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The Ohio Model for Combatting Debtors' Prisons

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THE OHIO MODEL FOR COMBATTING DEBTORS' PRISONS

Jocelyn Rosnick* & Mike Brickner**

*In 2013, the ACLU of Ohio released a report titled *The Outskirts of Hope: How Ohio's Debtors' Prisons Are Ruining Lives and Costing Communities*. The report exposed the blatantly unconstitutional practice in courts across Ohio of jailing people who were too poor to pay their court fines and fees, and along with our ongoing advocacy efforts, resulted in sweeping change across the state. This Essay looks at the destruction modern debtors' prisons have on individuals, families, and communities and overviews the research, advocacy, and communications tools the ACLU of Ohio has used to successfully combat debtors' prisons. The goal is to give an overview of the "Ohio Model" for combatting debtors' prisons and to relay practical advice on launching similar campaigns in other states.*

TABLE OF CONTENTS

INTRODUCTION.....	376
I. LEGAL BASES FOR COMBATTING DEBTORS' PRISONS	377
II. CHALLENGES OF LITIGATION.....	378
III. CREATION OF THE "OHIO MODEL".....	379
A. <i>How to Determine if Debtors' Prison Practices are Occurring</i>	380
1. Complaints Alleging Debtors' Prison Practices ...	380
2. Public Records Requests.....	381
3. Jail Booking Reports	381
B. <i>Verify that Debtors' Prison Practices are Occurring</i>	381
1. Online Court Dockets.....	382
2. Public Records Request for Case Files	382
3. Observe Court Proceedings	383

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4. Telephone and Mail Outreach	383
C. <i>Launching a Campaign</i>	383
1. Know the Controlling Law	384
2. Other Factors to Consider	384
IV. THE ACLU OF OHIO'S CAMPAIGN STRATEGY	384
V. OUTCOMES	385
CONCLUSION	386

INTRODUCTION

When we first met Jack Dawley at a local coffee shop in the small town of Norwalk, Ohio, he revealed that he was stuck in one of the lowest points in his life. He had no job, was sleeping on friends' couches, and lived in constant fear of going back to jail. Jack was caught in the destructive cycle of modern debtors' prison.

Jack was arrested in May 2012 for failing to pay his criminal fines from the mid-'90s. He missed several monthly payments because he was suffering from back injuries that prevented him from continuing to work construction and car detailing jobs, as he had done for several years. After months of searching, Jack finally landed a job in retail that would not exacerbate his back. As he was driving to work to pick up his first paycheck, a police officer scanned his license plate and arrested him for an outstanding warrant for contempt for failure to pay fines.¹

As a result, Jack spent ten days in jail and lost just about everything—his job, his apartment, and his driver's license. Even worse, he was threatened with another ten days in jail if he missed a single payment toward his fines over the next three months.

Jack wasn't the only one caught in this vicious cycle. Within months of meeting him, we met many more people with stories similar to his. One young couple, John and Samantha, each owed money for fines from low-level convictions, such as disorderly conduct and consuming underage. Each month, they were forced to make the impossible choice of which one of their fines they would continue to pay so one of them could stay at home with their infant while the other would spend another ten days in jail.² Another man we met could not afford to pay his fines because he had lost his job when the local economy tanked and his employer made extreme layoffs. He lost his health insurance, ended up with mounting medical debt, and simply could not afford to make payments for his court fines. When he was incarcerated for failing to pay his fines, he was not afforded treatment for his chronic diabetes, resulting in the loss of a toe.³

1. ACLU OF OHIO, *THE OUTSKIRTS OF HOPE: HOW OHIO'S DEBTORS' PRISONS ARE RUINING LIVES AND COSTING COMMUNITIES* 11-12 (2013), http://www.acluohio.org/wp-content/uploads/2013/04/TheOutskirtsOfHope2013_04.pdf.

2. *Id.* at 17-18.

3. *Id.* at 14.

The problems in Norwalk were egregious. In a six-month period, more than 250 people in this small community had been sent to jail for being too poor to pay their criminal fines.⁴ Debtors' prison was so widespread that each person we would speak to would lead us to many others—friends, family members, and neighbors—who were trapped in the same situation. We soon realized that debtors' prison was occurring throughout the state of Ohio, and we became determined to combat this egregious practice.

I. LEGAL BASES FOR COMBATTING DEBTORS' PRISONS

More than three decades ago, in *Bearden v. Georgia*, the United States Supreme Court ruled that jailing someone for failure to pay fines without first inquiring into his ability to pay violated the Equal Protection Clause of the Constitution.⁵ In Ohio, this ruling is supported by good statutory language,⁶ favorable court of appeals and Ohio Supreme Court case law,⁷ and the explicit prohibition of debtors' prisons in the Ohio Constitution.⁸

While the law is unambiguous, the guarantees remain unfulfilled if the law goes unenforced, making the promise of equal justice regardless of socioeconomic status nothing more than words. In Ohio, a defendant can only be jailed for *willfully* failing to pay a court fine.⁹ However, before jailing a defendant for failure to pay, a judge must determine that the defendant is *able* to pay and is simply *refusing* to do so.¹⁰ This determination must be made at a court hearing, in which the defendant has the opportunity to be represented by counsel and to present evidence on his behalf, including his indigence status.¹¹ If the judge determines that the defendant is able to pay and is willfully refusing to do so, the defendant may be sentenced to jail. Even then, Ohio law provides that the defendant must receive credit at \$50 per day spent in jail toward his outstanding court fines.¹² Ohio courts have also ruled that courts cannot comingle court fines and fees and that it is improper to incarcerate someone for failing to pay a civil fee, such as court costs.¹³

4. *Id.* at 8, ¶4.

5. *Bearden v. Georgia*, 461 U.S. 660, 662-63, 668-69 (1983).

6. See OHIO REV. CODE ANN. § 2947.14 (West 2002).

7. See *State v. Self*, No. 20370, 2005 WL 589887 (Ohio Ct. App. Mar. 14, 2005); see also *Strattman v. Studt*, 253 N.E. 2d 749, 753 (Ohio 1969).

8. OHIO CONST. art. I, §15; ACLU, IN FOR A PENNY: THE RISE OF AMERICA'S NEW DEBTORS' PRISONS 43, ¶1-2 (2010), https://www.aclu.org/sites/default/files/field_document/InForAPenny_web.pdf.

9. § 2947.14 (emphasis added).

10. *Id.* at (A)-(C).

11. *Id.*

12. *Id.* at (E); ACLU OF OHIO, *supra* note 1, at 7.

13. See *In re Buffington*, 627 N.E.2d 1013 (Ohio Ct. App. 1993).

Debtors' prisons are blatantly unconstitutional, yet countless individuals were tethered to the criminal justice system due to mounting legal and financial obligations, and they were inevitably jailed for failure to pay their fines and fees contrary to the law. Despite Ohio's favorable legal provisions, the ACLU documented the rise of modern-day debtors' prisons throughout the state over the past six years.¹⁴ Cash-strapped cities with shrinking municipal budgets have been using the threat of imprisonment to obtain payments from even the poorest defendants who land in court in order to help fill their budget gaps.

This practice is not only unconstitutional, but it also carries devastating human costs—perpetuating the cycle of poverty, wasting taxpayer dollars, and creating a two-tiered system of justice. Those with resources who are caught in the criminal justice system are simply able to pay off their fines and move on with their lives. Poor defendants, on the other hand, end up caught in the vicious cycle of debtors' prison—living in fear of being sent back to jail for being too poor to pay their fines—even though their criminal sentences have already been served. Indigent defendants often end up paying much more in fines and fees than their wealthier counterparts, as additional payment plan, warrant, booking, and other fees are tacked on to their existing debts.

II. CHALLENGES OF LITIGATION

When we first confronted debtors' prison in Ohio, our initial reaction was to file a lawsuit. The court system seems like the logical place to seek justice when people's rights are being flagrantly violated. Unfortunately, the answer was not quite so simple.

Many potential defendants in civil rights suits under § 1983 are shielded by a variety of immunities. From 2002 to 2007, three federal civil rights lawsuits were filed to challenge debtors' prison practices in Ohio.¹⁵ These cases named six different types of defendants including the county or municipality itself, the county sheriff, the county or municipal court system, individual judges, the clerk of court, and the public defender's office.¹⁶ The vast majority of the defendants in these cases were not held

14. See ACLU OF OHIO, *supra* note 1; ACLU, *supra* note 8.

15. Eric Balaban, *Shining a Light Into Dark Corners: A Practitioner's Guide to Successful Advocacy to Curb Debtors' Prisons*, 15 LOY. J. PUB. INT. L. 275, 277 (2014). Jocelyn Rosnick and Mike Brickner contributed research to this article.

16. See *Alkire v. Irving*, 330 F.3d 802 (6th Cir. 2003), *rem'd*, No. 5:96-CV-2687-DDD, 2003 U.S. Dist. LEXIS 17856 (N. D. Ohio Sept. 25, 2003); *Powers v. Hamilton Cty. Public Defender*, 501 F.3d 592 (6th Cir. 2007), *rev'd*, No. 1:02-CV-00605, 2005 WL 2033696, at *8 (S.D. Ohio Aug. 23, 2005); *Jones v. Perrysburg Mun. Ct.*, No. 3:05 CV 7424, 2007 WL 2320046 (N.D. Ohio Aug. 10, 2007).

liable because they invoked defenses and immunities that cover local officials.¹⁷

Moreover, federal courts are generally hostile to lawsuits that aim to impact the behavior of state court systems. Under the *Younger* abstention doctrine, federal courts must refrain from hearing cases that ask them to interfere with pending state court criminal proceedings.¹⁸ Thus, many debtors' prison victims would be in danger of having their cases dismissed under *Younger* due to state court contempt of court proceedings for failure to pay their fines. As a result, both immunity issues and *Younger* abstention presented insurmountable obstacles and demonstrated that litigation is not a feasible route toward obtaining relief for victims of debtors' prisons.

Another limitation of litigation is that it rarely leads to systemic change. Ohio had an extensive history of cases challenging individual courts that were engaging in debtors' prison practices, yet these unconstitutional practices continued to thrive across the state. Litigation may have changed practices in a single courtroom, but unless we brought lawsuits against dozens of courts over an extended period of time, we would not achieve sweeping change. Instead, we decided to examine other models that would lead to change throughout Ohio's judicial system.

III. CREATION OF THE "OHIO MODEL"

Given the difficulties of bringing litigation against courts that were unconstitutionally jailing low-income people for failing to pay their court fines and costs, we carefully examined how we could best effect change to the overall system. In devising a model to effect reform, we focused on strategies that would lead to systemic change, provide quick and effective relief to those victimized by debtors' prison, and help to guard against future use of unconstitutional practices.

Consequently, the ACLU of Ohio opted to use a non-litigation advocacy strategy that utilized legal analysis, communications, media, and public education tactics. We specifically focused on the Ohio Supreme Court as a potential ally in achieving systemic change, given its role as the central administrator for municipal courts.

Without stepping foot inside a courtroom, the ACLU of Ohio was able to foster sweeping change throughout the state by the end of 2014. Courts that were engaging in debtors' prison practices changed their procedures, numerous Ohioans were released from jail, and active warrants were recalled. In addition, more than \$180,000 has been credited to individuals who were unconstitutionally jailed for failure to pay fines in the Norwalk Municipal Court, and the Ohio Supreme Court published a

17. See, e.g., *Alkire*, 2003 U.S. Dist. LEXIS 17856, at *13, 18; *Perrysburg*, WL 2320046, at *6-8.

18. See *Younger v. Harris*, 401 U.S. 37, 43-46 (1971).

bench card outlining the proper court procedure for handling the collection of fines and costs.¹⁹

The ACLU of Ohio's successful campaign to end debtors' prison was a statewide effort that required immense resources, including a dedicated researcher who spent countless hours documenting the extent of constitutional violations. It took nearly two years to complete. What follows is a practical advocacy campaign guide that details the tools we used to tackle debtors' prison in Ohio and that overviews ways to establish an effective campaign to bring an end to debtors' prison in your region.

A. *How to Determine if Debtors' Prison Practices are Occurring*

The first step toward launching a successful campaign is to assess the current landscape, determine if debtors' prison is a problem in your state, and then move forward with a focused, flexible plan. It is important to set realistic goals and to understand the potential limitations of research and outreach from the onset, especially due to the transient nature of low-income persons who are most likely to be caught in debtors' prison.

1. Complaints Alleging Debtors' Prison Practices

In 2010, the ACLU released a report detailing debtors' prison practices in five states including Ohio.²⁰ After the release of this report, the ACLU of Ohio began to receive complaints from individuals across the state who alleged that they had been victims of debtors' prison. The legal staff in our office began to watch for complaints from individuals alleging debtors' prison practices and to chronicle the complaints we received. This gave us a clearer picture of where debtors' prison was likely occurring and of the scope of the problem.

Identifying areas in which debtors' prison practices are occurring may be difficult unless you receive complaints. One way to prompt individuals to notify an organization regarding debtors' prison practices is to use the media to bring attention to the issue. Another potential source of information would be to engage local criminal defense attorneys, public defenders, and re-entry professionals. If you choose to contact these individuals, be aware that they may have relationships with judges or may be complicit in debtors' prison practices.

19. Research conducted by the ACLU of Ohio (July 2014) (tracking Huron County Jail booking reports from summer 2012 and reviewing online court dockets to determine if financial credit had been added to any of the listed individuals' accounts); THE SUPREME COURT OF OHIO, COLLECTION OF FINES AND COURT COSTS IN ADULT TRIAL COURTS (2014), <https://www.supremecourt.ohio.gov/Publications/JCS/finesCourtCosts.pdf>.

20. See ACLU, *supra* note 8.

2. Public Records Requests

While receiving complaints is ideal, you can also determine if debtors' prison practices are occurring through public records requests. Since we wanted to show that debtors' prison was a statewide problem in Ohio, we pinpointed regions to submit records requests where we had not received any complaints. Because individuals imprisoned for failure to pay their fines are generally sent to county jails, we sent public records requests to various county jails for booking reports. We generally examined records from a ninety-day period. It should be noted that counties that include a major city may utilize a city jail and that some counties contain more than one facility. If you are unsure about the facility to which individuals who have been unable to pay their court fines are generally sent, we suggest sending duplicate public records requests to each facility.

You should be selective about where you search, as the time it takes to steward the records requests and to analyze the information can be resource-intensive. For example, there are eighty-eight counties in Ohio, but we ultimately examined only a dozen counties. Talking to local attorneys or re-entry and other criminal justice advocates may help you narrow down your search.

3. Jail Booking Reports

While Ohio does not have a standard jail booking report, all facilities must track certain information such as the name, sex, booking charge, and entry and release dates of those incarcerated, which can be exported into a report. Because all jails may not store the same information or use the same report system, be prepared to work with a jail administrator to fulfill your public records request.

Once you receive the jail booking report, you should thoroughly review it for indicators of widespread debtors' prison issues. When examining the reasons people were incarcerated, we noted booking charges such as "Failure to Pay," "Warrant for Failure to Pay Fines," "Back Fines Warrant," "Contempt," "Failure to Comply," "Failure to Appear," or any charges that include words like "fines" or "fees." We learned that "contempt" was often used as a guise for incarceration for failure to pay fines and fees. You should also analyze the report to see if the vast majority of individuals with certain booking charges are incarcerated for the same amount of time, as we found that most contempt charges in the Norwalk Municipal Court were linked to ten days in jail.²¹

B. *Verify that Debtors' Prison Practices are Occurring*

If the initial booking report analysis indicates a likelihood that debtors' prison practices are occurring, you should crosscheck the information against online court records. This is important because charges such as

21. See ACLU OF OHIO, *supra* note 1; ACLU, *supra* note 8.

“Contempt” or “Failure to Comply” could involve other factors that are wholly separate from payment of fines and fees. Additionally, even “Failure to Pay” charges could be proper if an indigence hearing has been conducted.

1. Online Court Dockets

Many courts publish documents online, which allows researchers to efficiently verify why a person was incarcerated. Specifically, we began by comparing the following:

- booking and release dates;
- charges listed in the booking report; and
- information contained in online court dockets.

Then, we confirmed that warrants were issued and recalled around the time of the booking dates and noted the reason listed for the warrant in the online docket versus the booking report.

During our research, we noticed that the language in the booking reports was often vague. It may only have said “contempt,” whereas the corresponding online court docket would explicitly state “warrant for failure to pay fines.”

2. Public Records Request for Case Files

Not all courts have accessible online court records, but even if you can crosscheck information online, we strongly recommend sending a follow-up records request asking to inspect a handful of physical court files in person. If traveling to the court is not an option, you can request that the court copy entire case files and send them to you by mail or fax. If possible, we recommend visiting individual courts. During our in-person inspections, we noticed that court file jackets would often include pertinent information on the cover or on post-it notes. These details may not have been copied if we had fully relied on records requests.

Additionally, while inspecting case files in person, we were able to observe and document signs at the courthouse instructing defendants that they faced incarceration if they failed to pay their fines and court costs. Conversations with employees at local courts also provided insight into court practices that would later prove essential in determining whether debtors’ prison practices were occurring.

It is also important to request copies of the audio recordings from sentencing or other hearings in which a defendant may have been ordered to sit in jail for failure to pay fines.

The purpose of reviewing hearing information and court files is to find hard evidence that an individual was actually jailed, or threatened with jail, for failing to pay fines and not for an underlying charge or for failure to appear at a regularly scheduled court appearance.

3. Observe Court Proceedings

If feasible, observing court proceedings is another method to confirm that debtors' prison practices are occurring. While this option is certainly resource-intensive, it provides an opportunity to speak with individuals who are victims of debtors' prison. Regardless of what type of campaign you launch, you will greatly benefit from having personal stories of individuals who have been caught in the vicious cycle of debtors' prison. We enlisted many ACLU staff members to take turns observing court proceedings and conducting interviews outside courtrooms. Many of the personal stories contained in our report, *The Outskirts of Hope*, were first obtained by meeting individuals after court hearings.²²

To determine the best day and time to visit a court, check its website for a schedule and review it for payment, status, or contempt hearings. If the court does not have a website or it does not include a schedule, you can call the court clerk to ask when contempt or other hearings are held. If the court's website includes an online docket, you can review who will be at the court hearing and determine whom you would like to approach for an interview. When deciding which interviewees have the most appropriate personal stories to share during your campaign, we recommend considering the person's underlying criminal charge, outstanding legal/financial obligations, length of time incarcerated for failure to pay fines, and any prior criminal history.

4. Telephone and Mail Outreach

Another option to confirm debtors' prison practices and collect personal stories is to develop a telephone and mail outreach strategy. After crosschecking the booking reports with online court dockets, you can create a list of individuals who are likely victims of debtors' prison. Though most court dockets include some contact information for the defendant, you may nevertheless need to conduct Whitepages or LexisNexis public searches to verify telephone and address information. Note that victims of debtors' prison are often low-income and highly transient. Thus, you should anticipate many disconnected phone numbers and mail that is returned when using this approach.

C. *Launching a Campaign*

Once you analyze the data, confirm that debtors' prison practices are occurring, and compile a list of contacts willing to participate in a campaign, you must decide which type of campaign to launch: litigation/legal, media/advocacy, or some combination of the two. If litigation is not an option in your state, it is still possible to advocate for and ultimately achieve change. As advocates, it is important to understand the strength of non-litigation strategies.

22. See ACLU OF OHIO, *supra* note 1, at 11-18.

1. Know the Controlling Law

The first step to determining the best approach in your state is to know the controlling state and federal laws. Be sure to research whether similar cases have been tried in state courts and analyze their outcomes, as this can inform whether litigation has the potential to be a successful strategy. Conduct legal research on your state constitution, state statutes, and case law on incarceration for failure to pay fines. In Ohio, we had strong laws that protected the rights of low-income people;²³ as previously stated, the main issue was that many courts simply were not following the law.

2. Other Factors to Consider

In addition to the state of the law on debtors' prison, you should consider the scope of debtors' prison practices in your area, the willingness of debtors' prison victims to participate in various strategies, and whether you feel you will be able to garner enough media and community attention to create an opportunity for real change. You might want to reach out to partner and community organizations that work on related issues in order to spark the discussion on debtors' prison practices. Local attorneys, re-entry advocates, and social service agencies may also be able to ensure your campaign launch does not go unnoticed.

IV. THE ACLU OF OHIO'S CAMPAIGN STRATEGY

Although we knew we were likely unable to affect change through direct litigation, we opted to launch a two-part campaign that included both legal advocacy and communications strategies. We sent legal demand letters to each court in which we had uncovered strong evidence that debtors' prison practices were occurring. We also sent a cover letter and copies of each lower court letter to Ohio Supreme Court Chief Justice Maureen O'Connor.²⁴ The legal demand letters detailed the evidence we found and provided methods to bring the court's practices into compliance with the law, including providing alternatives to monetary payment such as community service.

In addition to sending legal demand letters, we launched a large-scale advocacy campaign that included the release of our report, *The Outskirts of Hope: How Ohio's Debtors' Prisons are Ruining Lives and Costing Communities*. This report overviews the relevant law, explains our investigation, and

23. See OHIO REV. CODE ANN. § 2947.14 (West 2002) (explaining a defendant's right to counsel and ability to present evidence regarding his or her ability to pay the fine); *State v. Self*, No. 20370, 2005 WL 589887 (Ohio Ct. App. Mar. 14, 2005) (criticizing the lower court for failing to give defendant an opportunity to present evidence about inability to pay); see also ACLU OF OHIO, *supra* note 8, at 43 (stating that "there is no justification for imprisonment for nonpayment of costs in criminal cases").

24. *Letters to Ohio Courts Regarding the Use of Debtors' Prisons in Ohio*, ACLU OF OHIO (Apr. 4, 2013), <http://www.acluohio.org/issue-information/letters-to-ohio-courts-re-debtors-prisons>.

highlights personal accounts of debtors' prison in Ohio.²⁵ We also dedicated a section of our website to debtors' prisons, which includes links to download *The Outskirts of Hope* report and the legal demand letters we sent. It also includes on-camera interviews with two debtors' prison victims.²⁶ Initially, the website also contained a "call to action" link so Ohioans could take action and send form letters to court administrators calling for an end to debtors' prisons in Ohio.

On the day of our campaign launch, we held a press conference at our Cleveland office. We invited media outlets to attend the press conference and promoted the event on social media platforms such as Facebook and Twitter. At the press conference, we discussed the findings of our investigation and the report we issued. In addition, we had a debtors' prison victim present to talk about his personal experiences, highlighting the devastating cost debtors' prison has on individuals and their communities.

V. OUTCOMES

As a result of our investigation and subsequent campaign to end debtors' prison practices in Ohio, we fostered sweeping change across the state. Within twenty-four hours of issuing letters to the lower state courts and to the Ohio Supreme Court, Chief Justice Maureen O'Connor responded and requested a meeting to address our concerns. At this meeting, the Ohio Supreme Court agreed to three action steps: (1) to step in where debtors' prison practices are occurring and hold accountable court personnel who insisted on violating the law; (2) to provide trainings on how to properly handle the collection of fines and costs for judicial and non-judicial staff at the biannual Ohio Judicial College conferences; and (3) to create a bench card on the collection of fines and costs to be distributed to all municipal judges.²⁷ The bench card is a concise resource for judges, which clearly lays out the proper and improper methods of collecting fines and costs.²⁸ It was the first of its kind in the country and has since been used to combat debtors' prisons in other states.²⁹

Additionally, many courts identified in our report contacted our office to discuss changes in their policies or to request an in-person meeting to review the evidence of debtors' prison provided in their respective let-

25. See ACLU OF OHIO, *supra* note 1.

26. See *id.*

27. See Bret Crow, *Bench Card Offers Guidance on Collection of Court Fines, Costs*, COURT NEWS OHIO (Feb. 4, 2014), http://www.courtnewsOhio.gov/happening/2014/benchCards_020414.asp#.VjERDberR9M; see also ACLU OF OHIO, *supra* note 8.

28. See THE SUPREME COURT OF OHIO, *supra* note 19.

29. See Settlement Agreement Ex. A, at 3, *Thompson v. Dekalb Cnty., Ga.*, No. 1:15-cv-00280-TWT (N.D. Ga. Mar. 18, 2015), https://www.aclu.org/files/assets/thompson_v_dekalb_county_settlement_agreement_03182015.pdf#page=23; Jocelyn Rosnick, *Ending de facto debtors' prisons in the United States*, VERA INST. OF JUSTICE (Dec. 11, 2015), <http://www.vera.org/blog/ending-de-facto-debtors-prisons-united-states>.

ters. Hundreds of ACLU of Ohio supporters took action by contacting the Ohio Supreme Court, and we received dozens of new debtors' prison complaints from across our state. We also received widespread national and international media attention with articles appearing in *The New York Times*, *The Huffington Post*, and *Russia Today*, in addition to numerous state and local publications.³⁰

The ACLU of Ohio's advocacy campaign, coupled with the Ohio Supreme Court's leadership, paved the way for large-scale change in our state. Courts that were engaging in debtors' prison practices changed their procedures, warrants were recalled, people were released from jail, and more than \$180,000 was credited to individuals who were unconstitutionally jailed for failure to pay fines in the Norwalk Municipal Court alone. Most importantly, many Ohioans no longer live in fear of heading back to jail for being too poor to pay their fines.³¹

CONCLUSION

Despite clear guidance from the U.S. Supreme Court, the Ohio Supreme Court, the Ohio Constitution, and Ohio statutory laws, courts were frequently violating the rights of low-income people by incarcerating them for failure to pay their fines and court costs. As demonstrated in the ACLU of Ohio's report, these policies were not only illegal, but they also siphoned taxpayer dollars to perpetuate and wreaked havoc on the lives of individuals who were trapped in debtors' prison practices. Litigation proved difficult to effectuate permanent change. As such, advocates in Ohio created a new model to leverage the media and public attention to prompt the Ohio Supreme Court to utilize its administrative powers to educate court officials and hold accountable those who flagrantly violated the law.

The results were nothing short of remarkable; courts across the state reformed their practices. As new complaints have come in since the release of the report, the ACLU and the Ohio Supreme Court have intervened with judges and resolved issues. While we cannot state with any certainty that debtors' prison is completely eradicated in Ohio, we do note that the number of complaints to the ACLU of Ohio offices have decreased precipitously.

One shortcoming of the reforms is that the Ohio Supreme Court maintained that it does not have jurisdiction over mayor's courts, which

30. See e.g., Tina Rosenberg, *Out of Debtors' Prison, With Law as the Key*, N.Y. TIMES (Mar. 27, 2015, 7:00 AM), <http://opinionator.blogs.nytimes.com/2015/03/27/shutting-modern-debtors-prisons/>; Andrew Welsh-Huggins, *Ohio Courts Illegally Jailing Poor for Unpaid Debts: Report*, HUFFINGTON POST (Apr. 5, 2012, 8:42 AM), http://www.huffingtonpost.com/2013/04/05/ohio-jailing-poor_n_3019636.html; *ACLU Catches Ohio Jailing Those Too Poor to Pay Fines*, RT (Apr. 6, 2013, 12:39 AM), <https://www.rt.com/usa/courts-ohio-debtors-prisons-416/>.

31. See THE SUPREME COURT OF OHIO, *supra* note 19.

constitute an anachronous vestige of Ohio's pioneer days. Mayor's courts are a product of the legislature, and although they are wholly within the executive branch, mayor's courts exercise quasi-judicial powers. Mayor's courts are dotted throughout the state in small villages without municipal courts and may be headed by local mayors who lack legal training.³² These courts often hear traffic and minor misdemeanor cases, and they have been criticized as tools to collect money for local cities.³³

Perhaps the greatest indication of the success of the ACLU of Ohio's campaign to end modern debtors' prisons is the effect it has had on individuals' lives. Jack Dawley, the original person who complained of debtors' prison in Norwalk, is perhaps the most encouraging example. As a result of the ACLU's advocacy, Jack was credited for time he was incarcerated, and his court fines have been completely paid off. He was able to get his driver's license reinstated, obtain a job at a local factory, and rent his own apartment. His turn-around story is emblematic of what happens when we implement policies that treat low-income people fairly and compassionately, rather than perpetuate perverse systems that seek to profit off those who are least able to pay. As efforts to stop debtors' prisons continue in states such as Colorado, Georgia, Michigan, New Hampshire, Washington, and beyond, we hope that Ohio's model for systemic change continues to be used and adapted so that debtors' prisons can be eradicated everywhere.

32. See OHIO REV. CODE ANN. § 1905.05(A)-(B) (West 2015) (listing magistrate requirements); OHIO REV. CODE ANN. § 1905.031 (West 2015) (listing requirements for mayors); see also THE SUPREME COURT OF OHIO, *MAYOR'S COURTS SUMMARY* 5 (2014), <https://www.supremecourt.ohio.gov/Publications/mayorscourt/mayorscourtreport14.pdf> ("Ohio law does not require mayors hearing cases to be attorneys.").

33. Justin Conley & Rebecca McKinsey, *Ohio's Mayor's Court, Big Business*, THE COLUMBUS DISPATCH (July 22, 2012), <http://www.dispatch.com/content/stories/local/2012/07/22/big-business.html>.