



February 26, 2019

Senate President Larry Obhof
Senator John Eklund, Judiciary Committee Chair
Senator Cecil Thomas, Ranking Member
Senate Building, 1 Capitol Square
Columbus, OH 43215

Dear Senate President Obhof, Senator Eklund, and Senator Thomas;

Thank you for your interest in promoting reforms to Ohio's criminal justice system. We are eager to work with you to create policies that significantly reduce incarceration, reduce racial disparities, make Ohio safer, and shift resources from imprisonment to treatment and crime prevention. We are grateful for past efforts at reform and eager to ensure that current efforts result in a more measurable positive effect on these problems. Ample research tells us how best to do this and we cite some of those studies in this letter.

We are deeply grateful that you want to take on this often-heartbreaking problem. As you know, Ohio incarcerates nearly 50,000 people at a cost of \$1.8 billion annually. We lock up a larger share of our neighbors than all but 13 other states and only two states have a higher share of people on probation. The number of incarcerated Ohioans has skyrocketed, tripling since 1980. Our prisons are at 132 percent capacity, making them unsafe for inmates and correctional officers alike. We discuss some of the consequences of over-incarceration for families and communities in the short Policy Matters report called [Literature review: Incarceration hurts communities](#).

This over-incarceration is not making our state safer. Ohio saw 5,111 of our children, siblings, parents and friends die of drug overdoses in 2017 – just one state had a higher rate that year, the most recent for which we have data. The pain of addiction is affecting families in every corner of our state. By reducing incarceration for non-violent offenses, we can free up resources for crime prevention and drug treatment.

Locking up so many of our people hurts our economy and reduces the long-term employment prospects of too many Ohioans. High unemployment rates among formerly incarcerated people hurt not only those aspiring workers but their families and communities as well. Businesses can also face challenges managing addiction among current and prospective employees.

Hundreds of statutes and administrative rules create major hurdles to employment for Ohioans with felony convictions. These collateral sanctions can bar people from getting better jobs or pursuing higher education. See our report [Wasted Assets](#) for more on this problem.

Our research leads us to the conclusion that, in order to make a meaningful difference in Ohio, reforms included in Senate Bill 3 should include the Five Rs:

1. **Reclassification** of minor drug possessions from felonies to misdemeanors. Incarcerating Ohioans who struggle with addiction and saddling them with felony convictions is an expensive drain on resources and does not improve public safety. Drug trafficking is and can remain a felony. Current law ensures that those who sell drugs are charged with

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trafficking. By reclassifying small-quantity drug possession as a misdemeanor, SB 3 would enable those with addiction to access the treatment that can help them become healthy.

2. **Retroactive application** of that reclassification to ensure that communities over-targeted by past drug prosecution be included in the benefits. People previously incarcerated under these provisions should be resentenced or released to community programs. Ohioans who have already served time would benefit from no longer having a felony on their record, increasing their ability to find jobs and contribute to their communities. The drug wars of the past disproportionately targeted African Americans, while today a disproportionate share of users come from white communities. Retroactivity is thus crucial to reducing racial disparities and being fair to people currently or previously struggling with addiction. Reducing incarceration for both groups will make our criminal justice system more effective for all Ohioans, white, black or brown;
3. **Reform the probation-to-prison pipeline** for Ohioans who violate probation in ways that are not crimes. Nearly a quarter of those entering Ohio's prison system, approximately 4,700 people per year, are incarcerated for minor probation violations, a practice that does not improve public safety. This could be remedied by saving reincarceration for those who commit another crime and pose a threat;
4. **Reduction of sentences for offenders who earn them** by participating in education, behavioral, and treatment programming while in prison. Incarcerated Ohioans would emerge from prison better able to work and be part of society if they had more reason to participate in these programs while in prison;
5. **Reemployment for Ohioans who've served their time** by modifying or eliminating statutes and administrative rules that erect major hurdles to job attainment for those with criminal records. When people with records are blocked from jobs, they struggle to support themselves, leaving them more vulnerable to recidivism. That's why reducing the collateral sanctions associated with having served time for a felony should be part of any effort to reform sentencing.

We are encouraged that you, as leaders of Ohio's General Assembly, are addressing this important problem. Overincarceration is costly, both in dollars spent and in lives disrupted. We know that you share our desire to reduce the amount of money we spend to fill our overcrowded prisons. We join you in trying to create more opportunities for drug treatment. And we applaud your desire to help people rejoin the labor market and the economy after they emerge from prison or treatment. We hope to be part of your conversations on this issue as we jointly work toward a safer and more just Ohio.

We are pleased that multiple voices are coming forward with reform proposals. We urge you to start from the standpoint that to be meaningful, reform must substantially reduce our prison population, reduce racial disparities in incarceration, and free up resources for treatment and crime prevention.

Sincerely,

A handwritten signature in black ink, appearing to read "Amy Hanauer".

Amy Hanauer, Executive director

A handwritten signature in black ink, appearing to read "Piet van Lier".

Piet van Lier, Research consultant

cc Members, Senate Judiciary Committee

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