

# In Jail & In Debt: Ohio's Pay-to-Stay Fees



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## **Table of Contents**

Introduction	Page 1
Analysis of Statewide Pay-to-Stay Policies	Page 3
How Pay-to-Stay Policies Affect Real People	Page 8
How Pay-to-Stay Fees Devastate Lives: Profiles	Page 10
Recommendations	Page 16
Methodology	Page 18
Appendices	Page 19
Acknowledgements	Page 21

## Introduction

Poverty and criminalization are inextricably intertwined within our mass incarceration system. Whether it is the rise of modern-day debtors' prisons, the struggle for adequate access to counsel, or the availability of mental healthcare and drug and alcohol programming, it is almost always the poorest among us who fall prey to the two-tiered system of justice that separates the haves and the have-nots. Recent national attention has been focused on courts from Ferguson, Missouri to Concord, New Hampshire that are illegally incarcerating people who cannot pay their court fines and costs. In fact, the ACLU of Ohio led ground breaking reform to combat debtors' prison with its 2013 report, the *Outskirts of Hope*, and ensuing advocacy. This work has been hailed as a landmark model for other states who wish to end this unconstitutional and perverse practice.

But for as much progress as Ohio has made, we are still a long way from a system that delivers on its promise of equal justice for all regardless of their financial ability.

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.

Without hope for a better life, so many of these individuals go on to commit new crimes. This starts the cycle of poverty and criminalization all over again because new pay-to-stay debts are added to the previous money owed. Before long, many people are buried in insurmountable debt.

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.

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.

What follows is the first-ever survey of all full-service jails in the state of Ohio on their pay-to-stay policies. Previously, little was known about what counties were charging fees, how much, and to whom because every jail may set their own policy. This report sheds light on pay-to-stay jail fees and tells the stories of Ohioans whose lives have been damaged because of these debts. The ACLU of Ohio also provides recommendations for reform, including:

- **End pay-to-stay jail fees.** These programs have been an utter failure. By creating more debt for those leaving jail, officials make it harder for them to reenter society. More obstacles only mean a higher likelihood that a person will end up back in the criminal justice system. As a scheme that is supposed to generate revenues for taxpayers, pay-to-stay does the exact opposite by fueling mass incarceration and keeping the criminalized in poverty.

- **Assess indigence and do not turn debts over to collections agencies.** Ohio law states that individuals are not supposed to pay more in jail fees than they are able, yet our analysis shows that few facilities actively take indigence into consideration. Many of these same low-income people are then turned over to collections agencies who ruin their credit, sinking them even deeper into debt without much hope of escape. Jails that insist on charging pay-to-stay jails fees must assess for indigence and should seek alternative means outside of collections agencies, which are ineffective and counterproductive.
- **Ensure counties without pay-to-stay fees do not enter into contracts with counties that will charge fees to their residents.** As a result of rampant overpopulation in jails, many counties must contract with outside facilities to house their prisoners. Often, prisoners who would be charged no pay-to-stay fee or a substantially reduced fee are transferred to jails where pay-to-stay fees are extremely high. In Lucas County, residents were generally unaware that people incarcerated in nearby counties are charged these fees despite the fact that their home county abolished pay-to-stay fees years ago. Officials should hold public hearings on these matters to ensure the public is informed and seek contracts that exempt their prisoners from these fees while housed in other jails.
- **Allow programming and community service to be done in lieu of paying fees.** Our criminal justice system often allows people to receive credit for fines and fees when they complete rehabilitative programs. 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. Far too many people in our criminal justice system lack a full education, need counseling, and have few job skills. Incentivizing courses by utilizing debt forgiveness will benefit both the formerly incarcerated and taxpayers.
- **Decrease local jail populations through pretrial release, use of ticketing instead of arrest and probation reform, which will decrease budget needs.** The root of the problem is that there are far too many people in jail, making local budgets unsustainable due to the high cost of incarceration. Pay-to-stay fees wrongly try to solve this problem on the backs of low-income people. Local officials may adopt programs like pretrial release, increased use of ticketing and probation reform that will shrink jail populations while still protecting public safety.

## Analysis of Statewide Pay-to-Stay Policies

### Scope:

Ohio has 88 counties, with well over a hundred jails throughout the state. We focused this study on full service jails, which totaled 75 jails in 74 counties. Out of the 75 county facilities<sup>1</sup>, 40 charge a pay-to-stay fee for incarceration<sup>2</sup>, either through a booking fee, a daily fee or both.

### History of Pay-To-Stay:

Pay-to-stay policies proliferated throughout Ohio nearly 20 years ago, with the majority of counties enacting policies in the late 1990s and early 2000s. State law expressly gives counties the right to charge these fees<sup>3</sup>, though it has been subject to litigation, most notably in Hamilton County. Despite pay-to-stay's popularity over a decade ago, it seems some jails are turning away from this practice. While the Buckeye State Sheriff's Association estimated in 2007 that nearly 60 counties charged these fees, that number appears to have dwindled.<sup>4</sup> Only a little more than half of the 75 facilities in this study charge a pay-to-stay fee. Of the remaining 35 facilities that do not charge fees, 15 never had a policy, eleven had prior policies that no longer exist, eight indicated they did not have pay-to-stay policies but did not state whether they had past policies, and Jackson County piloted a policy but chose not to enact it.

### Defining Fees:

Pay-to-stay fees are typically charged two ways: booking fees and daily fees. People may be assessed a booking fee upon arrival (also referred to as a processing fee, reception fee, or administrative fee). In addition to a booking fee people may be charged a daily fee. This is not supposed to exceed the cost of housing and feeding the person for each day of incarceration. Additionally, a few county's also charge release fees, which cover the cost of processing a person out of jail.

### The Worst Offenders:

**Williams County**, home to the Corrections Center of Northwest Ohio (CCNO), charges the highest pay-to-stay fees. The CCNO is a multi-county correctional facility that houses people from **Defiance, Fulton, Henry, Lucas, and Williams counties** and has 638 beds. It has one of the highest booking fees at \$100.00. The jail then charges \$66.09 per day.<sup>5</sup> Williams County does not consider whether a person is indigent when they assess the fees, so all people regardless of income must pay the same daily fee. When a person is released, money may be taken from their commissary account to pay their pay-to-stay balance if the amount is above \$25.00. Any amount unpaid will remain on the person's account and will be counted against them if they are incarcerated in the jail again. Collections are processed through Intellitech Corporation.<sup>6</sup> **If someone were jailed in the CCNO for 180 days, they would owe about \$11,996.20.**

The Multi-County Correction Center (MCCC) houses people convicted from **Marion and Hardin counties**. MCCC charges a \$100.00 processing fee and a \$50.00 daily fee. MCCC also uses Intellitech for the collections process. If a person is indigent, they are still assessed pay-to-stay fees.

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

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<sup>1</sup> Hamilton County has two facilities: Hamilton County Justice Center and Reading Road Talbert House 1st Floor.

<sup>2</sup> This analysis does not include information about costs of healthcare charged to inmates, such as a medical co-pay or dental fees.

<sup>3</sup> Ohio Rev. Code § 2929.37.

<sup>4</sup> Sheriff Revives Proposal to Levy Jail Fees, Akron Beacon Journal, Jan. 2, 2011, available at <http://www.ohio.com/news/first/sheriff-revives-proposal-to-levy-jail-fees-1.178597>.

<sup>5</sup> This amount, calculated by the county jail, is accurate as provided to the ACLU of Ohio on 2/3/2014.

<sup>6</sup> Intellitech Corporation is a company headquartered in Poland, Ohio that provides jail management software to several counties in Ohio, run by John Jacobs.

**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. The lowest daily fee is \$10.00. If a person is in a work release program, 20% of their gross weekly salary is taken for fees each pay period. Geauga also pursues debt collection through a variety of means including a court ordered judgment to garnish wages, sending the debt to a collections agency, obtaining an execution against the person and their property, or a creditor's suit.

If a person enters the Geauga County Safety Center with debt from a previous incarceration, the person is not allowed to buy any items from commissary except hygiene products until the person begins to make payments on their negative balance (See Appendix B for detail on how Geauga County calculates daily fees).

**Table 1. Worst Offenders: Cost of Stay**

Facility	Fees	30 Days	60 Days	90 Days	120 Days	150 Days	180 days
Williams Co. CCNO	\$100 book, \$66.09 daily	\$2,082.70	\$4,065.40	6,048.10	\$8,030.80	\$10,013.50	\$11,996.20
Marion Co. MCCC	\$100 book, \$50 daily	\$1,600	\$3,100	\$4,600	\$6,100	\$7,600	\$9,100
Guernsey Co. Jail	\$100 book, \$50 daily	\$1,600	\$3,100	\$4,600	\$6,100	\$7,600	\$9,100
Geauga Co. Jail	\$10 - \$68.86 daily	\$300 - \$2,005.80	\$600 - \$4,011.60	\$900 - \$6,017.40	\$1,200 - \$8,023.20	\$1,500 - \$10,029	\$1,800 - \$12,034.80

**Most Reasonable Counties with Pay-To-Stay Policies:**

**Knox County** and **Shelby County** charge only a \$10.00 booking fee and do not pursue collections.

**Seneca County** and **Wayne County** charge only a \$5 booking fee and \$5 release fee and make no mention of collections.<sup>7</sup>

In the ACLU's previous study on pay-to-stay fees, it was determined that counties that charge lower fees tend to have a higher rate of collection from those incarcerated.<sup>8</sup> Carroll County Jail charges only a \$30.00 booking fee. Work release prisoners are charged \$5.00 per day prior to being released for employment; there is no other daily fee. The jail provided the ACLU of Ohio a debt collection list. Since June 2007, 223 people have owed money to the jail. Of those, 91% or 203 have paid in full. Those who have not yet paid in full have made payments towards their debts.

**Who Charges What?**

A total of 40 facilities charge people pay-to-stay fees. Some may refer to them by another name, however, they are charging a booking fee and/or daily fee.

**Booking and Daily Fees:**

There are 16 county jails that asses both a booking fee and a daily fee. The average cost per day in a facility charging both fees is \$73.91 (See Table 2).

<sup>7</sup> Both facilities are categorized in the Booking Fee Only category below.

<sup>8</sup> Adding It Up: Pay-To-Stay Jail Fees in Ohio, ACLU of Ohio, 2013 available at [http://www.acluohio.org/wp-content/uploads/2013/06/AddingItUp2013\\_06.pdf](http://www.acluohio.org/wp-content/uploads/2013/06/AddingItUp2013_06.pdf).

A few county facilities fall under this category, which have very specific guidelines. **Darke County** has the most fees, a total of four: \$25.00 reception fee; \$4.00 booking fee; \$4.00 release fee; and a per diem fee ranging from \$9.96-\$60.00. **Morrow County** has a \$30.00 booking fee. There is no daily fee for local commitments; however, if someone from another county voluntarily opts to stay in the Morrow County Jail, the incarcerated person is charged a \$69.00 daily fee. People have chosen to stay in the Morrow County Correctional Facility because it has less incidences than their county facility.

**Table 2. Facilities Charging Booking and Daily Fees<sup>9</sup>**

County	Facility	Booking	Daily	Total
Ashtabula	Ashtabula County Jail	\$50	\$50	\$100
Athens	Southeastern Ohio Regional Jail	\$15	\$1	\$16
Carroll*	Carroll County Jail	\$30	\$2.50	\$32.50
Darke*	Darke County Correctional Facility	\$33	\$34.98	\$66.98
Guernsey	Guernsey County Jail	\$100	\$50	\$150
Highland*	Highland County Jail	\$25	\$32	\$57
Lawrence	Lawrence County Jail	\$50	\$50	\$100
Licking*	Licking County Jail	\$10	\$60	\$70
Marion	Multi-County Correctional Center	\$100	\$50	\$150
Monroe*	Monroe County Jail	\$10	\$51.75	\$48.50
Morrow*	Morrow County Correctional Facility	\$30	\$34.50	\$64.50
Noble	Noble County Jail	\$25	\$10	\$35
Scioto	Scioto County Jail	\$20	\$20	\$40
Washington*	Washington County Jail	\$10	\$12.50	\$22.50
Williams	Corrections Center of Northwest Ohio	\$100	\$66.09	\$166.09
Wood*	Wood County Jail	\$40	\$23.50	\$63.50
<b>Average Cost of One Night in a Facility Charging Booking and Daily Fees = \$73.91</b>				

**Daily Fees:**

24 county facilities charge a daily fee. Geauga County Safety Center charges the highest daily fee at \$66.86.<sup>10</sup> The Correction Center of Northwest Ohio in Williams County charges \$66.09 per day. The lowest daily fee is \$1.00 in Athens County. The average daily fee across all 24 facilities is \$35.24 (See Appendix C for how various counties calculate their daily fee).

Out of these 24 facilities, eight charge only a daily fee. The average daily fee for these facilities is \$37.12 (See Table 3).

<sup>9</sup> Calculations were based on the average of scales provided. If facilities do not assess for indigence using the sliding scale or did not provide a scale, then the fixed or maximum daily fee was used. Carroll County Jail charges \$5/day for those participating in work release, otherwise no daily fee. Darke County Correctional Facility charges \$4 reception + \$25 booking + \$4 release fee = \$33 booking fee; they also provided a scale for daily fee \$9.96-60. Highland County Jail charges a daily fee ranging from \$12 (unemployed) to \$52 (max). Licking County Jail policy only details the maximum daily fee is \$60. Monroe County's policy includes a \$12-\$52 range for locals serving in Monroe, averaging \$32. This average daily fee was then averaged again with the contracting rates when locals serve in other counties because the Monroe County Jail is for males only: Belmont \$65, Noble \$50, Washington \$60. Morrow County Correctional Facility does not charge locals, however, non-local people are charged \$69 per day. Washington County Jail charges a \$10 booking fee and people who post-poned incarceration to weekends so they can work during the week are charged a \$25 daily fee on the weekends served. Wood County Jail charges a daily fee based on a scale of \$7 (unemployed) - \$40 (max).

<sup>10</sup> Lucas County Corrections Center previously charged up to \$100.00 per day, but the jail's policy is currently suspended at the time of publication.

**Table 3. Facilities Charging Only a Daily Fee<sup>11</sup>**

County	Facility	Daily Fee
Auglaize	Auglaize County Jail	\$10 fixed
Delaware	Delaware County Jail	\$60 max
Geauga	Geauga County Jail	\$38.43 average
Lake	Lake County Maximum Security Jail	\$60 max
Muskingum	Muskingum County Jail	\$16.50 average
Ottawa	Ottawa County Detention Facility	\$48 max
Preble	Preble County Jail	\$32 average
Van Wert	Van Wert County Jail	\$32 average
<b>Average Daily Fee for Facilities Charging Only Daily Fees = \$37.12</b>		

**Booking and Release Fees:**

When people first arrive for their jail sentences, they are charged a booking fee in 32 county facilities. This fee may also be referred to as a processing fee, reception fee, or administrative fee. The highest booking fee is \$100.00, charged by Guernsey County, Marion County, and Williams County. The lowest booking fee is \$10.00, charged by the following six counties: Knox County, Licking County, Logan County, Seneca County, Shelby County, and Wayne County.<sup>12</sup> The average booking fee of all 32 facilities is \$31.94.

16 county facilities charge only a booking fee (see Table 4). The highest booking fee at these facilities is \$40.00, charged by Franklin County, Mahoning County, and Portage County. The lowest booking fee is \$10.00, charged by Knox County, Logan County, Ross County, Seneca County, Shelby County, and Wayne County. The average booking fee at these facilities is \$23.00.

**Table 4. Facilities Charging Only a Booking Fee**

County	Facility	Booking Fee
Adams	Adams County Jail	\$25
Butler	Butler County Correctional Complex	\$20
Clinton	Clinton County Jail	\$30
Franklin	Franklin County Corrections Center	\$40
Hamilton	Hamilton Co. Justice Center	\$30
Hamilton	Reading Rd. Talbert House 1st Floor	\$30
Jefferson	Jefferson County Jail	\$30
Knox	Knox County Jail	\$10
Logan	Logan County Jail	\$10
Mahoning	Mahoning County Jail	\$40
Portage	Portage County Jail	\$40
Richland	Richland County Jail	\$30
Ross	Ross County Jail	\$10
Seneca	Seneca County Jail	\$10
Shelby	Shelby County Jail	\$10
Wayne	Wayne County Jail	\$10
<b>Average Booking Fee for Facilities Charging Only Booking Fees = \$23.00</b>		

<sup>11</sup> Max indicates the maximum daily fee to be assessed, which was the only figure provided. Averages were calculated based on provided scales: Geauga \$10- 66.06.

<sup>12</sup> Seneca and Wayne counties house the only two facilities that charge both booking and release fees. Each are \$5.00, with no daily fee. In total, three county facilities charge a release fee: \$5.00 in Seneca County Jail and Wayne County Jail, and \$4.00 in the Darke County Correctional Facility. For categorical purposes: Seneca and Wayne Counties' booking and release fees were combined and counted as one fee for this calculation, \$10 for each. Darke County Correctional Facility's \$4 booking, \$4 release, and \$25 reception fees were combined to represent their \$33 booking fee in Table 2.

## **Considering Indigence:**

When assessing the pay-to-stay fee, 20 county facilities take indigence into account. This includes facilities that use a sliding scale to set the daily fee based on a person's income<sup>13</sup> and those that do not pursue collection after release due to the person's indigence. Several facilities, however, do not consider indigence and place a negative balance on a person's account if no money is paid during incarceration. Any money deposited into the account, less funds for essential toiletries, is applied to the negative balance. Oftentimes, if a person enters jail with a previous debt owed to that jail, the person will have an existing negative balance on top of money owed for the current period of incarceration.

The Ohio Revised Code states "the daily cost assessed is not to exceed the total amount that the individual is able to pay,"<sup>14</sup> yet some counties still do not assess for indigence when applying a daily fee to a person's account.

## **Collections:**

26 county facilities that collect a fee pursue collection of the debt when a person is released from the facility. This includes counties that initiate court proceedings to receive a judgment for the amount owed and counties that use a collections agency. Five facilities conduct collections themselves if and when there is staff available to do so. Richland County does not pursue debt collection. 13 county facilities did not provide information or make clear their protocol concerning debt collection.

### **COLLECTION AGENCY SPOTLIGHT: INTELLITECH CORPORATION**

What they do: Intellitech Corporation is a for-profit technology and collections firm based in Poland, Ohio. They develop software systems and provide related services primarily for county governments and jails. They have developed their own County Wide Collections software to track and collect pay-to-stay fees. They retain a percentage of revenue collected, meaning that they only make money when individuals pay these fees. Many of the counties who charge the highest pay-to-stay fees utilize Intellitech to administer their collections policy.

**How it works:** Individuals who are incarcerated in a jail that charges pay-to-stay fees are typically expected to pay their debts while incarcerated, either directly or through commissary funds. If the jail is unable to collect all of the pay-to-stay fees before the prisoner is released, the debt is turned over to Intellitech. The company will then send notices to the person, call them, and continue to solicit payment until the debt is paid. Typically, a person is allowed to make installment payments. If a person does not pay the debt fully within 180 days, it is sent for a judgment, meaning that it will be reported on the person's credit history.

In materials provided to the ACLU by Intellitech, they claim they do not pursue collections against people who are indigent, yet this does not appear to be the practice. In interviews with people who were clearly indigent and had been declared so by the court, they reported receiving many calls and letters from Intellitech, and the debts were reported on their credit history.

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<sup>13</sup> Often based on the Federal Poverty Guidelines.

<sup>14</sup> Ohio Rev. Code § 2929.37(A).

## **How Pay-to-Stay Policies Affect Real People**

Some jails with the highest pay-to-stay fees are located in counties with a high rate of poverty. Marion County, home to the Multi-County Correction Center, has a poverty rate of 19.6%.<sup>15</sup> This facility also services Hardin County, which has a poverty rate of 18.0%.<sup>16</sup>

Williams County has a poverty rate of 13.7%, and contains the Corrections Center of Northwest Ohio. Nearby, Lucas County has a poverty rate of 20.5%.<sup>17</sup> Prisoners from both counties are charged the \$100 booking fee and \$66.09 daily fee.

The large metropolitan counties have similar high rates of poverty. Cuyahoga and Franklin counties both have a poverty rate of 17.7%. Similarly, Hamilton County is at 17.1%, Mahoning County is at 17.5%, and Montgomery County is at 16.8%. Cuyahoga and Montgomery Counties do not have pay-to-stay policies, and Franklin, Hamilton, and Mahoning Counties charge only a one time reception fee at \$40.00, \$30.00, and \$40.00, respectively.

The Scioto County Jail is notable because it charges a \$20.00 booking fee, \$20.00 daily fee, does not consider indigence when assessing fees, and is located in a county with a poverty rate of 23%. This is a high fee county in a high poverty area. Similarly, Ashtabula County has an 18% poverty rate, and the jail charges a \$50.00 booking fee and \$50.00 daily fee. The jail did not provide information on whether it accounts for indigence or sends debts to collections.

Athens County has the highest rate of poverty in Ohio at 32.2%, and the Southeastern Ohio Regional Jail charges only a \$15.00 booking fee and a \$1.00 daily fee. If a person is indigent, the jail will not take any money out of the person's escrow/commissary account for the daily fees.

### **Putting Pay-to-Stay into Perspective:**

Imagine you are a single parent of three children and your family depends on you to be the sole breadwinner. The poverty rate is 13.7%, and the minimum wage is \$7.95/hour in Williams County. You earn \$318 before taxes working 40 hours per week, which totals \$1,272 each month. You are responsible for food, childcare, medical, housing, and transportation. Using MIT's Living Wage Calculator<sup>18</sup> your weekly expenses total \$1,027.60.

One day you end up convicted of a low-level crime and are sent to CCNO in Williams County. You will accumulate \$166.09 in pay-to-stay fees in just one day at CCNO, and they do not assess for indigence, and you will likely spend longer than a single day awaiting trial.

Now, imagine that day you spent in jail also resulted in losing your job, and your sole source of income.

If you fail to pay the fee when you are released, it may end up on your credit report. When you apply for a new job they may do a credit check and you could be denied employment because of the pay-to-stay fees' impact on your credit. You've lost your job and you cannot get a new one. Desperate, you turn to illegal means to provide for your children. If you engage in this illegal behavior and are caught, you will face more fines, fees, and jail time; all of this keeps you from work, earning an honest check, and paying your bills and your accumulated fees.

Some government officials claim that charging people for their incarceration saves taxpayer resources but that's not true. The public pays on the backend, shouldering the financial burden

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<sup>15</sup> The Ohio Poverty Report, Office of Research, Ohio Development Services Agency, Feb. 2014, p. 14, <http://www.development.ohio.gov/files/research/P7005.pdf>.

<sup>16</sup> *Id.* at 14.

<sup>17</sup> *Id.*

<sup>18</sup> MIT Living Wage Calculator: Williams County, Ohio, <http://livingwage.mit.edu/counties/39171>.

of assistance programs necessary to support formerly incarcerated people who cannot find adequate employment or housing due to criminal records and damaged credit reports from pay-to-stay fees. The damage of pay-to-stay fees is never undone and perpetuates a vicious cycle, further criminalizing poverty.

This example is not simply hypothetical—stories of Ohioans who have been devastated by debt from pay-to-stay fees are common. The following are a few profiles of people who have been trapped in this terrible scheme.

## How Pay-to-Stay Fees Devastate Lives: Profiles



### Derrick C.

Life was going well for Derrick C. He was living on his own, an employee of a fast food chain, and pursuing a degree in education from Owens Community College. He had just returned home after completing a portion of the hiring process for a tutor position at East Toledo Family Center when he encountered an acquaintance who attempted to rob him. He reacted in self-defense using a gun that was not registered to him. This instance was not extremely violent as he shot the potential assailant in the foot and then administered first aid afterwards.

Despite being the victim of an attempted robbery, he was arrested and charged with felonious assault with a weapon, later reduced to misdemeanor assault and menacing, received a two-month jail sentence, work release, and community service. He credits his reduced sentence to his previously clean record— with the exception of a few minor traffic tickets. Unfortunately, Derrick has suffered several setbacks because of this incident. As a consequence of his conviction, he was unable to take the tutoring position he was pursuing and all future possibilities of working in the education field are now gone.

Derrick was originally arrested in Lucas County and was transferred to CCNO. When he was booked, he was forced to sign a payment agreement for his pay-to-stay fees. He recalls being told if the owed amount was not paid by his release, they would put his fees on his credit report.

During his stay at CCNO he began to feel sick and went to the medical staff but they dismissed it as the common cold. After his release his condition worsened. He suffered night sweats and lost weight. **His declining health landed him in the emergency room where he discovered he had a hole in his lung and was diagnosed with tuberculosis. Another person was not properly quarantined at CCNO, exposing Derrick and others to the bacteria. He was quarantined for a year, both within the hospital and his home.**

Derrick currently receives Social Security Disability. Roughly half of his income goes to child support and the rest towards bills, leaving him no extra income to pay the fees he received over five years ago. With these fees hanging over his head, he is concerned about how this is affecting his credit and the future of his finances.

These fees have stopped Derrick from pursuing his dreams. He would like to start his own business but knows it is next to impossible to receive a loan with these fees on his credit report. **“There are so many hurdles and even when you get over them, there is no guarantee of making it...there is already so much against you.”**

**“Every day, every moment is survival.”** Because his conviction limits his job opportunities, Derrick is unable to get a job that pays a decent wage and provides extra income for him to pay off his fees. The fees on his credit report also impact potential employment, **“If you’re putting this on my credit you’re stopping me from jobs. I can’t apply to be a manager because they run a financial check and they will see it and think I am not responsible, that I am a criminal and I can’t pay my bills or debts.”** When he interviewed at a fast food restaurant, he noticed he was older than the interviewer, “This is the workforce you have me bound to. I was never the working poor...wow, welcome to poverty. But I guess being in prison and sleeping on iron prepared me for this.”

He would like to get off government assistance and work because “I can control my own destiny,”

but receiving a wage that does not support independence, Derrick continues to rely on the little assistance he is given.

His self-determination is not always rewarded: he was forced to quit a job due to a miscalculation concerning his income and assistance received, "They keep you pigeon-holed." Derrick plans to move out of state and recognizes a catch 22, "that check will follow me; it's a blessing and a curse. But I can't wait to get rid of this crutch."

After receiving his pay-to-stay bills, he was "highly upset." As a taxpayer, Derrick feels being required to pay an additional fee for services is the county "double-dipping in a sense." He also feels the system is not fulfilling its purpose, "There's no rehabilitation [while incarcerated], you do the correction part okay, you make sure we are in our cells and do your counts but, you don't provide inmates with quality service."

Derrick describes his disappointment with programming, "In CCNO you just sit on your bed. They bring your food to you and only about 20 people can go to the library at a time. About 12 to 20 can be in religious services. But that's it." He recognizes the few programs offered: he got a forklift certification. But when he tried to get jobs with it, "They laughed at me and said it's garbage. They told me it was good that I know it but they can't accept it."

Derrick wants to make a better life for himself, but between his criminal record, the pay-to-stay fees and tuberculosis that he received from his stay, he has lost time, money, and eligibility for educational and employment opportunities. Surprisingly his outlook remains positive, "I am happy about the experiences, no matter how messed up the situation, it taught me to always advocate for myself and do my research."

He wants to pursue a degree in social work so that he can become an advocate; "These systems need to be changed and the stuff that y'all (ACLU) are doing, I need to be a part of that." Derrick is glad to share his story and hopes it will encourage others to do the same, and hopefully together they can effect change, "Once you pull one string you unravel everything." He continues to add, "These things need to be brought to light... in America we tend to be very stereotypical. **We put people in boxes. We look at people as criminals instead of as a father or student. America turns a blind eye to what happens here but chastises other countries.**"

He is determined and he continues to shatter those stereotypical boxes. He is currently exploring multiple possibilities. In addition to his interest in advocacy, Derrick wants to obtain his barber's license, "All I have to do is find funding and I can open up a barbershop without a business degree. I can employ other felons and be a part of the solution."



## **Billy H.**

Billy's resume includes a list of industrial jobs including forklift operation and automotive parts packaging in addition to fast food service. The dwindling economy in Marion, Ohio is no different than many other small towns nationwide where in the absence of good-paying jobs, people turn to illegal means. "The economy around here is heroin. All of the good jobs are out of town. You need a license, you need networks, connections. They want you flipping burgers or over at Ohio Galvanizing pouring lava." Billy has been pigeon-holed in these menial jobs due to his criminal record and unpaid debt from pay-to-stay fees.

Since his teenage years, Billy has struggled with addiction. What began as underage drinking in high school soon led to more illicit drugs, and eventually spiraled into a heroin addiction. Billy's most recent stay at the Multi-County Correctional Center (MCCC) lasted six days in February 2015 while he awaited his transfer to West Central Community Correctional Facility to serve his sentence for heroin possession. He has served time in the past for substance abuse related offenses like DUIs, underage consumption, and possession. **Billy was charged a booking fee of \$100 and a daily fee of \$50 each stay, totaling \$12,000 in pay-to-stay fees.**

Collections phone calls are frequent and a "harsh and degrading" reminder he says, "It gives you a sense of hopelessness when someone's on the phone telling you you'll never get a house until you pay this. **[It] made me feel like less of a man or person.**" Now Billy and his family screen calls, "If we don't know the number we don't answer."

Billy's dreams of home ownership are on hold. He currently lives with his parents completing maintenance work and acting as their caretaker in place of rent. Billy has to pay \$270 in child support each month and cannot afford rent or pay-to-stay fees. He struggles to maintain a sense of purpose and independence, and according to him pay-to-stay fees are "another stressor that I don't need."

Although he acknowledges feeling hopeless as the debt stacked against him seems impossible to pay, Billy has a plan and a positive outlook crediting his strong faith and renewed relationship with God. He is eight months sober and working on going back to school. **Seeing the emotional toll his incarceration took on his family, particularly his son, has pushed him to change and keep going.** His seven year old was "devastated" the last time he went away and they were only able to communicate via letters and interact during visits twice a month. His son's battle with leukemia provides him with inspiration and Billy is making every effort to be an example and a stable presence for his son.



## **David M.**

David has \$550 per month in living expenses, \$2,000 in medical fees, and \$7,000 in student loans. He has been living with his parents and has not had a steady job for the past five years. One might assume that David is a recent college graduate, struggling to make it in today's economy. However, he is 41 years old and was recently incarcerated at the Multi-County Correctional Center (MCCC) in Marion, Ohio for attempted breaking and entering.

This is not the first time David has been incarcerated. Like many other people, David has struggled with his sobriety for many years and was convicted of crimes stemming from his drug and alcohol addiction. David was at MCCC in 2000, 2007, 2009, 2010, 2011, and 2013 for minor offenses like breaking and entering and violating his probation. Each time he was put behind bars, David was charged a one-time \$100 booking fee and \$50 pay-to-stay fee per day for the duration of his sentence. **Over the years, David estimates his pay-to-stay fees have accumulated to around \$21,000 which he is unable to pay.**

MCCC did not take into account that he was unemployed when deciding his daily fee, despite the fact that the court declared him indigent. As David said, **"It is a travesty that they prey on people who are down and out or have unfortunate circumstances."**

Before his most recent incarceration, David was actively looking for a job and lived with his parents. In the past five years, he has held three different jobs for no more than five months. The absence of steady employment in David's record may have to do with the burden of the pay-to-stay fees and the impact it has had on his credit. He does not have any vehicles, properties, or big assets that he could sell to put toward paying his \$35,000 debt. The fees have negatively impacted his family, especially his parents. **When collections called two years ago threatening legal action, David spiraled into a panic and his mother became extremely worried. In his own words, "it is mentally, emotionally, and financially devastating."**

David currently lives at a recovery center and has been sober for 14 months. "Something has happened inside. I am so focused and motivated to move forward. I'm tired of disappointing myself and my family." The push towards progress is not without obstacles. David is currently employed as a contractor, but his looming debt has crippled his credit and prevents him from getting a vehicle. "I can't even go to a car lot and get a car because of my credit. Credit cards, anything with credit, I can't get." Public transit is limited in Marion and without reliable transportation David has to ask his boss and other coworkers for rides to different job sites. He is concerned his transportation situation is creating tension. He also has daily obligations at the courthouse for probation and counseling that require creative solutions for transportation.

Although he has a positive outlook, David disagrees with the pay-to-stay policy, **"I don't think they should charge the pay-to-stay fees at all. People in jail are down on their luck. Take away the stress of paying fees. Most of us are already in debt. A person might have rent money walking in there and it can be snatched from them."**

## **Mark P.**

Mark P. currently lives on his own, receiving disability. Before going to jail his income was already slim and from time to time he would have trouble paying rent, utilities, and child support, but most of the time he could manage.

One night, Mark was driving home when he hit a parked car while driving under the influence. He was first arrested and booked in Lucas County, where he was handcuffed to a bench for roughly four hours. In the middle of the night they transported him to CCNO, arriving around 5:00am.

After spending two weeks at CCNO, he was released and later received a notification from the Intellitech Corporation that he had an outstanding bill of \$651.31, which included a \$66.06 daily fee, a \$100 booking fee, and medication costs of \$6 per pill.

Mark was booked with \$75 in his possession. Upon his release, his money was not returned to him. Instead, the staff informed him it was going towards his pay-to-stay fees.

His van also has a tow charge and storage fee, which has amounted to \$2,000. He says the van itself is not even worth that amount of money. This has left him scraping by and has pushed his already tight budget to the brink.

Mark's time in jail was overwhelming for him emotionally. He has four cats, and some have been with him for 12 years. These cats are more than just pets and mean a great deal to him, "My animals are my life." During his two week stay, he feared for the well-being of his cats who were not fed or given water. He was not allowed to turn his keys over to anyone to take care of them, "I would not be able to live with myself if anything happened to my cats."

Mark is also HIV positive. **During his time, CCNO refused to give him his life-sustaining HIV medicine.** A nurse even crudely joked, "Maybe I can see if there is any left over from an ex-inmate." After suffering a headache for four days he requested Tylenol. He was given a generic pill at the 8:00pm med pass one evening, but within an hour he was having trouble breathing and had broken out into a full body rash. His allergic reaction got him a trip to the infirmary and some Benadryl cream.

After he was convicted, Mark had to return to CCNO to serve his 30 day sentence for the OVI charge. As with his previous stay, he was not given his life-sustaining medication. This time around, the conditions were equally unbearable. He mentioned being served "moldy bread and green bologna" a few times. Initially he did not eat for the first four days because the food was so bad. He explained the food schedule, "Breakfast is at 5:00am, lunch is at 11:00am, and then they give you dinner at 5:00pm. If you don't have commissary it's a long time to go without eating." **The food has a large impact, "It was totally miserable. You're hungry all day... I wouldn't feed it to my animals."** For many prisoners who owed pay-to-stay fees, they could not use the commissary because CCNO would take any money they deposited to pay their debts.

These lackluster accommodations yielded him another bill upon his release totaling \$2,157.80. As the fees continue to pile up he is concerned, "If I don't pay them then it goes to a collection agency and screws my credit."

Mark is beyond stressed over his economic situation. Mark explained, **"Before I was barely making it, but now I definitely am having a hard time."** Not only is he behind on nearly every bill, he has no idea how he is supposed to come up with the money to pay these fees. He is responsible for \$475 in rent, \$100 in child support, and monthly utilities. With his income from disability at \$733 a month, there is no extra income that can pay his added jail fees. Once he falls behind on one month of bills, it is difficult for him to pull himself out.

Life has changed significantly, he has to see his probation officer once a week and he has to take urine tests. He says it is hard on him because he doesn't drive anymore, as his license is

suspended for one year. He is just taking it day by day.

Due to the increased stress, both from his time at CCNO and grappling with fees since his release, he has become so overwhelmed, feeling hopeless and lost, that he has contemplated suicide and sought help from a psychologist.



## **Michael W.**

At the age of twenty-three, Michael was on a canoeing trip with his friends. They were all drinking, and at one point, Michael blacked out. When he awoke, he was horrified to discover that he had assaulted one of his friends. As a result, he was charged with a misdemeanor, given 180 days in jail, and over \$2,000 in debt. Most of this cost was for his stay at the Geauga County Safety Center, a jail that charges people a daily fee from \$10.00 - \$67.00. Michael was broke going into jail and came out with more debt than he could handle.

He was charged \$10.00 a day because he was a student and made very little money at his school internship.

But after 180 days, those charges add up to a lot of debt for a young person with very few assets. Michael was able to participate in the work release program through the jail and continue to work at his internship and attend classes at a local college. He was required to pay \$72.00 every two weeks toward his pay-to-stay fees in order to continue to participate in work release. In addition to this cost, he still needed to keep money in his commissary account to buy necessary items and to purchase phone cards to talk to his family.

When Michael was released he still owed \$900.00 to the jail. However, Michael now had no job, no source of income, and had to pay other bills including his school tuition. He could not afford to pay the jail fees, so the jail sent him collections notices causing damage to his credit.

Shortly after his release he ended up homeless. He was eventually approved for a unit through Cuyahoga Metropolitan Housing Authority. Although his housing was stable, he had to use credit cards for other expenses and thousands of dollars in lawyer fees. He also had to cash out his 401K just to get by. "When I got out I had to take care of myself, but I didn't have anything anymore."

**"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."**

Michael is still unable to make payment on his jail debt. His limited income from various school internships barely pays for his living expenses, food, gas, and tuition. He often worries he will be arrested and thrown back in jail because he cannot pay. He asks, "So you re-arrest me and now charge me more money until what? Until I can pay it? I'm unemployed. What are you going to do? Just keep me here forever?"

Michael's story is one of many in the debt trap created by Ohio's jails. The Geauga County Safety Center is one of the worst offenders for burying people in high fees. Not only did Michael pay for his crime through a jail sentence, he is still being punished with ongoing debt and a sinking credit score. As he explains it, **"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."**

## **Recommendations**

After collecting the policies across 75 facilities and analyzing the ongoing impact of pay-to-stay jail fees, we recommend the following to benefit taxpayers and help break the cycle of criminalized poverty:

### **1. Eliminate Pay-to-Stay Policies.**

Pay-to-stay fees are not a reliable revenue stream because the vast majority of incarcerated people simply cannot afford them. The impact of these fees on individuals is financially extreme, leaving some with added debt and/or without jobs to pay their debts. Pay-to-stay damages credit and diminishes a person's chances of securing new employment, housing and other important opportunities. The cost to taxpayers is also significant as they shoulder the burden of paying for assistance programs that are ultimately used to aid unemployed formerly incarcerated people. Taxpayers also pay the cost of future incarceration for people who do not successfully re-enter society. Pay-to-stay sets people up for failure, wastes taxpayer dollars, and are detrimental to the rehabilitative mission of our justice system.

If counties are unwilling to suspend their pay-to-stay jail fee policies altogether, we recommend these potential reforms.

### **2. Assess for Indigence and Do Not Turn Debts Over to Collections.**

Ohio law requires that people not be forced to pay more pay-to-stay jail fees than they can afford, yet many jails are not actively assessing whether a person is indigent. A person's ability to pay is often taken under consideration in other arenas in the criminal justice system, and should be considered when assessing pay-to-stay fees. If a person is found to be indigent, they should not be charged a fee, or at the very least a substantially reduced fee. Counties should not employ collections agencies at all, especially for those who are indigent, as they follow the individual long past their conviction and make it extremely difficult to lead a productive life.

### **3. Counties with Contracts for Outside Counties Should Protect their Residents from Pay-to-Stay Fees.**

Counties that send prisoners to jails in other counties should review their contracts to ensure that if the home county does not assess pay-to-stay fees, prisoners sent to an adjacent county are not forced to pay these fees. For example, Lucas County suspended its pay-to-stay policy, yet its residents are still assessed a fee once they are transferred to CCNO in Williams County. At the very least, Lucas County officials should discuss this issue at a public meeting to ensure residents and leaders are aware these fees are being assessed and allow for public debate about whether residents should be forced to pay fees if incarcerated elsewhere. County leaders should advocate for contracts that exempt their residents from being charged these fees in partner counties.

### **4. Allow Programs and Community Service in Lieu of Fees.**

Better informed policy should always replace bad policy. If a person is indigent, they should have the opportunity to opt into meaningful educational programming, training, or drug and alcohol counseling to pay debts. This helps decrease and potentially prevent recidivism by providing people with skills that can be utilized in the workforce. Rehabilitation and reentry should be the focus, not profits or a budget's bottom lines.

It is essential to recognize and understand the intersectionality of socioeconomic status and education for the incarcerated population is essential. Alliance for Excellent Education's *Saving Futures, Saving Dollars* report finds, "there is an indirect correlation between educational attainment and arrest and incarceration rates, particularly among males." President Bob Wise comments, "Dropping out of school does not automatically result in a life of crime, but high school

dropouts are far more likely than high school graduates to be arrested or incarcerated.”<sup>19</sup>

In 2010, 46.5% of local jail prisoners nationwide only had some high school education or less.<sup>20</sup> More recently, in 2013, that number has climbed to 69%. Over half of those in jail do not have a GED or high school diploma. This is alarming and presents an opportunity for intervention and rehabilitation—we should seize it.

**Community Service In Lieu of Fees.** There is no statute barring community service in lieu of fees. Because pay-to-stay is discretionary and not mandatory, we suggest adapting and implementing policies that allow for community service to replace fees for those deemed indigent. This is frequently done in other circumstances such as payment of court fines and costs.

These suggestions can further drive that recidivism rate down and make Ohio an exemplary leader in rehabilitation programming and policy.

### **Examples of Programming:**

- **The 3Rs Project (Reading Reduces Recidivism)** is a statewide initiative in Illinois involving the adoption of prisons by small local groups that collaborate with prison librarians and go into the community to collect and donate reading materials. This type of collaboration is cost effective and has a high return.

“The 3R’s Project further developed through our understanding that reading really does reduce recidivism, which is currently at 51% in Illinois. Books, magazines, and other materials not only make sense economically, but also in terms of prisoners’ mental health and ability to connect with the world when they return to our communities. It is fiscally sound, and it is humane.”<sup>21</sup>

- Programs offered in state prisons could be utilized for those in jail or being discharged. For example, Richland Correctional Institution in Mansfield (Richland County) has programs that may be adapted for individuals in jail settings like
  - **Roots of Success:** An environmental literacy program.
  - **Commercial Driver’s License Program:** A career enhancement program.<sup>22</sup>
- The Urban Institute cited the **Returning Home-Ohio (RHO) program** as one of five suggestions to combat crime and recidivism. Those who were connected to stable housing services were 60% less likely to return to prison.<sup>23</sup> The original pilot targeted those who had a history or likelihood of homelessness upon release.<sup>24</sup>

## **5. Decrease Costs by Cutting Jail Populations Instead of Increasing Revenue.**

Those incarcerated in county jails are almost exclusively people who have committed misdemeanor and low-level, nonviolent felony violations. In recent years, public perception has shifted considerably to how we treat these individuals, shifting from a “tough on crime” mentality to a “smart on crime” one.

Cost and overcrowding in jails are high on the list of many county concerns. This has often been a driver for counties to adopt pay-to-stay jail fees—use prisoners to help supplement the dollars the county must use to incarcerate them. Butler County’s Chief Deputy Anthony Dwyer said, “any revenue stream out there is worth going after.” This revenue rhetoric was reinforced in 2013 by Fairfield Sheriff Dave Phalen, “there is a disproportionate number of people in our jail who do not work, but

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<sup>19</sup> See <http://all4ed.org/press/crime-rates-linked-to-educational-attainment-new-alliance-report-finds/>.

<sup>20</sup> See <http://www.bjs.gov/content/pub/pdf/ecp.pdf>.

<sup>21</sup> See <http://www.3rsproject.org/learn-more.html>.

<sup>22</sup> See <http://www.drc.ohio.gov/public/rici.htm>.

<sup>23</sup> See <http://www.urban.org/urban-wire/five-ways-reduce-crime>.

<sup>24</sup> See <http://www.csh.org/csh-solutions/serving-vulnerable-populations/re-entry-populations/local-criminal-justice-work/returning-home-ohio/>.

there's a number of people who can afford to help with some of our costs," he said. Unfortunately, that logic rarely works out for the county. Rather than seeking to balance our county budgets on the backs of low-income people, why not address the issue at its source and decrease the number of people who are in jail needlessly. This can be done effectively and without endangering public safety.

Alternative sentencing may alleviate jail population. Potential options include:

**Pretrial Release.** As a result of our for-profit bail bond industry, many people languish in jail because they are too poor to pay their bond. Shockingly, those who are able to obtain bond are usually people who are charged with higher level crimes because the bail bond agent can turn a higher profit. This system is counter to public safety and the interests of taxpayers because nonviolent people are confined needlessly when they could be working, caring for family members, and/or seeking employment. Counties should employ pre-trial release systems that determine whether a person is a flight risk or public safety danger. Those who are not should be released instead of awaiting trial and racking up pay-to-stay fees.

**Tickets Instead of Arrests.** In the case of some minor offenses, law enforcement may have the option to simply issue a ticket rather than taking a person into custody. Prosecutors can play a role in this by making clear to officers what crimes they intend to take to court and which they prefer to handle without arrest. Reducing the number of people who have to serve jail time will help decrease the costs for taxpayers and debts for offenders.

**Rarely Revoke Probation.** Many people accrue pay-to-stay jail fees because their probation was revoked for relatively minor infractions, such as missing a probation meeting. While everyone should strive to meet the conditions of their probation, officers should exercise restraint and discretion when sending a person back to jail. Revoking a person's probation should be rare and should only occur for major violations of their release terms.

## Conclusion

Pay-to-stay policies are not the answer to Ohio's cost concerns or rehabilitation and reentry efforts. The negative effects of these fees do not produce desired progress in offsetting costs of housing incarcerated people or of successfully integrating them into society upon their release. It is our hope that this report will help Ohio reexamine, eliminate, and replace these practices once and for all.

## Methodology: Calculating Averages, Low, and High Values

Each county provided different information via their policy. Some provided sliding scales while others only offered a maximum amount not to be exceeded. When only maximum values were offered those inputs were used. When a sliding scale was available the average of the scale was used, for example a daily fee scale ranging from \$12-\$52 was added together and divided by two to calculate the average daily fee for that county facility:  $(12+52)/2 = \$32$  average daily fee.

Averages only reflect those facilities that informed us of monetary values. For example, Muskingum County provided their policy detailing the sliding scale of \$8-\$25 for their daily fee so an average of \$16.50 can be calculated whereas, Lake County policy only mentions not exceeding \$60.

The low and high counts reflect the actual minimum and maximum numbers so readers can grasp the range from lowest to highest possible fees.

## Receiving Responses

Generally, most county jails responded to the records request within a month. A common problem was that the request was signed for by someone, but not delivered to the proper person, or the person who handles records requests was unaware of the request. A few administrators or lieutenants spoke with the ACLU of Ohio and had not heard about the request when called for follow up. Some counties needed clarification of the request, and several counties did not provide all of the information requested, such as the number of beds in the facility or the collections process.

## Appendices:

### Appendix A, Quick Facts:

	Count	Percent of Facilities Charging	Percent of Facilities in Study	Low	Mean	High
Charge	40	100%	53%			
Booking Only	16	40%	21%	\$10	\$23	\$40
Daily Only	8	20%	11%	\$10	\$37.12	\$66.86
Both	16	40%	21%	\$16	\$73.91	\$166.09
Daily	24	60%	32%	\$1	\$35.24	\$66.86
Booking	32	80%	43%	\$10	\$31.94	\$100
Do Not Charge	35	-	47%			

Indigency	20 assess	Collections	26 pursue
Sliding scale	10	Intellitech	4
no collections	1	Issue, collect	11
Assessed	5	Pursue- no detail	7
hold/money taken from account	3	Issue, do not collect	4
File for indigency after bill received	1	Do not say	13
		Does not pursue at all	1

### Quick Facts

- Total counties in Ohio: 88; total counties in study: 74; total facilities in study: 75
  - Facilities that charge for incarceration: 40
    - Facilities that charge both a booking fee and a daily fee: 16
      - Average cost one night \$73.91, Min: \$16, Max:\$166.09<sup>27</sup>
    - Facilities charging a booking fee: 32
      - Average \$31.94 , Min: \$10, Max: \$100
    - Facilities charging a booking fee only: 16
      - Average \$ 23, Min: \$10, Max: \$40
    - Facilities charging a daily fee: 24
      - Average \$35.24 , Min: \$1, Max: \$66.86
    - Facilities charging a daily fee only: 8
      - Average \$37.12, Min: \$10, Max: \$66.86
    - Facilities charging release fees: 3
      - Wayne(booking only), Seneca(booking only), Darke (booking and daily)
  - Examples of Range/Cap to Daily Fees:
    - Van Wert, Preble, and Highland counties ranging \$12 (unemployed) - \$52 (max)
    - Wood County \$7 (unemployed) - \$40 (max)
    - Muskingum County \$8 (unemployed) - \$25 (max)
    - Delaware, Licking, Lake counties \$60 max
    - Darke ranging \$9.96 (unemployed) - 60.00 (max)
  - Facilities that take indigence into account: 19
    - 17 have sliding scales for fees
    - 2 do not pursue collections after release if indigent (Noble, Lawrence)

<sup>27</sup> See **Methodology: Calculating Averages, Low, and High Values.**

- Policy dates: (Oldest and newest)
  - Ottawa enacted 11/1/86 and revised 3/16/13.
  - Van Wert enacted 8/19/98.
  - Wood enacted 9/29/98 and currently obtaining approval for update.
  - Clinton enacted 5/1/98.
  - Athens enacted 12/1/98.
  - Ashtabula enacted 5/99 and reissued 5/21/14.
- Facilities that do not charge: 35
  - 16 never had policy (including Jackson County's trial run that was not enacted)
  - 11 used to have policies
  - 8 did not clarify if they had a policy in the past.

## **Appendix B, Geauga County daily fees:**

How Geauga County Calculates a Person's Daily Fee: Calculate the average corrections officer salary, multiply it by the number of officers working daily, and then add the jail administrator's salary along with the doctor's and the nurse's salary. Divide the total by the average daily population from the prior year. The cost of meals will then be added to achieve the total cost per day per inmate. In 2013, the cost per day was \$66.86/day. As for indigents, rates shall be based on their ability to pay and on consideration of court-ordered support obligations (i.e. spouse and child support). The formula for calculating the inmate's ability to pay subtracts legal obligations from inmates' annual salary and then locates the inmate's family size on the provided chart, and finds the poverty level amount. Then subtract that final amount from the inmate's adjusted salary and divides the result by 365. The total will be the amount the inmate is able to pay per day. If an inmate is below the federal poverty level, a minimum daily charge of \$10 will be assessed. Indigent inmates and those who claim to have no means of support will also be assessed the \$10 fee.<sup>28</sup>

## **Appendix C, Calculating and Capping Daily Fees:**

- **Van Wert, Preble, Monroe, and Highland counties** use a sliding scale from \$12.00 for unemployed persons to a \$52.00 maximum fee.
- **Wood County** uses a scale between \$7.00 and \$40.00.
- **Muskingum County** uses a scale between \$8.00 and \$25.00.
- **Delaware County** uses a sliding fee scale based on US government poverty guidelines, based on US government poverty guidelines. A prisoner's refusal to cooperate during this process will result in the full \$60.00 a day charge.
- **Licking County** charges a fee to a percentage of the gross hourly salary and number of dependent children, not to exceed \$60 a day.
- **Lake County** charges a flat rate of 20% of their net pay up to the actual cost of confinement or on a sliding pay scale, with a maximum of \$60.00 per day.
- **Ottawa County** requires an initial payment BEFORE the first week of work. A percentage of a prisoner's wages at their work release job goes to the general fund. If a prisoner earns \$0.00 - \$250.00 per week, they must surrender 20% of their gross pay. If they earn \$251.00 and over per week, they must give the jail 25% of gross pay. These figures are not to exceed \$48.00 a day.
- **Gauga County** has a daily fee, ranging from \$10.00 to \$66.86.<sup>29</sup>
- **Darke County** uses a sliding fee scale based on Federal Poverty Level guidelines from 2009. The per diem charges range from \$9.96 to \$60.00.

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<sup>28</sup> As found in Geauga County Sheriff's Office Agency and Administration Policy and Procedure Number 0505 Chapter V Procedural Guidelines D. Rates.

<sup>29</sup> Geauga County calculations for daily costs is included beneath Worst Offenders section.

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# **In Jail & In Debt: Ohio's Pay-to-Stay Fees**

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