



Opioids and the Courts News: May 30, 2018

National

[Opioids, justice & mercy: Courts are on the front lines of a lethal crisis](#)

ABA Journal

It's not every day that a criminal defendant hugs a judge. But in courts across the country, these are unusual times.

A judicial embrace is a hard-won moment of congratulations for people with addictions graduating from the Cuyahoga County Drug Court in Cleveland. After more than a year in the diversion program—battling addictions, fighting demons and reclaiming life—hugs and tears are inevitable as participants cross a sobriety threshold most never thought possible.

“It's been an absolute ride, this drug court,” said one new graduate. “I was always a quitter, and today I choose to be a fighter. If you have the will, you can overcome anything.”

The cycle of overdose, arrest, jail and rehab has been difficult to crack as the opioid crisis scales up and out, consuming communities. But court diversion programs such as the one helmed by Judge David Matia are expanding, and the arbiter behind the bench has increasingly become an advocate on the sidelines. Local courts are pivoting from crime and punishment to carrot-and-stick—using more humane, interventional approaches to deal with the defendants with addictions who are overwhelming their dockets.

National

[Fighting the opioid and foster crisis by supporting families](#)

The Hill

As our nation looks at opioids' impact on foster care, some may be quick to condemn biological families and deem them unfit to ever parent again. Many Americans who assess the state of Child Protective Services and foster care automatically look to adoption as the primary or even the only solution. This is the wrong approach.

Although I applaud families who are willing to adopt from foster care, it's important to remember that family reunification is the first goal of foster care. As we approach solutions for the increased need for foster families due to the opioid crisis, we must also strengthen families and create opportunities for rehabilitation of the parents, with the hopes of reunification. We need the government, communities, nonprofits, and churches to partner together to improve the chance of reunification for impacted families and children.



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[If Addiction Is a Disease, Why Is Relapsing a Crime?](#)

New York Times

“Our patients are far less likely to talk honestly about their relapses and their struggles with recovery if they think it’s going to land them in jail,” says Sarah Coughlin, a social worker and addiction specialist in Charlestown, Mass. “It puts us in a tough spot, because it breeds mistrust.” It also breeds fear: As [The Boston Globe reported](#), one woman committed suicide in the bathroom of a Lowell, Mass., drug court after she watched at least 23 of her 41 fellow probationers get sentenced to jail for relapses and other violations, and after she became convinced that she would soon be sentenced as well.

Of course, criminalizing relapse isn’t the only absurdity that exists at the intersection of drug addiction, criminal justice and public health. As a recent [Times article](#) explained, states across the country are enacting laws that allow for homicide charges against just about anyone connected to an overdose death, even if that person is also suffering from addiction.

National

[Lawmakers struggle to get to grips with America’s opioid epidemic](#)

The Economist

THE speed at which opioids have ravaged the United States caught policymakers flat-footed. For 12 years deaths from overdoses of opioids—a group of drugs which includes prescription painkillers, heroin, methadone and synthetic varieties—crept up at a concerning but moderate average rate of 1,200 additional deaths per year. Starting in 2012, however, an epidemic took off. During the subsequent five years the rate of increase soared to nearly 5,000 extra deaths every year, causing the annual toll to rise from 23,000 to roughly double that amount.

The underlying numbers give cause to be both [optimistic and pessimistic](#). On one hand, deaths caused by prescription opioids and heroin now appear to be falling. Yet on the other, those resulting from synthetic opioids such as fentanyl—a drug 50 times more potent than heroin—continue to rise rapidly. Assuming recent trends have continued, in February the toll from fentanyl is expected to have surpassed those from prescription painkillers and heroin combined.



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Georgia

[Collins offers bipartisan drug abuse prevention bill](#)

Ripon Advance

“I’ve seen drug courts in Georgia help people break free from addiction and lessen the strain on the justice system,” said Rep. Collins. “Through investments like this, the Substance Abuse Prevention Act would help communities better support victims of opioid abuse and enable law enforcement to fight the scourge of opioids in our neighborhoods.”

Likewise, Rep. Deutch said Broward County’s drug courts in Florida have helped thousands of people tackle their mental health and addiction challenges by “offering a helping hand rather than just a lock and key.” He added, “With 15 Floridians dying per day from overdose, we must act now.”

Illinois

[DuPage County Board Funds \\$100K Toward Opioid Crisis](#)

NCTV

The second initiative is to develop a specialty first-offender drug court, an idea from Chief Judge Dan Guerin.

“Our goal is not to just throw someone in jail because they violated,” said Guerin. “Our goal is to work with the person and have graduated sanctions. So we may need GPS devices more than we have. We may need alcohol bracelets in addition to what we have. We need drug patches. Things like this as we try to keep them out of jail and try to have them successful so they don’t end up with a felony conviction.”

Chief Judge Guerin hopes to have the specialty first-offender drug court running by July.

Indiana

[Ruin wrought by opioid crisis is laid bare in new report](#)

Fort Wayne Journal Gazette

Prepared by the Purdue Fort Wayne Community Research Institute, “Turning Hope Into Action” sprang from months of discussions led by the Lutheran Foundation and a countywide task force that includes medical, law enforcement, judicial and social-service experts. Subgroups identified action points in four crucial areas: prevention; intervention; treatment and recovery; and enforcement.



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Maine

[Next Maine governor to face opioid crisis](#)

Lewiston Sun Journal

Mills, the attorney general, pointed out that overdose reversal drug kits distributed by her office to police departments statewide have been credited with nearly 450 “saves” to date. But Mills said the state needs a comprehensive, statewide strategy for the crisis, including more drug courts and lifting the two-year limit on Medicaid participants receiving methadone treatment. She also pointed to “triage systems” adopted by other states, including Massachusetts, where overdose victims are connected with other services before they are discharged from the emergency room

New York

[Rensselaer County Drug Court uses grant to give opioid addicts new ...](#)

Albany Times Union

Many drug crime defendants who would have headed to Rensselaer County Drug Treatment court for alternative sentencing that would have sent them to rehabilitation instead of prison ran into new road blocks when the opioid epidemic hit.

Their addiction had become so strong that when they were released from the Rensselaer County Jail they couldn’t make it the days or weeks before they appeared in drug court without running into more trouble.

North Carolina

[New opiate policies can help NC prepare for next epidemic](#)

Durham Herald Sun

Programs such as drug courts, Law Enforcement Assisted Diversion (LEAD), Crisis Intervention Teams (CIT) and the Stepping Up Initiative are proven to keep citizens out of jail and in treatment, and can easily be expanded statewide. All of these programs will work regardless of the drug driving the next epidemic.

Tennessee

[Women behind bars: A sobering look at the revolving door of addiction](#)

Jackson Clarion Ledger

A drug court, which involves supervision for up to two years, has a 70 percent graduation rate. Participants often enter residential treatment, which also is available in a new program designed specifically for women. In both cases, treatment takes them to other counties or out of state.



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The county also has a recovery house. The Harbor, a nondenominational church that runs the house, recently started sending volunteers to make weekly jail visits. When the women are freed, the church offers help with food, clothes and jobs. "We want to help them put the pieces of the puzzle back together," Pastor James Coffey says.

Monica Poston, case manager of the drug court and a recovering heroin addict, says it's generally best for those who complete treatment not to move back home, where temptations remain and opportunities are limited.

Washington

[Battling opioid addiction takes innovative approaches](#)

Whidbey News

Drug court is a perfect example of how government should take a creative, multifaceted approach to dealing with drug and alcohol abuse in the community.

The addiction problem isn't going away, at least not anytime soon. The opioid epidemic has shown us that anyone, regardless of income or background, can fall victim to addiction and that solutions are not easy to come by.

People in law enforcement and in social services are fond of saying that government can't arrest its way out of the problem. But in the case of drug court, help begins with an arrest. Some people who committed drug-related offenses are eligible for the program, which trades lesser or reduced jail time for good behavior.

The idea is that early, continuous, intense and well-supervised treatment can reduce recidivism rates and, ultimately, save lives.

Washington

[Opioid epidemic is causing foster care crisis](#)

KIRO-TV

"We are experiencing a crisis in the foster care system right now. We have too few homes for the number of children who need care. Part of that is attributed to the opioid epidemic," explained Terry Pottmeyer, the CEO of Friends of Youth.

The non-profit provides transitional housing, youth shelters, drop-in centers and foster homes.

"Our capacity is 30 to 35 children in any given year however we are seeing nationally that there's an increase in the number of children in need of care," Pottmeyer said.