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House Criminal Justice Committee

Testimony on Substitute Senate Bill 3

December 9, 2020

Chairman Lang, Vice-Chair Plummer, Ranking Member Leland, and members of the Committee,

I am Mike Weinman, a retired Columbus police officer who now serves as director of government affairs for the Fraternal Order of Police of Ohio. Today, I am testifying on behalf of the 25,000 members of the FOP who serve the community's throughout Ohio on the local, state, and federal levels. The FOP opposes SB 3, which is intended to reform Ohio's drug sentencing laws.

SB 3 is being promoted as being tough on drug traffickers and helping those with addiction get the help they need. The bill fails on both of these accounts. The bill moves felony fours and fives to unclassified misdemeanors, and it changes the amount a drug trafficker can possess to get the higher degree felonies. And if they get to these higher degree felonies, they are now eligible for probation under SB 3. The argument has been made that these low to mid-level drug traffickers are only selling narcotics in order to feed their habit, ignoring the wreckage they leave in their wake. Drug traffickers often calculate how much to possess versus how much prison or jail time they are willing to do. SB 3 makes this calculation much easier. With current F-4s and F-5s and below, moving to a maximum of 364 days and removing a felony conviction. The lower penalty will also make it much more challenging for law enforcement to move up the supply chain. Would someone looking at a maximum sentence of 364 days and a nonfelony roll on their supplier?

The FOP predicts the proponents and interested parties of SB 3 will achieve their goal of fewer arrests. Is this something to celebrate? No. The arrests that are occurring now get those who need help into the system. The current system can get them the support they need and lower the stick when it is required. Is the current system perfect? No. It can be challenging to convince some of those who need help that they need help, and treatment options are not always available due to a lack of resources. SB 3 will lower the number of people going into the system and does not increase the number of resources available to those who make it into the system. There is no appropriation in SB 3. For a bill that is supposed to be about treatment this is a terrible omission.

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The FOP supports the concept of treatment and diversion in most cases. However, we believe from experience that it is often necessary to have an inducement for people to participate in treatment. And for many, that inducement is judicial sanctions. Whether it be Drug Court or time in a CBCF, treatment will often be less successful without the stick. The FOP opposes SB 3 and respectfully requests that it be tabled.