

Drug Courts:

A Smart Approach To Ensuring Justice For All

Hon. Michael Tupper

A Day With the Judges Conference

October 18, 2019

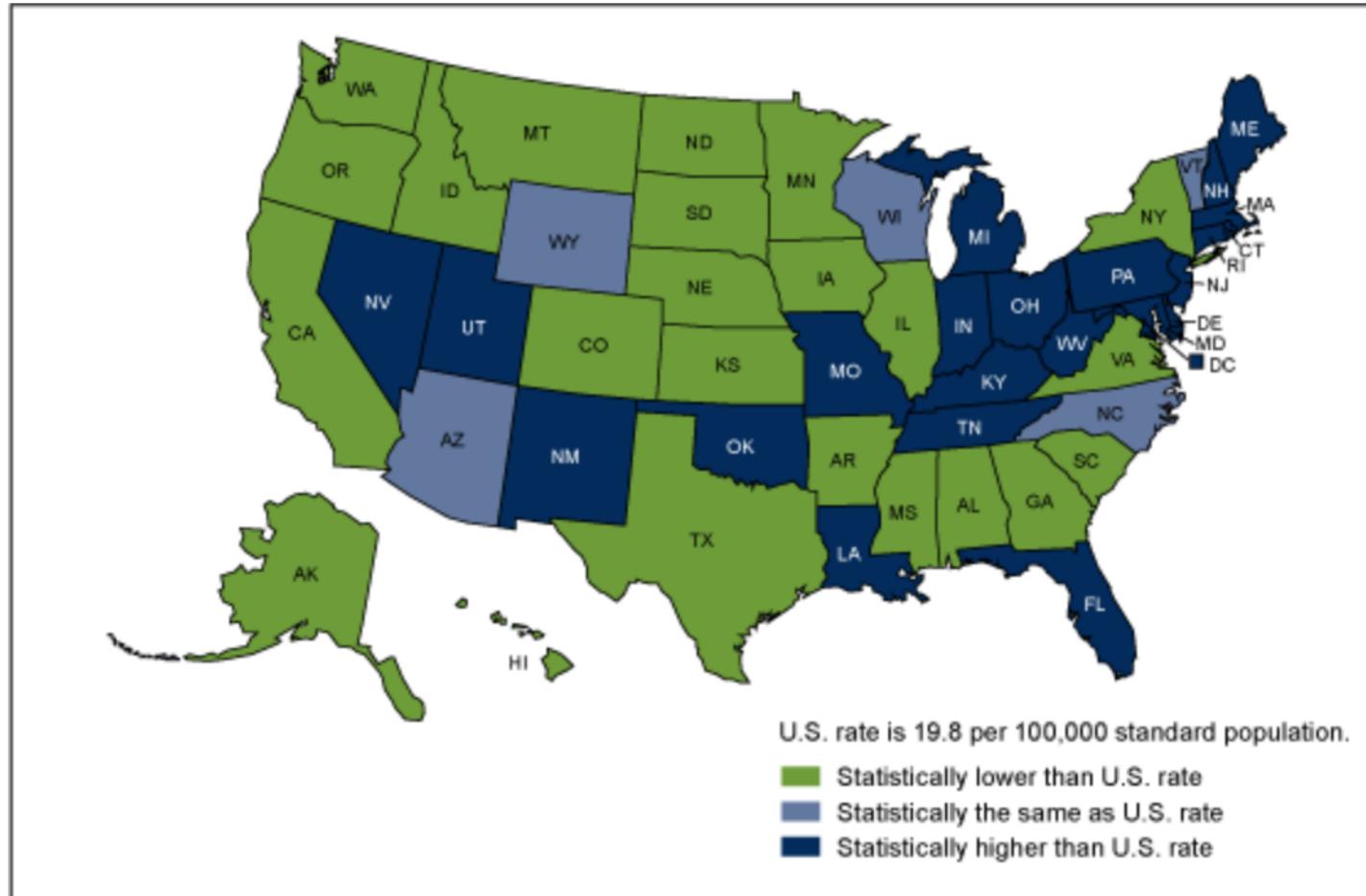
Substance Abuse Affects On Oklahoma

- Families: Overdoses, divorce, child welfare, suicide, teen pregnancy, unemployment
- Businesses: Absenteeism, lost productivity, higher medical expenses
- Communities: Demand on law enforcement, local emergency rooms, juvenile delinquency, in-school disruptions, dropouts, increase in foster care
- Criminal Justice: (1) Enormous strain on court dockets and (2) Prison overcrowding

In The Midst Of An Epidemic

- Opioids in Oklahoma, by the numbers:
 - From 1994 to 2006, prescription opioid sales increased fourfold
 - From 2011 to 2015, more than 2,100 Oklahomans died of an unintentional prescription opioid overdose
 - In 2015, over 326 million opioid pills were dispensed to Oklahoma residents, enough for every adult to have 110 pills
 - In 2017, 4.2% of babies born covered by SoonerCare were born with Neonatal Abstinence Syndrome (NAS)

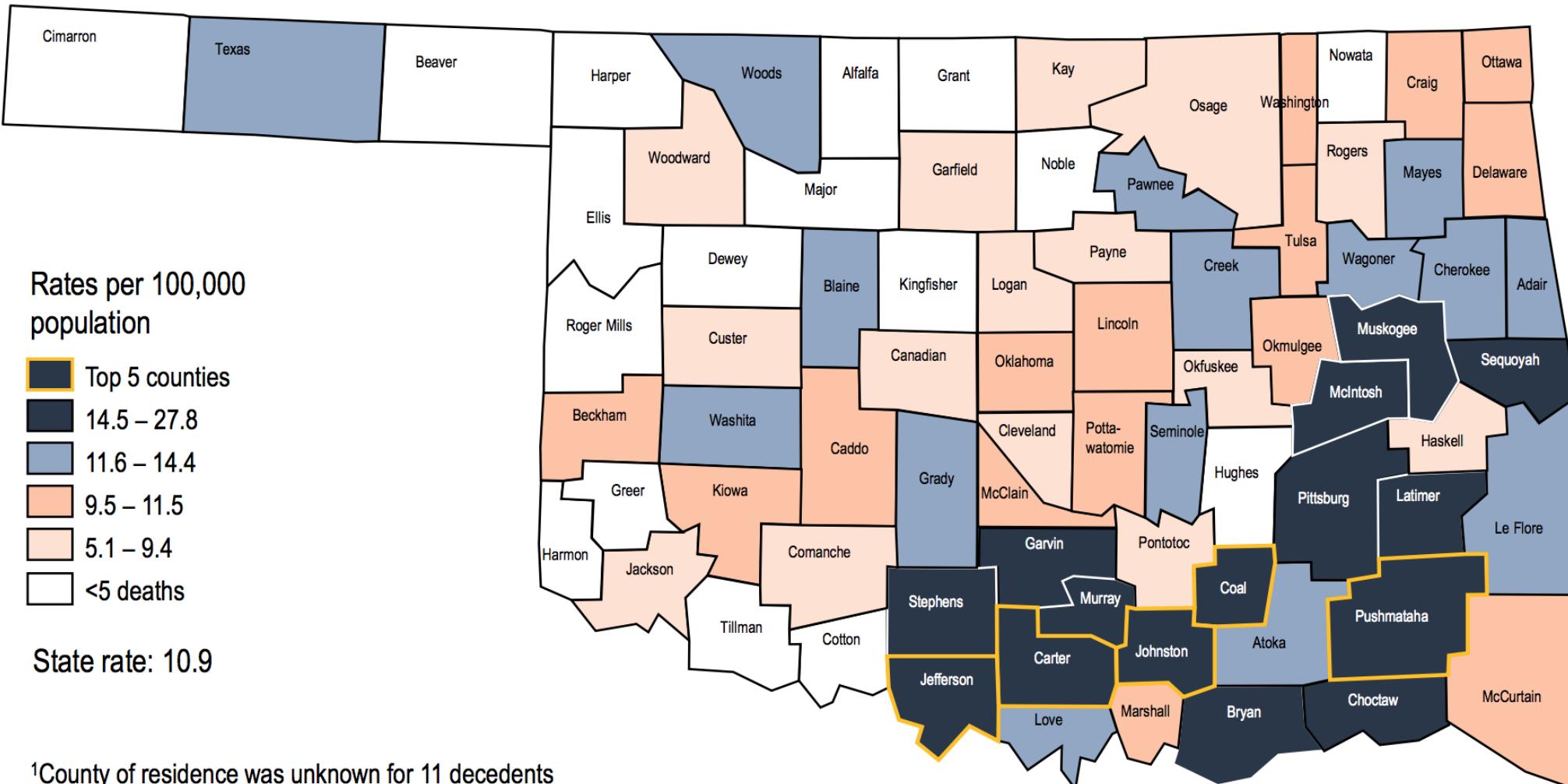
Figure 3. Age-adjusted drug overdose death rates, by state: United States, 2016



NOTES: Deaths are classified using the International Classification of Diseases, Tenth Revision. Drug-poisoning (overdose) deaths are identified using underlying cause-of-death codes X40–X44, X60–X64, X85, and Y10–Y14. [Access data table for Figure 3](#) .

SOURCE: NCHS, National Vital Statistics System, Mortality.

Unintentional Poisoning Death Rates Involving at Least One Prescription Opioid by County of Residence¹, Oklahoma, 2012-2016



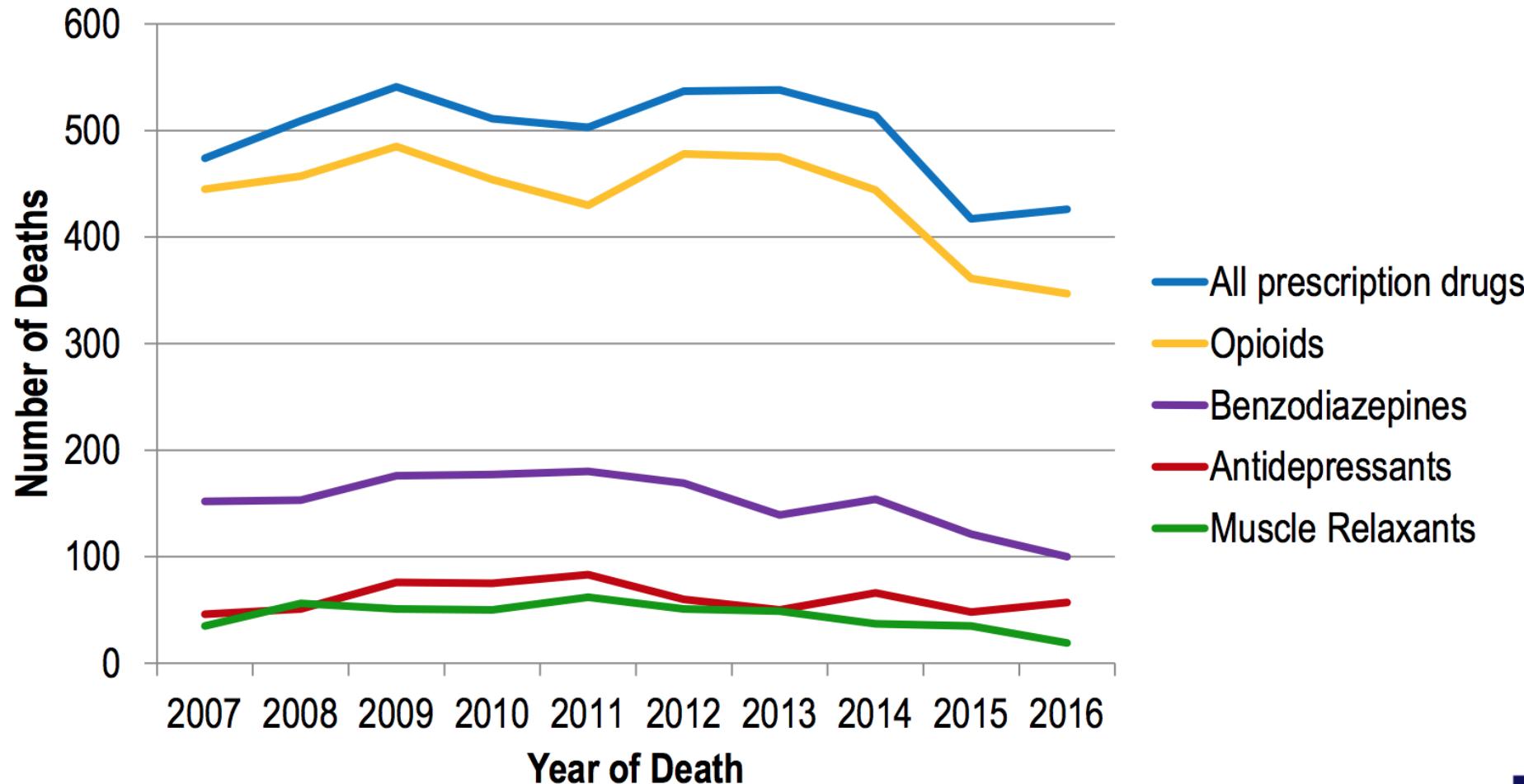
¹County of residence was unknown for 11 decedents

Source: OSDH, Injury Prevention Service, Fatal Unintentional Poisoning Surveillance System (abstracted from Medical Examiner reports)



Oklahoma State
Department of Health

Deaths Involving Most Common Prescription Drug Categories by Year of Death, Unintentional Poisoning, Oklahoma, 2007-2016



Source: OSDH, Injury Prevention Service, Fatal Unintentional Poisoning Surveillance System (Abstracted from Medical Examiner reports)



Oklahoma State
Department of Health



What Is a Drug Court?

- A Court program given the responsibility to handle cases involving substance-abusing offenders through comprehensive supervision, drug testing, treatment services, and immediate sanctions and incentives.

www.nadcp.org

What is Recovery?

- A process of change through which individuals improve their health and wellness, live self-directed lives, and strive to reach their potential.
- Abstinence from intoxicating substances is a preferred outcome, but not absolute.
- Focus is on harm reduction.

Who Makes Up The Drug Court Team?

- District Judge
- District Attorney
- Defense Counsel
- Treatment Providers
- Probation Officers
- Police Department
- Sheriff's Department
- Dept. of Veterans Affairs



Who Is Eligible For Drug Court?

- Reside in Cleveland County
- Charged with a non-violent felony offense (not limited to drug or alcohol offense)
- Offender must admit to a substance use disorder
- Assessed as a high risk/high needs offender

Performance Contract

- Each participant must sign upon entry into Drug Court
- Sets forth rules and responsibilities of each participant
- Requires participant to plead guilty to underlying charges
- Written agreement as to sentencing upon graduation or termination

Drug Court Phases

- Phase I: Acute Stabilization (8 weeks)
- Phase II: Clinical Stabilization (12 weeks)
- Phase III: Pro-Social Habilitation (12 weeks)
- Phase IV: Adaptive Habilitation (16 weeks)
- Phase V: Continuing Care (12 weeks)

Program Requirements

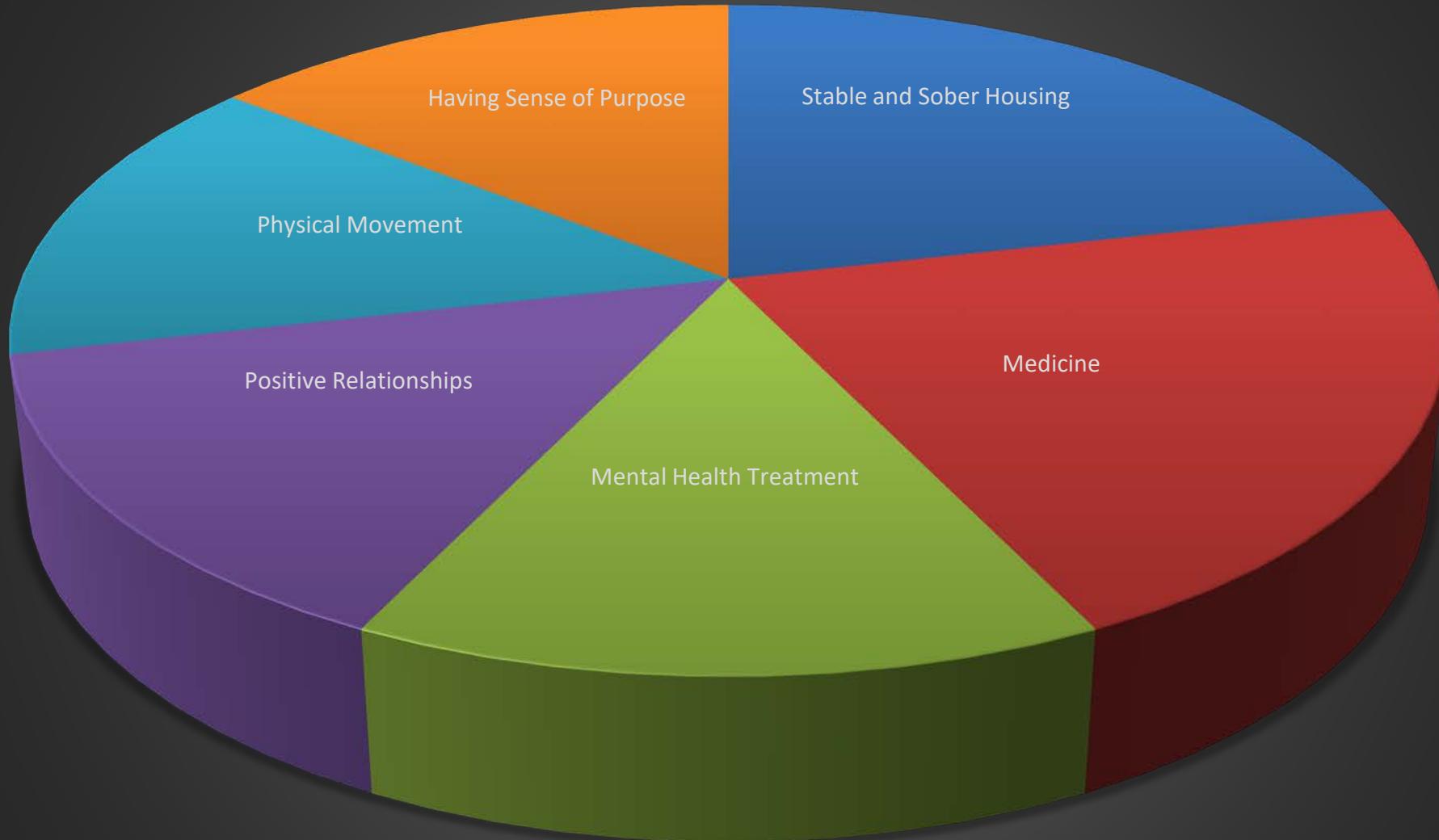
- Achieve/maintain recovery
- 5 phases (approx. 14 months in duration)
- Group meetings / individual therapy each week
- Weekly Self-Improvement Activities
- Regular, random drug testing
- Nightly curfews (10pm – 6am)

(Cont'd)

Program Requirements (Cont'd)

- Ignition interlock/Smart start devices for alcohol offenders
- Regular, random home visits from **Compliance Officers**
- Attend court weekly
- Maintain full-time employment (20 hrs community service weekly until employed)
- Obtainment of goals (GED, DL, custody, etc.)

What It Takes To Get Better



Medication-Assisted Treatment (MAT)

- 3 FDA approved medication
 - Methadone
 - Buprenorphine
 - Naltrexone



MAT for Opioid Use Disorders

- MAT seeks to interrupt the addiction process by chemically occupying relevant receptors in the brain
- Successful MAT treatment requires a combination of:
 - Medication
 - Cognitive behavioral counseling
 - Other indicated psychosocial services, such as vocational or educational training

Considerations in Responding to Participant Behavior

- Staffing Questions:
- 1. Who are they in terms of risk and need:
- 2. Where are they in the program (i.e., what phase)?
- 3. Which behaviors are we responding to?
- 4. What is the response choice and magnitude?
- 5. How do we deliver and explain the response?

Words Matter

- **We use these words:**

- Participant / consumer
- Slip/slide/setback/flare up
- Negative / positive UA results
- Substance use disorder
- Mental health disorder

- **We don't use these words:**

- defendant / offender
- relapse/use/got high
- clean / dirty UAs
- drug abuser / junkie / addict
- mentally ill

3 Pillars of Drug Court

1. Show up
2. Be honest
3. Try



Graduation Criteria

- Minimum 180 days of sobriety
- Attendance and engagement in treatment
- Fulfillment of goals as stated in Individualized Treatment Plan

Why Drug Court?

- Avoidance of jail/prison sentence
- Chance at a fresh start
- Access to evidence-based treatment services
- Opportunity for recovery
- Access to medications including MAT
- Dismissal of charges
- Waiver of court costs

Drug Court and Medical Marijuana (Cont'd)

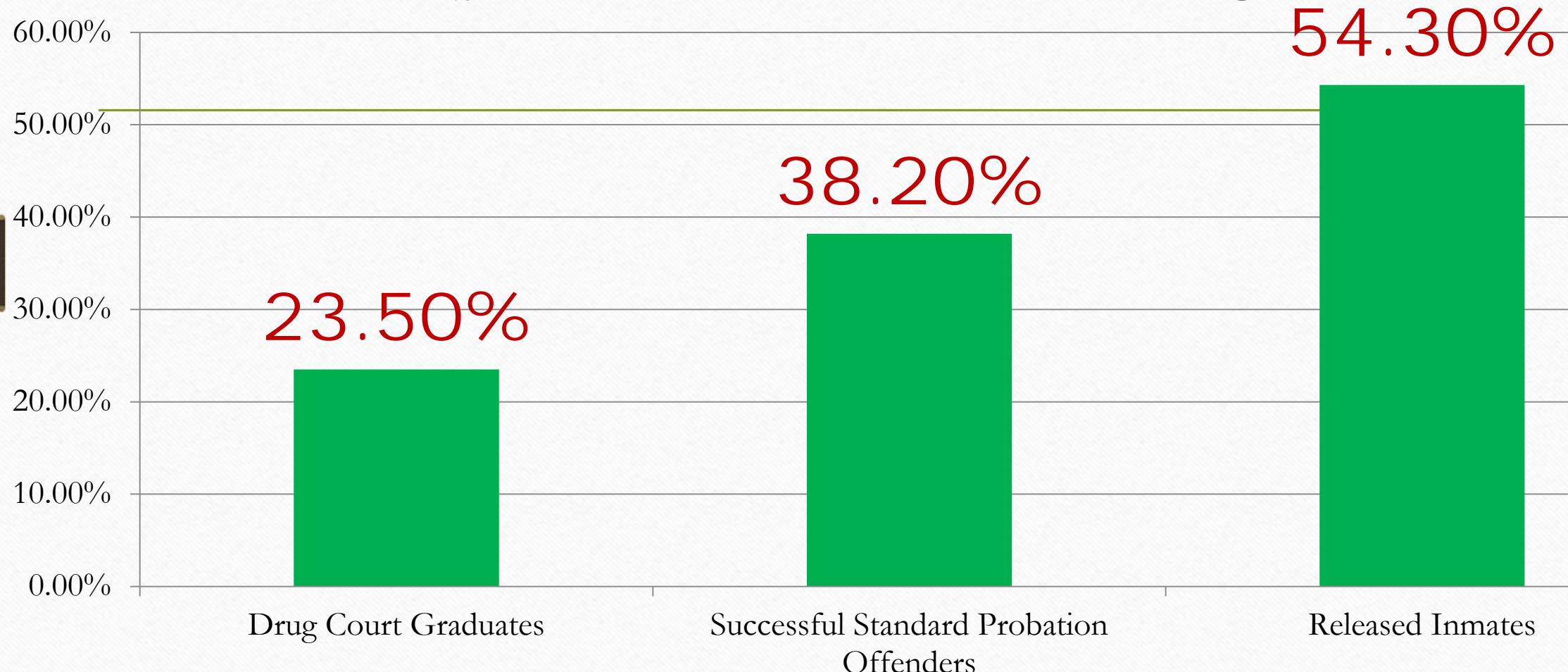
- **Policy Statement:**
- Cannabis use could threaten public safety and inhibit a participant's ability to achieve recovery from their substance use disorder and/or mental illness.
- Permitting medical marijuana use for participants would pose significant difficulties for Drug Court supervision and compliance monitoring.

Drug Court and Medical Marijuana (Cont'd)

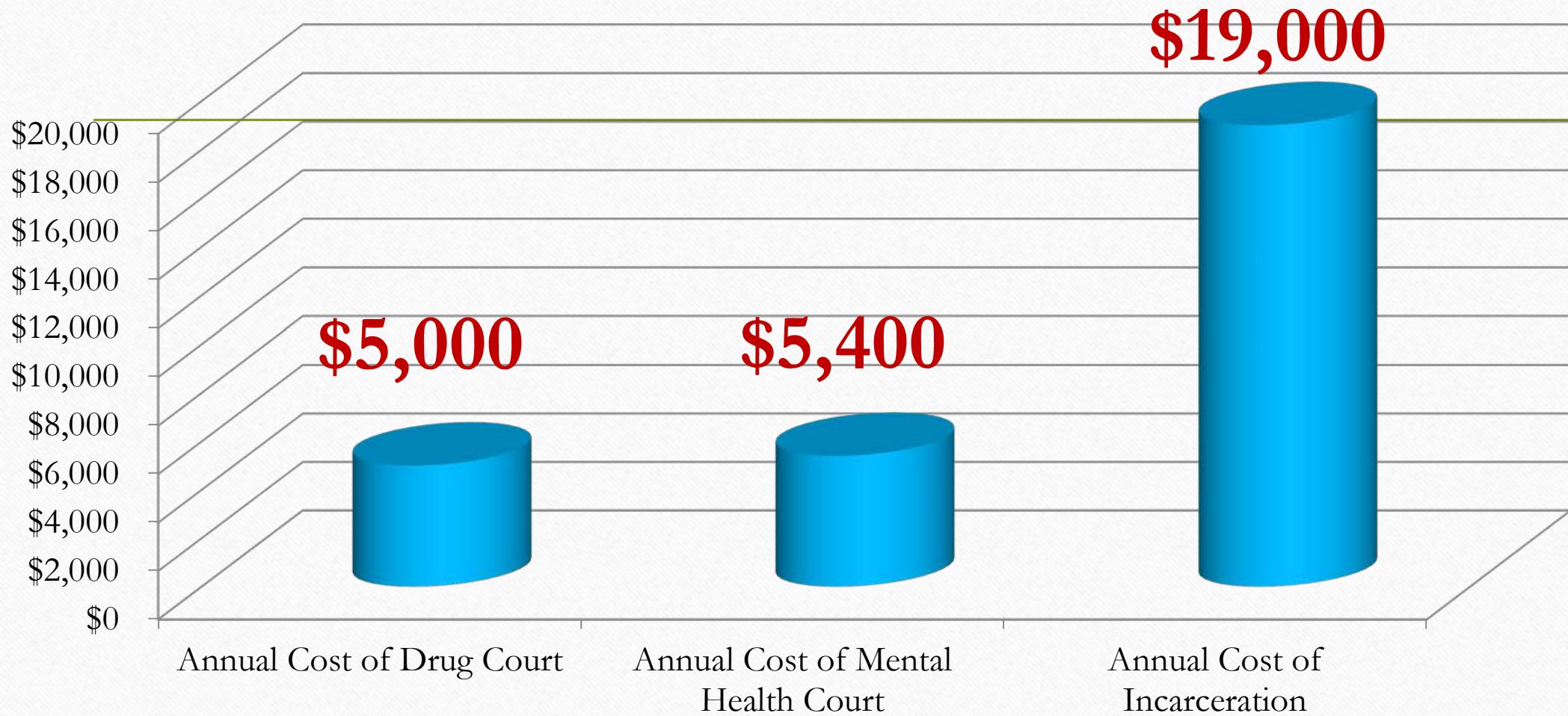
- **Policy Statement:**
- Use of medical marijuana for participants would be contrary to overall goals of the Drug Court in assisting persons with a substance use disorder and/or mental illness in achieving recovery.
- The Cleveland County Adult Drug Court program finds that the possession or use of medical marijuana by any participant shall be prohibited during participation in the program.

Drug Courts and Recidivism

A Comparison of Re-Arrest Rates for Drug Court

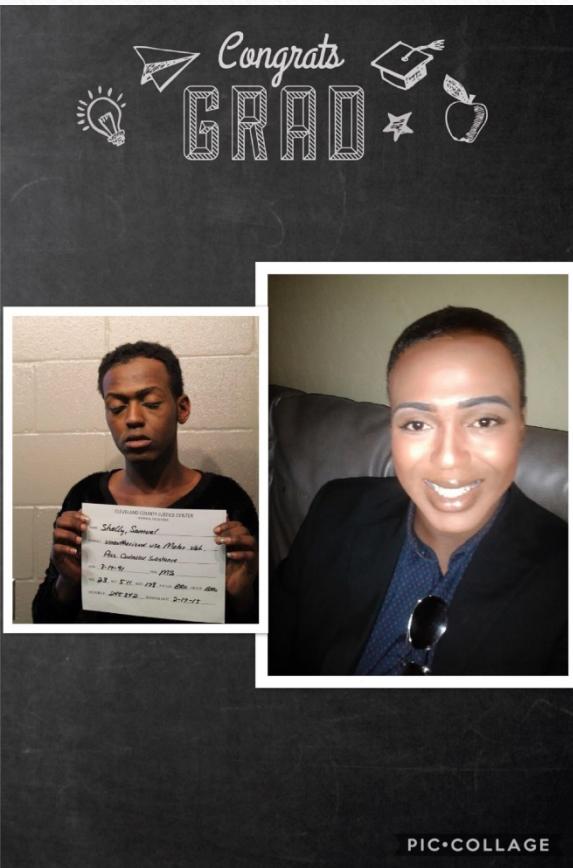


Costs of Treatment v. Incarceration



Oklahoma Drug Courts

- 58 operational drug courts
- \$14,000 avg. annual savings per participant
- 75% graduation rate
- 24% recidivism rate
- 97% of graduates are employed
- Monthly income rises 125.3% among drug court participants from admission to graduation







Cleveland County Drug Court

- <https://www.youtube.com/watch?v=8hDUIKaFB0U&t=203s>
- Youtube search: Cleveland County Drug Court

NEW AMERICAN EDITION OF THE
#1 CANADIAN BEST SELLER

"A riveting account of human cravings, this book needs to get into as many hands as possible. Maté's resonant, unflinching analysis of addiction today shatters the assumptions underlying our War on Drugs."

—Nora Stinger, former Seattle Chief of Police and author of *Breaking Rank: A Cop's Lament of the Dark Side of American Policing*

GABOR MATÉ, MD

In the Realm of Hungry Ghosts



Close Encounters with Addiction

Foreword by PETER A. LEVINE, PhD
author of *Holding the Tiger: Healing Trauma*

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with a new afterword

beautiful
boy

a father's journey through his son's addiction

DAVID SHEFF

"A brilliant, harrowing, heartbreaking, fascinating story, full of beautiful moments and hard-won wisdom. This book will save a lot of lives and heal a lot of hearts."

—ANNE LAMOTT

THE BODY
KEEPSTHE SCORE

BRAIN, MIND, AND BODY
IN THE HEALING OF TRAUMA



BESSEL VAN DER KOLK, MD

"Superb journalism and thrilling storytelling." —NAOMI KLEIN
"Deeply human. It will prompt an urgently needed debate." —GLENN GREENWALD

JOHANN HARI
CHASING THE SCREAM

THE FIRST AND LAST DAYS
OF THE WAR ON DRUGS

INTRODUCED BY

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Overcoming Addiction and
Ending America's Greatest Tragedy

DAVID SHEFF

author of *Beautiful Boy*

'Dopesick is a deep – and deeply needed – look into the troubled soul of America.' Tom Hanks

DOPESICK

DEALERS, DOCTORS and the
DRUG COMPANY THAT ADDICTED AMERICA



BETH MACY

Jarrett J. Krosoczka

HEY, KIDDO

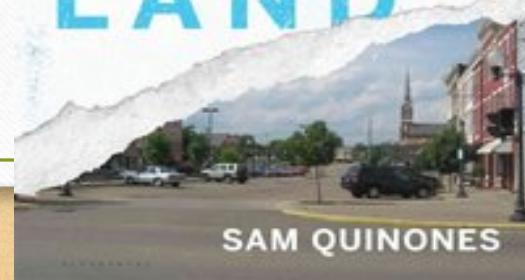
How I Lost My Mother, Found My Father,
and Dealt with Family Addiction



The relentless marketing of pain pills.
Crews from one small Mexican town
selling heroin like pizza. The collision has
led to America's greatest drug scourge.

The True Tale of America's Opiate Epidemic

DREAM
LAND



SAM QUINONES

Interface of Medical and Legal Professionals

- Impossible for judges or addiction physicians to perform their jobs effectively without improving interdisciplinary communication
- Drug Courts cannot deliver effective treatment without medical input, and physicians cannot reach large numbers of persons with SUDs without learning to function in a criminal justice environment
- The development of collaborative working relationships between physicians and drug court professionals will raise the bar for both disciplines and optimize outcomes for participants, the judicial system, and the public at large

Contact Info

- District Judge Michael Tupper
- 201 S. Jones, Ste 407
- Norman, OK 73071
- (405) 329-9788
- michael.tupper@oscn.net



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