
Suit Filed to End Imprisonment of Women Suffering from Addiction in Massachusetts

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On June 30, three groups—[Prisoners' Legal Services](#), the [Center for Public Representation](#) and the [ACLU of Massachusetts](#)—joined WilmerHale to file a federal class-action suit challenging the imprisonment of Massachusetts women who are civilly committed for addictions to drugs or alcohol. The suit alleges that this imprisonment violates due process and discriminates based on disability.

The lawsuit is brought on behalf of women who are imprisoned at MCI-Framingham solely because they are civilly committed under a law known as "Section 35." Under Section 35, an alcoholic or substance abuser can be civilly committed to a treatment facility if her addiction risks "serious harm." But if "suitable facilities" are unavailable, the law says that men or women can be sent to prison. In the last several years, hundreds of civilly committed women have been sent to MCI-Framingham under Section 35.

At MCI-Framingham, women committed solely under Section 35 are, in many respects, treated worse than convicted prisoners. Like other prisoners, they are strip-searched, subjected to body-cavity inspections and deprived of their personal possessions and dignity. But unlike other prisoners, they cannot visit the library, pray at the chapel or participate in prison programs.

In fact, civilly committed women at MCI-Framingham cannot even access the addiction treatment programs available to sentenced prisoners.

As Governor Deval Patrick has acknowledged, Massachusetts is the only state that incarcerates people suffering from addiction who have not been convicted of crimes. This lawsuit seeks to end that practice. WilmerHale Partner [Bill Lee](#) explained, "Imprisoning women because they have a disease is wrong, it's unconstitutional and it must be stopped."

Prisoners' Legal Services Legal Director James Pingeon noted, "Imprisonment under Section 35 reflects and perpetuates outdated prejudices against people suffering from addiction. In a civilized society, no one should be sent to prison for a disease."

The lawsuit comes as state lawmakers are approving a budget that would increase state funding to

support substance abuse treatment but leave intact provisions that allow for imprisoning people civilly committed under Section 35. As ACLU of Massachusetts Legal Director Matthew Segal stated, "Any plan for addressing addiction in the Commonwealth will be incomplete and unjust so long as people are imprisoned under Section 35. No one should be imprisoned for suffering from addiction."

Robert Fleischner, assistant director of the Center for Public Representation, added: "Imagine trying to get help for a child in a desperate struggle with addiction, and that the treatment facility you thought you were sending them to turns out to be a prison instead. It's a parent's nightmare."

[The complaint](#) is available on the ACLU of Massachusetts's site, as is [more information about the case](#).