

March 2, 2021

Assemblymember Kevin McCarty
State Capitol, Room 2136
Sacramento, CA 95814

**Re AB 1542 (McCarty): County of Yolo:
Secured Residential Treatment Program**

Position: Oppose

Dear Assemblymember McCarty:

The Drug Policy Alliance (DPA) writes to express our opposition to AB 1542 (McCarty). This bill would authorize Yolo County to create a pilot program allowing judges to sentence people convicted of “drug-motivated crimes” to a secured residential treatment facility.

DPA is the nation’s leading organization working to end the war on drugs and build a policy response to drugs grounded in science, compassion, health and human rights. We have long advocated for increased access to evidence-based substance use disorder treatment in the community.

We assume that the author and the proponents want better outcomes for the people who would be arrested and forced into a locked facility. However, AB 1542 is premised on the flawed notion that involuntary treatment is desirable. Involuntary substance use disorder treatment is neither effective nor ethical. Research demonstrates that offering readily available, evidence-based treatment in the community produces better outcomes than forcing people into treatment against their will. Involuntary treatment can damage the relationship between treatment provider and recipient and further traumatize individuals who have often experienced severe hardship, diminishing the likelihood of successful outcomes from the current treatment as well as engagement in future health services. Requiring that people receive involuntary treatment in a locked residential setting much like a jail or prison, as AB 1542 would do, would only exacerbate these harms.

Judges are not trained to assess peoples’ substance use needs and determine the appropriate length of treatment and level of care. Yet, AB 1542 allows judges to determine the length of treatment and requires that treatment be provided in a secure facility, even if not clinically appropriate. This flies in the face of criteria developed by addiction professionals for determining the appropriate level and length of care, which indicate that these be based on professional assessment and individual circumstances. Most people will likely be better served by services in the community.

AB 1542 would waste resources that could be better invested in voluntary services in the community. The costs for prosecutors, defense attorneys, judges, and whatever entity would be responsible for monitoring people within the secure facility would likely take the lion’s share of any funding allocated to this program: funding that could be going to treatment providers. This program would also be unlikely to reduce criminal legal system involvement, especially compared to expanding voluntary community services. In addition to the ineffectiveness of involuntary treatment, AB 1542 could actually increase the length of time people are under supervision because people who do not complete treatment in the locked facility could be resentenced to additional months or years of incarceration.

**We are
the Drug
Policy
Alliance.**

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We also fear AB 1542 would be used as a means for law enforcement to temporarily remove people with substance use needs from the streets in an attempt to say they are providing solutions for homelessness and public disorder. As we know from 50 years of enforcing the war on drugs, communities of color would bear the brunt of this enforcement, and Black, Latinx, Indigenous, and other people of color would almost certainly be disproportionately forced into locked treatment.

Instead of establishing an unnecessary, ineffective, and harmful involuntary treatment program, resources would be better spent to expanding access to voluntary substance use disorder treatment and harm reduction services, permanent supportive housing, and access to other health and social services.

For these reasons, among others, we oppose AB 1542 (McCarty). If you have any questions about our position, please contact me directly at 707-386-7142 or our policy consultant Glenn Backes at 916-202-2538 or glennbackes@mac.com. Thank you for consideration of our position.

Respectfully,

A handwritten signature in blue ink, appearing to read "Jeannette Zanipatin".

Jeannette Zanipatin, Esq.
CA State Director