

Strategies for States to Reduce Overdose Among People Under Probation Supervision



Risk of fatal overdose is high among people on probation but this population is often overlooked.

People under criminal justice supervision in the community are at elevated risk of fatal overdose. For example, [a county-level analysis](#) in Allegheny County found that approximately 1 in 3 people who died from overdose were involved with adult probation in the year before their death. Data from the Cook County Medical Examiner's Office [showed](#) that people on felony probation in 2018 and 2019 had an overdose rate 15 times that of the general population.

Strategies for state and local jurisdictions to reduce overdose risk among probationers.

Examine and Report the Data

Analysis of criminal justice administrative data can show where and when probationers are at greatest risk of overdose. These data can describe how substance use, alongside other unmet health and social needs, is driving negative criminal justice outcomes, such as (re) incarceration or prolonged supervision.

For example, in an analysis of over 65,000 cases from 47 Pennsylvania counties, the [Pennsylvania Commission on Sentencing](#) found that nearly a third of (up to 30.5%) of all resentencing events for people sentenced to community supervision were attributable to substance use. Moreover, substance use was a major driver of technical violations leading to resentencing. Up to half of individuals resentenced for technical violations were resentenced for substance-related violations. Based on these [findings](#), the Commission went on to recommend improved access to evidence-based treatment for those under community supervision and reduced reliance on incarceration as a response to substance-related violations of probation.

In 2023, the Commission adopted changes to its [Sentencing Guidelines](#) to promote the availability of non-carceral sentencing alternatives and

prioritization of treatment to better address the needs of people under supervision.

Design and Test Alternative Practices

Identify jurisdictions interested in piloting innovative and promising interventions to address overdose risk for people on probation and assemble funding opportunities. For example, the [Pennsylvania Commission on Crime and Delinquency](#) (PCCD) and Vital Strategies partnered in 2021 to offer up to \$50,000 each to counties interested in piloting one or more of the following approaches:

- Reducing incarceration for substance-related technical violations, including by instituting a strengths-based response, offering linkage to health and social supports, and implementing policy change
- Providing training and education to probation staff and other justice practitioners, addressing substance use disorder, overdose prevention, and harm reduction
- Offering peer recovery support that is oriented to harm reduction

Convene, Share, And Evaluate

Assess the impact of innovative and promising interventions, and share lessons learned to build on successes and address challenges. Convening key actors – such as probation staff (line officers and director-level), court personnel, and reentry service providers – helps to foster peer learning, culture shift, and enhanced coordination. Learning opportunities for practitioners – such as webinars with national experts, office hours, and ongoing technical assistance strategies – help to strengthen the work.

Highlight

Pennsylvania counties implemented a public health response to drug use in probation:

- One county instituted a universal practice of no-questions-asked naloxone distribution to probationers.
- Another county shifted its policies and practices on drug testing in probation toward ending probation revocation solely on the basis of a positive drug test.
- The formation of a Consumer Advisory Board (CAB) in one county helped identify and address the behavioral health and other community support needs of people who are justice-involved.

Scale Up Successful Practices

Numerous funding sources are also available to support strategies for reducing overdose among probationers, including [State Opioid Response](#) (SOR) grants, BJA's [Comprehensive Opioid, Stimulant, and Substance Use Program](#) (COSSUP, formerly COSSAP), and the billions of dollars that states and localities will receive as part of the opioid litigation settlements. In 2022, Pennsylvania [was awarded a competitive grant of ~\\$4.9M in COSSAP funding](#) from BJA to extend and expand its initiative.

Regulatory changes have immediate impact on the policy landscape at scale. In 2023, the Pennsylvania Commission on Sentencing adopted changes to its [Sentencing Guidelines](#) to promote the availability of non-carceral sentencing alternatives and prioritization of treatment to better address the needs of people under supervision.

What began as a relatively small pilot effort grew to become a federally-funded, multi-year project with robust technical assistance for planning, implementation, and evaluation, while driving change in state policy.

vitalstrategies.org | Facebook: [vitalstrategies](https://www.facebook.com/vitalstrategies) Twitter: [@vitalstrat](https://twitter.com/vitalstrat)

Contact us to explore opportunities for your jurisdiction

We are eager to identify similar opportunities for focused overdose prevention efforts that address the needs of people on probation in the states where we work. To learn more or explore opportunities to collaborate, please contact

Kate Boulton

Senior Legal Technical Advisor

Vital Strategies Overdose Prevention Program

kboulton@vitalstrategies.org

