

Drug Courts:

A Smart Approach To Ensuring Justice For All

Hon. Michael Tupper

A Day With the Judges Conference

October 18, 2019

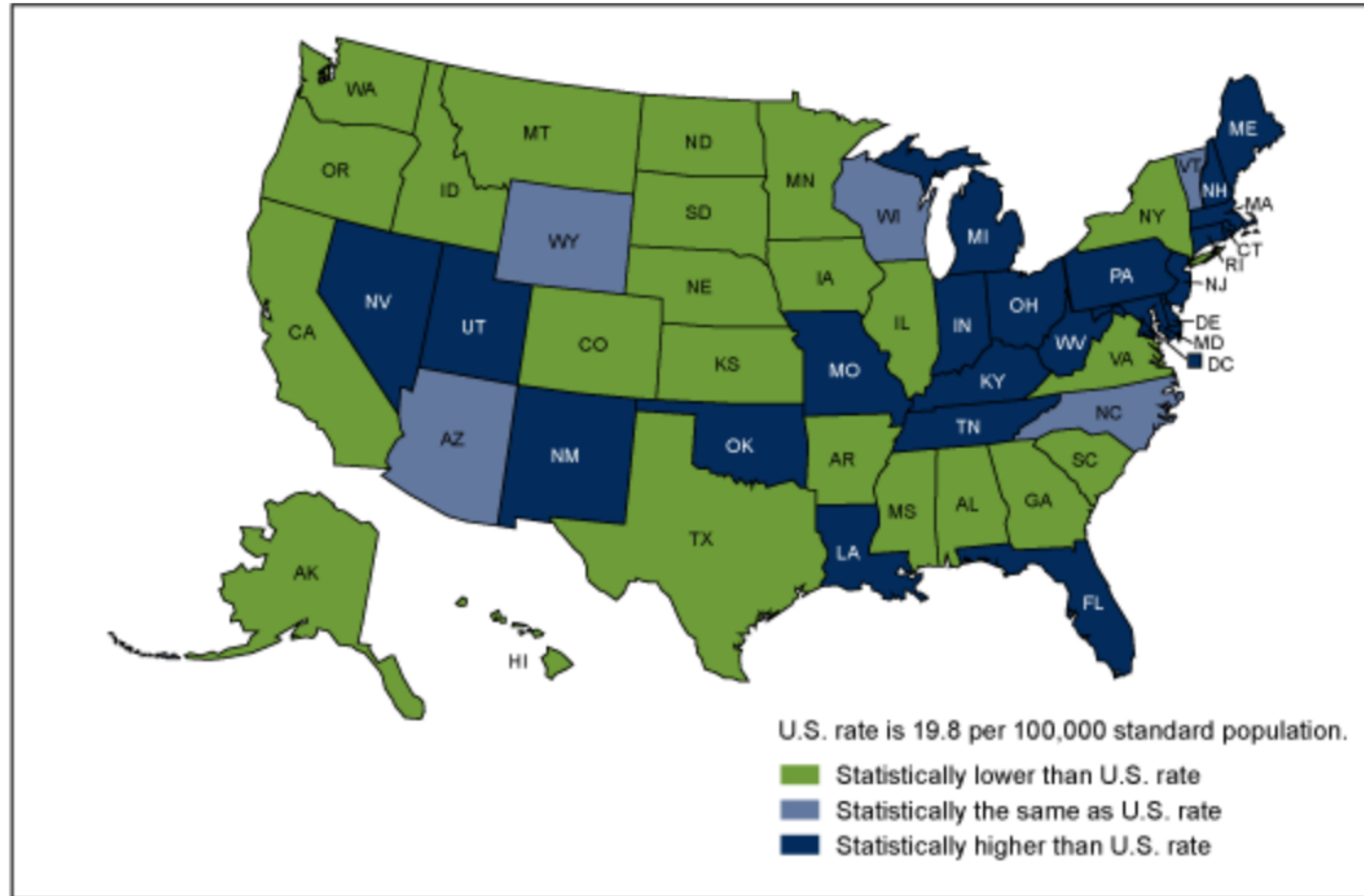
Substance Abuse Affects On Oklahoma

- 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)

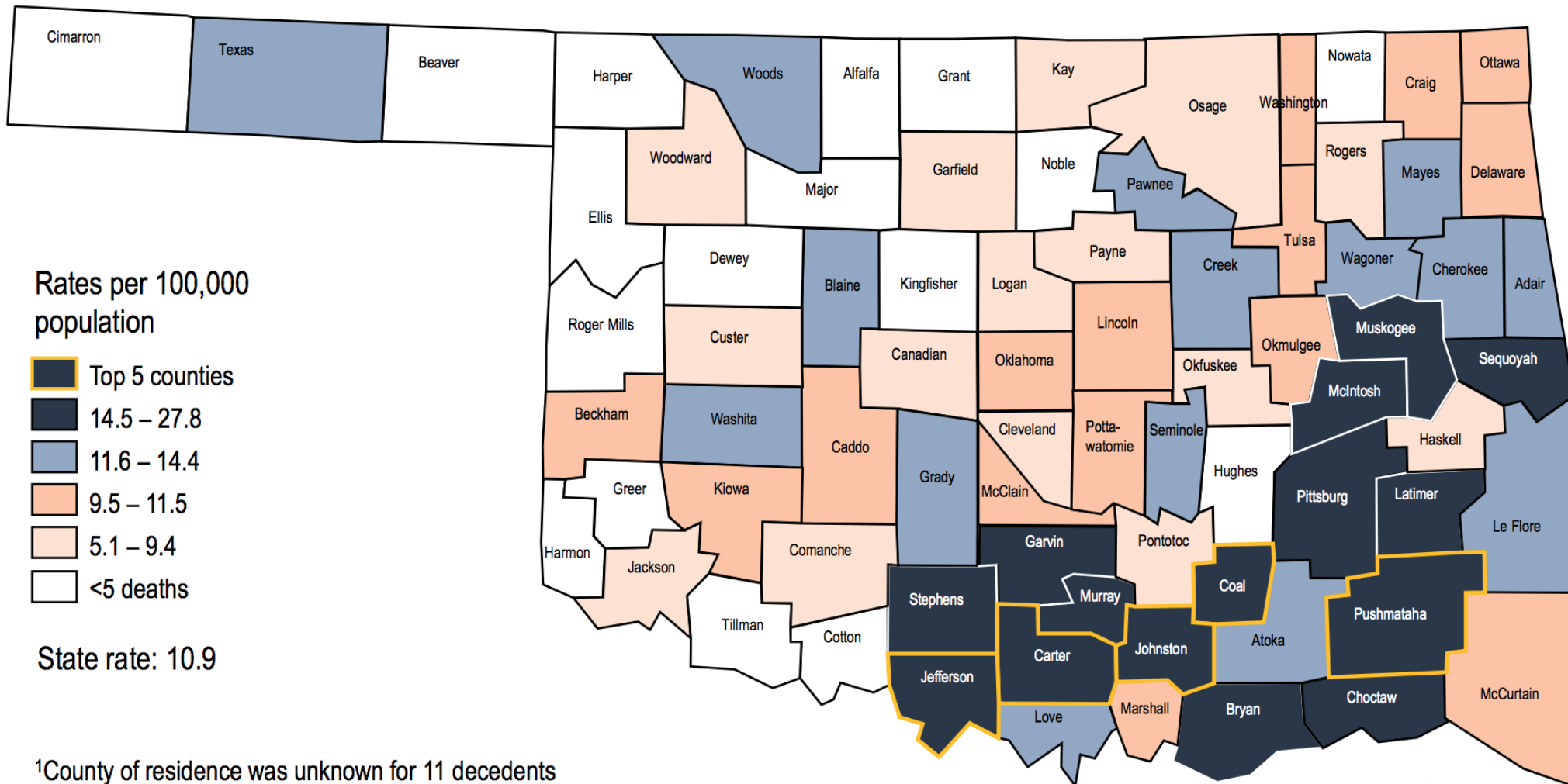
Figure 3. Age-adjusted drug overdose death rates, by state: United States, 2016



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](#) .

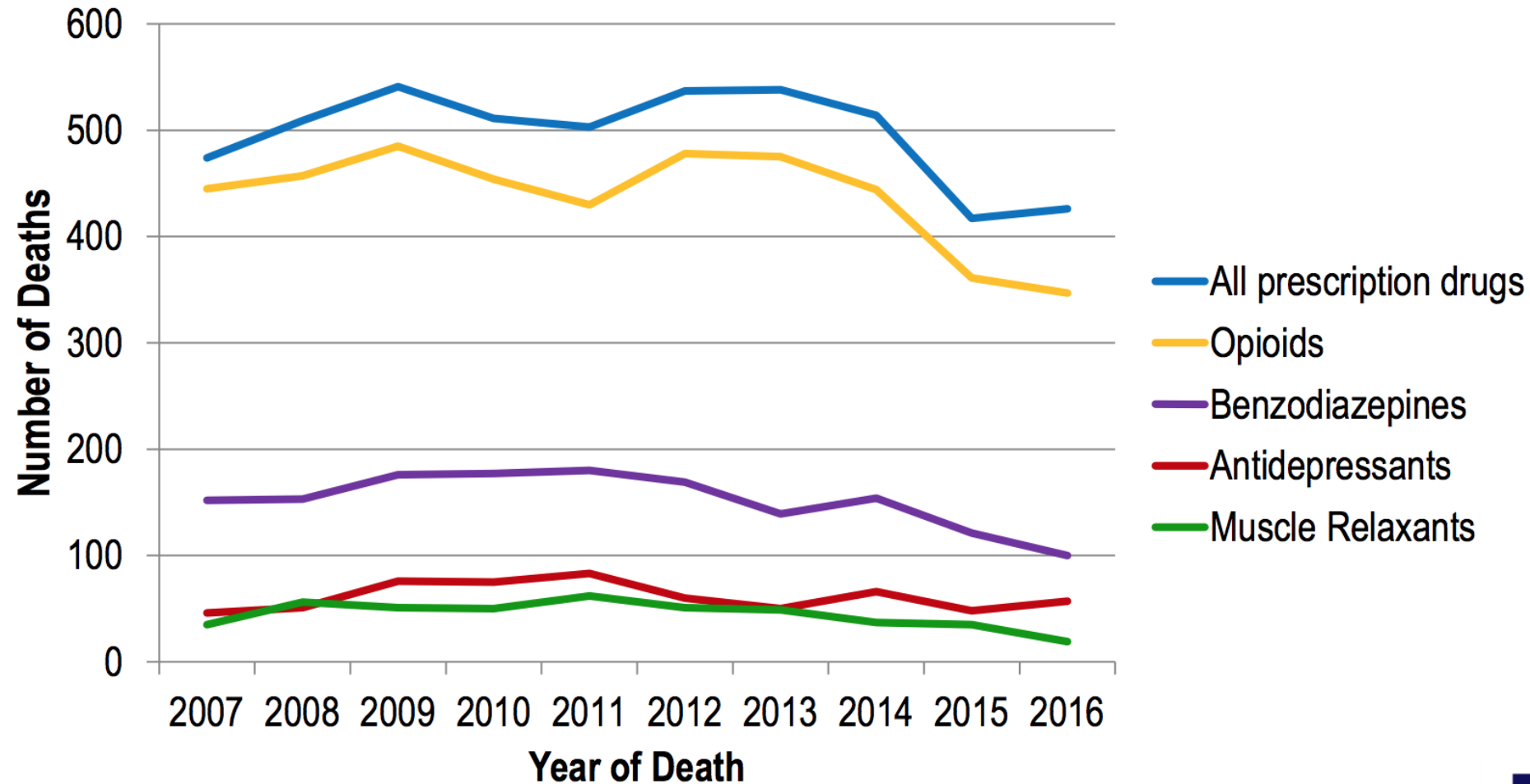
SOURCE: NCHS, National Vital Statistics System, Mortality.

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)

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)



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)

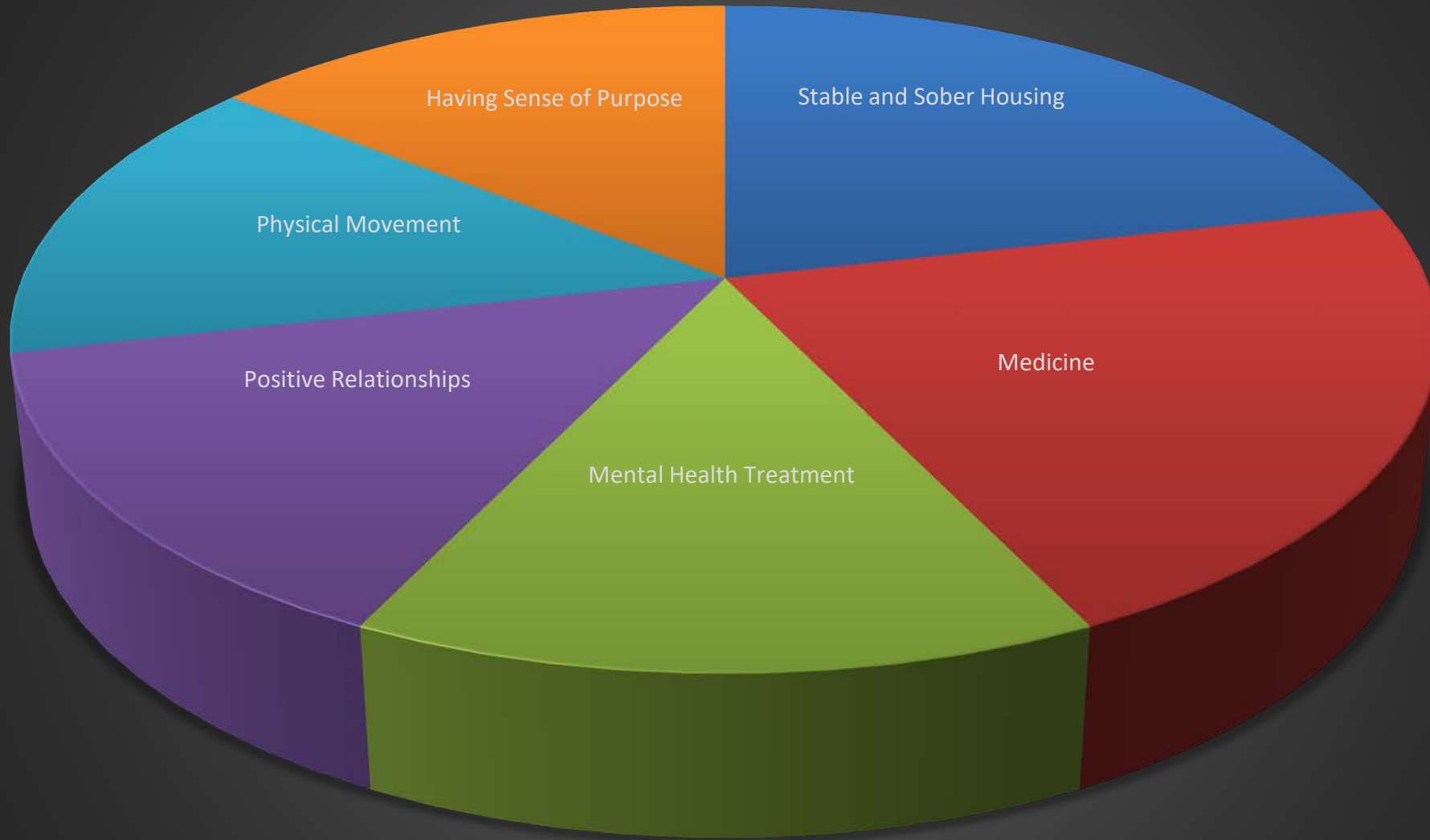
(Cont'd)

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



■ Stable & Sober Housing ■ Medicine ■ Mental Health Treatment ■ Positive Relationships ■ Physical Movement ■ Having a Sense of Purpose

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)

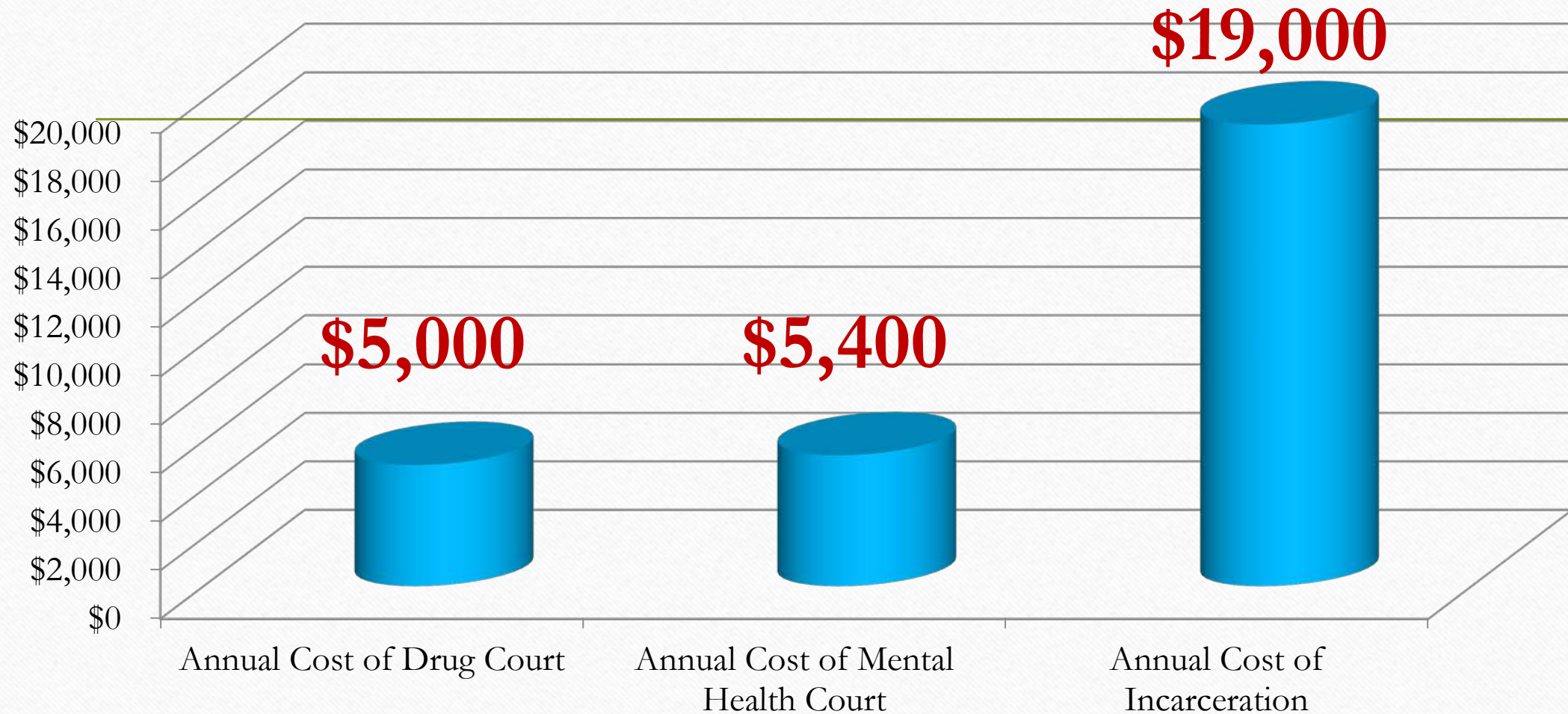
- Policy Statement:
- Use of medical marijuana for participants would be contrary to overall goals of the Drug Court in assisting persons with a substance use disorder and/or mental illness in achieving recovery.
- The Cleveland County Adult Drug Court program finds that the possession or use of medical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

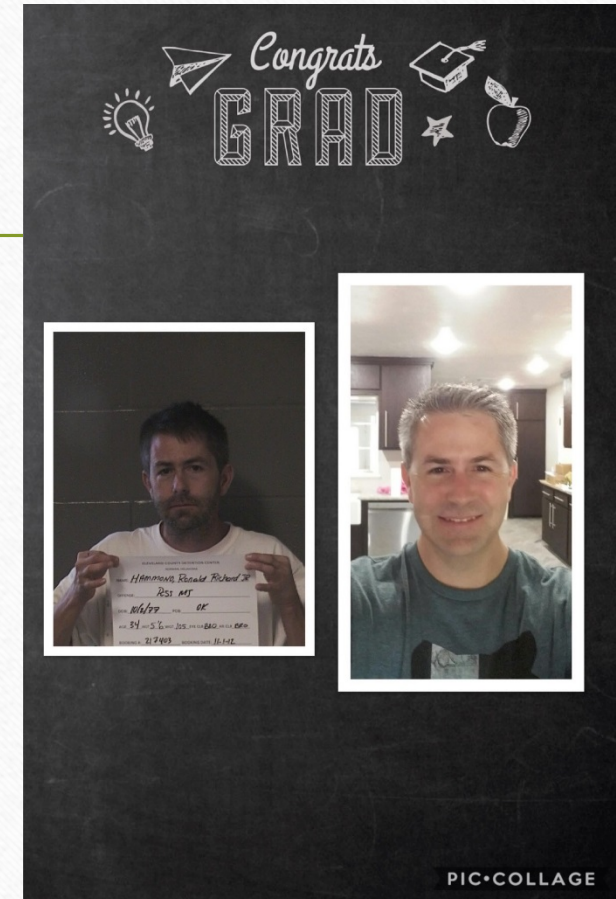


Costs of Treatment v. Incarceration



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

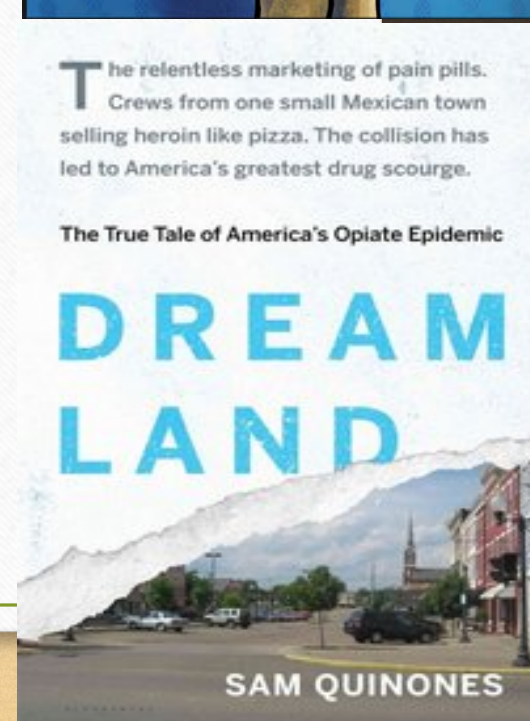
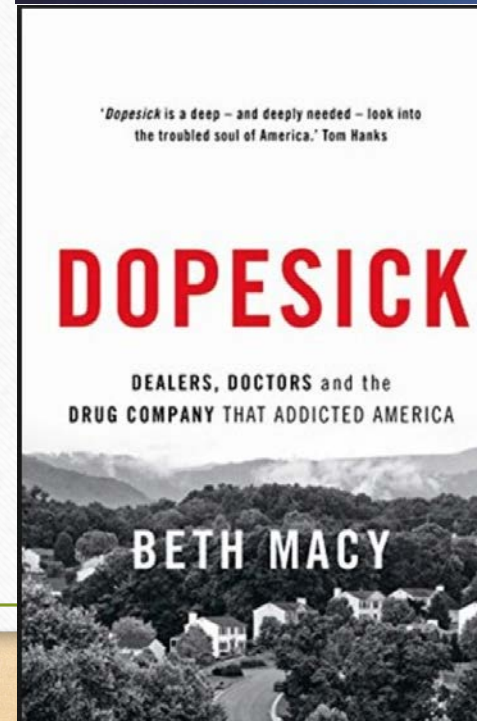
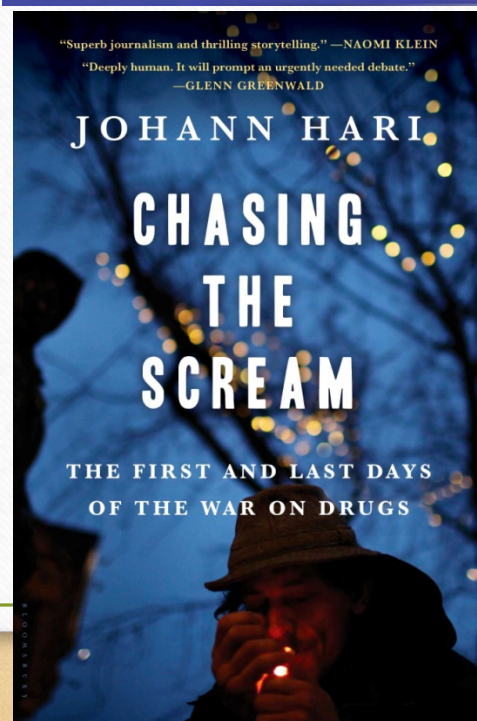
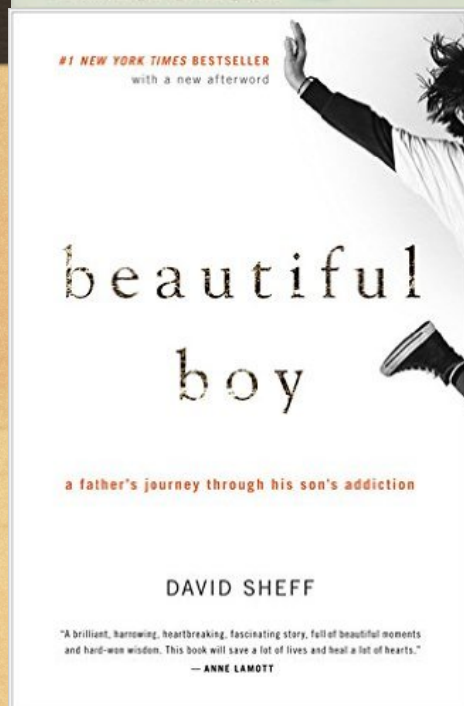
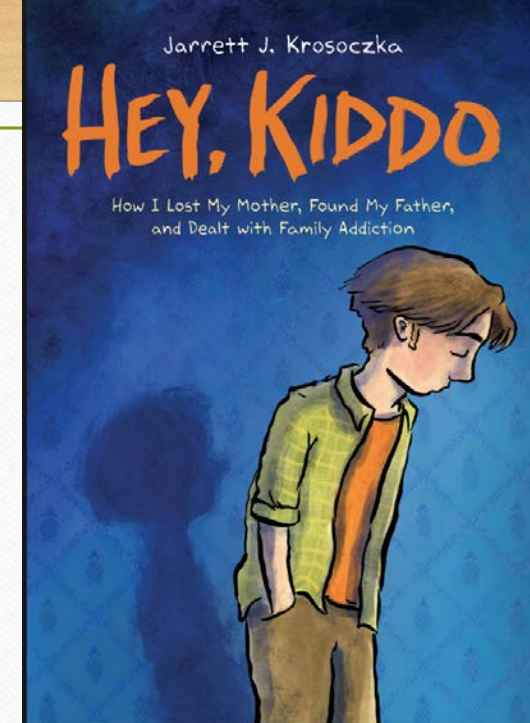
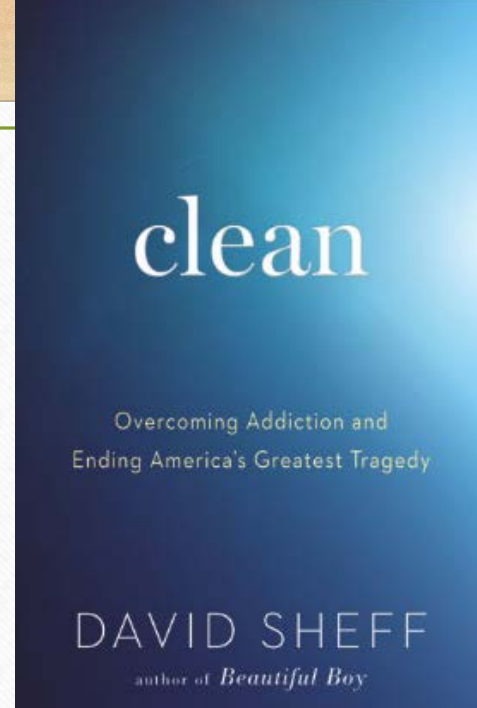
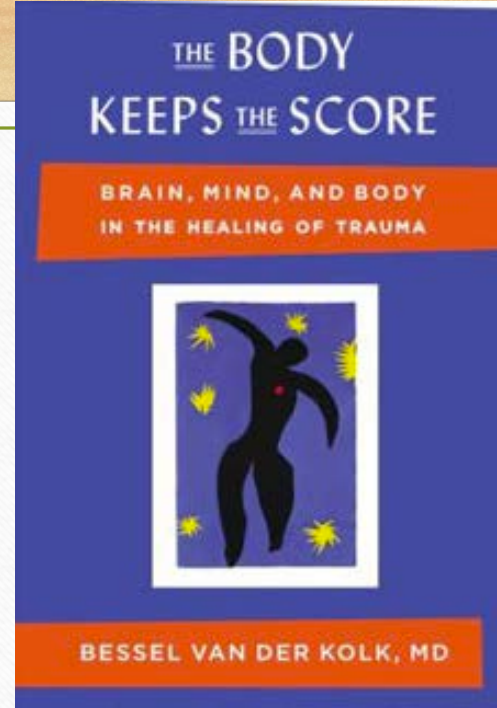
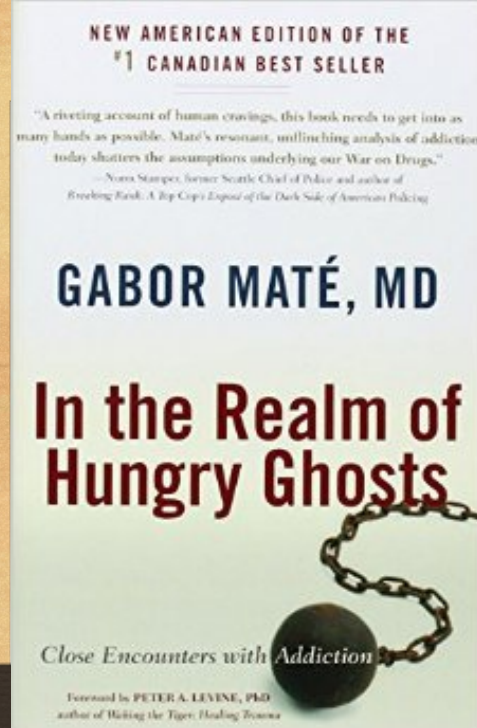






Cleveland County Drug Court

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



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



A Smart Approach To Ensuring Justice For All