

Opioid-Related News and the Courts

Weekly Review

January 15, 2021



New Hampshire

['A chance to choose life:' For some, drug courts break cycle of addiction and crime](#)

Sentinel Source

That's why some scholars [describe drug courts as just one piece of a broader framework](#). Criminal justice systems, they argue, should develop a spectrum of interventions for drug-involved offenders. That might range from drug courts to [diverting lower-risk people out of the system entirely](#) — and connecting them with community-based treatment, without ongoing judicial supervision — at an earlier point.

But many U.S. drug courts have ignored those principles. A recent analysis [found that minor drug arrests actually went up](#) in cities that implemented drug courts between 1990 and 2006, which the authors attributed to police viewing the programs as a way to process more low-level cases. A 2017 report [by the group Physicians for Human Rights](#) found that some New York state drug courts accepted low-risk defendants who showed no signs of drug dependence, subjecting people charged with marijuana possession to lengthy supervision and unnecessary treatment — contrary to the National Association of Drug Court Professionals' best practices.

N.H. Superior Court Chief Justice Tina L. Nadeau, a longtime advocate of drug courts, said that's the wrong way to use them.

“The average person who is not involved in the criminal justice system might think drug court is for the first-time offender, somebody who gets one chance to turn their life around,” she said. “And really, drug court is for what we call the high-risk, high-need offender.”

Some drug courts have also been called out for other problematic practices, such as refusing participants access to addiction-treatment medication, having nonclinical staff make medical decisions and jailing people solely for relapse, a natural part of recovery. Those practices all go against the national association's standards, which Cheshire County says it follows.

New Jersey

[Investigation of The Cumberland County Jail \(Bridgeton, New Jersey\)](#)

United States Department of Justice Civil Rights Division & United States Attorney's Office
District of New Jersey

IV.CONDITIONS IDENTIFIED

A. CCJ Staff Acted with Deliberate Indifference to Inmates Experiencing Opiate Withdrawal and Particularly Vulnerable to Suicide By Failing to Provide Medication-Assisted Treatment

1. Opioid Use Disorder Is Prevalent Among Those Incarcerated.
2. Opioid Withdrawal, Left Untreated, Has Serious Medical Consequences for Inmates Including Increased Risk of Suicide.
3. Medication-Assisted Treatment Is the Standard of Care for Treating Opiate Withdrawal.
4. The CCJ's Inadequate Treatment of Opioid Withdrawal Increases the Risk of Harm and Likely Contributed to Suicides at the CCJ.

V.MINIMAL REMEDIAL MEASURES

5. Ensure that medication assisted treatment is immediately provided to prisoners who have been identified as having or potentially having Opiate Use Disorder at time of admission. Ensure timely access to medical and mental health professionals when the prisoner exhibits symptoms of withdrawal.

Ohio

[Judge proud of Clinton County drug court participants](#)

News Journal

In contrast to local overdoses spiraling upward recently, [Clinton County Common Pleas Judge John W. "Tim" Rudduck] told 14 drug court participants he is so proud of them for having no positive drug screens since early August.

In addition to the state of Ohio's drug overdose alert issued Dec. 29 for Clinton County, the overall number of overdoses and drug use have gone up throughout the pandemic, noted Judge Rudduck, who presides over drug court.

But despite the participants' encouraging drug screen reports, the upswing in local ODs was discussed at the close of the Jan. 8 drug court session to bring home the need for the attendees to keep taking care of themselves.