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OFFICE OF THE
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May 20, 2015

Chief Leonard Campanello
Gloucester Police Department
197 Main Street
Gloucester, MA 01930

Via email: LCampanello@gloucester-ma.gov

Dear Chief Campanello:

I have become aware of your proposed drug program through newspaper articles and press releases. It has sparked a tremendous response and you should be commended for raising the level of discussion around the issue of addiction. Your goal of expanding treatment opportunities for drug addicts is laudable.

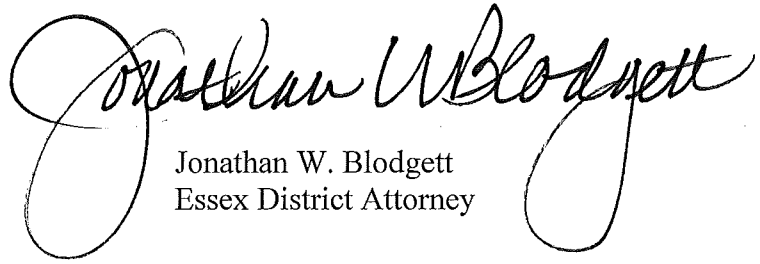
As you are aware, this Office offers pre-complaint Juvenile and Youthful Diversion for eligible nonviolent drug offenders, and post-complaint diversion for eligible candidates with prior records. Since 2007, my Drug Diversion program has expanded access to alternatives to the traditional court process by directly referring both juvenile and adult drug offenders to treatment. Furthermore, the existing Good Samaritan Law, G.L. c. 94C, § 34A, provides that a person, who seeks medical assistance for himself or someone else suffering an overdose, shall not be charged with unlawful possession of a controlled substance.

As District Attorney, I am obligated to inform you that police departments and district attorneys are strictly limited by law with regard to promises or assurances as to whether a person will be charged with a crime. The Supreme Judicial Court has held that there are only two circumstances in which such a promise or assurance validly can be made: (1) by way of an official grant of immunity from a Superior Court judge, following a hearing, and at the request of a prosecutor; or (2) if the promise is made during plea negotiations, after a person has been charged. While we applaud the general idea of your proposal, an explicit promise not to charge a person who unlawfully possesses drugs may amount to a charging promise that you lack legal authority to make, and on which a drug offender may not be able to rely. I offer you this information as you proceed with implementing your program.

Please be aware that we will continue to secure services for drug addicted offenders though the existing legal framework, including our diversion programs. Again, you are to be commended for bringing attention to the disease of addiction. There has long been a shortage of treatment options for drug-addicted individuals, and we all must continue to work to expand

treatment on demand for those who are suffering from addiction. If you have any questions, please contact me directly.

Sincerely,

A handwritten signature in black ink, reading "Jonathan W. Blodgett". The signature is fluid and cursive, with a large initial "J" and a long, sweeping tail on the "t".

Jonathan W. Blodgett
Essex District Attorney