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## More Than 80 Criminal Justice Leaders Call for Access to Life-Saving Overdose Prevention Sites

**PHILADELPHIA** – Today 85 local, state and federal criminal justice leaders filed an *amicus curiae* brief before the U.S. Court of Appeals for the Third Circuit in *United States v. Safehouse*. The brief was filed in support of the nation’s first lifesaving overdose prevention site, which the U.S. District Court for the Eastern District of Pennsylvania found to be both legal and fully in accordance with federal law. Signed by current and former elected prosecutors, police chiefs, sheriffs, and former U.S. Attorneys and Department of Justice officials, the brief argues that overdose prevention sites (OPSs) are proven harm reduction tools that save lives, promote community trust in the justice system and help alleviate the adverse impact of substance use disorder.

“Our nation’s misguided war on drugs has done nothing more than push individuals who use substances into the shadows and destroy communities in the process,” said **Miriam Krinsky**, Executive Director of [Fair and Just Prosecution](#), the organization that coordinated the brief. “We need look no further than the opioid crisis that continues to cut far too many lives short to see the failure of today’s drug policy. Now, as we continue to face a pandemic that puts people who use substances at even higher risk of harm – are also seeing thousands across the country pleading for government to acknowledge the sanctity and dignity of all lives – it is even more crucial that we adopt proven approaches that divert people away from the criminal justice system and avoid further needless loss of life.”

The amicus brief was filed in the context of an overdose crisis exacerbated by the rampant coronavirus pandemic, and recognizes that different approaches are needed to save lives and create greater access to treatment for those struggling with opioid use disorder. *Amici* argue that prohibition of OPSs and threatening prosecution of its sponsors undermines community trust in the justice system and faith in the fair and sensible application of our drug laws. As the current nationwide protests against systemic racism and police brutality underscore, law enforcement’s legitimacy depends on valuing all human life, including adopting humane and life-saving public health approaches to substance use disorder. *Amici* further argue that interpreting federal criminal law to bar empirically validated harm reduction measures makes no one safer, but rather, only impedes cooperation between criminal justice agencies and the communities they serve. *Amici* point to harm reduction models across the globe that use OPSs as lifesaving tools and have fortified both public trust in the justice system and effective responses to overdoses.

“Prosecutors have an obligation to protect the health and safety of every member of the community, but we have been hampered by a system that looks to outdated criminal justice responses to address substance use, rather than the public health strategies we know work,” said **Philadelphia District Attorney Larry Krasner**, a signatory to the brief. “The war on drugs has done nothing more than criminalize and destroy communities, and if we do not take a more sensible approach, we will continue to force people into cycles of incarceration. As protests rage on our streets for a reimagining of public safety, we have an opportunity to implement life-saving strategies that are proven to reduce individual harm and make communities safer.”

*Amici* also argue OPSs will help communities cope with COVID-19. Among other serious consequences, social distancing orders have exacerbated the difficulty of identifying victims of overdose in time to intervene – and since these orders have been adopted, fatal opioid overdoses have spiked. Further, many people have relapsed as threats of infection, economic dislocation, and social distancing have increased stress, severed support networks, and precluded in-person treatment services. OPSs mitigate these risks both by keeping at-risk individuals socially engaged and connected to public health resources, and also by helping law enforcement and medical systems conserve resources already under unprecedented strain.

“Law enforcement agencies around the world have embraced harm reduction approaches because they have come to realize that substance use requires a public health response, not a criminal justice response, to save lives,” said **Washtenaw County, Michigan Sheriff Jerry Clayton**, another signatory to the brief. “With a global pandemic already taking far too many lives and straining the resources of our health systems, we must find a way to end the overdose epidemic that has taken over American streets. That means using every tool at our disposal, including overdose prevention sites to allow law enforcement to focus on community interests that pose deeper public safety concerns.”

Nationwide, [67,367](#) people died from drug-related overdoses in 2018, and since 1999, the [drug overdose death rate](#) in the United States has increased nearly four-fold. In Philadelphia, where Safehouse is seeking to open the nation’s first overdose prevention site, there are an average of three opioid deaths per day—making the rate of overdose deaths about [triple the homicide rate](#).

Between 1981 and 2006, the [number of drug arrests](#) in the United States quadrupled to nearly two million per year. And according to the Brookings Institute, new [admissions](#) into state and federal prison in recent decades are largely due to drug offenses. Yet, [research](#) from The Pew Charitable Trusts demonstrates that these massive increases in drug arrests and drug-related incarcerations have not led to decreased drug use, arrests or overdose deaths. And [recent polling](#) indicates that 60 percent of the American public support OPSs as a tool to reduce fatal opioid overdoses.

The group of signatories includes **44** sitting elected prosecutors, including district attorneys, circuit attorneys, city attorneys, and state attorneys; **24** current or former police chiefs or sheriffs; and **17** former attorneys general, district attorneys, U.S. Attorneys, and DOJ officials.

The brief was written by teams at **WilmerHale** and **Hangley Aronchick Segal Pudlin & Schiller** and coordinated by [Fair and Just Prosecution](#), a non-profit organization dedicated to promoting a justice system grounded in fairness, equity, compassion, and fiscal responsibility.

Read the brief [here](#) and see below for a list of *amici*.

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*Fair and Just Prosecution is a national network of elected prosecutors working towards common-sense, compassionate criminal justice reforms. To learn more about FJP’s work, visit <http://www.fairandjustprosecution.org/> or follow us on Facebook [@FairAndJustProsecution](#).*

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