Adolescents and Adults](#)<sup>12</sup> to gain buy-in from judicial stakeholders.

02

## Ensuring equitable treatment in court

According to the American Bar Association's Immediate Past President Judy Perry Martinez, "lawyers have a special duty to address injustices done in the name of law."<sup>6</sup> This includes receiving unbiased treatment from attorneys in court. Prosecuting attorneys and public defenders both have this duty. Leadership in both offices should consider using national resources to help guide educational opportunities that lead to equitable treatment in court proceedings:

- Access the [Implicit Bias Videos and Toolkit](#)<sup>7</sup> managed by the American Bar Association.
- Participate in the [21-Day Racial Equity Habit-Building Challenge](#),<sup>8</sup> a daily reading challenge launched by the American Bar Association.

03

## Ensuring access to effective SUD treatments and services

Leadership in the prosecuting attorney and public defender offices should ensure that all attorneys understand the illegality of denying medication-assisted treatment (MAT) according to the Americans with Disabilities Act and the Rehabilitation Act of 1973.<sup>9</sup> The use of MAT is greatly under used, due to the stigma and myths associated with its use. Refer to publicly available resources to provide current and reliable information:

- Use the Legal Action Center's [Health Parity Resources](#)<sup>10</sup> to learn about the issues in accessing SUD treatment.
- Access the Legal Action Center's [MAT Advocacy Toolkit](#)<sup>11</sup> to address legal issues associated with denying access to MAT.
- Disseminate NCJFCJ's [Resolution Regarding](#)

04

## Encouraging accurate data collection

Accurate data collection and information sharing is critical to monitoring substance use trends, which can ultimately help attorneys advocate for their respective clients. This type of data collection can help court systems identify funding needs, disparities, and opportunities for improvement. Leadership in the offices of both the prosecuting attorney and the public defender should seek to collaborate with the judiciary and stakeholder groups that are already collecting data. Reach out to the following entities to engage in established stakeholder groups:

- [State Court Improvement Programs](#) (CIPs)<sup>13</sup>
- [State Advisory Groups](#)<sup>14</sup>

In addition, ask local juvenile justice and child welfare agencies if they are reporting to the following national systems:

- Office of Juvenile Justice and Delinquency Prevention's National Juvenile Court Data Archive (NJCDA).
- National Child Abuse and Neglect Data System (NCANDS).
- Adoption Foster Care and Adoption Reporting System (AFCARS).

If the answer is no, encourage those systems to begin submitting data. Reporting data to these national systems can ensure that federal funders have the information needed to make adequate funding decisions.

05

## Advocating for local resources

Leadership in both offices should seek to collaborate with stakeholder groups to understand what services are available in the community. This type of collaboration is likely taking place

in your community in the form of a substance use taskforce. Take time to search for existing taskforces or other stakeholder groups in your area and share national treatment directories to advocate for local resource development:

- Search for demonstration projects in your area via the [Comprehensive Opioid, Stimulant, and Substance Abuse Program](#).<sup>15</sup>
- Share the [Family-Based Residential Treatment Directory of Residential Substance Use Disorder: Treatment Programs for Parents with](#)

[Children](#) to identify programs that can treat parents and children.<sup>16</sup>

- Share the [Opioid Treatment Program Directory](#)<sup>17</sup> with partner agencies to help conduct community resource mapping and identify programs specifically designed to address opioid use.

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## Endnotes

- 1 Children's Bureau: An Office of the Administration for Children and Families. Adoption and Foster Care Analysis and Reporting System (AFCARS) – <https://www.acf.hhs.gov/cb/research-data-technology/reporting-systems/afcars>.
- 2 Children's Bureau: An Office of the Administration for Children and Families. National Child Abuse and Neglect (NCANDS) Data System – <https://www.acf.hhs.gov/cb/research-data-technology/reporting-systems/ncands>.
- 3 The Centers of Disease Control and Preventions. Adolescent and School Health. Youth Risk Behavior Surveillance System (YRBSS) – <https://www.cdc.gov/healthyyouth/data/yrbs/index.htm>.
- 4 Juvenile Court Statistics (JCS) – <https://www.ojjdp.gov/ojstatbb/ezajcs/asp/selection.asp>.
- 5 The Overdoes Detection Mapping Application Program (ODMAP) is a free online platform to support reporting of suspected fatal and nonfatal overdoses. Launched in 2017 by the Washington/Baltimore High Intensity Drug Trafficking Area – <http://www.odmap.org/>.
- 6 American Bar Association. Racial Equity in the Justice System – <https://www.americanbar.org/advocacy/justice-system/>.
- 7 American Bar Association. Implicit Bias Videos and Toolkit – <https://www.americanbar.org/advocacy/justice-system/tools/>.
- 8 American Bar Association. 21-Day Racial Equity Habit-Building Challenge – [https://www.americanbar.org/groups/labor\\_law/membership/equal\\_opportunity/](https://www.americanbar.org/groups/labor_law/membership/equal_opportunity/).
- 9 U.S. Dept. of Health and Human Services, Office for Civil Rights (2018). Non-discrimination and opioid use disorder fact sheet. Retrieved from <https://www.hhs.gov/sites/default/files/fact-sheet-nondiscrimination-and-opioid-use.pdf>.
- 10 Legal Action Center (2020). Addiction and Mental Health Parity – <https://www.lac.org/work/priorities/building-health-equity/addiction-and-mental-health-parity>.
- 11 Legal Action Center MAT Advocacy Toolkit – <https://lac.org/mat-advocacy/>.
- 12 NCJFCJ's Resolution Regarding Access to Medication-Assisted Treatment for adolescents and Adults – <https://www.ncjfcj.org/about/resolutions-and-policy-statements>.
- 13 Children's Bureau: An Office of the Administration for Children and Families. Court Improvement Programs – <https://www.acf.hhs.gov/cb/resource/court-improvement-program>.

- 14 [Act4JuvenileJustice.org](https://www.act4jj.org/state-advisory-groups). State Advisory Groups – <https://www.act4jj.org/state-advisory-groups>.
- 15 The Comprehensive Opioid Stimulant and Substance Abuse Program’s purpose is to provide financial and technical assistance to states, local government, and Indian tribal governments to develop and implement efforts to identify, respond to, treat, and support those impacted by illicit opioids, stimulants and other drugs of abuse – <https://cossapresources.org/Program/DemoProjects>.
- 16 [FamilyFirstAct.org](https://familyfirstact.org/resources/family-based-residential-treatment-directory-residential-substance-use-disorder-treatment). Family-Based Residential Treatment Directory of Residential Substance Use Disorder Treatment Programs for Parents with Children – <https://familyfirstact.org/resources/family-based-residential-treatment-directory-residential-substance-use-disorder-treatment>.
- 17 Opioid Treatment Program Directory – <https://dpt2.samhsa.gov/treatment/>.

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