



October 2018

If Addiction is a Disease, Why is Relapsing a Crime?

Massachusetts' highest court ruled in July 2018 that judges may jail someone with an addiction who is on probation if that person does not remain drug-free. In a unanimous ruling, the Supreme Judicial Court rejected the argument that it is unconstitutional to incarcerate someone who violates probation by relapsing because relapse is a symptom of the disease of addiction.

The [27-page ruling](#) stems from a case involving [Julie Eldred](#), who in 2016 was put on probation for a year on a larceny charge. Her probation conditions stipulated that she remain drug-free and submit to random drug tests. One of those tests, taken 12 days after she was placed on probation, came up positive for fentanyl. Because that was a violation of her probation, she was sent to jail.

Ms. Eldred's lawyers argued that incarcerating her for relapse was punishment for her disease. But, the court said in its ruling that jail is a tool judges may use to encourage recovery and protect public safety.

The prosecution's counterargument was that the disease model of addiction is far from settled science. However, the [National Institute on Drug Abuse](#), [American Medical Association](#), and [Diagnostic and Statistical Manual of Mental Disorders](#) (the final authority on psychiatric conditions that qualify for insurance reimbursement) all define addiction as a chronic, relapsing brain disorder caused by a combination of behavioral, environmental, and biological forces.

The ruling had little to say about the issue. It said the justices realize relapse is part of the disease of addiction, but Eldred's relapse was a willful violation of her probation conditions.

Leo Beletsky, associate professor of law and health sciences at Northeastern University, said the ruling is inconsistent. In an interview with [WBUR](#), Professor Beletsky said "If Massachusetts allows the [involuntary commitment](#) of people to addiction treatment because their substance use is uncontrollable, then it's not logical to say that someone can willfully violate a court order to remain drug-free. In many ways, it's high time for us to revise how the law considers addiction. If you say someone dealing with addiction isn't capable of making decisions, and we can lock them up to pursue treatment, we can't then say on the criminalization side that people with addiction retain control over their decisions."

People living with addiction can and do respond to incentives. However, evidence suggests that [carrots work far better than sticks](#), and the particular "stick" of jail time, in many cases, impedes the treatment process.

Criminalizing relapse isn't the only inconsistency at the intersection of substance use, criminal justice, and public health. A study by [Drug Policy Alliance](#) reports states across the country are enacting laws that allow for homicide charges against anyone connected to an overdose death—even if that person is also suffering from addiction.

It is tragically ironic that only in death do drug users become victims. Until then, they are criminals.

Regional Trainings in 2018-2019

Please see our upcoming regional training schedule. We encourage smaller agencies with limited staff, new staff members in larger agencies, or large

agencies with many locations to attend. The trainings will be the same as our regular Praxis trainings, and those who attend will be able to get Continuing Education certificates upon completion.

Please note: We have not scheduled Boston trainings yet; when we do, we will share the registration information.

[Opioid Overdose Prevention in Barnstable](#)

November 5, 2018
9:00 AM – 1:00 PM
Trainer: Vicki

[Harm Reduction in Barnstable](#)

November 5, 2018
1:00 – 4:00 PM
Trainer: Lonnie

[Medication Assisted Treatment in Canton](#)

December 10, 2018
9:00 AM – 12:00 PM
Trainer: Vicki

[HIV/AIDS Care Integration in Canton](#)

December 10, 2018
1:00 – 4:00 PM
Trainer: Lonnie

[HIV/AIDS Care Integration in Lowell](#)

February 1, 2018
9:00 AM – 12:00 PM
Trainer: Vicki

[Harm Reduction in Lowell](#)

February 1, 2018
1:00 – 4:00 PM
Trainer: Lonnie

[Viral Hepatitis in Worcester](#)

March 1, 2018
9:00 AM – 12:00 PM
Trainer: Vicki

[Opioid Overdose Prevention in Worcester](#)

March 1, 2018
1:00 – 4:00 PM
Trainer: Lonnie

[Opioid Overdose Prevention in West Springfield](#)

April 12, 2018

9:00 AM – 1:00 PM

Trainer: Vicki

[Medication Assisted Treatment in West Springfield](#)

April 12, 2018

1:00 – 4:00 PM

Trainer: Lonnie

[Viral Hepatitis in Fall River](#)

May 10, 2018

9:00 AM – 12:00 PM

Trainer: Vicki

[HIV/AIDS Care Integration in Fall River](#)

May 10, 2018

1:00 – 4:00 PM

Trainer: Lonnie

**Praxis provides training to all
Massachusetts Bureau of
Substance Abuse Services
funded substance use disorder
treatment programs on**

- [Harm Reduction](#)
- [HIV/AIDS Care Integration](#)
- [Medication-Assisted Treatment](#)
- [Opioid Overdose Prevention](#)
- [Viral Hepatitis Care Integration](#)

Contact us to request training
or technical assistance:

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