

State Issue 1: A Safe Harbor for Drug Traffickers and Violent Offenders

Proponents of State Issue 1 claim that the amendment promotes neighborhood safety and drug treatment. As professionals who deal with this issue every day, Ohio prosecutors believe that these assertions are based on a fundamentally flawed understanding of how the justice system treats drug addicted offenders and deals with the illegal drug trade.

1) Undermines Treatment

Claim: The amendment will cut off the “addiction-to-prison” and “probation-to-prison” pipelines allowing drug addicted offenders to receive treatment in their community.

Fact: Most drug addicted offenders already receive treatment in the community. Those who are sent to prison are typically individuals who have multiple convictions or multiple probation violations and for whom community treatment has not worked. For this population, a trip to prison can be beneficial. It can remove addicts from the stressors and triggers that lead to relapse behavior, shock them into complying with treatment, and potentially save lives. The amendment removes this essential tool from the tool belt of those in the justice system who are trying to help people recover. Research and experience clearly demonstrate that without court intervention, including possible incarceration, addicts are less likely to seek treatment. The amendment will cost some addicts their lives.

2) Hinders Prosecution of Drug Traffickers

Claim: The reclassification of drug-possession felonies down to misdemeanors does not apply to drug trafficking offenses.

Fact: The amendment will make it more difficult to prosecute drug traffickers. The proposal may limit the ability to prosecute individuals for possession with intent to distribute and prevent felony charges for traffickers who deliberately deal in small amounts so that they can assert simple possession as a defense. The amendment removes human judgment from decisions about who should receive treatment and who should go to prison. It replaces that judgment with a one-size-fits-all approach to an incredibly complex problem. It will result in misdemeanor convictions for many drug traffickers. Convicted drug traffickers will be eligible for a 25% sentence reduction.

3) Reduces Sentences for Violent Offenders

Claim: The amendment increases public safety by rewarding personal rehabilitation while in prison. It is the intent of the amendment to “ensure that state prison spending is focused on violent and serious offenses.”

Fact: The amendment will result in reduced sentences for violent and non-violent offenders alike. Individuals convicted of human trafficking, aggravated robbery, aggravated burglary, aggravated arson, kidnapping, felonious assault, and other violent offenses will be eligible to have their sentence reduced by as much as 25%. This puts the public’s safety at risk, undermines public confidence in the justice system, and is a disservice to the victims of violent crimes.

4) Overburdens Local Governments

Claim: The amendment will yield at least \$100 million in annual budget savings that will be reinvested in treatment.

Fact: The proposal is another shift of financial responsibility from the state to local government. It is not clear that the savings will be anything other than one-time savings. In year two, and thereafter, once the target population of non-violent drug possession offenders is out of prison, there are no savings to the State. Local governments, however, will remain responsible for the costs of treatment, probation, and jail. California, which adopted a similar proposal in 2014, has realized only a fraction of the savings that they projected there.

5) Shortsighted

Claim: The amendment increases healing.

Fact: The amendment sends the wrong message to young adults about the seriousness of drug abuse. While the amendment is intended to address the current opiate scourge, voters should not lose sight of the fact that it makes possession of drugs like heroin, meth, LSD, cocaine, fentanyl, carfentanil, and the next drug that the illegal drug trade begins trafficking misdemeanors. It places these drugs on par with marijuana. The message to our next generation is that use of these drugs does not carry serious personal consequences. The amendment is a green light to drug abuse that will inevitably destroy more lives.