



OHIO ASSOCIATION OF CHIEFS OF POLICE, INC.

Testimony in Opposition to SB3
Chief David Marcelli, Ashland Police Division
President of the Ohio Association of Chiefs of Police

Honorable John Ekland, Chairman
Senate Judiciary Committee
1 Capitol Square
Columbus, Ohio 43215

Chairman Ekland and distinguished committee members,

I would like to first commend you for trying to help current and former addicted drug users. In the past I have worked in juvenile corrections and as an undercover drug agent. In both of these environments I witnessed firsthand the negative impact drug addiction can have on a person's life. However, as proposed, SB3 does more to harm those individuals that the bill is intended to help.

There are two parts of the bill that are particularly problematic for Law Enforcement. The first is the legalization of small amounts of the very substances that have killed so many people. Trafficking investigations often begin with a person in possession of packaging or paraphernalia containing trace amounts of heroin, methamphetamine, and fentanyl. Being able to leverage potential felony charges into information is a valuable tool that investigators may lose if SB 3 is passed. Additionally, there is a possibility that a drug detecting K9's indication will no longer be considered probable cause, if small amounts of these substances are legalized. I can also tell you about two cases in which a person addicted to heroin was found in possession of items containing small amounts of heroin. These individuals could have been arrested. They should have been arrested. They were not taken into custody. Both overdosed within 48 hours of that Law Enforcement contact. While it may not be the best place, jail is often the only place for those addicted to dangerous drugs to start down the path to sobriety. Judges and investigators in Ashland County have received letters from family members of opiate users, thanking them for putting their loved one in jail.

The second part of the bill that poses a serious roadblock to drug enforcement is the reduction of heroin, LSD, cocaine, and other drug possession to unspecified misdemeanors. Ask any narcotics detective anywhere, if you are in possession of 49 doses of heroin, you are a drug dealer. I question the concept that the solution to our state's opiate crisis is to make it easier for traffickers to sell to our citizens. Issue one proponents falsely made it appear that Ohio's prisons were full of non-violent drug users guilty only of being addicted and in possession of drugs.

Please do not believe this falsehood. In most cases, people convicted only of F4 and F5 possession are rarely sentenced to prison.

In 2017 almost 5,000 of our fellow citizens died of opiate overdoses. In that same year Montgomery County had the highest per capita overdose rate in the nation. Ohio was number two in the nation. This bill, rather than reinforce the dangerous nature of these substances and encouraging avoidance, makes them less serious to possess, and easier to sell.

I applaud your efforts to help current and past addicts escape the stigma of addiction and provide them a brighter future. There are ways of doing that, but SB3 is not it. This is little more than a watered down version of Issue 1 that was overwhelmingly voted down by the citizens of Ohio. I urge you to follow their lead and oppose this legislation.

Respectfully,

Chief David Marcelli
Ashland Police Division