

Criminal Justice Issues and Prisoners' Rights

<https://www.acluohio.org/en/news/innocent-until-proven-guilty-not-ohio>

Public Facing Advocacy Writing

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Ever think about what might happen if you get arrested upon suspicion of committing a crime? Our Constitution guarantees we are innocent until proven guilty, right? Perhaps not.

Lets go back to the basics and talk about bail So, what is bail? Bail is supposed to be a means of releasing someone who has been arrested to increase the likelihood they will return for their hearing (though there are different mechanisms for people believed to be a danger to the community). However in current practice, using a bond schedule based on the accused crime disproportionately affects poor people, which often includes people of color. If you have money, you go about your life, prepare for your defense. If you dont have money, you stay in jail, lose your job, your car, your housing, possibly your children... and it often takes months for your hearing to come up. Research has shown even three days in jail can have devastating consequences on someones livelihood, violating the presumption of innocence guaranteed to us by the Constitution.

Ohio Supreme Court Chief Justice Maureen OConner puts it this way:

Advocates for bail reform have convincingly demonstrated that detention based upon the inability to pay can and does have a devastating effect on the poor communities which disproportionately include communities of color. Loss of jobs, homes, support systems, and family stability occur when someone cannot make even the smallest of cash bond. If cash bail is required, it should be set in an amount that the defendant actually has the ability to post. The purpose of bail is not to keep people in jail but to allow release pending resolution of their case. The Constitution demands release without bond unless there is a proven risk of flight or danger to the community, including victims and witnesses. The justice system all too frequently fails to uphold just bail practices. There is now a mandate for judges to examine the use of bail and utilize monetary bail only in appropriate cases. The first recourse must be release on individual recognizance, with or without conditions, as appropriate. [See the whole statement](#)

I was shocked to learn that 1/2 to 2/3 of people in our county jail are there - before being found guilty - because they cannot make bail. This is a travesty for individuals and their families and a burden on taxpayers, [especially as a group right now is deciding how big of a jail we need to build/remodel right here in Cuyahoga County.](#)

Another aspect of our criminal justice system is to require ankle monitors as a condition of release. Better than being in jail? Yes! But still problematic? Absolutely! Cleveland Municipal Court does assume the cost of these pre-trial, but Cuyahoga County courts do not. If this is the condition of your release, you must pay \$56 a week. Even if you are found innocent, *you are still out that money.*

If you feel this policy should be changed, [sign this ACLU petition.](#) to eliminate the costs of GPS monitoring for pretrial defendants in Cuyahoga County! Were calling for a justice system that serves to honor the values of the constitution in theory and practice.

You may also visit our [Northeast Ohio Regional Facebook Group](#) for more information on this topic and connect with other county residents.

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