



4/19/2019

Dear Chief Joseph Geaber Jr. and South Kingstown elected officials:

We are writing to express our concern regarding the arrest of a woman in South Kingstown who was accused of leaving the scene of an overdose in violation of “§11-56-1 Duty to assist” on February 25, 2019 and ask that you please drop the charges immediately.

Decades of treating drug use as a criminal condition have pushed people with substance use disorder into the shadows. Stigma, shame, and harsh criminal charges such as felony drug possession and drug-induced homicide (i.e. “Kristen’s Law”) reflect the chasm between our words (“addiction is a disease”) and our lack of appropriate action to address it as such. Instead of implementing evidence-based public health interventions, we continue to propagate “tough on crime” tactics that have failed for decades and don’t provide a safe place for people to get help.

The 911 Good Samaritan law protections are an important first step to remind people that they can call for help in the event of an overdose and get some legal protections in doing so. But that law is limited in scope, and data show us that some people are still arrested for calling 911 in the event of an overdose. Regrettably, South Kingstown stands out in that regard. In 2018, according to data provided by the Attorney General’s office, there were 7 occasions when someone was protected by the Good Samaritan law for calling 911 during an overdose in South Kingstown, but 3 times in which someone was still criminally charged after making the call. Providence was the only municipality in the state that charged more people with crimes after making calls for help.

The account of even one such event spreads quickly in the community and makes people fearful of accessing emergency assistance. Given this and the legacy of criminalizing substance use disorders, it is not surprising that people may panic and flee the scene in an event of an overdose. We cannot have it both ways: in this context, this charge of refusing duty to assist creates a “damned if you do, damned if you don’t” conundrum that sends mixed messaging around calling for help.

It is also cruelly ironic to see a person with a substance use disorder charged with failing to assist when, until very recently, some police officers, whose very duty is to assist, were not even equipped with naloxone to aid overdose victims in a timely manner.

This woman’s face has been plastered across social media in a modern day witch hunt, solely for being charged with a petty misdemeanor, the least serious criminal charge that exists. Such public chastisement will further marginalize her and other people who use drugs, leading to more fear around calling for help and increased barriers to recovery.

People who use drugs are the most likely witnesses to overdoses and thus are best positioned to save lives. However, in order to support that we need to replace approaches that discourage action, such as public shaming and criminal charges, with tools that save lives, such as naloxone and access to services.

We ask that you please drop the charges in violation of §11-56-1 Duty to assist” against Julia Martin immediately.

Signed,
Substance Use Policy, Education, and Recovery PAC
American Civil Liberties Union (ACLU) of Rhode Island