



## **Treatment, not harsher sentences, is what Maine needs to fight drug epidemic**

March 2, 2016

A bill to increase the severity of drug possession crimes gained a legislative committee's approval this week. The legislation, which would make possession of small amounts of many drugs, including heroin, a felony, is the wrong approach to Maine's addiction epidemic.

The logic behind LD 1554, which raises the severity of some drug offenses after lawmakers lowered them, is that tougher penalties will dissuade some people from using drugs. There is scant evidence that this is the case. In fact, while drug arrests in Maine more than doubled between 1986 and 2010, addiction and overdose rates continued to rise. Instead of jail time, those addicted to opioids need treatment, preferably medication-assisted treatment coupled with counseling.

Maine Attorney General Janet Mills, who asked for the legislation, said she and others in the criminal justice system have heard numerous stories from people who say they did not take their addiction seriously until they faced jail time or large bail payments. "I'd rather see someone in a jail cell than on a slab in the morgue," she said Tuesday. We share this sentiment but have concerns about this approach.

For Mills, LD 1554 offers an avenue to get more addicts into the state's drug court system, which includes treatment as a condition of participation. If someone is charged with a felony, she

says, the prospect of going through the drug court or receiving a deferred disposition — in which penalties are put off as long as the person meets certain conditions — looks better than doing time in jail. While this may be true, it remains an indirect way to treatment. Plus, the capacity of the state’s drug courts are limited by finances.

A recent report from the drug courts shows a lower recidivism rate for drug court participants. This is certainly a positive outcome. What the analysis is lacking, however, is any data on whether defendants who participate in drug court are more likely to continue treatment and, therefore, lessen and stop their drug use.

The story of Garrett Brown, whom BDN editor Erin Rhoda followed for more than two years, highlights the fallacy of thinking the fear of dire consequences will change the behavior of someone addicted to a drug. Brown was in and out of jail; his first sentence to a juvenile detention center was when he was 14. He was charged with heroin possession after two overdoses last year. He also was well aware that his addiction could end his life. Neither the prospect of jail nor death was enough to stop his drug use. He died in November after another overdose at the age of 21.

Despite the threat of jail and death, Brown couldn’t stop using heroin because addiction is a disease — substance use disorder is the official term — not a behavior that is corrected through punishment. Some people with addictions commit crimes, such as theft. They should be punished for those crimes, but such punishment is not likely to diminish their addiction.

In fact, removing the threat of punishment can encourage those with addictions to seek treatment. Portugal turned this idea into action by decriminalizing drug use in 2001. The number of deaths because of opiates dropped significantly and levels of drug use in Portugal fell significantly below those in other European countries, a 2009 report by the Cato Institute found. Without fear of prosecution, people with addictions in Portugal are more likely to seek treatment, and the money that was spent prosecuting and imprisoning drug offenders is available for treatment programs.

This is the thinking behind programs such as Scarborough’s Operation Hope. Drug users who turn their drugs and drug paraphernalia over to the police department are directed to treatment and matched with a volunteer “angel” without fear of arrest.

Last month, Portland’s first substance abuse disorder liaison began work. He works to connect people with addictions with detox and other needed services.

Nationally, the Obama administration has moved to reduce penalties for some drug crimes, recognizing that, while law enforcement remains important, it is not the solution to reducing substance use.

In Maine and the United States, treatment isn't readily available to those who need it. National statistics show that 22 million people need treatment for substance abuse disorder but only 2 million receive it. Treatment needs to be more widely available and affordable. Harsher sentences won't help anything.