

ALLIANCE FOR SAFETY AND JUSTICE



November 8, 2020

Dear Chairman Lang, Vice Chairman Plummer, and members of the House Criminal Justice Committee:

Thank you for the opportunity to weigh in on this important effort. We are proud to support Senate Bill 3 and Ohio state leaders advancing this and other important criminal justice reform proposals.

The Alliance for Safety and Justice (ASJ) is a multi-state organization that aims to advance criminal justice reform and effective approaches to public safety in states across the country. We also bring together diverse crime survivors via our flagship project, Crime Survivors for Safety and Justice, to advance policies that help crime victims and stop cycles of crime. We promote strategies that reduce costly reliance on incarceration, increase trauma recovery services, and build healthy communities.

On behalf of the Alliance for Safety and Justice, we write to urge the timely passage of Senate Bill 3 this session. The bill's current provisions are the result of careful review and numerous rounds of thoughtful revision. The bill as passed reflects 22 months of discussion and debate, 14 hearings and over 50 submissions of testimony. Importantly, to the extent the legislation also benefited from and incorporated the consensus recommendations of the criminal code recodification process, Senate Bill 3 reflects a deeper timeline of consideration and consensus that spans over five years.

There is no more important role of our justice system than promoting public safety. For the past decade, Ohio lawmakers have taken important steps to improve the operation of Ohio's justice system, keep people safe, and make better use of limited public safety resources. Ohio lawmakers have read the evidence and recognized that sending people to state prisons for low-level criminal conduct does not improve public safety. It means worse outcomes for people suffering from behavioral and mental health problems like addiction, and worse outcomes for their families, their communities, and the state budget.

Today, faced with an unprecedented addiction and overdose crisis, the Ohio legislature has an opportunity to continue promoting smarter, best-practice approaches that better support recovery, rehabilitation, and public safety by advancing policies that lower recidivism rates and break the dual cycles of addiction and crime.

Senate Bill 3 represents that smarter approach to addiction that prioritizes real solutions like drug treatment, maintains systems of accountability, and reduces the number of Ohioans subjected to hundreds of lifelong, devastating, and ultimately severely destabilizing consequences of a felony conviction as a result of their addiction.

Over the last two years, stakeholders and legislators have had the opportunity to consider and analyze every aspect of Senate Bill 3's changes.

While prosecutors have suggested that the bill would tie their hands, Senate Bill 3 in fact grants prosecutors enormous flexibility in their ability to charge felony trafficking whenever law enforcement believes that someone possessed drugs other than for their own personal use. Prosecutors will be able to charge possession with the intent to distribute, a new trafficking felony created in Senate Bill 3, whenever they believe someone is in possession of a controlled substance that they intend to give to another person or sell - and this is true regardless of quantity. Many of the scare tactic hypotheticals we see used in opposition to Senate Bill 3 - the person with dozens of small packages of a drug, for example - are in fact heartland cases for this felony trafficking charge.

There has also been concerns about the intersection of Senate Bill 3 and local jails. Over the past several years, numerous states have passed laws reclassifying low-level drug possession from a felony to a misdemeanor and have seen stability or declines - not increases - in local jail populations as the states implemented reclassification. These outcomes hold true regardless of the geography, demographics, or structure of the state: Connecticut, Oklahoma, and California have all seen stability or declines in jail populations in the months and years following the reclassification of drug possession from a felony to a misdemeanor.

Over the last two years, dedicated legislators and a full range of stakeholders from across public health and public safety systems have invested significant time and attention on crafting a bill that will allow for a safer, fairer, and more responsive approach to addiction in Ohio. This is a moment for Ohio legislators to continue the state's tradition of leadership on proven, smarter approaches to criminal justice and public safety problem solving and to pass Senate Bill 3.

We thank you for dedication and ongoing leadership on these issues, and stand ready to support you in any way.

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