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To the Residents of Guernsey County:

We feel that Senate Bill 3, which is currently in review with the Senate Judiciary Committee, would enact changes to drug laws that would prove detrimental to Guernsey County and our efforts to combat the drug epidemic we are facing.

While you may hear the proposed legislation referred to as “Drug Law Reform,” opposition to the Bill likens it to the previously defeated Issue 1. We, the opposition, are supportive of expanding treatment options (and funding) to ensure that individuals suffering from a substance abuse disorder can successfully complete treatment, continue their lives, and obtain employment without the stigma of past mistakes. We all are affected by the drug crisis, and we all are invested in finding the right solutions while protecting those who need it the most. As elected leaders in our community, we want to encourage the voting population to take action against Senate Bill 3. Our reasons for opposition are stated below.

- 1) We find that the current proposal will force law enforcement and our courts to be too lenient on many drug cases, not merely select cases where rehabilitation options are in everyone’s best interest.

We must remember that our laws, in most cases, do not mandate a particular sentence – rather they outline a range of allowable sentences which gives the defense, prosecution, and judge appropriate leeway to reach the best solution for a particular case. When laws seek to limit the leeway of those who have been chosen/elected to “sit at the table”, the law can force an overly harsh or inappropriately lenient sentence or plea agreement. The range of allowable sentences is what allows us to create the most appropriate sentence or alternative sentence – a judgement based on the details of a specific case, individual, and community resources, not merely on the charged statute’s classification.

Senate Bill 3 will limit our discretion to use the details of a case to determine the severity of sentence. For instance, the new sentencing guideline would **force** us to give lighter sentences to many drug traffickers.

- Under this bill, a drug trafficker could possess up to 299 doses of heroin or 599 doses of meth and potentially receive probation. Under current law, the same person would be required to serve some time in prison.
- Drug Dealers would also be able to claim up to 49 doses of heroin for personal use and potentially receive misdemeanor probation. Our officials may not always have the ability to charge them with a felony when appropriate.

We need the flexibility both to recommend alternative sentencing when appropriate, and also to incarcerate those who are actively propagating the current drug crisis. Guernsey County cannot act in the best interests of rehabilitation for drug offenders, those most affected by drug trafficking, and our community at large, if elected officials’ hands are tied and they are forced to treat many drug traffickers more leniently – even when it goes against evidence and better judgement.

- 2) We believe the changes asserted in the bill will reduce the odds of drug offenders entering treatment.

Senate Bill 3 undermines treatment. Substance abusers will face few consequences for their actions. Without consequences fewer people will comply with court orders for treatment. Yet court-ordered treatment is the only path to success for many addicts. Drug prevention statistics show that forced treatment is capable of being a motivating factor in rehabilitation. Furthermore, the counselling techniques received during treatment can be tailored to motivate individuals within treatment that did not have motivation to “get clean” prior to court intervention. By reducing consequences and undermining court treatment efforts, we do a great disservice to those who are caught in the cycle of addiction.

- 3) A. Ohio has already undergone changes to increase the use of alternative sentencing and interventions – we need to give these changes the opportunity to continue to positively affect rehabilitation statistics.

B. The more drastic “Drug Law Reform” proposed in Senate Bill 3 mimics laws in other states that have proven to not only be ineffective in rehabilitation, but have been detrimental to crime rates.

In the last three years, the Ohio General Assembly has implemented the “Targeted Community Alternatives to Prison” and extended the availability of the “Intervention in Lieu of Conviction” statute. Now additional legislation is being proposed without having adequately gauged the effects of our most recent endeavors-- both of which expanded treatment and intervention options. It takes time for the effects of this legislation to become apparent, let alone evaluated statistically. Unfortunately, rather than taking time to study how these recent changes are positively/negatively affecting the drug crisis, Ohio and Guernsey County continue to be victims of haphazard adoption of laws – laws that aim to make us feel good for addressing the problem when we have yet to evaluate whether the last law helped or hurt the scenarios we are facing.

In addition to adequate evaluation of: 1) what efforts we have already made 2) how frequently those efforts are being utilized and 3) positive and negative outcomes associated with the new laws, our elected representatives in Columbus need to take stock of the efforts of similar laws that have been passed in other states to address the same issues we are facing. I propose that prior legislative history in Ohio will show that we already have many options to promote alternative sentences to better address drug offenders – all Senate Bill 3 will do is reduce our ability to be tough in the instances where officers of the court and law are intimately familiar with the details of the offender and offense(s), and the officials collaboratively agree that jail is truly the best option (for both the offender and for society). Additionally, if one researches similar laws that have been enacted in other states, it is clear that Senate Bill 3 would only weaken our efforts to combat drug trafficking and fight addiction.

In 2014, a similar law to Senate Bill 3 was adopted in California. Since that time, drug court participation has dropped, overdose death rates have increased, and crime has increased. Ohio should learn from this mistake, not follow its example. There is no evidence that a law reducing

felony possession offenses to misdemeanors works. Our communities need to work together to address the problem, and increase the resources that address the problem. Limiting the discretion of those with the most complete details to individualized situation will cause sentencing to be less effective overall. The legislature needs to learn the correct message from the failure of Issue 1. Drug Law Reform must be a thoughtful and precise process, one that respects the past, evaluates effectiveness of current programing, and builds upon success.

Please join Guernsey County Officials in standing strong against Senate Bill 3. It is my hope that you will take a few minutes out of your day to contact our State Representative and State Senator and voice your concern.

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Unlike Issue 1, we do not have a clear timeline regarding Senate Bill 3. We do not want its passage to be something that is rushed in order to prevent the public from understanding the details and why we feel it is something that would be very detrimental to Guernsey County. Please make the calls as soon as you are able.

Attorney Joel Blue
Guernsey County Prosecutor

Attorney William Ferguson
Cambridge City Law Director

Guernsey County Commissioner Dave Wilson
Guernsey County Commissioner Dave Saft
Guernsey County Commissioner Skip Gardner

Guernsey County Sheriff Jeffrey Paden