



## Realities of Death Addiction

### Addiction is a Disease, NOT a Crime

- ◆ Drug addiction is a chronic, relapsing, and complex multifactorial brain disorder that is preventable and treatable. It is **not** a choice, moral failure, or a criminal behavior.
- ◆ Despite this, simple possession of drugs for personal use has historically been addressed with punishment in the criminal justice system.
- ◆ Every 25 seconds a person in the U.S. is arrested for possessing a drug for personal use.
- ◆ Approximately one of every nine arrests by state law enforcement is for drug possession, amounting to more than 1.25 million arrests each year.
- ◆ The laws that were put in place to stop the distribution of drugs are not working. Statistics show that there are 4 times more people arrested for drug possession than for distributing drugs.
- ◆ According to the Bureau of Justice Statistics, 66.7% of drug offenders return to prison within 3 years.
- ◆ The increase in incarceration has disproportionately impacted communities of color. People of color are incarcerated at a significantly higher rate than white people.

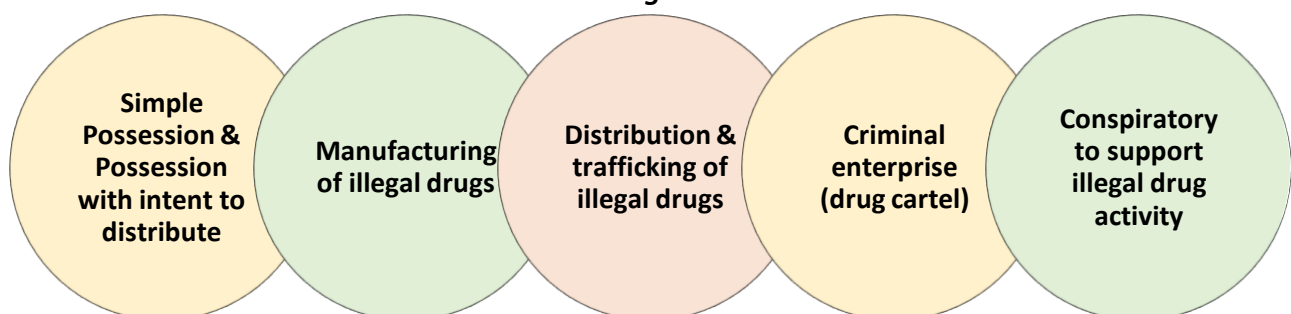
**Please Note:** *I am not talking about the criminal organizations, drug cartels, drug traffickers, or drug dealers. They will do anything to make money from their drugs with no regard to others. They are responsible for the flow of drugs into the U.S. and other countries, contributing to addiction, overdoses, and deaths.*

### What is Simple Drug Possession?

According to the U.S. Sentencing Commission, simple drug possession is when a person has a small amount of an illegal substance for the purpose of consuming or using it, but without the intent to sell or give it to anyone else.

Simple drug possession is a misdemeanor under federal law and in some state jurisdictions. The punishment for this is up to one year imprisonment and/or a minimum of \$1000 fine. If the individual has a prior drug related offense, the charge is upgraded to a felony simple possession offense.

### Federal Drug Crimes:





## ***Realities of Death Addiction***

### **Important Facts:**

- ⇒ Drug addiction is a disease and requires treatment, not criminalization and incarceration.
- ⇒ Addiction is a public health issue and changes need to occur to provide services aimed towards treatment and recovery.
- ⇒ More than 50% of people in prison have untreated substance use disorders.
- ⇒ Relapse is high upon release from incarceration.
- ⇒ People have a much higher risk of drug overdose after release from incarceration due to a loss of tolerance to substances.

### **Personal Consequences From a Criminal Record:**

A criminal record has adverse effects on a person who was incarcerated for addiction. Some possible consequences includes:

- ◆ Difficulty finding housing
- ◆ Difficulty finding a job
- ◆ Losing a professional license
- ◆ Ineligibility of certain types of jobs
- ◆ Loss of welfare assistance
- ◆ Inability to vote
- ◆ Loss of educational assistance
- ◆ Discrimination
- ◆ Stigma of addiction and incarceration

### **Can we reduce drug addiction if society does not treat it as disease, personal use of drugs is criminalized, and people do not have access to proper treatment for recovery?**

- ⇒ **Probably NOT!** If addiction is not considered to be a chronic brain disease and personal use of substances is criminalized, then insurance companies will continue to limit or exclude coverage for treatment, the laws will remain unchanged leading to incarceration for simple possession, the stigma of addiction will remain, and the person with addiction will suffer from lack of treatment, discrimination, and inhumane treatment from others.
- ⇒ People with addiction need access to affordable, quality health care, including inpatient and outpatient drug treatment. Without this, it will be very difficult, maybe impossible for them to recover from their addiction.
- ⇒ Clearly the drug laws are not working if 66.7% of people with addiction are returning to jail/prison within 3 years. Why are people with addiction incarcerated 4 times more than people who are distributing drugs? We need to look at the drug laws and focus on the people who manufacture and distribute drugs.



## ***Realities of Death Addiction***

**What Can Be Done:** *Research & 2016 United Nations General Assembly recommendations.*

- 1) Eliminate the stigma of addiction:** We need to educate the public and leaders of our states and countries about the disease of addiction. Until we can end the stigma of addiction, people with addiction will continue to suffer, not receive the appropriate health care, and be alienated by society.
- 2) Stop criminalizing addiction:** A comprehensive public health approach is needed that can offer accessible treatment and recovery options for people with addiction. Steps have been taken through a 12-18 month program through the court systems. These programs need to be available for non-violent offenders with simple possession charges. Every drug arrest should be evaluated for the treatment program. Circumstances involving violent crimes, neglect resulting in death, etc. may eliminate this treatment option.
- 3) Implement preventative programs:** Although many people can benefit for these programs, it is really important that we target older children, adolescents, and young adults. Substance use can start at any age especially with peer pressure, bullying, and the stressors of school, commitments, and family expectations.
- 4) Implement evidence-based treatments for substance use disorders:** Addiction is treatable and people do recover, however, due to long-lasting functional brain changes, a person can relapse after years of abstinence. Therefore, addiction needs to be treated with a chronic care model of care just like diabetes, hypertension, heart disease, kidney failure, etc.
- 5) Ensure access to treatment:** Without treatment, the person with addiction has a high probability of not recovering from their addiction. Inpatient and outpatient programs, sober living programs, and continued access to Methadone, Buprenorphine, and Suboxone are needed for recovery and need to be available for people with addiction.
  - a. In 2021, there were over 100,000 drug related overdose deaths. This is the highest number of overdose deaths and the numbers keep climbing. In 2020, only 13% of people with addiction received any treatment and only 11% with opioid use disorder received 1 of the 3 safe and effective medicines that help them quit and remain in recovery.
- 6) Continue to support research on addiction and treatment:** Research is necessary especially with new synthetic drugs emerging. It's important that research is done to determine best evidence-based treatment options, development of new medicines, and to determine ways to prevent the use of substances.
- 7) Review policies:** This should involve a diverse group of professionals including public health officials, health care professionals, law enforcement, federal/state law makers, researchers, and educators. Policies should not be antiquated. It's important to be progressive in how we manage and treat people with addiction. Focus should also be on elimination of the stigma of addiction and treatment availability.
- 8) Continue the fight against illegal drugs:** Learn about the recommendations from the United Nations Office on Drugs and Crime, support the U.S. federal government's initiatives, check out the actions of the Drug Enforcement Administration (DEA) to keep on top of what is happening in the world of drugs, review drug policies, and make the necessary changes that will make our nation a safer place.



## ***Realities of Death Addiction***

### **References**

- American Civil Liberties Union (2016, October). *Every 25 Seconds: The Human Toll of Criminalizing Drug Use in the United States*. (Internet) [https://www.aclu.org/wp-content/uploads/legal-documents/usdrug1016\\_web.pdf](https://www.aclu.org/wp-content/uploads/legal-documents/usdrug1016_web.pdf)
- Bronson, J., Stroop, J., Zimmer, S., & Berzofsky, M. (2017, June). Drug Use, Dependence, and Abuse Among State Prisoners and Jail Inmates, 2007-2009. *U.S. Department of Justice. NCJ250546*, 1-27. <https://bjs.ojp.gov/content/pub/pdf/dudaspji0709.pdf>
- Bureau of Justice Assistance, U.S. Department of Justice (2023, March 9). *Adult Treatment Court Program*. (Internet) <https://bja.ojp.gov/program/adult-treatment-court-program/overview>
- Chandler, R.K., Fletcher, B.W., & Volkow, N.D. (2009). Treating Drug Abuse and Addiction in the Criminal Justice System: Improving Public Health and Safety. *JAMA*, 301(2), 183-190. doi: 10.1001/jama.2008.976
- Guan, X. & Lo, T.W. (2021). Restrictive Deterrence in Drug Offenses: A Systematic Review and Meta-Synthesis of Mixed Studies. *Frontiers in Psychology*, 12:727142. <https://doi.org/10.3389/fpsyg.2021.727142>
- Mastro, A. (2022). A Model Path for Decriminalizing Simple Possession of All Drugs. *DePaul Law Review*, 71(3), 875-906. <https://via.library.depaul.edu/law-review/vol71/iss3/7>
- National Institute on Drug Abuse (2021, May 7). *Addiction Should Be Treated, Not Penalized*. (Internet) <https://nida.nih.gov/about-nida/noras-blog/2021/05/addiction-should-be-treated-not-penalized> on 2023, May 8
- National Institute of Drug Abuse (2022, January 4). *Making Addiction Treatment More Realistic and Pragmatic: The Perfect Should Not be the Enemy of the Good*. (Internet) <https://nida.nih.gov/about-nida/noras-blog/2022/01/making-addiction-treatment-more-realistic-pragmatic-perfect-should-not-be-enemy-good>
- Rosenberg, A., Groves, A.K., & Blakenship, K.M. (2017). Comparing Black and White Drug Offenders: Implications for Racial Disparities in Criminal Justice and Reentry Policy and Programming. *Journal of Drug Issues*, 47(1), 132-142. doi: 10.1177/0022042616678614
- Saladino, V., Mosca, O., Petruccelli, F., Hoelzlhammer, L., Lauriola, M., Verrastro, V., & Cabras, C., (2021). The Vicious Cycle: Problematic Family Relations, Substance Abuse, and Crime in Adolescence: A Narrative Review. *Frontiers in Psychology*, 12:673954. doi: 10.3389/fpsyg.2021.673954



## ***Realities of Death Addiction***

Stevens, A., Hughes, C.E., Cassidy, R., Stevens, A., Hughes, C.E., Hulme, S., & Cassidy, R. (2022). Depenalization, diversion and decriminalization: A realist review and programme theory of alternatives to criminalization for simple drug possession. *European Journal of Criminology*, 19(1), 29-54. <https://doi.org/10.1177/1477370819887514>

United States Sentencing Commission (2016, September) *Weighing the Charges: Simple Possession of Drugs in the Federal Criminal Justice System*. (Internet)  
[https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2016/201609\\_Simple-Possession.pdf](https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2016/201609_Simple-Possession.pdf)

Volkman, N.D., Poznyak, V., Saxena, S., Gerra, G., & UNODC-WHO Informal International Scientific Network (2017). Drug use disorders: impact of a public health rather than a criminal justice approach. *World Psychiatry*, 16(2), 213-214. doi: 10.1002/wps.20428