

**An Act to Amend the Commonwealth's Drug Treatment Program to Allow for the
Diversion of Low Level Offenders Under Court Supervision - HD 2942**

Patricia Muldoon, LWVMA Justice Specialist

The League of Women Voters of Massachusetts asks that you urge your legislators to support "An Act to Amend the Commonwealth's Drug Treatment Program to Allow for the Diversion of Low Level Offenders under Court Supervision" – HD 2942

Background: This bill would support the diversion of addicted individuals from our increasingly overcrowded jails and prisons into treatment. The need is great. In 1980 only **6.5%** of those incarcerated were for a drug crime. In 2001, there were over 14,000 drug arrests in Massachusetts - nearly 73% (10,220) were for possession. In 2006, over 4,400 individual commitments were for drug crimes. These offenders made up **23%** of the entire population sent to a correctional facility. In fall 2008 our Houses of Correction (where most drug offenders go) were packed at a dangerous 161% of capacity.

The Legislation: The Diversion to Treatment bill mandates that the courts offer the opportunity for treatment services for first- and second-time, low-level drug offenders not involved in a concurrent offense or charged with any crime involving a minor. It also replaces a defunct and complicated scheme of administration to allow oversight to be performed by the existing Bureau of Substance Abuse Services.

Sponsors and Supporters: Lead sponsor Rep. Marty Walsh. Co-sponsors and supporters - Sen. Anthony Gallucio, Gail Candaras, Anthony Petrucelli, and Michael Moore; Rep. Brian Walsh, Elisabeth Malia, and Ruth Balser, and Mayor Thomas Menino. Other supporters include the Massachusetts Bar Association and the National Association of Social Workers. The Department of Correction (DOC) Commissioner Clarke supports this idea. He helped Washington State accomplish diversion-to-treatment, which now saves \$10 for every dollar invested.

Talking Points

- If Massachusetts diverted low-level offenders from the DOC alone, net savings to the taxpayers would be approximately \$10.4 million per year. (cost of incarceration minus cost of treatment) According to another analysis, if this bill had been law in 2006, that year the state would have saved \$8.7 million.
- Additional benefits would be accrued by the likelihood that the defendants could become free of their addictions without a criminal record, allowing them greater likelihood of getting jobs and becoming taxpayers. Drug offenders from minority communities should have the same access to parole as most other offenders.
- Massachusetts just decriminalized possession of small quantities of marijuana. The strong support by citizens of that ballot question should encourage politicians who earlier had been unwilling to take steps that might be portrayed as soft on crime. However, the number of substance abuse programs has been decimated. New and expanded community treatment programs are needed to fill the void if prison cells are to stop being the main source of detox beds.