

## Corrections

### **SENTENCING REFORM THROUGH A STRONGER SENATE BILL 3** **PIET VAN LIER**

Ohio spends more than \$1.8 billion a year to keep nearly 50,000 people in prison. Only 13 states have a higher share of people in prison and only two have a higher share on probation. Many people in prison struggle with substance-use disorder. Sometimes drug possession is their only crime. We also have the nation's second-highest overdose rate – 5,111 Ohioans died of drug overdoses in 2017. Focusing on punishment rather than treatment spends too much of our budget on a system that incarcerates too many Ohioans, leaves prisons overcrowded and unsafe for inmates and guards, and damages communities across the state.

Ohio Senate Bill 3 calls for addiction treatment instead of incarceration to Ohioans charged with possession of certain drugs. As introduced, SB 3 would reclassify some low-level drug offenses from felonies to misdemeanors. Our analysis finds this is an important reform that would provide treatment for some Ohioans who would otherwise face prison time.

Exceptions in the bill, however, would exclude many Ohioans who could benefit. It would not apply to fentanyl, drugs laced with fentanyl, or listed drugs that can incapacitate a victim before sexual assault and it excludes those convicted on low-level drug charges more than once in a three-year period. SB 3 also would continue to give local courts wide discretion on sentencing, allowing judges to still send people to prison in many cases. This goes against national guidelines for meaningful sentencing reform. Without better guidance for local courts, experts warn we will still face high incarceration levels, high costs, and low reductions in addiction.

Deeper reform would allow treatment for more Ohioans, an approach that is more effective than locking people up, and will do more to heal our communities. Policy Matters estimates that a more comprehensive approach could redirect \$226 million to be used for treatment instead of incarceration and finds that SB 3 as introduced will save far less.

Policy Matters recommends key principles for meaningful reform, known as the “Five Rs”:

- Reclassify low-level drug possession as a misdemeanor;
- Retroactively apply reclassification to include communities over-targeted by past drug wars;
- Reform the probation-to-prison pipeline for Ohioans who violate probation in ways that are not crimes;
- Reduce sentences for Ohioans who participate in educational, behavioral, and treatment programs;
- Reemploy Ohioans by reducing job barriers for those who've served their time.

Figure 1 shows savings Ohio might see by fully implementing these five principles.

## Real Sentencing Reform Requires



### 1. **Reclassify**

all low-level drug possession as a misdemeanor.

Would redirect **\$58.8 million**

### 2. **Retroactively**

apply reclassification to include communities over-targeted by past drug wars.

### 3. **Reform**

the probation-to-prison pipeline for Ohioans who violate probation in ways that are not crimes.

Would redirect **\$87.9 million**

### 4. **Reduce**

sentences for Ohioans who participate in educational, behavioral and treatment programs in prison.

Would redirect **\$79.4 million**

### 5. **Reemploy**

Ohioans by reducing job barriers for those who've served their time.

Ohio would save **\$226.1 million** that could be reinvested in **our communities.**



Let's make sure **OH Senate Bill 3** leads to real reform.

Learn more at [PolicyMattersOhio.org](http://PolicyMattersOhio.org)