

Criminal Justice Issues and Prisoners' Rights

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SANDUSKY, OH - The American Civil Liberties Union of Ohio sent a letter today to Erie County Municipal Court Judge Paul Lux questioning recent reports that he has imprisoned people who are unable to pay court costs and fines. In an article in the *Sandusky Register*, Judge Lux admits he imprisons people who are unable to pay court costs and fines, known as debtors prison.

Long thought to be extinct, debtors prison is still alive and well in Erie County, said ACLU of Ohio Legal Director James Hardiman. Our justice system should be a place where all people are treated equally, and freedom has no price. It is fundamentally unfair to imprison a person simply because they are poor.

Ohio Revised Code 2947.14 and state constitution strictly prohibit judges from incarcerating people who are unable to pay court costs. State law does allow a judge to imprison a person who fails to pay a court fine associated with a criminal conviction, so long as they are given a hearing to prove they are not indigent. The law also mandates that defendants are credited \$50 per day they are imprisoned. In the news report, Judge Lux stated that he does not apply this credit for defendants in his courtroom. In its letter, the ACLU asked Judge Lux to clarify his policy on imprisoning those who cannot pay court costs and fines.

Debtors prison inevitably costs the community far more than could be recouped from court costs and fines. In addition to the steep costs of incarceration, the person often loses his or her employment, must utilize social services to subsidize their losses, and then pays fewer taxes. It is a bad deal for taxpayers, added Hardiman.

In October 2010, the ACLU released *In For a Penny: The Rise of Americas New Debtors Prisons*, which profiles the use of debtors prisons across the state. Despite past court decisions and laws expressly forbidding it, many municipal judges and mayors courts continue to imprison people who cannot pay court costs and fines.

Judge Lux took an oath to uphold the states laws and constitution, and he cannot abandon that obligation. Those who judge our laws should not be quick to ignore them, Hardiman concluded.

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