

Criminal Justice Issues and Prisoners' Rights

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WOODSFIELD, OH - The American Civil Liberties Union of Ohio sent a records request to Monroe County Sheriff Charles R. Black asking for information on the county's pay-to-stay jail policy. The policy charges people housed in the county jail a fee based on the number of days they are incarcerated and the individual's income level. Sheriff Black enacted the policy in March 2011.

Pay-to-stay jail schemes often create more problems than they solve, said ACLU of Ohio Legal Director James Hardiman. Fines make it harder for those released from jail to provide for family, and obtain necessities like housing and transportation. If people cannot successfully reintegrate back into society, they are more likely to commit crimes in the future, costing taxpayers even more.

In its records request, the ACLU asked for documents detailing the cost of the program, how the county determines the amount inmates must pay, policies for inmates who cannot afford to pay, procedures for how the fees are collected, and the number of Monroe County inmates who were housed in other counties and charged pay-to-stay fees.

While I sympathize with counties that are attempting to offset deep budget cuts, these programs are simply a bad deal for the government and taxpayers, added Hardiman. The cost of billing, collecting, and enforcing payment of these fees far outweighs any possible profits they might achieve. In addition, the program may increase taxpayer costs by forcing those who were not indigent when they entered jail to utilize taxpayer-funded social services.

Other counties in Ohio have ended pay-to-stay programs after they proved to be too costly to implement. In October 2010, the ACLU released a report titled *In For a Penny: The Rise of America's Debtors Prisons*. The report quoted Clermont County Sheriff A.J. Rodenberg, who said the program cost the county more than it hoped to recoup. In addition, officials in Medina County indicated they ended their pay-to-stay program over similar cost concerns.

Pay-to-stay programs have come under fire in Ohio in the past. In 2000, a lawsuit was filed against Hamilton County after it began collecting booking fees. The U.S. District Court for the Southern District of Ohio found that the county unconstitutionally fined those who had not been convicted of a crime, nor were given due process. The judge ruled the county must refund \$1 million in prisoner fees and create a prisoner education program.

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