



# A Tribal Court's Response to the Prescription Drug and Opioid Crisis

By Hon. Patrick M. Shannon

The opioid crisis in the United States has been described by many as both a leading public health issue and a criminal justice issue. At a recent summit I attended, I reported in my presentation that more than 70,000 people died in the United States in 2017 from drug overdoses (a 9.6 percent increase from 2016) and 35 percent of those deaths involved prescription opioids.<sup>1</sup> The economic burden of prescription opioid misuse in the United States, including costs of healthcare, lost productivity, substance abuse treatment, and criminal justice management, has been reported to be \$78.5 billion dollars annually. Government statistics also noted that nearly 97,000 children were in foster care as a result of circumstances involving parental drug abuse—personifying collateral damage from the national opioid crisis.<sup>2</sup>

Michigan's experience with the opioid crisis is no less worrisome. In 2017, overdose deaths were reported to be 2,033—a 93 percent increase from 2014 rates—surpassing the number of deaths attributed to automobile crashes or firearms in the state that year.<sup>3</sup> State data must be viewed with caution, however, since Michigan has yet to employ a central governmental office for collecting this type of data surveillance.

The experience among the Great Lakes Tribal Nations is equally problematic. The Minnesota Department of Health (which has a surveillance team for collecting this data) reported that in 2016, American Indians were almost six times more likely to die from a drug overdose than whites.<sup>4</sup> As in Minnesota, native people in Michigan make up approximately 1 percent of the state population but are overrepresented in

## AT A GLANCE

**There are several examples in Michigan of local efforts to combat the opioid epidemic. The story of the Saginaw Chippewa Tribal Court's efforts is one example and hopefully will be shared with other native and non-native communities.**

overdose death rates. Over the last 15 years, all misused drug types increased in both number and category; overdose listings now include such drugs as oxycodone, benzodiazepines, methamphetamine, heroin, and synthetic opioids like fentanyl and carfentanyl.<sup>5</sup>

The Minnesota surveillance data and resulting reports are helpful because Michigan currently does not possess the capability to generate similar surveillance data. Rather than relying on anecdotal information, those of us working in court systems are drawn to the states and organizations that can generate accurate and quality data to support court decisions. It is unfortunate that Michigan has not yet invested in a real-time cause of death surveillance system.

Like other tribal courts, the Saginaw Chippewa Tribal Court in Mt. Pleasant is subject to its tribal code, which gives it the criminal and civil authority to decide legal matters that meet required personal and subject-matter jurisdiction requirements.<sup>6</sup> The Saginaw Chippewa Tribe and its court are surrounded by non-native communities also stricken by the opioid crisis and related issues like drug possessions and child neglect.

In 2013, the tribal court (with the support and forward-thinking leadership of the tribal council) created the Healing to Wellness program. Initially funded with a federal grant, Healing to Wellness was essentially a court-ordered treatment program for adults charged with substance misuse crimes.<sup>7</sup> Since this program was instituted, the benefits are still evident; the costs of incarceration have decreased by more than 50 percent,<sup>8</sup> proving that replacing jail beds with treatment beds has saved money and lives.

In the early years of the crisis, our court staff recognized that tribal citizens and noncitizens were dying from substance misuse. Instead of staying the conventional course of incarceration, we shifted the focus by combining the traditional punitive model with a public health element for clients with substance-use disorders. After years of training and experience, our tribal court has become more client-centered by relying on three public health principles for clients with substance-use disorders: prevention, intervention, and treatment.

From my direct involvement, the court initially recognized the need to mobilize all tribal resources to confront opioid

misuse and stop resulting deaths. Under the tribal council's direction, the tribe initiated an action plan that identified and coordinated several tribal services to combat the opioid crisis in our community. These tribal assets include behavioral health, medical services, social services, law enforcement, elders, spiritual leaders, cultural leaders, and employment services. The court's Healing to Wellness case manager coordinated these services with clients in recovery, hoping to create a healthier member, family, and community.

Since 2013, the court staff has relied on medication-assisted treatment to help clients. The local county sheriff's office has partnered with the tribal court to provide some aspects of medication-assisted treatment to those incarcerated in the county jail. This relationship has diminished overdoses by inmates suffering from substance-use disorders. Recently, the court was able to contract with a medical addiction specialist and nurse practitioner to implement a tele-health delivery system for clients with substance-use disorders. This service continues to be successful with the assistance of the tribe's Nimkee Health Clinic.

Clearly, today's Saginaw Chippewa Tribal Court follows a public health approach when working with tribal citizens suffering with substance-use disorders. Rather than a simple jail sentence and fine for drug-related criminal behavior, the court now focuses holistically by coordinating local services on long-term efforts of support to bring members and their families back to a state of health.

Since the initial federal grant in 2013, the tribe and tribal court actively sought out and were fortunate to receive additional federal grants to aid in the development of both family and juvenile health and wellness programs. As a court staff, we have learned that the drug crisis cannot be properly addressed without family and community support, which now includes maternal and child health as well as physical and



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psychosocial health components for family members affected by the opioid epidemic.

The list below outlines how the Saginaw Chippewa Tribal Court has addressed the opioid crisis by integrating public health principles into the criminal justice system:

- (1) Prevention
  - Education and support efforts for the tribe and community at large (Families Against Narcotics)
  - Staff training
  - Law enforcement training and support
  - Creation of a tribal action plan
  - Interprofessional competency education
- (2) Intervention
  - Social services
  - Law enforcement
  - Family, adult, and juvenile tribal court wellness programs
  - Strengthening community partnership activities, such as county jail programming
- (3) Treatment
  - Medication-assisted treatment
  - Nursing-assisted treatment
  - Cultural and spiritual services
  - Maternal and paternal health
  - Hospitalization and treatment center support
  - Psychosocial health

Unlike our colleagues in the state court system, tribal courts are fortunate to have the ability to mobilize medical, nursing, spiritual, and cultural resources as a condition of probation for our Healing to Wellness clients. Although not presently available for non-native clients with substance-use disorders, we encourage others to look seriously at medication-assisted

treatment as an important first step to address the public health component of the opioid epidemic.

In June, the Saginaw Chippewa Tribe sponsored its second Tribal, State, and Federal Opioid Summit—evidence of its commitment to health promotion, interprofessional education, and collaborative networking. The summit is a place to share how we can work together across professions to best meet the needs of clients with substance-use disorders. This year's event featured sessions focusing on maternal and child health along with sessions addressing trauma and adverse childhood experiences.

Although we have learned a lot in the last six years, each day is a new learning experience for all of us who work in the Saginaw Chippewa Tribal Court treatment programs. We learn from our clients and their families as well as from the interdisciplinary experts who share research on substance-use disorder treatment, support, and management. Based on direct experiences, our advice to professionals working in similar treatment courts is to consider basic principles of public health as you work toward promoting a more collaborative, client-centered, and productive approach for justice. ■

Photo courtesy of Joseph Sowmick, Tribal Observer



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## ENDNOTES

1. Rx Drug Abuse & Heroin Summit, Atlanta, Georgia (April 22–25, 2019).
2. AFCARS Report #25, Children's Bureau, US Dept of Health & Human Svcs (November 8, 2018) <<https://www.acf.hhs.gov/cb/resource/afcars-report-25>> [<https://perma.cc/69U5-97AT>] and *Opioid Overdose Crisis*, Nat'l Inst of Drug Abuse, NIH (January 2019) <<https://www.drugabuse.gov/drugs-abuse/opioids/opioid-overdose-crisis>> [<https://perma.cc/A495-W7ZL>]. All websites cited in this article were accessed June 25, 2019.
3. Jon Villasurda, keynote speaker, A Regional Symposium: The Opioid Epidemic, Inspiring Hope and Recovery, United Way of Manistee County (April 4, 2019).
4. *Race Rate Disparity in Drug Overdose Death*, Minnesota Dept of Health (December 9, 2018), pp 1–5 <<https://www.health.state.mn.us/communities/opioids/data/racedisparity.html>> [<https://perma.cc/NLY3-SRMX>].
5. Remarks by Cara Poland, MD, Medical Assisted Treatment (MAT) and Tele-Health Conference, Mt. Pleasant, Michigan (February 26, 2019).
6. Tribal Code, Saginaw Chippewa Indian Tribe of Michigan, available at <[https://narf.org/nill/codes/saginaw\\_chippewa/index.html](https://narf.org/nill/codes/saginaw_chippewa/index.html)>.
7. *FY 2013 Programs, Chapter 2, Problem-Solving Courts: "Tribal Healing to Wellness,"* Office of Justice Programs (2013) <<https://www.bja.gov/AnnualReport/2013/chap-2.html>> [<https://perma.cc/JE8Q-9WMC>].
8. *Saginaw Chippewa Tribal Court Budget*, Saginaw Chippewa Indian Tribal Court (2018–2019).