

Dear Members of House Judiciary,

I am writing to talk to you about HB23-1167, concerning persons who report emergency overdose events in good faith. My name is Allyson, and while I am a licensed mental health professional, I want to talk today as a loved one of someone who lost their life to addiction, and how his life could have been saved if others were supported in choosing his wellbeing over their own fear of punishment and incarceration due to substance use.

I moved here in 2006 with my fiancé, Chris. Chris had a beautiful personality and a light that drew others to him—he made friends quickly and those friendships ran deep. Over the next three years, I pursued my career, but he struggled with figuring out what he wanted to do; back east, finding a job was never difficult due to all of the connections that he made, however that did not translate in the same way in Colorado.

At first, his substance use was social and recreational with the people he worked with—the "friends" he made largely developed through this use, to the point where he would receive drugs as gifts for birthdays and holidays. As my own parents struggled with addiction, I tried to meet him where he was while also encouraging him to get help.

I thought it was working. It wasn't.

He started spending more and more time with other users without me knowing; leaving in the middle of the night and coming back before I woke up. Electronics started disappearing, then the inheritance I received from my father's passing. At that point, I couldn't bring myself to press charges as I didn't want to "ruin" his life. Instead I tried to control him as much as I could to reduce the access he had, as he began turning to harder drugs.

I thought it was working. It wasn't.

Little did I know that pressing charges would have been the best thing for the both of us, as he died less than a week later.

At the time, we lived at 8th & Albion Street in Denver, before Trader Joe's and directly across the street from THREE hospitals. That morning in April 2009 still haunts me—I was angry and depressed that Chris had not come home and that once again, I could not get ahold of him. He had found the money I had hid. Suddenly our onsite property manager, with whom we both had a great relationship with, let herself into our apartment, not knowing I was there. Seeing me, she yelled "you have to come now, Chris is dying!"

Chris had been in the apartment building directly behind us and was suffering from a brain aneurysm brought on by an overdose. He was with 4-5 other people, NONE of whom had called 911. Instead, they waited. Why? Because they needed to clean up the apartment, ridding any trace of the drugs they had been using for the entire night. By the time 911 was called, all but one person had left, and Chris was brain dead, laying on the floor of a bathroom. Nobody deserves that.

I will never forgive those people-who I never met-for their selfishness. Yet, I now understand and can empathize with the fear they felt of being caught with illegal drugs, and of being labeled, suffering from drug related stigma. At the time, it would've been a crime to possess the substances they were using. Ineffective drug policy created stigma around drug use, in addition to a broken justice system that treats individuals struggling with addiction like criminals, and it is through policy that we can make changes and save the lives of our loved ones and heal our communities. I feel for those that he was with, as I know that I am not the only one who carries that trauma still. But for them, did that trauma lead them to use more? Did any of them lose their lives the same way Chris did, turning to harder and harder drugs to soothe the emotional pain they likely already felt before they watched someone die? If so, were they left alone by someone else who was afraid?

By voting yes on this bill we can save not only the lives of those who may overdose, but also those who become more at risk for overdose themselves due to not only witnessing such a traumatic event, but the inevitable guilt and shame for the choice they felt they had to make. While I made it out the other end eventually, it was a long and difficult road for me to get my life back on track after losing someone I loved so very deeply. I dedicated my career to him. I would've loved to see what Chris could have done with his life, had he not lost it at 27. Thank you for your time.

Sincerely,  
Allyson N. Drayton, LPC



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Date: February 21, 2023

Re: HB 1167 - Reporting of Emergency Overdose Events

Position: SUPPORT

To: House Judiciary Committee

Dear Distinguished Members of the Committee,

Thank you for the opportunity to testify today in support of HB 1167, which would extend immunity from arrest and prosecution for simple possession and drug sharing to people who report an emergency overdose in good faith. I am here to represent myself, as a career law enforcement professional, and as a speaker for the Law Enforcement Action Partnership (LEAP).

LEAP is a nonprofit group of police, prosecutors, judges, and other criminal justice professionals who speak from firsthand experience. Our mission is to make communities safer by focusing law enforcement resources on the greatest threats to public safety, working toward healing police-community relations, and addressing the root causes of crime.

As law enforcement, it is our duty, first and foremost, to save lives. The high mortality rates from drug overdose has been a devastating crisis throughout this country, and specifically in Colorado, which had the [29th-highest rate of overdose deaths in 2020](#). The fear of arrest for involvement in drug activity when reporting an overdose-related emergency causes unnecessary deaths. First responders can only administer life-saving care when emergency overdose calls are made.

As you know, Colorado's Good Samaritan law has been crucial to reducing fatal overdoses. To increase the likelihood that people who witness an overdose will call 911, this law shields them from prosecution for drug-related offenses. However, the current fentanyl accountability bill establishes criminal penalties for possession of under 4 grams of fentanyl, neglecting to cross reference the Good Samaritan law. This oversight deters people from calling 911 in cases of overdose. Presenting

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*Formerly known as Law Enforcement Against Prohibition*

criminal penalties and felony prosecution as possible consequences for people who call the police to report an overdose effectively reverses the Good Samaritan law. It undermines public safety and further damages police-community relations.

HB 1167 would correct the current law by effectively restoring immunity for simple possession, and it would add immunity for drug sharing. This bill would create an affirmative defense to prosecution for unlawful distribution, manufacturing, dispensing, or sale of a material, compound, mixture, or preparation that weighs not more than 4 grams for those who comply with the requirements of the Good Samaritan law. I understand the need for accountability in our fight to reduce the damage that drugs have inflicted upon our state. However, we must not allow our pursuit of accountability to come at the expense of human life. The proposed bill would significantly increase our capacity, as first responders, to prevent overdose deaths.

Instituting Good Samaritan protections for those who call 911 to report an overdose is an effective approach to reducing, and ultimately ending, drug overdose deaths. HB 1167 would uphold immunity for those who report overdose in good faith, and build trust between law enforcement and their communities. To save lives, we must ensure our laws protect, rather than punish, those who report a life-threatening overdose to our emergency responders and law enforcement.

Thank you for your consideration and your dedication to stopping overdose in Colorado.

Respectfully,

Officer Bryan P. Rose (Fmr.)  
Irving Police Department, TX  
Speaker, The Law Enforcement Action Partnership