



The Drug Policy Forum of Massachusetts

Proposed 2005-2006 Legislation — H.B. 3556

An Act to Amend the Commonwealth's Drug Treatment Program, to Allow for the Diversion of Low-Level Offenders Under Court Supervision.

Reps. Walsh, O'Flaherty, Scibak, Spiliotis

OVERVIEW:

- In 1981, the “Drug Dependent Persons Act” (DDPA - Gen. Law Ch. 111E) granted trial court judges in Massachusetts the authority to divert low-level drug offenders to treatment programs. Unfortunately, that law has lapsed into disuse throughout the Commonwealth.
- H.B. 3556 is an effort to amend this diversion law so that Commonwealth courts are better able to break the cycle of drug addiction and crime while at the same time saving tax dollars by reducing drug abuse.
- The proposed legislation would only apply to low-level drug offenders whose sole or lead offense is possession of drugs for personal use.

CONTEXT:

- H.B. 3556 mandates that the Court offer a highly defined population of defendants the opportunity for treatment services.
- H.B. 3556 replaces a complicated scheme of administration — that does not exist in Massachusetts — to allow oversight to be performed by the existing Bureau of Substance Abuse Services.
- H.B. 3556 does not mandate the court to offer treatment in the defendant is charged with concurrent crimes or is charged with ANY crime involving a minor.

NEED:

- In 2001, there were over 14,000 drug arrests in Massachusetts — nearly 73% or 10,220 were for possession in the region.ⁱ
- In FY 2003, 4,003 drug offenders were incarcerated or 25.4% of the entire population sent to a correctional facility in 2003.ⁱⁱ
- According to the Massachusetts Sentencing Commission it costs taxpayers \$46,000 to incarcerate one prisoner per year. While the average cost of an entire treatment episode is \$5,300.ⁱⁱⁱ
- If Massachusetts diverted into treatment rather than incarcerated low-level offenders from the Department of Corrections alone, net savings to the taxpayers would be approximately \$10.4 million per year.^{iv}

LONG TERM BENEFITS:

- For every additional dollar invested in addiction treatment, the taxpayer saves at least \$7.46 in societal costs.^v
- Addiction treatment has been shown to cut drug use in half, reduce crime by 80% and reduce arrests up to 64%.^{vi}

TREATMENT AVAILABILITY:

- Treatment services in Massachusetts for substance abuse, as well as for other human services, have received major funding cuts — Continued budgetary work is needed to expand all levels of treatment services.
- In order for a diversion to treatment program to succeed, the State needs to make services available. If defendants are not able to enter addiction services immediately after judicial order, the criminal justice and public health systems are setting up individuals and the entire program to fail.

ⁱ Federal Bureau of Investigation, “Crime in the United States, 2001,” October 2002, p.232.

ⁱⁱ Massachusetts Sentencing Commission, “FY 2003 Survey of Sentencing Practices,” April, 2004.

ⁱⁱⁱ Center of Substance Abuse and Treatment, “National Treatment Improvement Evaluation Study 1997 Highlights.” Average of Out-patient, intensive out-patient, narcotic replacement therapy and in-patient treatment with the addition of 4.6% per year for inflation base on the WPI.

^{iv} Savings based on the cost of incarcerating drug possession offenders, minus the cost of treating drug possession offenders for one year in Massachusetts — data from the Massachusetts Department of Corrections “January 1, 2004 Inmate Statistics.

^v Rydell, C.P. & Everingham, S.S., “Controlling Cocaine Supply Versus Demand Programs,” RAND Drug Policy Research Center, 1994.

^{vi} Office of Evaluation, Scientific Analysis and Synthesis, Center for Substance Abuse Treatment, Substance Abuse and Mental Health Administration, “The National Treatment Improvement Evaluation Study,” 1997.