

\$6.3M in fines, fees collected for county at no cost

By: Lisa Marchesoni

Sunday, February 15, 2009; Murfreesboro Post

More than \$6.3 million in fines and court costs were collected at no cost to county taxpayers just during the past two years from offenders convicted of less serious crimes.

The Providence Community Corrections staff on West Main Street has contracted with the county for more than 12 years to collect fees from offenders as part of their probation.

They also collected \$1.3 million in fees and court costs during the past two years in their contract with Smyrna General Sessions Court.

Circuit Court Clerk Eloise Gaither said the funds collected pay her office operations with Rutherford County government receiving the majority of the fines and arrest fees.

Providence turned over \$199,544 in January.

County Finance Director Lisa Nolen said Gaither turned over \$2.5 million in excess fees to the county from 2006 to 2008.

"All excess fees go to the general fund," Nolen said.

Sean Hollis, Providence's director of operations in Murfreesboro, said his office collects fines from about 3,000 offenders on probation without charge to the county. Providence operates on the \$45 per month offenders pay for probation fees.

Providence collected about 55 percent of the \$11.8 million in fines and costs owed to the clerk's office, Hollis said.

By comparison, news reports showed Davidson County relies on the clerk's office to collect the fees, the director said. Their collection rate is only about 16 percent.

County Mayor Ernest Burgess said Providence was doing a reasonably good job on behalf of the county.

"It's a specialized kind of approach," Burgess said, adding Providence offers classes and services along with the collections.

Some of the money won't be collected because the fees are suspended or a judge waives the probation fees, the county mayor said.

Hollis said being on probation for less serious crimes keeps offenders out of jail.

"The way the criminal justice system punishes people, they either incarcerate them or tax them money," Hollis explained.

Once placed on supervised probation in General Sessions Court, the offender meets immediately with one of 14 probation officers. Then, the offender meets regularly with the probation officer to ensure they follow the rules of probation such as obeying the law and refraining from alcohol and drugs. The judge may order DUI school, anger management courses or regular drug screens.

Those rules include paying Providence the monthly fee and paying fines, court costs and restitution to victims based on a pay schedule. The sooner they pay, the sooner they are released from probation.

On some lesser offenses such as drinking under age, the judge orders the offenders to stay on probation only until the fines and court costs are paid. This gives the offender the incentive of getting off probation faster, Hollis said.

Probation officers collect the funds and send the money monthly to Gaither.

After completing the fines and court costs, the offender pays the probation officer restitution for the victim.

If offenders do not pay or comply with their conditions of probation, the probation officer will obtain a warrant charging them with violation of probation. The judge may sentence the offender to jail to serve the sentence.

Only a few of the offenders are totally indigent, Hollis said. When setting up the payment schedule, the probation officer does an assessment of the offender's income, debit card statements to show how they spend money and employment history and make recommendations.

For example, if an offender only works 20 hours a week, the probation officer will emphasize working 40 hours a week.

"It's a short period of time so they can do without cable for one month," Hollis said. "You just have to make the sacrifice. We're trying to teach them to be responsible and accountable."

If the offender tries but can't pay during one year of probation, the probation officer will ask the judge to extend probation rather than incarcerating the offender so they can take care of the debt.

Probation officers have found many offenders who don't pay fines and court costs may be re-arrested.

"They can come up with \$200 within two hours to pay a bondsman to get out of jail," Hollis observed. "If they really want to get it done, they can do it."

Before Providence, Gaither said the clerk's office was responsible for collecting the fees but it was difficult to collect because of lack of staff to track down offenders and make them pay.

"They do a good job for us," Gaither said. "We don't have to worry about it."

Lisa Marchesoni may be reached at 869-0814 or at lmarchesoni@murfreesboropost.com.