

Ask the Chief.....

Why does law enforcement not criminally charge people who overdose of illegal substances?

Thus far in 2016 the Lake County Sheriff's Office has handled 51 overdoses in Concord Township (12), Leroy Township (1), Painesville Township (35), and Perry Township (3). Of those a total of 25 people were charged with drug related offenses. Additionally, we made contact with these individuals and provided them with the opportunity to enter a diversion program if first time offenders.

Ohio House Bill 110, which took effect on 9-10-2016, does not permit law enforcement to charge overdose victims or suspects with drug related charges unless they are currently on parole or probation, or it is their third documented overdose. However, the law does permit them to be charged if within 30 days of their overdose they have not made any attempt to seek treatment. Our Heroin task force is actively working with people who overdose to insure such compliance with treatment obligations.

Why the change in the law? Overdose deaths are the leading cause of accidental death in the United States. In fact, they now exceed deaths related to motor vehicle accidents among people ages 25 – 64. Medical experts and first responders spoke to the Ohio House and explained that many of these deaths are preventable if emergency medical response is called for in time. However, many people who are using drugs are afraid to call when the overdose occurs fearing they will be criminally charged. This Good Samaritan law, which mirrors such laws in over 30 States, is intended to help reduce the alarming number of deaths which occur from drug overdoses each year.

When a person calls our 9-1-1 system and asks if they will be charged with a drug offense for reporting an overdose they are told: "There is immunity from prosecution available for minor drug possession, up to two (2) times in your life, when reporting an apparent overdose."

Unfortunately this year we have had 8 overdose deaths in our patrol area and 57 overdose deaths across Lake County.

Frank Leonbruno

Chief Deputy, Lake County Sheriff's Office
104 East Erie Street, Painesville, Ohio 44077

www.lakecountyohio.gov/sheriffoffice