

The State of New Hampshire Superior Court

Tina L. Nadeau
Chief Justice

December 30, 2021

NH Judicial Branch
Administrative Offices
Superior Court Center
1 Granite Place, Suite N400
Concord, NH 03301
Tel: (603) 271-2030

Michael W. Kane
Office of Legislative Budget Assistant
107 North Main Street
State House, Room 102
Concord NH 03301-4906

Re: 2021 Annual Report of the Drug Offender Program

Dear Mr. Kane,

On behalf of the New Hampshire Judicial Branch and in accordance with RSA 490-G:6, I respectfully submit the 2021 Annual Report of the Drug Offender Program.

I am proud to inform you that, as a state, we now have 10 adult drug courts operating in our superior courts. This means 10 counties have established programs that, in accordance with the New Hampshire Legislature's mandate for state funding, follow national standards and best practices. The creation and implementation of drug courts throughout our state occurred through the vision and support of all three branches of state government. As set forth in the legislation which created the statewide program, the overall goal of the drug court program is to "reduce the incidence of substance abuse and crimes resulting from it." See RSA 490-G:1. We now have a statewide program that works continually to create uniformity in how the programs are run and team members are trained. Our statewide drug offender program coordinator works with every drug court in establishing budgets, building drug court teams, ensuring appropriate training, and operating their respective programs. It is truly a statewide collaborative process that includes judges, county attorneys, defense counsel, correctional officials, local law enforcement and treatment providers. These individuals work with a specific population of criminal offenders who suffer from substance use disorder (many with mental illness) to create a highly structured plan that allows for intensive treatment and supervision for the individual while working to reduce recidivism.

As drug court programs expand and accept additional participants, we, as a state, must ensure the programs continue to adhere to the principles that have made them successful and receive the proper funding and support from the state to further their efforts.

If you or any member of the legislature would like more information about the Drug Offender Program or would like to visit a drug court program in any part of the state, please feel free to contact me and I will assist you.

Sincerely,

A handwritten signature in black ink, reading "Tina L. Nadeau". The signature is written in a cursive, flowing style.

Tina L. Nadeau
Chief Justice

2021 ANNUAL REPORT OF STATE OF NEW HAMPSHIRE'S DRUG OFFENDER PROGRAM

I. Introduction

Pursuant to RSA 490-G:6, the Office of Drug Court Offender Program Coordinator is required to provide an annual report to the Legislature regarding the operation of the Drug Court programs. The 2021 annual report is the fifth report and the history of the establishment of the office and drug court programs, and the specific county operations can be found in the prior reports.

Ten of the eleven county locations now fully operate a felony drug court program. The only county not operating an adult drug court is Sullivan County. The NHJB approached Sullivan County about funding and operating an adult drug court by contracting with a treatment provider the county, however, turned down the offer.

II. What is Drug Court?

Superior Court Felony Drug Courts work to reduce crime, save money and return offenders to the community as contributing members. Studies show that 60% or more of offenders serving time in jail or prison suffer from a substance use disorder and, that once released, from incarceration, those defendants reoffend at a rate of 65%. Studies also show that when high risk/high need offenders who would otherwise serve a high end house of corrections sentence or a low end state prison sentence complete drug court, those defendants reoffend at a rate of 25%. Even those offenders who fail drug court and are sent to jail or prison reoffend at a rate of 40%.

Drug court is not appropriate for dangerous offenders, or drug profiteers who deal in high quantities of drugs and are engaged in drug trafficking as a business enterprise, regardless of whether they are also addicted.

Target Group

The appropriate candidate for drug court is an offender who presents as high risk/high need.

Risk refers to the likelihood offenders will reoffend or violate the terms of probation because of their criminal thinking and poor social insight. Offenders who are high risk (not to be confused with dangerous) have a significant criminal record, usually related to drug use. The record can include theft, forgery, burglary, robbery, etc., in addition to possession and some low level sales to support their addiction. They also have served time in jail or prison. In contrast, low risk offenders may have a minimal or no criminal record, have a decent education, may be a first time offender, have some family support, etc., and have spent very little time, if any, in jail. They are less likely to reoffend and are not appropriate for drug court.

Need refers to offender's level of substance use disorder, as well as any psychosocial issues that contribute to their substance use, including mental health concerns. High need refers to an

offender who suffers from moderate to severe substance use disorder and who has been using substances for a significant period of time. They may have tried treatment and failed on one or more occasions. Low need offenders suffer from more mild substance use disorder and have been suffering for a shorter period of time. They may be able to stop using on their own, or with low level interventions. They are not appropriate for drug court, and in fact the intensive programming of drug court has proven to make low need offenders worse.

Process for Acceptance into Drug Court

The drug court team consists of the judge, prosecutor, public defender, treatment provider, probation officer, case manager and law enforcement member. Several teams also include a recovery support provider. Each member has been specifically trained in National Best Practice Standards and must receive annual training to ensure compliance with best practice standards.

Once an offender is identified as a potential drug court participant (usually at or shortly after arrest), the offender submits an application, through his/her lawyer, to be assessed for drug court. The prosecutor team member then conducts a legal screen to determine whether the prosecutor should exercise a veto over the application. If approved by the prosecutor team member, then the treatment provider conducts an objective, evidence-based risk/need assessment of the offender to determine if he/she fits the appropriate drug court target population. If the offender qualified, the team discusses the application at the weekly meeting and determines as a group whether to accept the offender into the program.

The offender then enters a plea of guilty to the pending charges and receives a suspended State Prison sentence, or a suspended high end House of Corrections sentence, with four years of probation. A condition of the suspended sentence is the successful completion of drug court. Generally, drug court takes 18-24 months to complete, depending on the particular circumstances of the case. After completion of drug court, the defendant remains on probation with a specific aftercare plan.

Participant Obligations

There are generally five phases of drug court and varying levels of treatment in each phase. In the beginning phases, the participant is required to attend group treatment three hours per day three days per week, or attend residential treatment if the assessment indicates that level of care. In addition, the participant attends at least one individual session per week. The curriculum used by the treatment provider is targeted specifically for the criminal justice involved person with substance use disorder and includes treatment designed to address criminal thinking and anti-social behavior, in addition to substance misuse, relapse prevention and recovery support. At least 80% of offenders who enter drug court also suffer from some type of mental illness like anxiety, depression or PTSD. Treatment is designed to address both substance use and mental health issues simultaneously.

The participant is also required to submit to at least two random drug tests per week, and may be required to submit to daily testing depending on the nature and extent of the substance use disorder. The participant also attends recovery support activities several times per week and is

required to appear in court weekly to account for their behavior and progress. In later phases, the participant is required to obtain a GED or a job.

Court Sessions

Drug Court sessions are conducted weekly. First, the team meets to discuss the progress of each of the reporting participants. The participants are not present for these team meetings. At the meetings, the team discusses whether a participant should receive an incentive for complying with program requirements or a sanction for failing to comply. If an offender has relapsed and was honest about the use, then the team will generally adjust treatment to address the relapse. If an offender is dishonest about use and lies about a drug test, or tries to avoid the drug test, then the team recommends sanctions to address the behavior.

After the team meeting, the participants appear in the court room where the judge calls each one individually to the podium and talks to them about the successes and challenges of the prior week.

During the court session, the judge awards incentives for participants who have stayed sober, reported to treatment on time, attended self-help meetings, and made a payment toward drug court fees. Incentives can include applause, certificates, praise, gift cards, a reduction in fees, etc.

For offenders who have been non-compliant by lying about drug tests, failing to report to probation or treatment, failing to show up for court, the judge issues sanctions. Sanctions can include writing an essay and reading it in court, sitting through regular court sessions, completing community service, or spending a day or two in jail. Studies show that jail is the least effective response to changing behavior, so it is used sparingly. In addition, jail is not used for offenders who have relapsed and need a treatment adjustment.

Termination

Because drug court is designed to address the high risk/high need offender, some do not make it through the program and are terminated. Generally, if they are terminated, they will serve some, or all, of their suspended sentence. Terminations occur if an offender is caught selling drugs while in the program, commits a serious crime while in drug court, or threatens the safety of staff or other members. Other times offenders may self-terminate if they feel they cannot complete the program requirements. Most offenders say that completing drug court is more difficult than spending a year or two in jail or prison.

Overall Goal of the Program

Drug court is a difficult program but the strict structure of the program and focus on substance use disorder has proven successful throughout the country and in New Hampshire. At the successful completion of drug court, an offender comes before the drug court team and the judge, who has overseen the offender's case including the setbacks and successes, and congratulates him or her on their completion of the program. It is not unusual for members of the drug court team to commence their training as skeptics and, through working with the offender and the team, become true advocates of the vital role it can play in our judicial system.

III. Covid-19 Pandemic and Drug Court

In March of 2020 the world was overtaken by a global pandemic. With state and country wide shutdowns, social distancing, and little initial information; Drug Courts across the country and New Hampshire needed direction. Within the first week the State Coordinator established virtual meetings with the local program coordinators every Monday, Wednesday and Friday mornings. These meetings in the first few months of the pandemic were critical for information sharing, exchanging of ideas, and direction from the statewide office.

During the first few weeks of the pandemic Drug Court teams were instructed to begin virtual: treatment sessions, case management, peer supports, court, and staffing. Most of these virtual sessions were in place within first three weeks for each program and the Drug Courts resumed operating fully virtual. The exceptions were drug testing and community visits by probation parole and law enforcement. Modifications in operations were performed to keep with social distancing guidelines and testing location shut downs.

Sanctions and Incentives were modified and enhanced to decrease the amount of community exposure while adhering to best practices. Drug Courts were forced to think more outside the box than ever before with contingency management options by creating more sanctions that did not include jail or community service. Incentives were adapted as well.

As the state began to lift stay at home orders treatment agencies put in place guidelines to ensure social distancing during treatment sessions, and offered masks hand sanitizer for in person meetings. Staffing, court, pleas, and graduations remained virtual. Due to a decrease in arrests and other pandemic related issues referrals decreased for some time. Referrals are back to the similar levels prior to the pandemic. As the world looks toward the vaccine and returning to normal operations the statewide office has encouraged programs to continue offering telehealth options for participants under the appropriate circumstances.

During the pandemic all training events, meetings, peer reviews, and projects were conducted virtually.

IV. Participant Success

Attached are testimonials from drug court graduates describing their progress through the program and their successful transition back to the community. Below is a link to an article about the journey of a Cheshire drug court graduate.

[Cheshire Drug Court Story](#)

V. Drug Court Programs FY 21 Budgets

Jurisdiction	Approx. # of participants as of 12/2021	FY22 Budget	Start Date	State Funding Start Date
Belknap County Superior	18	\$299,974.60	January 2013	September 2017
Carroll County Superior	9	\$199,908.80	February 2018	November 2017
Cheshire County Superior	19	\$300,000.00	June 2013	July 2017
Coos County Superior	3	\$199,890.39	February 2018	November 2017
Grafton County Superior	22	\$300,000.00	May 2007	January 2017
Hillsborough North Superior	45	\$486,675.08	November 2016	November 2016
Hillsborough South Superior	49	\$489,364.13	August 2014	October 2017
Merrimack Superior	37	\$490,000.00	October 2017	September 2017
Rockingham Superior	32	\$490,000.00	March 2011	July 2016
Strafford Superior	72	\$489,856.93	November 2004	July 2016

VI. Statewide Office of Drug Offender Program

A detailed description of the Statewide Office of Drug Offender Program is contained in the prior reports. In 2021, the following state-wide trainings were provided:

- February 2021: The NHJB partnered with ATTC to host a series of ongoing virtual Motivational Interviewing coaching following the 2020 Motivational Interviewing training. The coaching was once every six to eight weeks.
- March 2021: The State Coordinator and Chief Justice conducted a virtual Drug Court 101 training for new team members. This orientation covered Incentives and Sanctions, Phases and Court Requirements, Key Components of a DC, Target Population, and others.
- March and April 2021: The NHJB hosted Database training for the statewide AIMS system. This was a six part series over the course of two months.
- April 2021: The NHJB and NHADACA hosted a two-day virtual training on Contingency Management.

- April & July 2021: The NHJB and JHADACA hosted a six-day virtual EMDR training broken into two parts. Three days in April and three days in July.
- August 2021: The National Association of Drug Court Professionals held a four-day in-person conference with break-out and plenary sessions held each day. Many team members attended the training. Chief Justice Nadeau presented at the National Conference.
- September 2021: JSI and NHADACA put on a statewide treatment court conference for all of the NH treatment courts. Over 150 treatment team members attended live and in person. This two-day conference covered Incentives and Sanctions, Phases and Court Requirements, Key Components of a DC, Target Population, and others.
- December 2021: The State Coordinator and a review team held a two-day peer review of the Merrimack Drug Court program.

The following trainings are already scheduled to take place in 2022:

- Quarterly trainings each year
- Confidentiality training – January 12th 2022
- Incentives, Sanctions, and Therapeutic Adjustments - January 13th and 14th 2022
- Peer review Carroll Drug Court – January 18th and 19th 2022
- New team member orientation – January 21st, 2022
- New England Association of Recovery Court Professionals Conference- March 14th-16th 2022
- DBT training – June 23rd and 30th 2022
- National Association of Drug Court Professionals Conference – July 25th – 28th, 2022
- State Conference – September, 2022

VII. Peer Review

The peer review process has been developed to help programs align with the National Treatment Court Standards. These standards are research-based, organized on the foundation of the 10 Key Components of Drug Courts, and include guidelines for policies and practices that will help ensure that programs provide access to treatment and other needed services, reduce recidivism, and remain cost effective.

The peer review process is intended to create a learning community in New Hampshire among treatment court teams. The idea is for peers to help each other identify ideas for program improvements and share successes and challenges. This process will allow New Hampshire's treatment court community access to information and support at a low administrative cost while building relationships between programs. It will also provide important information to the Judicial Branch about areas of needed technical assistance and training, and how to focus those resources most effectively.

Individuals who are involved in a treatment court will assess another program and provide feedback about that program's alignment with the National Treatment Court Standards (NADCP 2013, 2015) and the 10 Key Components of Drug Courts. The peers will be trained in how to conduct the assessment, including an in-person visit to the other program, and compile the information into a simple report that includes suggestions and resource ideas. In turn, the peer will have the opportunity to learn about innovative and successful practices that have been implemented in another program.

The main activities involved in the peer review process include:

- Online assessment on program characteristics, policies, and procedures completed by the program being reviewed.
- 2-day (or possibly 3-day) site visit where peers observe staffing and court hearings, interview team members and partner agency staff, talk with program participants, and review program documents.
- On-site debrief of assessment findings.
- Summary report of feedback, including a table of best practices and which ones the program is meeting, recommendations for program improvement, documentation of innovative/successful practices to share with other programs, and requests for future training or resources.
- Follow-up phone call with the program under review to discuss the report including additional findings, commendations, and recommendations that were not covered during the on-site debrief.

VIII. Statewide Drug Court Grant

In 2019 the NH Attorney General's office was awarded a BJA Statewide Drug Court Grant. The grant award helps with database migration, training, self-assessment surveys, a recidivism study, and an equity and inclusion study. These projects have been prioritized; beginning in July of 2020 the state coordinator began meeting with the sub grantees on a weekly basis to oversee the projects.

IX. Next Steps

Community Housing,

Initiatives during fiscal year 2022 will include increasing access to safe housing; in support of the initiative to increase access to safe housing statewide, the NHJB Community Housing Program (CHP) was established to work in collaboration with the Department of Corrections (DOC), Health and Human Services (HHS), and Bureau of Drug and Alcohol Services (BDAS) to provide temporary rent support to qualified participants as they work to sustain housing independently. These types of safe housing include: emergency housing (hotels and shelters), sober/transitional living, and apartments. The funding for this program comes as grant funds through the Governor's Commission on Alcohol and other Drugs. Since the CHP launch in October 2020, the program has connected 243 participants with safe housing to date. Of these, 90 have successfully transitioned into stable housing of their own and

an additional 151 are actively working with their prospective case manager's and PO's towards achieving that shared mission of self-sustainable and independent living.

Family Drug Court

NH's Family Treatment Court pilot in the Claremont and Newport Circuit Courts began identifying potential parents to be participants in October. An alternative court process for parents with open abuse and neglect cases, family treatment courts are especially effective when substance misuse has occurred and a child has been removed from the home. It is a collaborative effort between the Circuit Court, the Division for Children, Youth and Families (DCYF), Court Appointed Special Advocates of New Hampshire (CASA), parent attorneys, substance use treatment providers, mental health providers, and other community partners. Lessons learned and best practices from the pilot site will be brought statewide as they become available.

Mental Health Court

The NHJB has been working with The Mental Health Courts in NH, a working group made up of lawyers, coordinators, and the Council of State Governments to help create statewide standards. These standards will give guidance and direction for the MHC's of NH.

Data collection

We will also request funding to continue the statewide drug court data base established in 2018, and funding to conduct a comprehensive recidivism study. Finally, we hope to request increased funding to support the ongoing expansion of the drug court programs in each county.

X. Strategic plan:

The NHJB collaborated with the Center for Court Innovation, NPC research, and the Drug Offender Program Advisory Group in 2017 to create a strategic plan for the New Hampshire Drug Courts. The Strategic plan was finalized in Feb of 2018 and gradually implemented. In November of 2021 The NHJB finalized its new strategic plan having collaborating with Center for Court Innovation. The plan includes the Adult Drug Courts, Mental Health Courts, Family Drug Courts, and Community Housing program.

Funding

The Legislature provided full funding for drug courts statewide in July 2016. Since their inception, however, the state's drug court programs have not received increased funding. Over the years, the agencies who contract with the judicial branch to provide needed treatment services have experienced increased costs due to inflation, cost of living expenses, and lack of qualified work force. Many agencies have experienced high turnover rates of licensed therapists, who leave for more stable pay in the private sector. This turnover has adverse effects on the population we serve and makes growing the drug court programs challenging. As a result, the NHJB may be requesting an increase in drug court funding to address substance staff turnover and to add additional evidence based interventions and services. Additional funding would allow programs to appropriately pay their therapists without having to cut other needed services from their budgets. Additionally, the increase would allow some programs to hire recovery support workers, integrate more SUD interventions, and compensate for other office expenses that have risen over the years.

XI. Conclusion

The New Hampshire Judicial Branch is proud of the drug court programs that, since July 2016, have been established, expanded, and/or reformed with the aid of state funds and statewide standards. The Office of Drug Court Offender Program now serves as an invaluable resource to these programs through training, technical assistance, and overall support.

Cheshire Drug Court Story



FINAL DAYS TO GIVE TO THE STRONGER TOGETHER CAMPAIGN!
Ending on December 31st! We Have Raised \$1,221,237 or 84% to Goal!

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https://www.sentinelsource.com/news/local/a-chance-to-choose-life-for-some-drug-courts-break-cycle-of-addiction-and-crime/article_845b3d62-2669-56b3-91bf-bc27d03ea013.html

[TOP STORY](#)

Better Judgment

'A chance to choose life': For some, drug courts break cycle of addiction and crime

By PAUL CUNO-BOOTH Sentinel Staff

Jan 9, 2021



Christine Bemis outside her home in Keene on Dec. 30. She says drug court helped her get into long-term recovery from addiction.

Matteo Bracco

By the time Christine Bemis got picked up for selling heroin in March 2018, she barely cared.

Her younger brother, Thomas Rogers, had died of a heroin overdose in Keene the previous October. He had struggled with addiction for years, but had started to turn things around. He had a job and talked of becoming a recovery coach to support others. “I feel like I’m on top of the world, and there’s no clouds,” he said at a vigil that August, two weeks clean. “It’s completely clear, I can see it all.”

Thomas had always been kind and intelligent. Those seven weeks of sobriety brought that out even more, paired with a newfound optimism. “The light came on,” Bemis said.



Losing him hurt more than anything she had felt. She spiraled into self-destruction and despair. Like her brother, she had struggled forever with substance use, numbing her feelings with alcohol and heroin. This time was worse. She would wake up angry to be alive.

“It broke something inside of me that I didn’t think could ever heal,” she said.

After her arrest, she ended up in the Cheshire County jail, where they knew her well. The case manager suggested she enter Cheshire County Drug Court — an intensive program of drug treatment and behavioral therapy, meant as a sort of last chance for people with serious

addictions and long rap sheets.

Bemis didn't want to hear it. Thomas had been several months into drug court when he died. It carried too much pain.

She had serious prison time hanging over her — about four years, she recalled — from prior cases. Bemis, then 33, was ready to do the time.

Then something changed.

“It was a CO at the jail who said to me that maybe part of my purpose was to finish what my brother had started,” she said.

Safety and recovery

Cases like Bemis' pose a challenge for policymakers. They involve felony offenses with real costs to society, but stem from underlying addictions that have outlasted stints in jail and month-long stays in rehab.

One answer thousands of U.S. jurisdictions have turned to over the past three decades is the drug court model, which combines legal sanctions and supervision with addiction treatment and support services.

“The objective is to protect the community, the safety of the community,” said Cheshire County Superior Court Judge David W. Ruoff. “And the means to that end is to reduce recidivism,” or repeat offending.

New Hampshire now has state-funded drug courts in every county but Sullivan. Cheshire County's has taken 99 cases, graduating 34, since its founding in 2013, according to program coordinator Alison Welsh. Eighteen are currently enrolled. County officials have found some evidence to suggest it's reduced reoffending and led to improvements in employment, housing and other outcomes. And graduates said the program helped them cope in healthier ways, reconnect with their children and lay a solid foundation for long-term recovery.

Though it's an alternative to prison, participants say drug court is anything but easy.

"If you really put the 110 percent in, it can change your life," said Nicholas Wilbur, 40, of Winchester, who graduated in September 2019.

In the beginning, participants are monitored intensively and required to spend hours each week in individual counseling, group therapy and court sessions, not to mention taking "UAs" — urinalysis drug tests. As participants stay substance-free and meet other objectives, they advance through phases, gaining more independence while being expected to build a support network, find employment, get their GEDs if they never finished school and achieve other life goals meant to aid their long-term recovery. Good behavior is incentivized through rewards; breaking the rules can earn anything from a verbal reprimand to a short time in jail.

Defendants must first plead guilty; drug court is part of their sentence. Graduates can ask for reduced probation. Early termination from the drug court can lead to suspended jail or prison time being imposed.

The program lasts a minimum of a year, and sometimes two years or longer. Practitioners say that gives the brain more time to reset from addiction.

Wilbur said he was ready to change his life by the time he entered drug court in 2018.

With a history of hard drug use that stretched back to his early teens, Wilbur had racked up several felony convictions for property crime. His latest arrest in 2018, according to court records, was for stealing a hammer, drill and grinding wheels from Aubuchon Hardware in Keene. He said he would take merchandise and sell it for drug money as often as he could find a buyer.

While in jail, he asked for drug court. “My life was not changing, and I kept getting the same end results — going to jail over that and hurting the people I loved in my family,” he said. “So I was at a point in my life that I wanted to change.”

Drug court, he said, helped teach him how to deal with life without turning to drugs. “I got a lot of tools out of it,” he said. It was different from short-term treatment programs he had done in the past, which were “just enough to get you sober.” He’s gotten his driver’s license, held down jobs and regained custody of his three kids.

“I had nothing to look forward [to] in my life,” he said. “But now I do, I have all of it to look forward to, you know. It’s so awesome that I have my kids now ... things that make me want to be the person I am today.”

Risks and needs

Drug courts are not a catchall solution. When done right, they target a narrow slice of criminal offenders.

People who come into contact with the criminal-justice system not only are charged with all sorts of offenses, but differ in terms of their criminal histories, living situations, ties to the community, substance use and more.

Criminologists talk about two intersecting concepts, “risk” and “need.” Put simply: Does someone have risk factors associated with a greater likelihood of reoffending? And do they have unmet needs — say, for drug treatment or stable housing — that might affect their behavior?

That allows them to differentiate between a young person who makes a dumb mistake, someone with a heroin addiction arrested for possession and someone whose substance use is linked to a long and escalating series of property crimes.

Only that last one would probably be a candidate for drug court. Research indicates that criminal-justice interventions should be tailored to defendants’ risks and needs — and not doing so can be counterproductive.

For lower-risk offenders, the intensive demands of drug court might yank them away from the positive influences that already exist in their lives, like working, attending school or being with family. Meanwhile, they’re spending time around more seasoned criminals. As Ruoff put it, if they mingle “with people who have been to state prison, know how to game the system, know how to lie and how to manipulate, then their risk of recidivating ... goes way up.”

That’s why some scholars describe drug courts as just one piece of a broader framework. Criminal justice systems, they argue, should develop a spectrum of interventions for drug-involved offenders. That might range from drug courts to diverting lower-risk people out of the system entirely — and connecting them with community-based treatment, without ongoing judicial supervision — at an earlier point.

But many U.S. drug courts have ignored those principles. A recent analysis found that minor drug arrests actually went up in cities that implemented drug courts between 1990 and 2006, which the authors attributed to police viewing the programs as a way to process more low-

level cases. A 2017 report by the group Physicians for Human Rights found that some New York state drug courts accepted low-risk defendants who showed no signs of drug dependence, subjecting people charged with marijuana possession to lengthy supervision and unnecessary treatment — contrary to the National Association of Drug Court Professionals' best practices.

N.H. Superior Court Chief Justice Tina L. Nadeau, a longtime advocate of drug courts, said that's the wrong way to use them.

"The average person who is not involved in the criminal justice system might think drug court is for the first-time offender, somebody who gets one chance to turn their life around," she said. "And really, drug court is for what we call the high-risk, high-need offender."

Some drug courts have also been called out for other problematic practices, such as refusing participants access to addiction-treatment medication, having nonclinical staff make medical decisions and jailing people solely for relapse, a natural part of recovery. Those practices all go against the national association's standards, which Cheshire County says it follows.

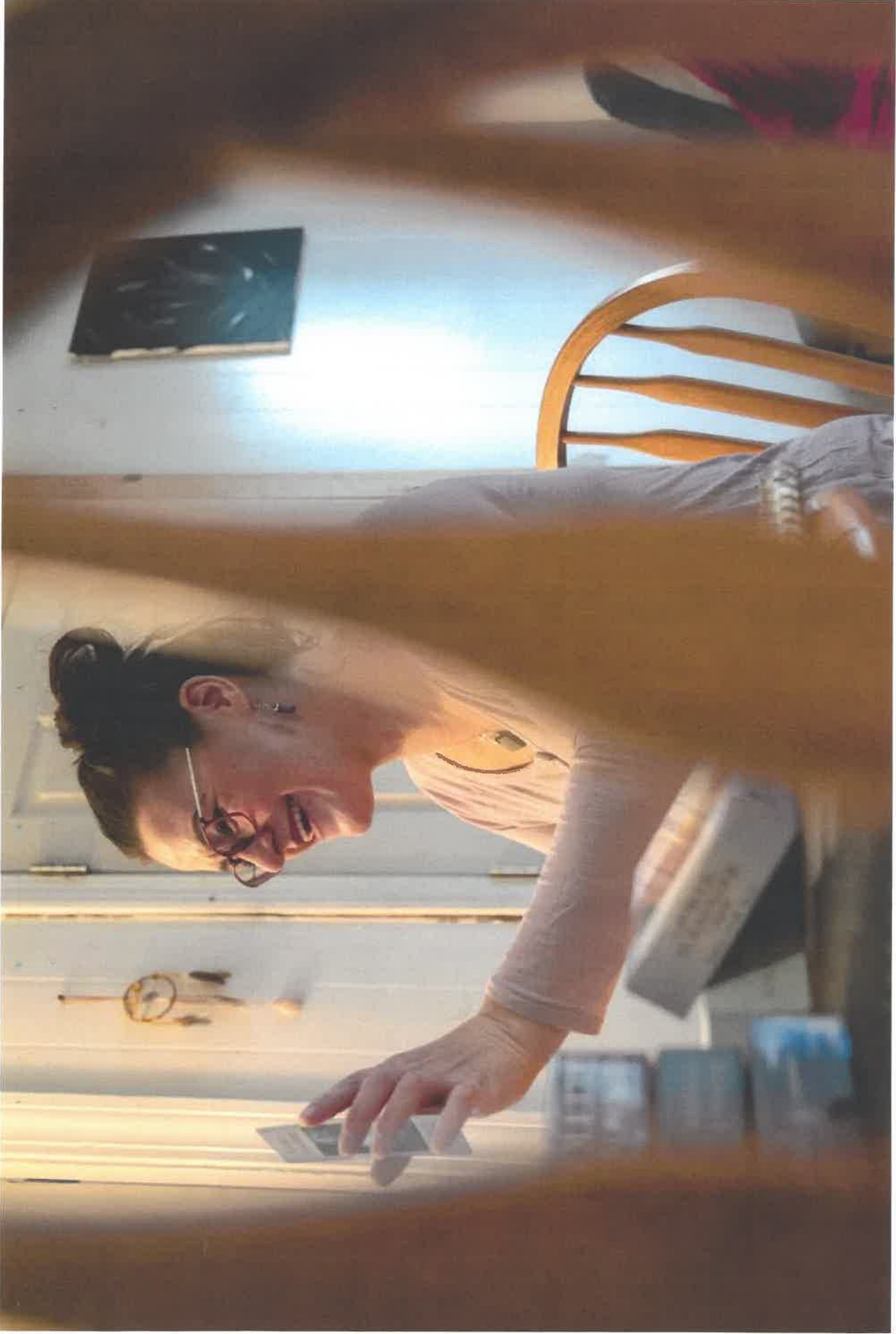
Some scholars and advocates have critiqued the drug-court concept more broadly. Physicians for Human Rights raised concerns that they amount to coerced medical treatment and pull resources from less punitive interventions. Calling for investment in treatment outside of the court system, the report criticized what it called "the inherent tension between a punitive criminal justice logic and therapeutic concern for drug court participants as patients."



Others say drug courts have a role to play, at least in the system we have now.

Ruoff said he wished substance-use disorders could be treated “in a strictly clinical setting, with a hospital, with case workers, with interventionists and the resources that would go along with that.

“But that just doesn’t exist in this state — or really in any state,” he continued. “So the infrastructure that’s charged with dealing with the issue is the criminal justice system, which is, in dealing with any social issue, is clunky at best.”



Since graduating drug court, Christine Bemis has started an online business reading tarot cards. "I have a *legal* business," she said, laughing.

Matteo Bracco

Beginning to succeed

Like so many others who use substances heavily, Christine Bemis experienced childhood trauma. “The first time that I took a drink was when I was 14, and I think it was the first time that I felt relaxed in my entire life,” said Bemis. “And then I just found other substances that worked faster.”

She thought she had life under control for a while. “My house was clean, my kids were fed, I was doing things — never mind that, like, I’m high 24/7 and selling drugs,” she said. Then she lost custody around 2013, in her late 20s.

Life was a daily hell when she used. She got up, got high, then sold drugs until she had the money to get more stuff. She barely slept and moved around constantly. She would get arrested and enter jail “on the brink of death,” severely underweight. One time she was overdosing and had a bad blood infection from injecting drugs. She now sees the hand of God in those arrests, saving her life. Why her, she doesn’t know.

Getting help

- Call 211 for info about substance-use treatment and other services in New Hampshire
- The Doorway, a referral hub for substance-use treatment, is at 24 Railroad St. in Keene, open Monday-Friday, 8 a.m.-5 p.m.
- The National Suicide Prevention Lifeline offers free and confidential support: 1-800-273-8255

Judges gave her second and third chances. One told her he crossed his fingers for her so much they were calloused. She would try, sometimes staying sober for a few months before slipping back. She learned from those cycles of relapse and recovery. “But I wasn’t willing to

do what it took until this time around,” she said. “And it didn’t start off as being willing at all. It just started off as trying to honor my brother’s memory. And then I slowly started to realize that I wasn’t doing it just for him anymore.”

Drug court advocates say one feature of the model is legal pressure that can keep people in treatment long enough to develop their own motivation. It’s understood that they often start drug court just to stay out of prison, said Cheshire County jail superintendent Doug Iosue.

“And as people progress and do well, we see them develop more and more forms of internal motivation,” said Iosue, who has a background in social work. “They see themselves beginning to succeed.”

It doesn’t always take. Because the target population is a challenging one, drug court professionals say it is unrealistic to expect a 100 percent graduation rate — in fact, that could be a sign that a program is cherry-picking the easiest cases, some of whom might not even need to be there at all. As of late 2019, Cheshire County reported a drug-court graduation rate of about 40 percent.

Similarly, perfection is not the goal when it comes to preventing crime. Rather, it’s to meaningfully reduce reoffending from a very high baseline.

An extensive study in Ohio showed that about 59 percent of comparable “high risk” offenders in the criminal justice system overall returned to jail or prison within 12 to 18 months of release. In an analysis of the first 45 people to go through Cheshire County Drug Court — both graduates and people terminated early — Iosue found that 49 percent were re-incarcerated within two to three years. (For graduates alone, the rate was 37 percent.)

Despite a small sample size and other limitations, the findings are consistent with the broader literature. A 2012 statistical analysis, drawing on 92 evaluations of adult drug courts in the United States and a handful of other countries, found they tended to reduce reoffending by about 12 percentage points.

The county says participants have also gained more stable housing, employment, a driver's license or custody of their kids.

Nongraduates spend an average of 16 months in drug court before being terminated. Welsh, the program coordinator, said she thinks that can still impact people who fail to graduate, or later return to jail. "To me, any treatment they've received, any tools they've received, has always been a benefit," she said. "It would be really a lofty goal to say no one's ever gonna relapse or reoffend."

Ryan Youngman, 28, of Winchester, entered drug court in 2015, after being arrested for stealing checks and fraudulently cashing them for drug money. He had gotten hooked on pills, "and then there was no more pills, and that's when I was introduced to heroin," he said.

Drug court was difficult. Still using at first, he kept returning to jail before getting clean for a while, he said.

"I actually had a life," he said. He could go places, do things, and not worry about being dopesick. "So after a while, I wanted to be clean, I didn't want to do the drugs, I was sick of that in-and-out-of-jail thing."

Then he began drinking, replacing the heroin with alcohol, he said. He'd have stretches of sobriety, then slip up and land back in jail. Eventually, he said, he got sick of it and stopped drinking. He graduated drug court in April 2018, three years after starting. "Butterflies, man,"

he said of that day. He was ecstatic to finally complete a program he said had a reputation as the hardest in the state.

Things were good for a while. But he said he started hanging out with old friends who were still using and relapsed. He said he was arrested and jailed for a bit in Massachusetts, then came home and served two months on a probation violation. "Got out, essentially got off probation and then started hanging out with old people again after a while," he said. "And here I sit now."

Youngman was speaking by phone from the Cheshire County jail, where he'd been since early December. Keene police said they arrested him driving fentanyl and crack in from Massachusetts and alleged he had been transporting drugs for several months under the direction of a Keene man, who has also been charged.

Youngman said he's trying to get back into drug court, though he doesn't know if he'll be let in. (He wouldn't be the first to repeat.) He found the individual counseling especially helpful last time, he said. Longer-term, he's thinking about moving away for a fresh start, maybe down south.

"After having the life of sobriety and all this, I want it," he said. "I want to be clean. This isn't what I want. This isn't my life. This isn't me."



Christine Bemis holds tarot cards at her home in Keene on Dec. 30.

Matteo Bracco

‘The choice is still ours’

The first months of drug court flew by for Bemis. She'd never had that kind of structure, and the group therapy, community service, 12-step meetings and other commitments kept her busy. When she got to six months, she realized she'd never been sober that long.

She said drug court helped her with everything from getting an apartment and learning basic life skills to taking responsibility for her actions, through a treatment known as moral reconnection therapy. She graduated in September 2019.

“My issue wasn't really drugs or alcohol,” she said. “My issue was that I had an inability to cope with my emotions, so I would always turn to something to block it out.”

Now almost three years into recovery, Bemis is sponsoring other women in drug court. She lives in Keene and has custody of her three kids. Last year, she started an online tarot-card reading business. “I have a *legal* business,” she said, laughing. She delights in paying bills and other rituals of adulthood.

“If this hadn't happened, I would either still be using and living in that hell, or I would be dead,” Bemis said. “And that's how it is with a lot of addicts. When we use, we die. That's the reality of the situation. It literally is life or death. And drug court kind of gives people a chance to choose life. But ultimately the choice is still ours.”

📖 An alternative to arrest? Police turn to diversion for petty crimes

📖 A felony could have ruined his life. This program gave him a second chance.

📖 In Brattleboro, a new kind of police patrol pushes treatment, not jail

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Paul Cuno Booth

To whom it may concern:

12/9/21

When I entered drug court it was December of 2019. I was a lost and desperate soul searching for anything that might give me the light back into my soul and have hope that I could once again have a chance at a normal lifestyle. If an individual is truly looking to change, there life for the better and live a sober lifestyle drug court is the program for you. I remember my first week of drug court I had multiple urinalysis test that kept me accountable. Yes, driving the 45 mins every day was a hassle, but it wasn't worth losing my freedom and sitting behind bars in a jail cell again.

That first week I met with a case manger who help me set up insurance, Medicaid rides because at the time I didn't have a car, my clinician who would guide me through drug court with an outline of requirements for this program and how to obtain what I needed to do to graduate. There are five different levels to this program I feel at each one I learned something different about myself and what I needed to work on which other programs in the past didn't work for me.

Weather it was multiple trips to a rehab of a thirty-day program or going to jail. I had no after care at either after I got out and I would just fall back into my addiction lifestyle and wind up at a new low every time. One of the best parts of drug court is it takes on you over a year and a half to complete the program with vigorous programming from finding out what triggers us and how to learn to manage it to finding out when we stated becoming manipulative and were our morals and character effect started to change with the Moral Recognition Therapy.

Drug court was in a sense a full-time job from making sure you made it to your urinalysis test you would call every morning to see if color was called to making sure you could be on time for groups and accountable with assignments getting done.

Throughout this program I learned that I was an individual who still got a high from manipulating my family in my life to do what I needed, or thought was best in times that it truly wasn't. I had a few down throughout this program from missing another participants graduation to not having the write documentation when I went to the doctors. As I look back I it's something that I have to realize because of choices I had made put me here and there was nowhere to hide I had to just face and get through it. Community service was one of the ways that we go sanctioned when we would go to court weekly for not complying with rules of drug court.

When attending your day for court be appropriate and respectable to the judge, staff and your self that you wear the right attire for court. (Ripped jeans, graphic t-shirts, short dresses, shirts and low cut shirts, sweat pants are inappropriate) Dress how you would when you go on a job interview you want to make a good impression.

When I started this program I had low self-esteem, not able to have visits with my child, my family and significant other didn't trust me, I had no job and just felt complete lost and defeated on the mess that I had created for myself. I graduated this program in May 2021. I was able to not one but two jobs I worked at Panera bread for over a year and a half while I worked on my license to become a CRSW. I work at Hope in Manchester as a recovery coach. In October

I was able to meet Governor Chris Sununu and discuss problem with addiction and recovery in New Hampshire. I have gotten my license and a car. Mended most of the relationships with my family and significant other and I have once again gained back their trust and they are able to tell me, "I'm proud of you and all that you're trying to accomplish." I can get my daughter every other weekend and make memories with her. All my money is going to things I want in my new lifestyle and I'm not wasting it on drug and things that are going to just kill me.

Sincerely,

Chloe wofford

12/21/2021

My experience in drug court was nothing but positive for me. Had I not been ready to change my life, I think I would have struggled tremendously. I was shown early on in drug court that my probation officer along with the entire drug court team and even the judge was on my side and truly were rooting for me to be a success story. Having had bad experiences in the past with the probation offices I was supervised by my past had taught me not to trust anyone from those types of places. I always felt they were out to get me. Drug court opened my eyes to a new reality that those thinking patterns and the things I believed were based strictly off my behavior. I learned that when I truly applied myself and strived for sobriety and a healthy future my outlook had changed.

I have no idea where to start with the ways drug court set me up to succeed in life after drug court. The list goes on and on. I graduated in July of 2021 and since then I have done nothing but grow stronger and stronger in my recovery along with my personal and family life. I have achieved every goal I have set for myself and then some as I was able to learn how to plan out my goals and how to be practical on how I will achieve them through the MRT program. MRT changed my life. As a recovering heroin addict, all the years in active addiction I went through many, many programs. At one point I even had gone to every rehab facility in the state of NH that was available at that time. MRT was a different approach that was the most effective treatment program I have ever been through. It changed the way I think, held me accountable, and I was able to dig deep into my past of where my deceitful behaviors all began. I was able to see for the first time that my issues started way before I ever picked up a drink or a drug.

The support I received from the team also was a big thing for me. The RCDCT is filled with passionate, kind, and truly amazing staff. They care and it shows. I think that plays a huge part in why the program is so successful. A lot of the participants, like myself, feel broken and have low self esteem when entering the program. I know I still hated myself when I got out of jail and went to drug court for the first time. I learned to love myself throughout my journey through drug court. I have self esteem now and self worth. I do not settle for less than as I was taught how to be an adult and to be honest with myself and everyone around me. Drug court paved the way for my future after the fact. I was never pushed to be honest at all times and I was a liar before drug court. I can say now that I am a trusted, honest, good person. I will forever be grateful for this program as I learned a lot of tools to maintain my sobriety, set healthy boundaries, and also general life skills that we don't learn in while out getting high on the street or in jails.

I have almost 2 and a half years of sobriety today and I could not have done it if I was let out to the street without drug court or put in prison and hadn't had the chance to participate and I am grateful.

Lindsey Theodore