

# Opioid-Related News and the Courts

## Weekly Review

December 3, 2021



### National

[A northern New Mexico judge's radical approach to addressing addiction: No jail time](#)

Washington Post

But the drug court model, once widely viewed as a progressive alternative to jail, is increasingly [criticized](#) for widening the net of social control. Individual judges have great leeway in running their drug courts, but almost all of them use the threat of jail to demand abstinence. And by their very existence, drug courts assert the implicit claim that addiction is a crime rather than a disease.

This is where [Judge Jason] Lidyard's court diverges from many of his peers'. He does not expect his clients to abstain from using — in fact, he assumes the contrary. “I don't care if you're high, so long as you show up here,” he tells one. And informed by childhood memories of his own father's addiction, he categorically refuses to use jail as a sanction. “Only two things will get you kicked out,” he explains. “If you don't show up, or if you commit new crimes.”

For 50 years northern New Mexico has been at the front lines of the war on drugs; now it may be the vanguard of change. And the effort is being led by individuals like Lidyard, who are determined to keep people with addictions out of the criminal justice system rather than allow them to be swallowed up by it. “Rio Arriba is my petri dish,” he says. “What if we could actually use the criminal justice system to better people's lives?”

### National

[First US overdose prevention centers open in New York City in an effort to combat overdose deaths](#)

CNN

New York City is now the first city in the nation to open two overdose prevention centers that will allow drug users to receive medical care and services to prevent drug overdose deaths, according to Mayor Bill de Blasio's Office.

The overdose prevention centers (OPCs), also known as supervised consumption sites or safe injection sites, provide a safer place for drug users to administer drugs and get medical care if they overdose, the city said. The centers can also provide connections to treatment and social services to help in their recovery.

“After exhaustive study, we know the right path forward to protect the most vulnerable people in our city,” de Blasio said in a release. “And we will not hesitate to take it. Overdose Prevention Centers are a safe and effective way to address the opioid crisis. I’m proud to show cities in this country that after decades of failure, a smarter approach is possible.”

### National

#### [CVS, Walgreens and Walmart Fueled Opioid Crisis, Jury Finds](#)

New York Times

A federal jury in Cleveland on Tuesday found that three of the nation’s largest pharmacy chains — CVS Health, Walmart and Walgreens — had substantially contributed to the crisis of opioid overdoses and deaths in two Ohio counties, the first time the retail segment of the drug industry has been held accountable in the decades-long epidemic.

After hearings in the spring, the trial judge will determine how much each company should pay the counties.

The verdict — the first from a jury in an opioid case — was encouraging to plaintiffs in thousands of lawsuits nationwide because they are all relying on the same legal strategy: that pharmaceutical companies contributed to a [“public nuisance,”](#) a claim that plaintiffs contend covers the public health crisis created by opioids.

### National

#### [How fentanyl and meth exploded nationwide and led to more mental illness, homelessness, and deaths](#)

KCRW

“Then what you can do is begin to arrest people for minor drug things, not to send them to prison...It’s to get them off the street because if you do not, they will die. There’s fentanyl on the street...And then pairing that in turn with a drug court system that allows you to come out into sober housing.”

### Kentucky

#### [Amid challenge, lawmakers seek update to forced drug treatment law](#)

WFPL

Amid a legal challenge, state lawmakers want to update a law that allows family members to force people with addictions into drug treatment.

Casey’s Law went into effect in 2004 and was named after Matthew Casey Wethington, a Kentuckian who died of a heroin overdose at age 23 after his parents unsuccessfully tried to send him to rehab.

But the constitutionality of the law is being challenged in court by someone who was ordered into treatment. [The case is sealed](#), and the identity of the plaintiff and origin of the lawsuit aren't publicly known.

Rep. Kim Moser, a Republican from Taylor Mill, said the law needs to be bolstered to stay in effect.

“We want even more victims of substance use disorder to get the treatment they need. The same kind of treatment so many families are desperate for,” Moser said during a recent legislative meeting.

## **Maine**

[It's hard to imagine, but Maine's overdose epidemic could be worse](#)

Bangor Daily News

In Maine, [502 people](#) died of overdoses last year. That had been the deadliest year on record in Maine's opioid epidemic. The state has likely already exceeded that sad milestone this year and there are [likely to be](#) more than 600 overdose deaths this year.

Given these trends, it might be easy to feel that saving the lives of those who are struggling with substance use disorder is hopeless.

It is not, says Gordon Smith, Maine's director of opioid response.

These numbers come amid a global pandemic that has killed nearly 800,000 Americans (more than 1,300 in Maine) and disrupted many aspects of our lives, including work, education and health care.

It is hard to imagine, but if Maine didn't have the many interventions it currently does — such as overdose-reversing medication, liaisons to connect people with services and new treatment facilities — the number of overdoses and overdose deaths would likely be much higher, Smith said in an interview with the Bangor Daily News editorial board.

## **Massachusetts**

[Boston's Methadone Mile court to end next week](#)

Boston Herald

The state is shutting down the Mass and Cass “Community Response Session” courtroom in the South Bay jail complex as of Monday.

“Given the low case volume at the Community Response Session, the Trial Court has made the decision to discontinue the session,” a courts spokeswoman said Friday.

Boston Municipal Court had been holding a special session out of Suffolk County Sheriff Steven Tompkins' offices at the South Bay jail complex near the area known as Mass and Cass or Methadone Mile that's the epicenter of the city's opioid crisis.

### Ohio

#### [Seven complete drug court](#)

Times-Gazette

Opioids and methamphetamine are the most prevalent drugs that have plagued members of the drug court program, according to Sturgill. She said she saw a shift to more use of methamphetamine in 2015 when she administered Vivitrol, a drug used to prevent a relapse to opioid dependence, to people in jail before they were released.

"Then again, just the death rate was so high, I think honestly addicts scared themselves, and we saw a huge shift to meth," she said. "We're seeing some of the opioids come back now, but when you ask my participants about their drug of choice, most of them will say opiates, and then they'll say they then switched to meth."

### Virginia

#### [Damage done: Culpeper opioid settlement amount will be more than area cities](#)

Culpeper Star Exponent

Earlier this month, the Culpeper County Board of Supervisors' Personnel Committee approved a job description for the new position of drug-court coordinator, with annual pay of \$55,615 to \$86,204.

For several years, county leaders have been trying to start a drug court that would provide treatment and resources for non-dangerous, repeat drug offenders.