



4506 Chester Avenue
Cleveland, OH 44103

Ohio Civil Liberties Snapshot

Breaking the Chains on Juvenile Shackling in Ohio

The ACLU of Ohio, along with other juvenile justice organizations, have been working tirelessly to end the automatic shackling of Ohio’s children in juvenile courts. This winter, the Supreme Court of Ohio produced and opened for public comment the first draft of Local Juvenile Restraint Rule 5.01, which would limit the use of shackles in juvenile courts.

The ACLU of Ohio strongly supports the rule and has passionately called on other organizations and child advocates to do the same. We have been actively involved in advocating for change on this issue and are pleased with the positive feedback. **In the first 24 hours of the comment period, the Court received over 500 responses.**

“It is unconstitutional to shackle adults in court without a specific reason, yet the same rules don’t apply to juveniles. Putting children in handcuffs, belly chains, and/or leg irons while in court causes psychological harm and ignores the mission of the juvenile justice system to rehabilitate young people,” said Shakyra Diaz, policy manager with the ACLU of Ohio. “This change would require courts to adopt a rule that creates a presumption against automatic shackling.”

Shackling is psychologically harmful, undermines due process protections and the dignity of the court,



as well as the rehabilitative mission of the juvenile justice system. These changes would be a positive step to strengthen the rights of Ohio’s youth, and a much needed reform to the juvenile justice system. **Be on the lookout for the final decision by the Supreme Court of Ohio sometime this spring.**

Issue Update: LGBT Rights

Did you know that in Ohio a person can be fired from their job, denied housing or simply refused service just because they are lesbian, gay, bisexual or transgender (LGBT)? **Ohio law does not explicitly protect people in the LGBT community, which in turn denies them the same opportunities it affords others.** While this form of discrimination is disheartening, it is not unique, as a majority of states do not have holistic nondiscrimination laws.

So what’s next for LGBT rights in Ohio? The ACLU of Ohio has joined together with the Human Rights Campaign and Equality Ohio to form “Ohio Competes.” This coalition will work together to pass legislation to protect Ohioans from discrimination in employment, housing and public accommodations based on their sexual orientation and gender identity.

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Support our efforts by making a gift online at www.acluohio.org/donate.

Against Unreasonable Searches and Seizures: Reform to Civil Asset Forfeiture

This past fall, the ACLU of Ohio announced its support for new legislation to reform laws that allow for civil asset forfeiture. This practice gives law enforcement agencies the ability to take any asset—such as cash, vehicles, real estate and other personal property—without a warrant, a conviction, or even criminal charges if they believe the property was used in a crime. Changes in legislation would protect and strengthen Ohioans’ Fourth Amendment right “to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.”

“This legislation is long overdue and will provide a welcomed relief to the many Ohioans whose property is taken away from them, oftentimes without any recourse or hope of recouping lost assets,” said the ACLU of Ohio’s senior policy director Mike Brickner. “Under the current system, assets are taken from people—sometimes without ever being charged with or convicted of a crime and have little recourse to reclaim the property if they are found to be innocent.”

The ACLU of Ohio supports this new legislation as part of Fix Forfeiture, a coalition of conservative and progressive groups dedicated to passing sweeping civil asset forfeiture reforms. As of January, Ohio legislators were holding hearings on Senate Bill 236 and House Bill 347 which address this issue.

We must not let our presumption of innocence, nor our Fourth Amendment rights be infringed upon, and this legislation strengthens these protections.



Reproductive Rights Will Not Be Taken Away

Over the past few years, Ohio has become one of the strictest anti-abortion states in the country. This onslaught of abortion restrictions have been made in the guise of “protecting and supporting the health and well-being of women, their pregnancies and their children.”

Ibis Reproductive Health and the Center for Reproductive Rights collaborated to evaluate these claims and found that compared to other states, Ohio has a larger number of abortion restrictions, and worse outcomes for women’s and children’s health. Ohio’s newest restrictions have already shut down clinics and more are expected to close.

The ACLU of Ohio’s fight to protect reproductive rights has moved to the court room, as we are currently involved in two different cases, representing Preterm, an independent abortion provider in Cleveland, and Women’s Med Group, an abortion provider in Dayton. We continue to protect Ohioans from backdoor attempts to limit reproductive rights as *Roe v. Wade* is the law of the land, and the ACLU is working to ensure that it will not change.

Protecting the Right to Vote

On December 17, the ACLU of Ohio sent a pre-litigation notice letter to Ohio Secretary of State Jon Husted demanding that the state stop its practice of illegally removing voters from its voter registration rolls. The letter makes clear that Ohio is violating federal law by using failure to vote as a reason to purge voters from the rolls.



“Ohio must ensure that its citizens are not unlawfully purged from the voter rolls merely for exercising their First Amendment right not to cast a ballot,” said Freda Levenson, Legal Director for the ACLU of Ohio.

A Visit to 1600 Pennsylvania Avenue

The ACLU of Ohio’s work on debtors’ prison, pay-to-stay and prison privatization have garnered national attention. This winter, we were invited to a convening at the White House, cosponsored by the Department of Justice, called “A Cycle of Incarceration: Prison, Debt, and Bail Practices.”

Many in attendance took note of what we are doing in Ohio, demonstrating that our work is creating meaningful reform.

