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Statement on Divided Court Ruling in *United States v. Safehouse* Barring Lifesaving Overdose Prevention Sites

[Fair and Just Prosecution](#) Executive Director Miriam Krinsky issued the following statement in response to today's Third Circuit Court of Appeal's divided ruling in *United States v. Safehouse* regarding plans by [Safehouse](#), a Philadelphia non-profit, to open the first official overdose prevention site in the United States. Overdose prevention sites (OPSs), also called "supervised consumption" or "safe injection" sites, provide a location to use drugs under the supervision of people trained to immediately reverse overdoses. They also serve as harm reduction outreach centers where people can receive medical care, access social services and explore treatment. Despite widespread support for Safehouse from community organizations, faith leaders, public health advocates, law enforcement and medical professionals, a split panel of the Third Circuit reversed the [district court's ruling](#) and [held](#) that Safehouse's planned overdose prevention site would violate the 21 U.S.C. §856, otherwise known as the "crack house statute" of the Controlled Substances Act:

"The legal battle over Safehouse resulted from the misguided decision by the current outgoing Department of Justice to fight this [lifesaving strategy](#), which has been used successfully by other nations for years, based on a questionable interpretation of the Controlled Substances Act. I am deeply disappointed to see a two-to-one majority in the Third Circuit Court of Appeals adopt the government's flawed legal reasoning. The [clear intent](#) of the so-called 'crack house statute' is to reduce illicit drug use, not limit lifesaving public health strategies. That's why in July, over 80 local, state and federal criminal justice leaders [filed an amicus curiae brief](#) in support of Safehouse.

In the midst of the current pandemic, overdoses skyrocketed to make 2020 our deadliest year so far, with overdoses claiming the lives of [81,000 Americans](#) in the 12 months up to May 2020. Now more than ever we need every tool at our disposal to stem the rising tide of fatal overdoses that has only surged in the wake of COVID-19. Saving lives matter – and they should be our top priority at a time when our nation is increasingly divided and trust in government and the integrity of our criminal legal system is at an all-time low.

The Biden-Harris administration has the [ability to open the door](#) to OPSs across the nation by ending this fight, and our incoming Congress can resolve this dispute by amending the Controlled Substances Act. Even the majority decision in this case invited

that statutory correction, noting that Congress can choose to end this debate and rewrite these outdated laws.

We have already lost too many Americans this year. It would be a tragedy for the incoming administration to stand in the way of proven strategies that could prevent us from losing more. We call on all incoming federal leaders to join the fight to save lives and back harm reduction approaches that have been used with success throughout the world.”

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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 our [website](#) and follow us on [Facebook](#) and [Twitter](#).