

ACLU of Ohio Foundation 2017 Work Plan

Protecting and
expanding
equality and
opportunity for
all Ohioans



A Message from the Executive Director

My dear friends and colleagues,

As ACLU members you and I have talked about how often our country falls short of the vision of the Bill of Rights. We labor together to pass along the values we hope future generations can honor and implement. Each of us striving to make their contribution to equality for all.

Together, **we have fought for the rights of women, for racial minorities, for gay and lesbian and trans people, for people with disabilities** – in marriage, housing, voting, education, employment, and simply the ‘right to be left alone’ by our government.

We have struggled since the turn of the century to ‘get it right’ when it comes to crime and punishment and policing and the role of the state in death and redemption.

We have protected speech and access to the courts and access to the ballot and evidence-based prosecutions for those whose ideas we loathe because we recognize that ‘fair is fair’ only works when equally applied to all. Justice needs her blindfold.

Measured in one life, change can seem painfully slow, even nonexistent. But look back two or three generations and think how far our country has come with its remarkable, but yes, deeply flawed Constitution. A Constitution that

established inequality in race and gender from its beginning.

Our 2017 Work Plan reflects how important you are to protecting civil liberties.

Your help contacting public officials and administrative decision-makers saved children from shackles, protected the right to vote, and upheld free speech in 2016. We can do so much more in 2017.

Your financial support – continued and expanded – will enable the ACLU to undertake two new initiatives that can relieve the suffering of many.

Bail reform would end the practice of people languishing in jail while awaiting trial for no other reason than their inability to gather enough money to get out.

Our proposed project to **end the use of nuisance ordinances against victims of domestic violence** seeking help would change the lives – and save the lives – of countless women and children.

We need your increased financial support to reform our bail system and stop harmful nuisance ordinances.



I’ve had the chance to talk with some of you over the last few months to let you know that after more than 25 years, I will be retiring in mid-2017. I love and admire all that the ACLU stands for. And I’m so excited to see the innovations and strategies the next generation of leadership will bring to the fight for equality for all. Meanwhile, remember the Quaker principle some of our members taught me a long time ago: Comfort the afflicted and afflict the comfortable.

Fight on!

Christine Link
Executive Director

P.S. To launch the initiatives reforming bail and domestic violence law, we need to raise about \$250,000. Your additional support this year would be a big help toward accomplishing these goals.

Looking Ahead: Protecting & Expanding Equality & Opportunity in 2017

Next year may hold challenges with changing political climates, but the ACLU of Ohio remains steadfast in our commitment to protect and expand equality and liberty for all Ohioans.

Ambitious goals for 2017 include:

- Guaranteeing **full equality for our LGBTQ community**, including non-discrimination and other protections for transgender people.
- Realizing a **fair and equitable criminal justice system**, fighting to end prison privatization, and ensuring sentencing reform and police accountability.
- Guaranteeing our democracy is strong and impartial, and that **all eligible voters can cast a ballot**.

We're not stopping here.

Cutting edge civil liberties issues still need funding to support our work in 2017. Please give generously to support these innovative projects:

- Combating mass incarceration by **reforming Ohio's broken bail system**.
- Addressing dangerous housing **nuisance ordinances that disproportionately affect survivors of domestic violence**.



"The ACLU Trans Action Committee has been one of the most incredible opportunities for me to advocate for the transgender and gender non-conforming community throughout all of Ohio. Lately, legislation that has been circulating in the United States has made a lot of people in the community feel afraid and sometimes hopeless. Knowing that an organization like the ACLU is working to protect and defend our rights, often when no one else will, has such a powerful impact on those within the community."

— Liam Gallagher
Trans Action Committee member



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Full Equality for Our LGBTQ Community

Marriage equality was a historic victory for the LGBTQ community. But with every step toward equality, opposition rears its ugly head. In 2017, we will focus on pushing forward these issues:



1. Non-Discrimination Laws

Even as marriage equality is fully realized, Ohio lacks basic protections in employment, housing, and public accommodations. The ACLU dreams of an Ohio where your job, your home, your right to freely participate in society does not depend on who your partner is or how you express your gender.

Our advocacy coalition, Ohio Competes, will work to get strong legislation passed in the Statehouse. For almost 100 years, the ACLU has litigated more LGBTQ cases than any other organization, and we'll continue our fight to ensure all members of the LGBTQ community are free from discrimination.

“Whenever I got sick as a kid, only one of my dads could come with me to the doctor because they can’t both be my legal guardians. Things got really stressful whenever he couldn’t take off work to take care of me.”

— Tevin Johnson-Campion, *ACLU* activist whose two dads were plaintiffs in a freedom to marry case before the Supreme Court.

2. Adoption by LGBTQ Couples

Adoption is a loving process through which families are formed, bonded, and provided legal protections. With marriage comes the opportunity to have legally-recognized adoptions either of children the couple has already been raising or children same-sex couples want to welcome into their family. The ACLU of Ohio is ready to assist LGBTQ families as they grow and will challenge obstacles placed in their way.

3. The Transgender Rights Campaign

There are approximately 1.4 million transgender people in the United States whose basic civil rights have yet to be fully acknowledged. Public education is critical to raise awareness and gain support for laws and policies that allow transgender Ohioans to live free from discrimination. Ohio is one of only three states where transgender people cannot change the gender marker on their birth certificates. Additionally, transgender people have a more difficult time obtaining culturally competent medical care, face discrimination when simply using the bathroom, and are over-represented in the homeless population and the criminal justice system. We believe **all transgender persons should have full protection under the law.**

To steer this work, we assembled transgender community members from across Ohio to be part of the ACLU’s “Trans Action Committee.” Over the next year, we will work alongside our committee members to educate the public and our lawmakers by raising awareness on the issues affecting Ohio’s transgender community.

Realizing a Fair and Equitable Criminal Justice System

Mass incarceration is a crisis in Ohio. The criminal justice system is fundamentally misused to deal with problems like addiction, mental health, and poverty. The results place a heavy burden on the state, with both financial and, more importantly, human costs. Realizing a fair and equitable criminal justice system has been, and will continue to be, a fight championed by the ACLU of Ohio. In 2017, we will focus on:

1. Sentencing Reform

We must challenge ourselves to imagine a profoundly different justice system that is truly just and not merely focused on punishment. We must usher in an era of being smart on crime, not just tough on crime. It is possible to create accountability and healing. The system *can be* restorative to crime victims.

The ACLU of Ohio recommends the following changes to pursue long-term criminal justice reform:

- **Limiting harsh, automatic punishments** because incarceration cannot be a catch-all solution to address society's needs.
- **Prioritizing rehabilitation** because mental health treatment does not belong in Ohio's jails and prisons; simply offering it after a person has been incarcerated is neither adequate nor effective.
- **Releasing innocent people from jail** because incarcerating people accused of minor crimes is expensive, unjust, and has significant racial disparities.
- **Decriminalizing poverty** because punishing someone's inability to pay a fine with more financial sanctions contributes to the cycle of debt and incarceration.
- **Limiting collateral consequences** because lasting penalties create barriers to reentry and keep people in poverty.
- **Reforming community control** because supervised release systems, in lieu of incarceration, allow individuals to be productive members of their community, while alleviating the burden on our overcrowded jails and prisons.

2. The Americans with Disabilities Act Applies to Prisons Too

The ACLU of Ohio filed a lawsuit against the Ohio Department of Rehabilitation and Correction for refusing James Handwork two functional hearing aids. James is a prisoner at Lake Erie Correctional Institution and is hard of hearing. **The state wanted to provide James only one hearing aid**, which medical research shows affects balance and leads to a host of other health problems. This is a direct violation of a person's right to be protected from cruel and unusual punishment, and it violates equal protection under the ADA.

In order to provide a truly rehabilitative experience, Ohio jails and prisons must provide all people, including individuals who have a disability, with safe and accessible medical care.



ODRC refused to provide James Handwork the two hearing aids he needed, citing "a statewide policy of providing prisoners only one working hearing aid, even for prisoners who have a medical need for two."

3. Consent Decree and Police Accountability

The U.S. Department of Justice's consent decree with the City of Cleveland is being implemented. However, changing the culture of a police force that has engaged in unfair and unjust treatment of people of color

for so long will not happen overnight. The ACLU continues to be a watchdog as the city pushes forward its post-agreement policies.



We also know that fully funding community oversight departments, like the Office of Public Standards in Cleveland, is a crucial part of creating true accountability. A complete staff is necessary to investigate complaints and ensure that citizens are treated with fairness. All people within a community are stakeholders in the safety and integrity of that community. The ACLU of Ohio continues to encourage better relations between

the community and police to ensure that our police departments are held accountable when they overstep their authority.

4. Prison Privatization

Studies have shown that private prisons are less safe, provide fewer services and programs, and do not substantially save the state money. Private prisons are a business; their purpose is to turn a profit. When profits trump rehabilitation, private prisons treat people as business expenses, while looking to cut costs. In turn, people incarcerated in for-profit prisons are exposed to inhumane conditions and poor treatment.

Ohio was the first, and is still the only, state to sell a prison to a private operator – Lake Erie Correctional Institution. For years, the ACLU of Ohio has stood in opposition to private prisons, and this year the U.S. Department of Justice echoed our concern, announcing it would phase out its use of private prisons at the federal level. This is a great first step for the country, but Ohio can still operate business as usual.

In fact, Ohio now plans to sell a second prison to a private company.

Last year, in a legislative sleight of hand, the sale of the North Central Correctional Complex in Marion, Ohio was inserted into an unrelated bill right before summer recess, leaving citizens with no opportunity to submit testimony or engage in public discussion.

In response, the ACLU of Ohio created a Prisons for Profit Toolkit to encourage schools, social clubs, and community groups to spread awareness about private prisons in Ohio. With direct support from our members to educate the public, we will continue our fight at the Statehouse to eliminate the use of private prisons in Ohio.

5. Jail Accountability

Over 20,000 people are housed in jails across Ohio every day, but there is no single agency responsible for making sure they treat prisoners with a minimum of humanity. Jails can be the entry point for people into the criminal justice system and can set up a person for redemption or recidivism. While we must continue to slow the over-population of our state prisons, local jails need attention too. We have two projects that will focus specifically on jails:

- **Report Cards** – We will examine conditions and recent state inspections at jails across the state to highlight injustice and ensure incarcerated individuals are housed in a safe and equitable environment.
- **Voting Rights** – Individuals convicted of a misdemeanor or arrested for a felony still have the right to vote, and the ACLU of Ohio will create an activist toolkit and host workshops throughout the state to train advocates on how to bring voting to their local jail.

Voting Rights

All eyes are on Ohio during presidential election years. It is up to the ACLU of Ohio to ensure that voting remains free of barriers.

Education – We are meeting with community members and educating Ohioans on their voting rights and responsibilities to participate in our democracy. Our online vote center (www.acluohio.org/vote) has been a successful resource for individuals who are deaf or hard of hearing, those with a criminal conviction, and first-time voters.

Legislative – Our great work is often accomplished through the actions of members and supporters. When we call on Ohioans to help create positive change, we encourage a grassroots movement that stands strong to defend our civil liberties. When we asked for help to defeat bad bills, you answered.

Legal – Last year, the Ohio ACLU legal team fought to expand early voting hours across the state. This year, we're combating back-door attempts to suppress the vote. Ohio is purging voters from the rolls who have not voted in three successive elections. There is no legal basis for removing voters simply because they exercise their right to not participate in elections, and we will continue to fight for more opportunities to vote, not less.

3,158 ACLU supporters took action to fight for voting rights by contacting the Governor or their legislators.



Expanding Our Work



Simply put, the cash bail system criminalizes poverty; individuals who cannot afford bail are at risk of losing their job and home.

untold number of Ohioans sit in jail without ever being convicted of a crime. The reason? They are too poor to post bail.

A system based on cash bail means that people who cannot afford to pay are held while people who have the means are set free. This creates a two-tiered system of justice where those with resources are treated differently from those who are low income.

Judges make decisions about bail using two factors: the seriousness of the offense and the appearance of the defendant in court. The current system does not encourage judges to investigate if an individual is truly a public safety risk. By allowing judges to rule using physical appearance instead of data and other guidance, the cash bail system is ripe for gross racial and economic discrimination, even if unintentional.

Given the widely documented disparities in our criminal justice system, it should be no surprise that people of color are more likely to be charged by prosecutors with more serious offenses than their white counterparts accused of similar crimes.

In 2017, the ACLU aims to reform Ohio's bail system by conducting a holistic investigation to determine how many people in jails across the state are awaiting trial, and of those individuals, how many simply cannot afford to pay bail. Ultimately, these findings will be used to **launch a robust advocacy campaign for comprehensive bail reform across the state.**

The ACLU of Ohio continues to expand our footprint as we fight for greater equality across the state. As new challenges emerge, we want to face them head on and with full strength. With your support and adequate funding, we would like to tackle the following new issues in 2017:

Bail Reform

When an individual is convicted of a crime, they face a penalty that often includes spending time behind bars. **Yet every year, an**

We will leverage media, advocacy from ACLU members, and the legal system to pressure courts to treat low-income Ohioans fairly and ensure that no one languishes in jail because they cannot afford bail. To do this, we will need a full-time investigator to expose how courts use bail, publicize these findings, consider legal action if appropriate, and then advocate for fairer policies with both state and local officials. A program of this magnitude will take two years and will require \$150,000.

Housing Nuisance Ordinances and Domestic Violence

For survivors of domestic violence, housing security and access to police assistance can be essential to living free from abuse. However, towns and cities across Ohio are passing local laws that punish landlords and tenants when crimes occur on a property, endangering a person's access to housing and interfering with their ability and willingness to report crimes.

Nuisance ordinances – also called disorderly house ordinances or crime-free ordinances – label a property as a nuisance when it is the site of a certain number of calls for police or alleged nuisance conduct. Nuisance conduct can include assault, stalking, harassment, disorderly conduct, and other behaviors. Nuisance ordinances deter people from calling for help and often punish crime victims, particularly domestic violence survivors.

Alarming, these laws usually apply regardless of whether a resident was a victim of the nuisance activity.

Individuals who are victimized by the consequences of nuisance ordinances face an increased risk of eviction. In turn, this also increases their risk of living in poverty, juvenile truancy, and getting caught in the criminal justice system.

The ACLU of Ohio will work with a post-graduate fellow from Case Western Reserve University to conduct research on ordinances in metropolitan areas across the state. Our direct work will begin in Cleveland and over the next two years will evolve and take hold statewide. We will educate the public on these dangerous ordinances and call our members and supporters to action. This project will take two years to complete and will require \$100,000 for a legal fellow, research, travel, and publicity.

Nancy's ex-boyfriend choked her, punched her, and threatened her with weapons. A police officer then enforced the nuisance ordinance by notifying her landlord about the police calls and encouraging her eviction. She was later notified of an eviction, never knowing about the nuisance ordinance.

— Nancy Markham v.
City of Surprise (Arizona)



2016 Accomplishments

“Cuffs and shackles make me feel like a criminal, not a juvenile delinquent. Shackles hurt and embarrass me most of the time. When I wear them I am judged immediately.”

– Nate P., detained youth

Just this year, over 4,000 ACLU members took action in support of civil liberties.

Kids in Chains – Children in the justice system are more likely to be survivors of abuse, yet many of these kids were being victimized each time they walked into a courtroom because they were shackled without justification. For years, the ACLU of Ohio has fought to stop kids from being unnecessarily shackled; **this spring, we won!**

ACLU activists submitted over 1,000 comments to the Supreme Court of Ohio to help end juvenile shackling. Due to this tremendous effort, the Supreme Court of Ohio adopted Local Child Restraint Rule 5.01, which prohibits children from being shackled unless the court can demonstrate a risk. We met many children who spoke about “feeling guilty” before they even talked to a judge. Ohio now joins 23 other states that treat kids with respect and dignity in our courtrooms.

Solitary Confinement – If you did not already have a mental illness before entering solitary confinement, you will have one when you come out. The ACLU of Ohio and Disability Rights Ohio released a joint report chronicling the detrimental effects of solitary confinement, particularly for people with mental illness. Solitary confinement is not rehabilitative, it does not prepare people for life in the general prison population or the community, and it does not make prisons – or our communities – any safer. **Over 400 ACLU members** told the Ohio Department of Rehabilitation and Correction to support our recommendations for reform.



“We have nothing to occupy our minds. All we can do is sit, think, and let our head play tricks on us ... I sit in my cell all day and think. I try to block out the voices I hear. My meds help a little, but not all the way. I feel like the walls breathe sometimes, and the cell gets smaller. The isolation drives me crazy. It traps me with my thoughts, and I’m my own worst enemy.”

– David Cooper, an Ohio prisoner in solitary confinement
Shining a Light on Solitary Confinement, page 14

Free Speech and Police Practices in Cleveland – The Republican National Convention swept through Cleveland; the ACLU continues to pick up the pieces. Negotiations between our legal team and City of Cleveland officials prevented the 2016 RNC from being defined by an unnecessary conflict between freedom and security. Everyone – regardless of their opinion or political affiliation – had the opportunity for their voice to be heard free from police harassment.

The City used \$50 million to purchase militarized equipment that is now permanently housed in Cleveland. The ACLU of Ohio’s work doesn’t stop after the RNC. We want to stop overzealous militarized policing.

In Jail & In Debt – Thousands of people are charged “pay-to-stay” fees, such as booking or daily fees, when they are incarcerated in county jails. Balancing jail budgets on the backs of people in poverty will simply never work, and we demonstrated that in our report, *In Jail & In Debt: Ohio’s Pay-to-Stay Fees*, which put Ohio counties on watch. After firm advocacy

“It is mentally, emotionally, and financially devastating. It is a travesty that they prey on people who are down and out or have unfortunate circumstances.”

– David M., who estimates his pay-to-stay fees have accumulated to around \$21,000
In Jail & In Debt: Ohio’s Pay-to-Stay Fees, page 13

by the ACLU of Ohio, the Multi-County Correctional Center in Marion was one of four jails that eliminated its pay-to-stay program in 2016. These fees hinder people’s ability to get back on their feet when they are released from jail, and instead send people right back into the criminal justice system.

New Poll Tax Stopped – Imagine going to the polls to vote, but there is no electricity or the precinct ran out of ballots, and that is the only time you’re able to vote — kids need to be picked up and work hours aren’t flexible. If you wanted to go to court to keep the polls open later, under Senate Bill 296, you would have been required to front thousands of dollars and go through a bureaucratic system with almost no hope of success. With pressure from the ACLU of Ohio and thousands of members taking action, Governor John Kasich vetoed SB 296.

Our call to action triggered nearly 1,100 messages to Governor Kasich and over 1,600 additional messages to state legislators.



The ACLU is only as strong as its members and supporters. Please give generously to support our work in 2017 as we expand equality and opportunity to all Ohioans.

*If democracy is to prevail, we need a strong
ACLU to safeguard civil liberties for all
people. We call on those who recognize
and support this mission to guide us
through 2017 and beyond.*



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