

Criminal Justice Issues and Prisoners' Rights

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CLEVELAND The U.S. Constitution and Ohio state law prohibit courts from jailing people for being too poor to pay their legal fines, but in several Ohio counties, local courts are doing it anyway. The ACLU of Ohio today released [*The Outskirts of Hope*](#), a report that chronicles a nearly yearlong investigation into Ohio's debtors prisons and tells the stories of six Ohioans whose lives have been damaged by debtors prison practices.

"Being poor is not a crime in this country," said Rachel Goodman, Staff Attorney at the ACLU Racial Justice Program. "Incarcerating people who cannot afford to pay fines is both unconstitutional and cruel. It takes a tremendous toll on precisely those families already struggling the most."

The law requires that courts hold hearings to determine defendants' financial status before jailing them for failure to pay fines, and defendants must be provided with lawyers for these hearings. If a defendant cannot pay, the court must explore options other than jail.

"Supreme Court precedent and Ohio law make clear that local courts and jails should not function as debtors prisons," said Carl Takei, Staff Attorney at the ACLU National Prison Project. "Yet many mayors' courts and some municipal courts jail people without making any attempt whatsoever to determine whether they can afford to pay their fines."

Beyond the questions of legality, debtors prison practices make no financial sense since courts routinely spend more to jail defendants than they would recover in fines.

"Not only are these courts violating the law, they are actually losing money doing it," said ACLU Director of Communications and Public Policy Mike Brickner. "In every case we profiled for *The Outskirts of Hope*, the county spent more money than it collected to incarcerate people for failure to pay fines. In many cases, it spent more than the defendant owed in the first place."

"These practices are legally prohibited, morally questionable, and financially unsound. Nevertheless, they appear to be alive and well in Ohio," added Brickner. "It's like something out of a Charles Dickens novel."

In conjunction with the release of *The Outskirts of Hope*, the ACLU has sent [letters](#) to seven Ohio courts, calling for an immediate end to these illegal debtors prison practices. In response to a letter sent by the ACLU, the Chief Justice of the Supreme Court of Ohio expressed appreciation for the investigation and indicated interest in meeting to discuss the issue.

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