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Collection method triggers lawsuit

Offenders jailed over fees didn't receive counsel

After crashing into another car during a police chase in 2001, Spokane resident Lisa Orvis served eight months in jail and was ordered to pay \$24,000 restitution.

A decade of accrued interest later, she owes the county \$70,000 and has spent seven or eight stints at the Spokane County Jail for nonpayment.

Orvis doesn't dispute that she owes the money. But she questions the legal process that put her in jail without a lawyer or a chance to explain herself.

"I never saw a judge, and I never went to any kind of hearing," said Orvis, 45.

The state Supreme Court ruled that system unconstitutional last summer.

"What they haven't ruled on is how all the hundreds of people who were jailed unconstitutionally should be compensated," said Spokane lawyer Breean Beggs.

Beggs filed a complaint against Spokane County this month in U.S. District Court on behalf of Orvis and everyone else jailed under the county's previous court collection system. A judge will determine whether it can proceed as a class-action suit.

The county adjusted the process in 2009 to allow defendants facing jail time to be represented by an attorney and to have a hearing before a judge.

But Beggs says Orvis and hundreds of others deserve to be compensated for the time they spent in jail under the unconstitutional system.

"Our hope is that the money the court awards can be put toward restitution to get at the root of the problem," Beggs said. "I'm hopeful that we might be able to work something out."

Presiding Superior Court Judge Maryann Moreno said she couldn't comment specifically on the lawsuit but said officials changed the process in 2009 because of concerns. She said jailing defendants who don't pay fines is a last resort.

"We're never going to put somebody in jail because they don't have money," she said. Jail becomes an option "when people won't respond to the process. They won't appear for court. They won't contact us and tell us about the types of problems they're facing."

Orvis admits to not keeping up on payments for a few years but said repeated jail stints even when she did try to make payments only worsened her situation by keeping her from working.

“It would start the vicious cycle again,” Orvis said.

Orvis said most female inmates she met at the jail were there for nonpayment of fines, too. Beggs said he expects the county to provide statistics regarding inmates jailed for nonpayment once they respond to the complaint.

Orvis hasn't been to jail since 2008 – she worked out a \$50 monthly payment plan that, while doing little to cover the \$250 monthly interest, keeps her out of jail.

“This is a life sentence for me,” she said. “It will never be paid.”

When Orvis was arrested, every person booked into jail for charges stemming from failure to pay court fees, fines or court-ordered restitution – called legal financial obligations – was visited by a collections officer from the Spokane County clerk's office. The clerk would ask the inmate to sign a document promising to make a specific monthly payment and agreeing to serve additional jail time if he or she failed to do so.

“They were negotiating something with pretty serious ramifications,” Beggs said.

The state's high court ruled on June 10 that “a trial court must inquire into the offender's ability to pay” before sanctions are imposed.

Moreno said county officials are exploring the possibility of using a collection agency to collect fees, which would eliminate court hearings and the threat of jail time.

But, the judge said, “we're always hoping that somebody is just going to follow the court's order and pay the money.”