

# Reducing Harm

## *Overdose Prevention in Philadelphia*

### *Educator Guide*

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### Overview

This Educator Guide is designed to assist instructors in teaching this case to students and practitioners. It is based on [case pedagogy](#), which invites participants to put themselves in the shoes of the protagonist(s) of the case and imagine how they would respond to the circumstances. Participants should read the teaching case in advance and identify key issues as a preliminary step toward meeting the learning objectives. Instructors may then use the time in the classroom to guide participants in exploring the issues and examining the challenges in the case; to introduce key concepts, tools, and frameworks; and to assist participants in applying their learning to their own environments and challenges. (See Appendix 1.)

This guide includes learning objectives, a synopsis, key questions, a roadmap for discussion, and appendices with additional pedagogical information and theoretical applications. The roadmap and appendices are offered to initiate meaningful conversation but are by no means the only way to teach the case. Each educator or facilitator should feel free to design their own teaching plans; both the structure and the time allotted for each component are suggestions.

### Learning Objectives

The aims of this case are to help students and practitioners:

- Recognize the need for public leaders to grapple with moral dilemmas from a
  - **Personal perspective** (personal values and identity);
  - **Professional perspective** (role obligations and opportunities); and
  - **Political perspective** (community norms and stakeholder interests).
- Use a conceptual framework to explore the tensions among these perspectives and guide moral reasoning and decision-making for public leaders.
- Deepen their understanding of key concepts in
  - Moral philosophy (deontological vs. consequentialist orientations);
  - Public administration (discretionary authority and role obligations, permissions, and prohibitions); and/or
  - Leadership theory (adaptive leadership and leading change).
- Reflect on their own reasoning and decision-making with regard to prior, current, or anticipated moral dilemmas and leadership challenges.

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## Case Synopsis

In the late 2010s, Philadelphia was the epicenter of the opioid epidemic in the United States. The city's Kensington neighborhood was home to the largest open-air drug market on the east coast and to squalid encampments where people with opioid use disorder lived, injected drugs, and frequently overdosed. Parents forbade their children to play outdoors for fear they would pick up or step on discarded needles. Local librarians administered Narcan on their doorsteps, reversing otherwise fatal reactions. Overdose deaths averaged around three a day. The city's public health and social services were overwhelmed.

Mayor Jim Kenney convened a task force to address the problem, and the group recommended, among other interventions, "comprehensive user engagement sites" to connect those in the grips of opioid addiction to services and health care and, controversially, to provide them a safe, medically supervised environment in which to use illegal intravenous drugs. Though available evidence suggested that supervised injection facilities saved lives and reduced the spread of diseases like AIDS and hepatitis C, the US Department of Justice held that such sites were illegal under the Controlled Substances Act of 1970. With legal challenges guaranteed and resistance anticipated from local communities near any likely proposed site, Kenney's administration and the leaders of Safehouse—the local nonprofit established to run the facility—needed to win both in federal court and in the court of public opinion to become the first official "overdose prevention site" in the US.

The case is designed to help mayors, city leaders, other public executives, and students of public leadership and public policy think through moral leadership challenges and questions about the bases and boundaries of authority, discretion, and legitimate action on controversial topics with highly sensitive moral dimensions.

## Key Questions

1. What constraints did Mayor Kenney face when deciding whether to establish supervised injection sites in the city, and how did he address these?
2. What would be the advantages and disadvantages of opening a supervised injection site?
3. What key factors did Kenney consider? Were there any factors he failed to consider?
4. What alternative actions could he have considered, and what do you think the likely consequences of those actions would have been?

## Roadmap for Discussion

**Introduction** (5 minutes): Briefly state the goal of the session in reference to the case, cite specific major conflicts facing the protagonist, and foreshadow broader learning objectives.

**Exploration** (25-35 minutes): Use class discussion, “buzz groups,” and board work to examine the issues and options confronting the protagonist.

**Diagnosis** (30-40 minutes): Introduce key concepts, frameworks, and tools to help participants pinpoint possible solutions to major conflicts in the case.

**Application** (10-15 minutes, optional): Ask participants to relate the concepts and frameworks to their own organizations’ challenges.

**Wrap-Up and Takeaways** (5-10 minutes): Review the learning objectives and discuss insights most relevant to the participants’ organizations’ challenges.

### **Introduction** (5 minutes)

In your introductory remarks, briefly review the events in the case and frame the primary subject of the session: *How should public leaders understand and respond to policy questions with complex moral dimensions?*

### **Exploration** (25-35 minutes)

Consider the problem Mayor Kenney faced and the different ways he could have responded based on his past actions and statements, perceived constraints within public opinion and the law, and sentiments within his community. Ask participants to provide their initial answers to the questions below in small groups or as a class.

- *What were the advantages and disadvantages of having a nonprofit take responsibility for opening the sites?*  
(For possible responses, see Appendix 2, Board 1.)
- *What alternative approaches could Kenney have considered?*  
(For possible responses, see Appendix 2, Board 2.)
- *How could these different approaches have affected different stakeholders in the community?*

### **Diagnosis** (30-40 minutes)

When we first encounter a case with moral dimensions, we tend to jump immediately to verdicts: So-and-so did this right, this wrong, is blameworthy or praiseworthy for this or that reason, etc. The framework outlined here, however, is meant to provide the foundation for deliberative and thoughtful moral decision-making on the part of public executives.

- *What are the characteristics of a moral dilemma for a public leader?*
  - Different perspectives may be in conflict with one another but must be acknowledged. For example:
    - **Personal** values and identity against the obligations and opportunities associated with their **professional** role
    - **Personal** values and identity against the **political** realities—community and stakeholder expectations and interests—in a particular context
    - **Professional** role obligations and opportunities against **political** realities

The framework is not prescriptive; it does not offer an assessment of which of these conflicting realms of moral duty should “win out” as a public leader weighs heavy choices. It is instead a diagnostic tool for understanding moral decision-making and moral leadership as a function of these three interrelated bases of discernment. These nested, intertwined, and sometimes conflicting bases affect the perceived morality and political legitimacy of public leaders’ choices.

In teaching this case, instructors may—depending on time, curriculum, and audience—choose to focus the conversation on any or all of these realms of moral meaning making, and make use of any of the background theoretical materials mentioned in Appendices 3, 4, and 5.

#### Personal Perspective: One’s Own Values and Identity

Moral agency is generally defined simply as the ability to tell right from wrong and to act within the context of that understanding. But public leaders act as moral agents within a complex “value environment” in which different actors and stakeholders prioritize among the various (moral) values at stake in different ways, at different moments, for different reasons.

Our personal morality is our own sense of right and wrong, stemming from our families of origin and relationships with others, our faith or belief systems, our capacity for empathy, and our personal values. These ideas are not static, but rather evolve over time as we learn about and interact with the world and the people in our lives, and they shape the ways that we self-identify and identify, understand, and engage with others.

#### Questions:

- *What personally held values played a part in Kenney’s actions and statements? Over the course of the case, did you see shifts in his expression of his personal morality?*
- *Did he risk violating his personal morality in the choices he made or contemplated?*

(See Appendix 3 for basic frameworks for a philosophical understanding of moral decision-making.)

Public leaders have to make tough choices fraught with moral consequences all the time, whether or not the public is actively watching and weighing in with passionately held beliefs. Whatever their personal values around a given issue, leaders are expected to use their platforms to balance conflicting values and interests to produce a “satisfactory solution” that conveys the political legitimacy of their choice. Ideally, that solution addresses the issue’s competing substantive and procedural values.

### Professional Perspective: Role Obligations and Opportunities

Public leaders occupy roles that are circumscribed by formal rules and responsibilities that constrain action as a matter of law or policy. They also enjoy certain privileges (e.g., the bully pulpit) that give them a platform from which to survey and explore leadership possibilities. In any given profession, we work within the constraints of a limited number of explicit obligations and prohibitions on our actions and behaviors. We also use our own judgment (discretion) to understand what opportunities and choices our platforms offer. In making moral judgments and evaluating actions, public leaders must consider:

- whether their choices and actions align with the rules they must follow to maintain legitimacy; and
- whether their choices and actions make the best use of the privileges and leadership possibilities available to them.

#### Questions:

- *What were the expectations associated with Kenney's role? Were these primarily limitations or opportunities?*
- *Were there possibilities associated with his role that he overlooked?*
- *Did he challenge expectations associated with his role? If yes, how? If not, could he have? What strategies could he have employed to do so?*

When public leaders exercise discretion in how they use their authority or challenge the authority of state or federal actors, they have a range of options.

(See Appendix 4 for a theoretical discussion of discretionary authority and authority relationships.)

Review the action alternatives for Kenney on Board 2.

- *How could Kenney have reframed his authority to work with others (including those with informal authority in the community) so that his choices acquired public legitimacy?*
- *How and with whom could Kenney have consulted and acted to reach a "satisfactory solution" that aligned with his own moral views (including his moral views about his professional duty to act on behalf of the public)?*

### Political Perspective: Community and Stakeholder Norms and Interests

Understanding the relevant social and cultural norms within one's community—and the communities' expectations of their elected leaders—is critical to making decisions on morally fraught issues. Many of the judgments public leaders make about the tolerances and boundaries of "legitimate" action revolve around the values held by their constituents, the political and social culture of the community, and the institutional norms associated with their offices.

In any community, however, even where one set of values and norms clearly dominates, there are always countercurrents and constituencies embracing other values and behavioral norms, and public leaders have wide discretion to challenge prevailing norms. There is also some room to maneuver in

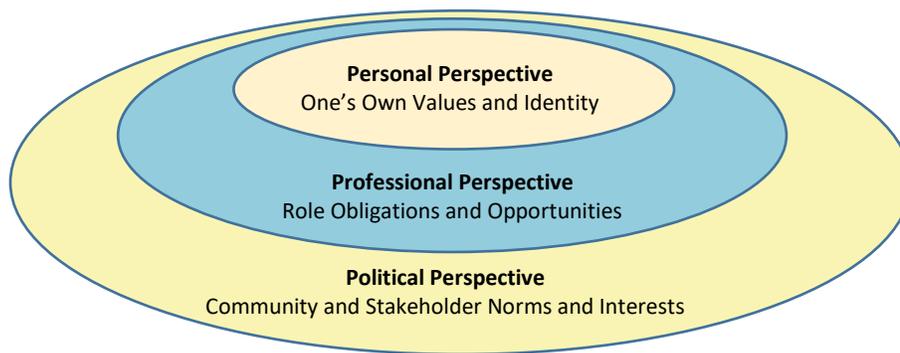
the ambivalence and contradictions in the values, norms, behaviors, and stated positions of individuals and groups.

Public leadership is about weighing competing values, claims, and interests against one another and working with the public to arrive at a satisfactory solution that can hold or acknowledge the various values at stake. It also involves helping those who experience policy choices as a loss come to terms with that sense of loss. This is often called “adaptive leadership.”

(See Appendix 5 for background on the adaptive leadership framework.)

Questions:

- *What institutional, societal, and cultural norms or values were relevant to the question of whether and where to open a supervised injection facility?*
- *How did Kenney’s actions reflect or challenge social norms and community values?*



Review Kenney’s actions and consider whether and where there were mismatches between the three bases of moral reasoning named above and how these mismatches affect the political legitimacy of the mayor’s choices.

- *What moral goals or values was Kenney pursuing through the idea of a supervised injection site? What was he trying to accomplish?*
- *What tactics and strategies, if any, did he use in the effort?*
- *What tradeoffs were associated with the choices he made? How was he balancing competing values, expectations, and norms?*

#### **Application** (optional, 10-15 minutes)

Have students work together in groups or in plenary to apply the concepts and frameworks to their own collaborative challenges.

#### **Wrap-Up and Takeaways** (5-10 minutes)

Discuss insights most relevant to participants’ organizations’ challenges. Takeaways to review after a productive discussion about this case might include the following:

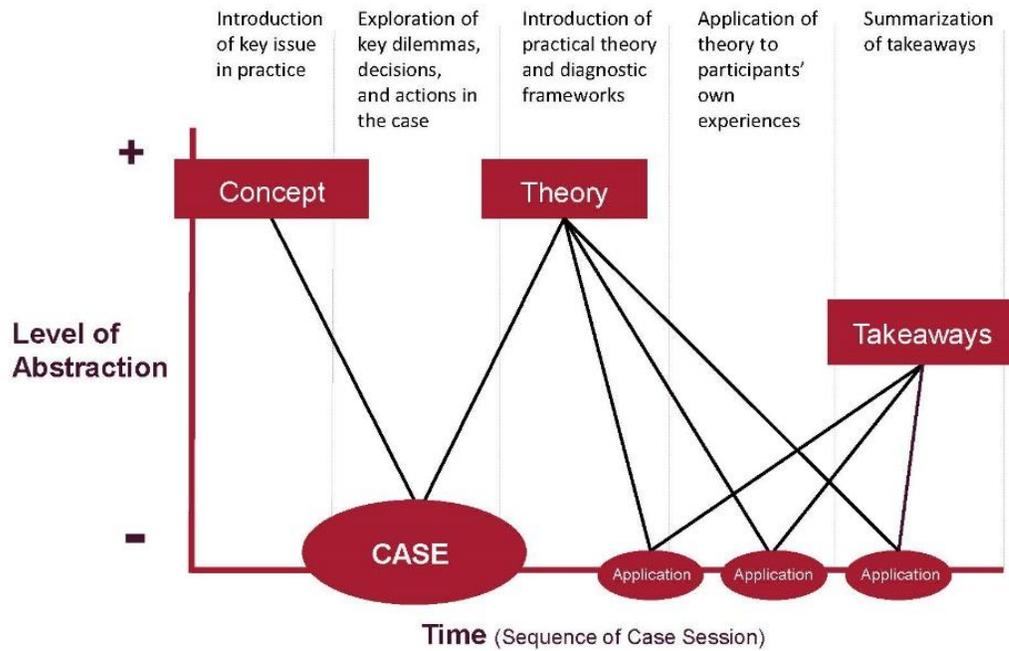
- Public leadership is normative work that requires not only a capacity for moral reasoning and moral leadership, but also an ability to effectively and persuasively communicate the case for moral action to the public.
- Conflicts often arise among the realms of personal values, role expectations and obligations, and community social norms and values, and must be thoughtfully navigated and negotiated.
- Sometimes it is not possible or not sufficient to make the “right” moral choice, and public leaders have to exercise discretion and leadership to help their communities reach a tolerable or satisfactory resolution.

## Appendices

### Appendix 1 Designing a Case Session

#### One Approach to Designing a Case Session

A case session aims to increase participants' ability to use theory and frameworks to guide their thought and action in practical circumstances. To train the mental muscle and integrate theory and practice, a case session moves up and down in level of abstraction frequently, testing and refining abstract theory through practical application.



Jorrit de Jong, 2020

**Appendix 2** Board Plan

Board 1: What were the advantages and disadvantages of having a nonprofit take responsibility for opening the sites?

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>○ Protects the city from lawsuits</li> <li>○ Does not use taxpayer money</li> <li>○ Nonprofit leaders with relevant expertise</li> <li>○ Allows religious freedom defense</li> <li>○ Allows city to focus resources/capacity for support services</li> <li>○ Most expedient way to save lives, a moral imperative</li> <li>○ Etc.</li> </ul>	<ul style="list-style-type: none"> <li>○ Cowardly</li> <li>○ Nonprofit without city’s power to organize community conversation/consensus</li> <li>○ Less perceived legitimacy</li> <li>○ Supervised injection sites are illegal and/or immoral no matter who operates them</li> <li>○ Etc.</li> </ul>

Board 2: What alternative actions could Kenney have taken?

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|--|
| <ul style="list-style-type: none"> <li>○ Focus on other task force recommendations.</li> <li>○ Work more closely with Safehouse on outreach and building trust in the community.</li> <li>○ Make a more compelling moral and practical case for the need for supervised injection sites.</li> <li>○ Focus on the supply side of the problem; arrest drug dealers and traffickers.</li> <li>○ Build more shelters.</li> <li>○ Etc.</li> </ul> |
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**Appendix 3** Moral Philosophy

Broadly speaking, there are two primary philosophical frames that the public and public leaders bring to bear on questions of morality: consequentialism and deontology.

**A consequentialist moral frame** assumes that the morality of an action attaches only to its consequences. Maximizing net positive consequences, usually taken to mean improvements in individuals' material welfare, is the goal. Since it is impossible to know the consequences of a choice before it is made, this frame is too retrospective to offer much guidance, but decision-makers often try to anticipate and estimate consequences in these terms before making important choices.

**A deontological moral frame** involves considering not just the anticipated consequences of choices, but also ideas of individual duties (to act in alignment with personally held moral beliefs) on the part of the decision maker, and individual rights (to life, liberty, and the pursuit of happiness, for example) on the part of those affected by their decisions.

Although these two frames disagree as to the appropriate basis for making moral judgments, few people are "pure" in their application of ideas from one frame or another, and the public routinely holds public leaders accountable for acting in accordance with both.

**Appendix 4** Discretionary Authority

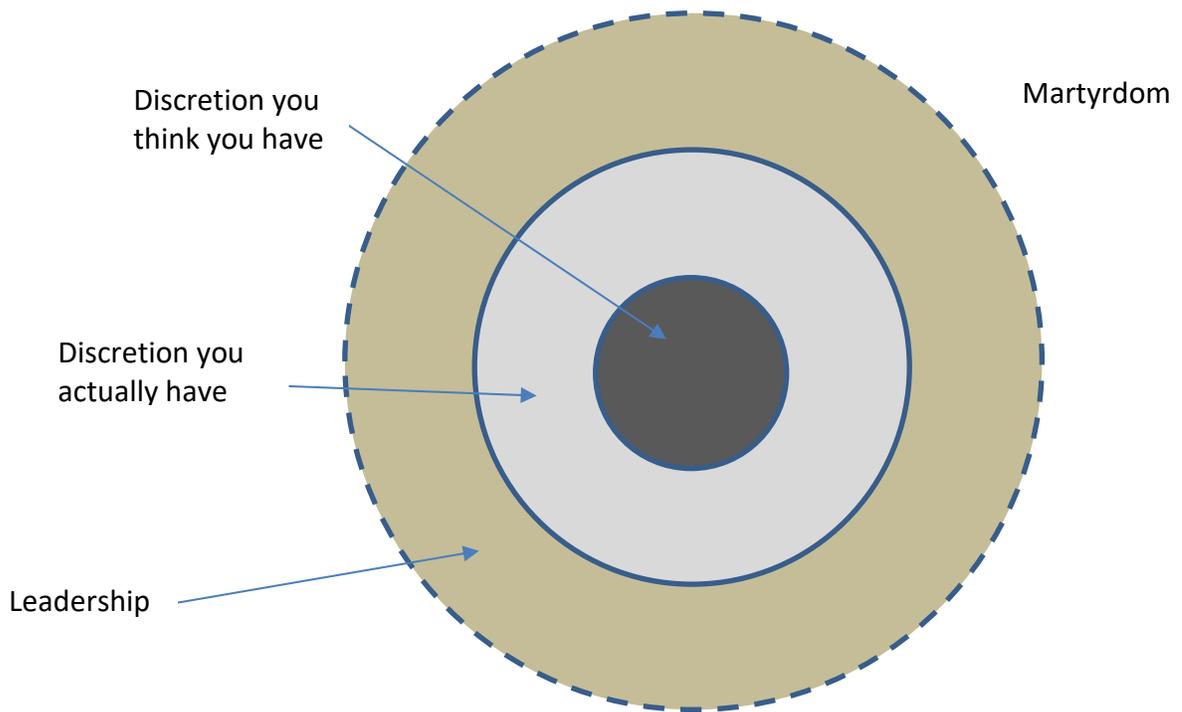
Legal philosopher Ronald Dworkin once compared discretion in the realm of law to the hole in the middle of a doughnut, in that it “does not exist except as an area left open by a surrounding belt of restriction.”<sup>1</sup>

As pictured in the diagram below, it is common for those working in the public sector to imagine that the “belt of restriction” surrounding them is tighter than it is, adhering to “phantom rules” that may not exist in reality. Many times, there is more discretionary space than one might imagine.

Often, beyond that discretionary space there is also opportunity to push for an expansion of permissible or legitimate action. Opportunities for moral leadership live in this space. If a person pushes too fast and too far out into that space, however, they may end up a martyr rather than a leader.

You may use this diagram to explore how Kenney understood and used his discretion.

DWORKIN DOUGHNUT AND “PHANTOM RULES” (Ronald Dworkin, Jorrit de Jong):



**Appendix 5** Adaptive Leadership

A technical problem has existing expert knowledge about how to address it. An adaptive problem has no current, established expertise, or one right answer.

Most problems have both technical and adaptive features. The government can only do so much to address complex, multicausal, social problems. Sometimes the primary role of the government is to give the work back to the people, and to keep passing it back and forth to make progress. A quick technical fix can inhibit progress by cutting off an opportunity to work collectively on a problem.

Mayor Kenney’s dilemma takes place within the context of a larger adaptive leadership problem: an opioid epidemic. Consider his choice in this context:

- *What was the scope of Kenney’s authority for addressing the problem?*
- *How should he have defined the problem? What were the technical aspects? What were the adaptive aspects?*
- *What actions would have helped him make progress in solving the problem?*
- *Whose assistance would he have needed to make progress?*
- *Where could he have found or built additional capacity to address the problem?*

Adaptive Leadership Matrix: Distinguishing technical problems and adaptive challenges

Kind of Challenge	Problem Definition	Solution	Who is Doing the Work?
Technical	Clear	Clear	Authority
<b>Technical and Adaptive</b>	<b>Clear?</b>	<b>Requires Learning</b>	<b>Authority and Stakeholders</b>
Adaptive	Requires Learning	Requires Learning	Stakeholders

From *The Practice of Adaptive Leadership: Tools and Tactics for Changing Your Organization and the World* by Ronald Heifetz, Alexander Grashow, and Marty Linsky, Harvard Business Press, 2010.

## Endnotes

<sup>1</sup> Ronald M. Dworkin, “Is Law a System of Rules?” in *The Philosophy of Law* 52, R.M. Dworkin, ed. 1977.