



End 'debtors' prisons' in Ohio and the nation: editorial

Editorial Board By Editorial Board

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Low-level offenders shouldn't go to jail simply because they are too poor to pay the fines levied against them by judges -- either in Ohio or in the United States as a whole.

That's not just our opinion. That's the law of the land, as expressed by such authorities as the U.S. Supreme Court, the Ohio Supreme Court and the Ohio Revised Code.

All outlaw what some call a new version of debtors' prisons, a shocking relic of the 19th century. The father of the great English writer Charles Dickens was one of those incarcerated back then simply because he could not pay his debts.

Yet, according to **"Guilty and Charged,"** an eye-opening report that aired recently on National Public Radio, thousands of poor people convicted of such misdemeanors as stealing a can of beer or breaking into abandoned property end up in jail because they can't pay their fines -- unlike their middle-class counterparts. Debtors' prison redux.

Often the judge doesn't hold a hearing as required by law to determine if the person is able to pay.

This modern-day debtors' prison system can lead to a nearly unstoppable downward slide. Poor people who can't pay their fines face an intractable cycle of jail time, mounting fees and growing poverty, says Mike Brickner, director of communications and public policy for the American Civil Liberties Union of Ohio.

It's hard to keep a job when you keep getting arrested -- and re-arrested -- for failure to settle your court debts.

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Poor people who can't pay their fines can spend time in jail.

Lynn Ischay, Plain Dealer file

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A 2013 Ohio ACLU report on the jailing of people unable to pay their fines, entitled "**The Outskirts of Hope**," prompted Ohio Supreme Court Chief Justice Maureen O'Connor to take a tough stand against such illegal practices, says Brickner.

O'Connor launched educational classes for judges, probation officers and lawyers and other staff and sent "bench cards" to Ohio judges that explicitly warn court officials that "unpaid fines and/or court costs may neither be a condition of probation, nor grounds for an extension or violation of probation."

Brickner says the cards could be a model for other states.

O'Connor also asked that the ACLU bring the worst judicial offenders to the Ohio Supreme Court's attention, which it has been more than willing to do, says Brickner.

Still, there are some worrisome trends that could sidetrack justice for poor offenders, says Brickner. For instance, the Ohio Supreme Court has little control over Ohio's mayors' courts, those over-eager, money-making machines that some feel are among the worst offenders in sending people of meager means to jail for failure to pay a fine. Yet mayors' courts are not above the law. They should abide by the bench cards' guidance as well.

Brickner also worries that some cash-strapped Ohio courts might follow the lead of other states and outsource probation to private, for-profit companies, which he says have a reputation for slapping indigent offenders with excessive fines.

O'Connor is to be commended for her fast action to turn around Ohio's treatment of poor offenders, but she must keep an eagle eye on the state's judges and courts to make sure there is no backsliding. Individuals should not go to jail simply because they are too poor to pay their court costs and fines.

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