

The Criminal Legal System as a Social Determinant of Addiction

On May 24, 2022, AIR presented the Criminal Legal System as a Social Determinant of Addiction, the third webinar in an AIR CARES webinar series focusing on the social determinants of addiction. This brief provides a summary of the framing discussion and panelist remarks. Additional information and references can be found within the webinar presentation. Watch the recording here: <https://www.air.org/webinar-series-social-determinants-addiction#web4>



Framing the Conversation: Amanda Latimore, PhD

Director, AIR CARES

Since its inception, the nation's approach to addiction has been characterized by shifting drug targets and prohibition-based responses. Efforts to counter the use of marijuana, crack, prescription opioid, heroin, and, more recently, fentanyl have emphasized law enforcement, militarization, and harsh penalties. This supply-side drug control strategy has come at a tremendous cost, with drug control spending increasing from \$1.5 billion in the 1980s to \$41 billion today. All the while, overdose deaths have continued to rise, with an all-time high of 107,000 overdose deaths recorded in the past year.

Rather than addressing the harms of drug use, punitive drug policies have exacerbated them. Prohibition-based policy and supply-side spending have driven drug use underground and contributed to an unpredictable and toxic drug supply. Moreover, punitive strategies created stigma around drug use, spinning an "us" versus "them" narrative that labels people who use drugs as criminals.

The stigma and racism that pervade the drug war are used to stoke fear and disenfranchise, demoralize, and discriminate against people of color; in reality, people of color are no more likely to use or sell drugs than white people. These dynamics contribute to the overincarceration of people of color, who make up three quarters of the prison population but only one third of the U.S. population.

Prohibition-based drug policy has failed to decrease problematic substance use. Looking forward, we must move beyond supply-side approaches and consider evidence-based alternatives to mitigate drug harms and contain the punitive reach of the criminal legal system

by avoiding arrest and reducing police contact. To turn the tide, we must invest in communities and establish healthy and supportive drug laws.



Policy: Scott Burris

Professor of Law and Public Health and Director of Center for Public Health Law Research, Temple University

The law shapes social contexts ranging from education, housing, and employment, making policy a crucial driver of health inequities. This is especially true of laws criminalizing drug use, which are rooted in more than 150 years of a criminal justice response aimed at controlling and undermining communities of color. To address problematic substance use, we must pursue supportive approaches that value people who use drugs and provide opportunities for them to lead meaningful lives.

Laws shape social determinants that impact health

- Social determinants impact your health, and laws shape social determinants. In the context of punitive drug policies, your social position and race impact whether something like a drug arrest will be a road bump in your journey or derail you from your path.

There are many drawbacks to the criminalization of drug use.

- Criminalization has never succeeded in reducing drug supply or demand.
- Although drug harms such as overdose are of public health concern, criminalization creates more harm than it prevents by exacerbating overdose, disease, and incarceration.

Supportive policies are more effective than criminalization.

- Supportive responses begin with valuing the lives and the well-being of everyone who uses drugs. Addressing the needs of people who use drugs through harm reduction, social services, and treatment is a useful strategy that reflect these values.
- Building equitable societies with plentiful opportunities for leading meaningful lives will help to provide other sources of pleasure and satisfaction besides drugs.
- Lessons learned from [efforts](#) to curb problematic drug use in Europe indicate the relative importance of supportive interventions compared to coercive ones.



People: Antoin Quarles

Founder, Helping Oppressed People Excel (HOPE)

HOPE was founded to help people overcome barriers associated with reentry by raising awareness about the challenges people face after returning from prison, making connections to social services, and building community. In the face of high rearrest rates in Baltimore, HOPE has succeeded in reducing rearrest by connecting people with the resources they need to make their transition back to the community a permanent one.

Communities targeted and burdened by incarceration have paid a price in dollars and in lives.

- Drug use often occurs in contexts where alternative paths afforded by education and employment are closed off and social ills such as poverty and violence are widespread. Punitive drug policies exacerbated these problems rather than remedying them.
- Rearrest frequently occurs when people are released from jail or prison back into the same social contexts that led to their arrest without being provided with resources and social support.

Living free leads to hope. And hope changes lives.

- HOPE seeks to help people reintegrate into the community after release from incarceration by providing mentorship, helping individuals access services to secure employment and housing, and building skills to deal with stress and trauma.
- HOPE also engages in community-building efforts focused on identifying and providing the resources needed to help the community thrive and support youth.



Practice/Program: Alejandro Raygoza, MA

Grant Specialist and Program Lead, California Governor's Office of Business and Economic Development (GO-Biz)

California's Community Reinvestment Grant (CalCRG) is a collective effort between communities, researchers, and policy makers to remedy the harms caused by punitive drug policies by reinvesting in the communities that have been most impacted.

CalCRG was made possible by voters seeking to address the harms caused by the “War on Drugs” through legislative action.

- CalCRG was established through the state’s ballot measure that legalized marijuana.
- The program aims to provide funding for community-based nonprofits and local health departments to support communities disproportionately impacted by the “War on Drugs.”
- CalCRG was developed through a grassroots approach that centered community involvement in program development and prioritized community-identified needs.

California has demonstrated that, though implementing an agenda to reverse harms will face challenges, these challenges can be overcome.

- Community-based organizations often have limited experience with and resources to devote to grant writing and related pursuits. As a result, the program emphasized that the application process was not a writing contest, and separate funding buckets were developed for small and large community-based organizations.
- Another challenge has been getting money into the communities that have been most impacted by punitive drug policies, as impact is difficult to measure objectively.

Reinvesting in communities heavily impacted by punitive drug policies has led to positive outcomes for many communities.

- CalCRG’s grantees have served 76,528 people, connecting thousands to jobs, mental health and substance use treatment, medical services, and linkages to medical care.
- CalCRG’s goal is for the individual programs to trickle down, touch families, and help build a movement where governments acknowledge the harms caused by punitive drug policies and provide funding to remedy those harms.



Panelist Question and Answer

In the final portion of the webinar, the panelists answered a question from the audience.

Q. What can be done to help address the economic barriers that returning citizens often face?

- Mr. Quarles shared that HOPE has community partners that do job placement. HOPE also hosts community events on legal aid and expungement and is considering using a mobile van to create connections within the community and expand HOPE's reach.
- Mr. Burris shared that Mr. Quarles's work is a concrete example of work that addresses the social determinants of health by helping people cope and navigate barriers. Mr. Burris also shared that income inequality, disinvestment in public education, and low tax rates for the highest earners represent policy failures that have contributed to health inequity; there is a need to couple supportive services like those offered by Mr. Quarles and HOPE with efforts to address these policy failures.

Please join us for future Social Determinants of Addiction webinars, hosted by AIR CARES!

Social Determinants of Addiction 101 Webinar Materials	Tuesday 2/22/22
Healthcare Access and Quality as a Social Determinant of Addiction Webinar Materials	Tuesday 3/22/22
Employment as a Social Determinant of Addiction Webinar Materials	Thursday 4/28/22
The Criminal Legal System as a Social Determinant of Addiction Webinar materials coming soon.	Tuesday 5/24/22
Housing as a Social Determinant of Addiction Registration information coming soon.	August 2022, date TBD
Prevention, Education, and Social Support as a Social Determinant of Addiction Register	Thursday 9/22/22
Year in Review and Looking Ahead Register	Monday 10/24/22