

Reinstating mandatory minimum sentences? That's the worst way for Pa. to fight opioid abuse: William Stauffer

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By William Stauffer

Pennsylvania is in the throes of a terrible drug epidemic. All of us have been impacted one way or another. Deaths related to opioid and heroin dependence continue to rise. Tragically, we have one of the highest opiate drug overdose rates in the nation. Combating this unfolding disaster requires a collaborative across all of our institutions.

There is one approach, however, that will likely make matters worse. That approach, calls for the Pennsylvania legislature to adopt mandatory minimum prison sentences for all drug offenders. We know well that law enforcement is a critically important partner in this collaborative approach to save lives and keep our communities safe, but mandatory minimums are a step in the wrong direction.

Each day, at least ten Pennsylvanians die of opioid or heroin overdose. In 2015 alone, we lost more than 3,500 Pennsylvanian citizens to drug overdoses. More Commonwealth residents die now from opioid overdose than from car accidents - it is the leading cause of accidental death in the state. The problem can largely be attributed to the rise in the widespread use of opioids, including both prescription pain relievers and heroin.

The move by Pennsylvania comes even as other states reject mandatory minimum sentences. We need to acknowledge that Substance Use Disorders are a medical condition and impact roughly one in three Pennsylvania families. History has taught us over and over again that we cannot incarcerate our way out of the opiate epidemic.

We currently treat only 8 percent of the people who have a substance use condition. This "treatment gap" exists because we have historically underfunded treatment services, even as we spend vast resources on the consequences of untreated addiction. History has taught us over and over again that we cannot incarcerate our way out of the opiate epidemic - filling the "treatment gap" would be a wiser use of our resources than building more prisons.

Some advocates have asserted that one answer to reducing heroin and prescription drug abuse is for the legislature to adopt mandatory minimum drug sentences for drug offenders. Mandatory minimum sentencing laws require courts to sentence all offenders to the same minimum prison term if they are caught with a specific amount of drugs. These advocates say mandatory sentencing laws will help them target major drug traffickers and kingpins.

These laws would be fine if there was evidence they work. There isn't. And they don't. However, this bill which was recently approved by the Pennsylvania House, would impose mandatory prison terms on individuals caught selling as little as two grams of opioids and one gram of heroin. A dragnet that large is likely to catch many more minnows than big fish, i.e., more users and low-level dealers than major traffickers.

The uncomfortable truth is that the distinction between drug users and drug traffickers is not as clear as many people would like to believe. Many people we call drug traffickers are actually selling small amounts of drugs in order to support their own use. In other cases, drugs are shared between friends and dumb luck is all that separates one who overdoses and one who survives.

Both as a person in long term recovery who was offered help rather than punishment and as a licensed professional with 28 years of clinical experience, time and time again, I have seen first-hand the devastating effects of addiction.

Helping the men and women who have a substance use disorder, even those who turn to selling small quantities of drugs themselves, should be our focus. This should not be considered primarily a criminal justice issue - as it is fundamentally a public health issue. These individuals do not need mandatory sentences in prison, they need avenues for recovery and to be restored to productive citizenship, like the thousands of Pennsylvania citizens like me who got a hand up and not handcuffs and a multi-year sentence.

Mandatory minimums can lead to institutionalization and far reaching consequences, including broken families and communities and a burgeoning expense to shovel up the consequences - this is the wrong direction for Pennsylvania. The Pennsylvania Recovery Organizations Alliance (PRO-A) is committed to ending the stigma and discrimination associated with substance abuse in order to foster a community in which those with substance use conditions can get help and live full, productive lives.

PRO-A strongly urges the Legislature to oppose mandatory minimum sentences and utilize a trauma-informed recovery approach that includes comprehensive treatment and recovery services to address this terrible epidemic.

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