FOR IMMEDIATE RELEASE
September 17, 2021

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80 Criminal Justice Leaders Urge Supreme Court Not to Criminalize Lifesaving Overdose Prevention Sites

Today, 80 current and former elected prosecutors and law enforcement leaders and former Department of Justice officials filed an amicus brief in the United States Supreme Court in United States v. Safehouse, supporting efforts to open our nation’s first overdose prevention site (OPS). These facilities are proven harm reduction tools that save lives and help alleviate the adverse impact of substance use disorder and the ongoing overdose epidemic that is devastating many communities. Amici, criminal justice leaders from around the nation, underscored in the brief the dire need to move these strategies forward at a time when over 70,000 people died from drug-related overdoses in 2019 – and those numbers have only worsened over the course of the ongoing pandemic.

“Now more than ever we need every tool at our disposal to stem the rising tide of fatal overdoses that has surged in the wake of the isolation, reduced access to treatment and trauma associated with COVID-19,” said Miriam Krinsky, Executive Director of Fair and Just Prosecution, the organization that coordinated the brief. “Overdose prevention sites are a proven harm reduction strategy that saves lives – and we must prioritize the sanctity of life after a year and a half of unimaginable loss in our communities. It is long past time to end our nation’s war on drugs and treat individuals who use substances with the dignity they deserve by offering them assistance, when needed, rather than a jail cell.”

Overdose prevention sites, 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. While no OPSs yet exist in the United States, the brief notes that more than 110 exist in at least 11 other countries, and none have ever reported a fatal overdose inside their facilities. Multiple cities in the United States are seeking to open OPSs and Rhode Island recently became the first state to authorize an OPS pilot program.

Signatories to the brief have seen the overdose epidemic take hold in their communities and understand the urgent need to address this crisis as the public health issue that it is: “As law enforcement and criminal justice leaders, amici’s objective is to maintain public safety; saving lives and promoting health is as central to that mission as preventing and prosecuting crime.”

“As an elected prosecutor, I have a responsibility to protect every member of my community, which requires moving away from criminal justice responses to substance use disorder,” said Suffolk County,
Mass. District Attorney Rachael Rollins, a signatory to the brief. “Instead, we must embrace proven public health strategies as potential solutions. Lives depend on it.”

“Our nation’s failed war on drugs has taken too many lives already, and criminalization has only exacerbated this devastating toll. We need a new way forward that allows communities to address the overdose crisis with harm reduction approaches proven to save lives and improve community safety,” added Philadelphia District Attorney Larry Krasner, another signatory on the brief and the elected prosecutor representing the jurisdiction where Safehouse seeks to open.

Amici emphasize that not only are OPSs effective at saving lives but they also serve an important role in building community trust in law enforcement and the criminal legal system: “There is an urgent need to fortify trust in the justice system. Failing to address the loss of life resulting from drug overdoses—and criminalizing a community-based public health organization working to save lives—will further erode trust. If there were ever a time to demonstrate that the justice system values the dignity of human life, that time is now.”

“As a law enforcement leader, my job relies on building and sustaining trust with the community I serve, which is jeopardized when substance use is criminalized and the dignity of life is not respected,” said Washtenaw County, Mich. Sheriff Jerry Clayton, a signatory to the brief.

Law Enforcement Action Partnership Executive Director Diane Goldstein, another signatory to the brief, noted: “As the overdose epidemic has only worsened during the global pandemic, it’s obvious that the tough-on-crime approaches of the past do not work. We cannot wait any longer to employ new strategies like overdose prevention sites that will save lives and better enable law enforcement to protect our communities.”

Amici are represented by a team of attorneys at Hangley Aronchick Segal Pudlin & Schiller, including Daniel Segal and Matthew A. Hamermesh.

Read the brief here and see below for a complete 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 our website and follow us on Facebook, Twitter, and LinkedIn.

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