

DEBTORS IN PRISON:

How fees & fines capture
justice-involved Michigan
families in debt

Safe & Just
Michigan

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A Report by Cassie Larrieux and
John S. Cooper

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Executive Summary

Poverty is both a driver of involvement in the criminal justice system and a result of it.¹ This report is an attempt to detail some of the reasons why this is true, with a focus on the fees and other costs that many incarcerated people and their supporters pay to meet their basic needs, to receive money to pay for basic needs, to stay in touch with loved ones and attorneys, and, in some cases, to pay for their own room and board.

Specifically, we review the following policy areas and recommend that associated fees be reduced or eliminated:

- Medical co-pays;
- Financial services;
- Communications costs;
- Commissary; and
- Pay-to-stay costs.

In each of these areas, money is taken from incarcerated individuals and their supporters around them — not to serve justice, but to enrich mostly private companies.

All of these fees are part of the broader conversation of public safety. Excessive fees and costs place barriers between incarcerated persons and their loved ones that make nurturing family ties and social support systems more difficult. They load incarcerated persons with debt that will follow them out of prison. Individually, these excessive costs create barriers to successful reentry for persons leaving prison, and collectively, move wealth and resources from already vulnerable communities. Individuals who struggle to survive and thrive using legal and traditional means may feel compelled to resort to illegal means, the consequences of which are unsafe communities and more crime.



Returning home from prison is no easy task, but being burdened with legal fines and fees makes it even more challenging. Reducing or eliminating the amount of debt owed helps families get on a secure financial footing.

¹ Harper, Annie, Callie Ginapp, Tommaso Bardelli, Alyssa Grimshaw, Marissa Justen, Alaa Mohamedali, Isaiah Thomas, and Lisa Puglisi. "Debt, Incarceration, and Re-Entry: A Scoping Review." *American Journal of Criminal Justice* 46, no. 2 (2021): 250–78. <https://doi.org/10.1007/s12103-020-09559-9>.

"...when the court says, 'OK we're going to charge you \$700-\$800.' Great. Where will this money magically appear from? And I was able to reach out to some friends who helped me. But that's still a lot of money and trying to figure out how to pay it." — Michigan returning citizen

Fees and Criminal Justice Debt

Excessive fees, in particular, and criminal debt in general are critical issues in the criminal legal system. It ties individuals to the criminal legal system long past their confinement. Because the debt holder is typically a governmental entity, failure to pay the debt or adhere to the payment plan can result in legal sanctions or reincarceration. As debt increasingly becomes an indicator of risk in many sectors of society, it can prevent a returning citizen from meaningful employment and safe, affordable housing. Criminal debt not only affects the person involved in the offense but also family and friends around them. It siphons resources and wealth from middle- and lower-income families to the private criminal legal and correctional industry.

Numerous kinds of financial obligations arise out of involvement in the criminal justice system – from fines, to restitution, to court fees, to debt incurred while incarcerated. All of these forms of criminal justice debt pile up, accumulate interest during a person's incarceration, and ultimately present a financial barrier to successful reentry.

For the sake of clarity, we define these terms as follows. Fines serve as a punishment for breaking laws or ordinances.² They are established by state or local governments, and they can vary significantly from one jurisdiction to another. In addition to acting as a punishment, fines aim to deter future criminal behavior. Fees³ refer to the various costs of involvement in the legal system.⁴ These can include collection costs, surcharges, and other expenses that arise out of being prosecuted and/or sentenced, whether a person is sentenced to incarceration or community supervision⁵. The main purpose of fees is to generate revenue. Restitution is a monetary sanction set and collected by the court to compensate victims of crime for financial injuries arising out of their victimization⁶. Interest is compensation to a creditor (in this case, the state) for the time-value of money owed to it.⁷ In practice, this

is very similar to how interest accrues on debt in the private sector, i.e., the debtor is assessed a percentage of the borrowed sum in exchange for the ability to pay off the debt over time, or as a monthly fee until the debt is paid in full.

Of the various types of monetary sanctions assessed in the criminal justice system, debt incurred during incarceration, primarily through fees and interest, stands out. Fees and interest are primarily revenue-generating tools, not criminal sanctions or victim compensation, and the justification for revenue generation from incarcerated people is weak. After all, why should a person who is serving a prison sentence and unable to make a living wage (prison wages are <\$1/hour) have to pay to communicate with loved ones or legal counsel? In sentencing a person to incarceration, The state makes them its ward, its legal and custodial responsibility, and agrees to bear the costs of that person's care. Accordingly, these are all costs that the state should bear as part of the sentence it imposed.⁸ Yet shifting the costs of incarceration to incarcerated people and their families – who are often poor themselves – has increased in popularity over time, especially during the so-called "tough on crime" era. This presents an increasing burden to incarcerated people and their loved ones and undermines public safety.

The remainder of this report will be devoted to detailing a select group of common in-prison fees, their impact on incarcerated individuals in Michigan and their loved ones, and why these fees are harmful and counterproductive from a policy standpoint. We recommend that all of these fees be reduced or eliminated.

² Mitchell, Kelly Lyn. "Understanding the Landscape of Fines, Restitution, and Fees for Criminal Convictions in Minnesota." Minneapolis, MN: Robina Institute of Criminal Law and Criminal Justice, University of Minnesota, August 2023. <https://robinainstitute.umn.edu/publications/understanding-landscape-fines-restitution-and-fees-criminal-convictions-minnesota>.

³ MCL 600.4801: (b) "Fee" means any monetary amount, other than costs or a penalty, that the court is authorized to impose and collect pursuant to a conviction, finding of responsibility, or other adjudication of a criminal offense, a civil infraction, a civil violation, or a parking violation, including a driver license reinstatement fee.

⁴ Harris, Alexes. *A Pound of Flesh: Monetary Sanctions as Punishment for the Poor*. New York: Russell Sage Foundation, 2016.

⁵ Harris, *supra* note 4

⁶ Restitution is independent of any damages the victim might recover in a civil case.

⁷ Harris, *supra* note 4

⁸ Harris, *supra* note 4

Background: Money in Prison

Any discussion about financial obligations incurred during incarceration must begin with the broader context of the function of money in prison: why incarcerated individuals need it, where they get it, and how it is managed. It is also important to remember that our discussion of money in prison is limited to the official uses and approved processes.⁹ It is a common misconception that money is unnecessary in prison because people receive “free room and board” from the state. This is not exactly true: while bare necessities are provided in prison, that does not mean they are free or that they are provided in sufficient quantity to meet each incarcerated person’s needs. For example, incarcerated individuals in Michigan are required to pay copays for non-emergency medical, dental and optical care visits; they spend money at commissary to supplement the limited food they are provided, as well as for hygiene products and over-the-counter medications; they pay to communicate with loved ones and attorneys, and for educational materials.^{10 11}

Additionally, many incarcerated Michiganders are required to begin to pay down legal financial obligations while still in prison.¹² Since 1997, court costs and restitution are due when they are assessed and may be collected from incarcerated individuals,

according to Michigan law.¹³ Other court-ordered financial obligations, like child support, are not automatically tolled and may also be collected while a person is incarcerated.¹⁴

Not only are many basic necessities not provided by the Michigan Department of Corrections (MDOC), or not provided in sufficient supply, but the prices incarcerated people must pay for them often exceed the free market costs of similar items on the outside, even after the cost of security precautions is accounted for. For example, emails outside of prison are free, but inside prison, emails must be accompanied by an “electronic stamp” that costs \$0.20 or \$0.25. Most, if not all, commissary items are cheaper outside of prison than they are inside. Fresh produce and perishable items, if they are available at all, tend to be more expensive and of lower quality in prison than they are outside. There are many other examples of the seemingly ubiquitous fees incarcerated Michiganders and their loved ones must pay to get by.

Most people who go to prison are not wealthy, and they usually have outstanding financial obligations (e.g. personal debt, car loans, child support obligations) when they enter prison. Their outside debt is compounded by court costs, assorted fees, fines, and mandated restitution, meaning that incarcerated individuals, regardless of their socio-economic status before their conviction, are likely to be destitute in prison. Further, as noted below, incarcerated people may also accrue debt to the state while incarcerated, and that debt can follow them out when they are released.¹⁵

Income in Prison

Incarcerated individuals in Michigan primarily have two sources of income: (1) wages from their prison jobs, and (2) financial contributions from family and loved ones. According to the MDOC policy directive regarding prisoner program classification, individuals entering the MDOC system are assessed upon arrival and annually thereafter to determine their programming needs.¹⁶ They are typically classified as employable, unemployable or assigned to educational programming or rehabilitative programs.

Challenges of money in prison

People who are incarcerated often need money for the following reasons:

- Calling home
- Buying food and toiletries
- Paying court fines and fees
- Paying child support
- Medical co-pays

Sources of money are few, but they include:

- Prison jobs, which often pay \$1 or less an hour
- Donations to a person’s prison commissary fund, which are subject to fees and can also be subject to garnishment

⁹ In prisons across the country there are, clandestine processes and black markets that prisoners use to meet their needs. The discussion of these activities and beyond the scope of this report.

¹⁰ Quinlan, Casey. “Costs of Incarceration Rise as Inflation Squeezes Inmates, Families Michigan Advance.” Michigan Advance (online news outlet), October 19, 2022. <https://michiganadvance.com/2022/10/19/costs-of-incarceration-rise-as-inflation-squeezes-inmates-families/>.

¹¹ Weill-Greenberg, Elizabeth, and Ethan Corey. “Locked In, Priced Out: How Prison Commissary Price-Gouging Preys on the Incarcerated,” April 17, 2024. <https://theappeal.org/locked-in-priced-out-how-much-prison-commissary-prices/>.

¹² Harris, *supra* note 4

¹³ Michigan Public Act 559 of 1996

¹⁴ Michigan Department of Corrections, “04.02.105 Prisoner Funds” 01 Jan. 2010, 2.

¹⁵ *Ibid.*

¹⁶ Michigan Department of Corrections, “05.01.100 Prisoner Program Classification” 02 Dec. 2024, 2.

"I ended up paying — after everything was said and done — including court fines, restitution, bails, bondsman and whatever, about \$8,000. So for me, it took me a very long time because I couldn't find a job. My background is in healthcare." — Michigan returning citizen

Those classified as employable are given work assignments and receive pay based on the prison job pay scale, which generally ranges from \$0.74 to \$1.77 per day.¹⁷ In some cases, individuals with skilled trades or professional training coming into the prison system may earn more, but pay is capped below \$4 per day.¹⁸ On average, employable incarcerated Michiganders make just over \$100 per month.¹⁹ Due to these low wages and stipends, nearly all incarcerated individuals rely on contributions from family and loved ones outside of prison to pay for essentials, communications services and other daily needs.²⁰ The MDOC strictly regulates these financial contributions. There is a \$300 per month limit on contributions from family or friends, and those contributions must come from department-approved sources. Many families of incarcerated people are themselves middle- or lower-income and struggle financially. Providing support for an incarcerated loved one adds to financial challenges. Some cannot provide support, posing a challenge to incarcerated loved ones.

When a person enters prison, an inmate trust account is opened for them to use.²¹ It functions similarly to a checking account and a trust, but there are some key differences:

- The administrators of the accounts are not the incarcerated individuals themselves, but the state (MDOC);²²
- Inmate trust accounts do not have the banking oversight that traditional checking accounts do to protect against account error;²³
- The department does not have the traditional fiduciary obligations of a trustee (i.e. the duty to act in the interest of the beneficiary);²⁴
- Funds can only be deposited from approved sources; and
- Funds can only be spent according to MDOC policies, for MDOC-approved services, that are provided by department-approved vendors.

17 Michigan Department of Corrections, "05.02.110 Prisoner Work Assignment Pay and School Stipend" 30 May 2022, Attachment A.
18 Ibid.
19 According to MDOC Policy Directive 05.02.110, the standard pay scale ranges from \$0.84/hour for unskilled work to \$1.54/hour for skilled work. Most prison work is considered unskilled. Assuming an individual works 35 hours a week, a person earning \$0.84 an hour would earn \$117.60 a month.
20 Katzenstein, Mary Fainsod, and Maureen R. Waller. "Taxing the Poor: Incarceration, Poverty Governance, and the Seizure of Family Resources." *Perspectives on Politics* 13, no. 3 (September 2015): 638–56. <https://doi.org/10.1017/S153759271500122X>.
21 VanCleave, Anna. "Prison Banking." SSRN Scholarly Paper. Rochester, NY: Social Science Research Network, February 24, 2024. <https://doi.org/10.2139/ssrn.4737230>.
22 Ibid.
23 Ibid.
24 Ibid.
25 Herring, Tina. "For the Poorest People in Prison, It's a Struggle to Access Even Basic Necessities." *Prison Policy Initiative Briefing (blog)*, November 18, 2021. <https://www.prisonpolicy.org/blog/2021/11/18/indigence/>.

Working for a living in prison

Jobs are available in prison, but wages are far less than a person would earn in the outside world. Here are some example of wages paid in Michigan prisons:

Food service pay scale

Skill level	Entry	Hourly
	hourly rate	performance bonus*
Unskilled	\$0.18	\$0.12
Semi-skilled	\$0.24	\$0.18
Skilled	\$0.33	\$0.24

Standard pay scale

Skill level	Entry	Daily rate after
	daily rate	2 months
Unskilled	\$0.74	\$0.84
Semi-skilled	\$0.94	\$1.14
Skilled	\$1.24	\$1.54

*If eligible

Source: Michigan Department of Corrections

This institutional trust account is the only account that an incarcerated person in Michigan can use to manage their income and expenses while in prison. It is also utilized to track any debt the incarcerated person incurs through the use of paid services (e.g. health care, legal photocopies, US Postage) while incarcerated.

When incarcerated people lack the means to pay for necessities, their only option is to incur debt.²⁵ TSx`he only entity they can officially borrow from while incarcerated is the MDOC. To qualify for an institutional loan, an incarcerated person must be deemed indigent, which is determined through an application process set by the MDOC. According to Policy Directive 04.02.120,

an incarcerated person is considered indigent if their account balance, combined with their gross income (after deductions for previous institutional debts and other legal financial obligations), is less than \$11. Those meeting this criterion are placed on the indigent list and are eligible for an institutional loan to raise their account balance to \$11 for that month. With this loan, indigent incarcerated individuals can purchase essential items – including mandatory health care products, over-the-counter personal care items, and hygiene products — on credit from MDOC.

MDOC tracks indebtedness from institutional loans throughout an individual's incarceration. After release, if the individual owes more than \$100, that debt gets transferred to the Michigan Department of Treasury for collection. This debt, added to whatever legal financial obligations are owed and any outstanding personal debt, creates yet another barrier to navigate post-release that threatens their successful reintegration back into their communities.



An incarcerated man in the Michigan Department of Corrections' Vocational Village learns how to operate industrial machinery. The Vocational Village teaches in-demand job skills so that incarcerated individuals can find good-paying jobs after prison. Both skills training and prison jobs offer wages or a learning stipend, but wages are far lower minimum wage. Credit: Michigan Department of Corrections

"The fact that you can't get certain housing that has an effect. The fact that you can't save, the fact that you have to find private landlords a lot of the time because ... a lot of places just won't let you live there. Just on the basis that you have a felony, it just stops you from doing so much."
— Michigan returning citizen

Some Fees Charged by MDOC for Basic Needs

Fees, surcharges, and inflated prices are charged for many essential products and services in prison. Some of these are required by statute or MDOC policy directive. For instance, medical co-pays are created by statute, but the amount is set by MDOC policy directive. However, contracts between the state of Michigan and external vendors set the cost of most of the goods and services available for purchase in prisons. These goods and services encompass items sold in the commissary (i.e. the prison store), prisoner accounts (i.e. financial services for families wishing to support their incarcerated loved ones), and communication services such as phone calls, video calls, and email (JPay).

This section discusses some of the most common and burdensome fees paid by incarcerated people in Michigan, including (1) medical co-pays, (2) financial services, (3) fees for communications services, (4) commissary costs, and (5) "pay to stay" fees.

1. Medical Copays

The state has a constitutional obligation to provide incarcerated people with adequate medical care, and the failure to do so may violate the 8th Amendment of the United States Constitution's prohibition on cruel and unusual punishment.²⁶ That said, the obligation to provide medical care to incarcerated people does not mean that this care must be provided on demand or for free.

The state of Michigan spends over \$350 million annually to provide health care to people in Michigan prisons, and these costs have increased significantly in recent years.²⁷ This is due to many factors, including the rising costs of healthcare and the complex health

issues faced by an aging population disproportionately affected by poverty, access to quality education, mental illness, substance abuse, and violence. In response to rising health care costs, Michigan, like other states and private insurers, has adopted copays to constrain healthcare utilization and recover some costs directly from incarcerated individuals.²⁸ In Michigan, the copay is \$5 for each non-emergency visit for acute care.²⁹ ³⁰ While this amount may seem small compared to the \$30 to \$50 copays that insured individuals outside of prison typically pay, it does not consider the significant pay disparity between those incarcerated and those on the outside. For a prisoner earning \$0.84 an hour, a \$5 copay is equivalent to a \$171.67 copay for someone making \$45,000 a year.³¹ For prisoners with insufficient funds and little outside support, these healthcare copays create a barrier to access, similar to how a \$170 copay would deter many individuals outside of prison from seeing medical care. As a result, incarcerated Michiganders often delay seeking treatment until their conditions become urgent, leading to more complex and costly treatment needs that are ultimately paid for by the state.³² Also, the reduction in health care utilization caused by the presence of copays is not uniformly felt across the different groups of incarcerated individuals. An often forgotten demographic in discussions related to the criminal-legal system, is women. There are 1,600 women incarcerated in Michigan. Women, both inside and outside of prisons, utilize health services more frequently than men, meaning that barriers to health care access would disproportionately affect women more than men. Carceral health utilization research has confirmed this.³³

26 Dayanim, Gabriel, Nicole Mushero, and Justin Berk. "Access To Long-Term Nursing Care For Justice-Involved Elderly." *Health Affairs Forefront*. Accessed January 10, 2024. <https://doi.org/10.1377/forefront.20231010.271893>.

27 Risco, Robin. "Budget Briefing: Corrections." Lansing, Michigan: Michigan House Fiscal Agency, December 2024. https://www.house.mi.gov/hfa/PDF/Briefings/Corrections_BudgetBriefing_fy24-25.pdf.

28 Routine visits, and visits screened for certain communicable diseases are not charged a co-pay

29 MCL - Section 791.267a

30 Visits for the management of a chronic condition are not assessed a copay.

31 A work week in prison can vary between 30 to 40 hours per week, and the rate of pay varies from \$0.84 to \$1.54 based on the skill level involved. This estimate was calculated assuming a pay rate of \$0.84 an hour for 130 hours of work per month.

32 Wyant, Brian, and Holly Harner. "Financial Barriers and Utilization of Medical Services in Prison: An Examination of Co-Payments, Personal Assets, and Individual Characteristics." *Journal for Evidence-Based Practice in Correctional Health* 2, no. 1 (January 7, 2019). <https://digitalcommons.lib.uconn.edu/jepch/vol2/iss1/4>.

33 Wyant, Brian R., Holly Harner, and Brian Lockwood. "Gender Differences and the Effect of co-payments on the Utilization of Health Care in Prison." *Journal of Correctional Health Care* 27, no. 1 (March 1, 2021): 30–35. <https://doi.org/10.1089/jchc.19.06.0052>.

2. Financial Services

As mentioned earlier, prisons operate as cashless environments, yet money plays a crucial role in daily life. The MDOC does not itself facilitate financial transactions between incarcerated individuals and their support networks; instead, it outsources this function to private companies. Three companies dominate the prison banking industry: JPay (a subsidiary of Securus), Global Tel-Link (GTL), and Access Corrections.³⁴ At the time of publication, Michigan contracts with GTL for prison financial services.

These companies enable families and loved ones to add funds to the accounts of incarcerated individuals in Michigan. When individuals are released from prison, they often receive a debit card from these vendors, allowing them to make financial transactions during the days and weeks following their release before opening their own accounts at local banks or credit unions. These companies primarily generate revenue through deposit and money transfer fees. Generally, deposit processing fees range from \$2.95

to \$11.95 per transaction, depending on the method selected. In Michigan, GTL charges between \$2.95 and \$4.95 per deposit.³⁵ The fees assessed by GTL Financial Services for both online and phone deposits were not standardized across deposit amounts. In both cases, deposit fees were \$1.00 higher for deposits between \$20.01 and \$100.00. We could not identify any technical reason for this disparity, and raising rates for this deposit category is simply a strategy to generate more revenue. Another criticism of the fees is that they differ from the fees of digital payment platforms available to the general public. GTL is contracted by the state primarily to provide communications services. The services it provides include taking deposits from individuals for their incarcerated loved one's trust account. This is similar to some services provided to the general public by digital payment platforms like Venmo, PayPal or CashApp. These digital payment platforms do assess a fee for their services, typically 1 percent of the transfer amount for instant transfers. The friends and loved ones of incarcerated Michiganders are assessed much higher fees. *Figure 1 (below)* shows a graph of

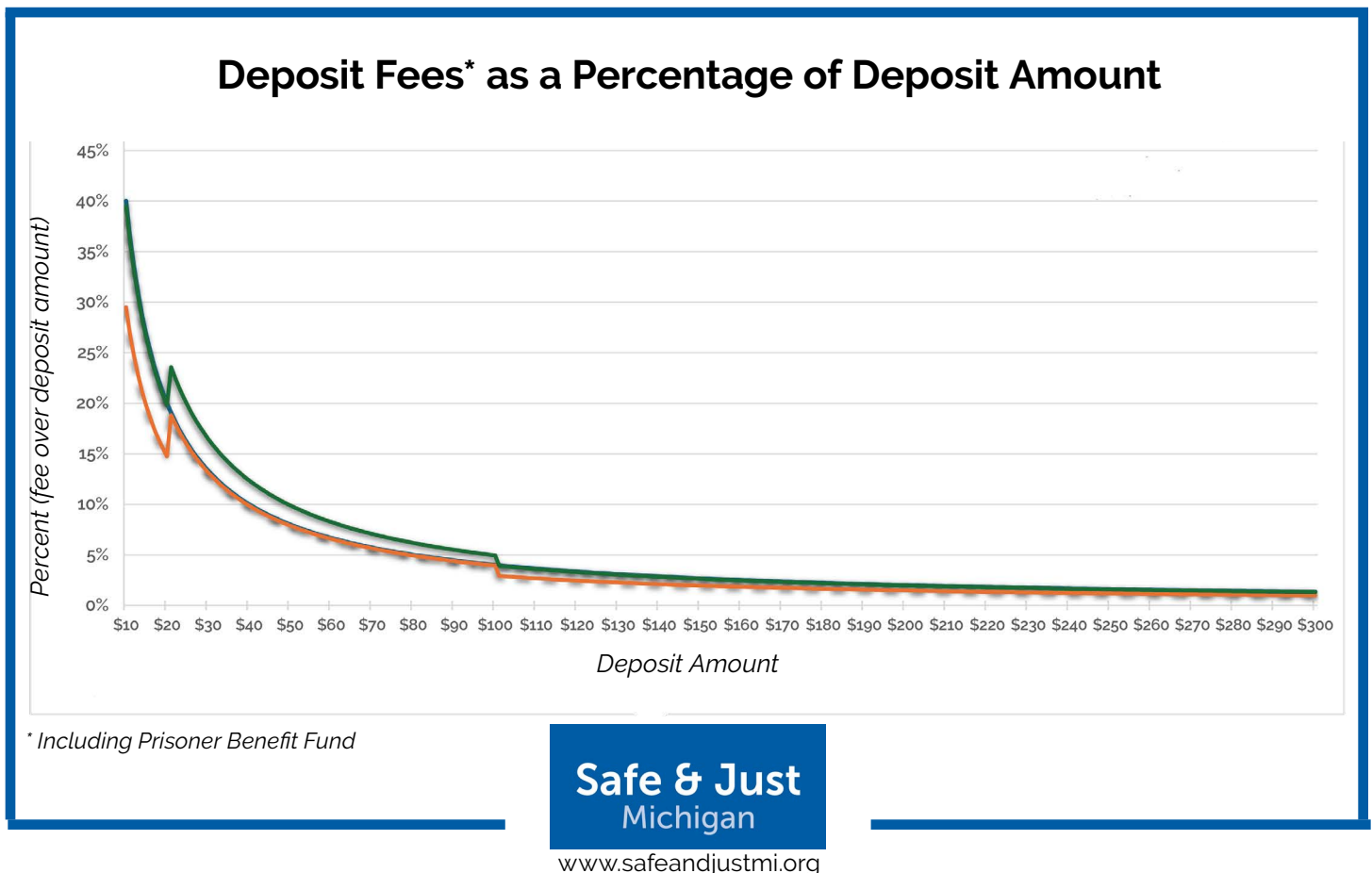


Figure 1: As the size of deposit increases, the percent of deposit claims a larger percent of fees. As a result, families who can least afford to make deposits into commissary accounts lose a higher percent of the deposit to fees.

³⁴ Roher, Stephen, and Tina Herring. "Show Me the Money: Tracking the Companies That Have a Lock on Sending Funds to Incarcerated People," November 9, 2021. <https://www.prisonpolicy.org/blog/2021/11/09/moneytransfers/>.

³⁵ Sending a Prisoner Funds With GTL Financial Services. <https://www.michigan.gov/corrections/for-families/sending-a-prisoner-funds-with-gtl-financial-services>

"I had two charges within, like two months of each other. And so that was a pretty big financial hit at the time. It complicated things with my housing for a bit because I was down a little over \$2,000, including restitution. I did scramble and make it work, but it was, it was probably six months of financial hardship that followed had pick up an extra job." — Michigan returning citizen

the GTL deposit fee as a percentage of the deposit amount for deposits made via phone, online/mobile app, and in-person kiosk. Since the GTL deposits are semi-standard dollar amounts, the percentage of the deposit that the fee constitutes declines as the deposit amount increases. For low deposit amounts, the fee assessed can be between 30 percent and 40 percent of the deposit amount. The percentage of the deposit that the fee constitutes does not approach the fees of digital payment platforms unless an incarcerated supporter contributes \$200 or more.

Apart from deposit and transfer fees, financial institutions that provide services to incarcerated individuals also earn revenue by collecting user data. These institutions can sell data to brokers and law enforcement upon request. For instance, JPay states in its privacy policy that users' data may be shared "with law enforcement personnel and/or correctional facilities and certain third parties for use in connection with and in support of law enforcement activities."³⁶

3. Communication Costs

It cannot be overstated how important communication with family, friends, and loved ones on the outside is for someone in prison. Frequent communication has a positive impact on the mental health and emotional well-being of these individuals.³⁷ In addition to the health benefits, frequent communication and visits are also correlated to a reduction in rule violations among incarcerated individuals.^{38 39} Staying connected strengthens the bond between incarcerated individuals and their social network outside of prison.⁴⁰ This support system is crucial for helping them transition successfully back to life after incarceration, and strong social supports are correlated with positive reentry outcomes. Not only are there benefits to incarcerated individuals, but also to their loved ones on the outside. It is devastating to have a loved one in prison.⁴¹ Being able to maintain communication can help alleviate that loss.

Incarcerated Michiganders have a variety of ways to communicate with loved ones on the outside. One way is via traditional mail. Stamps and envelopes for outbound mail must be purchased through the facility using the prisoner's financial account. For other forms of communication, Michigan, like most state prison systems, contracts with outside vendors for communication services other than physical mail.

Email usage, according to the MDOC, is a privilege and not a right.⁴² The department contracts with JPay for these services. For a fee, JPay also provides tablets that incarcerated individuals can use to access email, take some educational, religious, or motivational courses, make phone and video calls, purchase music, games, and movies, and subscribe to daily news

³⁶ ConnectNetwork (GTL) Terms of Use. <https://web.connectnetwork.com/terms-of-use/>

³⁷ Sundaresh, Ram, Youngmin Yi, Tyler D. Harvey, Brita Roy, Carley Riley, Hedwig Lee, Christopher Wildeman, and Emily A. Wang. "Exposure to Family Member Incarceration and Adult Well-Being in the United States." *JAMA Network Open* 4, no. 5 (May 28, 2021): e2111821. <https://doi.org/10.1001/jamanetworkopen.2021.11821>.

³⁸ Jiang, Shanhe, and L. Thomas Winfree Jr. "Social Support, Gender, and Inmate Adjustment to Prison Life: Insights From a National Sample." *The Prison Journal* 86, no. 1 (March 1, 2006): 32–55. <https://doi.org/10.1177/0032885505283876>.

³⁹ De Claire, Karen, and Louise Dixon. "The Effects of Prison Visits From Family Members on Prisoners' Well-Being, Prison Rule Breaking, and Recidivism: A Review of Research Since 1991." *Trauma, Violence, & Abuse* 18, no. 2 (April 1, 2017): 185–99. <https://doi.org/10.1177/1524838015603209>.

⁴⁰ Wagner, Peter, and Wanda Bertram. "State of Phone Justice 2022: The Problem, the Progress, and What's Next." *State of Phone Justice*. Prison Policy Initiative, December 2022. https://www.prisonpolicy.org/phones/state_of_phone_justice_2022.html.

⁴¹ Sundaresh, Ram, Youngmin Yi, Tyler D. Harvey, Brita Roy, Carley Riley, Hedwig Lee, Christopher Wildeman, and Emily A. Wang. "Exposure to Family Member Incarceration and Adult Well-Being in the United States." *JAMA Network Open* 4, no. 5 (May 28, 2021): e2111821. <https://doi.org/10.1001/jamanetworkopen.2021.11821>.

⁴² Michigan Department of Corrections, "05.03.119 Electronic Messaging" 01 August. 2023,

Calling home from Prison

Progress to reduce this rate has been made at both the state and federal level:

Michigan

Families of incarcerated people successfully argued to reduce phone rates in prison from 15 cents per minute in 2021 to about 7 cents per minute in 2024.

Federal

In July 2024, the Federal Communications Commission (FCC) voted to end excessive phone rates in prison by further lowering the cost of in-state calls to about 6 cents per minute in state prisons and 12 cents per minute in jails.

However, on June 30, 2025, the FCC put a hold on the new rule for two years.

\$1.10 for each 15-minute call, plus taxes and applicable fees.⁴⁷ Multiple calls can be made each day, depending on phone availability and facility policy. Some facilities restrict phone access to one phone call every 15 minutes, meaning an automated system will not allow the prisoner to make another phone call for at least 15 minutes after the completion of a phone call, regardless of how long the prisoner actually remained on the call, whether that call lasted 15 minutes or just two minutes. Historically, phone calls from prisons have been expensive^{48,49}, with some families spending \$400-\$500 per month on calls alone. However, advocates have successfully argued for reduced prices in recent years, leading to decreases in rates in Michigan from \$0.15/minute in 2021 to about \$0.07/minute in 2024. Then, in July 2024, the Federal Communications Commission voted to end excessive communication rates by limiting the cost of in-state phone calls to approximately \$0.06 per minute in state prisons, \$0.12 per minute in local jails.⁵⁰ On June 30, 2025, the FCC announced it will postpone rules reducing phone rates in prisons and jails for two years. The rule went into effect for prisons in January 2025, but allowed for an extension for up to one year for facilities whose current communication contracts have not expired and been renegotiated. Facilities that already negotiated contracts with lower rates may use the lower rates, but facilities that have not begun negotiations, or who are in the process of negotiating their communication contracts, may continue to use the older higher rates.

Accelerated by the COVID pandemic, video calls, also known as virtual visits, have become another avenue for incarcerated Michiganders to maintain contact with their friends and loved ones. These visits operate in a slightly different way than regular phone calls in that they must be scheduled in advance and, in the past, cost as much as \$3.20 a minute. Again, the cost is exorbitant compared to similar services on the outside. The July 2024 FCC ruling, in addition to capping telephone charges per minute, also provisionally caps video calls charges per minute to \$0.16 a minute.⁵¹

updates.⁴³ Access to JPay tablets varies by facility. Electronic messages between incarcerated individuals are not private. All electronic messages are scanned, recorded, and archived.⁴⁴ Even if the message would have warranted special handling if it were physical mail (i.e., correspondence with one's attorney), that requirement is waived.⁴⁵ Electronic messaging, even though the state contracts and pays JPay for the service, is also not free.⁴⁶ Unlike email services outside of prison, electronic messages in prison require purchasing digital postage in the form of prepaid electronic stamps. Both the sender and the recipient must utilize electronic stamps in their correspondence. Incarcerated persons, to facilitate communication, may purchase the outgoing and incoming response stamps. Stamps may be purchased in books at a rate of \$0.25 per stamp, 50 stamps for \$10.00, or 100 stamps for \$20.00.

For telephone services, the state contracts with Global Tel*Link Corp. (GTL)/ViaPath. Telephone calls can only be made by the incarcerated individual and last up to 15 minutes, costing \$0.0735 per minute, or

43 Wessler, Mike. "SMH: The Rapid and Unregulated Growth of e-Messaging in Prisons." *Prison Policy Initiative*, March 2023. <https://www.prisonpolicy.org/reports/emessaging.html>.

44 MDOC, *supra* note 42

45 *Ibid.*

46 Wessler, *supra* note 43

47 Global Tel*Link Corporation (GTL)/ ViaPath Contract <https://www.michigan.gov/dtmb/-/media/Project/Websites/dtmb/Procurement/Contracts/007/180000001124.pdf>

48 Kukorowski, Drew, Peter Wagner, and Leah Sakala. "Please Deposit All of Your Money." *Prison Policy Initiative*, May 8, 2013. <https://www.prisonpolicy.org/phones/pleasedeposit.html>.

49 Gautz, Chris. "Press Release: Michigan Department of Corrections Lowers Prisoner Phone Rates by Nearly 40%." *Michigan Department of Corrections*, September 29, 2022. <https://www.michigan.gov/corrections/press-releases/2022/09/29/michigan-department-of-corrections-lowers-prisoner-phone-rates-by-nearly-40-percent>.

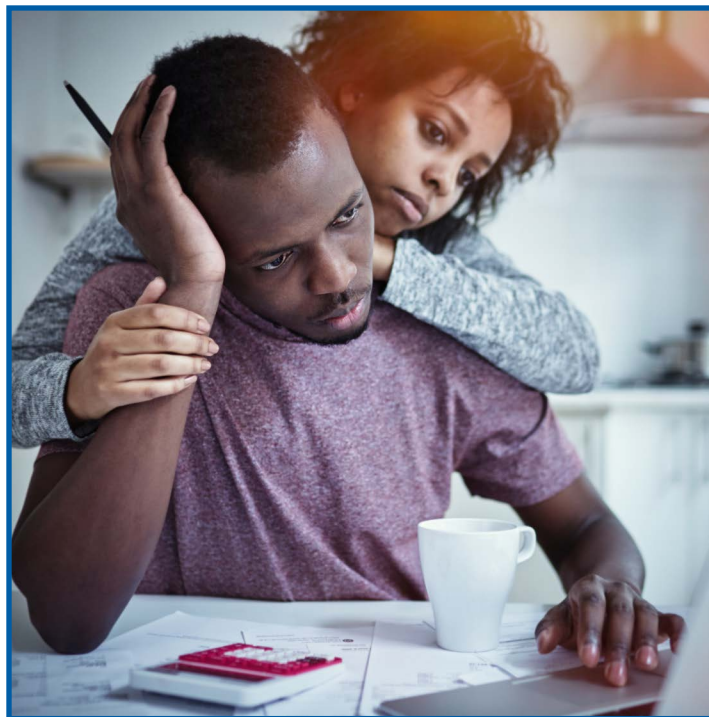
50 "In the Matter of Incarcerated People's Communications Services; Implementation of the Martha Wright-Reed Act; Rates for Interstate Inmate Calling Services." *Washington D.C.: FCC News*, July 18, 2024. <https://www.fcc.gov/document/fcc-caps-exorbitant-phone-video-call-rates-incarcerated-persons-their-families>.

51 *Ibid.*

"In prison, half of everything over \$50 a month was taken from me. So, if it was a month where I needed \$70, my family would have to send me \$90; knowing that half of the extra \$40 was going straight to my restitution. My court costs were already paid in-full, or this extra money would have been distributed to that too." — Michigan returning citizen

4. Commissary

An essential aspect of life in prison is the commissary, or prison store. For those outside the justice system, the prison commissary is often perceived merely as a source of snacks and junk food, dismissed as frivolous spending. However, for incarcerated people, the commissary is so much more than that.⁵² Prison commissaries offer needed access to essential items, including food, hygiene products, and clothing. Food constitutes a significant portion of commissary purchases. Across the country, incarcerated



Friends and family can add funds to a loved ones' prison commissary account — but the state takes a cut in fees, putting further pressure on justice-impacted families.

individuals and their families consistently criticize prison food, citing issues such as inadequate portions, unbalanced diets (with excessive carbohydrates, salt,⁵³ and insufficient protein), monotonous menus, limited access to fresh produce, and poorly prepared meals.⁵⁴ In the worst cases, inmates have reported receiving dangerous and inedible food.⁵⁵ Many incarcerated individuals use commissary items to enhance prison meals and provide supplemental calories and nutrition. Commissary food also plays a vital role in the mental and emotional well-being of those incarcerated, enabling cultural expression and connection, fostering trust, and helping to build and maintain community.

The prices of commissary goods are determined by contracts negotiated between vendors and correctional departments. The latest agreement for commissary goods and the prison store in Michigan was signed in 2020 between the MDOC and Keefe Commissary Network. This contract outlines the items available in prison commissaries across the state and their respective costs. The price of each item is based on the vendor's unit price plus a commission that goes to the Prisoner Benefit Fund (PBF). While this contract was six years old at the time of publishing, commissary prices⁵⁷ have fluctuated annually since its establishment. The original contract included a price list for available goods, which included a 19 percent commission that the vendor had to collect and remit to the MDOC for the PBF. After the first year, the contract was revised, leading to price increases for some items ranging from 1.4 percent to 22.4 percent. In the second year, the PBF commission for health, hygiene, over-the-counter medication, vending machine cards, and metered-stamped envelopes was eliminated. The commission dropped from 19 percent to 15 percent for all other items. During the third and fourth years of the contract,

52 Ifeonu, Collins, Kevin D. Haggerty, and Sandra M. Bucerius. "Calories, Commerce, and Culture: The Multiple Valuations of Food in Prison." *Punishment & Society* 25, no. 3 (July 2023): 665–82. <https://doi.org/10.1177/14624745221097367>.

53 Kuss, Bonnie, Nanette V. Lopez, Shakia T. Hardy, Ary Apilkin, Julianne Brauer, Rachelle Phillips, Gabrielle Delio, and Ricky Camplain. "Sodium Content of Menu and Commissary Provisions in Rural Jail Exceeds Heart-Healthy Dietary Recommendations." *International Journal of Prisoner Health* ahead-of-print, no. ahead-of-print (November 25, 2021): 10.1108/IJPH-08-2021-0087. <https://doi.org/10.1108/IJPH-08-2021-0087>.

54 Lopez, Nanette V., Ary Spilkin, Julianne Brauer, Rachelle Phillips, Bonnie Kuss, Gabrielle Delio, and Ricky Camplain. "Nutritional Adequacy of Meals and Commissary Items Provided to Individuals Incarcerated in a Southwest, Rural County Jail in the United States." *BMC Nutrition* 8 (September 3, 2022): 96. <https://doi.org/10.1186/s40795-022-00593-w>.

55 "State to End Problem-Plagued Privatization Experiment with Prison Food." Accessed January 17, 2025. <https://www.freep.com/story/news/local/michigan/2018/02/07/gov-rick-snyder-state-end-problem-plagued-privatization-experiment-prison-food/314693002/>.

56 Ibid.

57 MDOC contract price = vendor unit price +19% commission. The vendor unit price may not be the actual cost to manufacture or obtain the item.

some item prices were updated while maintaining the reduced commission rates. Most recently, prices for certain commissary items were adjusted again, and the PBF commission for items still subject to collection decreased from 15 percent to 14 percent.

Shortages and global supply chain issues have impacted residents inside and outside the prison. However, incarcerated individuals cannot compare prices across vendors; they are restricted to one vendor, and the prices that are negotiated with the MDOC. Moreover, they have limited opportunities for increased earnings, as their wages, set by MDOC policy, have remained essentially unchanged since the 1990s. As a result, their only options to cope with rising commissary costs are to forgo purchases or rely on support from their social networks outside, who are also grappling with stagnant wages and inflation.

Prisoner Benefit Funds

For those unfamiliar with PBFs, they are a user fee-generated fund that can be used for a broad range of purposes that are loosely defined as for the benefit of prisoners. Each facility has one, and they are typically administered by prison administration working with an advisory committee of housing unit representatives elected by the general population. The advisory committees are commonly known as the Warden's Forum. According to MDOC policy directive 04.02.110, the PBF is controlled by each facility's warden and funds services, equipment, and supplies benefiting incarcerated individuals in Michigan.⁵⁸ In many states, facility-level inmate trust accounts like Michigan's PBFs actually function more like a less restrictive revenue source to pay for a variety of activities or items that may not fit in their official budget, including facility maintenance and consultants.⁵⁹

5. "Pay to Stay" Charges

Michigan was one of the first states in the United States to allow incarcerated people to be charged a fee for their "room and board." This policy, known as "pay to stay," is known primarily as a local policy applied in county jails, but the state is authorized to recoup "pay to stay" charges from people incarcerated in state prison under the Correctional Facility Reimbursement Act (SCFRA) as well, and has done so regularly over the years. SCFRA requires that individuals entering the prison system in Michigan fill out a form listing all their assets. The Department of Corrections then forwards this information to the Attorney General, who investigates the case. If the attorney general determines that a prisoner has sufficient assets to recover, the attorney general may seek to secure reimbursement for the expense of the state. There are a few assets that are excluded from the collection process, but property (other than the individual's homestead), income or payments from social security, worker's compensation, veteran's compensation, pension benefits, previously earned salary or wages, bonuses, annuities, and retirement benefits are all subject to collection.

⁵⁸ Services, equipment, and supplies include office supplies and materials for prisoner organizations; approved self-help programs; escort costs for prisoner funeral or sick bed visits; recreational equipment and supplies; special maintenance and capital outlay projects; cable/satellite television services; and institutional loans for essential supplies for indigent prisoners.

⁵⁹ Nam-Sonenstein, Brian. "Shadow Budgets: How Mass Incarceration Steals from the Poor to Give to the Prison." Prison Policy Initiative, May 4, 2024. <https://www.prisonpolicy.org/reports/shadowbudgets.html>.

"I paid more for everything. Car Insurance, interest rates or credit cards, car loans ... It's just like kicking somebody when they down. Like, I got a felony, I can't even get a lot of jobs. And I'm on the highest (interest) rate for anyone. It's a vicious cycle." — Michigan returning citizen

Reentry, Recidivism & the Public Safety Implications of Excessive Fees

Monetary sanctions can be imposed at every stage of a person's journey through the criminal justice system, from booking to parole.⁶⁰ As these debts accumulate and increase, they shackle individuals to the criminal justice system, which complicates their reintegration into their communities and hinders their chances for future success in the traditional economy.⁶¹

Criminal justice debt from monetary sanctions, fees, and the like can trap individuals in the criminal legal system by increasing the likelihood of reincarceration.⁶² Unlike personal debt, criminal justice debt is not dischargeable in bankruptcy, and failure to comply with a monetary sanction is treated as a violation of a court order. When someone violates a court order, they may receive a summons to appear in court to explain the violation or a warrant for their arrest may be issued. Further, the failure to appear in court or comply with a court order are separate criminal charges that can lead to reincarceration. Additionally, returning citizens can face reincarceration if they do not meet the conditions of their parole. Some of these conditions carry associated costs that the individual must pay.⁶³ Examples of expenses include drug testing, counseling, therapy, and parole supervision or monitoring fees. Unpaid court costs and fees at a local level are known to lead to threats of compelling one's appearance in court through a Show Cause Order to demonstrate the parolee's ability to pay before discharge from parole.

The process of reintegrating into the community is complex. People returning from prison face various challenges, including finding a job, securing housing, meeting the conditions of their parole, and paying off

any financial obligations they may have incurred.⁶⁴ There is no grace period for the payment of these monetary sanctions. Upon returning home, they are placed on a payment schedule that they must follow alongside their other living expenses.

One of the strongest predictors of a returning citizen's success in reintegration is the strength of their social network, including family, friends, and loved ones.⁶⁵ These individuals often provided support while the person was incarcerated and continued to do so after their release, offering assistance with money, housing, and job connections. However, criminal justice debt and the costs associated with parole conditions add to the financial burdens newly released individuals face. This increased financial pressure can strain relationships within their social networks and reduce a person's likelihood of a successful reentry.⁶⁶ When returning citizens rely on family members for ongoing financial support, especially over long periods, it can weaken these ties. This is particularly challenging for parents of minor children and other caregivers, as sanctions often mean fewer resources are available to support their dependents.⁶⁷

Monetary sanctions can have long-term consequences on a person's opportunities for future success in a traditional economy after returning from prison. While taking away much-needed financial resources and straining the relationships in their social network, monetary sanctions are a form of debt and, just like other forms of debt, they can be reported to the three credit bureaus and documented on a credit report.⁶⁸ Credit reports are used by a variety of entities,

60 Michelle, *supra* note 2

61 National Academies of Sciences, Engineering, and Medicine. "The Limits of Recidivism: Measuring Success After Prison." Washington, DC: The National Academies Press, 2022. <https://doi.org/10.17226/26459>.

62 Sobol, Neil L. "Charging the Poor: Criminal Justice Debt and Modern-Day Debtors' Prisons." *Md. L. Rev.* 75 (2015): 486.

63 MCL - Section 791.225a - Michigan Legislature. Accessed June 28, 2024. <https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-791-225a>.

64 NASEM, *supra* note 61.

65 Montes, Andrea N., Danielle Wallace, Chantal Fahmy, Abigail Henson, Alyssa W. Chamberlain, and Leah A. Jacobs. "An Assessment of Prisoner Reentry, Legal Financial Obligations and Family Financial Support: A Focus on Fathers." *International Journal of Environmental Research and Public Health* 18, no. 18 (September 13, 2021): 9625. <https://doi.org/10.3390/ijerph18189625>

66 *Ibid.*

67 Martin, K.; Sykes, B.; Shannon, S.; Edwards, F.; Harris, A. Monetary sanctions: Legal financial obligations in U.S. systems of justice. *Annu. Rev. Criminol.* 2018, 1, 471–495.

68 Diller, Rebekah, Alicia Bannon, and Matali Nagrecha. "Criminal Justice Debt: A Barrier to Reentry." Brennan Center for Justice, 2010.

such as employers, landlords, property management companies, insurance agencies, and financial institutions, to determine an individual's personal and financial risk.⁶⁹ Negative items on an individual's credit report not only decrease their chances of upward mobility due to their impacts on access to good jobs and housing,⁷⁰ but may also impact the upward mobility of their children by limiting their access to high-quality education that is dependent on obtaining housing in desirable areas.⁷¹ Insurance companies also use credit reports to assess an individual's risk. Consequently, people returning from incarceration end up paying more money for life insurance, if they can obtain it at all, and for vehicle and homeowners insurance as well.⁷³ All of these added costs compound and create a situation in which it is difficult for a returning citizen to reintegrate into the community and to reach their potential in social mobility, even without added criminal justice debt. The criminal justice debt simply makes the situation harder to manage.



Legal fines and fees don't end when a prison sentence does. Instead, additional requirements of parole, such as ankle monitoring bracelet, drug testing or therapy. These costs make reentry even more challenging.

69 Kiviat, Barbara. "The art of deciding with data: Evidence from how employers translate credit reports into hiring decisions." *Socio-Economic Review* 17, no. 2 (2019): 283-309.

70 Kuhn, Kristine. "The Controversy Over Credit Checks in Selection - Kristine M. Kuhn, 2012." *Journal of Management Inquiry* 21, no. 3 (November 21, 2011): 331-47. <https://doi.org/10.1177/1056492611427179>.

71 Reosti, A. (2021). *The Costs of Seeking Shelter for Renters With Discrediting Background Records*. *City & Community*, 20(3), 235-259. <https://doi.org/10.1177/15356841211012483> (Original work published 2021)

72 Evans, Douglas N., and Jeremy R. Porter. "Criminal History and Landlord Rental Decisions: A New York Quasi-Experimental Study." *Journal of Experimental Criminology* 11, no. 1 (March 1, 2015): 21-42. <https://doi.org/10.1007/s11292-014-9217-4>.

73 O'Leary, Patrick F., Randy R. Richards, and Thomas J. Quinlan Jr. "Credit-Based Insurance Scoring." *International Journal of Business, Humanities and Technology* 3, no. 7 (2013): 11-20.

"They will 100 percent take any money they think you have until it pays for your incarceration."
— Michigan returning citizen

Recommendations

In the preceding sections, we see how a variety of policies and practices create a system that increasingly shifts both direct and indirect costs of incarceration, from the state to the incarcerated individuals and their families. These costs, which seem insignificant on their own, collectively work to extract huge amounts of wealth from vulnerable communities and put them in the hands of private corporations who are already being paid by the state to provide essential services to incarcerated people – services that are the state's legal obligation to provide. This system should be adjusted to minimize exploitation while maintaining the state's need for safety and security, to meet its legal obligations to incarcerated people, and to provide essential services within prisons. Our recommendations to achieve this are as follows:

1. Medical copays

Medical co-pays should be eliminated for incarcerated individuals. Given that co-pays disincentivize preventative care and early intervention in medical issues,⁷⁴ this policy is almost certainly a net negative for the state, as the state is the ultimate payor of all health care costs. This is especially true for people serving life or long sentences, who represent about 30 percent of Michigan's prison population,⁷⁵ and are very likely to grow old and sick while serving their sentences. The state is the ultimate payor for a prison population that is disproportionately old and sick. Proactively encouraging preventative care and early intervention in health problems would be a much

more cost-effective approach than the current system, where co-pays act as barriers to early detection and treatment.^{76 77 78 79} In fact, the evidence against the cost-effectiveness of medical copays in prison is so strong that the National Commission on Correctional Health Care has a position statement opposing them.⁸⁰

In addition, the co-pays are hard to justify from a revenue-raising perspective. In 2024, the MDOC allocated \$374 million for healthcare services, which included a \$117 million contract with VitalCore Health Strategies.⁸¹ During the same period, the revenue generated from copays paid by incarcerated Michiganders totaled only \$257,200 – just 0.07% of the overall healthcare budget – and an amount that almost certainly is offset by the cost of missed opportunities in early detection and preventative care. Given the exorbitant cost of health care, and the benefits of early intervention and preventative care, there is a real opportunity for the state to realize cost savings far in excess of the amount MDOC collects from co-pays annually.

2. Financial Services

One of the most egregious of these excessive fees is finance charges that are paid primarily by the friends and loved ones of incarcerated individuals. The state contracts and pays an outside vendor to facilitate monetary transactions from people outside the prison to their loved ones in prison. For each deposit, loved ones are assessed a fee of \$2.95 to \$4.95, depending on the amount of the transaction. There is little to no cost

74 Lupez, Emily Lupton, Steffie Woolhandler, David U. Himmelstein, Laura Hawks, Samuel Dickman, Adam Gaffney, David Bor, et al. "Health, Access to Care, and Financial Barriers to Care Among People Incarcerated in US Prisons." *JAMA Internal Medicine*, August 5, 2024. <https://doi.org/10.1001/jamainternmed.2024.3567>.

75 According to the most recently MDOC Statistical Report, 9,762 of 32,986 (29.5%) of people incarcerated in Michigan's prison system were sentenced to life (4,447), a minimum sentence of >25 years (2,968), or 20-25 years (2,347). See Michigan Department of Corrections, 2023 Statistical Report (June 17, 2024; updated May 5, 2025) at pg. C-14, available at <https://www.michigan.gov/corrections/-/media/Project/Websites/corrections/Files/Statistical-Reports/Statistical-Reports/2023-Statistical-Report.pdf?rev=c232c350e5254962832982c47062438d&hash=B6F3CF90E1EA4C6A653EA7ED6D829ABD>.

76 Williams, Brie A., Marc F. Stern, Jeff Mellow, Meredith Safer, and Robert B. Greifinger. "Aging in Correctional Custody: Setting a Policy Agenda for Older Prisoner Health Care." *American Journal of Public Health* 102, no. 8 (August 2012): 1475–81. <https://doi.org/10.2105/AJPH.2012.300704>.

77 Glick, Andrew, Megan Ehret, Valori Banfi, and Deborah Shelton. "Effectiveness of Co-Payment Policies in the Correctional Healthcare Setting: A Review of Literature." *Journal for Evidence-Based Practice in Correctional Health* 1, no. 2 (May 30, 2017). <https://digitalcommons.lib.uconn.edu/jepch/vol1/iss2/>.

78 Wyant, *supra* note 32

79 Anderson, Anna. "Medical Debt Behind Bars: The Punishing Impact of co-pays, Fees, and Other Carceral Medical Debt." *National Consumer Law Center (NCLC)*, September 26, 2024. <https://www.nclc.org/resources/medical-debt-behind-bars-the-punishing-impact-of-co-pays-fees-and-other-carceral-medical-debt/>.

80 *Eliminating Financial Assessments for Health Care Services During Incarceration*. National Commission on Correctional Health Care. <https://www.ncchc.org/position-statements/eliminating-financial-assessments-for-health-care-services-during-incarceration-2/>

81 Michigan Department of Corrections - FY25 Spend Plan <https://www.michigan.gov/budget/fiscal-pages/reports/spending-plans#:~:text=Corrections%20%2D%20FY25%20Spend%20Plan>

paid for electronic deposits and bank-to-bank transfers in the outside world. Given that, this fee appears to be nothing more than a money grab by a vendor granted a monopoly by MDOC that allows the vendor to extract fees that are not commercially reasonable because they are the only option available.

Finally, while the fee is also an opportunity to generate revenue for the prisoner benefit fund, as we mentioned earlier, the prisoner benefit fund lacks transparency, and it is questionable whether correctional facilities benefit more from it than the individuals it is intended for.

Consequently, we recommend that the deposit fee be reduced to a level that is competitive with regulated financial institutions like banks and credit unions, or that these finance charges be eliminated entirely.

3. Communications Costs

We believe communication services in prison should be provided at or near cost to incarcerated individuals. The FCC's pause on the implementation of its rules to cap the per-minute cost of phone and video calls is a blow to safety within prisons and successful reentry. At the time this report was developed and published, the Michigan Department of Corrections and the Michigan Department of Technology, Management, and Budget were currently reviewing proposals for their new communication contracts. We recommend they negotiate using the lower rates. We also recommend eliminating or lowering the cost of electronic stamps for emails as well, as email service is widely available for free outside prison and the costs of electronic stamps exceed the reasonable costs of the security measures required in prison. Further, the state, as part of its efforts to facilitate successful reentry back into the community, should cover the costs of providing email service in its contract with the vendor given the potential benefits of doing so. Another option would be for the state to negotiate for a fairer rate for electronic postage with the vendor and then use the prisoner benefit fund (PBF) or another funding source to cover the cost of digital postage allotments. The FCC pause on the implementation of its rules related to phone and video calls is a blow to safety within prisons and successful reentry. At the time this report was developed and published, the MDOC and the Michigan Department of Technology, Management and Budget are currently reviewing proposals for their new communication contracts. We recommend they negotiate using the lower rates. We also recommend eliminating or lowering the cost of electronic stamps for emails.

4. Commissary

We have heard widespread concerns from currently and formerly incarcerated people about commissary costs – both the costs of the goods themselves and the fees layered on top. Granting that there is not sufficient competition in this market to be truly competitive, and that there are costs associated with shipping goods to prisons in remote areas of rural Michigan, we recommend that MDOC take steps to make commissary goods, particularly hygienic items and other necessities like food, more affordable for incarcerated people. MDOC has already taken steps to reduce topline fees for some of these items. We applaud that, and encourage MDOC to continue down that path, as we believe doing so will have a positive return on investment in prison conditions and morale, as well as positive reentry outcomes. In fact, we believe that positive returns on investment could come from subsidizing the costs of key commissary items so that they are more accessible to the incarcerated population.

5. Pay-to-Stay Cost

Most incarcerated individuals do not have sufficient assets for the state to collect, but for the ones that do, so much is collected that very little is left. We recommend that collection actions based on pay-to-stay be eliminated or limited to extraordinary cases. While restitution, fines, and other debts that arise out of a criminal case may legitimately be the subject of garnishment during a person's incarceration, opportunistic collection actions based solely on how much money an incarcerated person has are properly seen as a form of civil asset forfeiture that lacks a relational relationship to any underlying criminal act. Yes, everyone in prison has been convicted of a crime, but a limited number are targeted for collection actions based solely on the amount of assets they possess. It is financially motivated. Further, and more fundamentally, it is the state's duty to pay for the cost of incarcerating people it chooses to incarcerate – it is a public purpose that should be paid for by public funds. Defraying these costs with funds seized from incarcerated people undermines this basic principle as well as the positive incentives that cost constraints impose upon a prison system. Additionally, most incarcerated individuals will one day be released and eventually come to a point in life when they will be unable to work. Enough of their resources should be left to them that they do not become destitute in their old age and have to rely on state assistance toward the end of their life.

Conclusion

Public safety is best served when the corrections system and the resources of a community are focused on promoting successful reentry. Because the excessive use of fees during incarceration creates barriers to successful reentry, they undermine public safety and should be reduced or eliminated. Incarcerated individuals are limited in their ability to provide for themselves by extremely low wages that are inadequate to purchase necessities and have not kept up with the price of goods and services. When an incarcerated person experiences a shortfall, the difference is often supplied by the friends and loved ones. Every additional dollar that is spent over and above the cost of providing goods and services in a safe manner is money that loved ones are not able to invest in themselves or their communities. Family and community deprivation and disinvestment does not foster public safety.

The current system also creates legal financial

obligations that bind individuals to the criminal legal system long after their sentence ends. This also encourages poverty and deprivation. Survival is not optional for returning citizens. Without a legal and legitimate way to rebuild their lives, formerly incarcerated persons may feel compelled to augment their livelihood using illegal and illegitimate means. What is needed is reform to create a balanced approach that satisfies the need for justice and public safety without fostering deprivation and leading to higher expenses the state must cover.

Putting hurdles and stumbling blocks on the path to reentry will only lead people back to prison. That's especially true when the burden of legal debt compounds challenges like finding a good-paying job and affordable place to live. Public safety is best served by removing those barriers and setting people up for success.



Getting a life back on track following prison or jail presents challenges such as finding a good-paying job and safe and affordable place to live. Carrying a heavy load of legal fines and fees makes these tasks even harder. Legislative reforms can remove some of this burden and help people reestablish themselves, which also improves public safety.



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