

COURTS

RI opens path for former inmates to break impoverishing cycle of court fees and fines



[Katie Mulvaney](#)

The Providence Journal

Published 5:03 a.m. ET Nov. 10, 2021 | Updated 10:18 a.m. ET Nov. 10, 2021

PROVIDENCE — Long after Rhode Islanders serve their time in prison, many are saddled with thousands of dollars in court fees and fines, even as they struggle to rebuild fractured lives.

“It’s an issue we see coming up with the guys and girls we work with. It can cause barriers to reentry,” said James Monteiro, founder of the Reentry Campus Program, a nonprofit agency whose mission is to provide incarcerated and formerly incarcerated people with an affordable pathway to accredited postsecondary education and certification programs to help them get back into the community.

On Thursday, Nov. 18, a first-of-its kind event will take place to help people navigate their way back into society.

A Superior Court Debt Review program will take place from 9 a.m. to 4 p.m. at the Nonviolence Institute at 265 Oxford St. It will be an opportunity for people to meet virtually with a judge to apply to reduce or eliminate outstanding debt and clear cost-related warrants based on an assessment of their ability to pay. State Traffic Court magistrates will also be on hand to review the status of suspended licenses and discuss a path to restore a driver’s license.

Working to reverse the spiral

Justin Thomas will be among the people who will participate. Thomas, 35, faced \$26,000 in restitution plus more than \$2,000 in court fees and fines at his sentencing in 2013 for trying to rob a pizza shop where he worked in as a teen and damaging police cruisers in the process.

He was drunk and high and lost at the time.

“I was running to all the wrong places for reasons I didn’t even understand,” Thomas told an audience at a New Leaders Council captured in a YouTube video.

Today, Thomas is in recovery after being paroled in 2016. He holds a bachelor’s degree from North Carolina A&T State University, a degree he earned before his life spiraled downward. He does contract work as an instructor at Roger Williams University and has been a community health worker at the Lifespan Transitions Clinic at The Center for Health and Justice Transformation at The Miriam

Hospital. He volunteers at the Reentry Campus Program. He works to lift people up through his experience.

Despite the gains Thomas has made since he transformed his life upon entering prison, he remains burdened with debt that will stretch many years ahead.

And while the debt review program does not encompass the restitution owed by Thomas or any other person, Thomas is signing up to see if it could possibly shave off the more than \$2,000 in fees and fines that will remain after he pays his restitution back.

“I’ll be at that event to learn more,” Thomas said.

RI high court judge sparked effort

The debt review program grew from the work of the state Supreme Court Committee on Racial and Ethnic Fairness in the Courts, a panel created by Chief Justice Paul A. Suttell in 2020 in the wake of the death of George Floyd in Minnesota. The committee was established to raise public confidence in the independence, integrity and impartiality of the Rhode Island Judiciary and promote a fair and bias-free justice system.

The committee has been delving into areas where court policies and procedures could lead to unfairness and disparate impacts on racial- and ethnic-minority communities, including court costs.

It has had discussions with stakeholders such as Monteiro and The Center for Health and Justice Transformation. It held a public town-hall meeting focusing on fines and fees at the United Way of Rhode Island in which members heard from dozens of people about their experiences managing debts as they struggled to re-enter society after serving time.

“The committee came to see the financial impact is really something that stays with people for a long time. ... This event was really born out of those conversations,” Rhode Island State Court Administrator Julie P. Hamil said in an interview with The Journal.

Committee members also learned about the stress that coming to the courthouse to seek relief can present for so many.

With that in mind the organizers — the committee, the Center for Health and Justice Transformation, and the Reentry Campus Program — decided to stage the debt review at the Nonviolence Institute.

“This effort is a way of working with everyone to make the courts more accessible,” said Hamil.

'A lot of people' owe money to courts

Criminal-justice reform advocates have long faulted court fines and fees as a mechanism that locks low-income former offenders in a cycle of poverty and keep them entangled with the criminal-justice system

decades after they've done their time.

Often, newly released people are searching for jobs and housing, re-establishing relationships and managing mental illness and substance-use disorders after serving prison terms. Fees and fines present an added burden.

“There are a lot of people who owe a lot of money to the courts right now,” said Sarah J. Martino, deputy director of the Center for Health and Justice Transformation.

“It doesn’t just create a financial burden. I think it creates health consequences as well,” Martino continued. An already vulnerable population experiences another layer of financial and emotional pressure.

Breaking the bars: 'Reentry Campus' gives prison inmates a path to a more secure future

Fees and fines can easily mount for people encountering the state’s criminal justice system. Under state law, a person who is convicted or pleads to a misdemeanor would owe \$93.50 in court costs, \$60 of which goes into the state’s general fund and \$30 to the victims’ compensation fund. The remaining \$3.50 heads to the police department or other agency that brought the charge.

People convicted of felonies face fees of \$270 to \$450 per charge, a portion of which goes into the victims’ compensation fund. The court also imposes fines of more than \$1,000 meant to punish and deter defendants convicted of felony offenses. In addition, there are lab fees of \$118 for drug convictions. If a person is convicted on multiple counts, the fees continue to add up.

Navigating that thicket of costs can prove confounding not only to the person facing the fines, but to his or her lawyer.

'Trying to redirect that focus'

In 2008, advocates successfully pushed for a reform that required Superior and District court judges to assess a defendant’s ability to pay court fees and fines. The law gave judges the discretion to waive fines and fees, but not restitution.

But in practice, at sentencing everyone tends to focus on the sentence itself and not the financial consequences that will play out after release.

“There’s been a lack of focus on that by attorneys at disposition ... A lot of times court costs and fees get lost,” Hamil acknowledged. “We’re trying to redirect that focus.”

A form exists for people to seek relief based on their financial status, but people are not always aware of its existence and usually aren’t represented by lawyers after being sentenced.

“I think it speaks to a need for legal support after sentencing,” Martino said.

Receiving public benefits, Social Security Insurance, and food assistance should trigger reductions in court debt, Martino said.

“These things should be indicators of indigency,” she said.

Joanna Weiss, co-director of the Fines and Fees Justice Center, praised the debt review initiative, but said the Rhode Island Judiciary has a long way to go to rebuild public trust and establish a transparent assessment process.

"It's a good first step. I'm glad to see the judiciary taking it seriously," said Weiss, whose organization advocates for the elimination of all fines and fees that distort justice.

Should all court debts be forgiven?

"To me, a better solution is wholesale relief. They should forgive the outstanding debt," Weiss said.

The judiciary, she noted, had not put the 2008 law into practice, meaning defendants were not notified of their right to have fees and fines assessed based on their ability to pay. The court should proactively alert them to those rights and establish uniform guidelines for judges to assess people's financial standing, she said.

For years, people who fell behind on payments or skipped payments altogether have been picked up on warrants and held, she said. (That practice slowed during the COVID pandemic to keep numbers at the Adult Correctional Institutions down.)

"I'm not sure how many people will voluntarily show given the role that the courts have played in putting people in jail. The judiciary and the courts have a long way to go to rebuild trust," Weiss said of the Nov. 18 event.

Hamil stressed in a recent interview that warrants are issued only when people fail to communicate with the courts.

"The courts really do try to work with people," Hamil said.

The court system is owed more than \$98 million in fees, fines and other costs stretching back to 1900, only a fraction of which will ever be paid, court records throughout history show. Even so, the vast bulk of any payments would go to the state's general fund.

“What I find interesting is these fines don't even get paid to the courts. What else are these fines paying for?” said Monteiro, of the Reentry Campus Program. He noted that it's state lawmakers who are setting many of the fines and fees.

Taking feasibility into account

Hamil hopes that drilling down to what people can actually pay will, in effect, increase the amount that is actually coming in.

Attorney General Peter F. Neronha's office expressed support for the debt review program.

"We are very supportive of efforts to remove barriers to reentry for Rhode Islanders. Taking steps to reduce or eliminate outstanding court debt for those who are unable to pay it would certainly help in that process," Kristy dosReis, spokeswoman for the office, said in an email.

She noted that Neronha's office introduced legislation earlier this year, passed by the General Assembly in June, to eliminate the \$100 court fee for people petitioning to have their cases expunged.

"A person's ability to emerge from the criminal-justice system should not depend on their economic fortunes," dosReis said.

More community review sessions are expected to be launched in the future, including one for state District Court.

Organizers ask those interested in the Nov. 18 event to register at <https://redcap.link/courtdebtregistration>

People who have registered in advance will be seen by a judge in the order they arrive, organizers said. Walk-ins will be seen as soon as possible, but may have to wait longer.