

# Standing in Solidarity with You

## 2018 ACLU of Ohio Work Plan



ACLU

AMERICAN CIVIL LIBERTIES UNION  
of OHIO

FOUNDATION

# Message from the Executive Director

Dear friends and colleagues:

As a supporter of the ACLU, you know that we are unequivocal when it comes to **safeguarding the Constitution and the Bill of Rights for all Americans**. You understand that protecting free speech, assembly, and protest, and due process under the law, is an unwavering ACLU principle.

Because all means all, the ACLU confronts systemic injustice – **protecting immigrants, Muslims, LGBTQ persons, persons with disabilities and reproductive freedom**. As an ACLU member, you help strengthen our work for greater equity – toward racial, gender and sexual justice.

Nearly every aspect of our priority legal, policy and advocacy programs – **dismantling mass incarceration, advancing police reform, expanding voting rights, advocating bail reform, challenging broken drug policies, and more** – is a direct challenge to the systemic racism that has been institutionalized across our state and in our nation.

Both protecting civil liberties and advancing civil rights, **the ACLU is your home in the struggle for more freedom, greater opportunity, and fundamental fairness**. This is what we do.

Simply stated, no other organization does this work more consistently or courageously than we do.

**These are extraordinary times that require extraordinary effort from all of us.** Thanks to your generous support, the ACLU is proven and positioned to be at the forefront of the resistance to the draconian policies and legislation now emanating from the White House and the Ohio Statehouse.

Our 2018 Work Plan reflects just how important you are to the hard work that lies before us.

Already, as the new executive director, I recognize that the people of the ACLU, in Ohio and across the country, are some of the most determined, committed folk one could ever hope to know. We are the ones who put love into action, because the ACLU embodies what Cornel West observed so brilliantly, **“Justice is what love looks like in public.”**

I revere what the ACLU stands for, because I know it’s an organization that not only defends freedom, but defines it. Liberty is inherently fragile, and only through tenacious perseverance will we preserve and expand it for future generations.

**We need your increased support to stand up to those who are seeking to diminish our democracy, imprison more people, criminalize journalists, divide and deport families, and restrict access to health care.** This is no time for retreat, but for principled perseverance.

Let’s do this!



J. Bennett Guess  
*Executive Director*



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P.S. Our 2018 Work Plan requires an additional \$250,000 to meet the challenges before us. Your additional support this year would be a big help toward accomplishing our goals.

# YOUR VOICE, OUR STRENGTH

## *Your Actions Make a Difference*

In February, anti-choice politicians introduced SB 28, a bill that would require the cremation or burial of embryonic and fetal tissue after an abortion.

**Over 1,800 Ohioans** stood up against this attack on reproductive freedom.

In February, HB 36 was introduced. Branded the 'Pastor Protection Act,' this bill would perpetuate the myth that ministers cannot refuse to perform any marriage that doesn't conform to their sincerely held religious beliefs – which is already protected by the First Amendment. **More than 2,100 supporters** took action to stop this anti-LGBT bill.

In March, three bills quickly moved through the Ohio General Assembly that would further criminalize drugs, and each one would have undoubtedly sent more Ohioans to our already overcrowded jails and prisons. **Over 1,200 individuals** stepped up to stop these bills from passing.

March marked two years since the city of Cleveland signed the consent decree – an agreement committed to fixing the rampant misconduct in the city's police department.

**Nearly 2,000 people** added their name to our petition to Mayor Frank Jackson and U.S. Attorney General Jeff Sessions, requesting stronger leadership in overseeing police reform.

In June, Ohio legislators considered adding anti-immigrant provisions to the state budget bill in an attempt to deny workers' compensation to undocumented workers. **Just under 800 folks** told our elected officials to remove that harmful language and protect ALL Ohio workers.

In July, after a three-year moratorium, Ohio resumed executions.

**Nearly 1,600 Ohioans** stood up to the death penalty and told Governor Kasich not to resume executions in Ohio.



# CRIMINAL JUSTICE REFORM

## Predatory bail

Ohio courts rely on a money bail system to release accused persons from jail before their trial. Wealthier people accused of a crime get released, while people with fewer financial resources accused of the same crime remain incarcerated. The inability to afford bail can have dire consequences. Individuals miss work and lose their jobs, which in turn means they can't afford necessities and other financial obligations. Insurmountable poverty and loss of custody of their children are two tragic outcomes of this unfair system.

The ACLU of Ohio is researching the use of money bail, working with judges and justice officials to understand their roles, and advocating for reforms. We are building statewide and local coalitions, and investigating jurisdictions around the state to identify the worst actors to pursue.

## Mayor's courts

Some municipalities in Ohio operate their own mayor's courts to hear traffic cases and other minor misdemeanors. Mayors may appoint a magistrate to oversee the court, or they will oversee it themselves. These courts have limited oversight from the Ohio Supreme Court, and Ohio law does not require the mayor to have a law degree or any litigation or judicial experience to oversee the court.

The primary purpose of these courts is to collect fines and fees for small, misdemeanor violations. Much like the money bail system, mayor's courts disproportionately affect low-income individuals and people of color by punishing them with excessive fines. By raising revenue through minor offenses, these municipalities are incentivizing aggressive policing and arrests, and are more likely to encourage guilty pleas and larger numbers of citations.

**Much like the money bail system, mayor's courts disproportionately affect low-income individuals and people of color.**

We are investigating and documenting problems in mayor's courts, and will launch an advocacy campaign to raise awareness of these issues among the public and lawmakers. Our goal is to eliminate mayor's courts in Ohio.



## Nuisance ordinances

We are working to protect women who are affected by dangerous housing nuisance ordinances. These discriminatory policies penalize women for reporting abuse and neglect from partners and landlords. We will work to change these policies and laws through our integrated advocacy of education, legislation and litigation.

## A new Department of Justice, the same failed policies of the past

Attorney General Jeff Sessions has taken command of the Department of Justice (DOJ), and he is leading with draconian policies and dragnet policing. The DOJ has already initiated a number of alarming changes like harsh

penalties for drug possession, investment in private prisons, and local enforcement of immigration policies – all tactics which do more harm than good. We will not let his actions go unchallenged.

In 2017 the DOJ announced the creation of the National Public Safety Partnership (PSP) – a program to aid 12 cities in fighting crime, drug trafficking, and gang violence. Toledo and Cincinnati were two of the cities selected to “receive significant assistance.” We contacted officials in both cities, urging them to reconsider their participation in this partnership.

At least 10 cities have arrested and charged overdose victims with “inducing panic,” as an attempt to punish their way out of this growing problem. It does not work. The ACLU has a long-standing opposition to the criminalization of drug use and has sent letters to city officials and urged them to stop these heinous practices. Addiction to opioids needs to be treated as a public health issue, not a criminal justice one.



**The revamped ‘War on Drugs,’ championed by Jeff Sessions, has proven to be a disaster in Ohio – especially as we struggle with the opioid epidemic.**



# VOTING RIGHTS

The ACLU of Ohio has a proven track record of defending and expanding the right to vote across the state, and we've challenged unconstitutional attacks on voters. We will continue to fight for all Ohioans to ensure they can fully participate in our democracy.



## Locked up, but not disenfranchised

Every year, thousands of Ohioans are incarcerated in jail or prison and miss an important opportunity to participate in local, state and federal elections. In Ohio, as long as someone is not currently incarcerated after being convicted of a felony, they can still vote. Unfortunately, many people are unaware that this right exists, and miss their chance to cast a ballot.

In 2017 we launched "Voting in Jail: An Organizer's Toolkit" to help activists plan a successful voter registration drive at their county jail. The toolkit includes tips to get started, advice on forming relationships with local jail and election officials, and steps to carry out a successful voter registration campaign in a jail. We are holding training sessions with activists across the state to ensure active participation in future elections.

**Voting is the most powerful way  
to make your voice heard.  
Our democracy depends on it.**

## Elections: Not just every four years

Off-year elections rarely get the attention they deserve, and have even lower turnout rates than presidential elections. Many people believe that voting in local elections is a fruitless effort; in reality, the governor, state legislators, city council, the mayor and the school board have enormous power over your everyday life. Local elected officials make decisions affecting the roads you drive on, the education your child receives, and where your taxes go.

The ACLU of Ohio is working to end the apathy of off-year elections, encouraging citizens to engage in every election cycle. Through our online vote center at [www.acluohio.org/vote](http://www.acluohio.org/vote), we provide current information on election dates, the voting process, and relevant laws.

For example, in a highly contested 2017 mayoral race in Cleveland, consent decree agreement with the Department of Justice figures prominently. We encouraged voters to ask questions surrounding the issues of body cameras, police department priorities, and systemic reform.

## Access to democracy for the hearing impaired

When voters who are hearing impaired arrive at polling places, they may find it difficult to communicate with poll workers, leaving many feeling alienated and disenfranchised. The ACLU of Ohio launched a web-based resource to help these citizens access the ballot box. Basic information on registration, acceptable identification, and casting a ballot is provided, with videos in American Sign Language (ASL).

## Stop purging voters from the rolls

In 2015, we warned Ohio Secretary of State Jon Husted to stop the illegal and unconstitutional practice of removing voters from registration rolls for non-voting. In 2016, the ACLU and Dēmos filed a lawsuit in federal court, asking Husted to stop the illegal purges and to restore all purged voters to the rolls. Later that year, the Sixth Circuit Court of Appeals ruled that the purges violated the National Voter Registration Act (NVRA), and required Husted to allow purged voters to cast a ballot in the 2016 presidential election. Because of this lawsuit, over 7,500 voters were able to cast a ballot who would have been otherwise turned away. Unfortunately, this win is not the end of the fight—Husted appealed the decision to the U.S. Supreme Court. We filed our brief in September 2017.



# ENDING DISCRIMINATION

## LGBT legal protections

Only 19 cities in Ohio have ordinances that prohibit discrimination based on sexual orientation and gender identity. Ohio has no statewide law offering such protections. This means the majority of LGBT Ohioans can be fired from their jobs, denied housing, or refused service in businesses. The Ohio legislature has refused to pass LGBT nondiscrimination bills for the past twenty years. The ACLU of Ohio has joined the Human Rights Campaign, Equality Ohio, and TransOhio to form “Ohio Business Competes” to pass legislation which would finally put an end to this discrimination.

## Transgender rights: As you truly are

Ohio is one of just three states that does not allow transgender individuals to update the gender marker on their birth certificates to match their true identity. Along with Lambda Legal, we are

seeking stories from people who have been directly harmed by this discriminatory policy. The better we can understand the harm this policy has caused individuals, the better equipped we are to change the current laws. Together with our partners at the National Center for Transgender Equality (NCTE), TransOhio, Equality Ohio, Margie’s Hope, and Equitas Health we will change this discriminatory policy.

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# WOMEN'S RIGHTS

**Women's equality intersects with racial discrimination, class disparities, gender bias, mass incarceration, criminal justice and voting rights.**

Our Women's Equality Fund, created in honor of our former Executive Director, Christine Link, supports our work in these areas as it impacts women's lives, in addition to our work in reproductive rights.

## **Roe v. Wade: It's the law**

In a drawn-out legal battle, the ACLU of Ohio is challenging abortion restrictions enacted through the 2013 legislative budget bill. The bill (now law) included restrictions on transfer agreements between clinics and hospitals, prohibiting abortion clinics from contracting with public hospitals, and requiring doctors to inform pregnant women about a fetal heartbeat prior to an abortion. Our case, *Preterm-Cleveland v. Kasich*, has since moved to the Ohio Supreme Court.

## **Safe abortion clinic access**

The ACLU is an unapologetic defender of reproductive rights. We are deeply concerned about attempts by both the government and private individuals to reduce access to safe and legal abortion and family planning services. At the same time, the First Amendment protects anti-choice demonstrators' right to peacefully protest on public property – regardless of how crude or judgmental their words and images may be.



The ACLU of Ohio believes that the right to reproductive health care can be protected without passing redundant legislation that would restrict free speech rights. The path forward is to identify issues with law enforcement and formulate solutions for the facilities' safety and access concerns, allowing us to protect the rights of all concerned.

**Allowing government actors to interfere with one group's freedom of speech and assembly ultimately weakens these constitutional protections for all groups.**





# GATHERING MOMENTUM

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## Solitary confinement

The ACLU of Ohio, along with Disability Rights Ohio, created new administrative rules, adopted by the Ohio Department of Rehabilitation and Correction (ODRC), to exclude all individuals with serious mental illness, juveniles, and pregnant women from solitary confinement of more than 30 days. We continue to monitor ODRC rules as they are implemented and to advocate for policies that adequately protect people with mental illness in prison.

## Trans spotlight

We launched a comprehensive educational resource about transgender rights, anchored by the “Transgender Spotlight Video Series.” We have reached over half a million people, and have spurred momentum in public engagement to ensure legal protections for the trans community.

## Voting in Jail: An Organizer’s Toolkit

“Voting in Jail: An Organizer’s Toolkit,” was designed to spearhead grassroots campaigns to educate individuals on voting rights and increase turnout at the polls. We are training organizers across the state to help them take on the difficult work of protecting voting rights for individuals who are incarcerated.

## Opioid task force

A working group comprised of the ACLU staff and board members is taking on opioid crisis in Ohio. Robust plans have emerged from the legal, policy, and communications departments to thoughtfully and effectively approach the epidemic in a manner that aligns with our overall stance on drug policy and reform in Ohio.

## Political redistricting

The maps defining Ohio’s state legislative and Congressional House of Representative districts drawn after the 2010 census have resulted in entrenched partisan skewing consistently in favor of one party’s candidates. The severity of this partisan gerrymandering is widely acknowledged. We are convening experts from across Ohio and beyond to study the problem and strategize legal remedies.

## Grassroots organizing

We’ve seen a swell in civic engagement over the past year from community groups across the state. Through poetry readings, weightlifting classes, orchestral choirs, happy hours, brunches, and rock concerts, Ohioans are fundraising and organizing on our behalf and we couldn’t be more grateful for this heightened activism.

# ACTIVE LITIGATION – STAY TUNED

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## *Abdur-Rahim v. City of Columbus*

In July, the ACLU of Ohio filed a lawsuit against the Columbus Police Department on behalf of three individuals who were pepper sprayed at close range while peacefully demonstrating in downtown Columbus – an unconstitutional use of force.

## *Rotondo v. J.P. Morgan Chase*

In June, the ACLU of Ohio, along with national ACLU and the employment law firm Outten & Golden LLP, filed a discrimination charge with the Equal Employment Opportunity Commission on behalf of a J.P. Morgan Chase employee who claims the company discriminated against him and other fathers by denying fathers paid parental leave on the same terms as mothers.

## *Ohio A. Philip Randolph Institute (APRI) v. Husted*

In 2016, the ACLU and Dēmos filed a complaint asking the court to require Ohio Secretary of State Jon Husted to stop purging certain voters from the rolls. This case will be heard by the U.S. Supreme Court. See page 6.

## *Preterm-Cleveland v. Kasich*

In October 2013, the ACLU of Ohio challenged the restrictions on abortion access which were inserted into Ohio’s bi-annual budget bill. This case will be heard by the Ohio Supreme Court. See page 8.

# QUIET VICTORIES, HUMBLE BRAG

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The ACLU of Ohio doesn't always get the recognition it deserves, especially when legal battles don't reach the courts. But the successes are every bit as rewarding for those we stand up for.

## **Painesville Police Department profiling**

The City of Painesville enacted a new policy allowing police officers to stop individuals based on a lack of English proficiency. Working closely with the Latino grassroots group HOLA, which was organizing on the ground, we sent a letter to the city, calling out the policy as racial profiling. As a result of HOLA's activism and our letter, Painesville created a community task force to review the policy.

## **Substitute teacher fired for Facebook post**

Derek Ide is a substitute teacher for the Sylvania School District. Despite previous assurances of continued employment, the District refused to renew his teaching position because of a Facebook message Derek posted. We sent a demand letter to the school district threatening litigation unless it issued an apology, reinstated Derek in his position as a substitute teacher, and issued him back pay. We reached a settlement on Derek's behalf.

## **Hamilton County denied marriage licenses to incarcerated individuals**

We sent a letter to the Hamilton County Probate Court urging it to discontinue its policy of refusing marriage licenses to incarcerated people. As a result, the court removed the problematic language on its website and now offers a publication describing how incarcerated people may obtain a marriage license.

## **Prom tickets for everyone**

When an Ohio high school student sought to buy prom tickets for herself and her female date, she was denied tickets and told that only boy-girl dates were permissible. We sent a letter, and the school promptly backed down, allowing the student and her date to attend the prom.

## **Transgender people refused service**

In February 2016, a Cleveland Family Dollar store and its contracted security company, Citywide Protection, refused to serve two transgender women, Jane Doe and her friend, because of their gender presentations. We filed a complaint under the city's non-discrimination ordinance. In March 2017, Family Dollar filed for dismissal of its own appeal and began paying punitive damages to our clients.

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## *Honoring Adrienne*

Adrienne Gavula, the ACLU of Ohio's director of development, died unexpectedly on September 2, 2017. She was a passionate civil libertarian, justice advocate, and dear friend.

*"Only in our collective power is change possible. We cannot afford to be immobilized. The stakes are too high and too many people are counting on us."*

Adrienne Gavula, 1982-2017

# *Honoring Adrienne*





[www.acluohio.org/workplan](http://www.acluohio.org/workplan)