

Criminal Justice Issues and Prisoners' Rights

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On Friday, January 27, ACLU of Ohio senior policy director Mike Brickner spoke to participants at a symposium on criminal justice reform, which was held at the Ohio State University Moritz College of Law. Brickner touched on a familiar but too often ignored problem: Ohio's growing prison population.

Ohio's incarceration rate has doubled in the last 25 years, leading to a severe overcrowding problem in its prisons. There are over 52,000 individuals confined in Ohio's prison system on any given day at a population 128% of its capacity of 38,000. This results in a severe shortage of beds, adequate housing, sufficient services, and quality rehabilitation and programming meant to reduce recidivism rates.

Tough on Crime is Weak on Results

For those who are tough on crime, imprisoning violent criminals would seem logical in enhancing criminal sentencing, instituting new laws that criminalize trivial behaviors and expanding existing laws to ensnare others. However, mass incarceration has never been effective in reducing crime and has placed nonviolent people behind bars for long periods of time. In fact, violent [crime rates remain low](#), while we continue to lock up more and more people. Current sentences for low-level felonies such as writing too many fraudulent checks, failure to pay child support and simple drug possession are too severe, and incompatible with the offense. These weighted sentences also carry tough penalties for behaviors that can be addressed through ticketing by reclassifying these crimes as misdemeanor offenses, or through rehabilitation if it is a drug or substance addiction.

Drug laws are often passed and enforced with no regard for a drug's potential for harm.

Our legislators believe drugs cause crime in poor communities; by severely punishing drug crimes, they think there will be less drug use. This is hardly the case: [illicit drug use has risen in the last 40 years](#). Everyone who is found in possession of drugs or suffering from an addiction should be given the opportunity to be referred to a drug court or referred for drug rehabilitative services. Minority defendants are often sentenced more harshly as well. African Americans are more likely to be incarcerated for drug possession than their White counterparts, despite rates of drug use being comparable in Black and White communities. They are also more likely to be given heavier sentences and overlooked for rehabilitation, even for their first offense.

Addressing these disparities is no small task. However, Brickner provided several recommendations to help combat Ohio's overzealous criminal justice system and bring about more balance in our prisons.

Rehabilitation + Repealing = Results

When defendants are charged and convicted of low-level drug felonies, the judge must apply a harsh minimum sentence as mandated by Ohio law. Upon their release from prison, a felony conviction bars them from many types of employment, housing, and educational opportunities, often resulting in repeat offenses. Repealing these mandatory minimum sentences will reduce the prison population and allow judges more discretion to show mercy and compassion to those who are not served by being in prison.

Rehabilitation should be a primary goal. It is often neglected due to legislators' disregard for incarcerated people and the poor allocation of financial resources for educational programming and addiction recovery services to prisons. Ensuring more individuals are eligible to serve their time in drug treatment facilities or be referred to a mental health institution is a far more sensible and humane solution. In fact, the average cost of incarcerating someone in Ohio is [\\$25,298/year](#), while treating their drug addiction would significantly reduce prison costs and decrease the [recidivism rate](#) of released inmates.

The value of rehabilitation over the cost of imprisonment is obvious. So, what's the common sense way of dealing with our prison problem? Reform, not criminalization.

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