

Report: Ohio courts illegally jailing the poor

By ANDREW WELSH-HUGGINS | Associated Press – Thu, Apr 4, 2013

[COLUMBUS, Ohio](#) (AP) — Several courts in [Ohio](#) are illegally jailing people because they are too poor to pay their debts and often deny defendants a hearing to determine if they're financially capable of paying what they owe, according to an investigation released Thursday by the Ohio chapter of the [American Civil Liberties Union](#).

The ACLU likens the problem to modern-day debtors' prisons. Jailing people for debt pushes poor defendants farther into poverty and costs counties more than the actual debt because of the cost of arresting and incarcerating individuals, the report said.

"The use of debtors' prison is an outdated and destructive practice that has wreaked havoc upon the lives of those profiled in this report and thousands of others throughout Ohio," the report said.

Chief Justice Maureen O'Connor of the [Ohio Supreme Court](#), responding to the ACLU's request to take action, promised to review the findings. O'Connor told the group in a letter Wednesday: "you do cite a matter that can and must receive further attention."

The report says courts in Huron, Cuyahoga, and Erie counties are among the worst offenders.

Among the report's findings:

- In the second half of last year, more than one in every five of all bookings in the Huron County jail — originating from Norwalk Municipal Court cases — involved a failure to pay fines.
- In suburban Cleveland, [Parma Municipal Court](#) jailed at least 45 defendants for failure to pay fines and costs between July 15 and August 31, 2012.
- During the same period, [Sandusky Municipal Court](#) jailed at least 75 people for similar charges.

Judge Deanna O'Donnell of Parma Municipal Court said Thursday the court was unaware of the issue until contacted earlier this week by the ACLU. She said officials were examining the 45 cases in question.

"If there's an issue here, a problem, we're going to correct it," O'Donnell said.

Messages left for Norwalk and Sandusky municipal court officials Thursday weren't immediately returned. The ACLU also sent letters to officials at Bryan, Richland County and Hamilton County municipal courts and Springboro Mayor's Court.

ACLU spokesman Mike Brickner said the group believes the practice is widespread in Ohio.

The report is a follow-up to a national 2010 report that focused on Georgia, Louisiana, Michigan, Ohio and Washington.

That report determined that many courts are violating a 1983 U.S. Supreme Court decision that courts had to hold a hearing to determine why people are unable to pay before sentencing them to incarceration.

"The report shows how, day after day, indigent defendants are imprisoned for failing to pay legal debts they can never hope to manage," according to the 2010 report, 'In For a Penny: The Rise of America's New Debtors' Prisons.'

"In many cases, poor men and women end up jailed or threatened with jail though they have no lawyer representing them," the report said.

A similar 2010 report by New York University's Brennan Center for Justice looked at the growth of court fees in Florida. It concluded, in part, that the "current fee system creates a self-perpetuating cycle of debt for persons re-entering society after incarceration."

Courts are breaking the law by holding defendants in contempt of court for failing to pay fines without proper notice or allowing an attorney to be present, the report said. Courts are also issuing arrests warrants for people who fail to show up and pay their fines and jailing defendants who are too poor to pay, according to the report.

Court costs should be recovered through civil lawsuits, not jail time, the report said.

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