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Massachusetts Bill H.1913/S.1117: An Act Relative to Treatment, not Incarceration

Susan Sered, Suffolk University

Dear Chairs Day and Edwards, and Members of the Joint Committee on the Judiciary,

The Women and Incarceration Project is a group of Boston-based academics, attorneys, and social workers researching and writing about the costs and harms of incarcerating women. While our main focus is on women, we are compelled to write to you today in strong support of “An Act relative to treatment, not incarceration” (H.1913, and S.1117), which will ensure that a positive drug or alcohol test will not be considered a violation of the conditions of probation for individuals participating in treatment plans.

Abundant research shows that individuals struggling with substance abuse typically do not follow a single direct line from an order or a decision to refrain from substance use to successful and permanent abstinence. Best practices for these individuals include building a therapeutic relationship with a trusted provider or program. The practice of considering a positive drug or alcohol test as a probation violation makes it likely that these positive relationships will be disrupted. There is no evidence that reincarcerating these individuals will contribute to their ability to manage substance use challenges. On the contrary, research shows that the days immediately following release from incarceration carry the highest risk of overdose.

For women, many of whom balance caring for children and other family members with engaging in treatment for substance abuse challenges, incarceration for failing a drug or alcohol test harms not only the individual but her family as well. In the course of my own fifteen-year longitudinal study with formerly incarcerated Boston-area women, I often saw how punishment rather than treatment led to outcomes such as loss of housing and child custody and had little if any effective impact of the core challenges related to substance abuse.

I would be happy to share details of this and other research in writing or in meetings with the Joint Committee. Thank you for your attention to this very important bill. Please move it forward soon so that it can be voted on and enacted this session.

Sincerely,

Susan Sered, PhD

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