A man released from prison after serving 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, according to the Bureau of Justice Statistics, it is hardly surprising that he will likely re-incarcerated within three years of release, and his financial obligations to his family and the victims 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 determine 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 Sen. Alan Cropsey, R-Mich., 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.”

Cropsey joined the group of legislators, judicial branch members, probation, parole and corrections officials, victim advocates, child support enforcement officials, and community-based organizations which was 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 meeting began developing recommendations for policymakers after considering 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.

Prioritizing financial obligations

After discussion of prioritizing various financial obligations, the group came to a clear consensus—victim restitution and child support should be of primary importance. Payment of other financial obligations such as court fines, supervision fees and surcharges typically used to fund court systems should not compromise an individual’s ability to make payments toward child support or restitution.
Victim restitution helps victims recover some of the financial loss they have sustained. It also holds accountable those people who have committed crimes. 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 payment of restitution to victims and collection of other court-ordered obligations. For example, Julie Begona, field division director of the Maricopa County, Ariz., Probation Department, said her county’s Financial Compliance 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 less than $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, including 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 include 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**

The group had more difficulty reaching agreement on 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 Rhode Island House and Senate last month, state Supreme Court Chief Justice Frank J. Williams 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.

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,” she said.

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 detracted from the importance of ensuring payment to victims and families.

“Legislation imposing financial obligations has typically been passed incrementally,” said George Keiser, chief of the Community Corrections/Prison Division at the National Institute of Corrections. “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 revenue-generation issues, which include making fines, fees and surcharges discretionary, and encouraging legislators to refrain from introducing new fines, fees and surcharges. The group also suggested that any legislation introducing new fines, fees and surcharges should include an assessment of its potential impact on the ability of people coming out of prisons and jails to successfully re-enter society.

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.

For more information, visit the Re-Entry Policy Council’s Web site at www.reentrypolicy.org

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