



June 26, 2013

Dear Sheriff or County Commissioner,

Faced with growing costs and substantial cuts in state funding to local governments, many counties are considering implementing or increasing "pay-to-stay" fees levied against people incarcerated in county jails.

Pay-to-stay policies can take a number of different forms, from booking charges and fees for medical treatment, to per diem charges for each day of incarceration. At first glance, these charges may seem like an innocuous way to supplement the budgets of struggling jails, but charging inmates for their incarceration is not the simple solution it may appear to be.

Criminal justice experts estimate that at least 80% of individuals in jail are indigent. Many of those who do not enter into jail with low income almost assuredly will leave in financial distress, as they will likely no longer have employment, their families will have spent any savings on basic necessities while the person was in jail, and they may also face steep criminal fines imposed by the court.

In 2007, the Buckeye State Sheriffs' Association estimated that 60 counties had implemented pay-to-stay programs. While that number may have increased since then, other counties have turned away from pay-to-stay programs because they have recognized these programs expend far more resources than they could ever hope to collect.

Enclosed is a copy of the ACLU of Ohio's new report, *Adding it Up: The Financial Realities of Ohio's Pay-to-Stay Policies*. The report examines the programs at the Fairfield County Jail, Hamilton County Jail, and Southeast Ohio Regional Jail. The ACLU of Ohio's research uncovered several important findings:

- **Larger fees that build up over time do not lead to more revenues.** The vast majority of individuals in jail have low incomes, and cannot afford high pay-to-stay fees. Exorbitant charges simply lead to larger outstanding bills, not higher collection rates.
- **Aggressive programs to collect fees after incarceration are likely to fail.** Collection agencies often promise that they will bring in large revenues for local officials, but data suggests that low-income people are no more likely to pay their fees when collections agencies are used. Additionally, collection agencies impose a cost on jails that is not offset by the meager revenues accrued through pay-to-stay programs.

AMERICAN CIVIL
LIBERTIES UNION
OF OHIO FOUNDATION
4506 CHESTER AVENUE
CLEVELAND, OH 44103-3621
T/216.472.2220
F/216.472.2210
WWW.ACLUOHIO.ORG
contact@acluohio.org



- **Local officials cannot balance their budgets by assessing fees on low-income people.** The vast majority of people who enter prison are already indigent, and even more leave prison with considerable financial obstacles. The burden of pay-to-stay fees is often shared by entire families, as commissary funds deposited by loved ones are seized to satisfy the fees.
- **Officials should seek to depopulate their jails rather than rely on ineffective pay-to-stay fees.** The only long-term remedy for over-incarceration is to invest in programs that will keep people out of jail, and change rules and practices that give preference to incarceration over rehabilitative services. As state officials have begun to make strides to reduce the prison population, local officials must also partner with elected officials and law enforcement to depopulate jails.

Everyone can agree that we want those leaving jail to reintegrate successfully, but pay-to-stay fees often make it more difficult for those individuals and provide minimal financial benefit to local budgets. While we sympathize with local leaders struggling with severe budget cuts, pay-to-stay fee programs simply do not work effectively and may lead to additional costs of incarceration, families utilizing social services, and loss of tax revenues. The only sensible solution to correcting jail budget problems is to reverse the tide of mass incarceration in our local communities.

Sincerely,



Christine Link
Executive Director



Mike Brickner
Director of Communications & Public Policy