



The Drug Policy Forum of Massachusetts

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Respectfully Submitted to the Joint Committee on Mental Health & Substance Abuse
on

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.

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Honorable Committee Members, I thank you for the opportunity to testify on behalf of House Bill 3356 — An Act to Amend the Commonwealth's Drug Treatment Program, to Allow for the Diversion of Low-Level Offenders Under Court Supervision.

I want to especially thank Representatives Walsh and Scibak for sponsoring this diversion to treatment bill — along with Representatives O'Flaherty and Spiliotis.

H.B. 3556 is a "fix it" piece of legislation. The Massachusetts General Court saw the necessity of treating addicted individuals in the community rather than incarcerating them back in 1981 when it passed into law the provisions now known as Chapter 111E. Unfortunately, the vast administrative demands of that law, the lack of information and education on the statutes existence, and the lack of data on diversion in the Commonwealth has interfered with the intent of the provision and the ability of addicted individuals caught up in the criminal justice system to receive treatment services.

The concept of treatment in the community instead of incarceration is widely accepted by the general public, addiction treatment and criminal justice professionals, as well as policy-makers across the Commonwealth. Therefore, the next step we should take is to find the most beneficial, cost-affective and public-safety minded approach to a broad-based diversion program in Massachusetts.

The Drug Policy Forum of Massachusetts believes that the passage of H.B. 3556 can be the first-step in creating a system of multiple options for access to treatment. The bill starts small with offering treatment services to a highly defined population of low-level, non-violent defendants who make up only a portion of those in the criminal justice system in need of addiction and other social services. Therefore, as the Chapter 111E program is modified under H.B. 3556 we can discover even more about the need for services within the criminal justice system, the history and profiles of addicted individuals across the state, and a more accurate picture of the type of services needed, as well as the number of slots required to start really combating addiction.

H.B. 3556 does away with the requirement of a new administrative body to run the diversion program established in Chapter 111E, and places oversight at the existing Bureau of Substance Abuse Services (BSAS) which will save time and money.

Additionally, H.B. 3556 requires that the Bureau of Substance Abuse Services educate professionals in both the criminal justice and social service systems on this program and the intent of the law. Through this process, the Commonwealth will also be able to streamline systems, increase collaboration and identify best practices across the state.

Finally, H.B. 3556 requires that the defined population of low-level, no-violent offenders **MUST** be offered the option of treatment within the community. This expands the Chapter 111E so that this program is no longer left to discretion alone — which can lead to uneven application of the law depending on politics and policies within each jurisdiction. Defendants are **NOT** mandated to take the offer of treatment services, therefore funds will not be wasted on those individuals who will not make an effort at treatment and recovery.

The Drug Policy Forum of Massachusetts is asking the honorable members of this committee to support this first step in creating a statewide criminal justice and social service system with the goals of rehabilitation. For too long the Commonwealth has been spending millions of dollars to incarcerate, and re-incarcerate persons suffering from addiction creating a cycle that becomes more and more difficult to break — and not just for individual defendants but for their families and communities as well.

DPFMA does not believe that this legislation alone will solve the problems of addiction and criminality in Massachusetts, nor will it apply to many of the individuals in need of services. But it will help create a base of administrative development, system collaboration and research data for the legislature and executive bodies to build upon in future legislative and programmatic development.

Thank you for your time and consideration on this very important subject.