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Opinion

Jillian Boone: Why I am voting 'no' on Issue 1

By Jillian Boone

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Those in favor of Issue 1 are calling it “The Neighborhood Safety, Drug Treatment, and Rehabilitation Amendment.” Ironically, that title sums up why I oppose Issue 1: Its passage would remove the ability of the criminal justice system to hold offenders accountable, to ensure drug addicts commit to their sobriety and to keep neighborhoods safe. I am voting no on Issue 1 on Nov. 6 for several reasons, three of which are set forth below.

First, let me be clear: Many criminal defendants are not bad people. But let me also be clear: Many criminal defendants are not amenable to probation. That’s what judicial discretion is for. The essence of a judge’s job is to weigh all factors and impose sentences on a case-by-case basis.

Issue 1 largely removes that discretion and benefits those who don’t deserve it.

Why do I say that? Because under the current laws, there are diversion programs and expungement provisions that benefit “first-time” felons. There is also a presumption of probation for low-level felony offenses such as drug possession. As the law currently stands, the “getting caught one time is enough for me” offender, who is willing to comply with court orders and basic terms of probation will likely (1) complete a diversion program and never have a felony record or (2) be eligible for expungement.

Moreover, there are judges and drug courts across the state already tackling innovative ways to help those individuals who are serious about getting clean. That’s why I say Issue 1 will only benefit the worst of the worst — the criminal offenders who don’t care about treatment, court orders or hurting themselves or others — because Issue 1 significantly limits a judge’s ability to sentence (and a probation department’s ability to monitor) those defendants who refuse to obey court orders or follow a treatment plan.

As one of our local drug addiction treatment providers told me recently: “If it weren’t for court orders and consequences, none of my patients would ever listen to me or actually follow through with what I recommend.”

Second, Issue 1 cannot be easily fixed. Constitutional amendments don’t have “take-backs.” This isn’t legislation that can be easily repealed or amended. It’s an all or nothing kind of thing. If you disagree with even one part of Issue 1 — whether it be making drug possession offenses misdemeanors, restricting jail and prison sentences for drug offenders, removing the threat of prison for a majority of probation violations or allowing inmates to be released early from prison — you should vote no.

Which brings me to my third point: You are not a bad person or “anti-progress” if you vote no on Issue 1. Please don’t give in to the immediate instinct to politicize and polarize the problem. “You must fall into one of two categories,” some might say. “Either you are in favor of drug treatment and rehabilitation (and vote yes) or you don’t care and want to throw everyone in prison (and vote no).” But it isn’t that simple. You can genuinely value the role of drug treatment and rehabilitation in criminal sentencing and still oppose Issue 1. How do I know? Because I’m doing it.

I don’t believe that every drug user should be sent to prison. But I do believe that sometimes addicts need to hit rock bottom to get serious about their sobriety. I don’t believe all criminal offenders should be sent to prison for every minor probation violation, but I do believe personal accountability is crucial in sentencing and recovery. I don’t believe jails or prisons are ideal “rehab” facilities, but sometimes jail or prison is the only place individuals are safe from hurting themselves or others. While I don’t believe that our criminal justice system is flawless, I do believe our state constitution should be amended with great caution and concern.

So please, don’t let people polarize the issue by making you believe that only the close-minded and ignorant oppose Issue 1. It’s not true. And it’s offensive to those of us who care deeply about our communities, the people we serve and the work we do.

So please don’t settle for the soundbites and media ads. Understand Issue 1, all of it, before voting it into our constitution.

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