

THE IMPACT of CRIMINAL COURT AND PRISON **FINES AND FEES** in Philadelphia



COMMUNITY
EMPOWERMENT
& OPPORTUNITY

In Philadelphia and nationwide, fines and fees in the criminal legal system burden low-income families and communities of color. The high cost of communication from prison prevents family connectedness, increases the risk of recidivism, and creates additional challenges for those returning home. Court costs impose financial barriers that can lead to reincarceration. These and other hurdles to successful re-entry can leave people in a state where they are always returning from incarceration but never returned. They also disproportionately affect Black Philadelphians. The City of Philadelphia is working towards a safer and more equitable city by removing barriers to successful re-entry and economic mobility such as excessive fines and fees. This paper highlights our progress so far, the results of a recent survey on these issues, and next steps for the work ahead.

KEY POINTS

84%

of 192 total respondents reported times they could not afford to call loved ones while incarcerated

72%

experienced consequences for nonpayment of fines and fees

84%

consider court fines and fees a financial burden

**BLACK AND
LOW-INCOME
INDIVIDUALS ARE
DISPROPORTIONATELY
AFFECTED**

The City of Philadelphia is reducing and eliminating fines and fees in the Department of Prisons to remove barriers to economic stability and looks forward to working with its judicial partners and state lawmakers to reform additional burdensome fines and fees charged to criminal defendants that impede re-entry and keep people in the justice system longer.

Philadelphia's Office of Community Empowerment and Opportunity (CEO) has been working for the past few years to increase opportunities for economic mobility for returning citizens and their families. CEO provides funding to First Step Staffing and Center for Employment Opportunities to help returning citizens find employment. CEO has partnered with JP Morgan Chase and Clarifi to provide housing counseling and housing stabilization grants to returning citizens completing the U.S. District Court's STAR Program (a one-year program for selected individuals under supervision to receive re-entry support and a reduced supervision term). CEO has also worked for the last year with PolicyLink, the Fines and Fees Justice Center, and the San Francisco Financial Justice Project as an inaugural member of the [Cities and Counties for Fine & Fee Justice](#) (CCFFJ) cohort.

CCFFJ is a group of cities and counties working to pursue fine and fee reform in their jurisdictions.

Philadelphia's CCFFJ Working Group is led by CEO and includes staff from the Office of the Mayor, the Office of Diversity, Equity, and Inclusion, the Managing Director's Office, and the Budget Office. Over the course of the last year, the Philadelphia CCFFJ Working Group has worked closely with leadership from the Philadelphia Department of Prisons (in Philadelphia, the local jail is referred to as a prison) to evaluate the impact of financial obligations charged to incarcerated individuals and their families. The Philadelphia Department of Prisons has long been an industry leader in working to maintain family connections for those incarcerated in its facilities.

WHAT WE KNOW

Prison fees associated with telephone and other communication limit family connections and cause financial hardship for families with an incarcerated member. A body of national research from over 40 years shows that maintaining close family contact while incarcerated lowers the likelihood of recidivism and improves reentry outcomes;¹ however, prison communication is costly.

According to a 2015 national study from the Ella Baker Center for Human Rights, one in three families goes into debt paying for phone calls and visits to jail.² Additionally, prisons and jail commissaries across the country charge markups for food, hygiene products, household goods, or stationary.³ Court fines and fees, often thousands of dollars, are a barrier to economic mobility and rehabilitation, undermine public safety, and drive the racial wealth gap.⁴ Women of color are most likely to be responsible for incarceration and court-related costs. In the U.S., almost one-in-two Black women have an incarcerated loved one.⁵

Individuals incarcerated in the Philadelphia Department of Prisons pay a fee for each commissary purchase and telephone call beyond the first ten minutes.

- Purchases made at the prison commissary for necessary food, hygiene, and other personal products are accompanied by a \$1 surcharge, revenues of which are deposited into the Prison Inmate Welfare Fund.
- Telephone calls made to or from incarcerated individuals are charged an average of \$0.17 per minute after the first ten minutes. That means a 30-minute phone call to a loved one costs \$3.40. While these amounts may seem small, they generate approximately \$3.1 million in revenue each year, with 57% being returned to the prison telephone provider and 43% deposited into the Prison Inmate Welfare Fund.

While the Prison Inmate Welfare Fund provides funding for necessary re-entry services to incarcerated and formerly incarcerated individuals, the costs for these services are entirely paid by incarcerated individuals and their families who cannot realistically afford to pay them. Cities across the country, including San Francisco and New York, are eliminating commissary charges and telephone fees at their jails due to the inequities these charges create. You can learn more about action across the United States at [The Fines and Fees Justice Center's clearinghouse](#).⁶

PROGRESS TO DATE:

In January 2020, Mayor Kenney provided the impetus and direction for this work when he announced that he “and his staff will examine the impact of municipal fines and fees and work in close partnership with criminal justice agencies to find ways to reduce the financial burden on those without an ability to pay.”

Informed by national research, the results of the study described below, and the partnership between the city departments, the following important progress is being made:

- Mayor Jim Kenney's Proposed FY22 budget recommends eliminating the Philadelphia Department of Prison's commissary markup of \$1 for purchases made at the prison commissary for snack food, hygiene, and other personal items above what the prison provides.
- Mayor Kenney's Proposed FY22 budget also recommends increasing the amount of free videoconferencing at the Philadelphia Department of Prisons to one hour per week, up from the thirty free minutes offered weekly since December 2020.
- The Department, which has offered 10 free minutes of telephone calls daily for over 20 years, will increase this to 15 minutes.

WHAT WE DID

In January of 2020, as part of his second term priorities, Mayor Kenney announced that he “... and his staff will examine the impact of municipal fines and fees and work in close partnership with criminal justice agencies to find ways to reduce the financial burden on those without an ability to pay.”⁷

In October and November 2020, the CCFFJ Philadelphia Working Group asked currently and formerly incarcerated Philadelphians and their loved ones to share their experiences with criminal court and prison fines and fees. The survey collected 192 total responses: 32 responses came from an online Google Form available to the public, and 160 responses came from a paper survey circulated to individuals currently incarcerated by the Philadelphia Department of Prisons (PDP).

The survey was developed and distributed by the CCFFJ Philadelphia Working Group with help from the Defender’s Association, the Philadelphia Bar Association, Community Legal Services, the Re-Entry Coalition, the Youth Sentencing and Reentry Project, the Philadelphia Department of Prisons, Philadelphia Lawyers for Social Equity, and the MacArthur Community Advisory Committee.

WHAT WE FOUND

Among 192 respondents, 97% had experienced incarceration or a conviction and 66% had a loved one who had experienced incarceration or a conviction. Maintaining family connections while incarcerated is one of the most significant factors promoting successful re-entry and mitigating recidivism.⁸

In Philadelphia, the cost of maintaining family connections is unaffordable and often falls on the family members of incarcerated individuals.

Visiting incarcerated loved ones in-person does not help families avoid the high costs of staying connected. The median weekly transportation costs to visit loved ones was reported at \$45. Nineteen percent of respondents paid over \$100 weekly and 69% reported these costs also significantly impacted their monthly budget.

FOR THE 97% OF RESPONDENTS WHO HAVE BEEN INCARCERATED IN THE PHILADELPHIA DEPARTMENT OF PRISONS:

84%

reported times that they could not afford to call their loved ones

96%

reported relying on loved ones to financially support them while incarcerated

71%

reported weekly prison costs of over \$50⁹

91%

reported times they could not afford commissary

Median weekly household income was less than

\$300

Fines and fees place an extra burden on those who are already struggling.

Prison fees are not the only financial burden of the criminal justice system.

“They put a burden on already burdened individuals.”

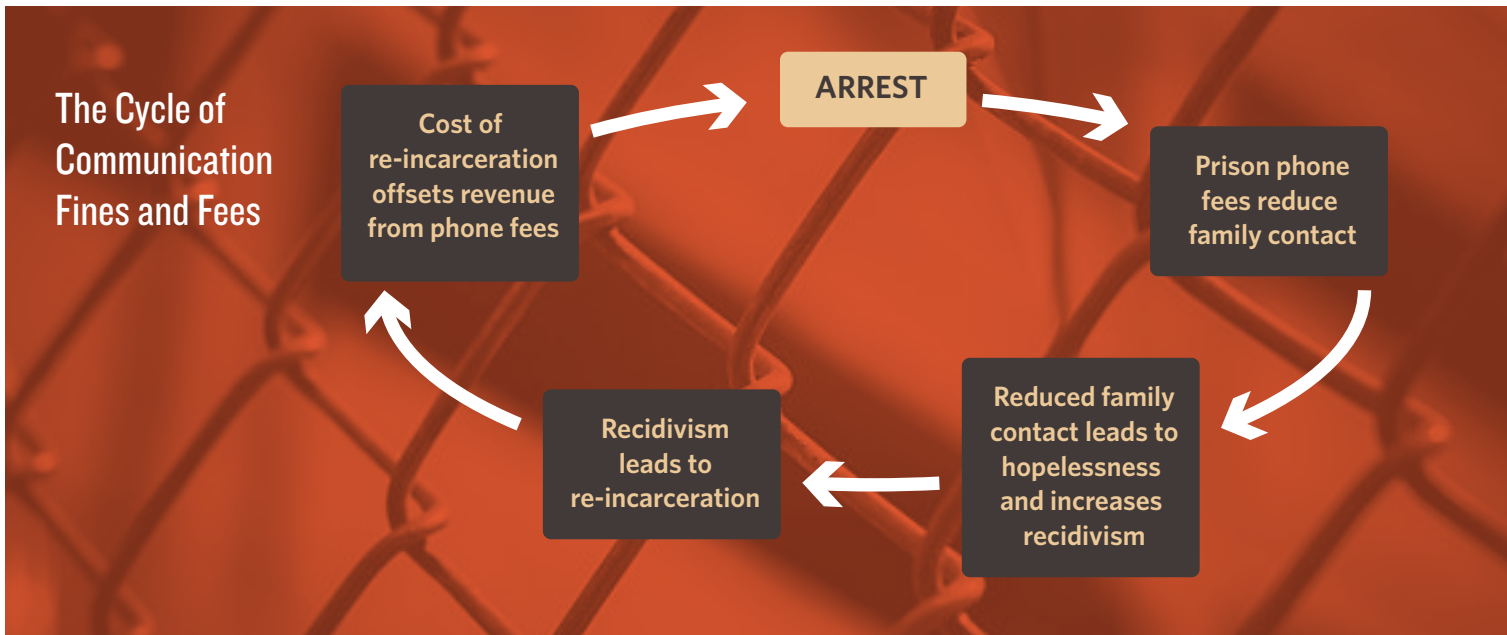
Survey Participants: Almost two-thirds of respondents reported their expenses exceeded their income in the last three months. Of these individuals, 49% reported no employment, 64% of those who provided income information reported household income of \$25,000 a year or less, and fewer than 40% reported having a bank account. Sixty-three percent of all respondents identified as Black, 13% Latinx, 11% multiple races, and 5% white. Seventy percent of respondents identified as male. Over half of those surveyed have at least one dependent, and 27% did not graduate high school.

As a result of a criminal conviction, families often owe thousands of dollars in court fines and fees. Ninety-four percent of respondents have had to pay costs associated with a conviction, and of those reporting, 45% owe payments in excess of \$3,000. Eighty-four percent considered fines and fees a financial burden for them and their families. Of these individuals, 57% reported relying on friends or family, and 55% reported missing monthly bills to cover court costs.

Being unable to pay court fines and fees has damaging financial consequences and can lead to re-arrest. Seventy-two percent of respondents reported experiencing consequences for nonpayment. Most often, individuals experienced bench warrants, late fees, arrest warrants, and reincarceration.

In their own words, respondents described their experiences with fines and fees. Respondents described these fines and fees as unfair, unaffordable, a financial burden, preventing rehabilitation, stressful, promoting a fear of consequences, lacking transparency, and extending criminal justice involvement. One respondent summarized the emotional burden this way: “Things are hard enough for people legitimately trying to better themselves... and adding these fees causes so much stress and extra pressure.” The criminal justice system serves everyone, and its costs should not disproportionately fall on incarcerated individuals and their families.

“I don’t think it’s appropriate to have a person pay them if they don’t even have money for a lawyer.”



WHAT MORE WE CAN DO

As described above, the City of Philadelphia is now taking steps to eliminate commissary charges, expand the number of minutes available for free phone calls to 15 minutes per day, and offer one free hour of videoconferencing per week.

Over the next year, the CCFJ Philadelphia Working Group will work with the Department of Prisons to further assess if these reforms meet the communication needs of those incarcerated locally by tracking communication usage rates and continuing to survey the incarcerated population.

Additional options that could be investigated over the coming year include:

- Eliminating all telephone fees, even after the first 15 minutes, and replace fees that would have been deposited into the Prison Inmate Welfare Fund with other dollars.
- Exploring ways to give inmates and their families flexibility in how they use their free communication time across the telephone or videoconferencing options, so that those for whom videoconference is not accessible for their family members have more choices about how to connect at no cost.

The City of Philadelphia will also work with the First Judicial District to examine the options for reform of fines and fees assessed against criminal defendants. Understanding what these fines and fees are, the impact that they have on individuals and families, the legal framework that authorizes them, and then appropriately tailoring reforms to meet safety and justice needs without criminalizing poverty is the priority in making these reforms.

ABOUT CEO



CEO is the City's Community Action Agency. CEO works to increase economic mobility for Philadelphia's families by promoting racial equity, greater financial stability, and self sufficiency for the city's most vulnerable populations.

CEO's fine and fee reform efforts build on this work for Philadelphians who have been involved in the justice system.

While accountability to victims is critical to the justice process, financial consequences from juvenile justice-involvement can burden families, prevent rehabilitation, and lead to recidivism. In partnership with United Way of Greater Philadelphia and the District Attorney's Office, CEO is supporting a pilot program that will lessen these burdens while ensuring victims have quicker access to their funds from restitution. This alternative restitution pilot will decouple financial burdens from court obligations, promote positive youth and family outcomes, improve victim satisfaction, and enhance systems outcomes and community safety. The pilot will be independently evaluated by Drexel University.¹⁰

Criminal records limit access to needs such as housing and employment. CEO provides funding annually to groups such as Philadelphia Lawyers for Social Equity, Community Legal Services, and JEVS Human Services to provide expungement clinics to members of the community with records that can be cleared.

Individuals returning home from incarceration face enormous barriers in securing safe, affordable housing, which can contribute to instability and recidivism. CEO and JPMorgan Chase are funding housing supports for the federal Supervision to Aid Reentry (STAR) Program to disrupt poverty by providing housing assistance for 30-40 formerly incarcerated individuals.¹¹

Employment is a significant key to successful re-entry. CEO provides funding annually to First Step Staffing and to Center for Employment Opportunities to provide employment supports for individuals in re-entry. CEO has also invested in a partnership with the Office of Violence Prevention and Center for Employment Opportunities to provide transitional work opportunities for participants in the Gun Violence Intervention initiative.

REFERENCES

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