



Opioids and the Courts News: March 21, 2018

National

[President Donald J. Trump's Initiative to Stop Opioid Abuse and Reduce Drug Supply and Demand](#)

White House

Scale up support for State, Tribal, and local drug courts in order to provide offenders struggling with addiction access to evidence-based treatment as an alternative to or in conjunction with incarceration, or as a condition of supervised release.

National

[Remarks by President Trump on Combatting the Opioid Crisis](#)

White House

If you look at — if you look at other countries — I've gotten to know the leaders of many countries. And I won't mention names, but you know the countries I'm talking about. I go around, "How is your drug problem?" "We don't have much of a drug problem." "What do you mean you don't have a drug problem?" "Well, we don't have." I say, how come? "We have zero tolerance for drug dealers." I said, "What does that mean?" "That means we have the death penalty for drug dealers. We don't have a drug problem."

Take a look at some of these countries where they don't play games. They don't have a drug problem. We have court cases that last 10 years, and then they get out at the end. We got to be tough. We have to be smart. We have to change the laws, and we're working on that right now. The Department of Justice is working very, very hard on that.

National

[Memorandum RE: Guidance Regarding Use of Capital Punishment in Drug-Related Prosecutions](#)

Office of the Attorney General

The opioid epidemic has inflicted an unprecedented toll of addiction, suffering, and death on communities throughout our nation. Drug overdoses, including overdoses caused by the lethal substance fentanyl and its analogues, killed more than 64,000 Americans in 2016 and now rank as the leading cause of death for Americans under 50. In the face of all of this death, we cannot continue with business as usual.

Drug traffickers, transnational criminal organizations, and violent street gangs all contribute substantially to this scourge. To combat this deadly epidemic, federal prosecutors must consider every lawful tool at their disposal. This includes designating an opioid coordinator in every district, fully utilizing the data analysis of the Opioid Fraud and Abuse Detection Unit, as well as using criminal and civil remedies available under federal law to hold opioid manufacturers and distributors accountable for unlawful practices.



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In addition, this should also include the pursuit of capital punishment in appropriate cases. Congress has passed several statutes that provide the Department with the ability to seek capital punishment for certain drug-related crimes. Among these are statutes that punish certain racketeering activities (18 U.S.C. 1959); the use of a firearm resulting in death during a drug trafficking crime (18 U.S.C. § 924(j)); murder in furtherance of a continuing criminal enterprise (21 U.S.C. § 848(e)); and dealing in extremely large quantities of drugs (18 U.S.C. § 3591). I strongly encourage federal prosecutors to use these statutes, when appropriate, to aid in our continuing fight against drug trafficking and the destruction it causes in our nation.

National

[From Opioids to Guns: Cities, Counties Step Up Civil Suits](#)

BNA

Rutherford County, Tenn., faces a major public health problem. So like more than 400 other U.S. counties and cities facing health-care, emergency-response, and other costs tied to the opioid crisis, Rutherford is taking matters into its own hands. With some help, that is, from some seriously big hired guns.

The county recently filed [suit](#) against Purdue Pharma L.P., Johnson & Johnson, Janssen Pharmaceuticals Inc., Insys Therapeutics Inc., and a spate of other drug makers and distributors alleging public nuisance and violations of the Racketeering Influenced and Corrupt Organizations Act.

Rutherford's action came on the heels of similar claims filed by [New York City](#), [Philadelphia](#), and a host of other local authorities. In fact, since January alone, opioid suits on behalf of more than 170 cities and counties from 23 different states have been filed in, or transferred to, federal court, according to Bloomberg Law data.

National

[Opiates for the Masses: How is it impacting your court?](#)

Courts Today

Michelle White, principal court consultant at the National Center for State Courts (NCSC), notes that traces of the epidemic can be seen on every type of docket. Opiate-related arrests have skyrocketed. Many court dockets and probation caseloads are filled with individuals with opioid-use disorders...

It is not only a public health matter. Courts are the backbone of a law and order society, and the nation's courts are under enormous stress because of the epidemic. Everyone has heard the term "flooding the courts." The opioid epidemic is worse. As Chief Justice of Indiana Supreme Court Loretta H. Rush says, "It's a tsunami. I've never seen anything like this." She points out that it is not just a criminal matter...



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In response to the epidemic, state court leaders formed a task force to find solutions, examine current efforts, and make recommendations to address the opioid epidemic's ongoing impact on the justice system. The NCSC, on behalf of the Conference of Chief Justices and the Conference of State Court Administrators, jointly adopted a policy resolution at their annual conference to establish the task force. Chief Justice Rush and Tennessee State Court Administrator Deborah Taylor Tate are co-chairs....

Chief Justice Rush says that important elements to address the epidemic include ramping up treatment that begins in jail... One tactic Justice Rush stresses is judicial education. Barbara J. Pariente, Florida Supreme Court Justice agrees, and stresses that the time to act is now...

The wound from the epidemic is deep. In the summer of 2016, a multi-state, regional summit convened in Cincinnati. Over 150 attendees who represented states at ground zero of the opioid epidemic, largely in Appalachia, met to discuss the impact of the opioid epidemic in the region. Summit delegates developed a regional action plan with strategies to combat the opioid epidemic and formed the Regional Judicial Opioid Initiative (RJOI). "The opioid problem confronting this region does not recognize geographical, political or governmental boundaries and is simultaneously a criminal justice, public health, family disintegration and social service crisis that necessitates multiple approaches and multiple solutions."

National

[Amid Opioid Crisis, States Struggle to Spend Hundreds of Millions in Federal Money to Fight It](#)
Governing

Congress sent states hundreds of millions of dollars to fight an opioid crisis claiming more than 100 lives a day — money they've largely been unable to spend after a year.

Mixed signals from the Trump administration on how to use the money and state challenges ramping up their efforts have left untouched more than three-quarters of the \$500 million Congress set aside under the 21st Century Cures Act in late 2016.

As President Donald Trump heads to hard-hit New Hampshire today to tout his plan to combat the crisis, the slow drip of dollars into communities hit hard by addiction has put state officials in a bind and frustrated addiction experts and some treatment organizations.

Connecticut

[State lawmakers consider creating opioid intervention court](#)
connecticut.news12.com

But the state court system is fighting this idea and even some addiction counselors wonder if it's really needed.



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Connecticut

[Testimony of the Judicial Branch RE: S.B. 483, An Act Concerning the Feasibility of Establishing Opioid Intervention Courts in the State](#)

State of Connecticut Judicial Branch

Although this is a proposal for a feasibility study, we, in conjunction with our partners at the Department of Correction and the Department of Mental Health and Addiction Services, have many programs currently in place to address drug/ opioid abuse, some formally through a program like "Treatment Pathways" in Bridgeport. We also have drug screening and intervention programs and other alternative to incarceration programs that are offered through the regular course of business,

Additionally, judges are acutely aware of the opioid crisis in our state and that substance use disorders often require treatment, not incarceration. Under current statute, judges may suspend prosecution of juveniles and adults with substance use disorders and remand those individuals into treatment. The Judicial Branch has incorporated many of the principles of drug courts into all dockets and currently provides the same level of services to people in need of treatment from any docket. In these very difficult fiscal times, we believe that this is a much more efficient way to appropriately address the issue.

Florida

[Gov. Scott Signs Legislation and Highlights \\$65 Million in Funding to Fight National Opioid Epidemic in Florida](#)

Office of the Governor

The more than \$65 million to support Florida's fight against opioids in the Securing Florida's Future budget includes... \$16.5 million for Department of Children and Families, State Courts and Department of Corrections for Medication Assisted Treatment related to opioid addiction

Michigan

[Addicts to get help, not arrested at nine Downriver police agencies](#)

Detroit Free Press

The Hope not Handcuffs program began in early 2017 with 19 police departments in Macomb County, plus Ferndale and Harper Woods. It was started by the nonprofit group Families Against Narcotics, whose founder and president, Linda Davis, a judge at 41-B District Court in Clinton Township, has a daughter who once struggled with a drug addiction." We can't arrest our way out of it," Davis said of the opioid epidemic. "My belief is that we have a broken system. Treatment and access should be immediate."



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Michigan

[Judges meet to help break addictions](#)

Fox17

Hundreds of judges, prosecutors, and other court officials gathered at the Amway Grand Plaza Hotel in Grand Rapids today for the Keys to Recovery Conference.

The 19th annual conference included educational programs geared to ending the addiction crisis in this country, with a focus on opioids and other drugs. "Not all drug courts are aware of and using certain kinds of medications that have been proven to be effective," said Dr. Doug Marlowe of the National Association of Drug Court Professionals. "So we're trying to educate drug courts so that they just incorporate more medications into their otherwise effective programs."

New York

[Reopen Island court's Narcotics Part, reps tell judges](#)

SILive.com

Five members of the borough's Albany delegation sent a joint letter pleading their case to reopen the Narcotics Part of state Supreme Court in St. George, [after its closing was announced in January](#).

Opened in October 2016, Part N handled over 340 felony filings and approximately 150 dispositions, according to District Attorney Michael E. McMahon, who called the decision to close Part N "rash."

The letter was written to Chief Judge Janet DiFiore and Chief Administrative Judge Honorable Lawrence K. Marks and signed by State Sen. Diane Savino (D-North Shore/Brooklyn), state Sen. Andrew Lanza (R-South Shore), Assemblymen Matthew Titone (D-North Shore), Michael Cusick (D-Mid Island) and Assemblywoman Nicole Malliotakis (R-East Shore/Brooklyn).

A spokesman for Assemblyman Ron Castorina (R-South Shore) said he is supportive of his fellow delegates but plans to write his own letter to the judges, highlighting some of his experiences as a lawyer, speaking "not only from a legislative perch, but also from a practitioner's perspective."

The officials said they believe "it's no coincidence" that overdose deaths on Staten Island declined in 2017 while numbers increased across the state, attributing the decline to passed legislation, and the efforts of service providers, NYPD and the district attorney's office.

"Part N and its consistent application of the law and sentences to felony drug cases, because they were handled in the same part by a dedicated judge, is just one facet of a



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much broader strategy to combatting the heroin and opioid crisis on Staten Island," the letter said.

North Carolina

[New Hanover County judge receives Judge of the Year award](#)

WWAY NewsChannel 3

[Chief District Court Judge for North Carolina's 5th Judicial District J.H.] Corpening is the architect of an innovative Intensive Reunification Program. When faced with deciding what was best for an infant affected by parental opioid use, Judge Corpening created an innovative plan of action. He ordered the mother to visit with her baby every day for up to six hours at the hospital, holding and bonding with her child, followed by an infusion of services with close court oversight. This ruling was a major departure from social service practices and based, in part, on the latest research by experts who work with babies and mothers during detox.

Ohio

[Ideas: The Fight Against Opioid Addiction; Drug Court Graduation; Bail Reform Report](#)

wviz.ideastream.org

They didn't play "Pomp and Circumstance" but the graduates of this program have reasons to celebrate, and much to look forward to after completing drug court.

The President calls for drug dealers to receive the death penalties. Local justice and health leaders talk about what that pronouncement does to their efforts.

Guests (include): John Russo, Cuyahoga County Common Pleas Court Administrative Presiding Judge

Wisconsin

[Opioid epidemic emerges as debate topic in Wisconsin Supreme Court race](#)

Journal Sentinel

The candidates for Wisconsin Supreme Court say the courts should do more to fight the state's heroin epidemic, but they differ on how to do it.

Milwaukee County Circuit Court Judge Rebecca Dallet — a former prosecutor — said Wisconsin must do more to help fund drug treatment courts and help communities, especially those in rural areas, that are struggling with an unprecedented stream of drug crimes.

"We're at a crossroads that no one's ever been at before," said Dallet, who has been backed by Democratic groups.



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Sauk County Circuit Court Judge Michael Screnock, who leads a treatment court in his county, said the state should focus on writing clear laws and guidelines for those courts. There is too little guidance available right now for judges who are making the difficult decisions about when to lock up addicts who re-offend, he said.

"That's something I'd really be interested in assisting on," said Screnock, who has been backed by Republicans.