

Criminal Justice Issues and Prisoners' Rights

<https://www.acluohio.org/en/news/heartless-heartland-opioids-and-overdoses>

Public Facing Advocacy Writing

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Once again, Ohio is at the heart of it all. There is perhaps nowhere in the nation grappling with the opioid crisis as much as the Buckeye State. In fact, leaders recently [filed a lawsuit](#) against pharmaceutical companies, alleging they were misleading the public about the addictiveness of painkillers.

What makes Ohio's opioid crisis so dangerous? In 2015, the state *led the nation* in fatal overdoses. And that number has increased 36% in 2016, with a total of 4,149 deaths. This has been a steady trend for well over a decade; fatal overdoses have increased 642% from 2000 to 2015. In some counties, coroners have had to rent out portable refrigeration units to act as morgues because they do not have enough space for the overdose victims.

The opioid crisis is causing state and local officials grave concern, as it should. Overdoses are on the rise in nearly every county and have struck rural, suburban and urban communities. As with past drug emergencies such as crack cocaine in the 1980s or heroin in the 90s, selected leaders continue the same failed War on Drugs policies that has fueled Ohio's mass incarceration crisis.

Inducing Panic by Asking for Help?

In early 2016, the small southwestern Ohio town of Washington Court House announced that it would begin charging people who overdose with inducing panic. They claimed this would help people with addiction. It would force them into court and provide access to rehabilitation. The reality, though, is far different.

When a person knows that they or their family member may be arrested for simply calling 911, they will be far less likely to do so. If people do not feel safe reporting overdoses, needless deaths are inevitable as people delay or refuse to call paramedics at all. The idea that simply calling for help can be viewed as inducing panic also turns the law completely on its head. Inducing panic has traditionally been used for situations such as fake bomb threats, not seeking medical attention.

The final sad reality about charging overdose victims with inducing panic is that it is nearly impossible to get them into drug treatment. Most communities simply do not have the rehabilitation services available, especially for people with low income. Instead, they are criminalized and plunged deeper into the justice system, unable to get the help they need.

While the [ACLU warned Washington Court House](#) against this dangerous idea, other cities have since announced they will be doing the same thing.

A Loss of Compassion

The latest trend in local responses to the opioid crisis is to adopt the mantra of Let them die. Recently, Middletown Councilman Dan Picard suggested that local emergency responders [no longer respond to calls for assistance](#) when a person overdoses. He later said the city might adopt a three strikes policy. Medical professionals would not respond to a call if a person has been revived two previous times, unless they have performed community service to reimburse the city for the cost of reviving them. Mr. Picard points to the cost the opioid crisis has posed to the city, but his alternative is shocking in its heartlessness. It is a death sentence for countless residents of Middletown.

Unfortunately, Mr. Picard is not alone. Butler County Sheriff Richard Jones [announced recently](#) that his deputies would not be allowed to carry naloxone, used to revive a person suffering an overdose. For those familiar with Sheriff Jones, this announcement was not a surprise. He has been an outspoken critic of immigration and has been hostile towards many members of his community (especially his statements earn him more newspaper headlines). Keep in mind that over 150 people fatally overdosed in Butler County last year. Sheriff Jones' announcement has very real ramifications.

Old Problems Need New Ideas

While the opioid crisis has posed unique problems in Ohio, it is no different than past drug crises that have gripped our nation. We need a different response. The War on Drugs has fueled our reliance on mass incarceration, has specifically targeted and systematically dismantled Black communities, and has led to a defunding of community drug treatment and mental health services. In the absence of community-based programs, we have relied on prisons and jails to provide treatment, which are less equipped to provide the treatment and cost significantly more. Turning public health into a criminal justice issue means that people with addictions end up with criminal convictions that follow them through life. This makes it harder for them to get jobs or housing, perpetuating a vicious cycle.

Addressing drug addiction through the criminal justice system has never worked, and the current crisis demands new ideas. Several countries use harm-reduction strategies that do not rely on forced sobriety, but provide needle exchanges, methadone, and other

community-based treatment services. These are the types of solutions Ohio needs not more laws criminalizing drug use, or responses tantamount to letting members of our community simply die.

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