

# Addiction as a mitigating factor in criminal sentencing: Ethical and legal dilemmas.

Levin Kwok\*

The Chinese University of Hong Kong, Hong Kong, China

## Introduction

The relationship between addiction and crime presents a complex challenge for legal systems worldwide. Courts often face the dilemma of balancing accountability with compassion when sentencing individuals whose crimes are influenced by substance dependence. While addiction can serve as a mitigating factor in sentencing, its recognition raises ethical and legal questions regarding personal responsibility, public safety, and rehabilitation. This article explores the role of addiction in criminal sentencing, the ethical and legal debates surrounding it, and potential solutions for a more just approach to handling addicted offenders [1].

Substance addiction significantly contributes to criminal activity, particularly in cases involving drug-related offenses, theft, and violent behavior. Studies suggest that individuals with substance use disorders (SUDs) are overrepresented in the criminal justice system. According to the National Institute on Drug Abuse (NIDA), nearly 65% of incarcerated individuals in the U.S. have a substance use disorder. The compulsive nature of addiction can impair judgment, increase impulsivity, and lead to criminal acts committed under the influence or to sustain drug habits [2].

Courts in many jurisdictions consider addiction as a mitigating factor during sentencing, recognizing that substance dependence may reduce moral culpability. Mitigation arguments often emphasize, Addiction can impair cognitive function and impulse control, reducing an offender's ability to make rational choices [3]

Many drug-dependent individuals engage in illegal activities (e.g., theft, prostitution) due to the compulsive need for substances rather than criminal intent. Rather than incarceration, courts may opt for treatment-focused alternatives, such as drug courts, to address the root cause of criminal behaviour [4].

While considering addiction as a mitigating factor can lead to more rehabilitative approaches, it also raises ethical concerns. Legal systems traditionally hold individuals accountable for their actions, but recognizing addiction as a disease shifts the focus from punishment to treatment. Critics argue that mitigating sentences based on addiction undermines personal accountability and sets a precedent for excusing criminal behavior [5].

If addiction is considered a mitigating factor, should the same leniency be extended to other mental health disorders? Courts face difficulties in maintaining consistency when determining how much addiction influenced a defendant's actions [6].

Leniency in sentencing addicted individuals could pose risks to public safety, especially in cases of violent offenses. Some argue that habitual offenders should be incarcerated regardless of addiction status to protect society [7].

Specialized courts in countries like the U.S., Canada, and Australia provide treatment-focused alternatives to incarceration for non-violent drug offenders. These courts have shown success in reducing recidivism and relapse rates. Wealthier defendants may have greater access to private rehabilitation programs, whereas lower-income individuals might not receive the same leniency due to limited treatment availability [8].

Some jurisdictions mandate treatment as part of sentencing, ensuring addicted offenders receive rehabilitation rather than imprisonment. Certain legal systems allow defendants to argue for reduced culpability if addiction significantly impaired their ability to control their actions [9].

A defendant convicted of drug-related theft received a reduced sentence due to evidence of severe heroin addiction and commitment to rehabilitation. The court mandated a residential treatment program instead of prison for a repeat drug offender, citing addiction as a mitigating factor. A defendant with a long history of drug dependence was sentenced to mandatory treatment instead of jail, leading to successful rehabilitation and reduced recidivism [10].

## Conclusion

Addiction as a mitigating factor in criminal sentencing remains a contentious issue, balancing rehabilitation with accountability and public safety. While recognizing addiction can lead to fairer, more rehabilitative sentences, ethical and legal challenges must be addressed to ensure consistency and justice. A shift toward treatment-oriented approaches, combined with equitable access to rehabilitation, could offer long-term solutions to reducing addiction-driven crime.

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\*Correspondence to: Levin Kwok, The Chinese University of Hong Kong, Hong Kong, China. E-mail: levink@cuhk.edu.hk

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