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## Our Opinion: Cash-register justice

### Ending arrests is step in right direction

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The Leon County Circuit Court is no longer issuing arrest warrants and jailing people for failing to pay court costs when they are in no-blood-from-a-turnip financial straits. That is, when they are plainly unable to pay such fees — not just willfully refusing to pay, which is a legitimate and punishable offense.

The order this month by Chief Judge Charles Francis — and Clerk of the Courts Bob Inzer's cancellation of more than 8,000 bench warrants for much-overdue court costs — helps mitigate a counterproductive system.

This is a step advanced by the Brennan Center for Justice, which has been evaluating collections courts nationwide for some time, as well as championed by former Florida State president and onetime American Bar Association president Sandy D'Alemberte.

While the courts have a right to impose court costs at sentencing, when those financial obligations go far beyond the defendant's ability to pay, a downward spiral can and often does begin.

Even after indigent people have completed their underlying sentences, they can end up being arrested and sent through the criminal justice system again solely because they have failed to appear in collections court and explain why they cannot pay.

This downward spiral is expensive for the public, whose tax dollars are spent on jailing them, as well as for sheriff's deputies who serve the warrants and for the clerical time spent processing these court appearances.

Neither is it ideal to send the debt to a collection agency after 90 days — as well as to the Department of Highway Safety and Motor Vehicles to have the debtors' drivers licenses suspended until payment is made. Both add to the problem, given that collection agencies can charge as much as a 40-percent surcharge for their services, and when a person cannot legally drive, finding or holding a

job is that much more difficult.

Converting those debts into community service is a better option available to the courts, which have not used it much. Another is setting up a payment plan that is more realistic than the typical \$50 a month for misdemeanors and \$75 a month for felonies — excessive when a person is indigent or jobless.

Fundamentally, however, the problem comes from the courts' over-reliance on assessing fees to operate. In 2008, the Legislature raised the cost of several court-associated fees for child-custody, eviction and other domestic cases. Raising fees has been an alternative to sufficient funding by the Legislature for the judiciary for the last three years, and it is an ongoing concern. Judges up through the Supreme Court know that, while court costs are necessary as a part of court funding, when they are excessive, a pattern of "cash-register justice" develops that punishes, and punishes again, indigent defendants who cannot pay the fees even after they've paid their debt to society.

Leon County's move to end arrests of indigents who cannot keep up with court-cost payments is a step in the right direction. Proper legislative funding of the judiciary continues to be the better way out of this counterproductive method of running the courts.

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