



OHIO TRANSFORMATION FUND

FROM **Stephen JohnsonGrove**, OTF Strategy Director

TO **Criminal Justice Committee** of the Ohio House of Representatives
Rep. George Lang, chair

DATE **19 November 2020**

RE **Testimony in support of SB 3**

Pass SB3 to prevent job barriers before they start

Ohioans of every hue and zip code have had to face the sorrow and fear of seeing their loved ones struggle with addiction. All of us long to see our addicted loved ones whole, healed, and positively reconnected to society. But for too long, our out-dated reliance on criminal punishment has compounded the isolation of our addicted neighbors, friends, and family. Excessive incarceration and criminalization have only made addiction more shameful and alienating.

But today, you have a chance to take Ohio in another direction. Senate Bill 3 is a meaningful step toward offering more treatment opportunities to people struggling with addiction. It's an admission, finally, that we recognize that just throwing people in cages doesn't make them better and doesn't make us safer.

Your vote in favor of Senate Bill 3 would redefine most low-quantity drug-possession crimes in the future as misdemeanors instead of felonies. By doing so, **you will help thousands of Ohioans** every year who are already trapped in drug addiction to **avoid the additional life-long trap of hundreds of job barriers**. OTF's grantee partners (including the ACLU of Ohio, the Ohio Organizing Collaborative, Policy Matters Ohio, and the Ohio Justice & Policy Center) and the allied SB3-supporters here today have each given you and your colleagues in the Senate dozens of excellent reasons to vote in favor of Senate Bill 3. It is a modest, careful step in the direction of less incarceration, more public safety, and more recovery from addiction.

Background on OTF

The Ohio Transformation Fund is a collaborative charitable funder of nonprofits in Ohio working toward holistic safety and justice, and an equitable democracy. We were founded in 2015 by a few national and many Ohio-based foundations. With our grantee partners across the state — several of which you have heard from in the SB 3 effort — we seek to reduce the harm of our state's over-reliance on the criminal-punishment system to solve a host of social ills, including drug addiction. You can read more about our work at <https://ohtransformationfund.org>

How SB 3 would prevent job barriers before they start

As you have heard from the ACLU of Ohio (see their [10 Nov. 2020 written testimony](#)), over 2,200 (about 1 in 6) of the people sent to prison in FY2020 were incarcerated simply for drug possession — not trafficking. This is the #1 reason Ohioans have been sent to prison for the past seven years. About half of those coming to prison for drug possession have been convicted for the lowest quantities of possession: those defined as fifth degree felonies.

Of course, those statistics are only for those *sentenced to prison*. Many thousands more Ohioans are convicted of low-quantity felony drug possession every year without going to state prison. (We do not know the simple answer to how many people are convicted of drug possession every year because Ohio, unlike many states, does not have a unified criminal-justice data system.) Though they may avoid the severe damage of prison time, they are sentenced to a lifetime with severely hampered economic opportunity.

As you have learned from Policy Matters Ohio and the Ohio Justice & Policy Center (OJPC) in their [Wasted Assets report](#), there is a dramatic difference between being convicted of a felony versus a misdemeanor. OJPC's "[CIVICC Database](#)" has carefully documented how a felony drug possession offense triggers 675 barriers in Ohio state law, most of which are job-related. But a misdemeanor conviction triggers 288 such barriers. In other words, **if you pass SB 3**, for every one of the thousands of Ohioans who might be charged with *misdemeanor* instead of *felony* drug possession in the future, **you will have helped each of them avoid 387 legal barriers to jobs, housing, and more, for the rest of their lives**. On a statewide scale, Policy Matter Ohio estimates that *all* of these legal barriers to jobs for *all* people with criminal records costs them \$3.4 billion in lost wages. SB 3 will help stem the economic bleeding Ohio suffers from the effect of job barriers triggered by low-quantity drug-possession felonies.

These economic benefits are related to even more important community-health benefits. Policy Matters Ohio has also shown that by allowing people with criminal records to support themselves with better jobs, SB 3 would likely improve their physical and mental health. (See [Health Note: Drug-sentencing reform](#), 25 Jun. 2020.) And by reducing overcrowding in prisons and jails, SB 3 will help reduce the spread of COVID-19 within those institutions and out to the communities surrounding those institutions.

Conclusion: pass SB 3 before time runs out

As you have and will hear from people involved with the Ohio Organizing Collaborative and other grassroots organizations, everyday Ohioans are suffering from our state's continued investment in the failed War on Drugs. The severe criminalization of drugs and those that use them has crushed individual lives, depressed whole communities, and held back Ohio's economy. And for what? Maintaining drug possession as a felony has not made us safer, has not reduced addiction or the overdose crisis, and has not reduced the flow of illegal drugs into this state. Your vote in favor of SB 3 is a major step toward increasing access to healing, preventing life-long job barriers, and improving safety for all Ohioans.