

IN JAIL & IN DEBT: OHIO'S PAY-TO-STAY FEES



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A look at how Ohio jails are undermining the successful reentry of formerly incarcerated people.

Pay-to-stay jail fees are the next generation of unending debts that seek to tether low-income people to the criminal justice system. These fees are charged against people simply because they are in jail. They are a “non-criminal fee,” meaning that a person cannot be incarcerated for failure to pay them. However, in practice, they operate with little difference from a modern-day debtors’ prison.

These fees are insidious: loading formerly incarcerated people with increasing amounts of debt that make it nearly impossible for even the most well-meaning person to become a productive member of society. While incarcerated, the fees are usually taken from a prisoner’s commissary fund, which is often funded by their family to allow their loved one to purchase phone cards or small comforts to make their stay in jail more bearable. Once released from jail, the debts are often handed over to collections agencies that hound the person until they pay. If they cannot pay, the debt is reported to the credit agency, effectively making it impossible to gain

employment, housing, transportation, and so much more.

The justification for charging these fees is that counties might recoup some of the cost of incarceration, but this just is not true. The vast majority of people in jail are indigent and cannot pay steep fees, and several counties have turned away from these policies because they do not work.

The Human Cost

Pay-to-stay debts create insurmountable barriers for those trying to put their lives back together post-incarceration. Michael, a student from Geauga County, is struggling to get by after being charged \$2000 in pay-to-stay fees.

“I went into jail broke. I was already broke going in there. I kind of had my stuff together. I didn’t have a lot of debt. I had been working my part time job and going to school . . . I was getting by. But everything just spiraled out of control.”

“I have freedom now, but I still don’t have freedom because I’ve got them holding on to me, you know, here, you still owe us this money.”

Worst Offenders

Corrections Center of Northwest Ohio (CCNO) in Williams County charges a \$100 booking fee and \$66.09 per day.

The Multi-County Correction Center (MCCC) charges a \$100.00 processing fee and a \$50.00 daily fee.

Guernsey County charges a \$100.00 booking fee and \$50.00 per day. Indigence is not taken into account and collections are done by Intellitech.

Geauga County charges a daily fee, totaling up to \$66.86 per day, but does determine the amount on a sliding scale based on the person's income.

Recommendations

End pay-to-stay jail fees. Get rid of a bad policy once and for all. Do not continue to subject Ohioans to these harmful practices.

Assess indigence and do not turn debts over to collections agencies. Ensure every individual should be assessed for indigence before pay-to-stay fees are assigned. Counties should not contract with collections agencies. This is an added expense for counties and negatively impacts formerly incarcerated individuals, especially those who are indigent.

Ensure counties without pay-to-stay fees do not enter into contracts with counties that will charge fees to their residents. Currently regional facilities house people from multiple counties. Counties must hold one another accountable. Transparency in these agreements will help minimize and/or eliminate pay-to-stay fees.

Allow programming and community service to be done in lieu of paying fees. Turn the focus from revenue to rehabilitation. While we would prefer counties do away with pay-to-stay fees, allowing prisoners and formerly incarcerated people to count educational, vocational and rehabilitative courses against their debt would be a welcome change.

Decrease local jail populations through pretrial release, use of ticketing instead of arrest and probation reform, which will decrease budget needs. By reforming the laws we can directly reduce the number of people in jails thereby decreasing the operating costs.

Many in Ohio are turning away from outdated and dangerous "tough on crime" policies that punish people to the detriment of our communities. Leaders are increasingly seeking new ways to reduce mass incarceration and support policies that will promote redemption and rehabilitation. Ending pay-to-stay jail fees will go a long way in doing that.

Read the full report at:
www.acluohio.org/InJailInDebt

