

Feds Threaten Jail for Opening a Supervised Injection Site in America

BY: [Mattie Quinn](#) | December 10, 2018

SPEED READ:

- **Several cities are seeking to open the country's first supervised injection site as a way to combat the opioid crisis.**
- **The federal government issued its first letter to one of them, warning Denver officials that they could be incarcerated if they help open and run one.**
- **Studies show that supervised injection sites reduce drug overdoses without increasing drug use or crime in a community.**
- **After receiving the feds' letter, Denver is "moving forward" anyway.**

With opioids killing [more than 115](#) people a day, cities across the country have been toying with the idea of opening a supervised injection clinic for the past couple of years. That is, a place where people can safely use their own illegal drugs under the watchful eye of a medical professional who steers them toward social services like drug and mental health treatment.

These clinics currently only exist in foreign countries -- our neighbor to the north as well as Australia and Europe. Dozens of [studies](#) have shown that they reduce overdoses without increasing drug use or crime in the community.

The federal government recently weighed in on the matter for the first official time, issuing the city of Denver a stern rebuke over its plans to open one next year.

A [joint letter](#) from the U.S. Attorney's office and the Denver field office of the Drug Enforcement Administration warned the city last week against moving forward with its plan. The letter stressed that such a facility is technically illegal under federal law.

"Just like so-called crack houses, these facilities will attract drug dealers, sexual predators, and other criminals, ultimately destroying the surrounding community," the letter read. "More importantly, the government-sanctioned operation of these facilities serves only to normalize serious drug usage."

The letter threatens "criminal fines, civil monetary penalties up to \$250,000, and imprisonment up to 20 years in jail for anyone that knowingly opens, leases, rents, maintains, or anyone that manages or controls and knowingly and intentionally makes available such premises for use."

That isn't stopping city officials.

"We're moving forward, maybe even with more vigor," says Denver City Councilmember Albus Brooks. "Drug users are not the enemy. They are people dealing with a sickness. When I had cancer, people gave me a lot of sympathy, and we should show these people the same sympathy."

Philadelphia, one of the other cities pursuing a safe injection clinic, is similarly defiant. After Deputy Attorney General Rod Rosenstein [told NPR](#) this year that people involved in running one are "vulnerable to civil and criminal enforcement," Ed Rendell, a former governor of Pennsylvania leading the effort to open one there, said, "They can come and arrest me first."

But even before the feds' warning, the lack of federal support -- and clues from the Trump administration that supervised injection clinics wouldn't be tolerated -- halted some cities' plans. Outgoing Attorney General Jeff Sessions sent out a memo in 2017 encouraging prosecutors to go after "serious drug offenses." He also rescinded an Obama-era policy that urged lax enforcement of federal law in regards to marijuana.

"I'm not one to shy away from a fight, but we need further guidance from the feds if we're going to proceed with this," then-Baltimore Health Commissioner Leana Wen [told Governing](#) in 2017.

Reports indicated that 2018 would be the year that the first supervised injection clinic opened in the United States, with Philadelphia, [San Francisco](#) and Seattle coming close. But the cities keep setting targets and missing them. Aside from the lack of federal support, city officials have had difficulties finding a host location, getting communities on board and securing a nonprofit partner to run the site.

And pushback isn't just coming from the Trump administration. States aren't on board either.

The Colorado General Assembly [rejected](#) a bill earlier this year that would have legalized Denver's efforts under state law. Despite that, Denver city officials [passed a measure](#) late last month to open a safe injection site -- though Councilmember Brooks says they'll still need state approval. In California, Gov. Jerry Brown, a Democrat, [vetoed a similar bill](#) in September. Brown said, "Enabling illegal and destructive drug use will never work." Nevertheless, San Francisco officials say they plan on moving forward.

"Continuing with the status quo and just hoping that things will get better is not an option," said San Francisco Mayor London Breed [after the governor's veto](#).

In the meantime, Brooks has led local officials on trips to supervised injection sites in Vancouver, British Columbia, and Barcelona, hoping to win over more support for them. While he doesn't think the clinics would solve the opioid crisis, he's confident they would be one piece in an overall strategy to reduce fatal overdoses and get more people in treatment.

"This provides us a path forward," he says.

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