

Repaying Debts

Released from
Rollins correctional
Institution: March 1

Debts

- child support (\$20,000) to the kids
- victim restitution (\$1,500) → victim
- felony fines (\$3,500) → District court
- felony surcharge (\$125) → Probation
- Jail surcharge (\$45) → Sheriff
- Training surcharge (\$3) → District court
- court costs (\$120) " "
- probation fees (\$30) → Probation
- Drug Testing fee (\$18) "
- DNA Analysis fee (\$30) "
- crime victim assistance fee (\$75) → Probation

Total: \$25,446



REPORT SUMMARY

Repaying Debts

A publication about how policymakers can increase accountability among people who commit crimes, improve rates of child support collection and victim restitution, and make people's transition from prisons and jails to the community safe and successful

Rachel L. McLean
Michael D. Thompson

Council of State Governments Justice Center
New York, New York



BJA Bureau of Justice Assistance

JUSTICE★CENTER
THE COUNCIL OF STATE GOVERNMENTS

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The Council of State Governments Justice Center is a national nonprofit organization that serves policymakers at the local, state, and federal levels from all branches of government. The Justice Center provides practical, nonpartisan advice and consensus-driven strategies, informed by available evidence, to increase public safety and strengthen communities.

Council of State Governments Justice Center, New York 10005
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THE COUNCIL OF STATE GOVERNMENTS JUSTICE CENTER

(Justice Center), with support from the U.S. Justice Department, Office of Justice Programs' Bureau of Justice Assistance, developed a comprehensive report detailing the various types of debts that people released from prisons and jails typically owe their victims, their families, and various criminal justice agencies. The first report of its kind, *Repaying Debts* offers practical advice to lawmakers, corrections administrators, court personnel, child support enforcement officials, victim advocates, and other professionals who want to ensure that people released from prisons and jails meet these financial obligations.

This summary provides an overview of the full report, including highlights of relevant research, policies that should guide an initiative to improve the likelihood that people released from prisons and jails or under criminal justice supervision will successfully meet their court-ordered financial obligations, and practical recommendations for implementing those policies. It also includes examples from a variety of cities, counties, and states that may provide valuable ideas for other policymakers to tailor to their own efforts.

How to use the report

Readers will find that the full report outlines the necessary steps for helping to achieve the following goals:

- (1) Learning which state, city, and county laws address court orders for child support, victim restitution, and other fines, fees, and surcharges, and understanding how these laws and policies are used to govern collections made from people released from prisons and jails.
- (2) Improving rates of collection of child support, restitution, and fines, fees, and surcharges from people returning to the community.
- (3) Helping people successfully complete the conditions of their sentence.
- (4) Informing lawmakers' policy discussions and decisions when they are considering the establishment of new fines, fees, and surcharges.

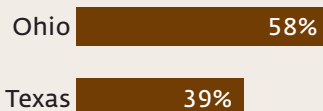
The full report
can be accessed at
www.reentrypolicy.org/.

Research highlights: The financial obligations of people released from prisons and jails

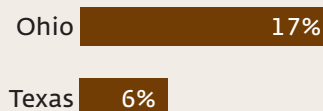
Many people released from prisons or jails have a substantial amount of debt to repay, including supervision fees, court costs, victim restitution, and child support.

- Many of the men released from prisons in two states report owing monthly probation or parole supervision fees; 12 percent owed court costs and/or fines.¹
- An analysis of restitution debt in one jurisdiction found that the 15 percent of people on probation with restitution orders owed an average of \$3,500.²
- Most people who are incarcerated have children under 18 years of age.³ Parents in one state were shown to leave prison owing an average of more than \$20,000 in child support arrears.⁴

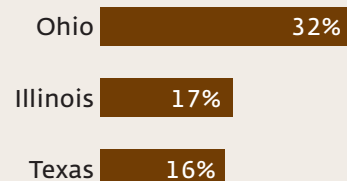
PERCENTAGES OF PEOPLE RELEASED FROM PRISON WHO OWE SUPERVISION FEES⁵ *



PERCENTAGES OF PEOPLE RELEASED FROM PRISON WHO OWE COURT COSTS AND/OR FINES⁶



PARENTS WITH CHILDREN UNDER 18 YEARS OF AGE WITH CHILD SUPPORT OBLIGATIONS⁷



The financial obligations of people released from prisons and jails often go unfulfilled.

- A study of people released on parole in Colorado found that they owed an average of \$16,600 in child support.⁸
- An examination of court-ordered obligations in 11 states found an average of \$178 million per state in uncollected court costs, fines, fees, and restitution.⁹
- Court administrators in one state report that only 23 percent of fines are successfully collected, and no action is taken on uncollected payments.¹⁰

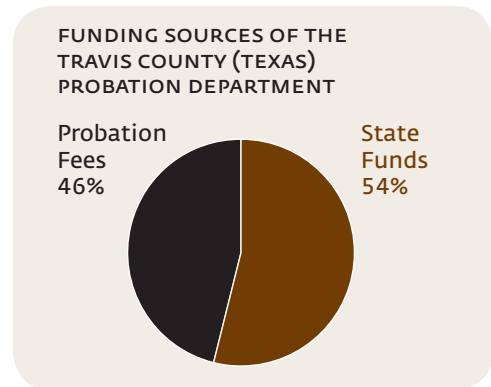
People released from prisons and jails typically have insufficient resources to pay their debts to their children, victims, and the criminal justice system.

- Nationally, two-thirds of people detained in jails report annual incomes under \$12,000 prior to arrest.¹¹
- Most people returning to the community have difficulty finding employment upon release from incarceration, and they often rely on their families for support.¹²
- In one study, three-fourths of people released from prison owing child support, restitution, and supervision fees reported having difficulty paying off these debts.¹³
- Financial pressures and paycheck garnishment resulting from unpaid debt can increase participation in the underground economy and discourage legitimate employment.¹⁴

* These graphs present unpublished findings of the Urban Institute's *Returning Home* study of released prisoners in Texas, Ohio, and Illinois. For more information on *Returning Home*, see www.urban.org/projects/reentry-portfolio/index.cfm.

Victims, families, and criminal justice agencies often compete for a share of the small payments people released from prisons and jails are able to make.

- Victims need restitution to compensate for their monetary losses. And though most states have established their compensation as a “right,” victims often do not receive the amounts owed to them.¹⁵
- Children whose parents are incarcerated require financial support, yet one study found that nearly half of these children’s caregivers received government assistance to meet basic needs.¹⁶
- Criminal justice agencies are increasingly fee-driven; administrative assessments on citations fund nearly all of the Administrative Office of the Court’s budget in Nevada.¹⁷ In Texas, probation fees made up 46 percent of the Travis County Probation Department’s \$18.3 million budget in 2006.¹⁸



Within units of state and local government, policies governing the collection of fines, fees, restitution, and child support are often at odds with one another, making it difficult for people released from prisons and jails to meet their financial obligations.

- People released from prisons and jails typically must make payments to a host of agencies, including probation departments, courts, and child support enforcement offices. While coordinated collections efforts among these agencies could increase rates of repayment to victims, families, and criminal justice agencies, there is rarely a single agency tracking all of an individual’s court-ordered debts.¹⁹
- Federal law provides that a child support enforcement officer can garnish up to 65 percent of an individual’s wages for child support.²⁰ At the same time, a probation officer in most states can require that an individual dedicate 35 percent of his or her income toward the combined payment of fines, fees, surcharges, and restitution.
- Staff working for distinct agencies often lack clear guidelines as to how their collection efforts should be prioritized; some agencies prioritize the collection of fines, fees, or surcharges over restitution, while others put the collection of restitution first.²¹

The inability of people released from prisons and jails to meet their financial obligations can contribute to their reincarceration.

- A study of probation revocations found that 12 percent were due at least in part to a failure to meet the financial portion of probation supervision requirements.²²

PROBATION VIOLATIONS COMMITTED WHILE UNDER COMMUNITY SUPERVISION²³

Type of probation violation	(%)*
Arrest for new offense	87
Failure to report to probation/parole officer, absconding	37
Failure to pay fines, restitution, or other financial obligation	12
Positive test for drug use	10
Leaving jurisdiction without permission	8
Number of individuals	42,777

* Percentages total more than 100% because some people had more than one type of probation violation.

Policy statements and recommendations

1 Identify state and local laws and policies that address court orders for child support, victim restitution, and other fines, fees, and surcharges and determine how these laws and policies are used to govern collections made from people released from prisons and jails.

- Develop a list of questions to elicit key information about how collections are made pursuant to existing laws and policies and engage members of a multidisciplinary working group to answer these questions.
- Organize this information into three types of documents that policymakers can use to develop a strategic plan: reports, case studies, and diagrams.
- Develop an informed strategic plan for making improvements to the existing system based on the working group's assessment of state and local laws and policies.

2 Coordinate—and ideally integrate—distinct agencies' policies, procedures, and information systems so that the fines, fees, surcharges, and restitution orders of each person sentenced to prison or jail are consolidated to improve collection rates, where possible, and child support and restitution are prioritized appropriately.

- Calculate, at the time of sentencing, the sum of the restitution, fines, fees, and other surcharges that the person should be assessed.
- Give priority to the children and victims of people released from prisons and jails at the time of sentencing and when disbursing payments to their intended recipients.
- Designate a single agency to consolidate fines, fees, surcharges, and restitution into one centrally managed debt and keep victims, families, criminal justice agencies, and the individual returning to the community informed about the status of its collection.
- Provide the agency responsible for managing collections with the resources and organizational supports—such as dedicated staff time, reduced caseloads, and access to information about people's debts and employment—that it needs to maximize the efficiency of collections.
- Cap the percentage of an individual's assets that can be collected for a given period toward the fulfillment of his or her court-ordered financial obligations to help ensure long-term compliance and discourage illegal activities to support repayment.
- Calculate realistic payment schedules.

3 Enact child support enforcement policies that encourage parents released from prisons and jails to maintain legitimate employment that will help them provide long-term support to their children.

- Authorize modifications of child support orders for prisoners who are noncustodial parents and who have no assets or income from which to make payments during the period of incarceration to improve the chances for long-term child support payment.
- Notify child support collection agents when a noncustodial parent has been incarcerated, and work with custodial parents to determine appropriate child support orders during the period of incarceration.
- Use child support enforcement mechanisms short of incarceration, when appropriate, that hold the noncustodial parent accountable but do not limit his or her ability to make future child support payments.

4 Ensure that victims receive the restitution they are owed.

- Order restitution in all appropriate cases, and emphasize its importance in regular training sessions for the staff of probation departments, courts, and other agencies responsible for enforcing restitution orders.
- Educate victims about the restitution process, maintain updated victim contact information, and keep victims apprised of the status of payments.
- Educate people who owe restitution about its importance.
- Assist crime victims who wish to pursue civil remedies for the payment of restitution.
- Garnish wages and withhold state income tax returns from individuals who owe restitution, when doing so does not preclude the individual from meeting basic living expenses.

5 Make certain that new fines, fees, and surcharges do not reduce the ability of people returning from prisons and jails to pay child support and restitution.

- Provide lawmakers who are considering legislation that would impose or increase fines, fees, or surcharges with an impact statement projecting the legislation's effect on the ability of a person released from prison or jail to meet his or her child support and restitution obligations.
- Curb the extent to which the operations of criminal justice agencies rely on the collection of fines, fees, and surcharges from people released from prisons and jails.

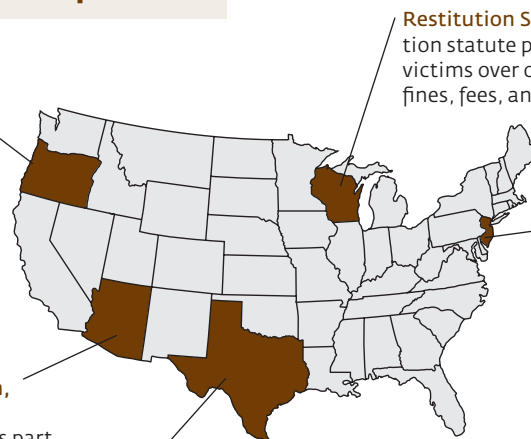
6 Establish a range of sanctions and incentives that agencies responsible for collections can exercise when a person released from prison or jail does not meet his or her child support and other court-ordered financial obligations.

- Design sanctions, such as increased supervision and mandatory service at a restitution center, to encourage and compel people under community supervision to meet their financial obligations.
- Develop a range of incentives, such as certificates of good conduct and waivers of fines, fees, and surcharges to help people who are willing to meet their financial obligations.
- Develop programs, such as job placement and training in personal finance management, to increase the earning capacity of people who have been unable to meet their financial obligations.
- Create the possibility of alternatives to payment, such as community service, when appropriate, to enable individuals with disabilities or other special conditions to demonstrate accountability to victims, families, and communities.

Inspiration from the field

Child Support Statutes, Oregon — In Oregon, child support enforcement statutes enable officials to suspend child support obligations during periods of incarceration, and to return payment amounts to pre-incarceration levels 60 days after the parent is released from prison, providing time for him or her to find employment.²⁴

Financial Compliance Program, Adult Probation Department, Maricopa County, Arizona — As part of the Financial Compliance Program, probation officers offer people under probation supervision incentives, such as travel permits and reduced reporting requirements, and sanctions, such as mandatory budgeting classes, to encourage and compel payment of financial obligations.²⁸



Restitution Statute, Wisconsin — Wisconsin's restitution statute prioritizes the payment of restitution to victims over other obligations to the state, including fines, fees, and the costs of representation.²⁵

Intensive Supervision Program, Adult Probation Department, New Jersey — The New Jersey Adult Probation Department charges its staff with ensuring that people under intensive supervision meet all of their financial obligations. Probation staff consolidate these debts and prioritize the payment of child support and restitution before other obligations.²⁶

Court Costs and Fees Study, Sunset Advisory Commission, Texas — In 2005, the Texas legislature commissioned a study of the purpose, collection, and use of court costs and fees. Once completed, the study provided a list of state and local fines, fees, and surcharges, and a series of case studies illustrating the various costs associated with different offenses.²⁷

Notes

- 1 Personal communication about unpublished findings from the *Returning Home* study in Texas and Ohio, Amy Solomon, Policy Associate, Urban Institute, Washington, D.C., April 6, 2006. Personal communications about unpublished findings from the *Returning Home* study in Texas and Ohio, Lisa Brooks, Research Associate, Urban Institute, Washington, D.C., January 11, 2007 and March 3, 2007. For more information on *Returning Home*, see www.urban.org/projects/reentry-portfolio/index.cfm.
- 2 Personal communication, Julie Begoña, Field Division Director, Maricopa County Probation Department, Arizona, April 6, 2006.
- 3 Christopher Mumola, *Incarcerated Parents and Their Children*, U.S. Department of Justice, Bureau of Justice Statistics, NCJ 182335 (Washington, D.C.: U.S. Department of Justice, 2000).
- 4 Jessica Pearson, "Building Debt while Doing Time: Child Support and Incarceration," *Judges' Journal* 43, no. 1 (2004): 5-12.
- 5 Personal communication of unpublished findings from the *Returning Home* study in Texas, Ohio, and Illinois, Amy Solomon, Policy Associate, Urban Institute, Washington, D.C., April 6, 2006. Personal communication of unpublished findings from the *Returning Home* study in Texas, Ohio, and Illinois, Lisa Brooks, Research Associate, Urban Institute, Washington, D.C., January 11, 2007 and March 3, 2007. For more information on *Returning Home*, see www.urban.org/projects/reentry-portfolio/index.cfm.
- 6 Ibid.
- 7 Ibid.
- 8 Jessica Pearson and Lanae Davis, *Serving Parents Who Leave Prison: Final Report on the Work and Family Life Center* (Denver, Colo.: Center for Policy Research, 2001).
- 9 Personal communication, José Dimas, Government Relations Associate, National Center for State Courts, Virginia, December 12, 2005.
- 10 Personal communication, Sheila Leslie, Specialty Courts Coordinator; Chair, Health and Human Services Committee, Washoe County Assembly, Nevada, April 6, 2006.
- 11 Doris James, *Profile of Jail Inmates*, 2002, U.S. Department of Justice, Bureau of Justice Statistics, NCJ 201932 (Washington, D.C.: U.S. Department of Justice, 2004).
- 12 Steven Steurer, Linda Smith, and Alice Tracy, *Three-State Recidivism Study* (Lanham, Md.: Correctional Educational Association, 2001). Sharon M. Dietrich, "Criminal Records and Employment: Ex-Offenders Thwarted in Attempts to Earn a Living for Their Families," in Amy E. Hirsch, Sharon M. Dietrich, Rue Landau, Peter D. Schneider, Irv Ackelsberg, Judith Bernstein-Baker, and Joseph Hohenstein, *Every Door Closed: Barriers Facing Parents with Criminal Records* (Washington, D.C. and Philadelphia, Penn.: Center for Law and Social Policy and Community Legal Services, 2002). Nancy La Vigne, Christy Visher, and Jennifer Castro, *Chicago Prisoners' Reflections on Returning Home* (Washington, D.C.: Urban Institute, 2004).
- 13 La Vigne, Visher, and Castro, *Chicago Prisoners' Reflections*.
- 14 Harry Holzer, Paul Offner, and Elaine Sorensen, *Declining Employment among Young, Black, Less-Educated Men* (Washington, D.C.: Urban Institute, 2004).
- 15 Office for Victims of Crime, *New Directions from the Field: Victims' Rights and Services for the 21st Century*, U.S. Department of Justice, Office of Justice Programs, NCJ 172825 (Washington, D.C.: U.S. Department of Justice, 1998).
- 16 Jeremy Travis and Michelle Waul, eds., *Prisoners Once Removed: The Impact of Incarceration and Reentry on Children, Families, and Communities* (Washington, D.C.: Urban Institute, 2004).
- 17 Personal communication, Ron Titus, Director, Administrative Office of the Courts, Nevada, May 30, 2006 and February 12, 2007.
- 18 Personal communication, Donna Farris, Division Director of Operations, Travis County Probation Department, Texas, December 28, 2006 and February 13, 2007.
- 19 Federal law requires that child support be collected separately by designated child support enforcement officials. However, respondents to an unpublished joint CSG/American Probation and Parole Association survey of 200 members of the association conducted in December 2005 reported that separate agencies within a given jurisdiction are often responsible for collecting probation supervision fees, court costs, fines, and restitution.
- 20 15 U.S.C. § 1673 (a).
- 21 A CSG Justice Center review of state restitution policies in 2006 found that the following states prioritize restitution: Arizona, Florida, Hawaii, Idaho, Iowa, Michigan, and Wisconsin. States that prioritize other fines, fees, or surcharges include Alaska, Colorado, Connecticut, and Georgia. Federal law (42 U.S.C. § 666) prioritizes child support obligations above all other debts owed to the state, including restitution, fines, fees, and surcharges.
- 22 Robyn Cohen, *Probation and Parole Violators in State Prison, 1991*, U.S. Department of Justice, Bureau of Justice Statistics, NCJ 149076 (Washington, D.C.: U.S. Department of Justice, 1995).
- 23 Ibid.
- 24 Ore. Adm. Rule 137-055-3330; Ore. Rev. Stat. 416.425(9).
- 25 Wis. Stat. 973.20.
- 26 Personal communication, Harvey Goldstein, Chief, Intensive Supervision Program, Adult Probation Department, New Jersey, May 11, 2006.
- 27 Texas Department of Criminal Justice, Board of Pardons and Paroles, Correctional Managed Health Care Committee, *Staff Report: Court Costs and Fees Study* (Austin, Tex.: Sunset Advisory Commission, 2006).
- 28 Administrative Directive. Ariz. Rev. Stat. § 13-801-13-812, 13-902, 33-967. Administrative Order of the State Supreme Court of Arizona No. 94-16. Personal communication, Barbara Broderick, Chief Probation Officer, Adult Probation Department, Maricopa County, Arizona, December 6, 2005. Personal communication, Julie Begoña, Field Division Director, Maricopa County Probation Department, Arizona, April 26, 2006.

**Council of State Governments
Justice Center**

100 Wall Street
20th Floor
New York, NY 10005
tel: 212-482-2320
fax: 212-482-2344

4630 Montgomery Avenue
Suite 650
Bethesda, MD 20814
tel: 301-760-2401
fax: 240-497-0568

www.justicecenter.csg.org

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www.reentrypolicy.org/.