

# TREATMENT, NOT IMPRISONMENT



## ALIGNING PROBATION ORDERS WITH ADDICTION SCIENCE

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Every year, Massachusetts courts mandate thousands of people suffering from addiction to submit to invasive drug-testing as a condition of pretrial release or probation. If relapse occurs, many are incarcerated – even when they are actively working to achieve long-term recovery. It is both unsafe and unjust to require defendants suffering from addiction to remain relapse-free or else face jail.

Incarceration disrupts treatment and endangers recovery. This bill will allow judges to order a defendant to participate in treatment, but prohibit courts from imposing incarceration if relapse is the only infraction and the defendant is otherwise engaged in treatment.

Criminal activity while on probation, including drug possession charges, will still be a violation. This bill simply stops the court from interfering with treatment for people who are committed to and consistently attending treatment, but nonetheless relapse.

## THIS BILL WILL:

- Enhance public safety by enabling defendants to authentically engage in treatment – and communicate honestly with their providers about relapse – without fear that they will be locked up as result.
- Prevent courts from disrupting the treatment process.
- Decrease incarceration rates, saving MA taxpayer dollars.
- Save lives by helping people exit the dangerous cycle of relapse and incarceration and instead find sustained recovery.

## ENDORISING ORGANIZATIONS

ACLU of Massachusetts  
Association for Behavioral Healthcare  
Grayken Center for Addiction, Boston Medical Center  
Massachusetts Medical Society  
Massachusetts Organization for Addiction Recovery  
Massachusetts Society of Addiction Medicine  
National Association of Social Workers, MA Chapter

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Charles Hamilton Houston Institute  
Coalition for Effective Public Safety  
Community Catalyst  
Committee for Public Counsel Services  
Community Resources for Justice  
Criminal Justice Policy Coalition  
Greater Boston Legal Services CORI & Re-entry Project  
Health in Justice Lab at Northeastern Law School  
Jobs Not Jails Coalition  
League of Women Voters of MA  
MA Community Action Network  
Mass Incarceration Working Group of the First Parish Unitarian Universalist of Arlington  
Massachusetts Law Reform Institute  
National Alliance for Medication Assistance  
Prisoners' Legal Services  
Resolve to Stop the Violence Program  
Roca, Inc.  
Real Cost of Prisons Project  
Suffolk University Center for Women's Health and Human Rights

# BECAUSE ADDICTION REQUIRES TREATMENT, NOT IMPRISONMENT.

## Addiction is a health condition, not a moral failing.

- Severe substance use disorder – addiction – is a health condition; its hallmark feature is compulsive use of a substance despite significant negative consequences.
- Extensive research shows that recurrence of substance use indicates the need for more or different treatment, not punishment.

## Addiction requires treatment, not imprisonment.

- For a century, we have predominantly responded to drug addiction with punishment.
- Scientific breakthroughs have revolutionized our understanding of drug addiction as an illness that responds favorably to treatment, not imprisonment.
- If our Commonwealth is serious about ending the opioid crisis, we need to reframe our approach to addiction – to one that is rooted in public health, not punishment.

## Relapse is a common symptom of substance use disorder.

- Because addiction is an all-consuming, developmental, and chronic health condition, most people with addiction experience several relapses before achieving sustained recovery.
- Therapeutic intervention after relapse works to help strengthen the recovery process.

## Punishing people for relapse disrupts treatment.

- A punitive response to relapse decreases the likelihood that people with addictions will seek care and remain in treatment.
- Fear of punishment interferes with authentic treatment because patients are afraid to speak honestly about their struggles with their healthcare professionals.

## Incarcerating people suffering from addiction endangers lives.

- While incarcerated, few inmates receive treatment – and most “treatment” in jails and prisons is not evidence-based.
- The opioid overdose death rate is 120 times higher for those recently released from incarceration compared to the rest of the adult population.