

Criminal Justice Issues and Prisoners' Rights

<https://www.acluohio.org/en/press-releases/aclu-report-exposes-resurgence-debtors-prisons>

Public Facing Advocacy Writing

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CLEVELAND- Poor defendants are being jailed at increasingly alarming rates for failing to pay legal debts they can never hope to afford, according to a new report released today by the American Civil Liberties Union. The report profiles five states, including Ohio, who are more aggressively going after poor people who have already served their criminal sentences. This undermines re-entry prospects, paving the way back to prison or jail and burdening the public with yet more costs.

ACLU of Ohio Legal Director James L. Hardiman said, Incarcerating people who cannot afford to pay fines is unquestionably unconstitutional, and takes a tremendous toll on our communities. Most of these people are fined for traffic tickets or minor misdemeanors, but end up spending weeks in jail because they cannot afford to pay the fine. In addition to the thousands of dollars that it costs to imprison someone, those people are also less likely to remain employed and may end up incarcerated again.

In one example cited in the report, an Ohio woman was arrested four separate times for failure to pay \$251 in fines and court costs originating from a fourth degree misdemeanor conviction. She served a total of 33 days in jail, more than the maximum sentence she could have received for her original crime. On average, it costs between \$55-70 per day to incarcerate someone in a county jail. As a result, it cost taxpayers over \$1500 in incarceration costs for failure to pay a \$251 fine. This does not include the cost to arrest her four times.

Debtors prisons have routinely been found unconstitutional in Ohio and state law requires that anyone who does not pay a fine have a hearing to determine whether they are able to pay. If they cannot pay, courts must explore other options and cannot imprison them because they cannot afford the fine. However, many mayors courts and some municipal courts continue to incarcerate people who fail to pay a fine without holding a hearing.

While Ohio has some of the strongest court decisions and laws banning debtors prisons, mayors courts continue to operate without necessary due process protections and accountability from the rest of the court system, added Hardiman. In effect, these rogue courts have created two standards of justice one for the rich and one for the poor. That is unacceptable.

The report profiles the stories of residents around the state from Hamilton to Montgomery to Richland counties who were imprisoned because they could not pay fines. In addition to problems with mayors courts, the ACLUs report also calls for increased accountability for municipal court judges, prohibiting debtors prison in juvenile courts, and frequent purging of arrest warrant dockets for individuals who have served sufficient time or were not given full due process when the fines were imposed.

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