

Ohio Drug Policy

A civil liberties briefing



We can't arrest our way out of this problem.

Over 40 years and 40 million arrests later, the drug war has devastated many communities across the nation. The War on Drugs has been a massive failure, particularly because of its effect on people of color and its growth of mass incarceration.

In the United States, 1.6 million people are arrested, incarcerated, placed under criminal justice supervision, and/or deported each year for a drug law violation. Over 30,000 people are arrested for drug offenses each year in Ohio.¹

Nearly half of all those incarcerated in state prisons are nonviolent offenders,² and nearly half of those offenders are serving time for low-level drug offenses.³

Marijuana Arrests

Marijuana possession arrests accounted for 48 percent of all Ohio drug arrests in 2010 and cost Ohio over \$120 million. Despite similar usage rates, African Americans in Ohio were four times more likely to be arrested for marijuana possession than whites in 2010.⁴ Nationally, there was one marijuana arrest every 37 seconds in 2010, and an African American was over 3.7 times more likely to be arrested for marijuana possession than a white person.

Decrease Overcharging Nonviolent Drug Offenses

Focusing on rehabilitation and decriminalization can reduce the number of low-level, nonviolent drug offenders with *felony convictions*. Racial disparities and incarceration rates (in prisons and jails) can be reduced. Many prosecutors around the country are refusing to prosecute low-level, nonviolent drug offenders in order to focus their attention on more serious offenses.

¹ Drug Policy Alliance, [visited April 28, 2014], <http://www.drugpolicy.org/ohio>

² <https://www.aclu.org/combating-mass-incarceration-facts-0>
³ <http://www.hrw.org/legacy/backgrounders/usa/incarceration/>
⁴ ACLU of Ohio [2013], <http://www.acluohio.org/archives/press-releases/new-report-shows-african-americans-use-marijuana-at-a-rate-similar-to-whites-but-are-four-times-more-likely-to-be-arrested>

We Must Treat This as a Public Health Issue

Locking people up is not the way to address drug use in Ohio. Providing access to treatment can help improve public health. Nationally, nearly 40% of people who wanted drug or alcohol treatment, could not get it due to lack of health insurance or ability to pay.⁵

Ohio is now enrolling people coming out of prison in Medicaid, which will provide treatment coverage. This will help alleviate the costs of incarceration and provide better healthcare access to a population in need.

Medicaid will cover substance abuse treatment along with mental and behavioral health treatment. Research shows that treatment can reduce criminal activity by up to 80% and reduce arrests by up to 64%.⁶ Providing this coverage will help reduce incarceration and recidivism rates for those involved in minor drug offenses.

The Laws in Ohio

Ohio recently enacted a law that expands the list of licensed health professionals, emergency responders, or peace officers who may prescribe or administer naloxone (commonly known as Narcan), a pharmaceutical drug used to counter the effects of an opioid overdose.

Ohio is also considering legislation that authorizes local boards of health to establish syringe exchanges and to provide immunity from criminal liability for those who seek help for either themselves or others when involved in a drug-related medical emergency.

The ACLU of Ohio supports legislation that will broaden the accessibility of potentially lifesaving drug treatments, improve public safety, and reduce the impact of punitive drug policies.

⁵ Drug Policy Alliance, Treatment, <http://www.drugpolicy.org/drug-treatment>

⁶ See ACLU of Ohio, Medicaid Expansion: A Civil Liberties Briefing, http://www.acluohio.org/wp-content/uploads/2014/04/2014_04MedicaidExpansion-ACivilLibertiesBriefing.pdf