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Former public defender Kerri Sigler

MAKING THEIR CASE

Efforts underway to start drug-treatment court in Forsyth to deal with heroin epidemic, but plan hasn't convinced everyone

BY MICHAEL HEWLETT
Winston-Salem Journal

Kerri Sigler didn't realize how bad the heroin epidemic was until she saw a client of hers facing a felony charge at the Forsyth County Hall of Justice. Sigler worked at the Forsyth County Public Defender's Office where she represented poor people facing criminal charges.

Her client was addicted to heroin. He started taking dilaudid, an opiate pain medication, after he was injured. He needed more, but the pain medication he was prescribed wasn't enough. He then turned to heroin and his life fell apart.

She saw other clients in the criminal justice system with heroin addiction.

“You get these kids in jail and they get clean for a few months but then they get out and get hooked back on heroin and they die,” Sigler said.

Sigler is leading an effort to start an adult drug-treatment court in Forsyth County. It would be the second time Forsyth County has had such a court, and Sigler has gotten support from local judges, probation officers and other court officials. North Carolina currently has 18

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Former public defender Kerri Sigler speaks to those appearing in Forsyth County district court on Feb. 16. Sigler is heading an effort to start an adult drug-treatment court that will help tackle the heroin epidemic she sees through the eyes of many of her clients.

adult drug-treatment courts, according to the N.C. Administrative Office of the Courts.

In adult drug-treatment court, people charged with nonviolent misdemeanors and low-level felonies are placed on highly intensive probation and ordered to get treatment for their addiction. They have to report back twice a month before a presiding judge and they are subject to regular drug tests. Most people are in drug court for at least a year and up to two years. If they complete the program, they can either get their charges dismissed or avoid jail time.

The one in Forsyth County would be what is known as a post-plea drug-treatment court — defendants plead guilty and a judge would sentence them to drug court, Sigler said.

In 1996, Forsyth was one of five counties in North Carolina to start an adult drug-treatment court. Forsyth's court ended in 2011 when state legislators cut funding.

This time, Sigler said she is working to start a nonprofit to raise money and is applying for a grant from the Winston-Salem Foundation. She would like to raise \$3.75 million to make the court self-sustaining.

Sigler said the criminal justice system is ill-equipped to handle the problem.

"Ever since 1776, the purpose of the criminal justice system has been punishment, and nothing is wrong with punishment per se," she said.

"Protect the public and all that is fine. But more and more people are realizing that punishment doesn't work for people who are addicted to drugs. The best judges, the best defense lawyers and best prosecutors want the same thing. They want to identify and solve the actual problem."

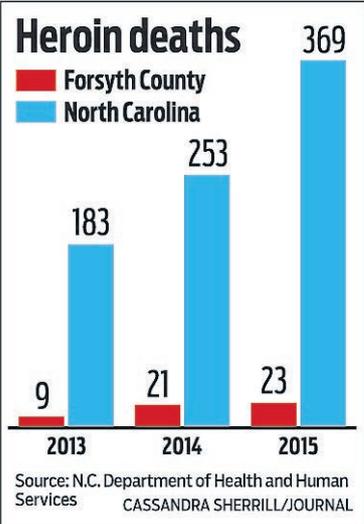
An epidemic

Wren Moffitt, one of Sigler's clients, never thought she would become a heroin addict. She graduated from high school and was working toward becoming a certified nursing assistant.

But when she was diagnosed with a painful medical condition, her doctor prescribed her opioid medications. Her tolerance went up and the drugs became less effective. Her doctor prescribed stronger drugs. Eventually, she said, they weren't strong enough.

"I needed stronger and stronger stuff," she said. "I turned to heroin."

Last April, she began shooting up and as her addiction to heroin worsened, she started getting into trouble with the law — she faced charges such as possession of drug paraphernalia. From August to October of last year, she spent 53 days in jail. It was hard being away from her two children, she said. She is out of jail and has been



clean for more than five months, she said.

"I'm trying to stay clean, but it's really hard," she said.

Moffitt is part of the heroin epidemic that Sigler and others see in Forsyth County and around the country. And sometimes, people don't end up staying clean. They end up dead.

In 2015, nearly 13,000 people across the country died from heroin overdoses, and the numbers surpassed the number of gun homicides, according to a Washington Post story.

That same year, 369 North Carolina residents died from heroin overdoses, a 46 percent jump over 2014.

Nine Forsyth County residents died from heroin in 2013. That increased by 133 percent to 21 deaths in 2014. Twenty-three people in Forsyth County died from heroin in 2015.

Sigler said something needs to happen to deal with the heroin epidemic — either fix it or have another funeral. It's that serious, she said.

Forsyth District Court Judge Lawrence Fine, who presided over the first adult drug-treatment court, said he is seeing more and more defendants who have heroin addictions.

"It's difficult to get a handle on it," he said.

In the 1980s and 1990s, the problem was crack cocaine and then it was methamphetamine, Fine said.

He said heroin use is getting more popular and it is the deadliest. And the options in the criminal justice system are limited for dealing with heroin addiction, Fine said.

There are diversion programs, but "diversion and probation programs don't have intensive oversight that drug-treatment court has."

In adult drug-treatment court, Fine said, people have to come back every other week and stand before a judge and be held accountable.

"Your rank-and-file probation officer doesn't have the resources to devote to any individual client," he said.

He said there are a variety of reasons why people don't complete the program, and it would have taken a lot to dismiss someone from the program. People who are addicted to drugs will relapse, he said.

"You recognize what is required in recovery and provide as much positive reinforcement," he said. "The bigger question is of the (people) who succeeded, how many would have succeeded without a drug-treatment court."

The challenge

Forsyth County District Attorney Jim O'Neill said he doesn't think the drug court as proposed by Sigler can adequately deal with heroin addiction.

He said although he agrees that heroin addiction is a devastating crisis, "my own opinions and beliefs on the addictive properties of heroin are formed based upon daily interaction and conversations with drug enforcement officers on the front lines that battle this heroin epidemic on a routine basis, and witness firsthand the devastating effects of this highly addictive drug."

O'Neill said Sigler doesn't provide any concrete information or data on how heroin addicts would be treated differently and more effectively in adult drug-treatment court. He also thinks that getting a long-term inpatient facility in Forsyth County would be more effective than a 12-month drug-treatment court in dealing with heroin addiction.

"Indeed, the last time Forsyth County had a standard drug treatment court as Ms. Sigler points out, sadly only 40 percent of the addicts actually graduated," O'Neill said. "And that low graduation rate was based on drug use that didn't face the incredibly addictive heroin cravings that the criminal justice system and our society must deal with."

O'Neill said he doesn't know of any local efforts to build an inpatient facility in Forsyth.

"It would take a tremendous amount of money to build and maintain a detox center for rehabilitation and I'm not aware of any money" to build a facility that would be accessible to insured and uninsured people, O'Neill said.

State law already provides safeguards so that drug addicts can get treatment without compiling a criminal record, O'Neill said. Prosecutors in his office also treat addicts differently than drug dealers.

"We also continue to seek avenues of treatment to assist addicts by way of deferred prosecution," he said. "Philosophically, we routinely decline to prosecute addicts as habitual felons, recognizing the difference between the user and the dealer."

Any local grant money should be used to identify drug dealers who are "destroying families and the fabric of our society," O'Neill said.

Sigler, Fine and Chief District Judge Lisa Menefee said they appreciate O'Neill's concerns about the adult drug-treatment court. And they said they have worked to address those concerns in the three to four

months since Sigler first presented the proposal.

Treatment Accountability for Safer Communities, a community-based drug treatment program, has assigned a counselor with drug-treatment court experience to direct the program, they said in a statement.

"We have looked at the several drug-treatment court programs that operate in Guilford County, in which TASC is involved, and will use those as models," they said.

The probation office in Winston-Salem has gotten approval for a dedicated drug court probation officer, they said.

Sigler, Fine and Menefee said that a standard diversion program is inadequate to deal with heroin addiction. In a diversion program, defendants are placed on probation for 12 months, told to get treatment and ordered to return after a year.

"Statistics from the National Association of Drug Court Professionals show us that 70 percent of addicts drop out of treatment early without intense supervision," they said. "Drug-treatment court provides that supervision by placing the person on probation, setting up the appropriate treatment requirements and ordering them to return every two weeks to monitor how they are doing."

Seventy-five percent of drug court graduates don't get re-arrested for two years after completing the program, they said.

O'Neill said he isn't opposed to the idea of a drug-treatment court. But heroin addiction is a "beast" and addicts have to get detoxed. Inpatient treatment has to be a critical component for any drug-treatment court, he said.

"I remain committed to getting all addicts the treatment they so desperately need, and I would be willing to support a true detailed proposal, complete with documentation and data suggesting an effective way to treat heroin addiction that is recognized and supported in the medical community," he said.

Model in Guilford

Guilford County has had adult drug-treatment court since around 2002.

District Court Judge Susan Burch said the court system operates two adult drug-treatment courts and two juvenile drug-treatment courts in Greensboro and High Point. Court officials won a federal grant to start the court.

Burch said defendants can be referred to the program. In some cases, defendants plead guilty and are sentenced to drug court, which is known as post-plea. In other cases, prosecution is deferred and defendants can get their charges dismissed if they successfully complete the program, she said.

Defendants are in the program for at least a year, Burch said.

Carri Munns, the administra-

tor for specialty courts in Guilford County, said that in fiscal year 2015-16, 109 people were admitted into adult drug-treatment court. About 26 percent were discharged from the program. Typically, about 40 percent graduate from the program, she said.

Munns said Guilford County drug-treatment courts allow for heroin addicts to get methadone or Suboxone to withdraw from heroin.

The drug courts meet every two weeks, and participants are in one of three phases. The first phase is when defendants are most closely monitored. Defendants often have a curfew, regular drug testing and requirements to attend drug treatment and to meet with their case manager.

Unlike probation, defendants don't get kicked out of the program easily. They may get sanctions if they fail to comply with the conditions, and sanctions may range from a reprimand from the presiding judge to jail time.

Burch said court officials know that defendants who have severe drug addictions might struggle at first. The program provides a way for participants to get back on the right track.

But if participants get into more legal trouble or develop a pattern of not complying, they can get kicked out of drug court, Burch said.

"The court is designed to work with folks," she said.

Next steps

Sigler and others will have to do a lot of things before the adult drug-treatment court is fully up and running.

One main priority is raising money. It is estimated to cost \$100,000 a year to operate, including administrative costs and the costs of drug screens. Testing for heroin is more expensive because it requires more panels to determine whether someone is using heroin.

She plans to raise the money through a combination of traditional grants and private donations to a nonprofit that she is creating specifically for funding the court. Chris Hewett, a lawyer at Womble Carlyle, is helping her create the nonprofit.

Menefee said the court will require a lot of support. She said she has talked to Sigler about what resources would be needed to make the adult drug-treatment court work.

"I think it's a great idea and logistics are always an issue," she said. "We want to make sure we have a good plan and a good team in place before we start to ask and that we have community support."

Sigler said the problem is serious and people have to work together to solve it.

"We are at a point of crisis," she said.

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