

ISSUE BRIEF

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Policymakers Discuss Practical Solutions to Financial Obligations of People Released from Prisons and Jails

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A man released from prison after having served a few years for committing a felony such as burglary typically owes tens of thousands of dollars in victim restitution, child support arrears, mandatory felony surcharges, court costs, incarceration fees, and other charges related to involvement in the criminal justice system. Once in the community, his prospects for getting a job and finding his own place to live are dim. He will likely be contending with untreated substance abuse and mental health issues. Under these circumstances, it is hardly surprising that he will likely be re-incarcerated within three years of release (according to the Bureau of Justice Statistics), and his financial obligations to his family and the victim(s) of his crime will remain unfulfilled.

A bipartisan group of policymakers met in April to discuss the extent to which financial obligations, such as fines, fees, and surcharges, when added to the poor prospects for re-entry, set the average person coming out of prison up for failure. The group also sought to answer whether current policies are the best means for ensuring accountability to society, victims of crime, and the families of people who are incarcerated.

“At some point, we have to be able to say to people who have been incarcerated, and served time on probation or parole upon release, you have paid your debt to society,” said Senator Alan Cropsy (R-MI), who chairs the Judiciary Committee and serves on the Appropriations Committee in his state. “We have got to help people move on to leading productive lives.”

Sen. Cropsy joined the group of legislators, judicial branch members, probation, parole, and corrections officials, victim advocates, child support enforcement officials, and community-based organizations convened in Washington, D.C. by the Council of State Governments’ Re-Entry Policy Council (RPC), with funding support from the Bureau of Justice Administration

and the National Institute of Corrections. Participants at the April 6 meeting considered ways to prioritize the financial obligations for people released from prisons and jails, to improve collections practices, to ensure payment to victims and families, to incorporate a person’s ability to pay into payment plans, to weigh the needs for courts and corrections departments to generate revenue, and to assist people coming out of prisons and jails with fulfilling their financial obligations, and began developing recommendations for policymakers.



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Prioritizing Financial Obligations

A clear consensus emerged from the group's discussion of prioritizing various financial obligations - victim restitution and child support should be of primary importance. The payment of other financial obligations such as court fines, supervision fees, and surcharges, typically used to fund court systems, should not compromise the ability of an individual to make payments towards child support or restitution.

Victim restitution helps victims recover some of the financial loss they have sustained. It also holds people who have committed crimes accountable. Child support payments serve as an important means for non-custodial parents to assist with the cost of childrearing, and to demonstrate commitment to their families.

Participants highlighted federal law, which prioritizes child support payments over other obligations to the state, and statutes in Wisconsin and Iowa, which prioritize the payment of victim restitution over that of other debts to the state, such as court costs.

Increasing the Rate of Collections

Participants agreed that policymakers should adopt a multi-faceted response to improve the payment of restitution to victims and collection of other court-ordered obligations. For example, Julie Begona, Field Division Director of the Maricopa County (AZ) Probation Department, described the Financial Compliance Program in Maricopa County. This program utilizes specialized caseloads and a system of structured rewards and sanctions that range from an early successful release from supervision, where appropriate, to probation revocation and incarceration. Cases are assigned to specialized caseloads, and professional collectors work in teams with probation officers to develop payment plans and to provide budget classes for participants.

Budgeting skills are crucial for people coming out of prisons and jails. Nationally, nearly two-thirds of jail

inmates report incomes under \$12,000 per year prior to arrest, according to the Bureau of Justice Statistics. Meeting participants also discussed strategies for improving the ability of re-entering individuals to meet financial obligations upon release from prison or jail by providing identification, job training, and employment programs.

"For people with loads of debt from court fines, supervision fees, restitution, and other charges related to their crime, getting out of prison is no fresh start," said the Honorable Judge John Andrew West of the Court of Common Pleas in Ohio. "They come out of the gate already at a disadvantage."

Other policy alternatives discussed included allowing people who are truly unable to pay their financial obligations for reasons such as physical or mental disability to perform community service, and making court fines, fees, and surcharges discretionary.

Navigating the Challenges of a Fee-Driven System

In contrast to the discussion of victim restitution and child support, the group had difficulty reaching agreement on the issue of funding for court systems and corrections departments. Increasingly, courts and corrections departments have been pressured to generate revenue, and to be self-sustaining. Members of the judiciary across the country have expressed concern about this pressure, raising questions about the ability of the judiciary to remain impartial.

For example, in his address to the House and Senate of Rhode Island last month, Supreme Court Chief Justice Frank J. Williams of Rhode Island expressed concern that the pressure to generate revenue "hardly leave(s) our courts disinterested if we are forced to collect fines and costs for our operating revenue."

Legislators are often unaware that courts rely on a fee-driven system.

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As a member of the Nevada State Assembly and as the Specialty Courts Coordinator in Reno, Assemblywoman Sheila Leslie has a unique perspective:

"Courts with a volatile revenue source are forced to operate with less when collections of court costs are lower than anticipated. At the same time, legislators are reluctant to introduce new taxes to fund the operations of the judiciary."

In addition to costs levied by the court for operations, corrections departments may charge similar fees for the costs of incarceration and community supervision. Legislators periodically introduce new surcharges that are unrelated to any specific crime to generate revenue for purposes ranging from crime laboratories to wild animal protection. While a new \$30 probation fee or \$10 surcharge may seem inconsequential, the total amount of charges to an individual can be substantial. Meeting participants worried that the pressure to generate revenue for courts, corrections departments, and state general funds distracted from the importance of ensuring payment to victims and families.

According to George Keiser, Chief of the Community Corrections/Prison Division at the National Institute of Corrections, "Legislation imposing financial obligations has typically been passed incrementally. There is a danger in tacking fees upon fees

with no end in sight. It is important to review the mandates in place before introducing new financial penalties.”

The group discussed and addressed the issues of revenue-generation including-making fines, fees, and surcharges discretionary, and encouraging legislators to refrain from introducing new fines, fees, and surcharges in the legislature. The group also suggested that any legislation introducing new charges should include an assessment of its potential impact on the ability of people coming out of prisons and jails to successfully re-enter society.

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Meeting participants reviewed a set of draft policy recommendations for the RPC’s forthcoming *Guide to Prioritizing Financial Obligations*. Due in summer 2006, the Guide will help policymakers develop policies that increase the likelihood of prisoners’ safe and successful re-entry and ensure their accountability to victims, families, and the criminal justice system.

Assemblywoman Leslie and Senator Cropsey both reported looking forward to the bringing the *Guide to Financial Obligations* back to their constituents to inform sound policy and successful prisoner re-entry in their states. ■

About the Re-Entry Policy Council

To assist policymakers in addressing the issue of re-entry, the Council of State Governments (CSG) established the Re-Entry Policy Council (RPC) and charged it with developing bipartisan recommendations that policymakers can use to improve the likelihood that adults released from prison or jail will avoid crime and become productive, healthy members of families and communities.

With the support of the U.S. Departments of Justice, Health and Human Services, and Labor, as well as several private foundations, a steering committee served by 10 partner organizations guided the work of the RPC. The Policy Council’s comprehensive Report (released in January 2005) includes research, recommendations, and examples of innovative efforts nationwide, and is available in print or online.

The involvement of leading Republican and Democrat state and federal legislators, state agency directors, and other key government officials from across the country ensures the conversion of the RPC’s recommendations into law, policies, and practices at all levels of government. As part of an ongoing, comprehensive implementation process, CSG is currently focused on a series of targeted projects:

- Law Enforcement
- Housing
- Children and Families
- Access to Federal Benefits
- Assessment Processes
- Financial Obligations

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