

ACLU of Ohio Debtors' Prison Investigation "Quick Guide"

Step 1: Identify the Problem and Where Debtors' Prison Practices are Occurring

- Initially, this will likely come from some form of intake.

Step 2: Create a Tentative Campaign Timeline

Step 3: Research the Law

- Conduct legal research on both state and federal law stances on incarceration for failure to pay fines.

Step 4: Gather Information!

- Draft a public records request for the local sheriff's office for a jail booking report over at least a 45-day period. If you received a complaint, draft the request so it covers the complainant's incarceration date(s).
- Send the public records request via certified U.S. mail so that you can track exactly when it is received.

Step 5: Analyzing the Data

- Analyze the 'charges' listed in the booking report and the length of incarceration for patterns.
 - Look for booking report charges similar to Contempt, Warrant for Failure to Pay Fines, Back Fines Warrant, anything including the words "fines: or "pay," or Failure to Appear/ Comply.
- If online dockets are available, crosscheck the booking dates, release dates, and charges included in the booking report against the information contained in the online court dockets.
 - Verify that warrants were issued and recalled around the time of the booking dates.
 - Note the reason listed for the warrant in the online docket versus in the booking report.
- Create Excel spreadsheets to document booking report and court docket information. Record the individual's name, booking report charge(s), date of booking, date of release, case numbers, underlying charges, and docket comments such as explicit entries regarding failure to pay.

Step 6: Gathering Contacts and Conducting Interviews

- Telephone/ Mail Outreach:
 - Compile contact information of individuals who have a high likelihood they were incarcerated for failure to pay fines.
- Court Watching:
 - If the docket analysis illustrated that contempt or other 'fines' related hearings occur on certain days of the week you may consider going to the court to sit in on these hearings.
 - Bring a number of outreach letters to hand out after the hearings, as well as be prepared to conduct interviews as individuals leave the courthouse.

Step 7: What Type of Campaign to Launch

- Once you confirm that debtors' prison practices are occurring, you must decide how to steer your campaign: litigation/ legal, media/ advocacy, or some combination. This determination depends on a number of factors including the scale of debtors' prison practices in your state, the state's case law, etc.

Step 8: You've Launched Your Campaign—Now What?

You've had a successful media splash, or filed litigation challenging debtors' prison practices, or perhaps both. How do you contend with the aftermath such as additional courts to research, media requests, and work with coalition partners? Imagine what your six month follow up will look like.

ACLU of Ohio's Campaign Strategy: Send legal demand letters to courts engaging in debtors' prison practices, as well as the Supreme Court of Ohio; issue a report – *The Outskirts of Hope*; and launch an advocacy campaign.

For more information, contact the ACLU of Ohio at 216.472.2200 or by e-mail at mbrickner@acluohio.org