

6 MISCONCEPTIONS ABOUT ISSUE 1: DISPELLED & EXPLAINED

By Jillian Boone, Magistrate and Court Administrator, Fairfield County Common Pleas Court

Misconception #1: Issue 1 Is All About Drugs

In reality, Issue 1 does four different things. It (1) makes drug possession offenses misdemeanors; (2) prohibits judges from incarcerating a person for drug possession charges until their third conviction in 24 months; (3) limits a judge's ability to send felons to prison when they violate probation; and (4) gives almost all prisoners the opportunity to earn up to a 25% credit off of their sentence for participating in programming while they're in prison. Now the

first two things are obviously drug-related, but the last two parts—the probation violation and the early release provisions—apply to all levels and types of felonies except for murder, rape, and child molestation. So, while the overall purpose behind Issue 1 is to divert prison money to invest in drug treatment, it's important to know that there's more to it: That half of it actually applies to even the most serious felonies, not just drug offenses.

Misconception #2: Issue 1 Still Lets Judges Put Addicts In Jail

As often is, the devil is in the details, because with Issue 1, it's only after an addict's third drug conviction in a 24-month period that a Judge can impose any kind of a jail sanction. Why is this a big deal? Because it unnecessarily gives that person two opportunities to hurt themselves or others without consequence before the court is able to intervene. Some of you may think, eh, the only person a drug user hurts is themselves so who cares. But you're wrong. You see, while addicts aren't necessarily bad people, they

do need to support their habit. So inevitably, they start stealing from their family or robbing the local convenience store, or selling to others to support their habit. By allowing courts and law enforcement to get involved at the possession stage, it allows us to be proactive... to try to get addicts into treatment before things escalate to these levels and removing incarceration as a sentencing option until it's too late in the game seriously limits our ability to do that.

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Vote No on Issue 1



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Misconception #3: Judges Send Probationers To Prison For Stupid Stuff

Defendants on probation are like cats with 9 lives and it's usually not until a probationer is on his 6th or 7th life that prison is on the table. Because we know there are going to be relapses and setbacks, but as long as a probationer is making a good faith effort to work with us (and not hurt themselves or others), we will work with them. In reality, most probationers are only sent to prison when they continually show a blatant disregard for court orders or pose a threat to others. Issue 1 would prohibit judges from sending these probationers—even those convicted of serious offenses—to prison unless they commit a new crime under supervision. So, even if a probationer uses up 7 of his 9 lives (by doing things like refusing treatment, repeatedly using drugs, cutting off his GPS monitor, contacting the victim, and failing to report all together), Issue 1 will keep him out of prison. In this respect, Issue 1 really benefits the worst of the worst.

Misconception #4: The System Doesn't Care About Treatment

Let me tell you this, I know I can't speak for every county in the state, but I work with really good people at the court and we all recognize that treatment has to be a part of solving this drug problem. We work hand-in-hand with our local treatment providers on a daily basis, and we have a really active drug court and county drug overdose response team. We value treatment and honestly, that's why a lot of us oppose Issue 1 because it removes our ability to incentivize addicts to get that treatment. Getting sober is really difficult and a lot of times jail, prison, or the threat of incarceration is the only way people are willing to even entertain the idea of it. If you take away those incentives and the ability for us to get involved early, then you take away an addict's motivation to get sober. Which brings me to...

Misconception #5: More Money Will Mean More Treatment

Proponents are saying hey, look, Issue 1 will provide a ton of money to treatment providers across the state, but I ask you this: What good will really fancy progressive treatment centers do if we have no way to make people walk in the door? How, when you can't impose jail or threaten prison do you expect addicts to appreciate the seriousness of their addiction or otherwise "hit rock bottom?" Are we just going to hope that they have a spontaneous epiphany before they get a bad hit of something and accidentally overdose or before they decide to start dealing or stealing from their family? That just doesn't seem like a risk worth taking and the reality is this: An empty treatment facility, no matter how well-funded, is still empty.

Misconception #6: It's Not Perfect, But It's Better Than Nothing

Typically, I would agree with this statement, because most of the time, forward progress is better than nothing, but not when it comes to a flawed constitutional amendment.

Let me emphasize that again: Issue 1, all of it, will be put in our constitution.

So before you vote yes, you better 100% agree with 100% of it as written—making drug possession offenses misdemeanors, restricting jail and prison sentences for drug users, removing the threat of prison for a majority of probation violations, and allowing for early release from prison for a majority of felons—because it's an all or nothing kind of thing.