

The Pay-to-Stay Debate: Inmates Must Take Financial Responsibility

By Michelle M. Sanborn

In responding to the continuing upward spiral of financing jail operations, William Hackel, former Macomb County, Mich., sheriff, and the Macomb County Board of Commissioners in 1985 implemented one of the nation's first inmate pay-to-stay programs. The program was initiated pursuant to the provisions of the 1984 Prisoner Reimbursement to the County Act. The Michigan state law allows counties to collect fees for services and seek reimbursement from sentenced inmates for room and board expenses.

Nearly 20 years ago, when the legislation passed, the thought was that successful collection of expenses from inmates was impossible. The law was viewed as conceptually attractive by taxpayers but realistically, an attempt in futility. There was some public contention that the legislation created a debtor's prison. Their feeling was that convicted offenders should not be forced to pay for their stay in addition to serving time. This is wrong.

Inmates continue to be a financial burden to society. The local jails are viewed as another county service that drains taxpayer dollars — dollars that could be better spent in the community for libraries, parks, schools and the like. Funding jail operations and new jail construction is never socially attractive and is typically avoided at all costs. The above allocations are much more palatable when a revenue source exists. This is especially appealing when the source is from inmates who reimburse the county for their stay and services provided to them while incarcerated.

By assessing fees and seeking reimbursement, the costs recovered, if not returned to the county, might be used to benefit inmates by purchasing books, clothing, hygiene items, security equipment for visiting, etc., which are otherwise budgeted items.

Most pay-to-stay programs follow a sliding scale to assess room and board fees and charge nominal amounts for services and consumables. This effort recoups only a portion of the expense in housing. No one is turning a profit. Also, indirect benefits of having a pay-to-stay program are realized as cost savings, more effective use of resources and an opportunity to improve safety and security of the facility.

The charging of co-pays for medical expenses further reduces frivolous requests for services by inmates wishing to pass idle time, get out of their unit or simply visit with the nurse. Medical personnel can more effectively assess and treat the individuals who are truly in need of those services. Less money is spent for over-the-counter wraps, aids, ointments and medication given to inmates. Facility security benefits with a direct reduction of inmate movement, allowing for the reallocation of manpower. Also, charging for other items, such as damaged property, toiletries, haircuts, etc., allows for additional cost savings as inmates are less inclined to abuse, misuse and lose these things when there is an associated cost.

Typically, the cost of operating our jails represents a major portion of county budgets and a substantial amount of liability. Taxpayers historically have had to bear the expense for offender apprehension, prosecution and detention. They are also burdened with providing food, clothing, housing, health care and other cost-related expenses to offenders housed and/or convicted of criminal wrongdoing. One might ask why law-abiding citizens should be burdened with the cost of incarceration when they never use that service, or why taxpayers should be further victimized by supporting inmates who have the wherewithal to pay.

In debating whether it is right or wrong to charge inmates, consider the fact that we have a financial obligation to our respective communities. Part of our responsibility as corrections professionals is to provide programs in the hope of teaching some basic life skills and providing treatment services where needed to stop the vicious cycle of recidivism. Institutionalizing offenders is sometimes not enough of a deterrent. Inmates must accept some financial responsibility in the reimbursement of their housing, thus taking the first step in becoming productive members of their community.

Michelle M. Sanborn, CJM, is jail administrator of the Macomb County Sheriff's Office in Mt. Clemens, Mich.

. . . indirect benefits of having a pay-to-stay program are realized as cost savings, more effective use of resources and an opportunity to improve safety and security of the facility.

Inmate User Fees: Fiscal Fix or Mirage?

By Pat Nolan

As states struggle with difficult budget choices in the face of looming deficits, some are considering charging inmates for their “room and board.” While it may be tempting to levy such fees, as is being proposed in New York and Massachusetts, the results in states that already have some form of inmate fees indicate that they have derived little net revenue from inmates.

It costs more to administer inmate fees than is collected. The National Institute of Corrections reported that, “According to some agencies, the burden of tracking accounts and collecting fees is not matched by the revenues generated.” The National Institute of Justice reports that one correctional administrator in Nevada stated, “Given the small volume of revenue collected, an inordinate amount of staff time is involved in collecting fees.” If the fees are intended to alleviate the budget crunch for prisons, collecting fees makes little sense.

If the fees do not solve the revenue crunch, then what is behind the move to impose them? According to a report by the Georgia Department of Corrections, which was considering levying a fee for medical services, “The real purpose of co-payment is twofold: First, it is to discourage the overutilization of services ... Second, it is the political necessity of assuring the public that inmates are not getting a free ride.” If a prison system is to consider levying fees on inmates, it should be explicit as to its motives and the expected outcomes. While charges for medical services have the benefit of reducing overutilization, charging fees for room and board has no such benefit.

Studies have shown that fees for medical services reduce demand, but contain important warnings. While fees for medical treatment have been shown to reduce demand by as much as 60 percent, there are troubling aspects to this trend. B. Jaye Anno, a respected expert in the field of correctional health care, has warned that it “fosters the creation of a two-tier system favoring the ‘affluent,’ while the indigent prisoner receives less care. Even a 10-cent or 25-cent co-payment fee is ‘major’ in the prison economy; certainly \$5 or \$10 per encounter would be prohibitive for inmates in most systems.” Anno goes on to say that “it is a well-known fact, in the community as well as in prisons, that a small minority of persons consumes the vast majority of health services. These are generally persons with bona fide acute, chronic or terminal illnesses. Any co-payment system would have to include special provisions to minimize adverse impact on this group.”

Inmates have no control over who they live with and are exposed to many communicable diseases. With the rapid spread of hepatitis C among inmates, it makes no sense to discourage inmates from seeking treatment when that merely results in further spreading the disease. As the Georgia DOC report indicated, “The resulting cost can be much higher than providing services to the few inmates who abuse the privilege.”

Inmates must earn real wages in order to have income worth tapping for fees. You can’t get blood from a turnip, and extracting fees from inmates who earn a few cents an hour is unproductive. Inmates should have good jobs that pay them decent wages and teach them marketable skills. Prison work programs should expand opportunities for inmates to work, learn useful skills and earn wages while developing a good work ethic. If these goals are met, the inmates will be able to pay restitution to those they have harmed, contribute to the support of their families and develop skills that will ease their return to free society.

If fees are to be collected, the first priority should be paying restitution to the victims of the inmates’ crimes. Victims are mostly ignored by our system, and this is harmful to both victim and offender. When offenders pay restitution to their victims, they are tacitly acknowledging responsibility for the harm they have done. This is very important to the victims, even if the payments are of a small amount. And it is an important lesson for the offender as well. If any fees remain after restitution, the inmates should contribute to the support of their own families, helping bear the burden for their dependents who often turn to welfare to survive.

Fees should not be deducted from money sent by inmates’ families. The families of inmates have not broken any laws, and it is wrong to take their hard-earned money. An article in the *National Prison Project Journal* noted, “Often prisoners will do without hygiene items or medical treatment rather than have their families deposit funds that will be immediately confiscated to satisfy prison charges.”

In sum, inmate fees are like a desert mirage. They seem to offer needed revenue in the current fiscal drought, but in the end they leave us thirsty and pounding sand.

Pat Nolan is president of Justice Fellowship, a nonprofit online community of Christians working to reform the criminal justice system, in Reston, Va. For more information about Justice Fellowship’s position on prison work programs, visit www.justicefellowship.org.