



## Opioids and the Courts News: Nov. 23-30, 2018

### National

#### [Jail Ordered to Give Inmate Methadone for Opioid Addiction in Far-Reaching Ruling](#)

New York Times

In a ruling that could have tremendous consequences for the country's correctional system, a federal judge said this week that a Massachusetts man facing a jail sentence could not be denied access to treatment for his opioid addiction.

Judge Denise J. Casper of the United States District Court in Massachusetts issued a preliminary injunction on Monday, saying that Geoffrey Pesce was likely to prevail in his argument that such a refusal violated the Americans with Disabilities Act and was cruel and unusual punishment.

"One thing this ruling says is that, one way or another, either by legislation or by legal mandate, jails and prisons are going to have to do this," Michael Botticelli, the executive director of the Grayken Center for Addiction at Boston Medical Center, said of Judge Casper's order.

### National

#### [This City's Overdose Deaths Have Plunged. Can Others Learn From It?](#)

New York Times

Dayton, Ohio, had one of the highest overdose death rates in the nation in 2017. The city made many changes, and fatal overdoses are down more than 50 percent from last year.

Medicaid expansion hugely increased access to treatment.

Carfentanil, an incredibly toxic fentanyl analog, has faded.

Naloxone is everywhere.

There is more support for people when treatment ends.

Police and public health workers actually agree.

### Massachusetts

#### [Opioid task force's honor well-earned; more work ahead](#)

The Recorder

Sheriff Christopher Donelan began telling those who listened that the Elm Street jail he runs in Greenfield had become something of a drug rehabilitation center behind bars, no longer a jail that offered some rehab. Franklin County Register of Probate and Family Court John F. Merrigan began seeing the impact of opioids on children and parents when



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they wound up in the court. And District Attorney David E. Sullivan could see the same in criminal courts.

They were among the first who told our reporters what has since become a mantra among those fighting addiction: we can't arrest and prosecute our way out of this problem.

In 2013, Donelan, Sullivan and Merrigan formed an opioid abuse task force. The ad-hoc group brought together dozens of area leaders and professionals interested in stopping the proliferation of addiction and in helping those already ensnared in Franklin County and the North Quabbin region.

Merrigan hoped the court would be able to take a stronger role in connecting defendants in drug-related cases with treatment programs. He estimated that 80 to 90 percent of the Franklin County court cases were related to addiction in some form.

### Michigan

[Michigan's Response to the Opioid Epidemic](#)

Michigan Health Policy Forum

Video: Honorable Donald L. Allen Jr., Chief Judge 55th District Court (55:27-1:06:15)

### New York

[Success and struggle on display inside 'life saving' Syracuse courtroom](#)

CNY Central

Welcome to [Syracuse Treatment Court](#), a little publicized entity on the front lines of the opioid epidemic ravaging Central New York.

"You have no idea what these people will become, what they will go on to do when they are finished here," Judge [James] Cecile said. "We try to get people to realize their potential and what they should be doing in their lives."

"Drug courts," as they are commonly known, are in operation in every county in New York State. Nonviolent offenders must be accepted into the program. The goal is to get the charges against them dealt with without going to prison.

### New York

[Opioid Court in Monroe County will focus on those most at risk of overdosing](#)

WHAM 13

Rochester's drug court has served as a model program since its inception nearly 25 years ago. In the courtroom, defendants with addiction problems are diverted into treatment as their criminal case moves through the courts.



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It has a very successful track record, yet the process to get in can take months.

Opioids are so addictive and - with the addition of fentanyl - so deadly, it puts certain defendants at risk the moment they go through arraignment and are released from jail.

"Their tolerance goes down from their short stay in the jail, and that's when they use again and fatalities occur," said Monroe County Court Judge John DeMarco.

### New York

#### [Rochester Launches Innovative Court Initiative to Address Opioid Crisis](#)

New York State Unified Court System

As part of the New York State court system's ongoing efforts to address the State's opioid crisis, Seventh Judicial District Administrative Judge Craig J. Doran and Supervising Judge of the Rochester Treatment Courts John L. DeMarco today joined local officials and key stakeholders to announce the start-up of a specialized part of the nationally recognized Rochester Treatment Courts tailored to eligible defendants at high risk of opioid overdose.

The Opioid Stabilization Part (OSP) will provide immediate intervention, treatment and supervision to high-risk defendants with severe opioid use disorders. Cases considered appropriate for the OSP will be flagged for screening upon the consent of the defendant's attorney. Defendants who opt to undergo screening and are found to be at high risk will have the case proceed in the OSP, with the District Attorney suspending prosecution of the case during the stabilization process. Once clinically determined to be stabilized and no longer at risk of overdose, the defendant may be referred to drug treatment court (for longer-term treatment), judicial diversion or other adjudication.