Good Samaritan Law: Immunity Granted to Minor Drug Possessions

Emily Williams, The University of Akron
The University of Akron School of Law

“Good Samaritan Law:
Immunity Granted to
Minor Drug Possessions”

Emily C. Williams
Student ID #: 2146954

9200:610 General Writing Requirement: Prosecution Function

This GWR was taken with elective course: Prosecution Function

Instructor of Record: Professor Martin H. Belsky

Semester of Enrollment: Fall 2016 Semester

Submission Date: November 21, 2016
INTRODUCTION

I have a friend in law school whose husband was a heroin user. He left for treatment about two weeks prior to finals for her very first semester leaving her alone to care for their two children under ten while attempting to study for her first exams. She confided in me that her husband injured his back because of seizures he was prone to have. Because of this, he got a prescription for. She stated that eventually the doctors quit prescribing the pills to him and that is when he starting looking for heroin on the streets. He became addicted immediately to heroin after the first couple of uses.

Overdose from drugs is turning into a national epidemic. On September 24th, 2016, the Ohio Cuyahoga County Medical Examiner issued a “public health warning due to the number of people who died over that weekend due to drug overdoses.” “The county and the state have experienced a record number of overdoses in the past few months caused by the same three opioids: heroin, fentanyl and carfentanil”. Ohio drivers are able to see the highway signs as they drive along the interstate informing them to not use drugs and the statistics related to overdoses. “Ohio Department of Transportation [ODOT] and the Ohio State Highway Patrol are utilizing the state’s 130 freeway message

1 Interview with anonymous, in Akron, Ohio (Nov. 30, 2016).
2 Id.
3 Id.
4 Id.
5 Id.
6 Id.
8 Id.
signs, as well as portable highway signs, to raise awareness about the growing drugged driving problem in Ohio”.

“The highway signs display messaging alerting travelers to the increase in drugged driving crashes as well as increase the exposer the drug abuse epidemic, a reference to the state’s Start Talking Initiative that encourages parents and community leaders to talk to their children about the dangers of drug use” The Start Talking Initiative was created by Governor John R. Kasich and First Lady Karen W. Kasich “to give parents, guardians, educators and community leaders the tools to start the conversation with Ohio’s youth about the importance of living healthy, drug-free lives.”

“According to ODOT traffic crash statistics, Ohio has seen a 25% increase in drugged driving crashes since 2012”. It is obvious from all involved that the drug problem has grown and the government is trying to get some sort of semblance of control from whatever means necessary. The hope is that increased awareness will prevent deaths due to a drug overdose. Lieutenant David Garro believes that this law was a response to the

---

9 *It’s time to start talking about Ohio’s growing drugged driving problem*, The Jackson County Times-Journal. (Nov. 19, 2016), http://www.timesjournal.com/community/article_f01d1af1-c96c-590b-9ceb-1b0cef33e2c3.html.

10 *Id.*


13 *Id.*
opioid epidemic, not necessarily the other drugs being used simply because crack, meth
and marijuana aren’t killing as rapidly as heroin.\textsuperscript{14}

Addiction is a disease. Bernard Rochford who works at Oriana House, a facility
that handles chemical dependency treatment and community corrections services, stated
that we as a society treat addiction with moral judgment.\textsuperscript{15} Society believes that people
are considered a “bad person” the instant they use drugs.\textsuperscript{16} If someone uses and gets help
and then uses again, then we judge harshly.\textsuperscript{17} However, that is not the same for other
diseases.\textsuperscript{18} The example someone that has a heart attack and goes to McDonalds and
continues to eat greasy, unhealthy, bad food is not frowned upon in similar fashion as it
would be with someone who has a drug addiction.\textsuperscript{19} Society does not think too harshly of
people with diseases that they contribute to (high blood pressure, obesity, etc.) but do
think very harshly of drug uses even though addiction is also a disease.\textsuperscript{20}

The majority of drug overdose deaths (more than six out of ten) involve an
opioid.\textsuperscript{21} Since 1999, the number of overdose deaths involving opioids (including

\textsuperscript{14} Telephone Interview with Lieutenant David Garro, Commander, Narcotics, Akron
Police Department (Nov. 25, 2016).
\textsuperscript{15} Interview with Bernard Rochford, Executive Vice President of Administrative Services
and Business Relations, Oriana House in Akron, Ohio (Sept. 16, 2016).
\textsuperscript{16} Id.
\textsuperscript{17} Id.
\textsuperscript{18} Id.
\textsuperscript{19} Id.
\textsuperscript{20} Id.
\textsuperscript{21} Drug overdose deaths hit record numbers in 2014, Centers for Disease Control and
prescription opioid pain relievers and heroin) nearly quadrupled.\textsuperscript{22} From 2000 to 2014 nearly half a million people died from drug overdoses.\textsuperscript{23} Seventy-eight Americans die every day from an opioid overdose.\textsuperscript{24} Mr. Rochford stated that you have people who start prescription medication innocently enough.\textsuperscript{25} They are on pain management such as a sixty-day supply of Vicodin, and then their prescription isn’t renewed.\textsuperscript{26} Those on pain management crave because they become addicted and then when the prescription is gone, switch to heroin.\textsuperscript{27}

The partial reasoning for why so many people are dying from a drug overdose is because they are afraid to call the police in an overdose situation because they do not wish to be charged.\textsuperscript{28} Other drug users and potential witnesses of drug overdoses hear similar stories and internalize the message that they send. The message is, “‘[d]on’t call 911 because you and the victim will be arrested.’”\textsuperscript{29} Craig Morgan, Deputy Chief Prosecutor of the City of Akron, was interviewed to gain the prosecutorial perspective.

\textsuperscript{22} \textit{Heroin Overdose Data}, Centers for Disease Control and Prevention. (March 14, 2016), http://www.cdc.gov/drugoverdose/data/heroin.html.
\textsuperscript{23} \textit{Id.}
\textsuperscript{24} \textit{Id.}
\textsuperscript{25} Interview with Bernard Rochford, Executive Vice President of Administrative Services and Business Relations, Oriana House in Akron, Ohio. (Sept. 16, 2016).
\textsuperscript{26} \textit{Id.}
\textsuperscript{27} \textit{Id.}
\textsuperscript{29} Hilary Shenfeld, \textit{‘GOOD SAMARITAN’ LAWS AND DRUG-OVERDOSE VICTIMS}, NEWSWEEK (July 5, 2010, 8:00 PM) http://www.newsweek.com/good-samaritan-laws-and-drug-overdose-victims-74625.
He stated that prior to the law being passed, people frequently didn’t call the police, or called after time passed in order to hide evidence or leave the scene.\textsuperscript{30} He stated that you can encourage people all you want but you can’t force people to do the right thing.\textsuperscript{31} As such, some people still do not call the police even with the law being passed.\textsuperscript{32} Lieutenant Garro stated a similar opinion; users who witness an overdose are afraid of charges.\textsuperscript{33} He stated people are more likely to rob the person overdosing rather than call the police.\textsuperscript{34} It revolves around the self-interest because people need money to buy drugs so they rob their “buddy” to pay for more drugs on top of not calling the police so they won’t get a criminal charge either.\textsuperscript{35}

Mr. Rochford stated that people generally do not call in even if their friend is obviously dying. People just don’t call.\textsuperscript{36} It happens a lot.\textsuperscript{37} He stated he knew of one situation where a user had several lifesaving doses of Narcan.\textsuperscript{38} Ms. Kari Bloom was interviewed to gain a defense attorney’s perspective. She surmised that people don’t call the police in general because they are afraid of what will happen.\textsuperscript{39} They may or may not

\textsuperscript{30} Interview with Craig Morgan, Deputy Chief Prosecutor, City of Akron Prosecutor’s Office, in Akron, Ohio. (Nov. 14, 2016).
\textsuperscript{31} Id.
\textsuperscript{32} Id.
\textsuperscript{33} Telephone Interview with Lieutenant David Garro, Commander, Narcotics, Akron Police Department (Nov. 25, 2016).
\textsuperscript{34} Id.
\textsuperscript{35} Id.
\textsuperscript{36} Interview with Bernard Rochford, Executive Vice President of Administrative Services and Business Relations, Oriana House in Akron, Ohio (Sept. 16, 2016).
\textsuperscript{37} Id.
\textsuperscript{38} Id.
\textsuperscript{39} Telephone Interview with Ms. Kari Bloom, Legislative Liaison for the Office of Public Defender (Sept. 20, 2016).
have to deal with an overdose but society needs to have the ability to help.\textsuperscript{40} She stated that in general, someone who has ingested drugs or has drugs on their person is forced to put their freedom over their friends’ safety.\textsuperscript{41} She believes that even if it helps saves one person, this law is worth it.\textsuperscript{42}

To help alleviate this issue, the Ohio Legislature passed something called the Good Samaritan Law.\textsuperscript{43} The term “good Samaritan” refers to “one who compassionately renders personal assistance to the unfortunate.”\textsuperscript{44} The parable of the Good Samaritan is referenced in a number of historic ideas. However the main view comes from the Biblical reference:

A man was going down from Jerusalem to Jericho, when he was attacked by robbers. They stripped him of his clothes, beat him and went away, leaving him half dead. A priest happened to be going down the same road, and when he saw the man, he passed by on the other side. So too, a Levite, when he came to the place and saw him, passed by on the other side. But a Samaritan, as he traveled, came where the man was; and when he saw him, he took pity on him. He went to him and bandaged his wounds, pouring on oil and wine. Then he put the man on his own donkey, brought him to an inn and took care of him. The next day he took out two denarii\textsuperscript{[c]} and gave them to the innkeeper. ‘Look after him,’ he said, ‘and when I return, I will reimburse you for any extra expense you may have.’\textsuperscript{45}

The meaning behind this parable is Jesus is telling everyone to be kind-hearted and follow in the example of the Good Samaritan. People are to love others regardless of their race or religion. The criterion is need. “If they need and we have the supply, then we

\begin{footnotesize}
\begin{itemize}
  \item \textsuperscript{40} Id.
  \item \textsuperscript{41} Id.
  \item \textsuperscript{42} Id.
  \item \textsuperscript{43} OHIO REV. CODE ANN. § 2925.11 (LexisNexis 2016).
  \item \textsuperscript{44} WEBSTER’S THIRD NEW INTERNATIONAL DICTIONARY 979 (2002).
  \item \textsuperscript{45} Luke 10: 30-36 (New Living Translation).
\end{itemize}
\end{footnotesize}
are to give generously and freely, without expectation of return." This is important to consider for the law because people are afraid to call the police out of their own self-interest. With this law, people are now encouraged to do the right thing because there is no consequence if they meet the prerequisites. Mr. Morgan stated that the policy that the Good Samaritan law stands for (encourages those to do the right thing and call for help in an overdose situation) is good. He said one big merit of the law is that it attempts to allow people to do the right thing.

BACKGROUND

The Ohio Good Samaritan law grants immunity to callers requesting help and to the person overdosing on heroin, opioids or other drugs from arrest, charging, prosecution, conviction and penalization for a minor drug possession offense. Basically this means that if person A and person B use a drug and person A becomes fearful that B is dying, then Person A can call 911 for help to come for person B. Person A and Person B will not be criminally charged for a minor drug possession offense. However, if Person A has a warrant out for their arrest for something else, the police can pick that person up for the warrant. Additionally, this does not prevent the police calling Child Protective Services.

47 Interview with Craig Morgan, Deputy Chief Prosecutor, City of Akron Prosecutor’s Office, in Akron, Ohio. (Nov. 14, 2016).
48 Id.
49 OHIO REV. CODE ANN. § 2925.11 (LexisNexis 2016)
50 Cf. Lynn Arditi, Despite the Good Samaritan Law, some addicts still punished for seeking help/Video, PROVIDENCE JOURNAL (April 9, 2014, 12:56 PM), http://www.providencejournal.com/topics/special-reports/overdosed/20140409-despite-the-good-samaritan-law-some-addicts-still-punished-for-seeking-help-video.ece. (Although this is not a warrant situation, the drug user, Veronica Cherwinski, was a
Services if a child is involved and ultimately having the child removed from the parent(s). Lieutenan...cally involve the Children Services Board (CSB) and remove the child. Thus, the law does not prevent all consequences. Lieutenant Garro also stated that if someone wants to overdose while they are around kids, the Akron Police Department will charge you one hundred percent of the time. Mr. Morgan stated the initial implementation of the law has lead and will continue to lead to a lot of unintended consequences. Someone not understanding the full consequences may not call the next time that they or someone else is dying from an overdose situation and thus the community will be back to square one. Prior to the law being passed, about sixty percent of Akron Police Officers used their discretion to not charge. He stated most officers understand that drug users don’t need a Minor Drug Possession charge. Lieutenant probation violator and was sent back to prison. Additionally, Amy Kempe, a spokeswoman for the attorney general spoke to the police having an obligation to make an arrest when they come into contact with someone who has an outstanding warrant).

51 I currently work in the Summit County Prosecutor’s Office in the Juvenile Division that deals with abuse, neglect and dependent cases. I spoke with a few of the assistant prosecutors who stated that children are often involved with their parents’ use because the child finds the parent in an overdose state. It was noted that as of December 2016, the cases have reached over 1000 mainly because of the heroin epidemic. The normal caseload for their office is around 800.

52 Telephone Interview with Lieutenant David Garro, Commander, Narcotics, Akron Police Department (Nov. 25, 2016).

53 Id.

54 Interview with Craig Morgan, Deputy Chief Prosecutor, City of Akron Prosecutor’s Office, in Akron, Ohio. (Nov. 14, 2016).

55 Id.

56 Id.
Garro similarly felt that drug users had bigger things going on in their life. He stated a nickel and dime addict probably does not need jail and/or a conviction. A misdemeanor charge would not help that person. He stated if there is evidence to support that the person is trafficking, however, they will charge because it is no longer a Minor Drug Possession situation. Mr. Morgan also stated that about sixty percent of officers do not normally charge in an overdose situation (prior to the law passing) and that roughly thirty percent do charge. Most officers recognize that these people have more problems going on and that a criminal charge is not going to help them get back on their feet.

The goal behind the legislation is to ultimately help people. Because the law is to assist in the impact of overdose, it includes those witnesses that are also using. These witnesses generally do not call or bring an overdosed person to the hospital because of the threat of arrest for possession, use, and other drug crimes that make people refrain from help. This aspect is nothing new. People do things to promote their own self-interest. It makes sense that most people would not call the police for someone else for fear of what could happen to them, especially if they are also partaking in the criminal activity. Lieutenant Garro stated that he has dealt with situations where a body is dumped in the

---

57 Telephone Interview with Lieutenant David Garro, Commander, Narcotics, Akron Police Department (Nov. 25, 2016).
58 Id.
59 Id.
60 Id.
61 Interview with Craig Morgan, Deputy Chief Prosecutor, City of Akron Prosecutor’s Office, in Akron, Ohio. (Nov. 14, 2016).
62 Id.
woods because the occupants of the house didn’t want the police at their house. The “friends” of the deceased dump the body in the woods and walk away with essentially clean hands because there is nothing to indicate where the overdose actually took place.

Washington State passed a similar law to Ohio’s Good Samaritan law in 2010. “A study of over 350 opiate users found that 88 percent were more likely to call 911 during future overdoses after they became aware of the Good Samaritan law in Washington State”. Prior to the Washington State law, research showed that a call for help occurs less than 50 percent of the time” and that the main reason was the “fear of police involvement is the most common reason for not calling 911”. The fear of police involvement is taken away because those people will not be prosecuted for a criminal charge that would have resulted prior to the law being passed.

There is a risk of prosecuting the witness or the victim if they are a repeat offender. The law limits how many immunities one can receive. An estimated 200,000 people, the equivalent of the City of Akron's population, are now addicted to opioids in Ohio. Mr. Morgan stated that the two immunity limitations are fine for the time being.

64 Telephone Interview with Lieutenant David Garro, Commander, Narcotics, Akron Police Department (Nov. 25, 2016).
65 Id.
66 WASH. REV. CODE. § 69.50.315 (2010)
68 Id.
He believes in the near future the law will change because many people will have used their two immunities up. Mr. Rochford does not believe that the limitation allowing two immunities is necessary. For instance the Opiate Task Force used Narcan to save a user multiple times. One of those people was saved on three separate occasions. The law would not have applied to him. However, he is currently sober with two years of sobriety under him.

The death rate and addiction rate have sky rocketed. According to the BNA Criminal Law Reporter in 2015, heroin was killing about 23 Americans a day. The goal of this law is to help save lives from this type of death rate. Heroin overdose deaths more than tripled from 2010 to 2013, according to the Centers for Disease Control and Prevention. Part of the law helps by allowing people to not be charged (the immunity aspect). However the law creates a greater significance. It makes people get treatment as part of the immunity. Part of the reasoning to make people get treatment from drug rehabilitation centers is because of the sheer numbers of deaths. For example, in 2013,

---

70 Interview with Craig Morgan, Deputy Chief Prosecutor, City of Akron Prosecutor’s Office, in Akron, Oh. (Nov. 14, 2016).
71 Id.
72 Interview with Bernard Rochford, Executive Vice President of Administrative Services and Business Relations, Oriana House in Akron, Oh. (Sept. 16, 2016).
73 Id.
74 Id.
75 Id.
76 Id.
78 Id.
more than 8,200 people died of heroin overdoses in the U.S.” The drug can be smoked or injected and is notoriously addictive. Mr. Rochford stated that one of the biggest challenges when dealing with drug users is that of treatment as well as overcoming the stigma that attaches. He stated that most people who are forced into treatment will ultimately fail because the drug overwhelms everyday functionality.

The Northeast and Midwest have seen the largest increases in deaths, according to the CDC. Mr. Morgan stated that several family members of drug users have contacted him since the passing of the law. The family members pleaded with Mr. Morgan to have the officers look the other way of the immunity law because they wanted their family member who used drugs to be put in jail. They wanted the charge for the “court ordered” rehabilitation of sitting in jail. This is because the person would be forced to be sober, and the family member would know that at least for that time in jail, that family member was safe and not in another potential overdose situation from using. Although the law is intended to help people by saving lives during an overdose as well as helping

81 Interview with Bernard Rochford, Executive Vice President of Administrative Services and Business Relations, Oriana House in Akron, Oh. (Sept. 16, 2016).
82 Id.
84 Interview with Craig Morgan, Deputy Chief Prosecutor, City of Akron Prosecutor’s Office, in Akron, Oh. (Nov. 14, 2016).
85 Id.
86 Id.
87 Id.; Mr. Morgan also stated that jail sometimes is the best remedy because the user becomes sober for the 24-48 hours while in jail.
to give treatment, family members are not happy. Lieutenant Garro sympathizes with the families as well.\textsuperscript{88} He stated that arresting someone who is using an illegal substance is good simply in the fact that they can sober up while in holding.\textsuperscript{89} He stated that the Good Samaritan is not equal to that. Someone may or may not become sober after the police officers are done because it does not necessarily mean that someone will get treatment per the law.\textsuperscript{90}

In 2007, New Mexico became the first state to amend its laws to encourage Good Samaritans to summon aid in the event of an overdose.\textsuperscript{91} “In 2015 nearly every state enacted legislation addressing the abuse of opioids, including heroin and prescription drugs”.\textsuperscript{92} Initial evidence from Washington State, which amended its law in 2010, is positive. “[Eighty-eight] percent of drug users surveyed indicating that they would be more likely to summon emergency personnel during an overdose as a result of the legal change”.\textsuperscript{93} Although many people believe that this is an enabling behavior, most states

\textsuperscript{88} Telephone Interview with Lieutenant David Garro, Commander, Narcotics, Akron Police Department (Nov. 25, 2016).
\textsuperscript{89} \textit{Id}.
\textsuperscript{90} \textit{Id}.
\textsuperscript{91} N.M. STAT. ANN. § 30-31-27.1 (LexisNexis 2007).
\textsuperscript{93} \textit{Id}.
have found that people in an overdose are more likely to call the police for medical assistance.\textsuperscript{94}

There have been many people who oppose this law because it does feel like it enables or even encourage drug users to continue using rather than quitting.\textsuperscript{95} When asked about the mentality of just letting the drug users weed themselves out by letting them die, Mr. Rochford stated that this is a terrible approach.\textsuperscript{96} He stated that those who have the attitude of “good riddance to bad rubbish” need to see it from the human perspective, because they probably haven’t seen the drug usage up close.\textsuperscript{97} It is not personalized.\textsuperscript{98} He stated that society should go to a recovery service and let the users tell their stories and articulate how they became involved, because not everyone starts by going to get high.\textsuperscript{99}

The main problem is that heroin is laced with other drugs that are more potent. These range from innocent household items to very dangerous drugs such as Fentanyl and Carfentanil.\textsuperscript{100} Carfentanil and fentanyl are both strong opioids that drug dealers are

\textsuperscript{96} Interview with Bernard Rochford, Executive Vice President of Administrative Services and Business Relations, Oriana House in Akron, Oh. (Sept. 16, 2016).
\textsuperscript{97} Id.
\textsuperscript{98} Id.
\textsuperscript{99} Id.
\textsuperscript{100} Examples of household items include talcum powder, cornstarch, powdered milk, acetaminophen, laundry detergent; See The Hidden Dangers of Laced Drugs, 12 KEYS
now mixing with heroin in order to give the drug a boost and make their supply last longer, according to the Drug Enforcement Administration. Fentanyl is commonly used by cancer patients for pain relief, and it is 50 to 100 times more potent than morphine. Carfentanil is a sedative for large animals that is not approved for human use. A version of fentanyl, this drug is 10,000 times stronger than morphine. As little as 2 milligrams of carfentanil can knock out an African elephant weighing nearly 2,000 pounds. “Rep. Bob Goodlatte spotlighted the [The House Sentencing Reform Act of 2015] bill's proposed sentencing enhancement for anyone convicted of trafficking in fentanyl, a painkiller that he said is “80-100 times more potent than morphine.” Street dealers these days are cutting heroin with this powerful narcotic and the resulting cocktail has resulted in a surge of overdose deaths, he said.

Lieutenant Garro stated that the reason carfentanil and fentanyl are being used is because it is dealer driven. He said that carfentanil and fentanyl provide a better, longer and cheaper high. A kilogram of heroin costs roughly fifty to sixty thousand dollars.

---

2. Id.
3. Id.
4. Id.
5. Id.
7. Id.
8. Telephone Interview with Lieutenant David Garro, Commander, Narcotics, Akron Police Department (Nov. 25, 2016).
9. Id.
Fentanyl and carfentanil on the other hand costs roughly about six to seven thousand for a kilogram.\textsuperscript{111} Lieutenant Garro stated that you can cut fentanyl and carfentanil an additional eight more times and so the users are receiving pure heroin.\textsuperscript{112} Mr. Rochford stated that people have no idea what they are getting when they buy drugs off the streets.\textsuperscript{113} “In 2014, nearly a quarter of overdose deaths were attributable to fentanyl, a synthetic opioid painkiller that is 30 to 50 times stronger than heroin.”\textsuperscript{114} “The drug, which has seeped in from Mexico, was responsible for 84 deaths the year before, according to state records.”\textsuperscript{115}

Addiction is different than almost any other disease. The reason behind this, Mr. Rochford explained, is because people who have an addictive personality can take very little of a drug and will immediately begin to crave it.\textsuperscript{116} He stated that society needs to learn that people who use heroin aren’t using the drug to get high and feel good.\textsuperscript{117} At a certain point, the users are using heroin to just feel normal because they are no longer capable of getting high once they’ve used for a long period of time.\textsuperscript{118} He also stated that these drug users feel like failures when society treats them as bad or immoral because

\textsuperscript{110} Id.
\textsuperscript{111} Id.
\textsuperscript{112} Id.
\textsuperscript{113} Interview with Bernard Rochford, Executive Vice President of Administrative Services and Business Relations, Oriana House in Akron, Oh. (Sept. 16, 2016).
\textsuperscript{114} Casey Ross, \textit{Prescriptions for opioids fall in Ohio, but addiction continues to kill at alarming rates}, The Plain Dealer, (June 14, 2014), http://www.cleveland.com/healthfit/index.ssf/2016/06/prescriptions_for_opioids_fall_in_ohio_but_addiction_continues_to_kill_at_alarming_rates_photos_video.html.
\textsuperscript{115} Id.
\textsuperscript{116} Interview with Bernard Rochford, Executive Vice President of Administrative Services and Business Relations, Oriana House in Akron, Oh. (Sept. 16, 2016).
\textsuperscript{117} Id.
\textsuperscript{118} Id.
they do use illegal substances. He stated until mental health issues and drug usage becomes a “casserole disease” (the idea that when someone is sick or hospitalized, loved ones bring over casseroles to the family), then we will overcome these negative stigmas.

Unlike other drug-related deaths, opioid overdose is almost entirely preventable. Not only is it preventable, but it is preventable at a low cost. Opioids kill by depressing respiration, breathing slows down or stops. “Naloxone is a prescription medication that blocks the effects of opioids and reverses an overdose”. “Naloxone reverses the respiratory depression causing almost immediate withdrawal”. In Summit County, Ohio, the majority of the officers on duty carry Narcan (Naloxone). “When a person is overdosing on an opioid, breathing can slow down or stop and it can very hard to wake them from this state”. “Narcan™ (naloxone) is a prescription medicine that blocks the effects of opioids and reverses an overdose.” It cannot be used to get a person high. “If given to a person who has not taken opioids, it will not have any effect on him or her,

119 Id.
121 Id.
122 Id.
123 Id.
124 I also work as a legal intern at the City of Akron Prosecutor’s Office. Part of my job leads to a lot of interaction with traffic and patrol officers of the Akron Police Department.
125 ALL ABOUT NARCAN, ROOSEVELT UNIVERSITY’S ILLINOIS CONSORTIUM ON DRUG POLICY. http://stopoverdoseil.org/narcan.html (last visited Nov. 21, 2016).
126 Id.
since there is no opioid overdose to reverse.”

The issue with using Narcan is that someone can get high in the morning, overdose and call 911 for help. The officers arrive on scene and give the person Narcan to reverse the effect of opioid overdose. However, Officers from the Akron Police Department, and Assistant Prosecuting Attorneys from both the City of Akron, and Summit County, indicated that many who receive the Narcan are found to be using later in the day. It was stated that Narcan gets the person stabilized but there is no lingering effect of the opioid drug in their system. “Narcan wears off (about 30 minutes)”. Mr. Morgan stated that he knows of people who have burned their immunities up in one week. Ms. Bloom also stated that people can use their two immunities in one weekend. The Officers stated that they don’t take someone to the hospital after giving them the Narcan, because there is nothing left for hospital personnel to do so the officers leave. There is nothing preventing that person from using again the very same day. Both the officers and the assistant prosecutors stated that

127 Id.
128 As part of duties with Summit County Prosecutor’s Office and the City of Akron Prosecutor’s office I have interaction with many officers. These officers indicated that they only carry so much Narcan on their persons. Sometimes they receive a call and they just used the medication on someone else. So the person overdosing at the new scene has to wait until other medical personnel or other officers with working Narcan arrive.
129 Id.
131 Interview with Craig Morgan, Deputy Chief Prosecutor, City of Akron Prosecutor’s Office, in Akron, Oh. (Nov. 14, 2016).
132 Telephone Interview with Ms. Kari Bloom, Legislative Liaison for the Office of Public Defender (Sept. 20, 2016).
133 Conversation that I had with different Akron Police Officers while working at the City of Akron Prosecutor’s Office, when discussing what they actually do at an overdose scene.
they had situations where the person overdosing received multiple Narcan injections in the same day for two different overdose usage(s). Lieutenant Garro stated that he has had “frequent flyers” that he has had to administer Narcan over and over and over again.\textsuperscript{134}

\textbf{LEGISLATIVE HISTORY}

Ohio is the 35\textsuperscript{th} state to enact a Good Samaritan Law in which someone will receive, with the proper perquisites, immunity for minor drug possession.\textsuperscript{135} This law is found under Ohio House Bill (H.B.) 110 of the 131\textsuperscript{st} General Assembly.\textsuperscript{136} It can be found under the title “Medical assistance for drug overdose”.\textsuperscript{137} The Ohio H.B 110 was introduced on March 10\textsuperscript{th}, 2015.\textsuperscript{138} The original bill imposed a higher penalty for failure to stop after an accident, also known as “Brandon’s Law”.\textsuperscript{139} It was reported to the House Judiciary on April 22\textsuperscript{nd}, 2015. It was passed by the House on May 12\textsuperscript{th}, 2015 (vote was 92-0).\textsuperscript{140} On January 28\textsuperscript{th} 2016 the bill was reported to the Senate Criminal Justice Committee.\textsuperscript{141} February 23\textsuperscript{rd}, 2016 it was recommitted to the Senate Criminal Justice Committee.

\begin{footnotesize}
\begin{itemize}
\item[\textsuperscript{134}] Telephone Interview with Lieutenant David Garro, Commander, Narcotics, Akron Police Department (Nov. 25, 2016).
\item[\textsuperscript{141}] Id.
\end{itemize}
\end{footnotesize}
Committee.\textsuperscript{142} Finally on May 4\textsuperscript{th}, 2016, which the bill was re-reported to the Senate Criminal Justice Committee, the Good Samaritan Law is brought to life.\textsuperscript{143} It took a full year before the immunity for the minor drug possession section was introduced. The Senate passed the bill and it came into effect on September 13, 2016.\textsuperscript{144}

Ms. Bloom not only represents those who have been alleged criminals, but she was also present at all the legislative hearings on the H.B. 110. She stated that the main issue about the legislation is that the limitations hurt people.\textsuperscript{145} She stated that if the true goal is to save lives, then there should be no limits.\textsuperscript{146} Addiction is considered by some as a medical issue and as a criminal issue in other communities.\textsuperscript{147} She stated that this bill was originally for equal ground.\textsuperscript{148} The original language was that our state values human life over criminal convictions.\textsuperscript{149} She stated that when amended, H.B. 110 turned from how to help to how to limit because we (the community) do not want to be taken advantage of.\textsuperscript{150} Mr. Rochford believes that the current law puts a higher value on someone’s life that has never been in trouble before than on someone who is on probation.

\textsuperscript{142} Id.
\textsuperscript{143} Id.
\textsuperscript{145} Telephone Interview with Ms. Kari Bloom, Legislative Liaison for the Office of Public Defender (Sept. 20, 2016).
\textsuperscript{146} Id.
\textsuperscript{147} Id.
\textsuperscript{148} Id.
\textsuperscript{149} Id.
\textsuperscript{150} Id.
or parole.\textsuperscript{151} He believes that the limitation(s) placed upon probation and paroled individuals are not appropriate if the intent of the law was to save lives.\textsuperscript{152}

\textbf{LIMITATIONS}

There are different limits set by the legislature. One of these is the qualified immunity.\textsuperscript{153} The law states that someone who overdoses will not receive criminal charges only if they have not received immunity from this law previously. Drug users get two “freebies” before the officer is able to arrest that person for a minor drug possession. The immunity is not available for those who are on parole. Those seeking immunity also have to pursue addiction counseling within 30 days. After those thirty days have passed the prosecutor can request documentation verifying that they have received some sort of rehabilitation\textsuperscript{154}.

These limits come with their own set of issues. If the reason for enacting this law is to save lives, then there should be no limits placed. The officers stated they had instances with the same person needing to be helped twice in the same day.\textsuperscript{155} That person used up their “freebie” charges in the same day. The next time that they need help they may not be willing to call the police because they are no longer able to access the immunity. Opioid use is very addictive. It can take someone a long time to successfully complete a program because relapses in drug programs are a constant fight.

\begin{flushleft}
\textsuperscript{151} Interview with Bernard Rochford, Executive Vice President of Administrative Services and Business Relations, Oriana House in Akron, Oh. (Sept. 16, 2016).
\textsuperscript{152} Id.
\textsuperscript{153} OHIO REV. CODE ANN. § 2925.11 (LexisNexis 2016).
\textsuperscript{154} See Appendix I for a copy of the Immunity Hearing Requirement Form.
\textsuperscript{155} Conversation that I had with different Akron Police Officers while working at the City of Akron Prosecutor’s Office while discussing the positive and negatives of having to carry Narcan.
\end{flushleft}
With regards to the number of immunities granted, Mr. Morgan believes that the law will change in the future.\textsuperscript{156} He guesses that in the near future, the pendulum will swing either to the right and the law will be discontinued, or the pendulum will swing to the left and the law will broaden.\textsuperscript{157} For example, people will receive their two immunities per year, not for their entire life as it is presently.\textsuperscript{158} He said right now, the law only affects a small population because of the limits on qualified individuals.\textsuperscript{159} The law doesn’t apply to people on parole or probation, which narrows down the number of people.\textsuperscript{160} Ms. Bloom stated that the opiate problem is much bigger than the legislation probably understood.\textsuperscript{161} She realizes that the idea of immunity is controversial but the bill is much too limited.\textsuperscript{162} She stated that the legislation missed an opportunity to do something better.\textsuperscript{163}

In order for someone to go to treatment, someone has to pay. Whether that payment is from out-of-pocket or insurance, most people don’t have the money to afford drug rehabilitation therapy. The question for the legislature then, is if the court is willing to provide some sort of voucher for individuals who need to seek treatment in order to avoid prosecution. At the Summit County Prosecutor’s Office, Child Protection Services are required to provide reasonable efforts so that parents will have everything they need.

\begin{footnotes}
\footnotetext[156]{Interview with Craig Morgan, Deputy Chief Prosecutor, City of Akron Prosecutor’s Office, in Akron, Oh. (Nov. 14, 2016).}
\footnotetext[157]{Id.}
\footnotetext[158]{Id.}
\footnotetext[159]{Id.}
\footnotetext[160]{Id.}
\footnotetext[161]{Telephone Interview with Ms. Kari Bloom, Legislative Liaison for the Office of Public Defender (Sept. 20, 2016).}
\footnotetext[162]{Id.}
\footnotetext[163]{Id.}
\end{footnotes}
to complete a case plan to be reunited with their child(ren). The court should treat those who are able to get immunity similarly to the parents involved with Child Protection Services, specifically in regards to the reasonable efforts. Most people do not have access to treatment, and a bus voucher or a voucher to be seen at a treatment center is reasonable. Ms. Bloom believes that funding needs to occur for treatment facilities because rehabilitation is the only remedy.

Mr. Rochford indicated that about twenty-five to fifty percent of people seek treatment. He stated that generally, if someone overdoses, they will receive a referral which allows them to be sent to a counselor. Of those people who actually seek treatment, about fifty percent come in and of that fifty percent only half continue the treatment. Mr. Morgan feels that he does not believe many people will seek the treatment within the thirty day period. The reason for people not going to the treatment is because no one can be forced into treatment. The court, family members, and officers all can say someone has to go, but until someone hits their own rock bottom and sees for themselves that they need help will they go on their own. Ms. Bloom however believes the issue lies elsewhere. Those in rural Ohio, the uninsured, or with no

164 Observations that I made as a Legal Intern with the Summit County Prosecutor’s Office, Juvenile Division, Abuse, Neglect and Dependency Unit.
165 Telephone Interview with Ms. Kari Bloom, Legislative Liaison for the Office of Public Defender (Sept. 20, 2016).
166 Interview with Bernard Rochford, Executive Vice President of Administrative Services and Business Relations, Oriana House in Akron, Oh. (Sept. 16, 2016).
167 Id.
168 Id.
169 Interview with Craig Morgan, Deputy Chief Prosecutor, City of Akron Prosecutor’s Office, in Akron, Oh. (Nov. 14, 2016).
170 Id.
171 Id.
transportation have it harder because treatment is not as available.\textsuperscript{172} She stated that some developed areas have treatment facilities but others, such as Athens, Ohio, do not have enough facilities because the heroin epidemic is so much worse in those areas and they need additional resources.\textsuperscript{173} Mr. Morgan said that Summit County is fortunate because there are a lot of drug-treatment facilities and that people from other counties actually send people here to get treatment.\textsuperscript{174}

The other prong to immunity is that it only applies to minor drug possession. The reality of the issue is that someone could have multiple consequences that make it a risk to call 911 in an overdose situation. Someone who is on parole or probation has the potential of receiving a violation and potentially finishing their sentence.\textsuperscript{175} For example, if someone has a warrant for their arrest on another matter, they will probably not call for help since it is likely that they will end up arrested on that warrant.\textsuperscript{176} Additionally, other consequences could occur, such as child endangerment in which Child Protective Services could be called and open a case. In the case where CSB believes that you have abused, neglected or made a child dependent due to your drug usage, the court can come

\begin{itemize}
\item \textsuperscript{172}Telephone Interview with Ms. Kari Bloom, Legislative Liaison for the Office of Public Defender (Sept. 20, 2016).
\item \textsuperscript{173}Id.
\item \textsuperscript{174}Interview with Craig Morgan, Deputy Chief Prosecutor, City of Akron Prosecutor’s Office, in Akron, Oh. (Nov. 14, 2016).
\item \textsuperscript{176}See e.g. Matt Sledge, \textit{West Jefferson Hospital Heroin Arrest Reveals Holes in ‘Good Samaritan’ Law}, The New Orleans Advocate (May 2, 2015, 5:55 pm), http://www.theadvocate.com/new_orleans/news/article_8ee2484a-17a7-5f99-9bc7-cd60ce370174.html.
\end{itemize}
in and remove a child. Thus, the function of the Good Samaritan law is impeded because victims of drug abuse can and will fear prosecution.

The current procedure being done in Akron, Ohio is called an Immunity Hearing.\textsuperscript{177} This is an informal hearing.\textsuperscript{178} There are no witnesses and it is not held in front of the judge.\textsuperscript{179} The individual who is seeking the immunity meets with the Chief City Prosecutor Gertrude Wilms with their proof of assessment.\textsuperscript{180} If they meet the other qualifications then they will receive their immunity.\textsuperscript{181} If the person doesn’t show up, the Prosecutor’s Office notifies the original officers that the person was a no show. It is then up to that officers’ discretion to proceed with charges.\textsuperscript{182} Mr. Morgan doesn’t believe that many people will seek and obtain the medical assistance for screening that is required.\textsuperscript{183} He believes that most won’t show up to the hearing, and those that do show won’t have received the proper paperwork within that thirty day time frame.\textsuperscript{184} He thinks those that actually show up and have the proper paperwork will still not receive the immunity because they are disqualified due to being on parole or probation.\textsuperscript{185}

\textsuperscript{177} Interview with Craig Morgan, Deputy Chief Prosecutor, City of Akron Prosecutor’s Office, in Akron, Oh. (Nov. 14, 2016).
\textsuperscript{178} Id.
\textsuperscript{179} Id.
\textsuperscript{180} Id.
\textsuperscript{181} Id.
\textsuperscript{182} Id.
\textsuperscript{183} Id.
\textsuperscript{184} Id.
\textsuperscript{185} Id.
Overall the law is a step in the right direction. Mr. Morgan stated first and foremost that he believes drug users belong in treatment.\textsuperscript{186} He endorses the policy but the lack of details is the issue.\textsuperscript{187} There is nothing indicating how to implicate the immunity.\textsuperscript{188} There is a county-by-county disparity.\textsuperscript{189} He believes that this law is a strain on the system and that it could have been written significantly clearer because there was no direction as to how to implement the law, nor was there any funding for that implementation.\textsuperscript{190} Ms. Bloom believes similarly. She stated that the law puts a strain on local enforcement because they have to put into place their own policies.\textsuperscript{191} She stated that the law will unlikely be enforced strictly across the board which hinders the overall affect.\textsuperscript{192} She believes that by not having direction on how to enforce seems like the legislature failed the counties especially because this drug touches so many people.\textsuperscript{193} She stated that the devil lies in the procedural details.\textsuperscript{194} She believes most people will have used up their two immunities by the time it takes to figure out the details.\textsuperscript{195} Mr. Rochford also believes that this law is a step in the right direction.\textsuperscript{196} Similarly, he thinks

\begin{footnotesize}
\begin{enumerate}
\item Interview with Craig Morgan, Deputy Chief Prosecutor, City of Akron Prosecutor’s Office, in Akron, Oh. (Nov. 14, 2016).
\item Id.
\item Id.
\item Id.
\item Id.
\item Telephone Interview with Ms. Kari Bloom, Legislative Liaison for the Office of Public Defender (Sept. 20, 2016).
\item Id.
\item Id.
\item Id.
\item Id.
\item Id.
\item Interview with Bernard Rochford, Executive Vice President of Administrative Services and Business Relations, Oriana House in Akron, Oh (Sept. 16, 2016).
\end{enumerate}
\end{footnotesize}
issues will arise in how to apply the law.\textsuperscript{197} He stated he would eliminate the limitations and focus more upon the treatment requirement.\textsuperscript{198}

Mr. Morgan stated there could have been an easy fix by granting officers immunity from civil liability for arresting someone who should have been granted immunity of the minor drug possession.\textsuperscript{199} Additionally we need to allow the officers to have all the information.\textsuperscript{200} Presently officers do not have the ability to find out who is on probation or parole or who has two strikes and is disqualified from the immunity from county-to-county.\textsuperscript{201} Once everyone has a database where the officers can see Cuyahoga County, Mahoning, Portage etc., then everyone will be on the same page and officers can go on scene knowing who has expended their immunity and won’t charge unnecessarily.\textsuperscript{202} Until that happens, the officers will continue their current practice and the person will be sorted once they arrive for their Immunity Hearing at the Prosecutor’s Office.\textsuperscript{203}

Ms. Bloom believes that the problem lies in who was involved in the decision-making.\textsuperscript{204} She says the lawyers should be taken out of the equation.\textsuperscript{205} She thinks the people who are involved in the day-to-day such as EMT or Medical Staff, should

\begin{itemize}
  \item \textsuperscript{197} Id.
  \item \textsuperscript{198} Id.
  \item \textsuperscript{199} Interview with Craig Morgan, Deputy Chief Prosecutor, City of Akron Prosecutor’s Office, in Akron, Oh. (Nov. 14, 2016).
  \item \textsuperscript{200} Id.
  \item \textsuperscript{201} Id.
  \item \textsuperscript{202} Id.
  \item \textsuperscript{203} Id.
  \item \textsuperscript{204} Telephone Interview with Ms. Kari Bloom, Legislative Liaison for the Office of Public Defender (Sept. 20, 2016).
  \item \textsuperscript{205} Id.
\end{itemize}
discuss what is appropriate. She stated that this was not part of the discussion during the bill but thinks it is something that is necessary because these are the people who in involved in the current situation. Ms. Bloom stated that heroin affects the human brain differently than other drugs. She believes that the legislation needs to have the intent to fix addiction. She stated that people can’t think “immunity coupons.” She stated those in the position to make changes are failing the addictive community by sending users to only seek a referral for treatment because it takes several months to detox from an opiate. It was further recommended by Ms. Bloom that this needs to be taken into account because then nothing more is being done except adding to the vicious cycle of addiction. She wishes that more people knew how much society influences addiction. People won’t get the treatment if they can’t afford it and society should realize that eventually they would be touched by this epidemic in some way, shape or form. It is know that drug users are stealing to continue their addiction or even resorting to prostitution to support their craving. All of these examples are negative but there needs to be a discussion for prevention.
Lieutenant Garro had a bit of a different perspective as far as illegal substances are concerned.\textsuperscript{216} He believes that everything should be legalized.\textsuperscript{217} He stated history has shown us what happens when you make certain substances illegal, specifically alcohol during the prohibition.\textsuperscript{218} He stated that Al Capone was made rich due to the illegality and that is what is happening with the dealers because they are the only ones benefiting.\textsuperscript{219} He also stated that he doesn’t believe forcing someone into treatment is the right answer however if someone doesn’t seek the treatment for the immunity, then they should be given a mandatory addiction treatment.\textsuperscript{220} Mandatory treatment could mean that someone could be locked up and confined to get the help that is needed.\textsuperscript{221} He believes ultimately that educating society, (users, parents, and children) will help but there is no good clear answer to solve this problem.\textsuperscript{222}

\textbf{CONCLUSION}

Obviously there are some benefits to the passing of this law. There have been quite a few lives saved just in Akron, Ohio since the passing of this law according to Mr. Morgan and Lieutenant Garro.\textsuperscript{223} As always, hindsight is twenty-twenty and improvements could be made. One of these improvements is to not have the limitations

\textsuperscript{216} Telephone Interview with Lieutenant David Garro, Commander, Narcotics, Akron Police Department (Nov. 25, 2016).
\textsuperscript{217} \textit{Id.}
\textsuperscript{218} \textit{Id.}
\textsuperscript{219} \textit{Id.}
\textsuperscript{220} \textit{Id.}
\textsuperscript{221} \textit{Id.}
\textsuperscript{222} \textit{Id.}
\textsuperscript{223} Interview with Craig Morgan, Deputy Chief Prosecutor, City of Akron Prosecutor’s Office, in Akron, Oh. (Nov. 14, 2016) ; Telephone Interview with Lieutenant David Garro, Commander, Narcotics, Akron Police Department (Nov. 25, 2016).
or the prerequisites. The reasoning for limiting the people to two immunities is understandable; the legislature didn’t want people taking advantage of the system.

However, it is well known that people in treatment will not be successful on the first, second or even third attempt at sobriety.\textsuperscript{224} Society should understand simply because trying to quit a habit is difficult. For example, even dieters have cheat days and people who observe Lent indulge when they are not supposed to.\textsuperscript{225} Relapse is inevitable especially with something as addictive as heroin. Because of the addictive quality of the drugs being used and the intention of trying to save lives, the law should not have the two-immunity limitation.

The prerequisite of parole or probation should also be taken out. Instead the person should be granted immunity for the minor drug possession, but the officers should alert that person’s parole or probation officer. This would allow the person to either stay on track with the parole or probation officer, or in most cases, would violate parole or probation. If the person violates, then they are most likely going to be back in front of the judge for that issue instead of dealing with this petty misdemeanor offense.\textsuperscript{226}


\textsuperscript{225}Lent is a season of forty days, not counting Sundays, which begins on Ash Wednesday and ends on Holy Saturday. In Lent, many Christians commit to fasting or giving up certain types of luxuries as a form of penance.

\textsuperscript{226}See OHIO REV. CODE ANN. § 5120:1-1-17 (LexisNexis 2016); OHIO REV. CODE ANN. § 2959 (LexisNexis 2016).
If the law does not change in that regard, then giving civil immunity to the officers would be the next best thing. It would be unfair to hold an officer accountable for pursuing charges against someone when that officer does not have all the information available to him or her. There is no statewide database telling officers who has immunity or who is on parole or probation. Until this is fixed, it is acceptable for officers to pursue a charge. It is better to be safe than sorry when it comes to something as dangerous as heroin.

The last thing that should be addressed is the doctors. Prescriptions for opiates due to pain medication are frequent and are more or less available to anyone who wants it. Those who have back pain or knee pain can walk into a doctor’s office and ask for pain medication (Oxycodone, Hydrocodone) for their chronic pain without any sort of documentation. When that medication is no longer prescribed, that person can doctor shop and find someone else to prescribe it. The real issue when it comes to the heroin

---

227 Compare SARRA L. HEEDEN ET. AL., BEHAVIORAL HEALTH TRENDS IN THE UNITED STATES; RESULTS FROM THE 2014 NATIONAL SURVEY ON DRUG USE AND HEALTH, SAMHSA (last visited Dec. 19, 2016) https://www.samhsa.gov/data/sites/default/files/NSDUH-FRR1-2014/NSDUH-FRR1-2014.pdf (4.3 Million current nonmedical users of pain relievers) with Dr. Sanjay Gupta, Doctors must lead us out of our opioid abuse epidemic, CNN (June 2, 2016, 1:54 PM), http://www.cnn.com/2016/05/11/health/sanjay-gupta-prescription-addiction-doctors-must-lead/ (As of 2011, 75% of the world's opioid prescription drugs are prescribed and swallowed up in a country that makes up less than 5% of the world's population. (Too many doctors who didn't actually believe the hyperbole of opioid dependence doled out long-term prescriptions).

epidemic is preventing these doctors from giving out these medications as if they were candy. Additionally, once someone becomes addicted to the pain medication, there is nothing that the doctors give to help someone wean off the drug safely. Because of this, most people will look for pain medication on the street, in the form of heroin. There needs to be better laws passed controlling the amount of medication being obtained legally from doctors’ offices as well as something stating that once prescribed, doctors must allow for prescription drug rehabilitation.

---

229 See also Aaron Glantz, Opiates handed out like candy to ‘doped-up’ veterans at Wisconsin VA, The Center for Investigative Reporting (Jan. 8, 2016), https://www.revealnews.org/article-legacy/opiates-handed-out-like-candy-to-doped-up-veterans-at-wisconsin-va/ (Doctors at the U.S. Department of Veterans Affairs medical center in Tomah, Wisconsin, hand out so many narcotic painkillers that some veterans have taken to calling the place “Candy Land.” The hospital’s chief of staff, psychiatrist Dr. David Houlihan, the “Candy Man.”; ’Des Bieler, Calvin Johnson says painkillers were handed out ‘like candy’ to NFL players, THE WASHINGTON POST (July 6, 2016), https://www.washingtonpost.com/news/early-lead/wp/2016/07/06/calvin-johnson-says-painkillers-were-handed-out-like-candy-to-nfl-players/?utm_term=.80f7adb3c71e (NFL player Calvin Johnson talks about how the doctors, the team doctors and trainers give out opioids as if they were candy. He said it was nothing to get them, if you needed Vicodin you would call out that your ankle hurt and they were readily available).

230 Natural and semisynthetic opioids, which include the most commonly prescribed opioid pain relievers, oxycodone and hydrocodone, continue to be involved in more overdose deaths than any other opioid type; See Morbidity and Mortality Weekly Report (MMWR) CENTERS FOR DISEASE CONTROL AND PREVENTION. (Jan. 1, 2016) http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6450a3.htm.

APPENDIX I
IMMUNITY HEARING REQUIREMENT FORM

STATE OF OHIO
COUNTY OF SUMMIT

CITY OF VS

DEFENDANT'S NAME LAST FIRST MIDDLE

ADDRESS STREET CITY STATE ZIP

SEX AGE RACE HT WT HAIR EYES CITIZENS

DOB (M/D/Y) OPERATOR'S LICENSE - STATE PHONE 

BIRTH PLACE MARITAL STATUS OCCUPATION EMPLOYED BY

W/W CHECKS - LOCAL LEADS/NICC BY OFFICER ID

W/W HITS LOCAL YES NO LEADS/NICC YES NO

W/W HITS CONFIRMED UNABLE TO COPIE

CHARGE POTENTIAL POSSESSION OF DRUGS, CODE OHIO REVISED CODE 2925.11

THE UNDERSIGNED SWEARS THAT THE ABOVE NAMED DEFENDANT ON
THE __ DAY OF __ YEAR ______ AT __ O'CLOCK ___ M
AT (LOCATION) ______

DID: (NARRATIVE - BE SPECIFIC) - ACCIDENT

I swear that the above Statement is correct and true to the best of my knowledge and belief

Officer's name / ID No. (PLEASE PRINT) Officer's Signature / ID No

Sworn to and subscribed before, the undersigned authority, this ___ day of ______, in the year of ______

Deputy Clerk of Court or Money Public

APPEARANCE REQUIREMENT

YOU ARE REQUIRED AND ORDERED TO APPEAR AT: ROOM 740 THE AKRON MUNICIPAL COURT, 217 HIGH ST., AKRON, OH 44308 IF YOU FAIL TO APPEAR AS DIRECTED, YOU MAY BE ARRESTED. PURSUANT TO OHIO REVISED CODE
SECTION 2925.11 YOU ARE HEREBY REQUESTED TO PROVIDE WITHIN THIRTY DAYS OF THE DAY OF THIS SUMMONS, PROOF YOU HAVE OBTAINED A SCREENING AND RECEIVED A REFERRAL FOR TREATMENT FROM A PROPERLY CREDENTIALED ADDICTION TREATMENT PROFESSIONAL. FAILURE TO PROVIDE THIS DOCUMENTATION WITHIN THE SPECIFIED TIME FRAME MAY RESULT IN ARREST AND PROSECUTION FOR OBTAINING, POSSESING OR USING A CONTROLLED SUBSTANCE.

OFFENDER________________________________________

COMPLAINANT______________________________________
(If other than officer) PRINT

ADDRESS__________________________________________

IMMUNITY DEADLINE AND APPEARANCE DATE (M/D/Y) TIME

RESIDENTS OF SUMMIT COUNTY OHIO MAY CONTACT THE ADM CENTRAL ASSESSMENT AND DROP-IN CENTER AT 15 FREDERICK AVENUE IN AKRON (330) 996-7730 FOR A SCREENING AND REFERRAL

COURT LIAISON COPY