

ACLU of Ohio Foundation 2015 Work Plan



A Letter From the Executive Director

Dear Friends,

Since our founding in 1920, the ACLU has committed to defending *and* defining civil liberties. And we won't stop. The ACLU of Ohio will continue to respond to attacks on civil liberties, create opportunities for change, and work to expand rights and liberties for all Ohioans.

The coming year brings with it many more challenges. But we have a robust strategy for preserving and expanding civil liberties in 2015, one that calls for a multifaceted approach – utilizing focused public awareness campaigns, strategic partnerships, and coordinating our policy and legal efforts to ensure favorable legislative outcomes – and that needs your steadfast support to be successful.

What follows is a preview of the work we identified for 2015. Ambitious goals to:

- **Fight voter restrictions and ensure access to the polls** for all Ohioans.
- **Combat mass incarceration** and challenge inhumane treatment of Ohio's prison population.
- **End the indiscriminate shackling** of juveniles in courtrooms.
- **Secure full legal rights for all Ohioans** regardless of sexual orientation or gender identity.
- **Protect Ohioans' rights to privacy** in an era of growing technology and laws that are slow to catch up.
- **Safeguard the freedom of speech** to ensure that our rights are not chilled and individuals can feel empowered to exercise their rights.
- **Battle gender discrimination** in the workplace and beyond.

Your support provides the steam we need to keep forging ahead to achieve our large-scale aspirations. Thanks to you, we can make 2015 a year of powerful momentum – protecting and expanding civil liberties. And with your help, we'll accomplish our goals and much more.

Sincerely,



Christine Link

Executive Director, ACLU of Ohio & ACLU of Ohio Foundation

Part One

LETPEOPLEVOTE

★ — ★ — ACLU — ★ — ★

Fighting Voter Restrictions and Ensuring Access to the Polls

Our voting rights are under attack. But the ACLU of Ohio is committed to preserving and expanding all Ohioans' access to the polls. Last year S.B. 193 was signed into law and established new, extensive regulations for the participation of minor political parties in Ohio elections. **Our legal team sprang into action** and is challenging S.B. 193 as these new regulations unconstitutionally burden minor political parties' access to the polls.



Additionally, we filed a lawsuit asking a federal court to strike down a new state law and a directive from Ohio Secretary of State Jon Husted that slashes early voting opportunities in Ohio. **The result of the new laws and directive were to eviscerate Golden Week** – the period in which individuals could

register and vote on the same day – as well as, **cut all Sundays, evening voting hours, and the Monday before Election Day.** Previously, numerous, mainly low-income and minority, Ohioans utilized these early voting opportunities. Because of a separate lawsuit, so far only the last Saturday, Sunday, and Monday before Election Day have been reinstated.

Recently, Republican Speaker Bill Batchelder told reporters that he would support the legislature establishing early voting hours rather than the Secretary of State's office or a court. And these aren't the robust early voting hours we are fighting to get back. **The Ohio General Assembly will never stop finding ways to cheat the system and restrict access** to the polls – especially with the 2016 presidential election on the horizon. **We have to fight back.** We will continue to be in the legislature and in the courts to ensure these tactics are not successful. Our strategy is three-fold:

- 1. Educating Ohioans with criminal convictions on their rights.**

Most people with felony convictions are able to vote in Ohio, but few know their rights. We have to **educate this population on their rights, as well as, expand voting opportunities for those who are incarcerated.** We will

continue to work with social service agencies and local boards of elections to raise voter awareness among Ohio's jailed population. Additionally, we will continue to distribute ex-offender voter empowerment cards, in both English and Spanish, to ensure these individuals know their rights and can become involved citizens.

The OGA will never stop finding ways to cheat the system and restrict access to the polls.

2. Defending and expanding voting rights for people with disabilities.

Many Ohioans **with disabilities are marginalized** and feel largely **ignored in the current election system** because of architectural and attitudinal barriers. The ACLU of Ohio will utilize targeted educational outreach to ensure these individuals know their rights and advocate for greater access for voters with disabilities.

3. Enactment of an online voter registration system.

Both Republicans and Democrats support modernizing Ohio's voter registration system, yet legislation remains stalled. The ACLU of Ohio will leverage our advocacy and legislative tactics to **ensure enactment of online voter registration in Ohio**. Additionally, we will advocate for a system that is **fully accessible to low-income voters and those with disabilities**.



Part Two

Combating Mass Incarceration: Fighting for Justice for All



Can you imagine a greater deprivation of your personal liberty than incarceration? The ACLU of Ohio is committed to ending mass incarceration and **reforming our broken criminal justice system**. We will continue to fight for humane prison conditions, sentencing reform, and to end the death penalty. Over the next year, we will focus our criminal justice efforts to

challenge inhumane prisoner treatment and work to end prison profiteering. Our core criminal justice goals are:

1. Put an end to solitary confinement of both juveniles and adults.

It's not hard to imagine that even just one week languishing in the dark, cold emptiness of solitary confinement can cause adult brain function to decline. However, it can be even more damaging for children, who are more emotionally fragile and still developing. Unfortunately, historically, Ohio **outpaced most states in total hours it placed children in isolation**. While the juvenile system has reached a settlement with the Department of Justice to end solitary confinement, we will continue to monitor its implementation and fight to end solitary confinement for children in adult prisons and jails as well.

Additionally, Ohio has implemented a new security classification system for adult prisons – it's called the **3-Tier Prison System**. The intended goal is to foster an environment of rehabilitation. **But this system may actually lead to more prisoners in solitary confinement for longer periods** of time. The ACLU of Ohio will fervently work to end solitary confinement in all Ohio facilities, juvenile and adult –especially for those who have a mental illness or developmental disability.

2. Combat for-profit prison corporations and other prison profiteers.



Ohio has two private state prisons and one private federal penitentiary. Since each facility has been transferred into private control, they have been **rife with problems like poor conditions, increased assaults, and rampant drug use**. We will continue to advocate for enactment of accountability measures for these for-profit corporations, and expose their abuses to the public.

Further, **outsourcing prison services** may result in civil liberties abuses, and we are keeping a close watch. This year the private food vendor, Aramark, has been riddled with trouble as **multiple facilities found maggots in their food**. As of August, Ohio had fined Aramark over a quarter of a million dollars. **This has to be stopped**. We will

continue to fight against privatizing facilities, as well as, prison services such as food and medical. In order to successfully combat these prison profiteers, we must engage with key coalition partners and broaden our support.

Additionally, since 2000, Ohio has allowed **jail administrators to charge people housed in county jails fees for booking, housing, clothing, even medical expenses**. We will continue to fight against these policies as the evidence shows that Pay-to-Stay programs are simply yet another hurdle to successful reintegration.

*Pay-to-Stay fees
hinder successful
reintegration into
society.*

Part Three

Juvenile Justice: Breaking the Chains



Juvenile justice systems were created to protect young people's rights and **focus on education and rehabilitation** rather than punishment. **Sadly, this purpose seems forgotten.** The ACLU of Ohio strives to dismantle the school-to-prison pipeline (e.g. the policies and practices that funnel children out of schools and into the juvenile and criminal justice systems.), **ensure that seclusion and**

restraint are last resort methods in all Ohio schools, and expand juvenile rights in Ohio.

In the year ahead, we will lay the roadwork to **end the indiscriminate shackling of children in juvenile courtrooms.** For years, Ohio children have been escorted into juvenile courts wearing shackles, leg irons, or handcuffs. These restraint policies vary from county to county, but many counties simply choose to shackle every child, even if they pose no safety risk. Many of these children are not the "hardened criminals" one might imagine in handcuffs, but a young child who made a mistake.

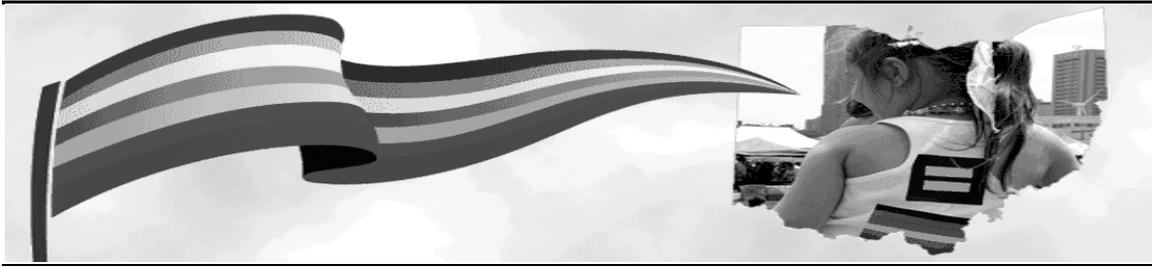
Juvenile justice systems were created to protect young people's rights and focus on education and rehabilitation.

Courts around the country have ruled that the **use of restraints in adult judicial proceedings violates the Constitutional right to due process.** The result – restraints can only be used for those who pose a safety risk or have a documented history of escape, *and* courts are supposed to document their reason for using restraints. **While adults who appear in Ohio courts have all of these rights, children do not.**



Over the next year, we will begin to seek enactment of administrative rule changes through the court system to stop this unfair practice. **We won't stop fighting in the courts and in the legislature** to ensure that juveniles are treated fairly in our criminal justice system.

Part Four



LGBT Rights: Equality for All

The ACLU of Ohio has a long history of fighting for full LGBT equality. And we're **fighting to win**. Just this year, the ACLU brought suit on behalf of James Obergefell and John Arthur, challenging Ohio's refusal to recognize same-sex marriage on death certificates. Sadly, John Arthur lost his battle to ALS before he could see victory, but we're still **fighting in the courts to make sure that their love gets the recognition it deserves**.

Our goal is to foster an America free from discrimination based on sexual orientation or gender identity. This means **an America where LGBT people can live openly, and where our identities, relationships, and families are respected**. Where LGBT Ohioans will not be discriminated in the workforce, in health care, in schools, marriage, parenting, or housing.

It's hard to grasp that currently LGBT Ohioans can be denied housing or fired from their jobs simply because of who they are. In the coming year, we will focus



our efforts to promote the passage of long overdue legislation that will prohibit discrimination based on sexual orientation and gender identity. In order to do this, we will lobby and leverage public support to enact legislation to protect all Ohioans from unfair discrimination at work and at home. This way when Ohio achieves marriage equality - and we will - **LGBT Ohioans will finally achieve full equality.**

Part Five

Other Important Areas of Focus

Although we have identified the above-detailed four areas of top priority for the year ahead, **the ACLU of Ohio will continue to fight for civil liberties on all fronts**. What follows are three more key issues for the coming year.

1. Protecting Privacy

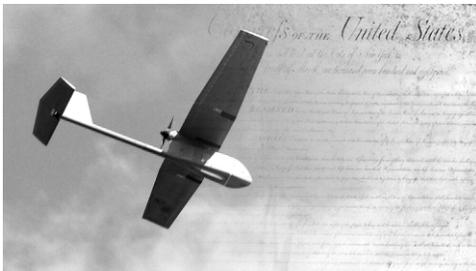
In 2014 we witnessed an **expansion of Fourth Amendment rights and a revitalization of interest in privacy** by the public *and* the courts. For example, the Supreme Court held that **officers now need a warrant to search your cell phone, even if it is incident to an arrest.** Additionally, this year we filed an amicus (friend of the court) brief in an on-going case challenging the City of Toledo's use of **red light traffic cameras** which take a picture of cars that speed through or run a red light.



These cameras deprive us of our rights to have notice and a hearing. We will continue **to protect and preserve the progress we've made**, as well as, **keep the momentum going** to ensure robust privacy rights are upheld!

Although we are achieving victory on many fronts, our laws have not kept pace with the rapid growth of technology. **This means the area of privacy is ripe for abuse.** Today vehicle license plate scanning, cell phone tracking, and even domestic drones are already being utilized across the country with very little laws in place to protect individual privacy.

Currently, **phone companies can track a cell phone's geographical location whenever it is turned on.** Law enforcement routinely obtain this information, often without a warrant. This creates tremendous privacy risks as a cell phone can tell a lot about us – **where we are, information about our families and relationships, and so on.**



Additionally, drones, which are unmanned aerial vehicles controlled by a human operator, are used by *both* the government and the private sector. **Drones can be used for all sorts of purposes – scientific research, agriculture, military operations, or domestic spying.** It's a slippery slope. In 2015, the ACLU of Ohio will engage in a coordinated strategy to educate the public and work with legislators on both sides of the aisle to help ensure that any policies surrounding cell phone tracking and drone usage will safeguard Ohioans' privacy.

2. Safeguarding the Freedom of Speech

The right to speak your mind and fight for what you believe is one of our nation's, *and the ACLU's*, oldest and dearest principles. But **threats to free speech are growing** and taking on new forms. More and more businesses, government

bodies, and elected officials are filing **Strategic Lawsuits Against Public Participation**, aka, SLAPP suits.

The goal of a SLAPP suit is not to win in court. It is to send a clear message – **exercise your First Amendment rights at your peril**. The point is simple. SLAPP suits are used to suppress individuals from speaking out on issues of public interest or concern – **chilling our right to free speech**. Earlier this year, the ACLU of Ohio defended a journalist who was sued by Murray Energy



Corporation for an article he wrote that was posted by the *Huffington Post*. **We were victorious, and the lawsuit was dismissed**. Now, we are invigorated and ready to combat more SLAPP suits and preserve individuals' freedom of speech.

3. Battling Gender Discrimination in the Workplace

Expanding women's rights is integral to the ACLU of Ohio's mission. For decades, we have committed to **securing gender equality** and to ensure that all women are free to live their lives free from gender discrimination and stereotypes. **Gender should play no role in educational and economic opportunity**, and everyone should be treated fairly under the law.



Although, we have made great strides, **there is still work to be done**. Our lawyers have been in the courts vigorously fighting against gender discrimination in the work place. In 2013, a 33-year old unmarried mother of two was terminated from her job after her employer became aware that she was pregnant. Her employer, a religious organization, **used her pregnancy as a scarlet letter**. Our lawyers took action because it is patently unlawful to fire a woman for becoming pregnant.

The ACLU of Ohio will **continue to battle gender discrimination** in the courts and in the legislative and public arenas. **We won't stop** until women finally have the equal economic, educational, and other opportunities they rightfully deserve.

Conclusion

Guardian of Civil Liberties

The ACLU of Ohio is ready to continue to fight for civil liberties for all Ohioans. We have a strategy – educating the public, lobbying in the legislature, and taking our issues to the courts. We have the tools, but we need your support to:



- **Fight voter restrictions and ensure access to the polls** for all Ohioans, focusing our efforts to educate Ohioans with criminal convictions; defending and expanding voting rights for people with disabilities; and working to pass an accessible online voter registration system.
- **Combat mass incarceration** and challenge the inhumane treatment of Ohio's prison population by advocating against solitary confinement and working to end prison profiteering.
- **End the indiscriminate shackling** of juveniles in courtrooms.
- **Secure full legal rights for all Ohioans** regardless of sexual orientation or gender identity.
- **Protect Ohioans' rights to privacy** in an era of growing technology and laws which are slow to catch up.
- **Safeguard the freedom of speech** to ensure that Ohioans' rights are not chilled and individuals can feel empowered to speak out on issues of public concern.
- **Battle gender discrimination** in the work place and beyond.

With your help, we can fulfill our aspirations for 2015 and much more. Our goals require a strong ACLU that has the resources to defend freedom on all fronts. **Your leadership and support are essential for us to be successful.** We gain our power and our momentum from supporters like you. We need your inspiration and your unrelenting dedication to the cause. We thank you, and we look forward to your ongoing support to help us create a better Ohio for tomorrow and beyond.

Thank you for your support and partnership.
We look forward to achieving our goals for
2015 with you in the year to come.



4506 Chester Avenue
Cleveland, Ohio 44103
(216) 472-2220
www.acluohio.org