

Crime and Punishment—But No Trust Duty

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On July 26, 2004, Robert Louis Salter, Jr. was convicted of unlawful possession of a machine gun and failing to appear in court. He was sentenced to 151 months in federal prison and a \$50,000 fine. While incarcerated he opened an inmate prison trust fund account in which he deposited his prison wages and other funds. Salter also agreed to participate in the Inmate Financial Responsibility Program, from which he could make payments toward his court-ordered fine.

On May 25, 2010, Salter filed a complaint in the U.S. Court of Federal Claims, alleging that his consent to participate in the Financial Responsibility Program was obtained under duress and in violation of the government's fiduciary duty as trustee of the his inmate trust fund account. The Government moved for summary judgment on all three grounds of Salter's claim.

First, the court concluded that Salter had offered no evidence to support his claim that prison officials are compensated or evaluated on the basis of how many inmates participate in the Financial Responsibility Program. The court next rejected Salter's argument that prison officials improperly timed payments from his account to the Program.

Finally, the court rejected the fundamental premise of Salter's complaint—that the Bureau of Prisons owed him a trust responsibility by virtue of his incarceration:

The basis for the relationship between plaintiff and the BOP is the sovereign function of incarcerating an inmate, the government's enforcement of federal criminal statutes. Unlike a private trustee, who voluntarily agrees to administer a trust and assumes the fiduciary responsibilities imposed by the common law, the BOP administers inmate trust fund accounts as a practical accommodation to parties with whom it deals not by choice. While it would almost certainly be coercive for a private trustee to prevent a beneficiary from spending money from any source, or to interfere with a beneficiary's ability to secure employment, the loss of such liberties is the point of imprisonment. If private trustees were to treat a beneficiary as if he were an inmate, this would undoubtedly be coercive, but that is the starting point of plaintiff's relationship with the BOP.

Read full decision [here](#).