



**CITY OF
CHARLESTON, WEST VIRGINIA
POLICE DEPARTMENT**

P. O. BOX 2749
CHARLESTON, WEST VIRGINIA 25330



January 12, 2021

Investigation into SOAR – Solutions Oriented Addiction Response – Needle Distribution

Summary

In mid-October, 2020 the Charleston Police Department was made aware of alleged violations of City Ordinance Sec. 78-381, distribution of needles without all licenses required by state law or approval from the Chief of Police. This investigation also included violation of West Virginia State law, specifically the drug paraphernalia violation described in 60A-4-403(a). A close examination by attorneys within the City of Charleston and the Kanawha County Prosecutor's Office found the statutory language for their respective code and law violations did not apply as currently written.

Synopsis

After a thorough investigation was conducted by the Charleston Police Department, no charges will be filed against Solutions Oriented Addiction Response for their needle distribution program. After confirming with County Prosecutors and the Charleston City Attorney, it has been determined that no laws were broken during their distribution process.

The Department of Health and Human Resources confirmed that there are no "licenses" from the State of West Virginia required to operate a needle distribution program, therefore the Charleston City Ordinance which requires all necessary license for the State does not apply. In addition, State law only contemplate regulation on "For Profit" entities, not "Not For Profit" groups.

Conclusive Proffer

The Charleston Police Department will continue to uphold our laws and support the constitution. In doing so, I cannot let a loose interpretation of terms bear any semblance of an abuse of authority. The Charleston Police Department's involvement in this medical issue is not to dissuade Harm Reduction programs, but rather to ensure the paramount issue of public safety is not jeopardized. The biohazard created by needle litter, to any degree, is of great concern and it puts Charleston residents and City of Charleston employees at risk. This unnecessary threat to society creates months of lifestyle changes and wellbeing uncertainty when a needle stick occurs. Needle distribution is an issue that requires immediate attention; I will be working with the City Attorney to revise the City Ordinance to properly address the issue.

Respectfully,

A handwritten signature in blue ink, appearing to be "James A. Hunt", with a long horizontal line extending to the right.

James A. "Tyke" Hunt
Chief of Police