

Pretrial Incarceration Has Failed People Who Use Substances. Here's How the Pretrial Fairness Act Will Help Them:

Pretrial incarceration disrupts and destabilizes the lives of people who use substances and their families without offering any benefit to them or their communities. The overwhelming majority of people who engage in substance use do not have a substance use disorder or require treatment. When treatment is necessary, it is most successful when engaged voluntarily in community settings.

- Despite being a public health issue, substance use is criminalized. From 2016 to 2018, about 20,000 people were convicted of felonies for small-scale drug possession in Illinois. People of color are more likely to be targeted and arrested for minor drug offenses compared to white people, despite similar rates of use and sale.
- Approximately half of incarcerated people have substance-related conditions and face increased risk of unnatural death and overdose as a result of incarceration. For example, people who use opioids are 40 times more likely to die of an overdose in the first two weeks after incarceration.
- Among people in Illinois jails and prisons, it is estimated that only 17 percent of those in need of clinical treatment services actually receive those services during their incarceration. Jails are incapable of providing competent substance use treatment and often worsen the health and safety of people who use substances.

How will the Pretrial Fairness Act support public health and increase access to substance use treatment?

- The Pretrial Fairness Act will end wealth-based pretrial incarceration and ensure that no one is jailed before trial simply because they are accused of drug-related charges. This decreases the health risks caused by pretrial incarceration for people who use substances and allows people to seek treatment and support from community-based services.