



# Opioids and the Courts News: Jan. 12, 2018

## State of the Judiciary Messages

### [Indiana Chief Justice Loretta Rush](#)

In preparing these remarks, I asked your leadership what you would like included in this address. Thank you, Governor Holcomb, President Long, Speaker Bosma, Leaders Pelath, Goodin, and Lanane, for your time and input. There was a common theme to your responses: how is the judiciary addressing the opioid crisis?

Addiction has swept into every community and is flooding every court—and not just in Indiana, but across our country. This past year, I was appointed co-chair of the National Judicial Opioid Task Force.

People often ask me the same question they are asking you: what can we do about this crisis? I have only one answer: together, we must do everything. This is a situation where well-reasoned, evidence-based judicial interventions can get people to treatment, give consequences, cut the supply, support families, and save lives.

#### YOUR JUDICIARY IS RESPONDING BY:

- Convening teams from each county this July to participate in extensive training on treatment for substance use disorder that works;
- Developing with partners a judicial toolbox for effective and evidence-based court-ordered drug treatment;
- Extending the reach of our problem-solving courts; we expect to have over 100 such courts by the end of this year;
- Advancing drug courts in child welfare cases that involve the entire family in the parents' treatment;
- Expanding our corps of CASA volunteers to support the children of parents swept up in the horrors of addiction;
- Supporting community corrections, pretrial, and jail-based programs so treatment begins as early as possible;
- Leveraging court technology to slow the supply of drugs from hitting Indiana streets; and
- Supporting your efforts to expand treatment and prevention programs in our communities.

### [Iowa Chief Justice Mark S. Cady](#)

One challenge can be seen in the growing signs that the opioid crisis has reached Iowa. While this will be a challenge for all, Iowa courts must prepare to respond now. Court



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services will be an essential part of the collective effort to minimize the loss of life and the devastation inflicted on families in our state. Fortunately, we know that family treatment courts and drug courts are up to the task. These courts, however, must be expanded and retooled to address the myriad issues families and children confront when affected by opioid addiction. This is what the process of justice must be.

### [South Dakota Chief Justice David Gilbertson](#)

Gilbertson called drug addiction from meth, opioids and fentanyl “a new wave of evil. It is literally a matter of life and death.”

The chief justice noted that drug addiction is not necessarily a youthful condition with the highest percentage of addicts in the 40 to 64 age range. The next highest age group are addicts ages 25 to 39.

With the establishment of the first South Dakota drug court in 2007, Gilbertson said organizers knew there was a problem in the state, but they thought it could be handled.

“Despite our best efforts, we are once again playing catch-up,” Gilbertson said.

The program has been successful, Gilbertson said, with 82 percent of drug court graduates not re-offending. He said this saves the state money it would have spent on incarceration and child support.

Drug courts are an out-patient program, Gilbertson explained, as participants are required to have a job and a home. “The worst of the worst have neither,” Gilbertson said.

Gilbertson suggested to the Legislature that it may be time to consider expanding the drug courts to an in-patient program to help the people who have lost the most to their addiction.



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## National

### [Opioids now kill more people than breast cancer](#)

CNN

More than 63,600 lives were lost to drug overdose in 2016, the most lethal year yet of the drug overdose epidemic, according to a new report from the National Center for Health Statistics, part of the US Centers for Disease Control and Prevention.

Most of those deaths involved opioids, a family of painkillers including illicit heroin and fentanyl as well as legally prescribed medications such as oxycodone and hydrocodone. In 2016 alone, 42,249 US drug fatalities -- 66% of the total -- involved opioids, the report says. That's over a thousand more than the 41,070 Americans who die from breast cancer every year.

## National

### [The Foster Care System Is Flooded With Children Of The Opioid Epidemic](#)

NPR

Indiana is among the states that have seen the largest one-year increase in the number of children who need foster care. Judge Marilyn Moores, who heads the juvenile court in Marion County, which includes Indianapolis, says the health crisis is straining resources in Indiana.

"We've gone from having 2,500 children in care, three years ago, to having 5,500 kids in care. It has just exploded our systems," Moores says.

## National

### [This Judge Has a Mission: Keep Defendants Alive](#)

New York Times

There are two kinds of defendants who enter Judge Craig D. Hannah's courtroom: Those who stand on the far side of the bench to have their cases considered in the usual way, and those invited to step closer. Close enough to shake the judge's hand or shout obscenities in his face, depending on their mood that day.

Both kinds are facing criminal charges, but those in the second group have volunteered to take part in an experiment where the primary goal is to save their lives. Arrested for crimes related to addiction, they are participants in what is believed to be the nation's first opioid court.



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## National/Massachusetts

[State bans opioids from courtrooms over exposure fears](#)

Associated Press

Under a policy that goes into effect on Jan. 8, fentanyl and carfentanil will be allowed into state courthouses only under certain circumstances. That means lawyers wanting to present the drugs as evidence during a hearing or trial must use photographs, video or witness testimony.

“We have worked to try to find a way to balance the risks posed by the presence of fentanyl and carfentanil into the courthouse environment, the interests of the parties in the admissions of such substances and the rights of the criminal defendants,”

Massachusetts Trial Court officials said in a memo sent to judges, clerks, and other court staff this week.

## Ohio

[Summit County drug courts try new approaches](#)

Akron Beacon Journal

Drew Sherwood credits Turning Point with turning around his life.

Sherwood, who graduated from Summit County’s drug court in August, says the program gave him the tools he needed to finally kick his drug addiction.

“I would say Turning Point helped save my life,” said Sherwood, who has been drug-free for a year and a half and is currently living in a sober house in Wayne County. “I don’t think prison would have done anything for me. I would have gotten out and done the same thing.”

## Pennsylvania

[In specialty drug-treatment courts dominated by opioid addiction, York County makes it official](#)

Tribune-Review

York County has so many court cases tied to opiate addiction that it's closing its drug-treatment court to other drugs, but Pittsburgh-area treatment courts say they haven't gotten that bad yet.

York County is hiring two new probation officers to expand its drug court's capacity from 150 to 250 cases, and it is changing the court's name and focus to tackle solely opiate cases, the York Daily Record reported this week.



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[Programs treat opioid addiction as illness, not crime](#)

Tribune-Review

There were no candlelight vigils or memorial photo slide shows for the victims of drug overdoses 10 years ago.

Options for addiction treatment were few and far between in Westmoreland County and drug treatment court didn't exist.

That was before the rising toll of the opioid epidemic in Westmoreland — 825 people died of drug overdoses between 2007 and 2016 — became clear.

Now, an evolution is under way in how communities are tackling a plague that experts say may not peak until the middle of the next decade.

## Washington

[Another opioid impact: Rising expense for public defenders](#)

The Daily Herald

Snohomish County's public defense costs soared this year, another possible symptom of what elected leaders have labeled an "opioid epidemic."

The county's Office of Public Defense finished 2017 a half-million dollars in the hole. An increase in felonies created the need to pay more defense attorneys for their time. Expert-witness costs also went up.

The attorney who runs the office attributed much of the rise to drug-related crime.

"The opioid crisis continues to create an increase in cases that are prosecuted," Sara Bhagat told the County Council. "Our office doesn't drive the workload; our workload comes from arrests in the community."

## West Virginia

[Opioids may dominate next W.Va. session](#)

The Weirton Daily Times

The West Virginia Legislature must act during the upcoming session to address the state's opioid addiction issues, according to Delegate Erikka Storch... Other issues that could come up during the session that begins Jan. 10 could be the establishment of a statewide court similar to the drug court programs that have been set up around the state, according to Storch.