

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/publications/overdose-deaths-and-jail-incarceration>

Policy Issue Resources

Using Data to Confront Two Tragic Legacies of the U.S. War on Drugs

For decades, people who use drugs have been harmed by policies that advance enforcement and punishment at the expense of community-based health services and supports. Incarceration is antithetical to any meaningful response to the overdose crisis and may even exacerbate it. Substantial evidence shows that incarceration is associated with increased risk of overdose death due to a loss of tolerance to opioids, limited access to harm reduction and treatment services, and disruptions in health care and social support during and after periods of incarceration. Paul J. Joudrey, Maria R. Khan, Emily A. Wang et al., A Conceptual Model for Understanding Post-Release Opioid-Related Overdose Risk, *Addiction Science & Clinical Practice* 14 (2019), 17, <https://perma.cc/F9UB-3NZU>. Also see Lauren Brinkley-Rubinstein, Nickolas Zaller, Sarah Martino et al., Criminal Justice Continuum for Opioid Users at Risk of Overdose, *Addictive Behaviors* 86 (2018), 10410, <https://doi.org/10.1016/j.addb...>; Ingrid A. Binswanger, Marc F. Stern, Richard A. Deyo et al., Release from Prison A High Risk of Death for Former Inmates, *New England Journal of Medicine* 356, no. 2 (2007), 15765, <https://perma.cc/L49X-7MZ7>; and Shabbar I. Ranapurwala, Meghan E. Shanahan, Apostolos A. Alexandridis et al., Opioid Overdose Mortality Among Former North Carolina Inmates: 2000-2015, *American Journal of Public Health* 108, no. 9 (2018), 120713, <https://doi.org/10.2105/AJPH.2018.304514>. Since 1980, as rates of jail incarceration have increased, so too have rates of overdose death.

Against this backdrop, communities of color have shouldered much of the burden of a punitive criminal legal system, while confronting deep inequities in access to health care and other social services. Preliminary data also suggests that the COVID-19 pandemic has contributed to increased overdose death among people who use drugs, as well as untold suffering and death among people detained in Americas jails and prisons, who are disproportionately Black or Latinx and low-income. F.B. Ahmad, L.M. Rossen, and P. Sutton, Provisional Drug Overdose Data, database (Washington, DC: Centers for Disease Control and Prevention [CDC], National Center for Health Statistics [NCHS]), retrieved August 4, 2020, <https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm>; Joan Stephenson, Drug Overdose Deaths Head Toward Record Number in 2020, CDC Warns, *JAMA Health Forum*, October 20, 2020, <https://perma.cc/LN29-52GX>; William Wan and Heather Long, Cries for Help: Drug Overdoses Are Soaring during the Coronavirus Pandemic, *Washington Post*, July 1, 2020, <https://www.washingtonpost.com/health/2020/07/01/coronavirus-drug-overdose/>; Josh Katz, Abby Goodnough, and Margot Sanger-Katz, In Shadow of Pandemic, U.S. Drug Overdose Deaths Resurge to Record, *New York Times*, July 15, 2020, <https://www.nytimes.com/interactive/2020/07/15/upshot/drug-overdose-deaths.html>; Zachary Siegel, The Coronavirus Is Blowing Up Our Best Response to the Opioid Crisis, *New Republic*, July 29, 2020, <https://newrepublic.com/article/158645/coronavirus-blowing-best-response-opioid-crisis>; Mike Stobbe and Adrian Sainz, US Overdose Deaths Appear to Rise Amid Coronavirus Pandemic, AP NEWS, October 20, 2020, <https://apnews.com/article/virus-outbreak-technology-pandemics-kentucky-22e4c7213a3f5a857cd50b8489325d9a>; Adam Looney and Nicholas Turner, Work and Opportunity Before and After Incarceration (Washington, DC: The Brookings Institution, 2018), <https://www.brookings.edu/research/work-and-opportunity-before-and-after-incarceration/>; Bernadette Rauby and Daniel Kopf, Prisons of Poverty: Uncovering the Pre-Incarceration Incomes of the Imprisoned (Northampton, MA: Prison Policy Institute, 2015), <https://www.prisonpolicy.org/reports/income.html>.

As jurisdictions across the country face budget shortfalls from the economic consequences of the COVID-19 pandemic, they must reconsider how they can most effectively safeguard the health of community members. For an overview of the effects of the pandemic on state budgets, see Coronavirus (COVID-19): Revised State Revenue Projections, database (Washington, DC: National Conference of State Legislatures [NCSL], updated November 11, 2020), <https://www.ncsl.org/research/fiscal-policy/coronavirus-covid-19-state-budget-updates-and-revenue-projections637208306.aspx>. Jurisdictions must prioritize investments in community-based treatment, harm reduction, and recovery rather than incarceration. The data and resources provided in this special report are designed to help communities realize these goals. The data, case studies on [New Mexico](#) and [North Carolina](#), and resources provided in this special report are designed to help communities realize these goals.

Key takeaways

Resources and responsibility for responding to drug use must be moved away from the criminal legal system and into non-punitive, health-oriented services located in, and led by, communities. Until then, local jurisdictions must take steps to minimize the harms of criminal legal system contact for people who use drugs.

To understand trends in overdose death, jail incarceration, and racial disparities, the Vera Institute of Justice (Vera) collected national and local data that can be explored using the tools below. [Learn more about the data used to compile these tools](#). In addition, Vera reviewed state policies and conducted case studies of local responses to the overdose crisis in [New Mexico](#) and [North Carolina](#) to provide context for the numbers.

Learn More To understand trends in overdose death, jail incarceration, and racial disparities, Vera collected national and local data that can be explored using the tools below. Learn more about data used to compile these tools here. In addition, Vera reviewed state policies and conducted case studies of local responses to the overdose crisis in Ne ...

Conclusion Against the backdrop of particularly high overdose death rates over many years, advocates and public health experts in Rio Arriba have long embraced harm reduction services. Such services have become more available in recent years amid increased coordination between health and social service providers and criminal legal system partners. ...

Conclusion Many local stakeholders in Durham County acknowledge that they are uniquely positioned to implement meaningful public health and criminal legal system responses to prevent overdose deaths and reduce jail incarceration. They credit this in part to their access to resources and networks, their proximity to North Carolina's key research uni ...

Incarceration is antithetical to any meaningful response to the overdose crisis and may exacerbate it. Yet communities across the country continue to face challenges in moving away from criminalization, punishment, and incarceration and toward the implementation of health and [term]harm reduction[/term] centered responses to substance use. Urgent a ...

Case Study Methodology Between March and June 2020, Vera researchers conducted phone and video interviews with local experts in Bernalillo County and Rio Arriba County in New Mexico and Haywood County and Durham County in North Carolina. The sites were chosen based on criteria relating to trends in overdose rates and jail incarceration rates, the p ...

The authors would like to thank our generous contacts in New Mexico and North Carolina. In New Mexico, we thank Barron Jones at the ACLU of New Mexico, Phil Fiuty at the Mountain Center in Rio Arriba, Bernie Lieving at the New Mexico Office of Substance Abuse Prevention, Josh Swatek at the New Mexico Department of Health, Shelly Moeller at M&O ...

The police make 10.5 million arrests a year, mostly for minor offenses. In fact, less than 5 percent were for incidents that involved serious violence. Every police encounter threatens escalation, injury, and death. Real accountability in policing is long overdue. Vera is committed to dismantling the current culture of policing and working toward s ...

Systemic policing reform is long overdue

Protesters are flooding the streets demanding change after the death of George Floyd and so many other Black people at the hands of police. Crowds are echoing the rallying cry to defund the police. But what exactly do they mean? Some advocacy groups are calling for the current policing structure to be dismantled and rebuilt, investing more resour ...

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