



NEWSLETTER

Florida Association of Drug Court Professionals November 2010

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11th Judicial Circuit

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Letter from the Chair

Dear FADCP Members,

We have had a busy start to the fall with the coordination of the statewide drug court training with Michael Nerney through the Supreme Court of Florida's videoconferencing network. Mr.

Nerney did a fantastic job presenting complex material that we can all use to enhance and improve our drug court program operations. I would like to thank Judge Wendy Berger for hosting the training in St. Johns County. Mr. Nerney's presentation would not have been possible without the efforts of the FADCP/OSCA/ Seventh Judicial Circuit Training Committee chaired by Judge Gisele Pollack, Broward County.

On the horizon for the FADCP Training Committee is to determine whether a statewide in-person training conference is possible. We will report back to you when we have more information. Any circuit wishing to host the conference locally and help provide support for coordination, please contact our executive director, Eve Janocko at evejanocko@aol.com.

Judge Melanie May, Fourth District Court of Appeal; Judge Marcia Beach, Seventeenth Judicial Circuit; and Judge Gisele Pollack, Broward County are identifying legislative priorities for the FADCP to advocate and educate leadership at the state and local levels. With the many changes in leadership in Tallahassee in the Legislative and Executive Branches it is important that we all reach out to our delegations to educate them on the efficacies of drug courts emphasizing cost savings and the positive life changes citizens adopt to become productive members in our communities. We thank our FADCP Legislative Committee for all their hard work and dedication.

Colonel Jim McDonough has been overseeing the Veterans' Treatment Court movement in our state. We are pleased that the Florida Senate recognized in their report, "Veterans' Courts Interim Report 2011-131" this approach to address veterans' in the criminal justice system and has designated the programs in Okaloosa and Palm Beach Counties as pilots for evaluation. HB17/SB138 has been filed to support veterans' treatment courts. Several communities are actively exploring options for Veterans' Treatment Courts including Broward and Pinellas Counties.

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Judge Deborah White-Labora, Miami-Dade County chairs the FADCP National Drug Court Month Celebration Committee which will be kicking off their efforts to identify ways in which Florida's drug courts can celebrate National Drug Court Month which is held each May. If you are interested in serving on this committee, please contact our executive director, Eve Janocko at evejanocko@aol.com.


The FADCP is also focusing its efforts to include training for judges on how to utilize drug court concepts and problem solving techniques across legal disciplines. The FADCP Drug Court Capacity and Judicial Education Workgroup seek to add this training to curriculums at the Florida Judicial College, Circuit and County Judges' Conferences and Advance Judicial Studies. It is our view that judicial education and training in this area is essential to assist judges to effectively resolve substance abuse and mental health issues which invariably arise across the spectrum of subject matter jurisdiction. We believe this training will enable judges to save precious resources within the judicial system.

The FADCP will continue to support the Post-adjudicatory Drug Court Expansion Program which is in its second year and is critical for sustainability. We thank the drug court judges, coordinators, state attorneys, public defenders, law enforcement, probation and treatment providers, who have worked so hard to make this program operational in such a short time. We thank Jennifer Grandal, once again, for her excellent program management oversight and accessibility. We also thank the many staff at the OSCA who make all this possible. If the goals of the drug court expansion program are met, the cost savings to the Florida taxpayer by reducing the number of individuals convicted and imprisoned for controlled substance violations will most definitely demonstrate the efficacy and cost cutting benefits of drug courts.

The FADCP Board advocates for Florida's drug courts and addresses initiatives on the local, state and national level that will help advance and sustain our programs. The work that the FADCP accomplishes on behalf of its membership has been critical to the growth and sustainability our drug courts. Without a strong membership base, the FADCP cannot address these initiatives and provide support through training and advocacy. If we all join the FADCP, there is a strong commitment from everyone that Florida's drug courts are important. Please encourage members of your drug court teams to join the FADCP so we can continue to provide the strong voice of support and advocacy for Florida's drug courts.

As we look toward the New Year, the FADCP Board will address these initiatives to support our drug court programs statewide. It is my pleasure to serve as your chair and I wish all of you a very Happy Holiday Season!

Best Regards,



Jack Espinosa, Jr., FADCP Chair

Broward County's Pill Mills More Prevalent than McDonald's **By Gary Hilko, Drug Court Manager, Broward County**

There are more of these pain clinics here in Broward County than there are McDonald's restaurants: 154 so-called pill mills, vs. about 70 of the burger franchises. The nation's top 25 oxycodone-dispensing doctors were all in Florida in the first half of 2008; 18 of them were in Broward County. Broward is the nation's capital in oxycodone sales, dispensing more than 9 million tablets in one six-month period in 2008, according to the U.S. Drug Enforcement Administration. Broward County has 154 pain clinics, Palm Beach County has 122, and there are 942 statewide.

Record Oxycodone Prosecutions in Pinellas County: How Did We Get Here?

By Marc N. Pelletier, Attorney at Law

As a criminal defense attorney, I am in a unique position to observe various “trends” in the Pinellas County Criminal Courts. Over the past several years, the steady and consistent climb in the number of criminal cases involving the trafficking, sale, or possession of oxycodone has been an obvious development to anyone who works within the local criminal justice system.

The widespread problem of oxycodone addiction and the corresponding increase in criminal prosecutions involving this prescription drug did not arrive here overnight. Instead, a number of factors have conspired over the past decade and a half to cause this powerful and addictive substance to become the “drug of choice” for many people. As a result, the number of deaths from oxycodone overdose have seen a sharp increase, both in Florida and nationwide. The Pinellas criminal justice system has approached the increasing scope of the problem through a continuation of the traditional “war on drugs” system of mandatory drug trafficking penalties while simultaneously using the rehabilitation and treatment opportunities found in drug court. This article will attempt to shed some light on how oxycodone came to be one of the most commonly abused controlled substances in Pinellas County, if not the United States.

The Aggressive Marketing Campaign of Purdue Pharma

OxyContin is the brand name of the painkiller first manufactured and introduced into the United States by Purdue Pharma in 1996. Purdue aggressively marketed OxyContin to doctors as a safe, effective, and non-habit forming painkiller. The pharmaceutical company also encouraged doctors to instruct their patients to take OxyContin every 8 hours instead of every 12 hours, as was approved by the Federal Food & Drug Administration. Ultimately, in May, 2007, the company was forced to pay \$19.5 million in fines for the improper marketing campaign. Federal court charges levied against three Purdue Pharma executives resulted in a \$634 million fine for misbranding OxyContin as having “less euphoric and less abuse potential” than was truly the case. When one considers that just a single year of OxyContin sales brought Purdue Pharma over \$2.5 billion, the punishment appears rather negligible.



Nevertheless, it would appear that Purdue Pharma’s aggressive “off-label” marketing campaign had the intended effect. Between 1997 and 2005, the sale of oxycodone in the United States increased six-fold. OxyContin is the number one best selling non-generic narcotic painkiller in the United States today. In 2006 alone, 1.4 million prescriptions were written for OxyContin. As a result, OxyContin is widely available and widely prescribed. Unfortunately, the highly addictive property of the substance has likely translated into a proportionally large number of people who now have an addiction to a prescription narcotic. Many of these people were prescribed OxyContin legally, but may not have been adequately warned about the potential for abuse and addiction by their physician. Consequently, when their prescription ran out, they were forced to turn to doctor-shopping or the black market in order to maintain their addiction.

The Infamous “Black Box” Warning Label

OxyContin carried a boxed warning in the package insert that warned users against chewing, crushing, or dissolving the tablets because doing so would cause a “rapid release” of the drug. Many speculate that the warning was counter-productive and actually encouraged users to abuse OxyContin. Further, the black-box

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warning itself was responsible for spreading the information on the best method for increasing the intensity and immediacy of OxyContin's euphoric, heroin-like effects. As a result, it is not unusual to find that many

people addicted to OxyContin snort or even inject crushed tablets in order to achieve a powerful and quick high. Sadly, abuse of this nature places these individuals at great risk for overdose. Even leaving out the risk of death, this behavior can certainly accelerate the addiction into an unmanageable need.

In some cases, users of OxyContin turn to the use of roxicodone which is the "instant release" form of oxycodone. Unlike OxyContin, roxicodone need not be crushed or snorted in order to achieve the quick acting effects of the substance. However, the use of roxicodone can be just as addictive as OxyContin.

Florida's Pill Mills

For many years, Florida was thought of as the "Pill Mill Capital of America." The loose regulatory climate combined with a large number of doctors helped contribute to the growth of storefront pain clinics as a "cottage industry" in the state. These pain clinics often write prescriptions for OxyContin after just a cursory examination of the patient. Some individuals would present to these clinics with bogus physical ailments in order to obtain a prescription for OxyContin. Thereafter, they would sell the pills on the street, hoping to turn a profit. Others turned to pain clinics to maintain an addiction after their primary physician refused to continue to prescribe the painkiller. The ultimate result was to flood the state with a cheap and widely available narcotic. The number of deaths from overdose continued to rise, with over 900 deaths from oxycodone in Florida during 2008.

What Does the Future Hold?

In June, 2009, Governor Charlie Crist signed a law establishing a prescription drug monitoring database. The database is designed to track prescriptions issued and to prevent doctor shopping. Proponents of the monitoring program claimed that it would also prevent pain clinics from over-prescribing narcotic medications and allow the identification of pill mills. However, the database has not been implemented yet, and the Florida Department of Health has until the end of 2010 to do so. The lawyers in our office anticipate that when the database finally goes online, the number of arrests and prosecutions for prescription fraud and doctor shopping will skyrocket.

The Pinellas County Sheriff's Office has created a new unit within its ranks called the "Narcotics Strategic Diversion Unit" targeted specifically at the illegal distribution and possession of prescription drugs. This unit works with local, state, and federal law enforcement to track potential cases of doctor shopping and identify so-called pill mills. Detectives within the PCSO claim that arrests for these prescription drug related offenses have tripled in the past year, while the number of charges has increased by more than 500 percent.

"The 2009 Florida Medical Examiner's Report reveals that prescription drug overdoses kill seven Floridians every single day - a tragic number five times greater than deaths from all illicit drugs combined." *-Director Bruce Grant, Florida Office of Drug Control*

This quote appeared in the Jacksonville Times Union on August 20, 2010.

The entire opinion can be found at:

<http://jacksonville.com/opinion/letters-readers/2010-08-20/story/statewide-program-prevent-prescription-drug-abuse>

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As the foregoing demonstrates, a variety of factors have contributed to and caused the prescription drug abuse “epidemic” that now confronts the criminal justice system. It seems quite likely that heightened enforcement efforts will only serve to further increase the influx of prescription drug related charges, including, of course, offenses involving the possession and sale of Oxycodone.

About the Author: Marc N. Pelletier is a criminal defense attorney with the Law Offices of Russo & Russo, P.A. Mr. Pelletier limits his practice to DUI and criminal cases arising exclusively out of Pinellas County, Florida. He is a former state prosecutor. During his time as a defense attorney, Mr. Pelletier has defended numerous cases involving prescription fraud, doctor shopping the trafficking, sale or possession of oxycodone, roxicodone and other controlled substances,. Mr. Pelletier strives to recognize and address the issues that arise in drug cases where addiction has played a major role in motivating the offense. His representation is designed to help his clients avoid conviction or incarceration and to obtain drug treatment.

The above article was provided to the Florida Association of Drug Court Professionals (FADCP) upon request for inclusion in this newsletter. Eventhough FADCP is appreciative that the author provided this article; views and opinions reflected in this article do not necessarily reflect those of the Florida Association of Drug Court Professionals and its members.

Prescription Drug Court Grant Update

By Georgina Rullo C.A.P.

In October 2008 Operation PAR Inc, in collaboration with Pinellas County Sixth Judicial Circuit, WestCare Gulf Coast of Florida, Inc, and the University of South Florida’s Louis de la Parte Florida Mental Health Institute, was awarded the Pinellas County Adult Drug Court Collaborative grant (locally named the “WeCan” program). The program assists female drug court offenders ages 18 years or older who substance dependence requires placement in outpatient treatment. The evidenced based practice curriculum being utilized is Motivational Enhancement Therapy/Cognitive Behavioral Therapy and Seeking Safety.

Now, going into its final year, the “WeCan” program has admitted 154 clients. Based on data collected at intake and three months post intake, the client’s average days of use decreased from 22 days to 7.5 days. Upon entry, only 1.2% reported remaining abstinent for the past month compared to 83.8% who reported remaining abstinent for the past month after having participated in the program for three months. After participating in the program for twelve months, 95.5% reported not using these substances in the past month.

A few of the metrics for this program are as follows:

- Client reports a drop in drug offenses: 42.9% at intake, 16.2% at 3 months, and 7.6% at 12 months.
- Using in the community decreases from 60.4% at intake to 10.6% at 12 months.
- Stability in the community increases from 30.5% at intake to 49.4% at 6 months and 65.2% at 12 months.
- Reports of being in recovery increases from 33.1% at intake to 68.6% at 3 months.
- Specifically to opiates, client reports decrease in opiate use form 40.3% at intake to 9.5% at 3 months.

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2010 Florida Drug Court Statewide Distance Learning Session

By Eve Janocko, FADCP Executive Director



On October 27, 2010, Florida's statewide drug courts were treated to a dynamic training session by Michael Nerney. Mr. Nerney is a dynamic lecturer whose expertise covers substance abuse prevention and education, current drug trends and latest research findings linking substance abuse to behavior.

Judge Wendy Berger (*pictured on left with Mr. Nerney*) presided over the statewide training which was hosted by St. Johns County, Seventh Judicial Circuit in St. Augustine, Florida. Approximately 280 drug court team members statewide viewed the training through the Supreme Court of Florida's videoconferencing network. On-site to view Mr. Nerney's training were drug court team members from the Seventh, Fourth, and Eighth Judicial Circuits.

The Florida Association of Drug Court Professionals (FADCP) and the Office of the State Courts Administrator (OSCA) worked collaboratively to coordinate the logistics of the statewide training. The training program agenda was developed by the FADCP/OSCA/Seventh Judicial Circuit Planning and Training Committee. The content of Mr. Nerney's presentation covered the following areas: 'Current Drug Trends and Linkages to High Risk Behavior', 'Co-Occurring Disorders', and 'Latest Research Findings' related to linkages of substance abuse to high risk behavior and changes in the brain which demonstrates treatment effectiveness.

Drug court programs statewide had the opportunity to submit questions to Mr. Nerney during his presentation. Judge Berger retrieved questions via e-mail (*as shown in the photo on the right*) from drug court staff statewide for Mr. Nerney to answer. The interactive nature of the training provided participants with the ability to comment or request clarification on information presented. Providing this opportunity was important to make sure drug court teams were engaged in the training.



Mr. Nerney's presentation style combines a wealth of knowledge on substance abuse addiction, treatment modalities, and co-occurring disorders with a keen sense of humor that reinforces the content of his presentation. The evaluations from participants statewide rated the training conducted by Mr. Nerney as excellent.

Through his extensive research and incredible expertise, Mr. Nerney was able to cover a broad range of topics related to substance abuse, addiction, treatment, brain functioning, suicide, and co-occurring disorders. Mr. Nerney described current drug trends such as synthetic marijuana and over the counter medicine and his observations on college campuses with the variety of creative ways in which young adults administer drugs of choice. He discussed the impact addiction has on the brain and the various changes that occur cognitively and socially. He covered successful strategies for clients with co-occurring disorders and the best treatment approaches. Mr. Nerney explained the complexities related to suicide and substance abuse, comparing males and females and the drugs of choices describing end results. In addition, he described the most effective treatment approaches where a combination of empathy, alliance, and promoting change, rather than

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confrontation, creates positive results. Lastly, Mr. Nerney covered high risk behaviors and the consequences of actions combined with substance abuse.



Prior to the lunch break, statewide drug courts were given an update by Judge Jack Espinosa, Jr., FADCP Chair, on the initiatives that the FADCP will focus on in the coming year and how membership in the FADCP supports these endeavors. Judge Espinosa presented a plaque (*photo on the right*) to Broward County Judge Gisele Pollack (*pictured on the left*), recognizing her leadership and dedication to Florida's drug courts during her tenure as FADCP Chair from 2008-2010.



With tight budgets, the FADCP and OSCA coordinated another distance learning session as a means to provide valuable training to drug court programs statewide and give participants the opportunity to earn continuing education CJE, CLE, and CEU credits.

Although not perfect, videoconferencing allows for substantive training at little or no cost to statewide drug courts. The FADCP Training Committee, chaired by Judge Pollack, is discussing the feasibility of coordinating a statewide drug court training conference in 2011. The possibility of coordinating an in-person statewide training conference is contingent on funding at the local level and the need for a circuit to step up to host and provide support for coordination of the training at the local site.

The Florida Drug Court Statewide Distance Learning Session was paid for by a collaborative partnership between the FADCP, OSCA, Seventh Judicial Circuit, Florida Department of Corrections, National



Association of Drug Court Professionals, and the Bureau of Justice Assistance. Without these entities support, a training of this caliber would not be possible. We thank our partners for their support of Florida's drug court programs. Additionally, we thank Nease High School's TV Production Academy who volunteered two fine young students to video tape the training sessions. *The photo on the left depicts one of the young men at work as those in the audience listen intently to Mr. Nerney.* DVD's will soon be available to FADCP members.

Your FADCP membership dues helped fund this training event and many other initiatives related to legislation, funding, strategic planning, and celebration of Florida's drug courts. If you have not joined the FADCP, please do so now so that we can continue to provide training and support for our drug court teams statewide.

Circuit Judge Don T. Sirmons Announces Retirement

By Linda Burd, Drug Court Manager, 14th Judicial Circuit



After serving 33 years on the bench and the last 13 years as Drug Court Judge in Bay County, the Fourteenth Circuit sadly announces the retirement of Don. T. Sirmons at the end of this year (*pictured here with the Bay County Drug Court Team*). Judge Sirmons and other officials in Bay County worked hard to establish the Bay County Drug Court which became operational in January, 1997.

Judge Sirmons was the first judge to come up with the idea of presenting bricks to drug court graduates which is now used by many drug courts across the country. The brick symbolizes a firm foundation on which to build a future. Judge Sirmons has now presented close to 500 bricks to graduates in Bay County.

Judge Sirmons is well known for his integrity, patience, and fairness on and off the bench. Always involved in various civic activities in the area, he is looking forward to participating in more community projects, in addition to playing more golf.

He sends the following parting message to all drug courts in Florida:

Drug Court is a great tool to be used by judges in dealing with individuals in the criminal justice system who have serious addiction issues. It is not a magic bullet but when it works it works.

It is easy to become cynical when discussing substance abuse issues but your perspective will change when you see individuals who commit themselves to following the strict rules of the program, work hard to be successful in the program, take pride in achieving their graduation from the program, and continue to remain true to their recovery efforts after finishing the program. I have found there is a real basis for the phrase: "One day at a time".

As we face the funding problems associated with our current economic situation, I urge everyone to work hard to ensure that the Drug Court program continues to be an effective component of the criminal justice system.

Thank you Judge Sirmons - you will be missed!

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UPDATE - Florida's Post-Adjudicatory Drug Court Expansion Project

In October, the Office of Program Policy Analysis and Government Accountability (OPPAGA) published a twelve page report (number 10-54) entitled: *Without Changes, Expansion Drug Courts Unlikely to Realize Expected Cost Savings*. This report is available on OPPAGA's web site at:

<http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1054rpt.pdf>

OPPAGA summarized their findings in the following way:

- *The 2009 Legislature appropriated \$19 million in federal funds to establish eight post-adjudicatory drug courts. The drug courts were expected to divert offenders from prison and thereby reduce corrections costs by an estimated \$95 million.*
- *The drug courts are generally meeting standards for their operation. However, they are unlikely to generate the expected cost savings for several reasons. Initial admissions targets overestimated the potential population of offenders who would qualify for the programs and strict eligibility criteria limited admissions. Some programs also appear to be serving offenders who would be unlikely to be sentenced to prison in the absence of drug court.*
- *The Legislature may wish to consider four options to address these problems. It could modify drug court criteria to serve more prison-bound offenders, include additional counties in the program, require the courts to serve predominantly prison-bound offenders, and/or shift federal funds to other prison diversion programs.*

Response from OSCA

The report includes comments from the State Courts Administrator, Elisabeth H. Goodner, to include:

"...we agree that expanding the drug court criteria to serve more prison-bound offenders would increase the number of eligible offenders. Several programs have further suggested that the legislature consider raising the 52 point sentencing score threshold to 60 points as originally recommended..." "This would also allow more non-violent offenders in need of substance abuse treatment into the program. My office will be able to propose language for the legislature's consideration."

St. Petersburg Times Editorial - October 18, 2010

In an editorial from the St. Petersburg Times entitled "*Give drug courts a real chance to work*", the opinion states: "*The problem is that the Legislature tightly restricted who could qualify for the offer of 12 to 18 months of drug treatment as an alternative to state prison. For example, only those probation violators who have failed a drug test can be placed in treatment. If they have any other violations they are barred from participating.*" The full editorial is available at:

<http://www.tampabay.com/opinion/editorials/give-drug-courts-a-real-chance-to-work/1128370>

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Legislative Focus for 2011 Session

By Judge Melanie May, 4th DCA

The time of the year is upon us when we start focusing on legislative priorities for the next legislative session. The FADCP Board will help advocate and monitor for the following areas based on the recommendations of the FADCP Legislative Committee.

Education

With the changes in leadership and new members in the Legislature and Executive Branch staff transition it is very important that our FADCP members reach out to their legislative delegations and educate them on the efficacies of drug courts and the cost savings that can be realized. Seeing drug court in person is a great way to engage folks in the process and let them see firsthand the excellent work our drug court programs do to impact the criminal justice system and our communities. We urge you to invite your leadership at the state and local level to visit your drug courts and learn about the success of our programs.

Reentry Drug Court

Representative Snyder and Senator Bogdanoff have provided excellent guidance on the best avenue to advocate for the reentry drug court bill if it is filed. As you know, over the past several years the reentry drug court bill has been introduced but has fallen short of passing due to many factors.

Pretrial Substance Abuse Education and Treatment (Misdemeanor Drug Court)

Judge Pollack is monitoring the Pretrial Substance Abuse Education and Treatment (Misdemeanor Drug Court) bill. On the senate side, SB 104 has been filed which is encouraging news to have a bill number assigned this early in the legislative process. Senator Ring and Representative Waldman are the sponsors of the bill again this year. Last session, the bill passed the House but did not pass the Senate due to time restraints. The bill brings the misdemeanor drug court statute in line with the felony drug court statute by deleting the language regarding prior diversion participation. The idea is not to go too far with the bill this year but take gradual steps to align the misdemeanor drug court statute with the felony drug court statute. Over time the two statutes should mirror one another. See bill text:

<http://www.flsenate.gov/public/GetFile.cfm?File=bnI5jPjLx4mfWpvv2jaAn1Sclw8%3D%7C7%2FPublic%2FBills%2F0100%2D0199%2F0104%2F%5Fs0104%5F%5F%2EPDF>

Funding Sustainability for Substance Abuse and Mental Health Services

The FADCP will continue to support funding for substance abuse and mental health services for DCF, DOC, and DJJ. We will monitor funding issues and support FADAA's recommendations for these services. We all need to change our mindset and embrace a new mantra. Rather than "no more cuts", we need to emphasize "cost savings are realized through treatment dollars spent".

Bondman's Pre-trial Detention and Release Modifications

We will continue to monitor this bill and brief our members on its status. Exclusionary language recommended by the Committee has been provided to the Association of Counties who is monitoring the bill. The language includes the following: *offenders amendable to treatment in drug courts, mental health courts and veterans' courts in lieu of jail.*

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Drug Court Expansion Program—Glitch Bill

The Office of Program Policy and Government Accountability (OPPAGA) have released their preliminary evaluation results on the Post-Adjudicatory Drug Court Expansion Project. OPPAGA has addressed the statutory issues to expand criteria which currently limit eligibility. The OSCA has drafted language to address the shortcomings of the legislation noted by OPPAGA in their preliminary report.


Veterans' Treatment Court

HB 17 and SB 138 have been filed to establish veterans' treatment courts. See bill text:

<http://www.flsenate.gov/public/GetFile.cfm?File=yzWzDg87XpKHhmiSxdMnXX%2BucLs%3D%7C7%2FPublic%2FBills%2F0100%2D0199%2F0138%2F%5Fs0138%5F%5F%2EPDF>

We will continue to monitor these bills and provide status updates to our members. It is very important that we all educate new leadership on the strengths of drug courts.

Standing Request for Articles from the Field

Georgina Rullo  consistently seeks out and submits many excellent articles for this newsletter. She is a volunteer superstar. Every FADCP member does not need to be a standout like Georgina; however, if every member sent in only one contribution a year, it would increase the value of this newsletter and our association to drug court professionals around the State! This is an ongoing request for drug court professionals and friends of drug courts everywhere to submit articles to this publication. We would like to include articles about specific drug court program accomplishments, innovations, awards and recognitions. Please send us your program information. If you would like to write an article on a particular subject we welcome your contributions. The newsletter is meant to enrich our membership and provide helpful information to advance our drug courts. Please submit your contributions to: EveJanocko@aol.com

We Need Your Ideas for Drug Court Month 2011!

We need your ideas on how Florida can creatively celebrate National Drug Court Month next year! Expanding the food drive effort to more drug court programs is anticipated. If you have any clever ideas or wish to participate on the NDCMC Committee whose charge is to develop the statewide initiatives, please contact Eve Janocko at evejanocko@aol.com.

NDCI's Tune In on Tuesday Webinar Series

As promised, The National Drug Court Institute (NDCI) is proud to announce our *Tune-In on Tuesday* webinar series hosted by the National Drug Court Resource Center. Once a month, NDCI will feature an expert from the Drug Court field who will present on the hot topics that Drug Court professionals like you need to know more about. For our kickoff month of December, we will have a double-feature! December 7th and 14th will feature talks on Spice/K2 by Paul Cary, toxicology and drug testing expert. The webinar is FREE, but space is limited. Register today!

December 7, 2010: <https://ndcrc.webex.com/ndcrc/onstage/g.php?t=a&d=646519101>

December 14, 2010: <https://ndcrc.webex.com/ndcrc/onstage/g.php?t=a&d=640873369>

Detecting Synthetic Marijuana Via Oral Fluid Testing

Redwood Toxicology claims they have the ability to detect synthetic marijuana via oral fluid testing. You may want to visit their website for details:

http://www.redwoodtoxicology.com/html_emails/0457/

NO MORE “MR. NICE GUY”?

DEA Press Release - DEA Moves to Emergency Control Synthetic Marijuana

Agency Will Study Whether To Permanently Control Five Substances

NOV 24 -- WASHINGTON, D.C. – The United States Drug Enforcement Administration (DEA) is using its emergency scheduling authority to temporarily control five chemicals (JWH-018, JWH-073, JWH-200, CP-47,497, and cannabicyclohexanol) used to make “fake pot” products. Except as authorized by law, this action will make possessing and selling these chemicals or the products that contain them illegal in the U.S. for at least one year while the DEA and the United States Department of Health and Human Services (DHHS) further study whether these chemicals and products should be permanently controlled.

A Notice of Intent to Temporarily Control was published in the *Federal Register* today to alert the public to this action. After no fewer than 30 days, DEA will publish in the *Federal Register* a Final Rule to Temporarily Control these chemicals for at least 12 months with the possibility of a six-month extension. They will be designated as Schedule I substances, the most restrictive category, which is reserved for unsafe, highly abused substances with no medical usage.

Over the past year, smokable herbal blends marketed as being “legal” and providing a marijuana-like high, have become increasingly popular, particularly among teens and young adults. These products consist of plant material that has been coated with research chemicals that mimic THC, the active ingredient in marijuana, and are sold at a variety of retail outlets, in head shops and over the Internet. These chemicals, however, have not been approved by the FDA for human consumption and there is no oversight of the manufacturing process. Brands such as **“Spice,” “K2,” “Blaze,” and “Red X Dawn”** are labeled as incense to mask their intended purpose.

Since 2009, DEA has received an increasing number of reports from poison centers, hospitals and law enforcement regarding these products. Fifteen states have already taken action to control one or more of these chemicals. The Comprehensive Crime Control Act of 1984 amends the Controlled Substances Act (CSA) to allow the DEA Administrator to emergency schedule an abused, harmful, non-medical substance in order to avoid an imminent public health crisis while the formal rule-making procedures described in the CSA are being conducted.

“The American public looks to the DEA to protect its children and communities from those who would exploit them for their own gain,” said DEA Acting Administrator Michele M. Leonhart. “Makers of these harmful products mislead their customers into thinking that ‘fake pot’ is a harmless alternative to illegal drugs, but that is not the case. Today’s action will call further attention to the risks of ingesting unknown compounds and will hopefully take away any incentive to try these products.”

(“**Mr. Nice Guy**” is another such brand; however, it was not listed by the DEA in this press release.)

Women Offenders: Victimization, Risk and Rehabilitation

**A series by Niki Miller, MS, CPS, Administrator of Women Offenders
New Hampshire Department of Corrections**

Histories of abuse among women in the justice system are well documented by researchers; however, practitioners are just beginning to understand the depth of the relationship between past abuse, criminality and rehabilitation. The vast majority of women in the criminal justice system have experienced interpersonal or sexual violence in their lives, with estimates as high as 90% (Commonwealth of MA, 2005; Women in Prison Project, 2006). According to the Bureau of Justice Statistics “Nearly 6 in 10 women in State prisons had experienced physical or sexual abuse in the past; just over a third of imprisoned women had been abused by an intimate in the past; and just under a quarter reported prior abuse by a family member” (Greenfield & Snell, 1999, p 1). This series of articles will focus on the implications of victimization and trauma for women offenders and suggest solutions for the criminal justice professions that deal with them. New research has implications for problems solving courts, diversion programs and prison treatment and re-entry initiatives that reach far beyond the “abuse excuse.” This first installment will focus on women’s entry into the criminal justice system.

The culture of these women involves a distinct pathway to criminal behavior that includes a set of nearly universal characteristics: poverty, criminal and violent partners, childhood sexual and physical abuse, untreated trauma, addiction and mental health disorders (Women’s Prison Association, 2005). But, even in the community, women’s experiences of victimization tend to be mediated by the worthiness of the victim (Daly & Maher, 1998). Women with a history of criminal justice involvement and drug or alcohol addiction often are deemed unworthy of the support, services and sympathies afforded to other victims. Once they enter the criminal justice system, addressing trauma is seldom first priority. But, new research on women’s forensic risk and needs assessment suggests that perhaps it should be.

Offender rehabilitation programming is driven by risk and needs assessments. These assessments measure factors that are the drivers of crime. Women offenders come to justice system with many needs. The criminal justice system can only be responsible for attending to those needs that are associated with criminal behavior and increase risk of re-offending and recidivating (Andrews and Bonta, 2003). The factors that have been shown by research to be the true drivers of crime are known as criminogenic factors. The science of forensic assessment has advanced to the point that we can now measure criminogenic factors that specifically affect women (Van Voorhis, Salisbury, Wright and Bauman, 2008). This can help direct women to the most effective alternatives to incarceration and rehabilitation programs.

Criminologists have distinguished a classification of women who have been seriously sexually abused and neglected as “harmed and harming” women, at risk for anger and hostility, which is associated with increased rates of institutional difficulty and recidivism (Brennan 2007). In general, people who have been sexually abused are more likely to be involved in criminal activities and to be arrested (Hubbard, 2002; Council of State Governments, 2005). Women in prison who report past trauma may have symptoms of PTSD that increase difficulties within correctional institutions (Saxon et al., 2001).

When women enter the justice system, they encounter police stations, courts, lock-ups, jails and prisons, which are inherently triggering environments for people with PTSD and tend to aggravate symptoms that may

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have been “under control” prior to arrest or incarceration. Substances and behaviors, which may have functioned as coping skills, will not be tolerated once women are under supervision. If an offender with limited coping skills defaults to dissociation in the face of multiple triggers, not only can this result in increased institutional difficulty (Gilfus, 2002; Van Voorhis, Salisbury, Wright and Bauman, 2008) but it also may interfere with female offenders’ ability to benefit from cognitive-behavioral interventions (Hubbard, 2002, Van Voorhis, 1997). Therefore, trauma stabilization may be an important priority for women offenders if they are to benefit from interventions aimed and keeping them out of prison.

The next installment will discuss some simple steps relevant to the environment, culture and relationships that justice-involved women navigate. Areas such as staff training and inmate education can influence outcomes for women offenders and for criminal justice professionals and programs. Whether or not appropriate treatment is available when women enter the system, staff and offender encounters and relationships can either support trauma recovery or re-traumatization. While treatment is essential, attending to the effects of trauma on women offenders requires a partnership between justice professionals, domestic and sexual violence services and substance abuse and mental health clinicians. The justice system itself can take immediate, low-cost steps that pave the way for success.

Reading to Consider for Women Drug Court Participants

Some treatment counselors recommend that women drug court participants read:

Why Men Love Bitches: From Doormat to Dreamgirl – A woman’s Guide to Holding Her Own in a Relationship by Sherry Argov

“Each woman got something out of it and most importantly recognized their self-worth. The book is an easy read for our clients who may not have the best literacy skills and the information is pretty black and white.” ---Drug Court Treatment Counselor

At Amazon.com, Publishers Weekly reports:

*“Contending that some women are “too nice,” comedian and radio show host Sherry Argov has written *Why Men Love Bitches: From Doormat to Dreamgirl - A Woman's Guide to Holding Her Own in a Relationship*. “I’m not recommending that a woman have an abrasive disposition,” Argov writes, “The woman I’m describing is kind yet strong. She doesn’t give up her life, and she won’t chase a man.” Her sassy book is filled with scenarios and advice aimed at making women subtly stronger and self-empowered. Argov’s principles, which range from the farfetched to the downright absurd, include “If you give him a feeling of power, he’ll want to protect you and he’ll want to give you the world” and “A little distance combined with the appearance of self-control makes him nervous that he may be losing you.” The book, which has already been featured on *The View* and *The O’Reilly Factor*, should make waves with its controversial view of relationships.”*

Did You Know?

Read about the pros and cons of hair alcohol EtG testing at:

<http://www.labfocus.com/adaltis/ivd-news/pros-and-cons-of-hair-alcohol-etg-testing.htm>

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From the Treatment Research Institute (TRI)

The Treatment Research Institute is a non-profit research and development organization specializing in science-driven reform of policy and practice in substance use and abuse.

In case you missed us at the NADCP conference, TRI is now offering two versions of its science-based Risk and Needs Triage™ designed to help drug court professionals decide the best course of action for their potential clients.

RANT™ is based on years of research and closely adheres to NADCP's Principles of Evidence-Based Sentencing. TRI released RANT three years ago as a triage tool to screen for criminogenic risk factors and clinical needs. The brief, user-friendly, 19 item instrument immediately generates supervision and treatment recommendations based on clients' levels of risk and need.

We've listened to your feedback and have now designed a *new* low cost version of RANT, priced at \$1,000 for up to five users and \$2,500 for up to 25 users per court for the first five years. To order, simply go to www.trirant.org, click on the "Purchasing" page, then click the "Order Here" link.

Of course, we still offer the original version, re-named RANT-Plus™, that uses the same instrument but also provides a host of other features, including data capture, storage, reporting, and customization. RANT-Plus also includes an optional module to assess Antisocial Personality Disorder. TRI can host RANT-Plus for your court for \$10,000 per court, per year.

Research has consistently demonstrated that a "one size fits all" approach is scientifically baseless and may be harmful to clients, waste limited money and resources, and pose threats to public safety. Both versions of our Risk and Needs Triage are designed to individually screen and triage clients to ensure they receive the most appropriate care and obtain the best outcomes.

Feel free to contact Meghan Love, Senior Program Manager at mlove@tresearch.org or call toll-free at 1-866-453-9262 if you want more information or visit the TRI website at www.tresearch.org.

DWI Courts

Jurisdictions interested in starting a DWI Court may want to visit the National Center for DWI Courts at:

<http://www.dwicourts.org/ncdc-home/>

The National Center for DWI Courts publishes a quarterly newsletter, *The DWI Court Reporter*. In addition, *The DWI Court Hotsheet* is published on an as needed basis.

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The Governor's Office of Drug Control

Drug court professionals are encouraged to frequent the website maintained by the Governor's Office of Drug Control.

<http://www.flgov.com/drugcontrol/>

In addition to keeping the drug control strategy for the State of Florida, the Office provides timely drug related information in frequent newsletters. For instance, the newsletter from October 1, 2010 outlines the concept for the Florida Accountability Initiative for Responsible (FAIR) Probation, a collaborative partnership between the courts, corrections and sheriff's/law enforcement officials aimed at reducing both drug use and recidivism among offenders on probation. This idea is modeled on the highly touted program from the newest state in the union: Hawaii's Opportunity Probation with Enforcement (HOPE) program.

Full information concerning the HOPE program can be found at:

<http://www.hopeprobation.org/>

\$76 Million in Drug Court Grant Awards Announced in October

The U.S. Departments of Justice and Health and Human Services recently awarded almost \$76 million to enhance adult and juvenile drug treatment courts. These are funds that have been awarded as opposed to newly announced solicitations for which jurisdictions may apply. The National Association of Drug Court Professionals details these awards at the following website:

<http://www.nadcp.org/learn/nadcp-news-events/nadcp-news/doj-and-hhs-award-76-million-adult-and-juvenile-drug-courts>

Pasco County Awarded Drug Court Grant to Serve Youthful Offenders

by Georgina Rullo C.A.P.

The Pasco Board of County Commissioners, in partnership with Alpha Counseling, Inc. and WestCare GulfCoast-Florida, Inc., was awarded a SAMHSA, CSAT grant to expand the Pasco County Sixth Judicial Circuit Court. The grant of \$325,000 per year for up to 3 years will be used to expand substance abuse treatment services using the treatment drug court model for youthful offenders (18+). The program is focused on the use of cognitive behavioral therapy, gender-specific approaches and preventing overdoses.

Drug Court Judge is Super!



As if presiding over drug court in Miami is not enough, Judge Deborah White-Labora also fights crime in her spare time. For those who have not yet heard this heartwarming story, the NBC affiliate down in Miami recently covered the heroics of our very own Judge White-Labora and her son, apprehending an alleged camera thief. NBC reported: *Judge "Doesn't Regret" Getting in on Camera Caper - Judge Deborah White-Labora was running errands with her kids, they were about to depart on a flight at MIA.* Follow the coverage at:

<http://www.nbcmiami.com/news/local-beat/Here-comes-the-Judge-Crooks-beware-103086709.html>

FDA Approves Vivitrol - NIDA and NADCP Supports Use

The National Association of Drug Court Professionals (NADCP) recently reported:

On October 12, 2010, the FDA approved a non-narcotic medication called Vivitrol, a once-a-month injection of the drug compound naltrexone, for patients with opioid dependence. For several years, Vivitrol has been approved for the treatment of alcohol dependence and it is now being used as a non-addictive treatment approach to prevent relapse in patients with opioid dependence.

Dr. Nora Volkow, Director at the National Institute on Drug Abuse (NIDA) and NADCP support the use of this medication as approved by the FDA. Read the complete story at:

http://www.nadcp.org/learn/nadcp-news-events/FDA_viv

Proposition 19 Defeated in California

The quest to legalize marijuana in California took a hit at the polls in November. The National Association of Drug Court Professionals (NADCP) had opposed the bill, stating the following:

Following a rigorous scientific review, the NADCP Board of Directors unanimously voted to oppose Proposition 19 on the grounds that it significantly distorts scientific facts concerning the harmful medical and societal effects of marijuana and is calculated to mislead California voters.

NADCP's position on the matter is articulated at:

<http://nadcp.org/learn-8>

Supporters of the proposition argued that cannabis can be controlled like alcohol, police priorities could be put where they belong and that billions of dollars in revenue could be generated. Their position is outlined at:

<http://yeson19.com/>

**Another Suggested Website from the University of South Florida
Criminal Justice, Mental Health and Substance Abuse Technical Assistance Center
Louis de la Parte Florida Mental Health Institute
<http://www.floridatac.org>**

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Florida Association of Drug Court Professionals Meeting Schedule (2010-2011)

The FADCP Board and Executive Committee are listed on the front page of this newsletter. The Executive Committee is scheduled to meet on the following dates:

- ~~August 25th~~ • ~~November 10th~~ • February 9th • April 13th

The entire FADCP Board is scheduled to meet:

- ~~September 15th~~ • December 8th • March 9th • May 11th

FADCP members interested in addressing specific topics are encouraged to contact any board member prior to one of the above scheduled meetings. Participation by those serving on the FADCP Board is important and a strict attendance policy is in place.

FLORIDA ASSOCIATION OF DRUG COURT PROFESSIONALS 2010-2011 Committees

FADCP ensures Florida's drug courts continued status as the most efficacious model addressing substance abuse in the justice system. Following this vision cannot be achieved without the volunteer services of practitioners who serve on committees. **Members are encouraged to get involved** on at least one of FADCP's committees. FADCP Committees for 2010 – 2011 are listed below:

Conference and Training

Gisele Pollack, Chair
Kenneth Arnold
Marcia Beach
Sharon Cilono
Jeri Cohen
Dena Geraghty
Aaron Gerson
Jennifer Grandal
Michael Hayes
Jane Muir-Isherwood
Amy Philbrick
Polly Ryan
Clara Smith

Membership

Jane Muir-Isherwood, Chair
Jeffrey Rosinek
Ruth Becker-Painter

Drug Testing

Jack Espinosa, Jr., Chair
Linda Burd
Anita Cocoves
Pam Denmark
Jan Essary
Bruce Grant
Mike Jewell
Patrick Mahoney

Legislative

Melanie May, Chair
Kenneth Arnold
Marcia Beach
Jack Espinosa
Dena Geraghty
Jennifer Grandal
Bruce Grant
Gary Hilko
Gisele Pollack
Jim McDonough
Jane Muir-Isherwood
Frank Rabbito
Georgina M. Rullo
Jeffrey Rosinek
Chris Thomas
Deborah White-Labora

National Drug Court Month Celebration

Deborah White-Labora, Chair
Aaron Gerson
Gary Hilko
Georgina Rullo
Michelle Jones

Drug Court Capacity and Judicial Education Workgroup

Jack Espinosa, Jr., Chair
Marcia Beach
Jeffrey Cece
Jim Downum
Jennifer Grandal
Bruce Grant
Georgina Rullo

Bylaws

Deborah White-Labora, Chair
Kenneth Arnold

Newsletter

Michael Jewell, Co-Chair
Georgina M. Rullo, Co-Chair
Aaron Gerson
Sheree Beau-Wells

Veterans Treatment Court

Jim McDonough, Chair
Jim Downum
Gisele Pollack
Georgina M. Rullo
Deborah White-Labora

FADCP SNIPPETS

The Florida Senate is considering Veterans' Courts

“...staff recommends that the Legislature consider providing for at least two pilot projects to evaluate the efficacy of veterans' courts. The two emerging projects in Palm Beach and Okaloosa counties would be good candidates...” ---The Florida Senate Interim Report 2011-131; Committee on Military Affairs and Domestic Security

http://www.flsenate.gov/data/Publications/2011/Senate/reports/interim_reports/pdf/2011-131ms.pdf

Also visit: <http://www.nadcp.org/JusticeForVets>

Ivory Wave

By now, many drug court participants in Florida have discovered a synthetic marijuana product found under many different names such as K2 or Spice. Drug court professionals have also been reporting the emergence of another product that simulates cocaine. Fox2 news out of St. Louis filed a report about this substance in an article named: [Ivory Wave: Worse Than Cocaine and Legal?](#) The alarming report can be found at:

<http://www.fox2now.com/news/ktvi-ivory-wave-102810,0,940233.story>

NADCP Releases New List of Mentor Drug Courts

<http://www.ndci.org/visit-mentor-court>

From the Director of the Office of National Drug Control Policy, Gil Kerlikowske


“Anyone who says the government doesn't listen, that taxpayer money is wasted, should have gone to a drug-court graduation. These are people whose lives are being put back together.”

<http://www.whitehousedrugpolicy.gov/strategy/>

About the FADCP Newsletter

FADCP members and friends of drug courts everywhere are encouraged to contribute to this newsletter. Please send in your contributions. We anticipate the next publication to come out next spring.

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Please visit: FADCP.ORG and NADCP.ORG and
http://flcourts.org/gen_public/family/drug_court



FLORIDA ASSOCIATION OF DRUG COURT PROFESSIONALS

INDIVIDUAL MEMBERSHIP APPLICATION

August 2010 - July 2011

(Tax ID#: 65-1140643)

<input type="checkbox"/> \$25 Renewal <input type="checkbox"/> \$25 New <input type="checkbox"/> \$500 Bronze <input type="checkbox"/> \$1,000 Silver <input type="checkbox"/> \$2,500 Gold	
Name:	
Title:	
Organization/Agency:	
Address:	
City:	State: Zip:
County:	Circuit:
Phone:	Fax:
Email (required for newsletter and updates):	
As a member of FADCP, I would like to assist with: <input type="checkbox"/> Newsletter <input type="checkbox"/> Drug Testing Research <input type="checkbox"/> Memberships <input type="checkbox"/> Legislative Issues <input type="checkbox"/> Training <input type="checkbox"/> Bylaws <input type="checkbox"/> Funding <input type="checkbox"/> Other:	
Which category best describes your involvement in Drug Court? <input type="checkbox"/> Judicial Officer <input type="checkbox"/> Defense <input type="checkbox"/> Law Enforcement <input type="checkbox"/> Coordinator <input type="checkbox"/> Treatment <input type="checkbox"/> Probation <input type="checkbox"/> General Government <input type="checkbox"/> Educator <input type="checkbox"/> Prosecution <input type="checkbox"/> Planner <input type="checkbox"/> Elected Official <input type="checkbox"/> Evaluator <input type="checkbox"/> Child Welfare Team <input type="checkbox"/> Other:	Type of Drug Court (check all that apply): <input type="checkbox"/> Adult Pretrial <input type="checkbox"/> Adult Post Adjudication <input type="checkbox"/> Juvenile Pretrial <input type="checkbox"/> Juvenile Dependency <input type="checkbox"/> Juvenile Post Adjudication <input type="checkbox"/> Other:

**Make checks payable to "FADCP" and Mail Registration and Payment to:
Eve Janocko, FADCP Executive Director
136 Garden Gate Drive
Ponte Vedra Beach, FL 32082**

Any Questions? Contact: Eve Janocko (904) 280-4143 (evejanocko@aol.com);
Jane Muir-Isherwood, Secretary (305) 292-3463 or Judge Jack Espinosa, Jr., FADCP Chairperson (813) 272-5610