

Courts must lead in the crisis of addiction

Last year, more Americans died of opioid overdoses than of many cancers, gunshot wounds, or even car crashes. In fact, by at least one metric, the epidemic is more dire for Americans than was the Vietnam War: While an average of 11 Americans died per day during the 14 years the U.S. was involved in Vietnam, nearly 120 Americans died per day of opioid overdoses in 2018 alone.

Yet an important part of the story has gone largely untold: The state court justice system is now the primary referral source for addiction treatment in the country.

This reality has put an enormous strain on our nation's state courts, many of which have been overwhelmed by growing dockets and shrinking resources. In a recent survey of 42 chief justices and state court administrators, a majority ranked the opioid epidemic's impact on the courts as "severe" or "extreme" — only a single respondent characterized it as "minimal." The survey results are unsurprising, given the complexity of opioid cases: It takes a significant amount of time to figure out what's best for people who are addicted, how to care for their children, and what resources are available for them. And those who are placed in a treatment program with court oversight may remain involved with the court system for years.

While Congress has responded by increasing appropriations to provide targeted funding for the states, almost none of it has been directed to the court system. Court leaders quickly realized the stress this epidemic brought to the courts as a "crisis within a crisis."

This led to the establishment of the National Judicial Opioid Task Force in 2017 by the Conference of Chief Justices and the Conference of State Court Administrators. The task force

examines current efforts and helps find solutions to address the epidemic. It began by developing five principles for state courts to use as a point of reference in addressing the crisis:

- The justice system is in the middle of this crisis and should lead the way in delivering solutions.



- Judges should use their positions to bring together leaders of government agencies and other groups to address the epidemic.
- Courts should ensure that opioid abusers get the treatment they need.
- Interventions should be comprehensive and should include initial proper treatment, recovery services, and appropriate placement of children.
- Courts should use data whenever possible to help them make good decisions.

With these principles in place, the task force has developed practical information, tools, and best practice recommendations for state court judges and court administrators. It recently released a comprehensive resource center to provide information to help courts understand the unique aspects of opioid-use disorder and to handle opioid-related cases more effectively. A final report was released on Nov. 20 and is available at ncsc.org/opioids.

To be sure, this isn't just a serious problem where we live in Indiana

and Tennessee. Opioid addiction has rocked states throughout the country. In nine states, the number of prescriptions exceeds the number of residents. And a 2018 report by a nonprofit group that studies the health economy estimates the opioid epidemic has cost the U.S. more than a trillion dollars since 2001, a number that has surely continued to climb.

But there are examples of hope. The task force has worked with court leaders across the country to identify promising state and local court programs that address the crisis. For example, a New York state court judge has developed an opioid intervention court that, within hours of arrest, links participants with treatment services. Kentucky has created treatment and recovery teams that combine best practices in courts, child welfare, treatment, and peer recovery. In Indiana, the Supreme Court hosted a statewide opioid summit, bringing together almost 1,000 community stakeholders from every one of the state's counties. Montana judges are using new technologies to address the complications of providing services in remote communities. And courts in Tennessee are focusing on the needs of pregnant women with addiction and have already seen a reduction in the number of babies born with neonatal abstinence syndrome.

Much work remains. But the National Judicial Opioid Task Force is dedicated to building on the successes of other courts and working collaboratively with local, state, and federal partners to craft the responses and solutions required to combat this serious and complicated epidemic.

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Learn more at ncsc.org/opioids.