



LAW ENFORCEMENT LEADERS

To Reduce Crime & Incarceration

Testimony: House Bill 249

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Dear Chairman Mack, Vice-Chairman Pylant and Honorable Members of House Committee on the Administration of Criminal Justice:

I write today to offer testimony in support of the changes proposed in House Bill 249. I believe the proposals outlined in the legislation represent commonsense steps that will help our state reduce unnecessary incarceration, and focus our limited resources on serious, violent and repeat offenders.

Having dedicated my career law enforcement, I have no problem locking up those that threaten the safety of our communities. They belong behind bars. However, I know through experience that incarceration is not always the most appropriate response to every violation of the law. In some cases, our public safety goals are better achieved through alternative sanctions. This is why I offer testimony to you today in support of HB 249. In my opinion, locking people up, who cannot pay versus those who refuse to pay, for unpaid court fines and fees is ineffective, counterproductive, unfair and costly.

It is no secret that many offenders within our criminal justice system are indigent. Once convicted of a crime, they often face increased barriers to finding stable employment, further stymieing their economic mobility. Nationally, the majority of ex-offenders – 60 percent – are unemployed one year after release. And in urban areas up to 50 percent of homeless people were formerly incarcerated.¹ The threat of incarceration is a considerable hammer. However, if the offender simple does not have the money, it no longer serves as an effective deterrent.

In fact, incarceration for unpaid fines may actually *decrease* an offender's ability to pay – running counter to both our budgetary and public safety goals. Even a short stint behind bars, can mean lost work hours and, in many cases, employment. Without a job, not only is an offender unlikely afford the fine, they will be forced to rely on state and familial assistance to make ends meet. For some, particularly those with mental health and substance abuse issues, incarceration may also have a destabilizing effect. Disruption in treatment, for example, can cause someone to relapse and return to the behaviors that got them in trouble in the first place. In this case, not only has the fine not been paid, but, more importantly our communities' safety is put at risk.

Incarcerating offenders for unpaid fines raises a question of fundamental fairness and legitimacy. We must do all we can to reexamine practices and procedures to ensure that all have access to justice and are treated equally before the law. Acting on the difference between those who refuse to pay versus those who cannot increases public confidence in our system, and from a law enforcement

perspective, helps build vital relationships between communities and police. In many cases, fines unfairly extend an offender's time in our criminal justice system – making it more punitive to the poor than to those that have access to monetary resources. A person with an outstanding warrant for a fine is unlikely to call police, even if they witness or are themselves a victim of a crime, for fear of arrest and imprisonment.

Finally, it is a question of resources. It is no secret that locking people up is tremendously expensive. In FY2016 – 2017, Louisiana lawmakers budgeted over \$400 million for adult corrections spending.² In the midst of our state's fiscal crisis, we cannot afford to sustain our prison and jail populations at their current levels. In order to ensure public safety, it is absolutely critical that our prison beds are reserved for punishing the most violent offenders.

HB 249 also, correctly, prioritizes the payment of restitution by directing 50 percent of an offender's monthly obligation to be directed to restitution payments, improving our system for victims, and increasing accountability.

HB 249 will reduce unnecessary incarceration and improve safety in our state. By prohibiting incarceration for unpaid fines and allowing Judges to modify financial penalties based on ability to pay, versus those who refuse to pay, this bill will reduce the number of offenders unnecessarily arrested and incarcerated. This will, in turn, allow law enforcement, prosecutorial and correctional resources to focus on finding and punishing the most violent, serious and repeat offenders.

Sincerely,



Ronal Serpas
Chairman, Law Enforcement Leaders to Reduce Crime and Incarceration
Former Police Superintendent, New Orleans Police Department

¹ JOAN PETERSILIA, NAT'L INST. OF JUSTICE, WHEN PRISONERS RETURN TO THE COMMUNITY: POLITICAL, ECONOMIC, AND SOCIAL CONSEQUENCES, SENTENCING AND CORRECTIONS ISSUES FOR THE 21ST CENTURY 3, 5 (2000), <http://www.nationaltasc.org/wp-content/uploads/2012/11/When-Prisoners-Return-to-the-Community-Political-Economic-and-Social-Consequences-NIJ.pdf>.

² See GOVERNOR'S EXECUTIVE BUDGET FISCAL YEAR 2016-2017 85 (2016).