



## Opioids and the Courts News: July 12, 2019

### Kentucky

[Spend more now but save a lot later by treating drug addicts rather than punishing them](#)

The State Journal

Phillip Shepherd, one of two judges who presides over those cases, estimates that 90% of his docket stems directly or indirectly from drug abuse and addiction. That's correct: *9 out of 10*. Even property crimes and the rare violent crime almost always trace back to drugs.

And because the court docket's not getting any shorter, count Shepherd among the growing chorus of voices who say it's time to begin treating the drug epidemic – especially opioid abuse – as a public health problem rather than one that will get fixed in courtrooms and jails.

Shepherd, in a compelling talk to the Rotary Club of Frankfort this week, expressed cautious optimism that the required sea change in public policy – one that will be expensive on the front end but could reap huge savings for taxpayers down the road – is coming.

Undercovered by statewide media last week was a [groundbreaking report by the Kentucky Chamber of Commerce](#) that Shepherd believes could be one of the most significant developments yet in the commonwealth's approach to drug addiction.

The business group, whose membership is largely conservative, called for new state policies and laws that stress treatment over punishment for opioid abusers. Among the specific recommendations: Make all drug possession crimes misdemeanors. And increase state spending on substance abuse treatment centers, where an addict has a hundred times better odds of recovery than in a jail cell.

### Maine

[She could have gone to prison. Here's the path she took instead.](#)

Bangor Daily News

On June 26, Chapman graduated from the Penobscot County Adult Drug Treatment Court, one of eight such diversion programs within Maine's criminal justice system that blends court supervision with treatment. The program has gained widespread support as a way to combat an opioid crisis that kills about one Mainer a day, as it nearly did Chapman.

The selective program admits people like Chapman, who are considered a risk to public safety because of a substance use disorder. They usually face the same choice that she did: graduate, or go to prison. Modeled on national guidelines and based on social



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science research, participants advance through five phases of treatment and supervision — each with less intensive requirements, but more personal accountability, than the last. The fastest someone can complete all five is in just over a year. Between 50 and 60 percent of people admitted each year — about 50 people statewide — are expected to graduate.

“[Drug courts are] certainly the most innovative and far-reaching approach that [the courts] have,” to addressing addictions, said Superior Court Justice Nancy Mills, who oversees Maine’s eight “treatment” courts (two of which are specifically for veterans and people who also have diagnosed mental illness).

“The focus is on rehabilitation, not incarceration,” she said.

### Massachusetts

#### [Forced treatment draws criticism](#)

#### Sales News

Massachusetts trial court judges have seen a sizable increase in Section 35 requests — from 5,903 in 2010, to 10,770 in 2018, according to the commission’s report.

A majority of those requests were for adult drug abuse, according to the report, which noted that many of those committed under Section 35 were white, homeless males.

More than 80% requests for Section 35 orders in 2018 that were heard by judges — 6,048 — resulted in a person being committed for substance abuse treatment, according to the report.

Opioid addicts can be sentenced up to 90 days under the law, which also requires follow-up treatment once someone is released.

Observers say that seldom happens.

“If they’re lucky, they’ll be able to stay 14 days before they’re released,” said Phil Lahey, a former Methuen city councilor and member of the nonprofit Merrimack Valley Prevention and Substance Abuse Project, which counsels families. “That’s just not enough time to get the treatment they need. They’re back on the streets. It’s a cycle that addicts just can’t break.”



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### Minnesota

[Moving past the war on drugs: Northland officials seek alternatives as opioid crisis persists](#)

Duluth News Tribune

As officials attempt [to] combat the growing death toll — with particularly high overdose death rates in St. Louis and Carlton counties — police, prosecutors, defense attorneys, judges, public health officials, and politicians have found common ground on at least [one] point.

No matter the drug, the decades-old war-on-drugs approach isn't going to stop the grip of addiction.

“We know if you use opioids, you have a significantly greater chance of dying. And yet, people use opioids,” said 6th Judicial District Judge Jill Eichenwald, who presides over a Duluth-based drug court. “They are willing to risk death. Why do we think risking prison is going to be some kind of motivating deterrent? It's just not.”

The solution isn't simple, and probably won't come any time soon, officials acknowledge. It will involve a reevaluation of every aspect of the criminal justice system — from enforcement actions to sentencing guidelines to treatment options and much more.

### North Carolina

[State's top judge talks empowering women, helping drug offenders at Greensboro event](#)

News & Record

North Carolina's top judge said Wednesday the state should expand its system of drug treatment courts to help addicts get healthy.

At a gathering of the Women's Professional Forum, N.C. Supreme Court Chief Justice Cheri Beasley also encouraged women to champion themselves — and each other — while discussing a range of judicial issues.

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She said Wednesday one of her duties as chief justice doesn't happen while she's in court — but outside of it — as she makes the rounds in Raleigh, talking to state legislators about getting more funding for the courts.

One need for the money: North Carolina has 23 treatment courts for recovering drug addicts across the state, which has especially struggled to deal with the opioid crisis.



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### Ohio

#### [Jail using medicine to help inmates addicted to drugs](#)

Associated Press

And in Warren County, Common Pleas Judge Robert Peeler, who pioneered the use of injectable naltrexone in 2013 for his Drug Court, said participants with opioid addiction there now may be treated with methadone or buprenorphine.

Peeler, a strong proponent of medication-assisted treatment, made the change after the Ohio Supreme Court encouraged its use.

### Ohio

#### [Bills in Ohio Legislature would reduce punishment for low-level drug possession](#)

WBNS

Bills working their way through the Ohio Legislature would reduce punishment for some drug crimes while favoring treatment over automatic prosecution.

The measures are part of a national debate over reducing prison populations while responding to the nation's opioid addiction epidemic.

A proposal passed by the House last month expands the use of a program allowing judges to order treatment instead of prosecution for defendants facing low-level drug charges. Judges could deny treatment requests but would have to list reasons why they feel jail, fines or both are a better option.

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Ohio Supreme Court Chief Justice Maureen O'Connor supports the House bill and treatment over prosecution in appropriate cases. She [tells the Akron Beacon Journal](#) that Ohio can't arrest and incarcerate its way out of the addiction epidemic.

"We need treatment. The question is, how do you incentivize someone to seek treatment and to stay in treatment?" said O'Connor, a former Summit County judge and prosecutor.