

State Issue 1: Undermines Treatment

Claim

Proponents of State Issue 1 claim that the amendment will cut off the “addiction-to-prison” and “probation-to-prison” pipelines, allowing drug addicted offenders to receive treatment in their community.

The Facts

“It is essential to the effectiveness of the over 3,000 drug courts and other treatment courts in the United States, that the criminal justice system retain the authority both to mandate that individuals with substance abuse disorder remain drug free as a condition of supervised release and to respond to violations of that condition with evidence-based behavior modification solutions, including where appropriate, incarceration.”¹

- 1) There is no “addiction-to-prison” or “probation-to-prison” pipeline.
 - Between mid-2016 and mid-2017 there were more than 5,000 overdose deaths in Ohio².
 - In 2017, 47,085 doses of Naloxone were administered by EMS alone.³
 - As of January 2018, only 2,688 people were in prison on a drug possession offense (including F1, F2, F3).⁴
 - A tiny fraction of probation violators and drug possession offenders go to prison. Treatment is the norm.
- 2) Most drug addicted offenders already receive treatment in the community.
 - Ohio law already requires probation and community treatment for most low level drug possession offenders.
 - The small percentage of people who are sent to prison are typically individuals who have multiple convictions or multiple probation violations and for whom community treatment has not worked.
 - For this population, a trip to prison can be beneficial. It often promotes participation in treatment and may save lives.
 - For others, the mere threat of prison can promote treatment in a way that the threat of jail simply cannot.
- 3) Ohio’s Good Samaritan Law, while well intentioned, is a harbinger of problems.
 - Enacted in 2016, the Good Samaritan Law immunizes a person experiencing an overdose, or witnessing the overdose of another, from prosecution for drug possession if they call for help and then agree to seek treatment.
 - Without justice system intervention, most addicted individuals who assert immunity fail to seek treatment.
 - Without justice system intervention, most addicted individuals who assert immunity immediately return to drug abuse.
 - Without justice system intervention, many addicted individuals who assert immunity overdose and some die.
 - State Issue 1 will necessarily limit justice system intervention. It removes an essential tool from the tool belt of those in the justice system who are trying to help people recover.

¹ Commonwealth of Massachusetts v. Julie Eldred, Brief of Amicus Curiae National Association of Drug Court Professionals

² Centers for Disease Control and Prevention, National Vital Statistics System, Provisional Drug Overdose Death Counts

³ Ohio Department of Public Safety, Division of Emergency Medical Services. 76.4% of agencies reported.

⁴ Department of Rehabilitation and Correction, Institution Census, January 2018