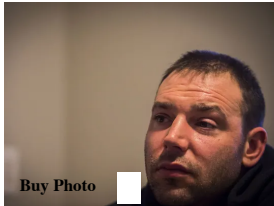


# 'Trust is a huge thing:' Few call 911 for an overdose despite immunity law

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(Photo: RYAN MERCER/FREE PRESS)

Nobody called 911 when Michael Akey overdosed on heroin.

He remembers waking up at the sink in his Brattleboro hotel room, pouring sweat, his head ringing, he said. He learned later that he stopped breathing, and that his then-girlfriend had to administer rescue breaths. He found out later that she called friends, who brought over the opioid overdose antidote naloxone.

"It took a lot of Narcan to snap me out of it," he said.

No one there called an ambulance, however, even though Vermont passed a law in 2013 so people like Akey and his ex-girlfriend could call for help without fearing arrest related to their involvement with heroin.

Vermont has one of the most expansive Good Samaritan laws in the nation. People who call 911 for help, or people who are overdosing, are protected from being charged for drug possession.

The law, passed in 2013, was intended to prevent overdose deaths.

Yet the death rate has continued to rise. Last year, for the second consecutive year, accidental fatal overdoses in Vermont topped 100. ([/story/news/2018/03/02/fentanyl-overdose-deaths-burlington-barre-narcan/389181002/](https://www.burlingtonfreepress.com/story/news/2018/03/02/fentanyl-overdose-deaths-burlington-barre-narcan/389181002/)) In 2013, there were 72 accidental fatal overdoses.

## More:

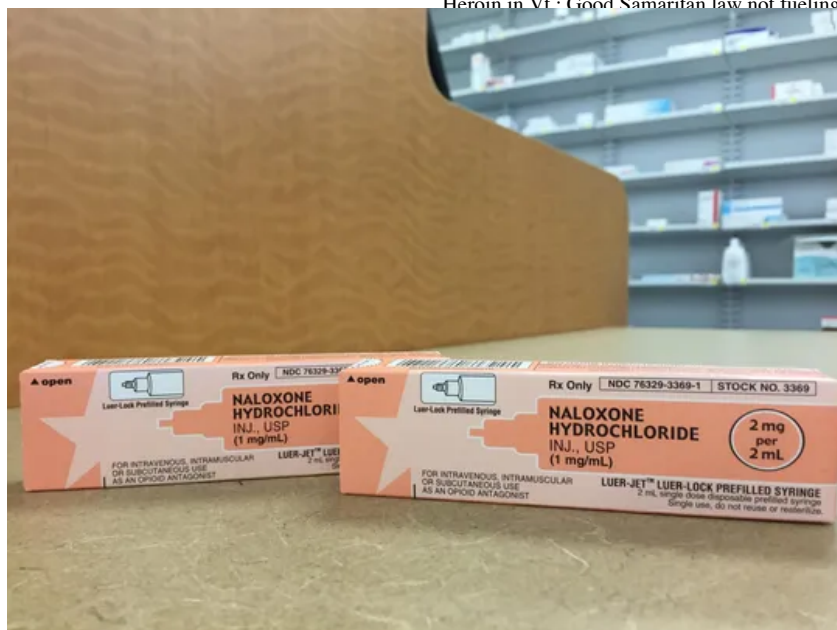
- Mayor talks of South Burlington grad's overdose death, calls for more treatment options ([/story/news/2018/04/02/miro-weinberger-burlington-mayor-state-city-third-term-opioids-development-trump-immigration/473322002/](https://www.burlingtonfreepress.com/story/news/2018/04/02/miro-weinberger-burlington-mayor-state-city-third-term-opioids-development-trump-immigration/473322002/)).
- 'Fentanyl has poisoned the drug supply': Overdose deaths rose in 2017 ([/story/news/2018/03/02/fentanyl-overdose-deaths-burlington-barre-narcan/389181002/](https://www.burlingtonfreepress.com/story/news/2018/03/02/fentanyl-overdose-deaths-burlington-barre-narcan/389181002/)).
- A Burlington team will head to overdose victims' doorsteps. Some addicts raise concerns ([/story/news/2018/02/01/burlington-overdose-police-heroin-response-opiate/1083199001/](https://www.burlingtonfreepress.com/story/news/2018/02/01/burlington-overdose-police-heroin-response-opiate/1083199001/)).
- After addiction: With help, Vermont employers give second chance ([/story/news/local/vermont/2017/11/22/doing-work-new-job-prospects-open-after-addiction-and-prison-after-addiction-vermont-employers-give/686087001/](https://www.burlingtonfreepress.com/story/news/local/vermont/2017/11/22/doing-work-new-job-prospects-open-after-addiction-and-prison-after-addiction-vermont-employers-give/686087001/)).

Nearly five years after the law went into effect, the Health Department estimates less than 40 percent of people who requested a naloxone refill kit reported calling 911. That means many hundreds of overdoses have occurred since the law's passage without emergency responders being called.

"I should have went to the hospital, and I didn't go," Akey said. He said he and his ex-girlfriend were scared: scared of detoxing, scared of judgment and scared of what might happen if the police showed up. The last thing he wanted, he said, was help from police.

"Trust is a huge thing," he said.

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The opioid overdose drug naloxone is pictured March 30. (Photo: Free Press)

He would go on to overdose twice more before getting clean in May 2017 and moving to Burlington, where he lives in a sober house and is active in the recovery community. Today, he hopes to spare others from the "nightmare and hell" he lived through as an addict.

[A nationwide review of Good Samaritan 911 laws by the Cincinnati Enquirer showed that few states allocate funding to educate drug users about the protections offered by Good Samaritan laws. \(/story/news/2018/04/11/they-passed-many-3-hospitals-whats-wrong-good-sam-911-overdose-laws/351496002/\)](#)Indeed, the people who use drugs are often the least likely to know about these well-intended but often ineffective laws.

One problem: Vermont has no dedicated funding for education about the Good Samaritan 911 law. This is the case even though state law dictates the Department of Health provide education and training on overdose prevention and response to addicted individuals.

The department's spokesman, Ben Truman, acknowledged that there are still opportunities to improve the messaging to achieve the law's intent. There is no outreach campaign specifically about the law, but the department includes information about the law in other messaging it does.

"Harm reduction messaging is difficult but it's getting a lot more traction," he said.

Vermont's Department of Health provides information about overdose reversals and stresses the need to call 911, although the language on its informational pamphlet does not specifically address immunity from possession charges.

"You must call 911 after giving Naloxone if services have not already been contacted," the pamphlet states. "You are immune from civil or criminal liability for giving Naloxone so long as you do not act recklessly, with gross negligence or intentional misconduct."



"I should have went to the hospital, and I didn't go," Michael Akey said. He said he and his ex-girlfriend were scared despite a 2013 Good Samaritan law passed in Vermont: scared of detoxing, scared of judgment and scared of what might happen if the police showed up. (Photo: RYAN MERCER/FREE PRESS)

But even public awareness campaigns by health workers might not be enough, according to Akey and some of the advocates behind the law's passage. For the law to be fully effective, the police need to build trust within the community of people suffering from addiction disease and their friends and loved ones.

Akey, who is still facing court charges from his time selling drugs while addicted, said he believes many addicts are reluctant to call authorities. Some addicts in recovery raised concerns about the lack of trust between police and addicts earlier this year (</story/news/2018/02/01/burlington-overdose-police-heroin-response-opiate/1083199001/>), when the Burlington Police Department began a pilot program to send the fire chief, the deputy police chief and a social worker to follow up with city residents who overdosed.

He said he thinks the police need to put the message out that they care about saving lives, not arresting addicts for possession charges.

"It needs to be out there," he said.

## 18,000 doses

The Howard Center's Safe Recovery program, based in a nondescript house on a quiet block in downtown Burlington, has given out close to 18,000 doses of naloxone since 2013.

Grace Keller, the program coordinator of Safe Recovery, said the nonprofit effort informs everyone about the law.

"We tell people every day, every time we give them an overdose rescue kit," said Keller, who was one of the advocates pushing for the overdose immunity law's passage. Back then, she said, getting the law in place felt like a "primal" need to save people.

Calling 911 is important because naloxone can wear off, and an overdose victim should be monitored, she said.



Michael Akey has been drug free for nearly a year and lives at a sober house in Burlington. One of the things the house shares, a box of Narcan for emergencies should someone there relapse. (Photo: RYAN MERCER/FREE PRESS)

And, Keller said, an overdose can be a critical moment for some addicts: "a captive moment," she called it. She described naloxone, and the near-death experience it represents, as a conduit into treatment.

She told a story of a client one of the 15 people over the last two years who have been brought to Safe Recovery blue from lack of oxygen and dying from an overdose. Keller said she gave him about nine minutes of mouth-to-mouth resuscitation before he woke up.

"The first thing he said was that he wanted help," she said.

Educating their clients about the law has been one of her crucial missions, she said.

"We knew the minute Good Samaritan passed the only way it would work is if people knew about it," she said.



Needles and other injection supplies for heroin users are seen at the Howard Center's Safe Recovery Support and Education Program are seen in Burlington on Wednesday, March 22, 2017. Chittenden County State's Attorney Sarah George has announced a task force to examine the possibility of establishing a safe heroin injection site. (Photo: GLENN RUSSELL/FREE PRESS)

Keller said the Safe Recovery program has been having "great luck with distributing Narcan," but it still struggles to convince people to call 911.

Why is that? Because the consequences for calling the police, like prison time, were so severe before the 2013 law that it will take a lot of public trust to overcome, Keller said.

The police, she said, could start getting involved in educating the public about the law.

## Police relationship with drug users 'in really bad shape'

Others agree.

"Fifty years of a war on drugs mentality has left the relationship between law enforcement and people who are struggling to survive an addictive illness in really bad shape," said Tom Dalton, who worked with Keller at Safe Recovery for years before leaving to lead the advocacy group Vermonters for Criminal Justice Reform.

Dalton, who also pushed for the Good Samaritan law to be created, said he thinks its an effective law, but the state isn't getting the full benefit. It could be more effective with more targeted messaging, he said.

"It's very difficult for people who are addicted to see law enforcement as a source of help," he said.

He suggested the state work with law enforcement to build trust — possibly by creating public service announcements featuring the state's top prosecutors and police chiefs to educate people about the law.

Get them in front of a camera, he suggested, and have them say directly that they will not arrest an addict for calling in an overdose.

Vermont's law protects people from being charged with drug-related crimes, such as possession of drugs, after an overdose 911 call.

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Chittenden County State's Attorney Sarah George speaks at a news conference at City Hall on Wednesday, April 26, 2017, about a bill being considered in the legislature that would create penalties for fentanyl possession or distribution. (Photo: ELIZABETH MURRAY/FREE PRESS)

People can still be charged with other crimes resulting from the 911 call, said Chittenden County State's Attorney Sarah George, such as driving under the influence or child endangerment. And police can confiscate drugs, she said.

George was appointed as the county's top prosecutor in 2016, after T.J. Donovan — one of the champions of the Good Samaritan law — was elected attorney general.

She has been an advocate for safe injection sites, facilities where people can inject drugs under supervision without fear of arrest. George characterized the sites as extensions of the Good Samaritan law, and especially important for preventing deaths of people who use alone.

But, she said, she would not be comfortable with expanding the existing law to cover immunity for other charges.

"It could be murder," she said. She cited the example of parents who overdose in a car with their child in the backseat.

"Do we feel comfortable not intervening?" she asked.

Donovan, who is now the state's top law enforcement officer as attorney general, said he believes the law is sound public policy.

The attorney general said he has two questions about the effectiveness of the law. First, he said, does everybody know this law is out there?

"This is a good law," he said. "If we need to do a better job of raising awareness about this law, I am certainly willing to be part of that conversation."

And, he added, are there other people present when people overdose and die?

"I don't have that data," he said. "I think it's a critical question."

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