

People with mental health and substance use conditions who are involved with the criminal legal system can benefit from peer and recovery support services. [Research shows](#) that peer and recovery support services reduce returns to incarceration, promote recovery, improve well-being, and may prevent overdose and suicide. For many people, stigma and discrimination stand in the way of accessing recovery supports. Efforts to reduce stigma and increase awareness about recovery supports across the justice system can improve outcomes for individuals with mental health and substance use conditions.

Stigma Leads to Discrimination, a Barrier to Recovery

Discrimination evolves from stigma, negative attitudes, false beliefs, bias, and misinformation.¹ It can take many forms. Discrimination happens at many levels across systems, policies, services, communities, and cultures, as well as at the individual level.

Public or Societal Stigma	Structural or Systemic Stigma	Internalized Stigma
<i>Negative or discriminatory attitudes that people may have about substance use and mental health conditions. Anyone can have these attitudes, including healthcare professionals, policymakers, legal system professionals, and others. These attitudes can result in multilevel barriers. They may shape public opinion in the direction of unproductive and punitive measures, rather than public health-oriented solutions.</i>	<i>The systemic policies that intentionally—or unintentionally—limit opportunities and resources. These limits contribute to lower levels of funding, resulting in inadequate care for people with substance use and mental health conditions. Additionally, individuals returning to the community may experience a restriction of their rights as citizens, due to structural or systemic stigma.</i>	<i>Negative attitudes, including internalized shame or embarrassment, that individuals have about their own conditions. These feelings can influence a person’s willingness to engage in treatment. For example, an individual may try to hide or downplay their substance use, which contributes to isolation and high-risk practices, such as solitary drug use.²</i>

Common Misperceptions Leading to Discrimination

Beliefs linking mental health and substance use conditions with negative characteristics drive harmful legal and institutional policies and practices. Here are a couple of examples.

Fiction: “People with serious mental illness are unpredictable, dangerous, and violent.”

Fact: Schizophrenia and other serious mental illnesses (SMI) are not strong predictors of aggressive behavior. In fact, people with SMI are more likely to be a victim of a crime than to commit a crime.³

Fiction: “People with substance use problems are morally irresponsible. They just lack the willpower to change.”

Fact: Stigma related to substance use is rooted in the false belief that substance use disorders are a personal choice, rather than preventable and treatable health conditions resulting from a complex mix of biological, genetic, and environmental factors.⁴ These false beliefs may contribute to policies that limit access to resources such as medications for opioid use disorder and recovery supports for people who are incarcerated. Today, millions of people are in recovery from substance use disorders in the U.S.⁵

Impacts of Discrimination

Specific groups and populations experience higher rates of arrest, incarceration, and consequences. These rates are associated with historical and current forms of discrimination, bias, and stigma.

- People with substance use and mental health conditions tend to be overrepresented in prisons and jails, with limited access to sustained treatment and recovery services⁶
 - » In 2023, about 23% of U.S. adults (age 18+) had any mental illness in the past year.⁷ Prior research has shown that 37% of people in prisons and 44% of people in jails have been previously diagnosed with a mental health condition.⁸
 - » In 2023, about 17% of people in the U.S. (age 12+) had a substance use disorder.⁹ Prior research has shown that 58% of people in prisons and 63% of people in jails have a substance use disorder.¹⁰
- Inequitable policing and sentencing for drug-related crime and racial bias contribute to disproportionate incarceration rates among people of color, especially Black individuals¹¹
 - » The rate of incarceration of Black males is almost six times the rate of white males¹²
 - » The incarceration rate of women, especially women of color compared to white women,¹³ has grown at twice the pace of men’s incarceration rate¹⁴
- People who are lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) are incarcerated at a rate three times higher than the general population¹⁵

Steps You Can Take to Prevent Discrimination and Promote Recovery

- Provide fact-based education, information, and training about substance use, mental health, and recovery to relevant corrections, court, provider, and community stakeholders, including people with lived experience
- Support equitable access to care at multiple points across court and corrections systems
- Promote person-first language to reduce stigma; say, for example, “a person with a substance use disorder” instead of “a drug user” or “a substance abuser”
- Provide supports across the continuum, including diversion into treatment programs and recovery services such as specialty courts (drug courts, mental health courts), peer support delivered by peers with incarceration and recovery experience, and individualized reentry plans that are strengths-based and trauma-informed
- Partner with recovery organizations to provide services in the criminal legal system

Learn More

Bureau of Justice Assistance’s [National Reentry Resource Center](#)

SAMHSA’s [Best Practices for Successful Reentry from Criminal Justice Settings for People Living with Mental Health Conditions and/or Substance Use Disorders](#)

SAMHSA’s [GAINS Center for Behavioral Health and Justice Transformation](#)

SAMHSA’s [Lifting Lived Experience Across Criminal Justice Settings](#)

SAMHSA’s [Guidelines for Successful Transition of People with Mental or Substance Use Disorders from Jail and Prison: Implementation Guide](#)

This fact sheet is part of an introductory series issued by the SAMHSA Program to Advance Recovery Knowledge (SPARK), which is operated by SAMHSA’s Office of Recovery. To learn more, visit <https://www.samhsa.gov/spark>.



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