

Washington State is currently reckoning with the tension between the social cost of substance use and how to respond to this cost in a just and equitable manner. Deaths from opioid use have doubled in Washington State between 2019 and 2021, from 827 deaths in 2019 to 1619 deaths in 2021.<sup>1</sup> Many Washingtonians have lost friends, families, and loved ones, and demand that public policy address the proliferation of deadly substances in their community. However, Washington State also acknowledges that “racism, discrimination, criminal legal system involvement, and the stigmatization of individuals who use drugs” has led to an “over-representation of people of color in the criminal legal system, further amplifying stigma and racism”<sup>2</sup>. The tension is evident: How can Washington respond to the crisis of substance use overdoses without amplifying the systemic oppression of individuals who use substances? New legislation and funding for pretrial diversion programs present a promising response due to an emphasis on providing a spectrum of recovery services, peer support, and listening to individuals who use substances in order to address their unmet needs. The Recovery Navigator Program (RNP) in Washington embodies an alternative that does not solely rely on the criminal-legal justice system to respond to the deadly impacts of substance use in society, and thus can avoid inequitable and unjust enforcement of drug possession and use laws.

RNP is a result of ESB 5476, which responds to the 2021 Washington State V. Blake decision that declared the current drug possession law in Washington State unconstitutional<sup>3</sup>. RNP provides “behavioral health services to individuals who intersect with police because of simple drug possession [...] [and] serve people who are at risk of arrest, or have already been involved with the criminal legal

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<sup>1</sup> Washington State Department of Health, *Opioid Data*, accessed on January 6<sup>th</sup>, 2024. <https://doh.wa.gov/data-and-statistical-reports/washington-tracking-network-wtn/opioids>.

<sup>2</sup> Washington State Health Care Authority, *State Opioid and Overdose Response (SOOR) Plan*, Accessed January 6, 2024, 2, <https://www.hca.wa.gov/about-hca/programs-and-initiatives/behavioral-health-and-recovery/state-opioid-and-overdose-response-soor-plan#sorp-goals>.

<sup>3</sup> King County, *State v. Blake resources*, accessed January 6<sup>th</sup>, 2024. <https://kingcounty.gov/en/legacy/initiatives/felony-drug-possession-blake-decision>.

system due to unmet behavioral health needs”<sup>4</sup>. RNP exists essentially to connect individuals with or without legal involvement to community resources that would help stabilize their lives, even if sobriety is not their only goal on their journey to meet unmet needs<sup>5</sup>. Some RNP programs are also accepting referrals from friends, family, and other community members<sup>6</sup>, further establishing this program as an effective intervention that exists outside of the court system. More research is needed on the effect of programs like RNP on overdose rates and the impact on reducing incarceration for individuals who use substances and are referred to RNP. However, RNP presents a more ethical option than incarceration and court-ordered treatment, as it addresses the reality that unmet needs are a primary reason why individuals choose to use substances with a high risk of overdose<sup>7</sup>. The emphasis on supporting individuals outside of the criminal legal system also exemplifies the desire for Washington State to avoid the entrenchment of systemic racism and oppression of minority groups that occurred during the war on drugs<sup>8</sup>. Washingtonians should support funding programs like RNP to assist individuals who use substances in avoiding overdoses, addressing unmet needs, and avoiding unnecessary legal involvement that could exacerbate systemic oppression.

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<sup>4</sup> Washington State Health Care Authority, *Recovery Navigator Program Facts Sheet*, accessed January 6, 2024, <https://www.hca.wa.gov/assets/program/recovery-navigator-program-fact-sheet.pdf>.

<sup>5</sup> Washington State Legislature, ESB 5476, 67<sup>th</sup> Legislature, 2021 Regular Session, read 1st time March 24, 2021.

<sup>6</sup> Compass Health, *Recovery Navigator Program*, accessed January 6, 2024, <https://www.compasshealth.org/services/rnp/>.

<sup>7</sup> Teresa Winstead et al., “Unmet Needs, Complex Motivations, and Ideal Care for People Using Fentanyl in Washington State” (Seattle, WA: Addictions, Drug, & Alcohol Institute, 2023), 10-13.

<sup>8</sup> Washington State Health Care Authority, *State Opioid and Overdose Response (SOOR)*, 2.

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