



July 6, 2017

SENT VIA U.S. MAIL

Dan Picard, Councilman
City of Middletown
One Donham Plaza
Middletown, Ohio 45042

AMERICAN CIVIL
LIBERTIES UNION
OF OHIO
4506 CHESTER AVENUE
CLEVELAND, OH 44103-3621
T/216.472.2220
F/216.472.2210
WWW.ACLUOHIO.ORG
contact@acluohio.org

Dear Councilman Picard:

It was with great dismay the ACLU of Ohio noticed your recent public remarks regarding people who experience a drug overdose in Middletown and your desire to let these individuals die rather than providing them with life-saving assistance and other much-needed help.

Recent media coverage reveals you believe at least two options should be considered:

- 1) to simply stop responding to overdose calls or,
- 2) to adopt a "three strikes" policy whereby those who overdose will be left to die if emergency services responded to them twice before.

According to news reports, this three strikes option anticipates that overdose victims can essentially reimburse the city by performing community service to pay for previous emergency service responses. If they have not done so, they will be refused all future city emergency services should they again overdose.

The ACLU of Ohio understands government officials at all levels are frustrated by the numerous challenges posed by increasing and serious drug problems in Middletown and across Ohio. However, it is hard to imagine a more callous, uneducated, and dangerous response from an elected official than "let them die."

We presume your constituents elected you to city council to provide leadership for the people of Middletown and to develop effective solutions to problems of all types. Instead, your quotes send the unmistakable message that when it comes to choosing between helping the most vulnerable and troubled among us and death, you advocate for the latter. This is truly horrifying to hear from an official who willingly chose to serve and protect those in Middletown but who now so cavalierly abandons that responsibility.

Thankfully, your position appears to be in stark contrast to others in Middletown who have advocated for and implemented such measures as needle exchange, drug drop-off sites, and adoption of the Quick Response Team model. Still, Middletown, like so many other areas of Ohio, continues to struggle with the opiate epidemic. This should be a clear signal even more needs done.

Current news media accounts reveal your concern is the cost to the city to continue responding to these emergencies. What is left unreported is whether you or the City of Middletown has researched, discussed, or considered any additional alternatives.

The ACLU of Ohio encourages you and other city officials to further discuss the increase in overdose incidents and deaths with city, county, state, and federal officials, members of the Ohio General Assembly and Congress, and Governor Kasich, and treatment professionals regarding how best to respond to this ongoing problem and to advocate for increased resources for Naloxone and additional treatment capacity. We recommend the following advocacy ideas:

- **Protect and expand Medicaid funding.** Officials should actively lobby state and federal officials for additional funding and against cuts to Medicaid eligibility and funding here in Ohio, knowing the help Medicaid provides to so many Ohioans with substance abuse problems.
- **Treat addiction as a public health issue rather than a criminal justice issue.** Many officials in Middletown, along with a growing number of organizations and individuals across the political and ideological spectrum, recognize the criminal justice system is the wrong place to treat addiction. There are efforts underway to reduce criminal penalties for drug crimes, and shift funding from our prisons and jails and into treatment. Local officials can be a powerful voice for these changes. We encourage you and your colleagues in Middletown to continue and expand current efforts, such as your Quick Response Team, and exhaust all other searches for solutions and sources of funding.
- **Ensure residents are informed about how to receive treatment and other services.** Middletown officials should further educate residents, above and beyond what is already in place, about how and where to seek drug treatment, needle exchange, and related assistance. There can never be too much of this type of effort and stakeholders should always be examining new and creative ways to spread this message.
- **Adopt new methods to treat addiction beyond traditional programs.** Other countries who have faced these same problems have implemented various programs and policies to effectively reduce the impact of opiates on their populations. Now is the time to further the discussion on the practicality and possibility of adopting these measures proven in these countries to lessen the use of, dependence on, and deaths caused from opiates including supervised drug injection sites, increasing access to medication-assisted treatments like methadone and suboxone, and sites where drugs can be examined for purity and additives.

The ACLU of Ohio does not profess to have all the answers or solutions. But, we believe these are but a few of many options government officials everywhere should consider. Drug addiction is a very complex issue with origins, effects, and solutions that differ greatly from one individual to the next.

If we are to make any meaningful impact on Ohio's worsening opioid crisis, we need people at all levels who are willing to work harder, think outside the box, and provide leadership, especially when times get tough.

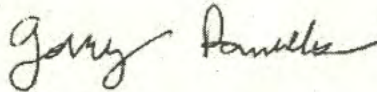
The ACLU of Ohio urges you to reverse course regarding your ill-conceived and counterproductive approach and demonstrate to your constituents you are committed to finding solutions as opposed to facilitating death.

Should you have any questions or concerns about the ACLU of Ohio's position on this controversy, please do not hesitate to contact the undersigned. Ignoring this issue accomplishes nothing and makes it worse. All of us working together can only help.

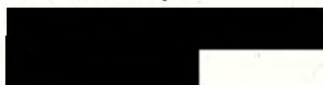
Sincerely,



Michael Brickner
Senior Policy Director



Gary Daniels
Chief Lobbyist



cc: Larry Mulligan, Jr, Mayor
Dr. Dora Bronston, Vice Mayor
Steve Bohannon, City Council
Talbot Moon, City Council
Amy Schenck, Clerk of Council
Douglas Adkins, City Manager
Rodney Muterspaw, Chief of Police
Les Landen, Law Director