

Criminal Justice Issues and Prisoners' Rights

<https://www.acluohio.org/en/press-releases/court-takes-swift-action-end-debtors-prison>

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CLEVELAND, OH Today, the Supreme Court of Ohio distributed a new bench card to all of the states judges, giving much needed instructions to avoid the unconstitutional practice of sending people to jail when they owe the court fines and are unable to pay. The card lists the legal alternatives to jail, such as payment plans or forfeiting a drivers license, as well as outlining the procedure for determining someones ability to pay.

These instructions result from [The Outskirts of Hope](#), an ACLU of Ohio report that documented this unconstitutional practice in seven counties, and illustrated how debtors prison ruins lives and costs taxpayers. Courts in Georgia, Washington State, and many other states also use debtors prisons to collect fines. Ohios new bench card is the first of its kind in the country.

In conjunction with the report, the ACLU of Ohio [sent a letter](#) to Ohio Supreme Court Chief Justice Maureen O'Connor asking her to create a clear plan to end debtors prisons in Ohio. [The Chief Justice responded](#) by holding a meeting with the ACLU and creating a plan to draft and distribute new instructions to courts across Ohio.

Debtors prisons are an outdated relic of the past, but have thrived in Ohio. Hopefully, the Supreme Court of Ohios actions today will help ensure that no one else is illegally jailed simply for being poor, said ACLU of Ohio Director of Communications and Public Policy Mike Brickner. Its been over 30 years since the U.S. Supreme Court declared them unconstitutional. It is high time for Ohio to end debtors prisons altogether.

According to the law, courts are required to hold hearings to determine defendants financial status before jailing them for failure to pay fines. If requested, defendants must be provided with counsel for these hearings and the courts cannot jail the defendant if she is unable to pay. Nevertheless, the ACLU of Ohio found clear evidence that courts across the state have been routinely jailing people without regard to whether they could afford to pay their fines.

No longer should there be any confusion about the fact that both U.S. Constitution and state law prohibit courts from jailing people for being too poor to pay their fines, said Brickner. Courts that are still engaging in debtors prison practices are on notice that they can no longer ignore the Constitution, and if they do so, our state Supreme Court is watching.

Debtors prisons are not only unconstitutional, they are a cruel albatross that traps low-income people in a never-ending cycle of poverty, debt, and incarceration. Those who have been jailed for being poor have lost jobs, seen serious declines in their health, and faced family crises, Brickner added. We expect our courts to protect the vulnerable and seek justice. It is our hope that the Supreme Court of Ohios actions today have moved our courts closer to fulfilling that vision.

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