

ACLU Ohio

Criminal Justice Issues and Prisoners' Rights

<https://www.acluohio.org/en/press-releases/aclu-urges-summit-county-council-reject-pay-stay-jail-policy>

Public Facing Advocacy Writing

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AKRON - Today, the American Civil Liberties Union of Ohio urged members of Summit County Council and Summit County Sheriff Drew Alexander to scrap a proposal to charge inmates at the county jail with booking and housing fees. Under the proposal suggested by Sheriff Alexander, inmates would be charged a \$100 booking fee as well as a nightly fee for housing. County Council previously tabled a similar proposal in 2007 after advocates brought up concerns over charging indigent people with fines, and the cost-effectiveness of the program.

Booking and housing fees are antiquated ideas that belong in Charles Dickens novels not modern-day Ohio, said ACLU of Ohio Legal Director James Hardiman. Not only are these fines unfair and draconian, they could be counter-productive in ensuring the safety of our community. Incarcerated people who re-enter society are less likely to successfully reintegrate with hundreds of dollars in fines hanging over their heads. We want to lessen the odds of people re-offending and burdening our communities, not create new barriers.

While I sympathize with the county leaders desire to adjust to shrinking budgets, pay-to-stay programs would likely cost more money to enforce than they would generate. State law and the federal Constitution require each inmate be provided due process to determine if he or she is indigent. The county would have to expend considerable resources to collect unpaid fines and punish those who do not pay, added Hardiman.

Pay-to-stay programs have come under fire in Ohio in the past. In 2000, a lawsuit was filed against Hamilton County after it began collecting booking fees. The Federal District Court for Southern Ohio found that the county unconstitutionally fined those who had not been convicted of a crime, nor were given due process. The judge ruled the county must refund \$1 million in prisoner fees and create a prisoner education program.

In addition to its letter, the ACLU also enclosed a copy of its report, *In For a Penny: The Rise of Americas New Debtors Prisons*, which profiles the use of pay-to-stay programs in Ohio.

County Council was wise to pass on this idea once before, and I urge them to do so again. They could realize more cost savings by investing in programs like job counseling, mental health treatment, and youth programs that help keep people out of jail in the first place, Hardiman concluded.

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