



State Senator Nickie J. Antonio District 23

Senate Judiciary Committee
February 12, 2020
Sponsor Testimony SB 271

Good morning, Chair Eklund, Vice Chair Manning, Ranking Member Thomas, and members of the Senate Judiciary Committee. Thank you for this opportunity to provide testimony on Senate Bill 271, Sean's Law. This legislation would direct Ohio jails to establish procedures and protocols for inmates who are found to be at risk of withdrawal from drugs, alcohol and/or benzodiazepines, such as Xanax, Ativan or Valium.

This bill is named for Sean Levert, the third of the 1980s R&B trio LeVert, and son of lead O'Jays singer Eddie Levert. Sean died at the age of 39 years old while incarcerated in a Cuyahoga County jail for failing to pay child support. He died in 2008 from multiple complications and was denied his prescribed medication, Xanax, the entire time he was in the Cuyahoga County Jail.¹

Mr. Levert's life was cut short in one of our state's jails. This legislation seeks to prevent future tragedies such as this. Overwhelmingly, jails have inadvertently become detoxification centers. The National Sheriffs' Association "estimates that at least two-thirds of today's jail population has a drug abuse or dependence problem".²

According to the National Institute of Corrections, almost 47 percent of the inmates who committed suicide while in jail had a history of substance abuse.³ Also, over 38 percent of inmates who committed suicide had a history of mental illness. Of that, almost 20 percent took psychotropic medication to deal with that mental illness.⁴ Even more troubling is that for almost 40 percent of the inmates who committed suicide, there is no information regarding if they took

¹ https://www.cleveland.com/metro/2008/11/post_15.html

² <https://www.npr.org/2019/04/24/716398909/county-jails-struggle-with-a-new-role-as-americas-prime-centers-for-opioid-detox>

³ <https://s3.amazonaws.com/static.nicic.gov/Library/024308.pdf> (page 16)

⁴ <https://s3.amazonaws.com/static.nicic.gov/Library/024308.pdf> (page 17-18)

medication to deal with mental health, a finding that could “relate to the inadequacy of intake screening”.⁵

It is important to have procedures and policies in place in an attempt to safeguard that inmates are not at risk for experiencing fatal complications from withdrawal symptoms in our jails. In our county jails, many detainees are held prior to any charges being filed, or a determination of guilt by a court, and a majority are non-violent offenders.

Sean’s Law would direct DRC to establish procedures and protocols to accomplish the following:

1. Identify inmates who are found to be at risk of withdrawal from drugs, alcohol and/or benzodiazepines, such as Xanax, Ativan and Valium upon arrival at the jail.
2. Require that those inmates who are found to be at risk of withdrawal from benzodiazepines, alcohol, and other addictive drugs to be screened, monitored, and treated and the findings recorded.
3. Those inmates identified at risk to be seen by a psychiatrist within 48 hours of intake (currently 14 days can pass before a detainee is seen). Medical personnel would then prescribe the best practice treatment forward.
4. Develop training requirements for personnel conducting health screenings.
5. Findings to be made available and included in inspection reports.

While I applaud the recent reports reflecting improvements in the compliance reports of our county jails, this past year, it is necessary that we have consistent standards and procedures across the state and that they are codified into law, as well as included in compliance reports for future scrutiny. This is absolutely critical for the health and safety of employees and inmates in jails across all of Ohio, so we may take steps to end tragedies like that experienced by the Levert family.

Thank you for your consideration, and I would be happy to answer any questions the committee may have at this time.

⁵ <https://s3.amazonaws.com/static.nicic.gov/Library/024308.pdf> (page 18)