



March 14, 2024

Senator Ron Latz, Chair
95 University Ave W, Room 3105
Saint Paul, MN 55155

Senator Warren Limmer, Republican Lead
95 University Ave W, Rm 2221
Saint Paul, MN 55155

Re: SF 3663 - SUPPORT

The Drug Policy Alliance, the leading organization in the U.S. working to build non-punitive, health-based and equitable responses to drug possession, submits this letter in strong support of SF 3663. Drug Policy Alliance supported last year's legislation contained within SF 2909 that eliminated criminal penalties for residue contained in paraphernalia. SF 3663 builds upon SF 2909 and is an important step forward in addressing drug use as a health issue by linking people to lifesaving services and treatment and making sure people who possess residual amounts of illicit drugs are not saddled with criminal records that are lifelong barriers to housing, jobs, education and so much more. Researchⁱ from the Pew Charitable Trusts shows that locking more people up for using drugs does not deter drug use, reduce crime, or prevent overdose deaths. In fact, criminalization worsens the causes of public suffering.ⁱⁱ

We also know that treatment within the criminal legal system is not effective. Prisons and jails generally fail to provide evidence-based, effective treatment for substance use disorders. They often fail to provide any treatment at all: only 1 in 13 peopleⁱⁱⁱ who were arrested and had a substance use disorder received treatment while in jail or prison. Criminalization also increases overdose risk. People recently released from jail or prison are up to 27 times more likely to die of an overdose than the general public^{iv}. Many people leaving jail or prison have a reduced tolerance to opioids, increasing their lethality. Research found that the odds of experiencing non-fatal overdose was about 2x higher^v among those who went through mandated treatment than those who did not. And for people who use drugs in public, encounters with police increase overdose risk^{vi}.

Studies show^{vii} that a public health response is more effective at reducing overdose deaths and other harms associated with drug use than incarceration.

SF 3663 is the right step forward. Please support SF 3663 as it focuses on real solutions.

Sincerely,

Emily Kaltenbach
Senior Director, Criminal Legal Reform & State-based Advocacy

ⁱ The Pew Charitable Trusts, "More Imprisonment Does Not Reduce State Drug Problems" (2018), <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2018/03/more-imprisonment-does-not-reduce-state-drug-problems>

ⁱⁱ Steman, Don "The Prison Paradox: More Incarceration Will Not Make Us Safer," Vera Institute of Justice, (2017), https://www.vera.org/downloads/publications/for-the-record-prison-paradox_02.pdf

ⁱⁱⁱ Trusts, P. C. (2022, February 15). *Drug Arrests Stayed High Even as Imprisonment Fell From 2009 to 2019*. The Pew Charitable Trusts. <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2022/02/drug-arrests-stayed-high-even-as-imprisonment-fell-from-2009-to-2019#:~:text=Additionally%2C%20few%20of%20those%20arrested,while%20in%20jail%20or%20prison.>

^{iv} Cooper, J., Ornyeka, I. N., Cardwell, C., Paterson, E., Kirk, R., O'Reilly, D., & Donnelly, M. (2023, May 5). *Record linkage studies of drug-related deaths among adults who were released from prison to the community: a scoping review*. BMC Public Health. <https://doi.org/10.1186/s12889-023-15673-0>

^v Vo, A., Magana, C., Hickman, M., Bórquez, A., Beletsky, L., Martin, N. K., & Cepeda, J. (2021, October 1). *Assessing HIV and overdose risks for people who use drugs exposed to compulsory drug abstinence programs (CDAP): A systematic review and meta-analysis*. International Journal of Drug Policy. <https://doi.org/10.1016/j.drugpo.2021.103401>

^{vi} Zhang, A., Balles, J., Nyland, J. E., Nguyen, T. H., White, V. M., & Zgierska, A. (2022, June 27). *The relationship between police contacts for drug use-related crime and future arrests, incarceration, and overdoses: a retrospective observational study highlighting the need to break the vicious cycle*. Harm Reduction Journal. <https://doi.org/10.1186/s12954-022-00652-2>

^{vii} The Pew Charitable Trusts, "More Imprisonment Does Not Reduce State Drug Problems" (2018), <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2018/03/more-imprisonment-does-not-reduce-state-drug-problems>

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