



765 Asylum Avenue, 2nd Floor
Hartford, CT 06105
860-523-9146
www.acluct.org

**Written Testimony Opposing House Bill 5191, An Act Concerning
Emergency Intervention By a Police Officer When a Person Suffers a
Narcotics Overdose**

Senator Osten, Representative Horn, Ranking Members Champagne and Howard,
and distinguished members of the Public Safety and Security Committee:

My name is Jess Zaccagnino, and I am the policy counsel of the American Civil Liberties Union of Connecticut (ACLU-CT). I am submitting this testimony in opposition to House Bill 5191, An Act Concerning Emergency Intervention By a Police Officer When a Person Suffers a Narcotics Overdose.

Today, there is widespread recognition that disordered substance use is, fundamentally, an illness to be treated and not a criminal problem to be punished. In fact, drug addiction is classified as a disability protected under the Americans with Disabilities Act.¹ Despite this, Connecticut and the rest of the U.S. have insisted on addressing the public health problem of people struggling with addiction through criminal law for decades. This decision is inappropriate, ineffective,² a major driver of civil liberties violations,³ and a massive contributor to mass incarceration.⁴

¹ See *Drug Addiction and Federal Disability Rights Laws*, U.S. DEP'T HEALTH & HUM. SER., OFF. CIV. RTS. (Oct. 25, 2018), available at <https://www.hhs.gov/sites/default/files/drug-addiction-aand-federaldisability-rights-laws-fact-sheet.pdf>.

² *Every 25 Seconds: the Human Toll of Criminalizing Drug Use in the United States*, HUM. RTS. WATCH, (Oct. 12, 2016), available at <https://www.hrw.org/report/2016/10/12/every-25-seconds/human-toll-criminalizing-druguse-united-states>.

³ *How the War on Drugs Has Infringed on U.S. Civil Liberties*, RICE UNIV. BAKER INST. PUB. POL'Y, (May 17, 2013), available at <https://blog.chron.com/bakerblog/2013/05/how-the-war-on-drugs-has-infringed-on-u-scivil-liberties/>.

⁴ *Drug Policy*, PRISON POL'Y INITIATIVE, available at <https://www.prisonpolicy.org/drugs.html>.

Connecticut is currently in the midst of an opioid epidemic which is worsening, not improving.⁵ Connecticut residents are more likely to die from unintentional drug overdose than a motor vehicle accident.⁶ We need to respond to public health and epidemic responses to combat the rising number of deaths.

Police and other criminal legal system actors are simply not the appropriate people to handle the public health needs of substance use disorders; they are not public health actors whose sole job is to connect people with the health services they need. To the contrary, when police interact with people with active addiction, the results can be catastrophic. Over a quarter of people killed by police are contemporaneous drug users, and people with alcohol dependence account for almost 23 percent of people killed by police.⁷ Bringing police into overdose scenarios is likely to present an unreasonable risk of harm to people who need treatment.

This problem is only exacerbated when we not only allow police to arrest or detain people who are actively overdosing. Instead of receiving treatment for the very serious health emergency of overdose, people will be going into police custody, where they are unlikely to receive treatment for their substance use⁸ or, really, any meaningful healthcare of any type.⁹ If this Committee supports this bill, it is simply doubling down on the failed war on drugs and mass incarceration disaster.

⁵ See *3-Month Rolling Average Rate per 100,000 Population and Count of ED Visits for 'Suspected Drug Overdose' Syndrome in Connecticut, by County of Residence, 2019*, CT DEP'T PUB. HEALTH (Oct. 17, 2019), available at https://portal.ct.gov/-/media/DPH/Injury-Prevention/Opioid-OverdoseData/Final_Drug_ED_Maps_Mar_2019toSep_2019.pdf?la=en.

⁶ *Opioids and Prescription Drug Overdose Prevention*, CT STATE DEP'T PUB. HEALTH, available at <https://portal.ct.gov/DPH/Health-Education-Management--Surveillance/The-Office-of-Injury-Prevention/Opioidsand-Prescription-Drug-Overdose-Prevention-Program#Data>.

⁷ Sara DeGue, Katherine. A. Fowler & Cynthia Calkins, *Deaths Due to Use of Lethal Force By Law Enforcement*, 51 AM. J. PREV. MED., at Table 2, (Nov. 2016), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6080222/>.

⁸ Just a year ago, the ACLU of Massachusetts sued several police departments over the death of a young woman with opioid addiction after she was taken into custody and denied appropriate medical care. *ACLU, Family Sue for Wrongful Death of Madelyn Linsenmeir*, ACLU MASS. (Mar. 5, 2020), available at <https://www.aclum.org/en/news/aclu-family-sue-wrongful-death-madelyn-linsenmeir>.

⁹ See, e.g., Kelan Lyons, *DOC Emails Show Officials Were Aware of Prison Health Care Problems Years Before Taking Over From UCONN*, CT MIRROR (Nov. 13, 2020), available at <https://ctmirror.org/2020/11/13/doc-emailshow-officials-were-aware-of-prison-health-care-problems-years-before-taking-over-from-uconn/>.

Relying on police as first responders to drug overdoses and other addiction crises will not improve our public health outlook for opioid addiction, but rather will prop up the system of mass incarceration. It is time to think differently. We encourage this Committee to make policy that supports a longer-term move away from dispatching police to drug use calls in favor of a public health-based approach. Accordingly, we oppose House Bill 5191, and urge this Committee to do the same.