



SACHI A. HAMAI  
Chief Executive Officer

## County of Los Angeles CHIEF EXECUTIVE OFFICE

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December 13, 2019

To: Supervisor Kathryn Barger, Chair  
Supervisor Hilda L. Solis  
Supervisor Mark Ridley-Thomas  
Supervisor Sheila Kuehl  
Supervisor Janice Hahn

From: Sachi A. Hamai  
Chief Executive Officer

Board of Supervisors  
HILDA L. SOLIS  
First District

MARK RIDLEY-THOMAS  
Second District

SHEILA KUEHL  
Third District

JANICE HAHN  
Fourth District

KATHRYN BARGER  
Fifth District

### **REPORT BACK ON ADDRESSING FINES AND FEES ASSOCIATED WITH CRIMINAL JUSTICE SYSTEM INVOLVEMENT (ITEM NO. 10, AGENDA OF APRIL 16, 2019)**

On April 16, 2019, the Board of Supervisors (Board) directed the Chief Executive Officer (CEO) in consultation with the Probation Department, the Auditor-Controller, County Counsel, Treasurer and Tax Collector, the Public Defender's Office, the Alternate Public Defender's Office, the District Attorney's office, the Sheriff's Department, the Courts, and community stakeholders, including those with lived experience, and other relevant stakeholders to report back in writing with a detailed report of the fines, fees, and penalties (including non-economic penalties) levied against adults in the criminal justice system.

#### **Background**

For decades, the California Legislature has funded an array of criminal justice programs and local operations using fines and fees revenue. Recent justice reform initiatives enacted by the State are often tied to an associated fee or fine and identified as a funding source for local governments programs and services.

Locally, trial courts typically levy fines and fees upon individuals convicted of criminal offenses during court proceedings. Additionally, State law authorizes counties to levy fees on probationers to cover probation-related costs. The fees levied on a probationer are based on several factors including, but not limited to, the offense for which the probationer is convicted, the level of supervision, and probation violations. Such fees are a funding source for various County programs and administrative operations.

The CEO surveyed several County departments, the Los Angeles Police Department, and the Courts. Through these surveys and meetings with the affected departments and stakeholders, the CEO was informed with statistical data and testimonial information from those with lived experience.

## **Financial Summary**

Attachments 1 through 4 include detailed surveys provided to the CEO of fines and fees collected annually from Fiscal Year (FY) 2014-15 to 2018-19. The surveys consist of: FY of the authorizing statute/code; a description of the fine or fee; total collections; revenues distributed to the State, County, and/or other jurisdictions; cost recovery; and amounts assessed. Below is a summary of the survey's financial findings.

**Figure 1: Probation-Reported Court Assessments**

FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	Average
\$ 114,619,768	\$ 97,837,868	\$ 116,296,573	\$ 160,077,637	\$ 114,170,712	\$ 120,600,511

*Note: Probation-reported Court annual assessment of fines and fees from FY 2014-15 to 2018-19.*

**Figure 2: Probation Annual Collections**

Fiscal Year	Total Collections	Total Dollars to State	Total Dollars to County	Total Dollars to Other Agencies	Overpayment Refunds	Cost Recovery
2018-19	\$ 9,728,205	\$ 1,216,813	\$ 3,728,293	\$ 2,790,725	\$ 37,628	\$ 1,908,307
2017-18	\$ 11,166,773	\$ 1,496,696	\$ 4,313,612	\$ 3,315,159	\$ 298,479	\$ 1,666,060
2016-17	\$ 11,912,306	\$ 1,709,093	\$ 4,888,442	\$ 3,482,689	\$ 206,797	\$ 1,681,013
2015-16	\$ 12,162,770	\$ 1,813,050	\$ 4,787,121	\$ 3,611,328	\$ 210,457	\$ 1,710,224
2014-15	\$ 11,876,660	\$ 1,716,067	\$ 4,550,015	\$ 3,231,387	\$ 177,249	\$ 2,114,005
Average	\$ 11,369,343	\$ 1,590,344	\$ 4,453,497	\$ 3,286,258	\$ 186,122	\$ 1,815,922

*Note: Probation annual collections from FY 2014-15 to 2018-19.*

Probation does not directly track fines and fees assessment data based on geography or income level. Probation's caseload by County Supervisorial District (SD) is:

**Figure 3: Probation's Caseload by Supervisorial District**

SD1	SD2	SD3	SD4	SD5	Other*
17.9%	22.3%	10.5%	13.3%	14.6%	21.4%

*\*Other individuals include non-County residents, transients, and individuals experiencing homelessness.*

**Figure 4: Court Annual Collections**

Fiscal Year	Total Collections	Total Dollars to County	Total Dollars to Local Agencies	Total Dollars to Other Agencies
2018-19	\$ 6,404,659	\$ 5,817,921	\$ 245,345	\$ 341,393
2017-18	\$ 6,749,538	\$ 6,047,548	\$ 257,041	\$ 444,948
2016-17	\$ 8,320,356	\$ 7,450,782	\$ 373,807	\$ 495,767
2015-16	\$ 10,424,649	\$ 9,518,816	\$ 474,453	\$ 431,380
2014-15	\$ 11,929,848	\$ 11,015,742	\$ 489,974	\$ 424,132
Average	\$ 8,765,810	\$ 7,970,162	\$ 368,124	\$ 427,524

*Note: Court presentation to the CEO reflects their interpretation of fines and fees under Board jurisdiction from FY 2014-15 to FY 2018-19. Does not reflect all Court-ordered fines and fees.*

**Figure 5: DNA Identification Fund Annual Collections**

Fiscal Year	Total Collections	Total Dollars to State	Total Dollars to County	Total Dollars to Local Agencies
2018-19	\$ 2,796,782	\$ 900	\$ 1,065,601	\$ 1,730,282
2017-18	\$ 1,593,130	\$ 1,050	\$ 1,185,820	\$ 406,260
2016-17	\$ 2,473,002	\$ 720	\$ 1,399,717	\$ 1,072,565
2015-16	\$ 3,335,381	\$ 1,110	\$ 1,737,011	\$ 1,597,261
2014-15	\$ 3,350,228	\$ 1,140	\$ 1,750,299	\$ 1,598,789
Average	\$ 2,709,705	\$ 984	\$ 1,427,690	\$ 1,281,031

*Note: DNA Identification Fund annual collections from FY 2014-15 to 2018-19. DNA Identification Fund reimburses eligible agencies for costs related to DNA sample collection and storage.*

Community service referral agencies and court-ordered program providers also assess fees, as detailed in Attachment 5. The organizations surveyed summarized fee amounts, rather than fees assessed or collected, which range from \$5 to \$300.

Probation's current balance of adult fine and fee receivables, including restitution, is approximately \$1.8 billion, which dates back 50 years. The balance tied to active cases is approximately \$379.0 million, inactive cases is \$207.0 million, and closed cases is \$1.2 billion, as detailed in Attachment 6. This balance of fines and fees represents unpaid debt outstanding to the County.

### **Testimonial Summary**

Attachment 7 provides the testimonials of individuals identifying as having criminal justice system involvement who have been assessed fines and fees, prepared by the Let's Get Free LA Coalition. Attachment 8 provides the District Attorney's response to the CEO's request for victim's advocate testimonials.

### **Best Practices for Eliminating Fines and Fees**

The County of Alameda and the City and County of San Francisco recently conducted studies regarding the impact that fines and fees have had on the justice-involved populations. The County of Alameda study (Attachment 9), conducted by the Berkeley Law Policy Advocacy Clinic, and the City and County of San Francisco study (Attachment 10), conducted by the City and County of San Francisco's Financial Justice Project, examined how fines and fees have affected low-income families within their jurisdictions.

### **Elimination of Fines and Fees – Fiscal Impact**

On February 5, 2019, the State's Legislative Analyst's Office (LAO) conducted an informational hearing on the Financial Implications of Criminal Justice Fines and Fees (Attachment 11). The LAO determined that approximately \$1.7 billion in fine and fee revenue was distributed to State and local governments in FY 2015-16. Of this amount, approximately \$881.0 million or roughly 50 percent went to the State to support trial court operations and construction costs. Local governments received an estimated \$707.0 million (or 42 percent) of which 80 percent (\$565.5 million) was distributed to Counties. Our County uses this revenue to fund various core services and programs designed to support offender rehabilitation. The LAO recommends that the State re-evaluate the structure of the criminal fine and fee system and that they mitigate the fiscal impact this restructuring would have on local governments.

Going forward, should the Board choose and where permissible, the CEO will work with affected County departments to examine their reliance on criminal fines and fees as a revenue source. The goal of any such plan would be to phase-out fine and fee requirements without negatively affecting a department's operating budget or the County's overall financial position. The plan will include an assessment of the financial impact of each department's current use of fines and fees, identifying alternative revenue sources and opportunities to reduce expenses, recommending policy and statutory changes that may have to proceed, and engaging the appropriate stakeholders throughout the process.

A legal analysis distinguishing between fines and fees the County may administer and fines and fees required by State law will be provided by County Counsel under a separate cover. The Probation Department prepared a preliminary analysis of the potential impact fine and fee reductions will have on their departmental operations (Attachment 12).

### **Conclusion**

Administrative fines and fees have historically been used to help fund the criminal justice system. However, data shows that the criminal justice system disproportionately affects the poor, and the responsibility of paying fines and fees can lead to devastating effects for these individuals. In addition, counties often incur significant costs collecting the imposed fees and fines. Thus, a review of and improvements to the system are warranted. Nonetheless, decisions which contemplate the reduction or elimination of fees should include the reasonableness of a forthcoming economic decline as well as the identification of an alternative funding source required to sustain programs and services at the current levels; programs and services which are specifically designed to promote the rehabilitation of individuals involved in the criminal justice system. Ultimately, we should always strive to develop policies that are just, fiscally sound and concurrently uphold public safety.

If you or your staff have any questions, please contact me or René Phillips at (213) 974-1478.

SAH:FAD:MM:SW  
RCP:BH:cc

### **Attachments**

c:     Executive Office, Board of Supervisors  
         County Counsel  
         District Attorney  
         Sheriff  
         Alternate Public Defender  
         Auditor-Controller  
         Health Agency  
         Probation  
         Public Defender  
         Public Health  
         Superior Court  
         Treasurer and Tax Collector



## Attachments

1. Probation: Fines and Fees Survey (Fiscal Year 2014-15 to 2018-19)
2. Sheriff: Fines and Fees Survey (includes DNA Fund) (Fiscal Year 2014-15 to 2018-19)
3. Superior Court: Fines and Fees Survey (Fiscal Year 2014-15 to 2018-19)
4. Los Angeles Police Department: Fines and Fees Survey (Fiscal Year 2014-15 to 2018-19)
5. Community Service Referral Agencies: Fines and Fees Survey
6. Probation: Adult Collections Summary
7. Testimonials from Individuals Impacted by Criminal Justice Fines and Fees
8. District Attorney: Initial Review of Victim Impact of Elimination of Fines and Fees
9. Berkeley Law Policy Advocacy Clinic study (Alameda County)
10. City and County of San Francisco's Financial Justice Project study
11. State of California: Financial Implications of Criminal Justice Fines and Fees
12. Probation: Elimination of Fines and Fees Impact Statement

Survey of Fines and Fees Probation (Adult) FY 2018-19																	
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q = K - (L:P)	R
Row	Surveyed Agency or County Department	Type of Statute or Code	Code Section	Description of Fine, Fee, Penalty, or Assessment	Agency	Percent Distribution to State	Percent Distribution to County	Percent Distribution to Cities & Local Agencies	Percent Distribution to Other (not State, County, City, or Local Agency)	FY 2018-19 Total Collections	FY 2018-19 Total Dollars to State	FY 2018-19 Total Dollars to County	FY 2018-19 Total Dollars to Cities & Local Agencies	FY 2018-19 Total Dollars to Other Agencies	FY 2018-19 Overpayment Refunds	FY 2018-19 Probation Cost Recovery	FY 2018-19 Total Assessed or Ordered
1	Probation	Penal	1463.16(b)	Drug and Alcohol Abuse - \$50 into a special account for the County's alcoholism program, with approval by the Board of Supervisors for alcohol programs and services for County residents.	ST/PB	2.00%	98.00%	0.00%	0.00%	\$363.50	\$4.97	\$243.68				\$114.85	\$350.00
2	Probation	Penal	1463.23	AIDS Education Program	PB	0.00%	100.00%	0.00%	0.00%	\$19.22		\$13.35				\$5.87	\$0.00
3	Probation	Government	71386(d)	Bad Check Charge	PB	0.00%	100.00%	0.00%	0.00%	\$1,620.85		\$1,179.34				\$441.51	\$528.00
4	Probation	VC	15630	Community Education Training Program - Provides information on the dangers of leaving young children unattended in motor vehicles and ways to avoid that danger.	PB	0.00%	100.00%	0.00%	0.00%	\$162.52		\$109.03				\$53.49	\$1,530.00
5	Probation	Penal	1205	Fee for administering a payment plan (court or collecting agency).	PB	0.00%	100.00%	0.00%	0.00%	\$91,956.86		\$66,412.25			\$73.75	\$25,470.86	\$632,663.28
6	Probation	Penal	1203.1b	Reasonable cost of any probation services (COPS) and supervision; Fees related to the cost of any pre-plea or pre-sentence investigation or report; Cost of processing a jurisdictional transfer (including interstate transfer fees); and Cost of collection for installment payments.	PB	0.00%	100.00%	0.00%	0.00%	\$4,901,613.82		\$3,505,399.19			\$37,105.26	\$1,359,109.37	\$78,916,498.93
7	Probation	Penal	1202.5	Crime Prevention Fund	PB	0.00%	100.00%	0.00%	0.00%	\$22,349.76		\$16,260.29				\$6,089.47	\$35,007.76
8	Probation	Penal	1463.07	\$25 Administrative Screening Fee; \$10 Citation Processing Fee	ST	100.00%	0.00%	0.00%	0.00%	\$20.43	\$13.17					\$7.26	\$0.00
9	Probation	Penal	1463.14	Drug-Alcohol. Reimbursement for chemical test.	ST/SH	2.00%	98.00%	0.00%	0.00%	\$93.67	\$1.28	\$62.60				\$29.79	\$266.00
10	Probation	Penal	1463.16	Fine - Drug & Alcohol	ST/PB	75.50%	24.50%	0.00%	0.00%	(\$8.12)	(\$6.13)	(\$1.99)				\$0.00	\$0.00
11	Probation	Penal	1001.15	Fees Felony Diversion - Cost of laboratory analysis; actual cost of processing a request for diversion; and cost of supervising divertee.	PB	0.00%	100.00%	0.00%	0.00%	\$574.55		\$449.88				\$124.67	\$900.00
12	Probation	Penal	1001.16	Fees Misdemeanor Diversion - Cost of laboratory analysis; actual cost of processing a request for diversion; and cost of supervising divertee.	PB	0.00%	100.00%	0.00%	0.00%	\$196.93		\$149.11				\$47.82	\$0.00

Survey of Fines and Fees Probation (Adult) FY 2018-19																	
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13	Probation	Government	76104.6	DNA Identity, Unsolved Crime and Innocence Protection Act (Proposition 69) Penalty Assessment .	ST	100.00%	0.00%	0.00%	0.00%	\$1,744.26	\$1,298.43					\$445.83	\$2,249.00
14	Probation	Penal	1203.09	Domestic Violence Fine - with Grant date prior January 2004	ST/PH	66.67%	33.33%	0.00%	0.00%	\$0.00	\$0.00	\$0.00				\$0.00	\$0.00
15	Probation	Penal	1203.09	Domestic Violence Fine - with Grant date after January 2004 and amount less than \$200.01	ST/PH	33.33%	66.67%	0.00%	0.00%	\$15.84	\$3.70	\$7.40				\$4.74	\$0.00
16	Probation	Penal	1203.09	Domestic Violence Fine - with Grant date after January 2004 and amount greater than \$200.01	ST/PH	33.33%	66.67%	0.00%	0.00%	\$13,436.18	\$3,239.25	\$6,479.48				\$3,717.45	\$69,600.00
17	Probation	Government	76104.7	DNA Additional Penalty Assessment - State-only penalty of \$4 for every \$10 upon every fine, penalty or forfeiture imposed by the Court for all criminal offenses, including traffic.	ST	100.00%	0.00%	0.00%	0.00%	\$5,342.45	\$3,980.19					\$1,362.26	\$6,747.00
18	Probation	Health & Safety	11372.7	Drug Education Rehabilitation - Person convicted shall pay a drug program fee not to exceed \$150 for each separate offense. Court can base on ability-to-pay.	PH	0.00%	100.00%	0.00%	0.00%	\$30.01		\$20.53				\$9.48	\$450.00
19	Probation	Penal	1463.18	DUI Fine - First \$20 collected deposited to the Restitution Fund and remaining deposited to County Treasurer.	ST	100.00%	0.00%	0.00%	0.00%	\$26.86	\$17.40					\$9.46	\$75.00
20	Probation	Penal	1203.097	Domestic Violence (DV) Fund - Minimum \$500 fee based on ability-to-pay. Court may reduce or waive. 2/3rds deposited with County Treasurer retained in domestic violence programs special fund. Remaining 1/3rd deposited in equal parts to DV Restraining Order Reimbursement Fund and DV Training and	ST/PH	66.67%	33.33%	0.00%	0.00%	\$28,215.26	\$13,766.80	\$6,882.37				\$7,566.09	\$194,500.00
21	Probation			Fine Service Charge	PB	0.00%	100.00%	0.00%	0.00%	(\$21.49)		(\$9.45)				(\$12.04)	\$194.00
22	Probation	Government	70372	State court construction penalty \$5 for every \$10 upon every fine, penalty, or forfeiture imposed by the Court.	ST	100.00%	0.00%	0.00%	0.00%	\$5,198.94	\$3,875.36					\$1,323.58	\$6,747.00
23	Probation	Government	70373	Court Construction Fund	ST	100.00%	0.00%	0.00%	0.00%	\$160,283.09	\$115,812.55				\$84.61	\$44,385.93	\$378,417.41

Survey of Fines and Fees Probation (Adult) FY 2018-19																	
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q = K - (L:P)	R
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24	Probation			Fine	ST/PB	2.00%	98.00%	0.00%	0.00%	\$30,190.36	\$443.32	\$21,722.94				\$8,024.10	\$33,813.00
25	Probation	Government	70372(b)	Lab Fee	ST/PB	75.00%	25.00%	0.00%	0.00%	\$26,565.75	\$14,407.72	\$4,802.57			\$49.34	\$7,306.12	\$48,448.74
26	Probation	Government	76000.5	Emergency Medical Services	ST/HS	2.00%	98.00%	0.00%	0.00%	\$3,467.03	\$51.67	\$2,531.66				\$883.70	\$4,518.00
27	Probation	Vehicle	42006	Night Court special assessment - \$1 for every fine, forfeiture and traffic violator school fee imposed by the Court.	ST	100.00%	0.00%	0.00%	0.00%	\$8.43	\$6.02					\$2.41	\$1.00
28	Probation	Government	76000	Penalty Assessment - additional penalty of \$7 for every \$10 upon every fine, penalty or forfeiture imposed by the Court for all criminal offenses, including traffic.	ST/HS	59.65%	40.35%	0.00%	0.00%	\$88,287.67	\$38,319.67	\$25,921.19				\$24,046.81	\$145,453.58
29	Probation	Penal	1210.1	(a) Drug Treatment Programs on Probation (Proposition 36) - Trial Judge orders person convicted to contribute to cost of placement in a drug treatment program.	PH	0.00%	100.00%	0.00%	0.00%	\$1,166.88		\$838.20				\$328.68	\$200.00
30	Probation	Penal	1203.1	Administrative Fee to cover cost of collecting victim restitution not to exceed 15% of the total amount ordered to be paid. Fee set by BOS if collected by County for benefit of the County. Fee set by Court if collected by the Court and shall be deposited into the Trial Court Operations Fund.	PB	0.00%	100.00%	0.00%	0.00%	\$43,457.07		\$31,545.74				\$11,911.33	\$2,627,511.10
31	Probation	Penal	1001.9	Fee to cover administrative cost to collect diversion restitution fee; County share of restitution fee for collecting.	ST	100.00%	0.00%	0.00%	0.00%	\$206.29	\$163.25					\$43.04	\$0.00
32	Probation	Penal	1202.4	(b) Restitution fine - Court-imposed separate restitution fine. \$300 - \$10,000 for felony; \$150 - \$1,000 for misdemeanor.	ST	100.00%	0.00%	0.00%	0.00%	\$1,329,025.89	\$960,679.68				\$296.05	\$368,050.16	\$3,375,172.85
33	Probation	Penal	1202.4	(G) Restitution Interest - 10% per annum accrues at date of sentencing or loss, as determined by the Court.	Other	0.00%	0.00%	0.00%	100.00%	\$4,271.20				\$4,271.20		\$0.00	\$52,306.53
34	Probation	Penal	1464(F)(2)	Restitution Fund (State)	ST	100.00%	0.00%	0.00%	0.00%	\$6,248.49	\$4,660.83					\$1,587.66	\$3,090.00
35	Probation	Penal	1202.4	(B) Restitution to victims	Other	0.00%	0.00%	0.00%	100.00%	\$2,786,454.04				\$2,786,454.04		\$0.00	\$26,772,866.82

Survey of Fines and Fees Probation (Adult) FY 2018-19																	
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Row	Surveyed Agency or County Department	Type of Statute or Code	Code Section	Description of Fine, Fee, Penalty, or Assessment	Agency	Percent Distribution to State	Percent Distribution to County	Percent Distribution to Cities & Local Agencies	Percent Distribution to Other (not State, County, City, or Local Agency)	FY 2018-19 Total Collections	FY 2018-19 Total Dollars to State	FY 2018-19 Total Dollars to County	FY 2018-19 Total Dollars to Cities & Local Agencies	FY 2018-19 Total Dollars to Other Agencies	FY 2018-19 Overpayment Refunds	FY 2018-19 Probation Cost Recovery	FY 2018-19 Total Assessed or Ordered
36	Probation	Penal	1202.4	Restitution Service Charge - Administrative fee to collect restitution fine.	PB	0.00%	100.00%	0.00%	0.00%	\$41,302.10		\$29,848.36				\$11,453.74	\$317,124.80
37	Probation	Penal	1465.8	Court Security Fee - To assist funding Court operations, \$40 imposed on every criminal offense conviction including traffic, except for parking offenses.	ST	100.00%	0.00%	0.00%	0.00%	\$71,931.92	\$52,028.70				\$18.97	\$19,884.25	\$504,583.92
38	Probation	Penal	1192.8	SRS Habitual Offender Program. Serious felony with great bodily injury; use of deadly weapon.	PB	0.00%	100.00%	0.00%	0.00%	\$10,344.27		\$7,407.26				\$2,937.01	\$30,178.00
39	Probation	Penal	1465.7	State Surcharge - 20% levied on based fine used to calculate the state penalty assessment.	ST	100.00%	0.00%	0.00%	0.00%	\$4,508.70	\$3,278.76					\$1,229.94	\$4,574.80
40	Probation	Penal	76000.1	Emergency Medical Air Transport	ST	100.00%	0.00%	0.00%	0.00%	\$1,069.52	\$766.17					\$303.35	\$4,145.00
41	Probation	Penal	1208.2	Work furlough administration and application fee; Electronic Monitoring administration and application fee; County Parole administration and application fee	PB	0.00%	100.00%	0.00%	0.00%	\$25.00		\$18.35				\$6.65	\$0.00
				Trust - Unable to Determine Charge						\$46,439.47							
				TOTAL						\$9,728,205.47	\$1,216,812.76	\$3,728,293.33	\$0.00	\$2,790,725.24	\$37,627.98	\$1,908,306.69	\$114,170,711.52

Survey of Fines and Fees Probation (Adult) FY 2017-18																	
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q = K - (L:P)	R
Row	Surveyed Agency or County Department	Type of Statute or Code	Code Section	Description of Fine, Fee, Penalty, or Assessment	Agency	Percent Distribution to State	Percent Distribution to County	Percent Distribution to Cities & Local Agencies	Percent Distribution to Other (not State, County, City, or Local Agency)	FY 2017-18 Total Collections	FY 2017-18 Total Dollars to State	FY 2017-18 Total Dollars to County	FY 2017-18 Total Dollars to Cities & Local Agencies	FY 2017-18 Total Dollars to Other Agencies	FY 2017-18 Overpayment Refunds	FY 2017-18 Probation Cost Recovery	FY 2017-18 Total Assessed or Ordered
1	Probation	Penal	1463.16(b)	Drug and Alcohol Abuse - \$50 into a special account for the County's alcoholism program, with approval by the Board of Supervisors for alcohol programs and services for County residents.	ST/PB	2.00%	98.00%	0.00%	0.00%	\$327.12	\$5.02	\$245.95				\$76.15	\$400.00
2	Probation	Penal	1463.23	AIDS Education Program	PB	0.00%	100.00%	0.00%	0.00%	\$2.44		\$1.83				\$0.61	\$25.00
3	Probation	Government	71386(d)	Bad Check Charge	PB	0.00%	100.00%	0.00%	0.00%	\$1,638.01		\$1,105.68			\$214.13	\$318.20	\$1,815.00
4	Probation	VC	15630	Community Education Training Program - Provides information on the dangers of leaving young children unattended in motor vehicles and ways to avoid that danger.	PB	0.00%	100.00%	0.00%	0.00%	\$1,437.65		\$1,088.39				\$349.26	\$1,050.00
5	Probation	Penal	1205	Fee for administering a payment plan (court or collecting agency).	PB	0.00%	100.00%	0.00%	0.00%	\$108,623.08		\$79,961.26			\$5,601.51	\$23,060.31	\$695,868.20
6	Probation	Penal	1203.1b	Reasonable cost of any probation services (COPS) and supervision; Fees related to the cost of any pre-plea or pre-sentence investigation or report; Cost of processing a jurisdictional transfer (including interstate transfer fees); and Cost of collection for installment payments.	PB	0.00%	100.00%	0.00%	0.00%	\$5,470,375.61		\$4,147,558.74			\$147,122.17	\$1,175,694.70	\$84,348,126.83
7	Probation	Penal	1202.5	Crime Prevention Fund	PB	0.00%	100.00%	0.00%	0.00%	\$31,904.15		\$24,555.27			\$687.47	\$6,661.41	\$54,007.94
8	Probation	Penal	1463.07	\$25 Administrative Screening Fee; \$10 Citation Processing Fee	ST	100.00%	0.00%	0.00%	30.30%	\$30.30	\$24.86					\$5.44	\$101.00
9	Probation	Penal	1463.14	Drug-Alcohol. Reimbursement for chemical test.	ST/SH	2.00%	98.00%	0.00%	0.00%	\$0.66	\$0.01	\$0.50				\$0.15	\$166.00
10	Probation	Penal	1463.16	Fine - Drug & Alcohol	ST/PB	75.50%	24.50%	0.00%	0.00%	\$0.00						\$0.00	\$0.00
11	Probation	Penal	1001.15	Fees Felony Diversion - Cost of laboratory analysis; actual cost of processing a request for diversion; and cost of supervising divertee.	PB	0.00%	100.00%	0.00%	0.00%	\$838.97		\$614.21			\$8.12	\$216.64	\$2,704.00
12	Probation	Penal	1001.16	Fees Misdemeanor Diversion - Cost of laboratory analysis; actual cost of processing a request for diversion; and cost of supervising divertee.	PB	0.00%	100.00%	0.00%	0.00%	\$55.34		\$53.40				\$1.94	\$0.00

Survey of Fines and Fees Probation (Adult) FY 2017-18																	
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q = K - (L:P)	R
Row	Surveyed Agency or County Department	Type of Statute or Code	Code Section	Description of Fine, Fee, Penalty, or Assessment	Agency	Percent Distribution to State	Percent Distribution to County	Percent Distribution to Cities & Local Agencies	Percent Distribution to Other (not State, County, City, or Local Agency)	FY 2017-18 Total Collections	FY 2017-18 Total Dollars to State	FY 2017-18 Total Dollars to County	FY 2017-18 Total Dollars to Cities & Local Agencies	FY 2017-18 Total Dollars to Other Agencies	FY 2017-18 Overpayment Refunds	FY 2017-18 Probation Cost Recovery	FY 2017-18 Total Assessed or Ordered
13	Probation	Government	76104.6	DNA Identity, Unsolved Crime and Innocence Protection Act (Proposition 69) Penalty Assessment .	ST	100.00%	0.00%	0.00%	0.00%	\$1,745.69	\$1,375.77				\$3.06	\$366.86	\$3,309.00
14	Probation	Penal	1203.09	Domestic Violence Fine - with Grant date prior January 2004	ST/PH	66.67%	33.33%	0.00%	0.00%	\$0.00						\$0.00	\$0.00
15	Probation	Penal	1203.09	Domestic Violence Fine - with Grant date after January 2004 and amount less than \$200.01	ST/PH	33.33%	66.67%	0.00%	0.00%	\$41.13	\$11.05	\$22.10				\$7.98	\$0.00
16	Probation	Penal	1203.09	Domestic Violence Fine - with Grant date after January 2004 and amount greater than \$200.01	ST/PH	33.33%	66.67%	0.00%	0.00%	\$15,477.18	\$4,323.18	\$8,647.65			(\$742.62)	\$3,248.97	\$80,220.00
17	Probation	Government	76104.7	DNA Additional Penalty Assessment - State-only penalty of \$4 for every \$10 upon every fine, penalty or forfeiture imposed by the Court for all criminal offenses, including traffic.	ST	100.00%	0.00%	0.00%	0.00%	\$5,143.42	\$4,049.64				\$3.57	\$1,090.21	\$9,927.00
18	Probation	Health & Safety	11372.7	Drug Education Rehabilitation - Person convicted shall pay a drug program fee not to exceed \$150 for each separate offense. Court can base on ability-to-pay.	PH	0.00%	100.00%	0.00%	0.00%	\$430.16		\$335.14				\$95.02	\$600.00
19	Probation	Penal	1463.18	DUI Fine - First \$20 collected deposited to the Restitution Fund and remaining deposited to County Treasurer.	ST	100.00%	0.00%	0.00%	0.00%	\$56.61	\$43.98					\$12.63	\$0.00
20	Probation	Penal	1203.097	Domestic Violence (DV) Fund - Minimum \$500 fee based on ability-to-pay. Court may reduce or waive. 2/3rds deposited with County Treasurer retained in domestic violence programs special fund. Remaining 1/3rd deposited in equal parts to DV Restraining Order Reimbursement Fund and DV Training and	ST/PH	66.67%	33.33%	0.00%	0.00%	\$26,350.86	\$14,563.52	\$7,280.67			(\$932.25)	\$5,438.92	\$188,100.00
21	Probation			Fine Service Charge	PB	0.00%	100.00%	0.00%	0.00%	\$24.59		\$20.25				\$4.34	\$146.00
22	Probation	Government	70372	State court construction penalty \$5 for every \$10 upon every fine, penalty, or forfeiture imposed by the Court.	ST	100.00%	0.00%	0.00%	0.00%	\$5,124.66	\$4,034.04				\$3.57	\$1,087.05	\$9,927.00
23	Probation	Government	70373	Court Construction Fund	ST	100.00%	0.00%	0.00%	0.00%	\$182,312.62	\$139,691.42				\$3,536.07	\$39,085.13	\$416,522.56
24	Probation			Fine	ST/PB	2.00%	98.00%	0.00%	0.00%	\$82,031.11	\$1,332.15	\$65,275.10			\$341.07	\$15,082.79	\$59,495.00

Survey of Fines and Fees Probation (Adult) FY 2017-18																	
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q = K - (L:P)	R
Row	Surveyed Agency or County Department	Type of Statute or Code	Code Section	Description of Fine, Fee, Penalty, or Assessment	Agency	Percent Distribution to State	Percent Distribution to County	Percent Distribution to Cities & Local Agencies	Percent Distribution to Other (not State, County, City, or Local Agency)	FY 2017-18 Total Collections	FY 2017-18 Total Dollars to State	FY 2017-18 Total Dollars to County	FY 2017-18 Total Dollars to Cities & Local Agencies	FY 2017-18 Total Dollars to Other Agencies	FY 2017-18 Overpayment Refunds	FY 2017-18 Probation Cost Recovery	FY 2017-18 Total Assessed or Ordered
25	Probation	Government	70372(b)	Lab Fee	ST/PB	75.00%	25.00%	0.00%	0.00%	\$38,031.95	\$22,420.25	\$7,473.41			\$145.59	\$7,992.70	\$64,577.00
26	Probation	Government	76000.5	Emergency Medical Services	ST/HS	2.00%	98.00%	0.00%	0.00%	\$3,418.76	\$53.81	\$2,636.74			\$2.38	\$725.83	\$6,638.00
27	Probation	Vehicle	42006	Night Court special assessment - \$1 for every fine, forfeiture and traffic violator school fee imposed by the Court.	ST	100.00%	0.00%	0.00%	0.00%	\$1.77	\$1.24					\$0.53	\$3.00
28	Probation	Government	76000	Penalty Assessment - additional penalty of \$7 for every \$10 upon every fine, penalty or forfeiture imposed by the Court for all criminal offenses, including traffic.	ST/HS	59.65%	40.35%	0.00%	0.00%	\$115,762.97	\$54,251.44	\$36,702.58			\$447.52	\$24,361.43	\$195,140.00
29	Probation	Penal	1210.1	(a) Drug Treatment Programs on Probation (Proposition 36) - Trial judge orders person convicted to contribute to cost of placement in a drug treatment program.	PH	0.00%	100.00%	0.00%	0.00%	\$1,526.31		\$1,154.10				\$372.21	\$1,100.00
30	Probation	Penal	1203.1	Administrative Fee to cover cost of collecting victim restitution not to exceed 15% of the total amount ordered to be paid. Fee set by BOS if collected by County for benefit of the County. Fee set by Court if collected by the Court and shall be deposited into the Trial Court Operations Fund.	PB	0.00%	100.00%	0.00%	0.00%	(\$29,883.55)		(\$121,894.59)			\$104,705.21	(\$12,694.17)	\$5,528,594.53
31	Probation	Penal	1001.9	Fee to cover administrative cost to collect diversion restitution fee; County share of restitution fee for collecting.	ST	100.00%	0.00%	0.00%	0.00%	\$9.26	\$7.72					\$1.54	\$150.00
32	Probation	Penal	1202.4	(b) Restitution fine - Court-imposed separate restitution fine. \$300 - \$10,000 for felony; \$150 - \$1,000 for misdemeanor.	ST	100.00%	0.00%	0.00%	0.00%	\$1,539,260.62	\$1,166,507.71				\$36,303.75	\$336,449.16	\$3,952,847.29
33	Probation	Penal	1202.4	(G) Restitution Interest - 10% per annum accrues at date of sentencing or loss, as determined by the Court.	Other	0.00%	0.00%	0.00%	100.00%	\$2,196.70				\$2,196.70		\$0.00	\$122,224.05
34	Probation	Penal	1464(F)(2)	Restitution Fund (State)	ST	100.00%	0.00%	0.00%	0.00%	\$12,968.46	\$9,494.34				\$457.97	\$3,016.15	\$1,360.10
35	Probation	Penal	1202.4	(B) Restitution to victims	Other	0.00%	0.00%	0.00%	100.00%	\$3,312,961.96				\$3,312,961.96		\$0.00	\$63,364,360.47
36	Probation	Penal	1202.4	Restitution Service Charge - Administrative fee to collect restitution fine.	PB	0.00%	100.00%	0.00%	0.00%	\$51,792.31		\$40,591.29			\$422.46	\$10,778.56	\$364,087.34



Survey of Fines and Fees Probation (Adult) FY 2017-18																	
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q = K - (L:P)	R
Row	Surveyed Agency or County Department	Type of Statute or Code	Code Section	Description of Fine, Fee, Penalty, or Assessment	Agency	Percent Distribution to State	Percent Distribution to County	Percent Distribution to Cities & Local Agencies	Percent Distribution to Other (not State, County, City, or Local Agency)	FY 2017-18 Total Collections	FY 2017-18 Total Dollars to State	FY 2017-18 Total Dollars to County	FY 2017-18 Total Dollars to Cities & Local Agencies	FY 2017-18 Total Dollars to Other Agencies	FY 2017-18 Overpayment Refunds	FY 2017-18 Probation Cost Recovery	FY 2017-18 Total Assessed or Ordered
37	Probation	Penal	1465.8	Court Security Fee - To assist funding Court operations, \$40 imposed on every criminal offense conviction including traffic, except for parking offenses.	ST	100.00%	0.00%	0.00%	0.00%	\$87,679.61	\$69,028.20				(\$86.32)	\$18,737.73	\$555,686.04
38	Probation	Penal	1192.8	SRS Habitual Offender Program. Serious felony with great bodily injury; use of deadly weapon.	PB	0.00%	100.00%	0.00%	0.00%	\$13,073.47		\$10,182.09			\$73.50	\$2,817.88	\$38,100.00
39	Probation	Penal	1465.7	State Surcharge - 20% levied on based fine used to calculate the state penalty assessment.	ST	100.00%	0.00%	0.00%	0.00%	\$6,334.51	\$4,781.54				\$150.00	\$1,402.97	\$7,214.80
40	Probation	Penal	76000.1	Emergency Medical Air Transport	ST	100.00%	0.00%	0.00%	0.00%	\$898.04	\$694.89				\$10.78	\$192.37	\$3,044.00
41	Probation	Penal	1208.2	Work furlough administration and application fee; Electronic Monitoring administration and application fee; County Parole administration and application fee	PB	0.00%	100.00%	0.00%	0.00%	\$0.00						\$0.00	\$0.00
				Trust - Unable to Determine Charge						\$76,768.08							
				TOTAL						\$11,166,772.59	\$1,496,695.78	\$4,313,611.76	\$0.00	\$3,315,158.66	\$298,478.71	\$1,666,059.60	\$160,077,637.15

Survey of Fines and Fees Probation (Adult) FY 2016-17																	
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q = K - (L:P)	R
Row	Surveyed Agency or County Department	Type of Statute or Code	Code Section	Description of Fine, Fee, Penalty, or Assessment	Agency	Percent Distribution to State	Percent Distribution to County	Percent Distribution to Cities & Local Agencies	Percent Distribution to Other (not State, County, City, or Local Agency)	FY 2016-17 Total Collections	FY 2016-17 Total Dollars to State	FY 2016-17 Total Dollars to County	FY 2016-17 Total Dollars to Cities & Local Agencies	FY 2016-17 Total Dollars to Other Agencies	FY 2016-17 Overpayment Refunds	FY 2016-17 Probation Cost Recovery	FY 2016-17 Total Assessed or Ordered
1	Probation	Penal	1463.16(b)	Drug and Alcohol Abuse - \$50 into a special account for the County's alcoholism program, with approval by the Board of Supervisors for alcohol programs and services for County residents.	ST/PB	2.00%	98.00%	0.00%	0.00%	\$856.98	\$13.03	\$638.51			\$0.99	\$204.45	\$604.00
2	Probation	Penal	1463.23	AIDS Education Program	PB	0.00%	100.00%	0.00%	0.00%	\$352.46		\$291.18				\$61.28	\$0.00
3	Probation	Government	71386(d)	Bad Check Charge	PB	0.00%	100.00%	0.00%	0.00%	\$2,591.43		\$2,071.65			\$23.58	\$496.20	\$3,894.00
4	Probation	VC	15630	Community Education Training Program - Provides information on the dangers of leaving young children unattended in motor vehicles and ways to avoid that danger.	PB	0.00%	100.00%	0.00%	0.00%	\$1,065.03		\$866.65				\$198.38	\$615.00
5	Probation	Penal	1205	Fee for administering a payment plan (court or collecting agency).	PB	0.00%	100.00%	0.00%	0.00%	\$130,314.85		\$104,141.63			\$181.55	\$25,991.67	\$698,032.38
6	Probation	Penal	1203.1b	Reasonable cost of any probation services (COPS) and supervision; Fees related to the cost of any pre-plea or pre-sentence investigation or report; Cost of processing a jurisdictional transfer (including interstate transfer fees); and Cost of collection for installment payments.	PB	0.00%	100.00%	0.00%	0.00%	\$5,774,909.06		\$4,513,498.40			\$112,526.40	\$1,148,884.26	\$58,270,869.09
7	Probation	Penal	1202.5	Crime Prevention Fund	PB	0.00%	100.00%	0.00%	0.00%	\$44,444.26		\$32,947.07			\$2,062.73	\$9,434.46	\$86,658.60
8	Probation	Penal	1463.07	\$25 Administrative Screening Fee; \$10 Citation Processing Fee	ST	100.00%	0.00%	0.00%	30.30%	\$41.95	\$33.36					\$8.59	\$30.00
9	Probation	Penal	1463.14	Drug-Alcohol. Reimbursement for chemical test.	ST/SH	2.00%	98.00%	0.00%	0.00%	\$175.00	\$3.02	\$148.15				\$23.83	\$400.00
10	Probation	Penal	1463.16	Fine - Drug & Alcohol	ST/PB	75.50%	24.50%	0.00%	0.00%	\$42.34	\$27.64	\$8.97				\$5.73	\$0.00
11	Probation	Penal	1001.15	Fees Felony Diversion - Cost of laboratory analysis; actual cost of processing a request for diversion; and cost of supervising divertee.	PB	0.00%	100.00%	0.00%	0.00%	\$997.71		\$763.96				\$233.75	\$3,866.90
12	Probation	Penal	1001.16	Fees Misdemeanor Diversion - Cost of laboratory analysis; actual cost of processing a request for diversion; and cost of supervising divertee.	PB	0.00%	100.00%	0.00%	0.00%	\$298.05		\$248.77			\$9.66	\$39.62	\$0.00

Survey of Fines and Fees Probation (Adult) FY 2016-17																	
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q = K - (L:P)	R
Row	Surveyed Agency or County Department	Type of Statute or Code	Code Section	Description of Fine, Fee, Penalty, or Assessment	Agency	Percent Distribution to State	Percent Distribution to County	Percent Distribution to Cities & Local Agencies	Percent Distribution to Other (not State, County, City, or Local Agency)	FY 2016-17 Total Collections	FY 2016-17 Total Dollars to State	FY 2016-17 Total Dollars to County	FY 2016-17 Total Dollars to Cities & Local Agencies	FY 2016-17 Total Dollars to Other Agencies	FY 2016-17 Overpayment Refunds	FY 2016-17 Probation Cost Recovery	FY 2016-17 Total Assessed or Ordered
13	Probation	Government	76104.6	DNA Identity, Unsolved Crime and Innocence Protection Act (Proposition 69) Penalty Assessment .	ST	100.00%	0.00%	0.00%	0.00%	\$2,392.11	\$1,845.80				\$32.70	\$513.61	\$3,480.00
14	Probation	Penal	1203.09	Domestic Violence Fine - with Grant date prior January 2004	ST/PH	66.67%	33.33%	0.00%	0.00%	\$359.89	\$183.64	\$91.81				\$84.44	\$0.00
15	Probation	Penal	1203.09	Domestic Violence Fine - with Grant date after January 2004 and amount less than \$200.01	ST/PH	33.33%	66.67%	0.00%	0.00%	\$16.62	\$4.39	\$8.79				\$3.44	\$0.00
16	Probation	Penal	1203.09	Domestic Violence Fine - with Grant date after January 2004 and amount greater than \$200.01	ST/PH	33.33%	66.67%	0.00%	0.00%	\$16,425.65	\$4,723.28	\$9,447.97			(\$946.43)	\$3,200.83	\$101,840.00
17	Probation	Government	76104.7	DNA Additional Penalty Assessment - State-only penalty of \$4 for every \$10 upon every fine, penalty or forfeiture imposed by the Court for all criminal offenses, including traffic.	ST	100.00%	0.00%	0.00%	0.00%	\$5,818.90	\$4,477.37				\$89.39	\$1,252.14	\$11,151.00
18	Probation	Health & Safety	11372.7	Drug Education Rehabilitation - Person convicted shall pay a drug program fee not to exceed \$150 for each separate offense. Court can base on ability-to-pay.	PH	0.00%	100.00%	0.00%	0.00%	\$184.84		\$133.17				\$51.67	\$2,000.00
19	Probation	Penal	1463.18	DUI Fine - First \$20 collected deposited to the Restitution Fund and remaining deposited to County Treasurer.	ST	100.00%	0.00%	0.00%	0.00%	\$77.71	\$63.45					\$14.26	\$0.00
20	Probation	Penal	1203.097	Domestic Violence (DV) Fund - Minimum \$500 fee based on ability-to-pay. Court may reduce or waive. 2/3rds deposited with County Treasurer retained in domestic violence programs special fund. Remaining 1/3rd deposited in equal parts to DV Restraining Order Reimbursement Fund and DV Training and Fine Service Charge	ST/PH	66.67%	33.33%	0.00%	0.00%	\$15,722.74	\$8,824.49	\$4,411.58			(\$740.59)	\$3,227.26	\$161,770.00
21	Probation				PB	0.00%	100.00%	0.00%	0.00%	\$38.84		\$9.91			\$23.14	\$5.79	\$2.00
22	Probation	Government	70372	State court construction penalty \$5 for every \$10 upon every fine, penalty, or forfeiture imposed by the Court.	ST	100.00%	0.00%	0.00%	0.00%	\$6,818.56	\$5,245.39				\$89.39	\$1,483.78	\$11,001.00
23	Probation	Government	70373	Court Construction Fund	ST	100.00%	0.00%	0.00%	0.00%	\$200,749.35	\$152,927.06				\$8,016.91	\$39,805.38	\$419,775.90
24	Probation			Fine	ST/PB	2.00%	98.00%	0.00%	0.00%	\$35,028.21	\$543.27	\$26,620.31			\$759.75	\$7,104.88	\$53,139.00

Survey of Fines and Fees Probation (Adult) FY 2016-17																	
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q = K - (L:P)	R
Row	Surveyed Agency or County Department	Type of Statute or Code	Code Section	Description of Fine, Fee, Penalty, or Assessment	Agency	Percent Distribution to State	Percent Distribution to County	Percent Distribution to Cities & Local Agencies	Percent Distribution to Other (not State, County, City, or Local Agency)	FY 2016-17 Total Collections	FY 2016-17 Total Dollars to State	FY 2016-17 Total Dollars to County	FY 2016-17 Total Dollars to Cities & Local Agencies	FY 2016-17 Total Dollars to Other Agencies	FY 2016-17 Overpayment Refunds	FY 2016-17 Probation Cost Recovery	FY 2016-17 Total Assessed or Ordered
25	Probation	Government	70372(b)	Lab Fee	ST/PB	75.00%	25.00%	0.00%	0.00%	\$58,687.54	\$35,204.95	\$11,734.98			\$319.16	\$11,428.45	\$81,414.07
26	Probation	Government	76000.5	Emergency Medical Services	ST/HS	2.00%	98.00%	0.00%	0.00%	\$5,160.65	\$79.49	\$3,894.78			\$59.61	\$1,126.77	\$7,342.00
27	Probation	Vehicle	42006	Night Court special assessment - \$1 for every fine, forfeiture and traffic violator school fee imposed by the Court.	ST	100.00%	0.00%	0.00%	0.00%	\$7.39	\$6.00					\$1.39	\$5.00
28	Probation	Government	76000	Penalty Assessment - additional penalty of \$7 for every \$10 upon every fine, penalty or forfeiture imposed by the Court for all criminal offenses, including traffic.	ST/HS	59.65%	40.35%	0.00%	0.00%	\$142,248.33	\$65,911.47	\$44,585.55			\$2,328.77	\$29,422.54	\$211,636.12
29	Probation	Penal	1210.1	(a) Drug Treatment Programs on Probation (Proposition 36) - Trial judge orders person convicted to contribute to cost of placement in a drug treatment program.	PH	0.00%	100.00%	0.00%	0.00%	\$4,297.66		\$3,624.35			(\$178.59)	\$851.90	\$2,409.38
30	Probation	Penal	1203.1	Administrative Fee to cover cost of collecting victim restitution not to exceed 15% of the total amount ordered to be paid. Fee set by BOS if collected by County for benefit of the County. Fee set by Court if collected by the Court and shall be deposited into the Trial Court Operations Fund.	PB	0.00%	100.00%	0.00%	0.00%	\$93,238.10		\$72,773.24			\$2,732.77	\$17,732.09	\$3,749,565.01
31	Probation	Penal	1001.9	Fee to cover administrative cost to collect diversion restitution fee; County share of restitution fee for collecting.	ST	100.00%	0.00%	0.00%	0.00%	\$20.27	\$17.08					\$3.19	\$250.00
32	Probation	Penal	1202.4	(b) Restitution fine - Court-imposed separate restitution fine. \$300 - \$10,000 for felony; \$150 - \$1,000 for misdemeanor.	ST	100.00%	0.00%	0.00%	0.00%	\$1,743,024.57	\$1,327,244.70				\$76,877.49	\$338,902.38	\$4,018,238.95
33	Probation	Penal	1202.4	(G) Restitution Interest - 10% per annum accrues at date of sentencing or loss, as determined by the Court.	Other	0.00%	0.00%	0.00%	100.00%	\$890.00				\$890.00		\$0.00	\$63,398.20
34	Probation	Penal	1464(F)(2)	Restitution Fund (State)	ST	100.00%	0.00%	0.00%	0.00%	\$25,078.90	\$20,075.33				\$307.39	\$4,696.18	\$188,059.44
35	Probation	Penal	1202.4	(B) Restitution to victims	Other	0.00%	0.00%	0.00%	100.00%	\$3,482,893.12				\$3,481,798.80	\$1,094.32	(\$0.00)	\$47,189,328.48
36	Probation	Penal	1202.4	Restitution Service Charge - Administrative fee to collect restitution fine.	PB	0.00%	100.00%	0.00%	0.00%	\$56,851.87		\$44,856.59			\$664.49	\$11,330.79	\$356,777.49

Survey of Fines and Fees Probation (Adult) FY 2016-17																	
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q = K - (L:P)	R
Row	Surveyed Agency or County Department	Type of Statute or Code	Code Section	Description of Fine, Fee, Penalty, or Assessment	Agency	Percent Distribution to State	Percent Distribution to County	Percent Distribution to Cities & Local Agencies	Percent Distribution to Other (not State, County, City, or Local Agency)	FY 2016-17 Total Collections	FY 2016-17 Total Dollars to State	FY 2016-17 Total Dollars to County	FY 2016-17 Total Dollars to Cities & Local Agencies	FY 2016-17 Total Dollars to Other Agencies	FY 2016-17 Overpayment Refunds	FY 2016-17 Probation Cost Recovery	FY 2016-17 Total Assessed or Ordered
37	Probation	Penal	1465.8	Court Security Fee - To assist funding Court operations, \$40 imposed on every criminal offense conviction including traffic, except for parking offenses.	ST	100.00%	0.00%	0.00%	0.00%	\$93,453.17	\$74,624.08				\$113.78	\$18,715.31	\$559,002.47
38	Probation	Penal	1192.8	SRS Habitual Offender Program. Serious felony with great bodily injury; use of deadly weapon.	PB	0.00%	100.00%	0.00%	0.00%	\$13,085.71		\$10,624.13			(\$78.77)	\$2,540.35	\$30,598.00
39	Probation	Penal	1465.7	State Surcharge - 20% levied on based fine used to calculate the state penalty assessment.	ST	100.00%	0.00%	0.00%	0.00%	\$8,598.98	\$6,461.84				\$368.00	\$1,769.14	\$6,914.60
40	Probation	Penal	76000.1	Emergency Medical Air Transport	ST	100.00%	0.00%	0.00%	0.00%	\$775.69	\$553.19				\$59.84	\$162.66	\$2,504.59
41	Probation	Penal	1208.2	Work furlough administration and application fee; Electronic Monitoring administration and application fee; County Parole administration and application fee	PB	0.00%	100.00%	0.00%	0.00%	\$0.00		\$0.00				\$0.00	\$0.00
				Trust - Unable to Determine Charge						(\$55,728.84)							
				TOTAL						\$11,912,305.65	\$1,709,093.32	\$4,888,442.10	\$0.00	\$3,482,688.80	\$206,797.43	\$1,681,012.84	\$116,296,572.67

Survey of Fines and Fees Probation (Adult) FY 2015-16																	
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q = K - (L:P)	R
Row	Surveyed Agency or County Department	Type of Statute or Code	Code Section	Description of Fine, Fee, Penalty, or Assessment	Agency	Percent Distribution to State	Percent Distribution to County	Percent Distribution to Cities & Local Agencies	Percent Distribution to Other (not State, County, City, or Local Agency)	FY 2015-16 Total Collections	FY 2015-16 Total Dollars to State	FY 2015-16 Total Dollars to County	FY 2015-16 Total Dollars to Cities & Local Agencies	FY 2015-16 Total Dollars to Other Agencies	FY 2015-16 Overpayment Refunds	FY 2015-16 Probation Cost Recovery	FY 2015-16 Total Assessed or Ordered
1	Probation	Penal	1463.16(b)	Drug and Alcohol Abuse - \$50 into a special account for the County's alcoholism program, with approval by the Board of Supervisors for alcohol programs and services for County residents.	ST/PB	2.00%	98.00%	0.00%	0.00%	\$772.47	\$11.29	\$553.28			\$57.33	\$150.57	\$833.30
2	Probation	Penal	1463.23	AIDS Education Program	PB	0.00%	100.00%	0.00%	0.00%	\$39.60		\$26.13				\$13.47	\$0.00
3	Probation	Government	71386(d)	Bad Check Charge	PB	0.00%	100.00%	0.00%	0.00%	\$3,287.12		\$2,564.35			\$99.44	\$623.33	\$5,001.37
4	Probation	VC	15630	Community Education Training Program - Provides information on the dangers of leaving young children unattended in motor vehicles and ways to avoid that danger.	PB	0.00%	100.00%	0.00%	0.00%	\$717.30		\$562.19				\$155.11	\$2,100.00
5	Probation	Penal	1205	Fee for administering a payment plan (court or collecting agency).	PB	0.00%	100.00%	0.00%	0.00%	\$136,822.16		\$108,205.96			\$701.91	\$27,914.29	\$677,468.99
6	Probation	Penal	1203.1b	Reasonable cost of any probation services (COPS) and supervision; Fees related to the cost of any pre-plea or pre-sentence investigation or report; Cost of processing a jurisdictional transfer (including interstate transfer fees); and Cost of collection for installment payments.	PB	0.00%	100.00%	0.00%	0.00%	\$5,719,138.69		\$4,425,512.67			\$137,736.19	\$1,155,889.83	\$49,142,013.69
7	Probation	Penal	1202.5	Crime Prevention Fund	PB	0.00%	100.00%	0.00%	0.00%	\$38,164.17		\$29,198.61			\$1,610.65	\$7,354.91	\$94,694.89
8	Probation	Penal	1463.07	\$25 Administrative Screening Fee; \$10 Citation Processing Fee	ST	100.00%	0.00%	0.00%	30.30%	\$66.19	\$52.03					\$14.16	\$70.00
9	Probation	Penal	1463.14	Drug-Alcohol. Reimbursement for chemical test.	ST/SH	2.00%	98.00%	0.00%	0.00%	\$193.10	\$3.65	\$178.70				\$10.75	\$2,723.00
10	Probation	Penal	1463.16	Fine - Drug & Alcohol	ST/PB	75.50%	24.50%	0.00%	0.00%	\$82.02	\$41.10	\$13.34				\$27.58	\$0.00
11	Probation	Penal	1001.15	Fees Felony Diversion - Cost of laboratory analysis; actual cost of processing a request for diversion; and cost of supervising divertee.	PB	0.00%	100.00%	0.00%	0.00%	\$547.19		\$405.74			\$68.18	\$73.27	\$4,444.00
12	Probation	Penal	1001.16	Fees Misdemeanor Diversion - Cost of laboratory analysis; actual cost of processing a request for diversion; and cost of supervising divertee.	PB	0.00%	100.00%	0.00%	0.00%	\$209.26		\$200.95			(\$56.68)	\$64.99	\$175.00

Survey of Fines and Fees Probation (Adult) FY 2015-16																	
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q = K - (L:P)	R
Row	Surveyed Agency or County Department	Type of Statute or Code	Code Section	Description of Fine, Fee, Penalty, or Assessment	Agency	Percent Distribution to State	Percent Distribution to County	Percent Distribution to Cities & Local Agencies	Percent Distribution to Other (not State, County, City, or Local Agency)	FY 2015-16 Total Collections	FY 2015-16 Total Dollars to State	FY 2015-16 Total Dollars to County	FY 2015-16 Total Dollars to Cities & Local Agencies	FY 2015-16 Total Dollars to Other Agencies	FY 2015-16 Overpayment Refunds	FY 2015-16 Probation Cost Recovery	FY 2015-16 Total Assessed or Ordered
13	Probation	Government	76104.6	DNA Identity, Unsolved Crime and Innocence Protection Act (Proposition 69) Penalty Assessment .	ST	100.00%	0.00%	0.00%	0.00%	\$1,798.46	\$1,208.12				\$208.62	\$381.72	\$4,117.98
14	Probation	Penal	1203.09	Domestic Violence Fine - with Grant date prior January 2004	ST/PH	66.67%	33.33%	0.00%	0.00%	\$40.11	\$21.70	\$10.85			\$1.28	\$6.28	\$0.00
15	Probation	Penal	1203.09	Domestic Violence Fine - with Grant date after January 2004 and amount less than \$200.01	ST/PH	33.33%	66.67%	0.00%	0.00%	\$60.94	\$17.37	\$34.74				\$8.83	\$0.00
16	Probation	Penal	1203.09	Domestic Violence Fine - with Grant date after January 2004 and amount greater than \$200.01	ST/PH	33.33%	66.67%	0.00%	0.00%	\$15,635.96	\$4,369.22	\$8,739.75			(\$579.92)	\$3,106.91	\$132,903.40
17	Probation	Government	76104.7	DNA Additional Penalty Assessment - State-only penalty of \$4 for every \$10 upon every fine, penalty or forfeiture imposed by the Court for all criminal offenses, including traffic.	ST	100.00%	0.00%	0.00%	0.00%	\$4,876.03	\$3,249.46				\$616.82	\$1,009.75	\$12,054.34
18	Probation	Health & Safety	11372.7	Drug Education Rehabilitation - Person convicted shall pay a drug program fee not to exceed \$150 for each separate offense. Court can base on ability-to-pay.	PH	0.00%	100.00%	0.00%	0.00%	\$9.10		\$7.80				\$1.30	\$1,200.00
19	Probation	Penal	1463.18	DUI Fine - First \$20 collected deposited to the Restitution Fund and remaining deposited to County Treasurer.	ST	100.00%	0.00%	0.00%	0.00%	\$444.77	\$377.54					\$67.23	\$390.00
20	Probation	Penal	1203.097	Domestic Violence (DV) Fund - Minimum \$500 fee based on ability-to-pay. Court may reduce or waive. 2/3rds deposited with County Treasurer retained in domestic violence programs special fund. Remaining 1/3rd deposited in equal parts to DV Restraining Order Reimbursement Fund and DV Training and	ST/PH	66.67%	33.33%	0.00%	0.00%	\$10,640.02	\$5,994.94	\$2,997.02			(\$588.84)	\$2,236.90	\$113,970.78
21	Probation			Fine Service Charge	PB	0.00%	100.00%	0.00%	0.00%	\$7.32		\$5.85				\$1.47	\$302.00
22	Probation	Government	70372	State court construction penalty \$5 for every \$10 upon every fine, penalty, or forfeiture imposed by the Court.	ST	100.00%	0.00%	0.00%	0.00%	\$4,873.28	\$3,239.66				\$621.11	\$1,012.51	\$12,055.33
23	Probation	Government	70373	Court Construction Fund	ST	100.00%	0.00%	0.00%	0.00%	\$207,851.49	\$157,417.08				\$9,444.72	\$40,989.69	\$410,772.46
24	Probation			Fine	ST/PB	2.00%	98.00%	0.00%	0.00%	\$33,575.16	\$536.52	\$26,289.46			(\$371.87)	\$7,121.05	\$65,673.09

Survey of Fines and Fees Probation (Adult) FY 2015-16																	
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q = K - (L:P)	R
Row	Surveyed Agency or County Department	Type of Statute or Code	Code Section	Description of Fine, Fee, Penalty, or Assessment	Agency	Percent Distribution to State	Percent Distribution to County	Percent Distribution to Cities & Local Agencies	Percent Distribution to Other (not State, County, City, or Local Agency)	FY 2015-16 Total Collections	FY 2015-16 Total Dollars to State	FY 2015-16 Total Dollars to County	FY 2015-16 Total Dollars to Cities & Local Agencies	FY 2015-16 Total Dollars to Other Agencies	FY 2015-16 Overpayment Refunds	FY 2015-16 Probation Cost Recovery	FY 2015-16 Total Assessed or Ordered
25	Probation	Government	70372(b)	Lab Fee	ST/PB	75.00%	25.00%	0.00%	0.00%	\$79,010.61	\$47,456.26	\$15,818.75			\$482.53	\$15,253.07	\$103,491.16
26	Probation	Government	76000.5	Emergency Medical Services	ST/HS	2.00%	98.00%	0.00%	0.00%	\$3,185.93	\$39.42	\$1,931.38			\$539.00	\$676.13	\$8,064.23
27	Probation	Vehicle	42006	Night Court special assessment - \$1 for every fine, forfeiture and traffic violator school fee imposed by the Court.	ST	100.00%	0.00%	0.00%	0.00%	\$32.46	\$23.26					\$9.20	\$83.00
28	Probation	Government	76000	Penalty Assessment - additional penalty of \$7 for every \$10 upon every fine, penalty or forfeiture imposed by the Court for all criminal offenses, including traffic.	ST/HS	59.65%	40.35%	0.00%	0.00%	\$156,149.76	\$71,726.09	\$48,518.83			\$4,194.30	\$31,710.54	\$225,240.91
29	Probation	Penal	1210.1	(a) Drug Treatment Programs on Probation (Proposition 36) - Trial judge orders person convicted to contribute to cost of placement in a drug treatment program.	PH	0.00%	100.00%	0.00%	0.00%	\$9,180.75		\$6,488.95			\$1,190.64	\$1,501.16	\$3,950.00
30	Probation	Penal	1203.1	Administrative Fee to cover cost of collecting victim restitution not to exceed 15% of the total amount ordered to be paid. Fee set by BOS if collected by County for benefit of the County. Fee set by Court if collected by the Court and shall be deposited into the Trial Court Operations Fund.	PB	0.00%	100.00%	0.00%	0.00%	\$74,380.61		\$57,679.40			\$429.52	\$16,271.69	\$3,036,699.17
31	Probation	Penal	1001.9	Fee to cover administrative cost to collect diversion restitution fee; County share of restitution fee for collecting.	ST	100.00%	0.00%	0.00%	0.00%	(\$80.93)	(\$72.96)				\$98.59	(\$106.56)	\$300.00
32	Probation	Penal	1202.4	(b) Restitution fine - Court-imposed separate restitution fine. \$300 - \$10,000 for felony; \$150 - \$1,000 for misdemeanor.	ST	100.00%	0.00%	0.00%	0.00%	\$1,840,125.87	\$1,431,041.35				\$48,705.29	\$360,379.23	\$4,015,872.36
33	Probation	Penal	1202.4	(G) Restitution Interest - 10% per annum accrues at date of sentencing or loss, as determined by the Court.	Other	0.00%	0.00%	0.00%	100.00%	\$673.75				\$673.75		\$0.00	\$222,271.20
34	Probation	Penal	1464(F)(2)	Restitution Fund (State)	ST	100.00%	0.00%	0.00%	0.00%	\$10,602.65	\$7,187.29				\$1,202.10	\$2,213.26	\$51,040.55
35	Probation	Penal	1202.4	(B) Restitution to victims	Other	0.00%	0.00%	0.00%	100.00%	\$3,610,544.43				\$3,610,654.59	(\$110.16)	(\$0.00)	\$37,309,212.14
36	Probation	Penal	1202.4	Restitution Service Charge - Administrative fee to collect restitution fine.	PB	0.00%	100.00%	0.00%	0.00%	\$53,787.08		\$42,327.53			\$767.05	\$10,692.50	\$354,729.27



Survey of Fines and Fees Probation (Adult) FY 2015-16																	
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q = K - (L:P)	R
Row	Surveyed Agency or County Department	Type of Statute or Code	Code Section	Description of Fine, Fee, Penalty, or Assessment	Agency	Percent Distribution to State	Percent Distribution to County	Percent Distribution to Cities & Local Agencies	Percent Distribution to Other (not State, County, City, or Local Agency)	FY 2015-16 Total Collections	FY 2015-16 Total Dollars to State	FY 2015-16 Total Dollars to County	FY 2015-16 Total Dollars to Cities & Local Agencies	FY 2015-16 Total Dollars to Other Agencies	FY 2015-16 Overpayment Refunds	FY 2015-16 Probation Cost Recovery	FY 2015-16 Total Assessed or Ordered
37	Probation	Penal	1465.8	Court Security Fee - To assist funding Court operations, \$40 imposed on every criminal offense conviction including traffic, except for parking offenses.	ST	100.00%	0.00%	0.00%	0.00%	\$96,178.90	\$75,591.83				\$967.38	\$19,619.69	\$545,808.11
38	Probation	Penal	1192.8	SRS Habitual Offender Program. Serious felony with great bodily injury; use of deadly weapon.	PB	0.00%	100.00%	0.00%	0.00%	\$10,896.42		\$8,849.14			(\$280.55)	\$2,327.83	\$1,267,430.00
39	Probation	Penal	1465.7	State Surcharge - 20% levied on based fine used to calculate the state penalty assessment.	ST	100.00%	0.00%	0.00%	0.00%	\$6,753.99	\$2,834.13				\$2,658.00	\$1,261.86	\$8,091.25
40	Probation	Penal	76000.1	Emergency Medical Air Transport	ST	100.00%	0.00%	0.00%	0.00%	\$906.81	\$683.91				\$44.53	\$178.37	\$2,620.90
41	Probation	Penal	1208.2	Work furlough administration and application fee; Electronic Monitoring administration and application fee; County Parole administration and application fee	PB	0.00%	100.00%	0.00%	0.00%	\$0.00						\$0.00	\$0.00
				Trust - Unable to Determine Charge						\$30,589.35							
				TOTAL						\$12,162,770.35	\$1,813,050.26	\$4,787,121.37	\$0.00	\$3,611,328.34	\$210,457.16	\$1,710,223.87	\$97,837,867.87

Survey of Fines and Fees Probation (Adult) FY 2014-15																	
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q = K - (L:P)	R
Row	Surveyed Agency or County Department	Type of Statute or Code	Code Section	Description of Fine, Fee, Penalty, or Assessment	Agency	Percent Distribution to State	Percent Distribution to County	Percent Distribution to Cities & Local Agencies	Percent Distribution to Other (not State, County, City, or Local Agency)	FY 2014-15 Total Collections	FY 2014-15 Total Dollars to State	FY 2014-15 Total Dollars to County	FY 2014-15 Total Dollars to Cities & Local Agencies	FY 2014-15 Total Dollars to Other Agencies	FY 2014-15 Overpayment Refunds	FY 2014-15 Probation Cost Recovery	FY 2014-15 Total Assessed or Ordered
1	Probation	Penal	1463.16(b)	Drug and Alcohol Abuse - \$50 into a special account for the County's alcoholism program, with approval by the Board of Supervisors for alcohol programs and services for County residents.	ST/PB	2.00%	98.00%	0.00%	0.00%	\$1,211.45	\$18.51	\$906.78				\$286.16	\$1,416.56
2	Probation	Penal	1463.23	AIDS Education Program	PB	0.00%	100.00%	0.00%	0.00%	\$33.03		\$23.63				\$9.40	\$226.24
3	Probation	Government	71386(d)	Bad Check Charge	PB	0.00%	100.00%	0.00%	0.00%	\$3,900.28		\$2,921.53			\$9.12	\$969.63	\$6,171.00
4	Probation	VC	15630	Community Education Training Program - Provides information on the dangers of leaving young children unattended in motor vehicles and ways to avoid that danger.	PB	0.00%	100.00%	0.00%	0.00%	\$1,309.78		\$1,025.68				\$284.10	\$13,849.42
5	Probation	Penal	1205	Fee for administering a payment plan (court or collecting agency).	PB	0.00%	100.00%	0.00%	0.00%	\$140,706.21		\$105,393.16			\$610.20	\$34,702.85	\$787,506.11
6	Probation	Penal	1203.1b	Reasonable cost of any probation services (COPS) and supervision; Fees related to the cost of any pre-plea or pre-sentence investigation or report; Cost of processing a jurisdictional transfer (including interstate transfer fees); and Cost of collection for installment payments.	PB	0.00%	100.00%	0.00%	0.00%	\$5,718,362.32		\$4,166,874.65			\$138,327.60	\$1,413,160.07	\$46,282,373.50
7	Probation	Penal	1202.5	Crime Prevention Fund	PB	0.00%	100.00%	0.00%	0.00%	\$28,153.62		\$18,268.34			\$2,464.45	\$7,420.83	\$97,697.23
8	Probation	Penal	1463.07	\$25 Administrative Screening Fee; \$10 Citation Processing Fee	ST	100.00%	0.00%	0.00%	30.30%	\$222.90	\$169.36					\$53.54	\$399.00
9	Probation	Penal	1463.14	Drug-Alcohol. Reimbursement for chemical test.	ST/SH	2.00%	98.00%	0.00%	0.00%	\$18.18	\$0.31	\$15.28				\$2.59	\$649.00
10	Probation	Penal	1463.16	Fine - Drug & Alcohol	ST/PB	75.50%	24.50%	0.00%	0.00%	\$117.21	\$56.39	\$18.30				\$42.52	\$0.00
11	Probation	Penal	1001.15	Fees Felony Diversion - Cost of laboratory analysis; actual cost of processing a request for diversion; and cost of supervising divertee.	PB	0.00%	100.00%	0.00%	0.00%	\$2,445.37		\$1,454.22			\$300.00	\$691.15	\$13,080.70
12	Probation	Penal	1001.16	Fees Misdemeanor Diversion - Cost of laboratory analysis; actual cost of processing a request for diversion; and cost of supervising divertee.	PB	0.00%	100.00%	0.00%	0.00%	\$187.92		\$158.02				\$29.90	\$225.00

Survey of Fines and Fees Probation (Adult) FY 2014-15																	
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q = K - (L:P)	R
Row	Surveyed Agency or County Department	Type of Statute or Code	Code Section	Description of Fine, Fee, Penalty, or Assessment	Agency	Percent Distribution to State	Percent Distribution to County	Percent Distribution to Cities & Local Agencies	Percent Distribution to Other (not State, County, City, or Local Agency)	FY 2014-15 Total Collections	FY 2014-15 Total Dollars to State	FY 2014-15 Total Dollars to County	FY 2014-15 Total Dollars to Cities & Local Agencies	FY 2014-15 Total Dollars to Other Agencies	FY 2014-15 Overpayment Refunds	FY 2014-15 Probation Cost Recovery	FY 2014-15 Total Assessed or Ordered
13	Probation	Government	76104.6	DNA Identity, Unsolved Crime and Innocence Protection Act (Proposition 69) Penalty Assessment .	ST	100.00%	0.00%	0.00%	0.00%	\$1,951.90	\$1,382.41				\$63.34	\$506.15	\$3,709.09
14	Probation	Penal	1203.09	Domestic Violence Fine - with Grant date prior January 2004	ST/PH	66.67%	33.33%	0.00%	0.00%	\$0.00	\$0.00	\$0.00				\$0.00	\$0.00
15	Probation	Penal	1203.09	Domestic Violence Fine - with Grant date after January 2004 and amount less than \$200.01	ST/PH	33.33%	66.67%	0.00%	0.00%	\$60.94	\$12.96	\$25.93				\$22.05	\$0.00
16	Probation	Penal	1203.09	Domestic Violence Fine - with Grant date after January 2004 and amount greater than \$200.01	ST/PH	33.33%	66.67%	0.00%	0.00%	\$13,563.30	\$3,436.94	\$6,874.92			(\$108.70)	\$3,360.14	\$115,533.77
17	Probation	Government	76104.7	DNA Additional Penalty Assessment - State-only penalty of \$4 for every \$10 upon every fine, penalty or forfeiture imposed by the Court for all criminal offenses, including traffic.	ST	100.00%	0.00%	0.00%	0.00%	\$5,433.07	\$3,961.03				\$68.95	\$1,403.09	\$10,752.24
18	Probation	Health & Safety	11372.7	Drug Education Rehabilitation - Person convicted shall pay a drug program fee not to exceed \$150 for each separate offense. Court can base on ability-to-pay.	PH	0.00%	100.00%	0.00%	0.00%	\$37.98		\$29.08				\$8.90	\$753.97
19	Probation	Penal	1463.18	DUI Fine - First \$20 collected deposited to the Restitution Fund and remaining deposited to County Treasurer.	ST	100.00%	0.00%	0.00%	0.00%	\$271.59	\$210.06					\$61.53	\$1,180.34
20	Probation	Penal	1203.097	Domestic Violence (DV) Fund - Minimum \$500 fee based on ability-to-pay. Court may reduce or waive. 2/3rds deposited with County Treasurer retained in domestic violence programs special fund. Remaining 1/3rd deposited in equal parts to DV Restraining Order Reimbursement Fund and DV Training and Fine Service Charge	ST/PH	66.67%	33.33%	0.00%	0.00%	\$6,233.38	\$2,879.55	\$1,439.56			\$159.60	\$1,754.67	\$96,570.00
21	Probation				PB	0.00%	100.00%	0.00%	0.00%	\$218.18		\$145.04				\$73.14	\$628.00
22	Probation	Government	70372	State court construction penalty \$5 for every \$10 upon every fine, penalty, or forfeiture imposed by the Court.	ST	100.00%	0.00%	0.00%	0.00%	\$5,619.71	\$4,108.96				\$68.95	\$1,441.80	\$10,797.24
23	Probation	Government	70373	Court Construction Fund	ST	100.00%	0.00%	0.00%	0.00%	\$196,856.43	\$139,720.02				\$8,543.15	\$48,593.26	\$443,914.73
24	Probation			Fine	ST/PB	2.00%	98.00%	0.00%	0.00%	\$32,908.82	\$484.85	\$23,757.51			\$575.57	\$8,090.89	\$62,171.70

Survey of Fines and Fees Probation (Adult) FY 2014-15																	
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q = K - (L:P)	R
Row	Surveyed Agency or County Department	Type of Statute or Code	Code Section	Description of Fine, Fee, Penalty, or Assessment	Agency	Percent Distribution to State	Percent Distribution to County	Percent Distribution to Cities & Local Agencies	Percent Distribution to Other (not State, County, City, or Local Agency)	FY 2014-15 Total Collections	FY 2014-15 Total Dollars to State	FY 2014-15 Total Dollars to County	FY 2014-15 Total Dollars to Cities & Local Agencies	FY 2014-15 Total Dollars to Other Agencies	FY 2014-15 Overpayment Refunds	FY 2014-15 Probation Cost Recovery	FY 2014-15 Total Assessed or Ordered
25	Probation	Government	70372(b)	Lab Fee	ST/PB	75.00%	25.00%	0.00%	0.00%	\$100,599.97	\$56,569.22	\$18,856.41			\$595.82	\$24,578.52	\$241,387.99
26	Probation	Government	76000.5	Emergency Medical Services	ST/HS	2.00%	98.00%	0.00%	0.00%	\$3,816.92	\$55.70	\$2,729.31			\$46.01	\$985.90	\$7,220.17
27	Probation	Vehicle	42006	Night Court special assessment - \$1 for every fine, forfeiture and traffic violator school fee imposed by the Court.	ST	100.00%	0.00%	0.00%	0.00%	\$52.10	\$32.50					\$19.60	\$4.00
28	Probation	Government	76000	Penalty Assessment - additional penalty of \$7 for every \$10 upon every fine, penalty or forfeiture imposed by the Court for all criminal offenses, including traffic.	ST/HS	59.65%	40.35%	0.00%	0.00%	\$182,998.78	\$81,443.94	\$55,092.43			\$1,411.13	\$45,051.28	\$392,272.16
29	Probation	Penal	1210.1	(a) Drug Treatment Programs on Probation (Proposition 36) - Trial judge orders person convicted to contribute to cost of placement in a drug treatment program.	PH	0.00%	100.00%	0.00%	0.00%	\$50,091.33		\$37,988.27			\$794.79	\$11,308.27	\$243,196.00
30	Probation	Penal	1203.1	Administrative Fee to cover cost of collecting victim restitution not to exceed 15% of the total amount ordered to be paid. Fee set by BOS if collected by County for benefit of the County. Fee set by Court if collected by the Court and shall be deposited into the Trial Court Operations Fund.	PB	0.00%	100.00%	0.00%	0.00%	\$79,925.10		\$58,413.53			\$445.70	\$21,065.87	\$5,257,822.92
31	Probation	Penal	1001.9	Fee to cover administrative cost to collect diversion restitution fee; County share of restitution fee for collecting.	ST	100.00%	0.00%	0.00%	0.00%	\$353.69	\$296.10				\$411.08	(\$353.49)	\$300.00
32	Probation	Penal	1202.4	(b) Restitution fine - Court-imposed separate restitution fine. \$300 - \$10,000 for felony; \$150 - \$1,000 for misdemeanor.	ST	100.00%	0.00%	0.00%	0.00%	\$1,803,326.68	\$1,337,733.64				\$20,873.16	\$444,719.88	\$4,678,992.46
33	Probation	Penal	1202.4	(G) Restitution Interest - 10% per annum accrues at date of sentencing or loss, as determined by the Court.	Other	0.00%	0.00%	0.00%	100.00%	\$699.65				\$699.65		\$0.00	\$138,615.36
34	Probation	Penal	1464(F)(2)	Restitution Fund (State)	ST	100.00%	0.00%	0.00%	0.00%	\$10,238.75	\$7,631.22					\$2,607.53	\$16,818.61
35	Probation	Penal	1202.4	(B) Restitution to victims	Other	0.00%	0.00%	0.00%	100.00%	\$3,230,686.90				\$3,230,686.90		\$0.00	\$54,648,210.37
36	Probation	Penal	1202.4	Restitution Service Charge - Administrative fee to collect restitution fine.	PB	0.00%	100.00%	0.00%	0.00%	\$53,314.41		\$40,110.07			\$191.93	\$13,012.41	\$417,947.26

Survey of Fines and Fees Probation (Adult) FY 2014-15																	
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q = K - (L:P)	R
Row	Surveyed Agency or County Department	Type of Statute or Code	Code Section	Description of Fine, Fee, Penalty, or Assessment	Agency	Percent Distribution to State	Percent Distribution to County	Percent Distribution to Cities & Local Agencies	Percent Distribution to Other (not State, County, City, or Local Agency)	FY 2014-15 Total Collections	FY 2014-15 Total Dollars to State	FY 2014-15 Total Dollars to County	FY 2014-15 Total Dollars to Cities & Local Agencies	FY 2014-15 Total Dollars to Other Agencies	FY 2014-15 Overpayment Refunds	FY 2014-15 Probation Cost Recovery	FY 2014-15 Total Assessed or Ordered
37	Probation	Penal	1465.8	Court Security Fee - To assist funding Court operations, \$40 imposed on every criminal offense conviction including traffic, except for parking offenses.	ST	100.00%	0.00%	0.00%	0.00%	\$92,369.20	\$68,253.16				\$1,211.56	\$22,904.48	\$589,576.51
38	Probation	Penal	1192.8	SRS Habitual Offender Program. Serious felony with great bodily injury; use of deadly weapon.	PB	0.00%	100.00%	0.00%	0.00%	\$10,153.25		\$7,493.29			(\$5.01)	\$2,664.97	\$27,877.00
39	Probation	Penal	1465.7	State Surcharge - 20% levied on based fine used to calculate the state penalty assessment.	ST	100.00%	0.00%	0.00%	0.00%	\$9,386.42	\$6,959.37				\$181.60	\$2,245.45	\$7,787.96
40	Probation	Penal	76000.1	Emergency Medical Air Transport	ST	100.00%	0.00%	0.00%	0.00%	\$885.59	\$650.91				\$9.10	\$225.58	\$2,134.08
41	Probation	Penal	1208.2	Work furlough administration and application fee; Electronic Monitoring administration and application fee; County Parole administration and application fee	PB	0.00%	100.00%	0.00%	0.00%	\$0.00		\$0.00				\$0.00	\$0.00
				Trust - Unable to Determine Charge						\$87,937.63							
				TOTAL						\$11,876,659.94	\$1,716,067.11	\$4,550,014.94	\$0.00	\$3,231,386.55	\$177,249.10	\$2,114,004.61	\$114,619,767.69

**Survey of Fines and Fees**  
**Probation (Adult)**  
**Outstanding Balance as of October 2019**

A	B	C	D	E	F	G
Row	Surveyed Agency or County Department	Type of Statute or Code	Code Section	Description of Fine, Fee, Penalty, or Assessment	Agency	Outstanding Balance as of October 2019
1	Probation	Penal	1463.16(b)	Drug and Alcohol Abuse - \$50 into a special account for the County's alcoholism program, with approval by the Board of Supervisors for alcohol programs and services for County residents.	ST/PB	\$33,251.75
2	Probation	Penal	1463.23	AIDS Education Program	PB	\$199.85
3	Probation	Government	71386(d)	Bad Check Charge	PB	\$167,803.87
4	Probation	VC	15630	Community Education Training Program - Provides information on the dangers of leaving young children unattended in motor vehicles and ways to avoid that danger.	PB	\$34,625.55
5	Probation	Penal	1205	Fee for administering a payment plan (court or collecting agency).	PB	\$10,079,275.43
6	Probation	Penal	1203.1b	Reasonable cost of any probation services (COPS) and supervision; Fees related to the cost of any pre-plea or pre-sentence investigation or report; Cost of processing a jurisdictional transfer (including interstate transfer fees); and Cost of collection for installment payments.	PB	\$611,429,968.68
7	Probation	Penal	1202.5	Crime Prevention Fund	PB	\$639,074.99
8	Probation	Penal	1463.07	\$25 Administrative Screening Fee; \$10 Citation Processing Fee	ST	\$11,093.53
9	Probation	Penal	1463.14	Drug-Alcohol. Reimbursement for chemical test.	ST/SH	\$8,857.65
10	Probation	Penal	1463.16	Fine - Drug & Alcohol	ST/PB	\$33,754.43
11	Probation	Penal	1001.15	Fees Felony Diversion - Cost of laboratory analysis; actual cost of processing a request for diversion; and cost of supervising divertee.	PB	\$457,066.23
12	Probation	Penal	1001.16	Fees Misdemeanor Diversion - Cost of laboratory analysis; actual cost of processing a request for diversion; and cost of supervising divertee.	PB	\$236,834.04
13	Probation	Government	76104.6	DNA Identity, Unsolved Crime and Innocence Protection Act (Proposition 69) Penalty Assessment .	ST	\$56,318.64
14	Probation	Penal	1203.09	Domestic Violence Fine - with Grant date prior January 2004	ST/PH	\$0.00
15	Probation	Penal	1203.09	Domestic Violence Fine - with Grant date after January 2004 and amount less than \$200.01	ST/PH	\$0.00

<b>Survey of Fines and Fees</b> <b>Probation (Adult)</b> <b>Outstanding Balance as of October 2019</b>						
A	B	C	D	E	F	G
Row	Surveyed Agency or County Department	Type of Statute or Code	Code Section	Description of Fine, Fee, Penalty, or Assessment	Agency	Outstanding Balance as of October 2019
16	Probation	Penal	1203.09	Domestic Violence Fine - with Grant date after January 2004 and amount greater than \$200.01	ST/PH	\$1,108,329.91
17	Probation	Government	76104.7	DNA Additional Penalty Assessment - State-only penalty of \$4 for every \$10 upon every fine, penalty or forfeiture imposed by the Court for all criminal offenses, including traffic.	ST	\$110,746.88
18	Probation	Health & Safety	11372.7	Drug Education Rehabilitation - Person convicted shall pay a drug program fee not to exceed \$150 for each separate offense. Court can base on ability-to-pay.	PH	\$13,687.00
19	Probation	Penal	1463.18	DUI Fine - First \$20 collected deposited to the Restitution Fund and remaining deposited to County Treasurer.	ST	\$0.00
20	Probation	Penal	1203.097	Domestic Violence (DV) Fund - Minimum \$500 fee based on ability-to-pay. Court may reduce or waive. 2/3rds deposited with County Treasurer retained in domestic violence programs special fund. Remaining 1/3rd deposited in equal parts to DV Restraining Order Reimbursement Fund and DV Training and Fine Service Charge	ST/PH	\$1,102,852.55
21	Probation				PB	\$40,503.92
22	Probation	Government	70372	State court construction penalty \$5 for every \$10 upon every fine, penalty, or forfeiture imposed by the Court.	ST	\$110,300.47
23	Probation	Government	70373	Court Construction Fund	ST	\$2,851,883.17
24	Probation			Fine	ST/PB	\$2,639,509.61
25	Probation	Government	70372(b)	Lab Fee	ST/PB	\$2,460,563.77
26	Probation	Government	76000.5	Emergency Medical Services	ST/HS	\$73,680.75
27	Probation	Vehicle	42006	Night Court special assessment - \$1 for every fine, forfeiture and traffic violator school fee imposed by the Court.	ST	\$4,274.75
28	Probation	Government	76000	Penalty Assessment - additional penalty of \$7 for every \$10 upon every fine, penalty or forfeiture imposed by the Court for all criminal offenses, including traffic.	ST/HS	\$5,783,887.63
29	Probation	Penal	1210.1	(a) Drug Treatment Programs on Probation (Proposition 36) - Trial judge orders person convicted to contribute to cost of placement in a drug treatment program.	PH	\$3,124,184.81
30	Probation	Penal	1203.1	Administrative Fee to cover cost of collecting victim restitution not to exceed 15% of the total amount ordered to be paid. Fee set by BOS if collected by County for benefit of the County. Fee set by Court if collected by the Court and shall be deposited into the Trial Court Operations Fund.	PB	\$92,052,935.89

Survey of Fines and Fees Probation (Adult) Outstanding Balance as of October 2019						
A	B	C	D	E	F	G
Row	Surveyed Agency or County Department	Type of Statute or Code	Code Section	Description of Fine, Fee, Penalty, or Assessment	Agency	Outstanding Balance as of October 2019
31	Probation	Penal	1001.9	Fee to cover administrative cost to collect diversion restitution fee; County share of restitution fee for collecting.	ST	\$165,768.88
32	Probation	Penal	1202.4	(b) Restitution fine - Court-imposed separate restitution fine. \$300 - \$10,000 for felony; \$150 - \$1,000 for misdemeanor.	ST	\$39,900,511.17
33	Probation	Penal	1202.4	(G) Restitution Interest - 10% per annum accrues at date of sentencing or loss, as determined by the Court.	Other	\$779,813.03
34	Probation	Penal	1464(F)(2)	Restitution Fund (State)	ST	\$820,379.82
35	Probation	Penal	1202.4	(B) Restitution to victims	Other	\$986,381,516.48
36	Probation	Penal	1202.4	Restitution Service Charge - Administrative fee to collect restitution fine.	PB	\$4,263,564.18
37	Probation	Penal	1465.8	Court Security Fee - To assist funding Court operations, \$40 imposed on every criminal offense conviction including traffic, except for parking offenses.	ST	\$5,605,804.15
38	Probation	Penal	1192.8	SRS Habitual Offender Program. Serious felony with great bodily injury; use of deadly weapon.	PB	\$1,543,218.00
39	Probation	Penal	1465.7	State Surcharge - 20% levied on based fine used to calculate the state penalty assessment.	ST	\$81,004.31
40	Probation	Penal	76000.1	Emergency Medical Air Transport	ST	\$18,244.08
41	Probation	Penal	1208.2	Work furlough administration and application fee; Electronic Monitoring administration and application fee; County Parole administration and application fee	PB	\$0.00
				Trust - Unable to Determine Charge		
				TOTAL		\$1,774,225,289.85



Survey of Fines and Fees Sheriff (Adult) FY 2018-19														
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
Row	Surveyed Agency or County Department	Type of Statute or Code	Code Section	Description of Fine, Fee, Penalty, or Assessment	Agency	Percent Distribution to State	Percent Distribution to County	Percent Distribution to Cities & Local Agencies	Percent Distribution to Other (not State, County, City, or Local Agency)	FY 2018-19 Total Collections	FY 2018-19 Total Dollars to State	FY 2018-19 Total Dollars to County	FY 2018-19 Total Dollars to Cities & Local Agencies	FY 2018-19 Total Dollars to Other Agencies
1	Sheriff	Proposition 69 (DNA)		This fund was established on January 1, 2005 in accordance with Proposition 69 of 2004, to provide for reimbursement to eligible agencies for costs related to DNA sample collection and storage. The funding source is a one-dollar penalty assessment for every ten dollars or fraction thereof for fines, penalties, or forfeitures levied and collected by the courts for criminal-related offenses. Based on the collection distribution requirements of Proposition 69, distributions to the County from total collections are: thirty percent for 2005 and 2006; fifty percent for 2007; and seventy-five percent for 2008 and thereafter. The remaining collections are to be submitted to the State. County funds are distributed to local police agencies, Probation, and Sheriff as reimbursement for collecting DNA samples. A portion is distributed to the Information Systems Advisory Body as a fee to maintain the Prop 69 database. The remaining fund balance is split between LAPD and the Sheriff to reimburse for costs incurred processing DNA samples.	Various	25.00%	75.00%	0.00%	0.00%	\$2,796,782.28	\$900.00	\$1,065,600.63	\$1,730,281.65	\$0.00
2	Sheriff	CA Penal Code 2085.5	Subsection C	To recover the administrative cost to collect restitution payments to victims from inmates in Sheriff's custody.	SH	0.00%	100.00%	0.00%	0.00%	\$3,693.58	\$0.00	\$3,693.58	\$0.00	\$0.00
				TOTAL						\$2,800,475.86	\$900.00	\$1,069,294.21	\$1,730,281.65	\$0.00

Survey of Fines and Fees Sheriff (Adult) FY 2017-18														
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
Row	Surveyed Agency or County Department	Type of Statute or Code	Code Section	Description of Fine, Fee, Penalty, or Assessment	Agency	Percent Distribution to State	Percent Distribution to County	Percent Distribution to Cities & Local Agencies	Percent Distribution to Other (not State, County, City, or Local Agency)	FY 2017-18 Total Collections	FY 2017-18 Total Dollars to State	FY 2017-18 Total Dollars to County	FY 2017-18 Total Dollars to Cities & Local Agencies	FY 2017-18 Total Dollars to Other Agencies
1	Sheriff	Proposition 69 (DNA)		This fund was established on January 1, 2005 in accordance with Proposition 69 of 2004, to provide for reimbursement to eligible agencies for costs related to DNA sample collection and storage. The funding source is a one-dollar penalty assessment for every ten dollars or fraction thereof for fines, penalties, or forfeitures levied and collected by the courts for criminal-related offenses. Based on the collection distribution requirements of Proposition 69, distributions to the County from total collections are: thirty percent for 2005 and 2006; fifty percent for 2007; and seventy-five percent for 2008 and thereafter. The remaining collections are to be submitted to the State. County funds are distributed to local police agencies, Probation, and Sheriff as reimbursement for collecting DNA samples. A portion is distributed to the Information Systems Advisory Body as a fee to maintain the Prop 69 database. The remaining fund balance is split between LAPD and the Sheriff to reimburse for costs incurred processing DNA samples.	Various	25.00%	75.00%	0.00%	0.00%	\$1,593,130.10	\$1,050.00	\$1,185,820.10	\$406,260.00	\$0.00
2	Sheriff	CA Penal Code 2085.5	Subsection C	To recover the administrative cost to collect restitution payments to victims from inmates in Sheriff's custody.	SH	0.00%	100.00%	0.00%	0.00%	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
				TOTAL						\$1,593,130.10	\$1,050.00	\$1,185,820.10	\$406,260.00	\$0.00

Survey of Fines and Fees Sheriff (Adult) FY 2016-17														
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
Row	Surveyed Agency or County Department	Type of Statute or Code	Code Section	Description of Fine, Fee, Penalty, or Assessment	Agency	Percent Distribution to State	Percent Distribution to County	Percent Distribution to Cities & Local Agencies	Percent Distribution to Other (not State, County, City, or Local Agency)	FY 2016-17 Total Collections	FY 2016-17 Total Dollars to State	FY 2016-17 Total Dollars to County	FY 2016-17 Total Dollars to Cities & Local Agencies	FY 2016-17 Total Dollars to Other Agencies
1	Sheriff	Proposition 69 (DNA)		This fund was established on January 1, 2005 in accordance with Proposition 69 of 2004, to provide for reimbursement to eligible agencies for costs related to DNA sample collection and storage. The funding source is a one-dollar penalty assessment for every ten dollars or fraction thereof for fines, penalties, or forfeitures levied and collected by the courts for criminal-related offenses. Based on the collection distribution requirements of Proposition 69, distributions to the County from total collections are: thirty percent for 2005 and 2006; fifty percent for 2007; and seventy-five percent for 2008 and thereafter. The remaining collections are to be submitted to the State. County funds are distributed to local police agencies, Probation, and Sheriff as reimbursement for collecting DNA samples. A portion is distributed to the Information Systems Advisory Body as a fee to maintain the Prop 69 database. The remaining fund balance is split between LAPD and the Sheriff to reimburse for costs incurred processing DNA samples.	Various	25.00%	75.00%	0.00%	0.00%	\$2,473,001.75	\$720.00	\$1,399,717.22	\$1,072,564.53	\$0.00
2	Sheriff	CA Penal Code 2085.5	Subsection C	To recover the administrative cost to collect restitution payments to victims from inmates in Sheriff's custody.	SH	0.00%	100.00%	0.00%	0.00%	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
				TOTAL						\$2,473,001.75	\$720.00	\$1,399,717.22	\$1,072,564.53	\$0.00

Survey of Fines and Fees Sheriff (Adult) FY 2015-16														
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
Row	Surveyed Agency or County Department	Type of Statute or Code	Code Section	Description of Fine, Fee, Penalty, or Assessment	Agency	Percent Distribution to State	Percent Distribution to County	Percent Distribution to Cities & Local Agencies	Percent Distribution to Other (not State, County, City, or Local Agency)	FY 2015-16 Total Collections	FY 2015-16 Total Dollars to State	FY 2015-16 Total Dollars to County	FY 2015-16 Total Dollars to Cities & Local Agencies	FY 2015-16 Total Dollars to Other Agencies
1	Sheriff	Proposition 69 (DNA)		This fund was established on January 1, 2005 in accordance with Proposition 69 of 2004, to provide for reimbursement to eligible agencies for costs related to DNA sample collection and storage. The funding source is a one-dollar penalty assessment for every ten dollars or fraction thereof for fines, penalties, or forfeitures levied and collected by the courts for criminal-related offenses. Based on the collection distribution requirements of Proposition 69, distributions to the County from total collections are: thirty percent for 2005 and 2006; fifty percent for 2007; and seventy-five percent for 2008 and thereafter. The remaining collections are to be submitted to the State. County funds are distributed to local police agencies, Probation, and Sheriff as reimbursement for collecting DNA samples. A portion is distributed to the Information Systems Advisory Body as a fee to maintain the Prop 69 database. The remaining fund balance is split between LAPD and the Sheriff to reimburse for costs incurred processing DNA samples.	Various	25.00%	75.00%	0.00%	0.00%	\$3,335,381.47	\$1,110.00	\$1,737,010.73	\$1,597,260.74	\$0.00
2	Sheriff	CA Penal Code 2085.5	Subsection C	To recover the administrative cost to collect restitution payments to victims from inmates in Sheriff's custody.	SH	0.00%	100.00%	0.00%	0.00%	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
				TOTAL						\$3,335,381.47	\$1,110.00	\$1,737,010.73	\$1,597,260.74	\$0.00

Survey of Fines and Fees Sheriff (Adult) FY 2014-15														
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
Row	Surveyed Agency or County Department	Type of Statute or Code	Code Section	Description of Fine, Fee, Penalty, or Assessment	Agency	Percent Distribution to State	Percent Distribution to County	Percent Distribution to Cities & Local Agencies	Percent Distribution to Other (not State, County, City, or Local Agency)	FY 2014-15 Total Collections	FY 2014-15 Total Dollars to State	FY 2014-15 Total Dollars to County	FY 2014-15 Total Dollars to Cities & Local Agencies	FY 2014-15 Total Dollars to Other Agencies
1	Sheriff	Proposition 69 (DNA)		This fund was established on January 1, 2005 in accordance with Proposition 69 of 2004, to provide for reimbursement to eligible agencies for costs related to DNA sample collection and storage. The funding source is a one-dollar penalty assessment for every ten dollars or fraction thereof for fines, penalties, or forfeitures levied and collected by the courts for criminal-related offenses. Based on the collection distribution requirements of Proposition 69, distributions to the County from total collections are: thirty percent for 2005 and 2006; fifty percent for 2007; and seventy-five percent for 2008 and thereafter. The remaining collections are to be submitted to the State. County funds are distributed to local police agencies, Probation, and Sheriff as reimbursement for collecting DNA samples. A portion is distributed to the Information Systems Advisory Body as a fee to maintain the Prop 69 database. The remaining fund balance is split between LAPD and the Sheriff to reimburse for costs incurred processing DNA samples.	Various	25.00%	75.00%	0.00%	0.00%	\$3,350,228.02	\$1,140.00	\$1,750,299.01	\$1,598,789.01	\$0.00
2	Sheriff	CA Penal Code 2085.5	Subsection C	To recover the administrative cost to collect restitution payments to victims from inmates in Sheriff's custody.	SH	0.00%	100.00%	0.00%	0.00%	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
				TOTAL						\$3,350,228.02	\$1,140.00	\$1,750,299.01	\$1,598,789.01	\$0.00

Survey of Fines and Fees Courts FY 2018-19														
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
Row	Surveyed Agency or County Department	Type of Statute or Code	Code Section	Description of Fine, Fee, Penalty, or Assessment	Agency	Percent Distribution to State	Percent Distribution to County	Percent Distribution to Cities & Local Agencies	Percent Distribution to Other (not State, County, City, or Local Agency)	FY 2018-19 Total Collections	FY 2018-19 Total Dollars to State	FY 2018-19 Total Dollars to County	FY 2018-19 Total Dollars to Cities & Local Agencies	FY 2018-19 Total Dollars to Other Agencies
1	Court	Penal	987.5	Registration Fee for Public Defender	Pub Def	0.00%	100.00%	0.00%	0.00%	\$59.26	\$0.00	\$59.26	\$0.00	\$0.00
2	Court	Penal	1203.4	Reimbursement for court's administrative costs (up to \$150) for change of plea or to set aside verdict; Reimbursement for county's administrative costs (up to \$150) for change of plea or to set aside verdict.	Court	0.00%	50.00%	0.00%	50.00%	\$627,906.00	\$0.00	\$313,953.00	\$0.00	\$313,953.00
3	Court	Penal	1205	Fee for administering a payment plan (court or collecting agency).	Court	0.00%	100.00%	0.00%	0.00%	\$2,169,993.00	\$0.00	\$2,169,993.00	\$0.00	\$0.00
4	Court	Penal	1463.14a	Lab Fines for Convictions of Driving Under the Influence or Reckless Driving	Court	0.00%	62.00%	38.00%	0.00%	\$578,610.99	\$0.00	\$333,266.26	\$245,344.73	\$0.00
5	Court	Penal	1463.14b	Additional Penalty to Recover Lab Fees for Convictions of Driving Under the Influence (the amount reported above is from both 1463.14a and 1463.14b)	Court					\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6	Court	Government	71386	Returned Check Fee in criminal matters.	Court	0.00%	0.00%	0.00%	100.00%	\$18,129.00	\$0.00	\$0.00	\$0.00	\$18,129.00
7	Court	Vehicle	40508.5	Automated Warrant Fee. - \$15 for every person for failre to appear in Court	Court	0.00%	100.00%	0.00%	0.00%	\$1,608,849.26	\$0.00	\$1,608,849.26	\$0.00	\$0.00
8	Court	Vehicle	40508.6	DMV Recording Fee	Court	0.00%	100.00%	0.00%	0.00%	\$1,382,184.00	\$0.00	\$1,382,184.00	\$0.00	\$0.00
9	Court	Penal	103.4a	Reimbursement for court's administrative costs (up to \$60) for petition for dismissal of non-probation misdemeanors or infractions; Reimbursement for county's administrative costs (up to \$60) for petition for dismissal of non-probation misdemeanors or infractions.	Court	0.00%	50.00%	0.00%	50.00%	\$960.00	\$0.00	\$480.00	\$0.00	\$480.00
10	Court	CCP	411.2	Bad Check Charge	Court	0.00%	51.00%	0.00%	49.00%	\$17,967.38	\$0.00	\$9,136.38	\$0.00	\$8,831.00
				TOTAL						\$6,404,658.89	\$0.00	\$5,817,921.16	\$245,344.73	\$341,393.00

Survey of Fines and Fees Courts FY 2017-18														
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
Row	Surveyed Agency or County Department	Type of Statute or Code	Code Section	Description of Fine, Fee, Penalty, or Assessment	Agency	Percent Distribution to State	Percent Distribution to County	Percent Distribution to Cities & Local Agencies	Percent Distribution to Other (not State, County, City, or Local Agency)	FY 2017-18 Total Collections	FY 2017-18 Total Dollars to State	FY 2017-18 Total Dollars to County	FY2017-18 Total Dollars to Cities & Local Agencies	FY2017-18 Total Dollars to Other Agencies
1	Court	Penal	987.5	Registration Fee for Public Defender	Pub Def	0.00%	100.00%	0.00%	0.00%	\$512,055.53	\$0.00	\$104,973.53	\$0.00	\$407,082.00
2	Court	Penal	1203.4	Reimbursement for court's administrative costs (up to \$150) for change of plea or to set aside verdict; Reimbursement for county's administrative costs (up to \$150) for change of plea or to set aside verdict.	Court	0.00%	50.00%	0.00%	50.00%	\$407,082.00	\$0.00	\$407,082.00	\$0.00	\$0.00
3	Court	Penal	1205	Fee for administering a payment plan (court or collecting agency).	Court	0.00%	100.00%	0.00%	0.00%	\$2,443,785.00	\$0.00	\$2,443,785.00	\$0.00	\$0.00
4	Court	Penal	1463.14a	Lab Fines for Convictions of Driving Under the Influence or Reckless Driving	Court	0.00%	62.00%	38.00%	0.00%	\$678,337.87	\$0.00	\$421,296.61	\$257,041.26	\$0.00
5	Court	Penal	1463.14b	Additional Penalty to Recover Lab Fees for Convictions of Driving Under the Influence (the amount reported above is from both 1463.14a and 1463.14b)	Court					\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6	Court	Government	71386	Returned Check Fee in criminal matters.	Court	0.00%	0.00%	0.00%	100.00%	\$16,727.00	\$0.00	\$0.00	\$0.00	\$16,727.00
7	Court	Vehicle	40508.5	Automated Warrant Fee. - \$15 for every person for failre to appear in Court	Court	0.00%	100.00%	0.00%	0.00%	\$1,487,860.10	\$0.00	\$1,487,860.10	\$0.00	\$0.00
8	Court	Vehicle	40508.6	DMV Recording Fee	Court	0.00%	100.00%	0.00%	0.00%	\$1,159,287.00	\$0.00	\$1,159,287.00	\$0.00	\$0.00
9	Court	Penal	103.4a	Reimbursement for court's administrative costs (up to \$60) for petition for dismissal of non-probation misdemeanors or infractions; Reimbursement for county's administrative costs (up to \$60) for petition for dismissal of non-probation misdemeanors or infractions.	Court	0.00%	50.00%	0.00%	50.00%	\$1,170.00	\$0.00	\$585.00	\$0.00	\$585.00
10	Court	CCP	411.2	Bad Check Charge	Court	0.00%	50.00%	0.00%	50.00%	\$43,233.18	\$0.00	\$22,679.18	\$0.00	\$20,554.00
				TOTAL						\$6,749,537.68	\$0.00	\$6,047,548.42	\$257,041.26	\$444,948.00

Survey of Fines and Fees Courts FY 2016-17														
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
Row	Surveyed Agency or County Department	Type of Statute or Code	Code Section	Description of Fine, Fee, Penalty, or Assessment	Agency	Percent Distribution to State	Percent Distribution to County	Percent Distribution to Cities & Local Agencies	Percent Distribution to Other (not State, County, City, or Local Agency)	FY 2016-17 Total Collections	FY 2016-17 Total Dollars to State	FY 2016-17 Total Dollars to County	FY 2016-17 Total Dollars to Cities & Local Agencies	FY 2016-17 Total Dollars to Other Agencies
1	Court	Penal	987.5	Registration Fee for Public Defender	Pub Def	0.00%	100.00%	0.00%	0.00%	\$298,598.93	\$0.00	\$298,598.93	\$0.00	\$0.00
2	Court	Penal	1203.4	Reimbursement for court's administrative costs (up to \$150) for change of plea or to set aside verdict; Reimbursement for county's administrative costs (up to \$150) for change of plea or to set aside verdict.	Court	0.00%	50.00%	0.00%	50.00%	\$924,066.00	\$0.00	\$462,033.00	\$0.00	\$462,033.00
3	Court	Penal	1205	Fee for administering a payment plan (court or collecting agency).	Court	0.00%	100.00%	0.00%	0.00%	\$3,201,018.00	\$0.00	\$3,201,018.00	\$0.00	\$0.00
4	Court	Penal	1463.14a	Lab Fines for Convictions of Driving Under the Influence or Reckless Driving	Court	0.00%	62.00%	38.00%	0.00%	\$876,750.09	\$0.00	\$502,943.09	\$373,807.00	\$0.00
5	Court	Penal	1463.14b	Additional Penalty to Recover Lab Fees for Convictions of Driving Under the Influence (the amount reported above is from both 1463.14a and 1463.14b)	Court					\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6	Court	Government	71386	Returned Check Fee in criminal matters.	Court	0.00%	0.00%	0.00%	100.00%	\$19,514.00	\$0.00	\$0.00	\$0.00	\$19,514.00
7	Court	Vehicle	40508.5	Automated Warrant Fee. - \$15 for every person for failre to appear in Court	Court	0.00%	100.00%	0.00%	0.00%	\$1,733,850.07	\$0.00	\$1,733,850.07	\$0.00	\$0.00
8	Court	Vehicle	40508.6	DMV Recording Fee	Court	0.00%	100.00%	0.00%	0.00%	\$1,236,147.00	\$0.00	\$1,236,147.00	\$0.00	\$0.00
9	Court	Penal	103.4a	Reimbursement for court's administrative costs (up to \$60) for petition for dismissal of non-probation misdemeanors or infractions; Reimbursement for county's administrative costs (up to \$60) for petition for dismissal of non-probation misdemeanors or infractions.	Court	0.00%	50.00%	0.00%	50.00%	\$4,250.00	\$0.00	\$2,125.00	\$0.00	\$2,125.00
10	Court	CCP	411.2	Bad Check Charge	Court	0.00%	50.00%	0.00%	50.00%	\$26,161.78	\$0.00	\$14,066.78	\$0.00	\$12,095.00
				TOTAL						\$8,320,355.87	\$0.00	\$7,450,781.87	\$373,807.00	\$495,767.00



Survey of Fines and Fees Courts FY 2015-16														
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
Row	Surveyed Agency or County Department	Type of Statute or Code	Code Section	Description of Fine, Fee, Penalty, or Assessment	Agency	Percent Distribution to State	Percent Distribution to County	Percent Distribution to Cities & Local Agencies	Percent Distribution to Other (not State, County, City, or Local Agency)	FY 2015-16 Total Collections	FY 2015-16 Total Dollars to State	FY 2015-16 Total Dollars to County	FY 2015-16 Total Dollars to Cities & Local Agencies	FY 2015-16 Total Dollars to Other Agencies
1	Court	Penal	987.5	Registration Fee for Public Defender	Pub Def	0.00%	100.00%	0.00%	0.00%	\$313,849.75	\$0.00	\$313,849.75	\$0.00	\$0.00
2	Court	Penal	1203.4	Reimbursement for court's administrative costs (up to \$150) for change of plea or to set aside verdict; Reimbursement for county's administrative costs (up to \$150) for change of plea or to set aside verdict.	Court	0.00%	50.00%	0.00%	50.00%	\$772,342.00	\$0.00	\$386,171.00	\$0.00	\$386,171.00
3	Court	Penal	1205	Fee for administering a payment plan (court or collecting agency).	Court	0.00%	100.00%	0.00%	0.00%	\$4,337,295.00	\$0.00	\$4,337,295.00	\$0.00	\$0.00
4	Court	Penal	1463.14a	Lab Fines for Convictions of Driving Under the Influence or Reckless Driving	Court	0.00%	62.00%	38.00%	0.00%	\$1,045,914.18	\$0.00	\$571,461.01	\$474,453.17	\$0.00
5	Court	Penal	1463.14b	Additional Penalty to Recover Lab Fees for Convictions of Driving Under the Influence (the amount reported above is from both 1463.14a and 1463.14b)	Court					\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6	Court	Government	71386	Returned Check Fee in criminal matters.	Court	0.00%	0.00%	0.00%	100.00%	\$29,505.00	\$0.00	\$0.00	\$0.00	\$29,505.00
7	Court	Vehicle	40508.5	Automated Warrant Fee. - \$15 for every person for failre to appear in Court	Court	0.00%	100.00%	0.00%	0.00%	\$2,249,110.89	\$0.00	\$2,249,110.89	\$0.00	\$0.00
8	Court	Vehicle	40508.6	DMV Recording Fee	Court	0.00%	100.00%	0.00%	0.00%	\$1,642,088.00	\$0.00	\$1,642,088.00	\$0.00	\$0.00
9	Court	Penal	103.4a	Reimbursement for court's administrative costs (up to \$60) for petition for dismissal of non-probation misdemeanors or infractions; Reimbursement for county's administrative costs (up to \$60) for petition for dismissal of non-probation misdemeanors or infractions.	Court	0.00%	50.00%	0.00%	50.00%	\$934.00	\$0.00	\$467.00	\$0.00	\$467.00
10	Court	CCP	411.2	Bad Check Charge	Court	0.00%	50.00%	0.00%	50.00%	\$33,610.15	\$0.00	\$18,373.15	\$0.00	\$15,237.00
				TOTAL						\$10,424,648.97	\$0.00	\$9,518,815.80	\$474,453.17	\$431,380.00

Survey of Fines and Fees Courts FY 2014-15														
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
Row	Surveyed Agency or County Department	Type of Statute or Code	Code Section	Description of Fine, Fee, Penalty, or Assessment	Agency	Percent Distribution to State	Percent Distribution to County	Percent Distribution to Cities & Local Agencies	Percent Distribution to Other (not State, County, City, or Local Agency)	FY 2014-15 Total Collections	FY 2014-15 Total Dollars to State	FY 2014-15 Total Dollars to County	FY 2014-15 Total Dollars to Cities & Local Agencies	FY 2014-15 Total Dollars to Other Agencies
1	Court	Penal	987.5	Registration Fee for Public Defender	Pub Def	0.00%	100.00%	0.00%	0.00%	\$430,108.00	\$0.00	\$430,108.00	\$0.00	\$0.00
2	Court	Penal	1203.4	Reimbursement for court's administrative costs (up to \$150) for change of plea or to set aside verdict; Reimbursement for county's administrative costs (up to \$150) for change of plea or to set aside verdict.	Court	0.00%	50.00%	0.00%	50.00%	\$730,698.00	\$0.00	\$365,349.00	\$0.00	\$365,349.00
3	Court	Penal	1205	Fee for administering a payment plan (court or collecting agency).	Court	0.00%	100.00%	0.00%	0.00%	\$5,115,182.00	\$0.00	\$5,115,182.00	\$0.00	\$0.00
4	Court	Penal	1463.14a	Lab Fines for Convictions of Driving Under the Influence or Reckless Driving	Court	0.00%	62.00%	38.00%	0.00%	\$1,119,294.34	\$0.00	\$629,319.90	\$489,974.44	\$0.00
5	Court	Penal	1463.14b	Additional Penalty to Recover Lab Fees for Convictions of Driving Under the Influence (the amount reported above is from both 1463.14a and 1463.14b)	Court					\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6	Court	Government	71386	Returned Check Fee in criminal matters.	Court	0.00%	0.00%	0.00%	100.00%	\$40,395.00	\$0.00	\$0.00	\$0.00	\$40,395.00
7	Court	Vehicle	40508.5	Automated Warrant Fee. - \$15 for every person for failre to appear in Court	Court	0.00%	100.00%	0.00%	0.00%	\$2,556,076.66	\$0.00	\$2,556,076.66	\$0.00	\$0.00
8	Court	Vehicle	40508.6	DMV Recording Fee	Court	0.00%	100.00%	0.00%	0.00%	\$1,898,449.00	\$0.00	\$1,898,449.00	\$0.00	\$0.00
9	Court	Penal	103.4a	Reimbursement for court's administrative costs (up to \$60) for petition for dismissal of non-probation misdemeanors or infractions; Reimbursement for county's administrative costs (up to \$60) for petition for dismissal of non-probation misdemeanors or infractions.	Court	0.00%	50.00%	0.00%	50.00%	\$5,220.00	\$0.00	\$2,610.00	\$0.00	\$2,610.00
10	Court	CCP	411.2	Bad Check Charge	Court	0.00%	50.00%	0.00%	50.00%	\$34,425.42	\$0.00	\$18,647.42	\$0.00	\$15,778.00
				TOTAL						\$11,929,848.42	\$0.00	\$11,015,741.98	\$489,974.44	\$424,132.00

Survey of Fines and Fees Los Angeles Police Department FY 2018-19														
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
Row	Surveyed Agency or County Department	Type of Statute or Code	Code Section	Description of Fine, Fee, Penalty, or Assessment	Agency	Percent Distribution to State	Percent Distribution to County	Percent Distribution to Cities & Local Agencies	Percent Distribution to Other (not State, County, City, or Local Agency)	FY 2018-19 Total Collections	FY 2018-19 Total Dollars to State	FY 2018-19 Total Dollars to County	FY 2018-19 Total Dollars to Cities & Local Agencies	FY 2018-19 Total Dollars to Other Agencies
1	LAPD	Penal	1463.14	Drug-Alcohol. Reimbursement for chemical test.	LAPD	0.00%	0.00%	100.00%	0.00%	\$95,400.00	\$0.00	\$0.00	\$95,400.00	\$0.00
2	LAPD	Health & Safety	11372.5	Criminal laboratory analysis fee of \$50 per offense, assessed against persons convicted of possession, manufacture, sale, transportation of controlled substances.	LAPD	0.00%	0.00%	100.00%	0.00%	\$612,700.00	\$0.00	\$0.00	\$612,700.00	\$0.00
3	LAPD	Government	76104.6	DNA Identity, Unsolved Crime and Innocence Protection Act (Proposition 69) Penalty Assessment	LAPD	25.00%	75.00%	County distributes 50% of the 75% to local DNA labs	0.00%	Pending	\$0.00	\$0.00	Pending	\$0.00
				TOTAL						\$708,100.00	\$0.00	\$0.00	\$708,100.00	\$0.00

Survey of Fines and Fees Los Angeles Police Department FY 2017-18														
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
Row	Surveyed Agency or County Department	Type of Statute or Code	Code Section	Description of Fine, Fee, Penalty, or Assessment	Agency	Percent Distribution to State	Percent Distribution to County	Percent Distribution to Cities & Local Agencies	Percent Distribution to Other (not State, County, City, or Local Agency)	FY 2017-18 Total Collections	FY 2017-18 Total Dollars to State	FY 2017-18 Total Dollars to County	FY 2017-18 Total Dollars to Cities & Local Agencies	FY 2017-18 Total Dollars to Other Agencies
1	LAPD	Penal	1463.14	Drug-Alcohol. Reimbursement for chemical test.	LAPD	0.00%	0.00%	100.00%	0.00%	\$95,400.00	\$0.00	\$0.00	\$95,400.00	\$0.00
2	LAPD	Health & Safety	11372.5	Criminal laboratory analysis fee of \$50 per offense, assessed against persons convicted of possession, manufacture, sale, transportation of controlled substances.	LAPD	0.00%	0.00%	100.00%	0.00%	\$609,200.00	\$0.00	\$0.00	\$609,200.00	\$0.00
3	LAPD	Government	76104.6	DNA Identity, Unsolved Crime and Innocence Protection Act (Proposition 69) Penalty Assessment	LAPD	25.00%	75.00%	County distributes 50% of the 75% to local DNA labs	0.00%	\$1,340,281.00	\$0.00	\$0.00	\$1,340,281.00	\$0.00
				TOTAL						\$2,044,881.00	\$0.00	\$0.00	\$2,044,881.00	\$0.00

Survey of Fines and Fees Los Angeles Police Department FY 2016-17														
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
Row	Surveyed Agency or County Department	Type of Statute or Code	Code Section	Description of Fine, Fee, Penalty, or Assessment	Agency	Percent Distribution to State	Percent Distribution to County	Percent Distribution to Cities & Local Agencies	Percent Distribution to Other (not State, County, City, or Local Agency)	FY 2016-17 Total Collections	FY 2016-17 Total Dollars to State	FY 2016-17 Total Dollars to County	FY 2016-17 Total Dollars to Cities & Local Agencies	FY 2016-17 Total Dollars to Other Agencies
1	LAPD	Penal	1463.14	Drug-Alcohol. Reimbursement for chemical test.	LAPD	0.00%	0.00%	100.00%	0.00%	\$95,400.00	\$0.00	\$0.00	\$95,400.00	\$0.00
2	LAPD	Health & Safety	11372.5	Criminal laboratory analysis fee of \$50 per offense, assessed against persons convicted of possession, manufacture, sale, transportation of controlled substances.	LAPD	0.00%	0.00%	100.00%	0.00%	\$365,000.00	\$0.00	\$0.00	\$365,000.00	\$0.00
3	LAPD	Government	76104.6	DNA Identity, Unsolved Crime and Innocence Protection Act (Proposition 69) Penalty Assessment	LAPD	25.00%	75.00%	County distributes 50% of the 75% to local DNA labs	0.00%	\$1,511,019.00	\$0.00	\$0.00	\$1,511,019.00	\$0.00
				TOTAL						\$1,971,419.00	\$0.00	\$0.00	\$1,971,419.00	\$0.00

Survey of Fines and Fees Los Angeles Police Department FY 2015-16														
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
Row	Surveyed Agency or County Department	Type of Statute or Code	Code Section	Description of Fine, Fee, Penalty, or Assessment	Agency	Percent Distribution to State	Percent Distribution to County	Percent Distribution to Cities & Local Agencies	Percent Distribution to Other (not State, County, City, or Local Agency)	FY 2015-16 Total Collections	FY 2015-16 Total Dollars to State	FY 2015-16 Total Dollars to County	FY 2015-16 Total Dollars to Cities & Local Agencies	FY 2015-16 Total Dollars to Other Agencies
1	LAPD	Penal	1463.14	Drug-Alcohol. Reimbursement for chemical test.	LAPD	0.00%	0.00%	100.00%	0.00%	\$95,400.00	\$0.00	\$0.00	\$95,400.00	\$0.00
2	LAPD	Health & Safety	11372.5	Criminal laboratory analysis fee of \$50 per offense, assessed against persons convicted of possession, manufacture, sale, transportation of controlled substances.	LAPD	0.00%	0.00%	100.00%	0.00%	\$715,000.00	\$0.00	\$0.00	\$715,000.00	\$0.00
3	LAPD	Government	76104.6	DNA Identity, Unsolved Crime and Innocence Protection Act (Proposition 69) Penalty Assessment	LAPD	25.00%	75.00%	County distributes 50% of the 75% to local DNA labs	0.00%	\$1,511,019.00	\$0.00	\$0.00	\$1,511,019.00	\$0.00
				TOTAL						\$2,321,419.00	\$0.00	\$0.00	\$2,321,419.00	\$0.00

Survey of Fines and Fees Los Angeles Police Department FY 2014-15														
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
Row	Surveyed Agency or County Department	Type of Statute or Code	Code Section	Description of Fine, Fee, Penalty, or Assessment	Agency	Percent Distribution to State	Percent Distribution to County	Percent Distribution to Cities & Local Agencies	Percent Distribution to Other (not State, County, City, or Local Agency)	FY 2014-15 Total Collections	FY 2014-15 Total Dollars to State	FY 2014-15 Total Dollars to County	FY 2014-15 Total Dollars to Cities & Local Agencies	FY 2014-15 Total Dollars to Other Agencies
1	LAPD	Penal	1463.14	Drug-Alcohol. Reimbursement for chemical test.	LAPD	0.00%	0.00%	100.00%	0.00%	\$95,400.00	\$0.00	\$0.00	\$95,400.00	\$0.00
2	LAPD	Health & Safety	11372.5	Criminal laboratory analysis fee of \$50 per offense, assessed against persons convicted of possession, manufacture, sale, transportation of controlled substances.	LAPD	0.00%	0.00%	100.00%	0.00%	\$424,800.00	\$0.00	\$0.00	\$424,800.00	\$0.00
3	LAPD	Government	76104.6	DNA Identity, Unsolved Crime and Innocence Protection Act (Proposition 69) Penalty Assessment	LAPD	25.00%	75.00%	County distributes 50% of the 75% to local DNA labs	0.00%	\$1,681,757.00	\$0.00	\$0.00	\$1,681,757.00	\$0.00
				TOTAL						\$2,201,957.00	\$0.00	\$0.00	\$2,201,957.00	\$0.00

Survey of Fines and Fees Community Service Referral Agencies Administrative Fees								
A	B	C	D	E	F	G	H	I
		Transfers						
Row	Community Service Referral Agency	In County	Out of County	Out of State	Duplicate Certificates	Duplicate Time Sheets	Extension	Reassignment
1	Assistance League of Los Angeles (9/1/18)		\$75	\$150		\$25	\$25	\$25
2	Alternative Sentencing Program - MDC		\$25	\$25				
3	Community Service Agency*	\$40	\$40	\$40	\$20		\$10	\$10
4	HandsOn Santa Clarita*	\$50	\$50	\$50	\$5	\$5	\$10	\$10
5	Inland Valley Volunteer and Resource Center	\$30	\$60	\$90		\$10	\$10	\$10
6	Special Services for Groups*	\$40	\$40	\$40		\$10	\$15	
7	Volunteer Center of La Mirada	\$10	\$25		\$10	\$10	\$10	\$10
8	Volunteer Center of San Gabriel Valley	\$10	\$40					
9	Volunteer Center of South Bay/Harbor/Long Beach	\$5	\$20		\$10	\$5	\$0	
10	Average	\$26	\$42	\$66	\$11	\$11	\$11	\$13
* Transfer Fee listed did not specify type								



Survey of Fines and Fees Community Service Referral Agencies Fee Schedule																				
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U
Row	Community Service Referral Agency	1-10 Hours	11-20 Hours	21-30 Hours	31-40 Hours	41-50 Hours	51-60 Hours	61-70 Hours	71-75 Hours	76-80 Hours	81-90 Hours	91-100 Hours	101-200 Hours	201-250 Hours	251-300 Hours	301-400 Hours	401-500 Hours	501-700 Hours	701-1000 Hours	1001+ Hours
1	Assistance League of Los Angeles	\$20	\$25	\$50	\$50	\$50	\$75	\$75	\$75	\$75	\$75	\$75	\$100	\$100	\$125	\$125	\$125	\$200	\$200	\$300
2	Assistance League of Los Angeles (9/1/18)	\$30	\$30	\$75	\$75	\$75	\$75	\$75	\$75	\$75	\$75	\$75	\$125	\$125	\$125	\$125	\$125	\$250	\$250	\$250
3	Alternative Sentencing Program - MDC	\$25	\$25	21-25: \$25 26-30: \$45	\$45	\$45	\$45	\$50	\$50	\$50	\$50	\$50	101-130: \$40 131-169: \$55 170-200: \$60	\$70	251-260: \$70 261-300: \$80	\$90	\$90	\$90	\$90	\$90
4	City of El Monte Public Works Department	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$40
5	Community Service Agency	\$20	\$30	\$40	\$50	\$60	\$70	\$70	\$70	\$70	\$70	\$70	\$80	\$80	\$80	\$80	\$80	\$80	\$80	\$80
6	HandsOn Santa Clarita	\$20	11-19: \$20 20: \$40	\$40	31-39: \$40 40: \$60	\$60	51-59: \$60 60: \$80	\$80	\$80	\$80	\$80	91-99: \$80 100: \$120	101-149: \$120 150-200: \$160	201-249: \$160 250-300: \$200	\$200	\$200	401-499: \$200 500: \$240	\$240	\$240	\$240
7	Inland Valley Volunteer and Resource Center	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$100	\$100	\$100	\$100	\$150	\$150	\$150	\$150	\$300	\$300	\$300
8	Special Services for Groups	\$50	\$50	\$50	31-32: \$50 33-40: \$60	\$60	\$60	\$60	\$60	\$60	\$60	\$60	101-199: \$60 200: \$70	\$70	251-299: \$70 300: \$90	\$90	\$90	\$90	\$90	\$90
9	Volunteer Center of La Mirada	\$30	\$30	21-29: \$30 30: \$40	\$40	41-49: \$40 50: \$50	\$50	\$50	\$50	76-79: \$50 80: \$60	\$60	\$60	101-149: \$60 150-200: \$70	\$70	\$70	\$80	401-499: \$80 500: \$100+	\$100+	\$100+	\$100+
10	Volunteer Center of San Gabriel Valley	\$50	\$50	\$50	\$50	\$50	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$100	\$100	\$100	\$150	\$150	701-799: \$200 1000: \$300	\$300
11	Volunteer Center of South Bay/Harbor/Long Beach	\$40	\$40	\$40	\$40	\$40	\$50	\$50	\$50	\$50	\$50	\$50	\$60	\$60	\$60	\$70	\$70	\$70	\$70	\$70

Adult Fines and Fees  
Probation Adult Collections Summary

In January 2019, the Probation Department (Probation or Department) prepared a report for the Board of Supervisors (Board) on adult fines and fees, including restitution, that identified receivables as of October 18, 2019 totaled approximately \$1.8 billion. These receivable amounts were categorized by three account categories including active, inactive, and closed as follows:

Amount	Category	Description
\$378,917,048	Active	The client is required to periodically report to a Deputy Probation Officer.
206,736,999	Inactive	The client does not have to report to a Deputy Probation Officer.
1,188,571,243	Closed	The Court ends (usually early) the client's term of probation, such as when the Court finds that the terms and conditions of probation have been met.
<u>\$1,774,225,290</u>		

Description definitions:

Active: The probationer reports to Probation either through face-to-face office visits or via kiosks. Probation also has some active cases that are formal probation non-reporting, meaning that they are on active supervision but the court has ordered the individual not to report to Probation. Therefore, Probation monitors the case and if the individual gets arrested, Probation reports to the court and the court reevaluates the case and makes a variety of decisions.

Inactive: Cases that are in bench warrant status. Inactive supervision becomes active supervision once the probationer is apprehended and goes through the court process. If the court determines to have the individual continue probation then the term of probation is reinstated and the case changes from inactive to active. The case would become closed if the individual who was once inactive due to a bench warrant is apprehended on a new matter and that matter sent the individual to State prison.

Closed: The case is closed, and Probation has no supervision over the case anymore. There are a variety of reasons for a case being considered closed. A case can be closed if/when the individual successfully completes probation, the probationer was sentenced to state prison, and/or the probationer is deceased. Closed cases are not subject to a violation: the case is closed and no longer active.

Adult Fines and Fees  
Probation Adult Collections Summary

Efforts are underway to seek legislative remedies for ongoing fine and fee assessments. Probation believes in the shorter term that efforts can be made to move toward discharging (i.e., “writing off”) receivables balances for a substantial portion of inactive and closed cases.

After a case has been closed or becomes inactive, there is no proactive collection effort by Probation or the Treasurer and Tax Collector (TTC) for inactive and closed cases. Based on our review of a summary aging of inactive and closed receivables and related collections, the annual amount collected is approximately \$11 million (0.6%), which Probation believes to be relatively insignificant to the total, and serving little, if any, public interest or restorative justice purpose.

Much like was done with juvenile detention fees, the Board could authorize Probation to work with the TTC to write-off older inactive and closed accounts. The volume of these accounts is substantial. The Department estimates it would take at least two years to eliminate these receivables but cannot be certain of the timeline until it develops a process around the effort.

The Court would likely need to be notified as these receivables are ultimately based upon its orders and enabling legislation. However, Probation’s efforts to cease monitoring of these aged receivables does not preclude the Court from collecting if it so chooses. However, Probation believes it has the only detailed inventory of each receivable, and though the Department would be willing to share its information, for all intents and purposes pursuit of collection by the Court may not be practical.

**Costs of Injustice:  
How Criminal System Fees Are Hurting Los Angeles County Families**

*A report to the Los Angeles County CEO  
Prepared by the Let's Get Free LA Coalition*

September 24, 2019

## EXECUTIVE SUMMARY

Los Angeles County has a responsibility to ensure that all its community members, whether rich or poor, receive equal justice and a fair chance to succeed. However, by using the criminal system to extract fees and fines from low-income communities of color, the County is doing the opposite.

This report documents how Los Angeles County's assessment and collection of criminal system fees and fines is linked to America's long history of punishing poverty and exploiting the poor under the guise of justice. The extraction of fees and fines from Los Angeles residents, along with the practices of detaining people who can't pay bail and incarcerating people or extending their probation when they fail to pay fees and fines "on time" is no less debilitating than debtor's prisons, workhouses, or convict labor.

Drawing from the firsthand accounts of individuals who have been charged fees and fines by the system, eye-witness statements from defense attorneys who have seen the impact that fees and fines have on the people they represent, and data from the very agencies that seek to collect the funds, this report describes how Los Angeles County pushes people into the criminal system, traps them there for far longer than their intended sentence, and undermines the economic security of entire families and communities.

Most important, this report urges the Los Angeles county Board of Supervisors to end its counterproductive and regressive fees policy, to push the state to end its practices of collecting fees and fines, and to instead invest in the shared prosperity and promise of all residents.

## KEY FINDINGS

**Los Angeles County imposes criminal system fees amounting to thousands of dollars on our most economically vulnerable community members.** Though state law does not require it to do so, the County charges a variety of administrative fees through the criminal system to generate revenue. Simultaneously, state courts charge exorbitant fines and fees. Overwhelmingly, the people who pay these burdensome fees are predominately Black and Latinx families struggling to meet their basic needs, due to racial and socioeconomic discrimination in policing and the criminal system.

**Criminal system fees harm Los Angeles County families and public safety in significant ways.** County-imposed fees force people to choose between fees payments and necessities like rent, groceries, transportation, and medical care. They cause compounding debt, housing instability, loss of employment and educational opportunities, and negative health consequences for thousands of Los Angeles families. Fees push people into poverty and into the underground economy, and

can lead to incarceration or extended probation supervision if unpaid, all of which decrease the likelihood of successful reentry prospects and increase the risk of further criminal system contact.

**Collecting criminal system fees is not worth the costs.** The County collects a minimal amount—less than 4%—of the fees it assesses, because people simply cannot afford to pay. The County spends millions to collect that amount, in addition to using unmeasured criminal and legal system resources to enforce payment. Imposing fees also results in social costs that threaten overall economic wellbeing in the County.

## **RECOMMENDATIONS**

- Immediately eliminate all criminal system fees under County control, end their collection, and discharge previously assessed fees.
- Reinvest savings from reduced collections and criminal and legal system costs into community services, including free options for diversion, court-ordered programs, and reentry supports.
- Establish effective oversight of all criminal system program providers and referral agencies operating within the County to prevent them from exploiting Los Angeles families.
- Support state legislative efforts to minimize criminal system fees.
- Change policies and practices that lead to excessive pretrial time in detention, which forces people into taking plea deals that impose burdensome fees.

### Anthony Robles's Story

Growing up, my family always struggled financially. Despite both of my parents working full-time jobs, it was still only enough to get by paycheck to paycheck. Things got worse when my father was deported. Soon after that we were evicted and left homeless moving from one roach-infested motel to another every week. Shortly after we were evicted, my brother, who was in a college-bound school program and an avid basketball player, was arrested and sentenced to Probation Camp at 16 years old. Luckily, my grandmother took us in and let us live with her for a year until my mom got back on her feet.

Years later, as a teenager living on a block that had heavy police presence and a lack of resources and opportunities, I found myself getting constantly stopped by police, patted down and searched, wrongfully put on a gang database, and arrested multiple times. I eventually ended up with a felony conviction in 2014 and spent time in the LA County Jail. When I was assigned a public defender, I was handed a piece of paper and told to sign it by the attorney who was going to represent me. They told me that I had to pay \$50 to register for their services and that if I didn't have the money now that I could pay within 15 days. I was shocked because I had always thought public defenders were free because the US Constitution guarantees counsel for the accused no matter one's income. This immediately made me distrustful of my public defender and exacerbated my preconceived notion that public defenders were incompetent and did not care for their clients—something that I now know couldn't be further from the truth. My distrust led to me arguing with my counsel because I thought they didn't have my best interests in mind. Looking back, this very well might have undermined effective representation on my behalf.

I didn't pay the fee on time and the private collection agency that LA County contracts with—GC Services—sent me a letter saying that I was delinquent and that I owed them \$50. This added stress to an already incredibly stressful time in my life. After my case was settled, I received numerous phone calls from GC Services reminding me that I owed them money. I eventually paid it off, but not before experiencing the extra emotional and financial strain during a hard time in my life. Fortunately, LA County has repealed the public defender registration fee, but it has *not* repealed collection of other court-appointed counsel fees, which can add up to hundreds or even thousands of dollars.

After I was released, I was on probation for 3 years. When I went to check in with my probation officer ("PO"), I was in for another shock. My PO told me that I would have to pay \$4000 before my probation term was up and that the minimum monthly payment was \$50. I could not believe that I had to pay for my own probation supervision—a program that didn't help me find a job or get into school. I had just gotten out of jail with a felony on my record and had no money to my name. My old job would not take me back because of my record and I couldn't find any stable employment. I was lucky if I found a job assignment for a whole week. I went back to community college and kept striving toward my goal of transferring to a 4-year and obtaining my bachelor's degree.

I did not—could not—make a payment to Probation for an entire year. Although I did not have any police contact and checked in with my PO on time every month, Probation sent me a letter saying that if I didn't make a payment within 2 weeks, I would have a probation hearing in court where I could possibly be found to have violated the terms of my probation and thrown back into jail.

This was a particularly rough time for my family as we had recently been forced out of our home because the owner sold it. We were back at my grandma's again—bless her soul for taking us in twice. There were 3 people living in a 500 sq. ft. affordable housing apartment for low-income senior citizens. My living space was in a corner of the living room and all I had was a rollout bed and a small dresser. Even in these circumstances, the Probation Department demanded I pay them \$50 every month for services they didn't even provide to support me and threatened to violate my probation if I did not.

I visited my PO and told her that I was in school and relying on general relief benefits and that I could not afford the payments. She told me that I could receive a financial evaluation if I brought in all my proof of income. When I came in for the evaluation, I was not receiving financial aid because I had taken too many units for community college so all I was receiving was \$220 in food stamps and about \$200 cash a month from general relief. The only reason I was surviving at the time was because my grandma was letting me live there for free. But somehow Probation calculated that I had the ability to pay half of the original fee--\$2,000 total, \$25 minimum monthly payment.

By good fortune shortly after that evaluation, I found employment through my brother's employer and was able to make the payments until my probation was terminated. Nonetheless, if I had not had tremendous and amazing support from my family, I most likely would have been violated and sent back to jail for not being able to pay. Probation never offered bus passes, access to computers, or life counseling. It was my struggling family who provided that support. Sadly, everyday thousands of Californians face this hapless situation and do not have the support I did.

Los Angeles County is the largest and richest county in the nation and boasts one of the largest economies in the entire world, but it is also home to the largest jail system and probation department, making it an epicenter of mass incarceration that entraps far too many people, especially low-income people and people of color. Let us have a fair chance by eliminating fees, fines, penalties, and assessments and allow us to enjoy all the great things Los Angeles County has to offer, not just its criminal system.

*Anthony Robles is a member of the Youth Justice Coalition.*



## LET'S GET FREE LA

**Let's Get Free LA** is a coalition fighting for economic justice for system-impacted people and families in Los Angeles County. Members of the coalition include A New Way of Life Reentry Project, the ACLU of Southern California, Anti-Recidivism Coalition, Community Coalition, Homeboy Industries, National Lawyers Guild-LA, Public Counsel, and Youth Justice Coalition.

In 2009, the Youth Justice Coalition (YJC) published *Getting Paid*, a report about the impact of system fees on youth and their families. That same year, YJC successfully pushed the Los Angeles County Board of Supervisors to stop charging juvenile system fees. In 2017, members of the Let's Get Free L.A. coalition successfully advocated for County repeal of public defender registration fees. Building on this victory, in 2018, YJC and the Western Center on Law and Poverty sponsored and pushed the California State Legislature to pass SB 190 (authored by State Senator Holly Mitchell), which ended the assessment of juvenile system fees statewide.

In October 2018, members of Let's Get Free LA came together and successfully urged the Board of Supervisors to discharge \$90 million of outstanding juvenile fees and to order county agencies to report back information about adult probation fees. That Board action resulted in the Los Angeles County Probation Department producing a preliminary summary of the criminal system fees it collects. The same month, Let's Get Free LA hosted a legal clinic and regional convening of advocates, organizers, and impacted people to discuss the effects of criminal fees and fines in their communities. Some of the stories included in this report were shared at that convening.

In April 2019, the Board of Supervisors passed a motion directing the Chief Executive Office in consultation with the Probation Department, the Auditor-Controller, County Counsel, Treasurer Tax Collector, the Public Defender's Office, the Alternate Public Defenders Office, the District Attorney's office, the Sheriff's Department, the Courts, and community stakeholders, including those with lived experience, to produce a detailed report on the fines, fees and penalties levied against adults in the criminal justice system. The Let's Get Free L.A. coalition submits the information and lived experiences set forth in this paper for inclusion in the Chief Executive Office's report.

## **METHODOLOGY & OBSTACLES**

The findings in this paper are rooted in the firsthand accounts of people experiencing system fees and fines, which Let's Get Free LA organizations gathered from their members and clients. In addition to direct outreach, the coalition utilized surveys: one that invited responses from individuals directly impacted by criminal system fees, and one that invited responses from attorneys within the Los Angeles County Public Defender's Office.

Additionally, the coalition reviewed publicly available court records, policies, and forms used by program providers and referral agencies, as well as state and national research reports that included Los Angeles County. The coalition also analyzed responses to several sets of public records act requests submitted to Los Angeles County and Los Angeles Superior Court by the ACLU of Southern California; the UC Berkeley School of Law's Policy Advocacy Clinic; and the Western Center for Law and Poverty.<sup>i</sup> Those requests sought various records regarding the assessment and collection of fees from adults in the criminal legal system in Los Angeles County. We are grateful to Stephanie Campos-Bui and Tara Gamboa-Eastman for generously sharing their records and analyses.

Throughout this process, the coalition has consistently encountered a lack of transparency and difficulty accessing relevant information. The California Legislative Analyst's Office has observed that on a statewide level, there is "[a] lack of complete and accurate data on fine and fee collections and distribution."<sup>ii</sup> This is certainly the case in Los Angeles County.

Los Angeles was one of only a few counties in California, for example, that failed to provide a fee schedule in response to the UC Berkeley Policy Advocacy Clinic's records requests. The LA County Sheriff's Department responded to Let's Get Free LA's request for records relating to fees with the implausible statement: "We have no responsive records."

## THE IMPACT OF CRIMINAL SYSTEM FEES ON LOS ANGELES FAMILIES

### *What System Fees Does Los Angeles County Impose?*

Under California law, people facing criminal charges can be assessed a wide variety of criminal fees, fines, and assessments.<sup>iii</sup> Some of those are administrative fees that counties have discretion to impose or not impose. Every day, Angelenos face bills for a multitude of administrative fees attached to every stage of the criminal system: public defender fees, probation supervision fees, fees for mandatory drug tests, and electronic ankle monitors. When people can't afford to pay off all their fees immediately, they are billed for even more: installment account fees, collection fees, interest, then assessments for "failure to pay."

Some counties, like San Francisco and Alameda, have already stopped collecting fees that are under county control.<sup>iv</sup> Los Angeles County, however, continues to charge many fees that it has discretion to eliminate. (See Figure 1).<sup>v</sup> These county-authorized fees by themselves can add up to thousands of dollars.

Among the counties that choose to impose administrative fees, Los Angeles's fees are some of the highest in the state.<sup>vi</sup> For example, Los Angeles County charges between \$696 and \$796 for a pre-sentence investigation report. For the same kind of report, Contra Costa County imposes a \$176 fee. Los Angeles charges roughly \$155 a month in probation supervision fees, compared to Santa Barbara County's fees of about \$90 a month.

**Figure 1:  
Administrative Fees LA County  
Chooses to Impose**

Fee	Cost
Probation Supervision Fees	\$155/month (~ \$5500 for 3-year term)
Pre-Sentence Investigation Report	\$796 per report
Representation by Counsel	\$305 - \$2399
Probation Collection Installment Fee	\$50
Restitution Collection Fee	Up to 15% of restitution
Restitution Fine Service Charge	Up to 10% of restitution fine
Alcohol Testing Fee	\$50
Emergency Medical Services Assessment	\$2 for every \$10 of penalties, fines or forfeitures

In addition to paying the fees that Los Angeles County directly imposes, people must pay fees to private agencies to complete programs and labor required by the court, probation, or diversion agreements. Fees for such programs vary widely across the county. Initial enrollment fees range from \$35 to hundreds of dollars. On top of enrollment fees, referral agencies and program providers impose various fees for things like courses, time-sheets, and certificates of completion.

These fees are imposed on top of the monetary sanctions the state of California imposes: fines, penalty assessments, and restitution. By choosing to assess administrative fees, Los Angeles County piles on to what is for most people already a crushing, unpayable amount of criminal system debt.

### **Types of Program Fees in LA County**

**Diversion Fees:** People accused of minor offenses can sometimes avoid criminal charges if they complete a diversion program. Private diversion program providers charge fees that may amount to hundreds of dollars. (See Appendix A). Some legal advocates told us about clients that could have avoided further criminal system involvement who were forced back into criminal proceedings because they could not afford diversion program fees.

**Community Service / Labor Fees:** People are sometimes given the option of doing community service or labor instead of jail or fines, particularly when they cannot afford to pay fines.<sup>vii</sup> But ironically, community service and labor agencies force people to pay fees in order to complete court-approved labor. (See Appendix B).

**Program Fees:** Courts often require people to take classes or complete other programs as part of their sentence, or as a condition of probation (e.g. DUI programs, domestic violence programs, anger management programs). These programs are offered by private providers who may charge hundreds of dollars in fees for participation.

**Monitoring Fees:** Courts also order people to submit to conditions of release or probation—such as drug and alcohol testing, HIV/AIDS testing, GPS-ankle bracelet monitoring, and ignition interlock devices—that require people to pay fees to private companies.

### ***Who Pays?***

Los Angeles County imposes criminal administrative fees on people already struggling to meet their basic needs. The vast majority of people that the County burdens with such fees are represented by court-appointed counsel,<sup>viii</sup> and are therefore presumed to be indigent under the law.<sup>ix</sup> National studies indicate that fees are primarily charged to people who are poor; two-thirds of people on probation make less than \$20,000 a year, and nearly 2 in 5 make less than \$10,000 a year.<sup>x</sup> Research from the University of California, Los Angeles shows that 43% of people arrested by the Los Angeles Police Department are unemployed even before their lives are disrupted by court hearings, a conviction, or incarceration.<sup>xi</sup> Los Angeles County residents facing the aftermath of a conviction struggle to secure housing, provide for their families, and find employment.<sup>xii</sup> Yet it is at this most vulnerable time that the County bills them for the criminal fees it has chosen to impose.

**D.B.** is 23 years old. He owes over **\$3000** in criminal system fees (in addition to thousands in victim restitution). The weight of the fees he owes Los Angeles County keeps D.B. up at night with worry. But D.B. can't afford to pay the fees. He can barely afford to eat right now. He has had trouble finding work because of his record. He found a job at Ross Dress for Less but was never brought on board following a background check. D.B. has decided to focus on school for now, but it is difficult for him to focus on his studies because he is constantly stressed about scraping together enough money to cover food and other basic necessities.

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**S.H.** had been in foster care for five years before her arrest. She was a survivor of sexual exploitation and the mother of a two-year-old daughter. She was dealing with the fact that her daughter was going to be entering foster care and repeating the cycle S.H. had found herself in for her most formative years. In facing that reality, S.H. wanted to give her daughter everything she could, despite the fact that she was entirely disconnected from support, resources and a community. S.H. stole clothes from a children's clothing store and was arrested and convicted of theft. S.H. left the courtroom at the age of 18, without a high school diploma, without an income, without a family to turn to – facing \$111 in assessments and fines, \$300 in restitution, and three years of Los Angeles County probation supervision fees (adding up to about **\$5000**). S.H. cannot pay any portion of that amount. Her life is about figuring out where she will sleep tonight and where her next meal will come from.

Criminal system fees harm not only the people who owe the fees, but also their families and communities. When individuals are unable to pay, many turn to family members for help. A national survey found that family members ended up paying criminal system fees and fines in 63% of cases, and 83% of the people responsible for paying were women.<sup>xiii</sup> One in five families took out loans to make payments.<sup>xiv</sup> Criminal fees force entire families to choose between payments and necessities like rent, groceries, diapers, and health care. The county extracts fees from people and their family members who have already paid taxes for government agencies' operations – in other words, people impacted by the criminal system are taxed twice.<sup>xv</sup>

Criminal system fees are particularly harmful to communities of color in Los Angeles County and it disproportionately hurts Black families. Seventy-five percent of adults on probation in Los Angeles County are Black or Latinx.<sup>xvi</sup> Due to over-policing and bias in the system, Black Angelenos account for roughly 9% of the total population but 28% of people on probation and 30% of people in jail.<sup>xvii</sup> The rate of criminal justice system involvement is disproportionately high for Black families with children.<sup>xviii</sup> Forty-five percent of Black households and 55% of Latinx households in Los Angeles County struggle to keep a roof over their heads and pay their bills.<sup>xix</sup> This means that the burden of criminal system fees is not only racially inequitable but also falls

disproportionately on lower-income families. By assessing criminal administrative fees, Los Angeles County becomes a driver of inequality, stripping resources from communities of color and exacerbating the racial wealth gap.<sup>xx</sup>

**Sandra Blanco** is a native of South Central Los Angeles and a member of the Community Coalition. She is the mother of 4 children (3 with autism) and is currently unemployed. She was first put on probation in 2011 for a small identity theft charge (\$2000), yet spent several days in jail, was given 480 hours of community service and 3 years probation. Due to economic hardships, lack of family support and emotional stress, she began using drugs and caught a minor substance abuse charge which violated her probation, causing her to spend 44 days in jail and extending her probation sentence for another 5 years. She was released under AB 109 and though she has only worked part-time babysitting, she has paid a little over **\$3500** towards her restitution and probation fees. She still owes roughly another **\$3500** towards the rest of her debt (probation and court fees). These fines and fees have created a tremendous burden for her and her family and they need to be abolished!

### *What Are the Harms that Los Angeles County Causes to Families by Imposing System Fees?*

Because Los Angeles County's most economically vulnerable families carry the weight of criminal justice debt, the bulk of the fees imposed by Los Angeles County goes unpaid. Still, impacted families routinely undertake extraordinary efforts to make whatever payments they can. According to system-impacted people, organizers, public defenders, and legal aid advocates, common methods include taking out predatory payday loans, turning over yearly tax refunds, borrowing money from family and friends, recycling for cash, postponing medical care, and even donating plasma for money. These efforts to scrape together payments can increase the debt people carry in other areas, such as increased medical expenses or interest on loans, compromising further the health and economic security of Los Angeles families.

"I had a client pay her fees rather than getting much needed dental care. She came to a progress report [hearing] to pay her fees and was missing teeth because they were left untreated."

- LA County Public Defender

Furthermore, debt adversely impacts housing, employment, and earning capacity, investments in child care or higher education, harming rehabilitation and contributing to recidivism. Criminal system debt lowers people's credit scores, impeding their ability to get approved for rental housing or loans for homes, cars, or higher education. Employment is one of the most important tools for preventing recidivism.<sup>xxi</sup> But outstanding fees show up on employment credit checks, obstructing access to jobs for the very applicants who need work the most.<sup>xxii</sup>

Once assessed, administrative fees can become a civil judgment subject to tax refund intercept and wage garnishment. Paycheck garnishments caused by criminal system fees cause stress to employees and employers alike, often leading to problems finding or keeping work.<sup>xxiii</sup> Under duress, people are sometimes forced to turn to underground economy to manage the financial strain of fees.<sup>xxiv</sup> Research also shows that unpaid debt causes significant physical and mental health problems and strains family and other relationships that are important for a healthy, pain-free life.<sup>xxv</sup>

“Some judges try to downplay the need to fully waive the fees by remarking that if they are not paid they ‘merely go to collections,’ but then the failure to pay goes on to the client’s credit rating and makes it difficult to get housing or employment.”

- LA County Public Defender

**C.L.** was convicted for prostitution-related charges while experiencing homelessness and trying to provide for her family. While her convictions have now been expunged, the outstanding criminal fees are now in collections and negatively impacting her credit score. C.L. has been unable to get approved for a car or apartment because of her low credit score. She has three children ages 12, 10 and 7 months old. As C.L. says, the impact of these fees on her credit score is making it “hard to live.”

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**L.P.** entered the foster care system at the age of 6 because her mother was a sex worker. While the Department of Children and Family Services acted as her parent, L.P. found herself on the street and with a pimp by the age of 13. At the age of 22, L.P. was arrested for prostitution offenses. According to L.P., “she turned tricks to pay the bills.” These bills include food, clothing and shelter -- but they also include the **\$700 in fees** she needed to pay for the prostitution diversion program associated with her first arrest and the **thousands of dollars of system debt** associated with the conviction and sentence for her second arrest. The County’s imposition of fees and fines on young people like L.P. does not curb their sexual exploitation. Instead, it increases the economic pressures on them, obstructing their way out.

## **THE “ABILITY TO PAY” MYTH**

Fewer than half of California laws that authorize the assessment of criminal fines and fees affirmatively permit courts to inquire into a defendant’s ability to pay those fines and fees. Regardless, judges have the authority to waive or stay fines and fees in the interest of justice. And in a recent decision, the California Court of Appeals held that the Constitution requires waiver or stay of fees in cases where someone does not have the ability to pay.<sup>xxvi</sup>

However, surveyed public defenders report that there is a lack of uniformity in approach to ability to pay proceedings amongst Los Angeles County Superior Court judges. This means that a defendant in one courtroom could receive a complete waiver of fines and fees, while a similarly situated defendant in a courtroom down the hall could be assessed hundreds of dollars. Some judges require defendants to complete a full financial evaluation with a county financial evaluator before even considering granting a waiver or reducing a defendant’s financial obligations because of an inability to pay. Other judges require counsel to provide an overview of a defendant’s income sources and obligations in open court before entertaining a fee waiver. Some judges simply refuse to make ability to pay findings or grant fee waivers in any situation.

Similarly, state law requires the Probation Department to consider ability to pay in order to assess supervision fees,<sup>xxvii</sup> but in too many cases, there is no real consideration of a person’s financial circumstances. Even for people in dire straits, waiver rarely happens; at most they receive a slight fees reduction. According to numerous accounts by impacted individuals, the determination that someone does not have the ability to pay fines and fees typically results in a finding that the person should nonetheless pay a monthly installment amount.<sup>xxviii</sup> Although the law gives people on probation the right to a hearing to determine their ability to pay fees, probation officers in Los Angeles often coerce

“I worked in a courtroom that handles hundreds of cases a week. The judge there refused to waive fines and fees in any case, regardless of ability to pay.”

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“If I say my client is homeless, the judge will respond by saying: ‘What kind of homeless, staying at a friend’s homeless, or staying in a tent homeless? For how long has he been homeless?’

If I say my client is unemployed, the judge will respond by saying: ‘For how long? Does he have anything that prevents him from obtaining a job?’

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“My client did not have the ability to pay probation fees and requested to waive them based on his inability to pay. The judge stated that she would not “waste time with such a hearing.” I requested that my client be afforded the opportunity to go to the financial evaluator to show his inability to pay. The judge was unaware of the existence of the financial evaluator and was ignorant of the entire process. She noted that she would not set a future court date for the results from the financial evaluator.”

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“One judge would remand clients into custody if they didn’t pay the balance of the fees by the due date, usually one year after the plea. This created a de facto debtor’s prison for clients who did not have the ability to pay.

I’ve seen other judges write notes to the clerks – ‘if mandatory fees not paid then per civil’ - indicating that the remaining balance will be sent to collections. So clients who do not have the ability to pay their court fees are stuck between a rock and a hard place - either their fees are sent to collections where they multiply astronomically or they are incarcerated.”

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“For clients with income that isn’t below the federal poverty line - those making just enough to barely afford their rent controlled apartments and burning through whatever little they had saved, or borrowing money to pay for programs to stay out of jail - I have to make detailed arguments to the judge to explain what the numbers are and why those numbers mean clients can’t pay. Judges seem to have no appreciation for the idea that forcing our clients to literally exhaust all their resources places them in peril of becoming homeless if, say, their car broke down unexpectedly. Our clients are basically not allowed to have an emergency fund or savings, because the judges view the court fees as their ‘emergency.’”



people into waiving this right. People with no money to spare at all are therefore forced to turn to desperate measures to scrape together payments on a monthly basis in order to avoid serious consequences. Adding insult to injury, Los Angeles County imposes on them an additional poverty penalty: an “installment collection fee.” When they are unable to make their payments as ordered, they are punished with further monetary penalties.<sup>xxix</sup>

In one case we reviewed, for example, the County’s financial evaluator determined that an individual on probation had the ability to make payments of \$15 a month towards her probation services. A year later, Probation reported an unpaid balance of fees exceeding \$3000 on that person’s account. On top of the fees for probation services, the County also imposed a collection installment fee, a restitution fine service charge, a court security fee, a court construction fee, and a restitution fine collection charge, among others. The person attempted to make one payment towards her probation fees, but her bank account had insufficient funds. As a result, the County added an additional fee—a “bad check charge”—to her account. The Probation Department then reported to the court that the person was not in compliance with court-ordered obligations.

### ***Program Fees: Unaffordable & Unaccountable***

Waivers and reductions of programs fees also are not consistently available. Many system-impacted individuals and legal advocates report seeking and failing to obtain waivers of program fees based on inability to pay.

Even where fee waivers or reductions may be available, program providers impose restrictions or proof of indigency requirements that are too onerous for many people to satisfy. For example, we reviewed policies and forms from one community service center that expressly stated that “clients” must live within a certain geographic area to be eligible for a fee reduction; that they must produce proof that they receive public benefits that do not exceed \$1000 a month; and even those individuals must still pay a minimum fee of \$20.<sup>xxx</sup>

“I went to the community labor office with my client. Fee waivers do not exist. There is a possible reduced fee from \$125 to \$75 with specific proof of income, which most clients do not have.”

- LA County Public Defender

Many people face the dilemma of not being able to afford such fees and end up going back to court to explain why they could not complete the work or program as ordered by the judge. Some people even end up in jail as a result.

In one Los Angeles County case, the court ordered an individual, who worked periodically as a day laborer, to take 52 weeks of classes as a condition of probation. The individual tried for months to identify classes he could afford, to no avail. The Probation Department confirmed that there were no free or waived fee classes offered near the individual’s home; all court-approved programs

required fees that he could not afford to pay. Nevertheless, the Probation Department recommended that the individual's term of probation be continued for failure to complete court-ordered program requirements. In another case described by a legal advocate, an individual donated to a plasma bank multiple times to save up enough to pay off a DUI program in order to complete the court-ordered terms of his probation.

It is unclear whether Los Angeles County monitors or regulates program provider, referral agency, community labor/community service center, or GPS/ankle monitor fees in any way. Los Angeles County did not produce policies, guidelines, or schedules related to such fees in response to public records requests.

"I had a client who was three classes short of completing her court-ordered domestic violence classes (49 out of the 52 total). Her mom had been paying for the classes, but her mom unexpectedly passed away. My client suffered from schizophrenia and was compliant with all other terms and conditions of probation. She had been receiving mental health treatment, staying on her medication, obeying all laws but could not afford the remaining classes and some back payments she owed to the program.

The judge kept continuing her case for her to get money and complete the classes. This client had turned her life around, was doing better than she has ever done, just suffered the loss of her mom, had all these other financial concerns as a result, and we were having her return to court to make her pay for a few additional classes that she could not afford instead of just finding that she was in substantial compliance and terminating her case. We were wasting time and money having her return and this client was also emotionally and mentally fragile and putting undue financial stress on her was not consistent with trying to support her rehabilitative efforts."

*- LA County Public Defender*

### **Gilbert's Story**

Gilbert is a native of South Central LA. He first came into contact with the LA County Probation Dept at the age of 16, when he was expelled from school for possession of marijuana and bad grades. His grandmother was raising him due to his biological parents being impacted by the war on drugs. She was on a fixed income and the probation fees and check-ins imposed a huge burden on their household.

Eventually, Gilbert made it off of youth probation but was soon placed back on probation when he received his first DUI and marijuana sales charge at the age of 18. He had to enroll in expensive DUI classes and pay thousands in court, restitution, community service, and adult probation fees. He did not complete his community service, and as a result violated his probation and ended up back in jail.

His debt continued to pile up and he caught his second DUI and possession of narcotics charge at the age of 21. He served a month in LA County jail and had to enroll in an 18-month alcohol program which cost nearly triple the amount of the first alcohol program. He had to install an ignition interlock device and his probation sentence was lengthened, meaning his fines and fees were increased drastically. He also had to take a narcotics class which cost hundreds of dollars. He caught a variety of nonviolent charges over the next couple of years, which landed him back in jail several times and further piled up the amounts of fines and fees.

He had a very hard time finding livable wage, sustainable employment and when he finally did, his checks were garnished and tax returns were taken. Fortunately for him and his growing family, he was hired by Community Coalition and he is currently leading work to eliminate these predatory fees and fines.

*Gilbert Johnson is Director of Organizing for the Community Coalition*

## THE UNDERCOUNTED COSTS OF IMPOSING CRIMINAL SYSTEM FEES

Although the people haunted by criminal system fees experience them as a second punishment, that's not what they are supposed to be. System fees are imposed in addition to the fines, labor, and incarceration that the court assigns to a convicted person as punishment. The County assesses fees to generate revenue.<sup>xxxix</sup> But fees are an unreliable and painfully regressive source of revenue. The vast majority of people who owe fees simply cannot afford to pay them.

As a result, collection rates are low. The Probation Department's January 2019 report to the Board of Supervisors reported single digit collection rates for nearly all county-imposed fees. Overall, the Probation Department reported a collection rate of only 3.8%.

The costs of assessing and collecting fees greatly outweigh the value of the revenue the County can collect.<sup>xxxix</sup> The detrimental impacts of fees also result in costs to the County. Fees cause harms to public health, safety, and economic stability that put pressure on county resources and result in increased legal and criminal system expenses. The County does not appear to track these costs, and they are harder to quantify, but that does not make them any less real.<sup>xxxix</sup>

### *Collection Costs*

According to responses to public records requests, Los Angeles County dedicates over \$4 million to staff probation collection efforts: more than the total probation supervision fees collected and more than a third of all system fees collected.<sup>xxxix</sup> In addition, the Probation Department spends unspecified amounts on mailing notices of amounts due and maintaining a collections call center.<sup>xxxix</sup> Finally, the Probation Department expends many unlogged hours of staff time turning probation officers into collections agents. Probation officers spend time monitoring their supervisees' payments, pressing them to pay their fees, and participating in enforcement proceedings (including reporting nonpayment to the court and participating in hearings to extend or revoke probation). All of these resources could be used to provide services to "rebuild lives and provide for healthier and safer communities."<sup>xxxix</sup> Instead, the County uses them to assess fees that destroys lives and undermines public safety.

### *Criminal & Legal System Costs*

Los Angeles County's policy of collecting fees through the criminal system feeds into a debtor's prison-type system that increases the number of people on probation or in jail. Fees set people on the path to more criminal system involvement in several ways, all of which result in significant—but untracked—County costs.

When people fall behind on paying their criminal system fees, they will often be scheduled for a court hearing that uses up county public defender, prosecutor, and probation resources, in addition to court resources. At that hearing, judges may extend the person's probation for the purported purpose of giving the person time to demonstrate they can make consistent payments, to pressure them to pay fees, or to punish them for failing to pay fees. Meanwhile, the person only continues to accrue more supervision fees and expend probation resources. Extension of probation also increases the likelihood that a person's probation will be revoked for a technical violation, resulting in incarceration and/or prolonged supervision.

Sometimes, judges revoke probation for failure to pay fees, resulting in incarceration or further probation costs. Probation decisions in this context often result in court appeals that require even more use of County legal system resources.<sup>xxxvii</sup> Some court clerks and probation officers seek bench warrants for people when they fall behind on payments or when they fail to appear for a fees-related meeting or court date. These warrants lead to arrests that not only deprive people of freedom, but also result in law enforcement and jail costs.<sup>xxxviii</sup>

Fees also lead to increased criminal system involvement by creating barriers for people post-conviction and increasing the likelihood of recidivism.<sup>xxxix</sup> It is already very difficult for people with a conviction to secure housing and employment. Criminal justice debt makes this even more difficult, by making people ineligible for record-clearing and by damaging people's credit reports. Status hearings to enforce fees payments disrupt work schedules, making it hard for people who owe such debt to hold down jobs. Research shows that fees often push people into the underground economy in order to make their payments to the County or court and still make ends meet.<sup>xl</sup>

"I've had many clients ask me to keep continuing their cases in order to get tax returns or to find someone to borrow money from. Clients do this routinely to be able to pay off fines and fees and even sometimes to enroll in their programs because they want to do them and are trying to do them but cannot afford them."

- LA County Public Defender

"I have seen a judge issue a bench warrant when the client has done everything ordered of them on probation, but the case file is still lingering because the court fees weren't paid."

- LA County Public Defender

"I had a client in custody on a bench warrant for failure to pay \$300 plus penalty assessments and court fees. My client was homeless and unemployed and clearly couldn't pay. The judge violated his probation and gave him time in jail. When I asked to waive the fees, she sent them to collections. Sending fees to collections is so damaging for our clients trying to get back on track with their lives."

- LA County Public Defender

### Dayvon's Story

I have been in the system since the age of 3 when I was removed from my parents' custody and put into the foster care system. Since then I moved from foster home to foster home and eventually to the street.

My first arrest was for theft. I was stealing, because I was hungry. I was put on juvenile Probation for a year. I reported to a Probation office every month, but I was never given any resources for education, employment or housing. All I remember them saying was that I had to get a library card, go to counseling and pay for Probation, or I would get violated and locked up. I was sentenced to one year Probation but my Probation time was extended to almost two years, because I didn't have the money to pay. The Department knew that I was in foster care living with my foster father. They also knew that I have epileptic seizures.

I knew that it was my responsibility to care for myself, and I was getting close to 18. But, Probation and foster care never helped me to find stable job and a way to pay for education.

After I turned 18, all I had was a small income from SSI due to my disability. I was arrested for burglary. The fact I had been on Probation and was slow to pay fees and fines was one of the reasons that my bail was kept to high. So, I couldn't afford to bail out. When I was first in county jail, I had a seizure. The people in my cell yelled for the Sheriffs, but they ignored the calls. When they finally came over and saw me on the floor, they claimed that I was faking and locked me for two weeks in solitary confinement.

For two weeks, 24 hours a day, I had no books, no writing materials, no music and no human contact except occasionally when deputies brought food. Only 2 or 3 days would pass by, and it felt like weeks. I would never know if it was day or night. The room was freezing! It was dirty, and there wasn't a bed, only a hard concrete seat built into the wall. The room was very small. Immediately, I felt trapped! There was a tiny window in the door that I would peek out of just to see outside of the claustrophobic cell. One day, the guard caught me looking outside the window, and he put paper over it, so I could no longer see anything.

I hadn't had a shower for the first four days after coming into solitary confinement. I smelled myself and started to feel disgusting. I received a change of clothes only once during my 2 weeks in solitary confinement. I was ignored like I didn't even exist. It's these conditions that force people to take bad deals and accept fees and fines they can't pay just to get out of jail.

*Dayvon Williams is a member of the Youth Justice Coalition.*

### David's Story

In January 2009, I was convicted of a felony charge of forgery. After receiving credit for three days that I served in the Van Nuys Jail, I was sentenced to 90 days of CalTrans and five years of probation.

I completed the CalTrans sentence in October 2009. I set up a payment plan for the fees and fines I owed. The total amount was approximately \$4400. That included fees that covered the cost of the three days I spent in the Van Nuys Jail. I don't know what else besides meals could have necessitated those particular fees. I and others who were incarcerated with me during the three days did not go outside during that time. The only other cost that might have been necessary was the cost of one group shower that we took.

According to the payment plan I followed throughout the years 2009 to 2012, I paid \$25 a month. It was obvious that many years would be necessary for that arrangement to approach a total of more than four thousand dollars. During those years of 2009 to 2012, I had a career as a volunteer in phase 1 medical clinical trials at three different medical facilities in Southern California.

In the fall of 2012, after three of the five years of probation had passed, I asked my probation officer exactly how much more time I faced. He replied that the time period of five years was misleading. He said that as soon as I paid the \$4000-plus amount of fees and fines in full, my probation would be terminated. I asked what would happen if the five years passed, and I still owed a large balance. The probation officer replied that the outstanding balance would be transferred to a state government office that was based in Sacramento. I would receive bills in the mail from there for many years until my balance was paid in full.

So in the fall of 2012, I decided to use my earnings from phase 1 clinical trials to pay the entire balance of approximately \$4300.

In 2016, at age 51, I became unable to volunteer for phase 1 clinical trials. I am surviving on a Social Security monthly payment for a disability, and I receive a small financial support from my 83-year-old widowed mother. I am 54 years old without a marketable skill.

This is an appeal for Los Angeles County to stop charging low income people - including those of us surviving on payments for disabilities - thousands of dollars in fees and fines including the cost of incarceration in a Los Angeles County Jail. Fees for confinement to county facilities are absurd because jails don't provide any rehabilitation services, psychological counseling, job training or even physical fitness equipment. The financial burden of more than \$4000 that I covered during an earlier, healthier phase of my life was absurd, and I request that I get it back in full. Other people who have paid exorbitant fines and fees, including the cost of incarceration in facilities where they did nothing but eat and wait for release, should receive refunds in full.

*David Henschel came to the Youth Justice Coalition's participatory defense / legal clinic for help with an expungement and has been organizing since then to end fees and fines in LA County.*

## *Social Costs*

Los Angeles County’s policy of imposing criminal fees also results in costs to the public safety net and community savings, causing financial insecurity that threatens the county’s overall economic prosperity. Fees force families to pay down criminal system debt with money they could otherwise spend on basic needs, like housing, food, clothing, auto repair, and medical care. In the words of one legal advocate, the County’s practice of collecting fees from families that receive public assistance “seems silly” because “it takes money from one county pocket to put it in another.” For other families, fees can be the difference between making ends meet and a needy situation or even financial calamity — because they have exhausted their emergency reserves on fee payments, or because of interest on loans taken out to pay fees, penalties for late payment of other bills set aside to pay fees, or health care expenses related to delayed medical attention or stress.<sup>xli</sup>

“I want to move forward. I want to do right by my son. But how can I move forward with these fees hanging over me? It made me feel so low... I hate to see the women coming home, simply trying to survive, trying to do the right thing and getting pulled under by these fees.”

– Angelique Evans,  
*A New Way of Life Policy Fellow*

Taking such considerations into account, a 2016 benefit-cost analysis found that eliminating juvenile fees in Alameda County alone would result in a net financial benefit to society of \$192,000 annually or more than \$5.5 million in perpetuity (present value) due to state and local administrative savings and in the reduction of labor market harms and wage garnishment.<sup>xlii</sup> As Los Angeles County considers the financial impact of eliminating criminal system fees, it must similarly account for community costs and savings in its analysis.

“As the founder of Homeboy Industries, I see firsthand how the justice system’s wanton disregard for the poor impedes the progress of the men and women we work with. Homeboys and homegirls tell me of the excitement and pride they feel at getting a job and earning honest money. A homie once showed me his first earnings and said, ‘Damn, G, this paycheck makes me feel proper!’ But those feelings can be dampened when they see how their wages must be spent on or are garnished for court fines and fees. Most of these men and women are earning minimum wage or less, and losing this income means making impossible choices between putting food on the table, paying monthly bills or paying rent.”

– Father Greg Boyle  
“Court fees punish the poor for being poor. California, stop criminalizing poverty,”  
*Sacramento Bee* (June 26, 2017)



### Lupita's Story

I graduated last year from high school at the Youth Justice Coalition. I worked hard to pass Senate Bill 190, a bill that was sponsored by the Youth Justice Coalition to end system fees for youth across California, and now I am hoping LA County will end fees for adults.

My older brother has been in and out of the system since he was ten years old. My mother is a single mom and she has paid thousands of dollars for fees for him. This included the time when my brother was in juvenile hall, his time in a Probation camp, and public defender fees as a young person and numerous court fees and fines as an adult. I could tell how all the fees worried my mom. She would leave the house for work at 4AM and come home at 6 or 7 PM at night. She would just look so sad and tired. When I got a ticket in elementary school, like most little children, there was no way I could help her pay. Over the past two years, our rent went way up in Inglewood and we were eventually evicted and forced to live with family in South Central LA. She has become more and more angry and depressed. System fees and fines are a big part of what has destroyed our family's stability.

When we were organizing against youth fees and fines, the Youth Justice Coalition surveyed families on the juvenile hall visiting lines. One mother had two children at home and one locked up in Probation camp. Her son was in and out of camp for minor Probation violations such as missing school or being out past curfew. She had worked for the past 8 years at a dry cleaners where she earned \$685 dollars a month. She paid Probation \$50 dollars a month for 14 months and still had \$11,000 dollars left to pay.

We talked to another family from South Central Los Angeles that had three children and two grandchildren living at home. The family had a bill for one child's system fees that was over \$6,000 dollars. His mother and his sister had already paid \$3,000 dollars. His mother was laid off from her job at a factory, so she pawned all her jewelry and rented half of their house to another family to pay off the remaining Probation fees.

We found out through our research that adoptive families and foster care families – who weren't supposed to be charged fees and fines – were charged anyway. One father had adopted a little boy at the age of 4. When his son was first arrested at the age of ten, he retired early to give him more supervision and support. But because of thousands of dollars in Probation custody and supervision fees, he returned to work. Because of how detention in juvenile hall and Probation supervision hurt his son, the father eventually moved with his son to Africa to give him better chances. Everyone is charged the same.

We don't know the exact racial breakdown of fees and fines on the adult side – neither the County of Los Angeles or the Public Defender's Office has a demographic breakdown. But we know that for youth fees and fines, over 90% of the families charged Probation fees by L.A. County were families of color. White youth are more likely to have access to paid lawyers that rush their cases through court. Low-income families of color like mine end up paying much more for the exact same charges. We already pay for courts and Probation with our taxes. Poor families of color are getting taxed twice.

We should celebrate the progress we all made by passing SB 190 – no other California family in the future will have to pay for being locked up in juvenile halls and probation camps, or juvenile probation supervision, electronic monitoring for house arrest, public defender representation, or drug testing. In ending these fees in LA County and in passing SB 190, LA County and the state of California said that they care about children and youth. But, if LA and California agree that fees hurt people under 18, how is that different for people over 18 that are the parents, grandparents or siblings of children and youth? If you are charging an adult, in most cases, you are still taking food, housing, transportation and school supplies from a child.

*Lupita Carballo is a member of the Youth Justice Coalition.*

## LET'S GET FREE, LA!

The Board of Supervisors must put an end to the criminalizing practices that seek to balance the County's books on the backs of people who have the least financial means. Collecting criminal system fees is both expensive and harmful for the County; it's just bad public policy.

In recent years, more and more policymakers have started to realize that criminal system fees should be eliminated as a matter of equity and common sense. In 2017, five probation chiefs—including Los Angeles Chief Probation Officer Terri McDonald—signed onto a public “Statement on the Future of Community Corrections” which called for reducing the number of people on probation by “eliminating or significantly curtailing charging supervision fees” and focusing the resources saved by reducing the probation population on “improving community based services and supports[.]”<sup>xliii</sup> A much larger group of current and former probation executives—again including Chief McDonald—has since issued a “Statement on the Future of Probation & Parole in the United States” that similarly calls for the “eliminat[ion] of supervision fees.”<sup>xliv</sup> In May 2018, San Francisco County passed an ordinance eliminating all locally controlled criminal system fees.<sup>xlv</sup> San Francisco Treasurer & Tax Collector Jose Cisneros stated: “We must find more fair and just ways to fund our courts and criminal justice system that do not balance the books on the backs of those who cannot afford it.”<sup>xlvi</sup> In November 2018, Alameda County followed suit with an ordinance eliminating its criminal system fees.<sup>xlvii</sup> And in September 2019, Contra Costa County imposed a moratorium on its assessment and collection of fees.<sup>xlviii</sup>

For Los Angeles County, it's clear the time to act is now. Los Angeles County must lift the burden that its fees policies have been imposing on economically-marginalized communities for too long, to allow all of us to move forward together and succeed.

### *Recommendations*

**Immediately eliminate all criminal system fees under County control and discharge outstanding debt.** The County should follow in the example of San Francisco and Alameda counties and repeal the authorization for all criminal system fees that it has discretion to stop collecting.<sup>xlix</sup> It should immediately end assessment and collection of those fees. In addition, it should discharge all previously-assessed fees and end their collection, as it did for juvenile system debt. The County should also develop a referral, complaint and investigation mechanism to both ensure that debt agencies end their collection of past debt and to ensure that families credit ratings are restored. The County should freeze all debt assignment and collection until all aspects of the study authorized by the LA County Board of Supervisors are completed, especially given that the report is past due.

**Reinvest savings from reduced collections and criminal and legal system costs into community services, including free options for diversion, court-ordered programs, and reentry supports.** The County has extracted millions of dollars from its poorest residents, funds that could have been spent on education, savings, child care, and other vital services essential for the progress of their families and their communities. The County should reinvest in the individuals and communities it has harmed most by imposing fees. It can start by funding free, accessible programs and referrals that will enable people to fulfill court-ordered requirements and prevent future entanglement in the criminal system without sinking into debt.

**Establish effective oversight of all criminal system program providers and referral agencies operating within the County to prevent them from exploiting Los Angeles families.** In addition to offering free options for diversion, rehabilitation, and court-ordered program requirements, the County should closely monitor and regulate private program providers and referral agencies to ensure that they consistently offer fee waivers, refrain from financially exploitative practices, and do not discriminate against people on the basis of disability, language, or income.

**Support state legislative efforts to minimize criminal system fees.** The County should support efforts at the state level to take the burden of funding our court system and government agencies off the backs of California's poorest families. The County should start with a resolution in support of SB 144, the Families Over Fees Act, then amend its legislative agenda to make reducing criminal system fees a priority.

**Change policies and practices that increase pre-trial time in detention, which forces people to take plea bargains that often lead to more punitive fees and fines, including by:** establishing mechanisms throughout the County's 57 law enforcement agencies and the Sheriff's Department county jail intake and assessment to dramatically increase the use of cite and release (release on one's own recognizance - OR); transferring pre-trial services out of LA County Probation to the County Office of Diversion or Department of Health Services and focus instead on Pre-Arrest Assessment within 24 hours to dramatically decrease the use and length of jail detention; increasing, strengthening and establishing pre-booking diversion for people of all ages, building on the county's creation of Youth Diversion and Development (YDD) within the Office of Diversion and Re-entry; and working with the State of California's courts and Judicial Council to capitalize on dramatic declines in the number of people arrested and processed (now at their lowest levels since the 1950s that *without similar drops in court staffing or funding*, represents an unprecedented opportunity to expand court schedules and services) to guarantee a 24 hour arraignment for both youth and adults, including night, weekend and holiday courts.

<sup>i</sup>Records on file with authors; *see also* Tara Gamboa-Eastman, THE PROBLEM WITH PROBATION: A STUDY OF THE ECONOMIC AND RACIAL IMPACT OF PROBATION FEES IN CALIFORNIA 5 (2018), available at [https://wclp.org/wp-content/uploads/2018/06/TheProblemWithProbation\\_Gamboa\\_Eastman\\_ForWCLP\\_Final.pdf](https://wclp.org/wp-content/uploads/2018/06/TheProblemWithProbation_Gamboa_Eastman_ForWCLP_Final.pdf).

<sup>ii</sup>MAC TAYLOR, LEGISLATIVE ANALYST'S OFFICE, IMPROVING CALIFORNIA'S CRIMINAL FINE AND FEE SYSTEM 3 (2016), <https://lao.ca.gov/reports/2016/3322/criminal-fine-and-fee-system-010516.pdf>; *see also* Gamboa-Eastman at 4 (“In California, counties administer probation, and state law allows unchecked county control in setting, assessing, and collecting fees without any reporting requirements”).

<sup>iii</sup>*See* Criminal Justice Policy Program at Harvard Law School, 50-State Criminal Justice Debt Reform Builder: California, [https://cjdebtreform.org/data-explorer/fines-and-fees?deff\[0\]=state:89](https://cjdebtreform.org/data-explorer/fines-and-fees?deff[0]=state:89) (last visited Sept. 20, 2019).

<sup>iv</sup>*See* Office of the Treasurer & Tax Collection, City & County of San Francisco, CRIMINAL JUSTICE ADMINISTRATIVE FEES: HIGH PAIN FOR PEOPLE, LOW GAIN FOR GOVERNMENT (2019), available at [https://sftreasurer.org/sites/default/files/Hig%20Pain%20Low%20Gain%20FINAL\\_04-24-2019.pdf](https://sftreasurer.org/sites/default/files/Hig%20Pain%20Low%20Gain%20FINAL_04-24-2019.pdf) (hereinafter, “SF Report”).

<sup>v</sup>All fee amounts drawn from responses to public records requests, on file with authors, or from the Probation Department's January 4, 2019 report.

<sup>vi</sup>California's fees, in turn, are among the highest in the country. *See* Gamboa-Eastman at 11.

<sup>vii</sup>A forthcoming UCLA report reveals that 74% of people doing court-ordered community service in LA do so because they can't afford to pay their court debt. In criminal court, 68% can't complete their community service by the deadline; in traffic court, a third can't. These individuals risk violating probation, getting a bench warrant, and even incarceration. Most just go to collections, where the debt they were supposed to “work off” just drags down their credit. Even after receiving community service because a judge determined they couldn't afford to pay their fines, 73% wind up making payments anyway.

<sup>viii</sup>*See, e.g.*, Bureau of Justice Assistance, CONTRACTING FOR INDIGENT DEFENSE SERVICES: A SPECIAL REPORT 3 (2000), available at <https://www.ncjrs.gov/pdffiles1/bja/181160.pdf>; Caroline Wolf Harlow, Bureau of Justice Statistics, DEFENSE COUNSEL IN CRIMINAL CASES (2000), available at <https://www.bjs.gov/content/pub/pdf/dccc.pdf>. In Los Angeles County, court-appointed counsel includes attorneys from the Los Angeles County Public Defender's Office, the Alternate Public Defender, and Bar Panel. The Los Angeles County Public Defender's Office alone handles approximately 70% of felony and 55% of misdemeanor cases in the county. The Alternative Public Defender handles another 15% of cases. Nancy Albert-Goldberg, “Los Angeles County Public Defender Office in Perspective,” 45 CAL. WEST LAW. REV. 2 (2009).

<sup>ix</sup>*People v. Vaughn* (1981) 124 Cal.App.3d 1041, 1045-1046; *Woods v. Superior Court* (1990) 219 Cal.App.3d 708, 714, fn. 6.

<sup>x</sup>Mack Finkel, Prison Policy Institute, “New data: Low incomes – but high fees – for people on probation” (Apr. 9, 2019), <https://www.prisonpolicy.org/blog/2019/04/09/probation-income/> (“States must acknowledge that people on probation are mostly low-income, and driving them further into poverty through monthly fees is cruel and counterproductive.”).

<sup>xi</sup>Estefania Zavala, Alvin Teng, Kelly Lytle Hernández & Albert Kochaphum, POLICING THE UNEMPLOYED IN LOS ANGELES (2018), available at [http://milliondollarhoods.org/wp-content/uploads/2018/05/Policing\\_the\\_Unemployed\\_MDH\\_May2018.pdf](http://milliondollarhoods.org/wp-content/uploads/2018/05/Policing_the_Unemployed_MDH_May2018.pdf).

<sup>xii</sup>*See, e.g.*, Alexes Harris, Beth Huebner, Karin Martin, Mary Pattillo, Becky Pettit, Sarah Shannon, Bryan Sykes, & Chris Uggen, UNITED STATES SYSTEMS OF JUSTICE, POVERTY AND THE

CONSEQUENCES OF NON-PAYMENT OF MONETARY SANCTIONS: INTERVIEWS FROM CALIFORNIA, GEORGIA, ILLINOIS, MINNESOTA, MISSOURI, TEXAS, NEW YORK, AND WASHINGTON 30-3 3 (Nov. 8, 2017) (noting that 43% of individuals owing fees & fines interviewed were recently unhoused, and many, including an interviewee from Los Angeles, faced barriers finding employment as a result of their conviction and relied on public assistance).

<sup>xiii</sup> Ella Baker Center for Human Rights, WHO PAYS? THE TRUE COST OF INCARCERATION ON FAMILIES (Sept. 2015), available at <https://ellabakercenter.org/sites/default/files/downloads/who-pays.pdf>.

<sup>xiv</sup> *Id.*

<sup>xv</sup> In the words of law professor Alexandra Natapoff, “[F]ees are really taxes.... It’s expensive to run the criminal justice system and now we’re going to use its subjects, arguably the population that is least able to afford paying for these processes, to fund the machinery.” Alexandra Bastien, PolicyLink, ENDING THE DEBT TRAP: STRATEGIES TO STOP THE ABUSE OF COURT-IMPOSED FINES AND FEES 3 (2017), available at <https://www.policylink.org/sites/default/files/ending-the-debt-trap-03-28-17.pdf>.

<sup>xvi</sup> County of Los Angeles Probation Department, 2018 Annual Report 46 (2018), available at [https://probation.lacounty.gov/wp-content/uploads/AR2018\\_Probation\\_v10M\\_MQ.pdf](https://probation.lacounty.gov/wp-content/uploads/AR2018_Probation_v10M_MQ.pdf).

<sup>xvii</sup> *Id.*; Los Angeles County Sheriff’s Department, Custody Division Quarterly Report (July – Sept. 2018); see also Los Angeles Homeless Services Authority, REPORT & RECOMMENDATIONS OF THE AD HOC COMMITTEE ON BLACK PEOPLE EXPERIENCING HOMELESSNESS 5 (Dec. 2018) (hereinafter “LAHSA Report”).

<sup>xviii</sup> LAHSA Report at 24 (reporting that 44% of Black families with children reported involvement with the criminal justice system, compared to 29% of families in other race and ethnic groups, and noting that when one family member the entire family unit is at risk of homelessness).

<sup>xix</sup> Jhumpa Bhattacharya, “Los Angeles County Can Do Better by Its African American and Latinx Populations” (June 7, 2018), available at <https://medium.com/@InsightCCED/los-angeles-county-can-do-better-by-its-african-american-and-latinx-populations-7ce505aaf4d> (citing data from the Insight Center for Community Economic Development’s California Family Economic Self-Sufficiency Standard)

<sup>xx</sup> *Id.*; see also Courtney E. Martin, “I Served My Prison Time. Why Do I Still Have to Pay?” N.Y. Times (Apr. 30, 2019), available at <https://www.nytimes.com/2019/04/30/opinion/i-served-my-prison-time-why-do-i-still-have-to-pay.html>; Courtney E. Martin, “The Racial Wealth Gap in Reader’s Eyes,” N.Y. Times (May 15, 2019), available at <https://www.nytimes.com/2019/05/15/opinion/the-racial-wealth-gap-in-readers-eyes.html>.

<sup>xxi</sup> Alfred Blumstein & Kiminori Nakamura, POTENTIAL OF REDEMPTION IN CRIMINAL BACKGROUND CHECKS (2010), available at <https://www.nij.gov/topics/corrections/reentry/Pages/potential-for-redemption-in-employment-in-an-era-of-widespread-criminal-background-checks.aspx>.

<sup>xxii</sup> Amy Traub, DISCREDITED: HOW EMPLOYMENT CREDIT CHECKS KEEP QUALIFIED WORKERS OUT OF A JOB (2014), available at <https://www.demos.org/research/discredited-how-employment-credit-checks-keep-qualified-workers-out-job>.

<sup>xxiii</sup> ADP Research Institute, GARNISHMENT: THE UNTOLD STORY (2014), available at <https://www.adp.com/resources/articles-and-insights/articles/t/the-us-wage-garnishment-landscape-through-the-lens-of-the-employer.aspx>.

<sup>xxiv</sup>Council of Economic Advisers, FINES, FEES AND BAIL: PAYMENTS IN THE CRIMINAL JUSTICE SYSTEM THAT DISPROPORTIONATELY IMPACT THE POOR (Dec. 2015), *available at* [https://obamawhitehouse.archives.gov/sites/default/files/page/files/1215\\_cea\\_fine\\_fee\\_bail\\_issue\\_brief.pdf](https://obamawhitehouse.archives.gov/sites/default/files/page/files/1215_cea_fine_fee_bail_issue_brief.pdf).

<sup>xxv</sup>American Psychological Association, STRESS IN AMERICA: THE STATE OF OUR NATION (2017), <http://www.apa.org/news/press/releases/stress/2017/state-nation.pdf>.

<sup>xxvi</sup>*People v. Dueñas*, 30 Cal. App. 5th 1157 (2019).

<sup>xxvii</sup>Cal. Penal Code § 1203.1b.

<sup>xxviii</sup>These accounts are consistent with statewide findings that probation departments that do conduct ability to pay determinations are not applying appropriate reduction to fees. Gamboa-Eastman at 15. They area also consistent with findings in other states. In Massachusetts, for example, a study found that probation fee waivers are not granted consistently or often enough and therefore fail to provide relief to poor probationers. *See* Wendy Sawyer, Prison Policy Institute, PUNISHING POVERTY: THE HIGH COST OF PROBATION FEES IN MASSACHUSETTS (2016), [https://www.prisonpolicy.org/probation/ma\\_report.html](https://www.prisonpolicy.org/probation/ma_report.html).

<sup>xxix</sup>Cal. Penal Code § 1214.1

<sup>xxx</sup>Forms on file with author.

<sup>xxxi</sup>The statutory authorizations for most criminal administrative fees direct any funds collected to be paid into the county general fund.

<sup>xxxii</sup>In the 2018 fiscal year, LA county spent \$3.9 million on salaries for collections staff alone to bring in \$3.4 million in adult probation fees — amounting to a net *loss*. *See* Collections Unit Cost Out Summary from LA County Probation Budget, FY 17-18; Data Obtained Using Position Control Report July 16, 2017.

<sup>xxxiii</sup>The state of California also does not track these costs. *See* Rebekah Diller, Alicia Bannon, Mitali Nagrecha, Brennan Center for Justice, CRIMINAL JUSTICE DEBT: A BARRIER TO REENTRY 10 (2010) (hereinafter, “Brennan Center Report”) (noting that California does not have any kind of process for measuring the impact of criminal justice debt and related collection practices on former offenders, their families, or their communities, nor a statewide process for tracking the costs of collection).

<sup>xxxiv</sup>Collections Unit Cost Out Summary from LA County Probation Budget, FY 17-18; Data Obtained Using Position Control Report July 16, 2017. Third-party collection agencies, like Linebarger Goggan Blair & Sampson or GC Services, often work off commission, often taking up to 25 percent of what is collected in fines and fees.

<sup>xxxv</sup>January 4, 2019 Report on Existing Fees Collected by County Departments for Probation Supervision or Services for Adult or Youth Populations, Item No. 11, BOS Agenda of May 29, 2016.

<sup>xxxvi</sup>Los Angeles County Probation Department Core Values, <https://probation.lacounty.gov/vision-mission-and-values/>.

<sup>xxxvii</sup>Although the law does not authorize courts to require payment of criminal administrative fees as a condition of probation, *see e.g., People v. Bennett*, 196 Cal.App.3d 1054, 1056-57 (1987), the reality is that judges in Los Angeles County do impose probation conditions requiring payment of such fees and issue bench warrants for nonpayment. As one LA County public defender recounted: “I’ve seen judges issue bench warrants for failure to pay court fees because they didn’t pay attention to what the outstanding balance was for. The judge did not realize, nor did they take the time to investigate, that the outstanding balance was a fee and not a fine, and therefore not a condition of probation that a bench warrant could be issued for.”



<sup>xxxviii</sup> As noted, *supra*, nonpayment of criminal administrative fees should not be a valid basis for incarceration. The reality on the ground, however, is that courts do issue warrants for arrest and court and LA County employees do threaten people with jail as a consequence for nonpayment. The Brennan Center for Justice documented one such story from California:

Michelle worked hard to pay each month, at times paying down more than required. Even when she got laid off and was unemployed for over a year, Michelle paid what she could while supporting a daughter, but she feared punishment for her accumulating debt. “When I got laid off, there was one month – it was Christmas and my daughter’s sixteenth birthday – when I couldn’t make any payment,” says Michelle. “But the financial officer told me that if I didn’t make next month’s payment they’d give me a probation violation and send me back to jail. That’s the part that scared me most – I’d get my electric turned off before I missed a payment and had to maybe go back to jail.” She worries, “for the unpaid probation fees, they can put me in jail if I don’t make payments . . . . Anytime that you owe probation and you don’t pay, they give you thirty days and then they issue a bench warrant for your arrest.

Brennan Center Report at 16; *see also id.* at 21.

<sup>xxxix</sup> *See, e.g.,* Karin D. Martin, Sandra Susan Smith and Wendy Still, “Shackled to Debt: Criminal Justice Financial Obligations and the Barriers to Re-Entry They Create,” NEW THINKING IN COMMUNITY CORRECTIONS – HARVARD KENNEDY SCHOOL & NATIONAL INSTITUTE OF JUSTICE (Jan. 2017), *available at* <https://www.ncjrs.gov/pdffiles1/nij/249976.pdf>.

<sup>xl</sup> Harris et al, UNITED STATES SYSTEMS OF JUSTICE at 46; *see also id.* at 28 (“In California, a participant with convictions in Los Angeles County described the tradeoff between paying bills and paying outstanding legal debt. He said that fines and fees “were taking food out of our mouths, you know?... Every month. It was stressful; I had to hustle.”).

<sup>xli</sup> *See id.* at 34-36 (describing negative health impacts of fees, including interview with Los Angeles resident unable to sleep due to stress related to unpaid system debt).

<sup>xlii</sup> Ezra Cohn, Debbie Mayer, Caitlin O’Neil, Khalia Paridsh & Jenny van der Heyde, AN ECONOMIC ANALYSIS OF CHARGING ADMINISTRATIVE FEES TO JUSTICE-INVOLVED YOUTH (2016) (unpublished manuscript) (on file with authors). In the analysis, researchers ran the economic model 1,000 times and never showed a net societal loss from eliminating fees.

<sup>xliii</sup> Statement on the Future of Community Corrections (2017), <https://www.hks.harvard.edu/centers/wiener/programs/criminaljustice/research-publications/executive-session-on-community-corrections/publications/less-is-more-how-reducing-probation-populations-can-improve-outcomes/statement-on-the-future-of-community-corrections>.

<sup>xliv</sup> Executives Transforming Probation & Parole (EXiT), Statement on the Future of Probation & Parole in the United States (2019), <https://www.exitprobationparole.org/statement>.

<sup>xlvi</sup> *See* SF Report, *supra*, note iv.

<sup>xlvi</sup> *Id.* at 14.

<sup>xlvi</sup> *See* Peter Hegarty, “Alameda County eliminates some criminal justice fees that saddle inmates,” East Bay Times (Nov. 11, 2018), <https://www.eastbaytimes.com/2018/11/20/alameda-county-eliminates-some-criminal-justice-fees-that-saddle-inmates/>; *see also* Theresa Zhen &



Brandon Greene, East Bay Community Law Center, PAY OR PREY: HOW THE ALAMEDA COUNTY CRIMINAL JUSTICE SYSTEM EXTRACTS WEALTH FROM MARGINALIZED COMMUNITIES (2018), *available at* [https://ebclc.org/wp-content/uploads/2018/10/EBCLC\\_CrimeJustice\\_WP\\_Fnl.pdf](https://ebclc.org/wp-content/uploads/2018/10/EBCLC_CrimeJustice_WP_Fnl.pdf).

<sup>xlvi</sup> Annie Sciacca, “Contra Costa to stop collecting court fees from people getting out of jail or on probation,” The Mercury News (Sept. 16, 2019), <https://www.mercurynews.com/2019/09/17/contracosta-to-halt-administrative-court-fees-that-burden-the-poor/>.

<sup>xli</sup> See San Francisco Ordinance No. 180132 (2018), <https://sfgov.legistar.com/View.ashx?M=F&ID=5795249&GUID=0CBEDF28-B1CC-428D-9405-3521F9F6EB5B>.

## APPENDIX A:

**NOTICE TO DEFENDANT**

Today's Date: \_\_\_\_\_ Case Number: \_\_\_\_\_

Defendant's Name \_\_\_\_\_ Defendant's Phone Number \_\_\_\_\_

Defendant's Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

☐ Condition of Probation ☐ Deferred Entry of Judgment

**BY SIGNING BELOW, YOU AGREE TO ENROLL IN ALL CHECKED PROGRAMS WITHIN 72 HOURS.**  
 Failure to comply with terms may result in your being prosecuted or sentenced on the charges, which may include jail, fines, or other consequences. Contact your own attorney with questions about your case.

☐ **ARC (Anti-Recidivism).** Immediately register online ([www.forwardprogressclass.com](http://www.forwardprogressclass.com)) or call (562) 676-4303. Classes are 6 hours, and held at Goodwill Industries (800 W. Pacific Coast Highway, Long Beach, 90806) on selected Saturdays. Fee \$225 paid at enrollment.

☐ **CDL Class.** Immediately call (562) 248-4417 to register. Classes are 6 hours, and held at Goodwill Industries (800 W. Pacific Coast Highway, Long Beach, 90806) on selected Saturdays. Fee \$225 paid at enrollment.

☐ **P.A.T.H.** You must complete a 6 month program designed to assist with employment, job skills, or education. Immediately call (562) 570-4733 to schedule an appointment. You will be assigned a personalized program. You must start this program within **ONE MONTH** of today's date. Fee \$0.

☐ **Community Service Worker (CSW).** Go immediately to Long Beach City Hall (333 W. Ocean Blvd., 2<sup>nd</sup> Floor, Long Beach, 90802) between 8:30am-11:30am or 1:30pm-4:00pm to enroll. Call (562) 570-5650 if questions. Fee \$100 paid at enrollment. [Acct: PR06000020]  
 You must complete: \_\_\_\_\_ hours/days.

☐ **Other Orders:** \_\_\_\_\_

**I understand the obligations described above and agree to complete all requirements by the deadlines above, otherwise criminal action will proceed against me immediately.**

\_\_\_\_\_  
 Defendant's signature

Return to Court Date: \_\_\_\_\_ Approved by: \_\_\_\_\_  
 Deputy City Prosecutor

Waivers taken: ☐ Harvey Waiver ☐ Arbuckle Waiver ☐ Cruz Waiver



Douglas P. Haubert  
 Long Beach City Prosecutor

CP 10/25/2017

## APPENDIX B:




**Community Service Fees**

We accept Cash, Money Orders,  
VISA OR MASTERCARD

**NO CHECKS**

1 - 20 hours .....	\$40
21 - 50 hours .....	\$45
51 - 100 hours .....	\$55
101 - 300 hours .....	\$60
301 - 500 hours .....	\$85
501 or more .....	\$100
HAM Program (Hospital \$120, Coroner's \$80)...	\$40
MADD – VIP Program (MADD \$50) .....	\$20
Re-Referrals .....	\$10
Re-Open Cases .....	\$10
Transfers .....	\$20
Lost Time-sheets .....	\$5
Copies of Certificates/Reports .....	\$10
Identification (ID) .....	\$5

## Initial Review of Impact on Victims of Elimination of Fines and Fees

### Los Angeles County District Attorney's Office

The purpose of this document is to provide the Los Angeles County's Chief Executive Office (CEO) with information as to the potential impact on victims due to eliminating fines and fees. The District Attorney's Office could not provide "victim testimonials" as requested since the data provided thus far does not provide any guidance how the County uses fines and fees to fund victim services. The primary concern for the Office's Bureau of Victim Services (BVS) with the elimination of fines and fees is the certain negative impact on direct victim restitution orders and the Victims Restitution Fund, which is managed by the California Victim Compensation Board (CalVCB). The sources for this fund are restitution fines, restitution orders, traffic fines, a federal match by Federal Victims of Crime Act (VOCA), and a portion of state penalty assessments. Of these, the major funding source for CalVCB is restitution fines and fees. The relevant code sections raised in the survey related to these fines and fee are as follows:

1. #10 Penal Code (PC) section 1001.90 (diversion restitution fine): This relates to the diversion restitution fee that is imposed on every case where a person has been diverted. Like the restitution fine, it is deposited in the Victim Restitution Fund, *infra*.
2. #14 PC section 1202.4(a-e) (restitution fine): This relates to the restitution fine that is imposed in every case where a person is convicted of a crime. The restitution fine is the primary source for the Restitution Fund, which helps direct victims, families and others impacted by crime with covering economic losses incurred as a direct result of the crime. The California Victim Compensation Board (CalVCB) manages the Restitution Fund. The current maximum benefit a victim may receive for a variety of services is \$70,000. That amount will decrease if the restitution fund budget decreases due to increased waivers of the restitution fine by courts and/or elimination by the county. If the county elects to not assist in the collection of these fine, the fund will deplete, leaving victims of crime with no access to services currently provided by CalVCB. (note: It is the Office's belief that the County does not have the authority to eliminate this fine). There is nothing in the proposed legislation (SB 144) or the analysis on how the fund will continue to be viable if the restitution fine is not imposed. In fiscal year 2017-2018, there were 54,744 total applications for crime-related expenses with a total payout of \$57,272,739 (Los Angeles County: 12,960 applications and \$21,233,985 paid out). In addition, CalVCB in fiscal year 2016-20017 paid out \$3,527,300 in compensation to persons who were erroneously convicted of a felony and incarcerated in a California state prison.

In fiscal year 2018-2019, CalVCB compensated victims for the following crime-related expenses, totaling \$21,181,489.67:

Payments By Service Code	
Crime Scene Clean-up	\$6,900.00
Dental	\$993,349.71
Funeral/Burial	\$3,821,296.65



<b>Home Modification</b>	\$16,779.87
<b>Income/Support Loss</b>	\$3,221,368.42
<b>Medical</b>	\$2,450,423.10
<b>Mental Health</b>	\$8,610,834.76
<b>Rehabilitation</b>	\$1,622.50
<b>Relocation</b>	\$1,905,853.54
<b>Home Security</b>	\$105,300.08
<b>Vehicle Purchase/Mod</b>	\$47,761.04
<b>Total</b>	\$21,181,489.67

Based on the fund condition statements, the total resources for the fund will decrease from last year's actuals for 2018-19 and 2019-2020: \$156,685,000 in 2017-18; \$133,181,000 in 2018-2019 (current year enacted budget); \$109,512,000 in 2019-2020 (next year's proposed budget). The fund balance after expenditures and adjustments will show a decrease as well: \$64,692,000 in 2017-18, \$41,023,000 in 2018-2019; \$17,288,000 in 2019-2020.

With the health of the fund trending downward, any further changes in the collection efforts as to the restitution fine will further hurt the vulnerable people who need the assistance the most: victims of crime. The restitution fine is the defendant's debt to society. The fine as well as direct restitution is part of the rehabilitation process, which includes accepting responsibility for one's actions and consequences of those actions. Our system should encourage discharged defendants to be responsible and to be empowered to repay a debt to society.

Further, there appears to be no collateral consequence for failure to pay this fine such as penalty assessments (PC section 1202.4(e) or driver's license suspension (see Vehicle Code sections 14601 et seq. – suspensions are for failing to appear; failing to pay a fine resulting from a failure to appear; not having proof of car insurance; failing to pay required child support payments; and being caught driving when physically/mentally unfit to do so). A court could impose the fine, most often the minimum, and set up installment plans for the defendant to pay. Asking defendants to be responsible for this debt (minimum of \$150 in misdemeanor cases or \$300 in felony cases) to society is *not* overly burdensome, considering a court can provide flexible payment options (\$10 for 30 months, when probation – summary or formal – generally is 36 months).

3. #15 PC 1202.4(f): This relates to a direct restitution order that requires the defendant to make restitution to the victim in every case in which a victim has suffered economic loss as a result of the defendant's conduct. This usually is for economic losses that are not covered by CalVCB (e.g. property loss/damage, losses exceeding CalVCB's maximum benefit of \$70,000). This section should be removed from the survey as it would be a violation of Marsy's Law and the California Constitution if eliminated.

Victims of crime have a State Constitutional right to restitution for all crime related losses. Criminal courts must order convicted defendants to pay restitution to victims. Defendants sentenced to state prison satisfy court ordered direct restitution obligations to their victims through statutory granted garnishment of their inmate wage and trust accounts. At the County level, defendants placed on felony probation satisfy court ordered direct restitution obligations through the Probation Department; misdemeanants are simply ordered to pay restitution directly to the victim.

Criminal Realignment (AB 109) became operative in October of 2011. The new law immediately transferred the responsibility for housing many prison inmates, as well as the responsibility for supervising certain types of offenders, from the state to the County. While the law gave authority to both incarcerate and supervise certain offenders, the law did not grant counties authority to collect restitution from defendants serving state prison sentences in county jail under Penal Code 1170, subdivision (h), those on mandatory supervision, or defendants on post release community supervision (PRCS). Ultimately, the California Legislature granted authority to counties to collect and, in 2015, the Los Angeles County Board of Supervisors granted authority to the Los Angeles County Sheriff's Department (LASD) and the Probation Department to collect from county jail inmates and those under County supervision. From October of 2011 through January of 2016, there was, for the most part, no collection from defendants serving sentences under realignment law. Collection from offenders who are on mandatory supervision began in January of 2016, while collection from the PRCS population began in December 2016. According to information received from the Probation Department in November 2019, the restitution order and collection amounts from these two populations are approximately as follows:

<b>Mandatory Supervision</b>		
<b>Active</b>		
	Amount Ordered	\$22,088,162.63
	Amount Collected	\$71,393.14
	Balance:	\$22,016,769.49
	Restitution Disbursed	\$52,103.95
	Restitution Undisbursed	\$19,289.19
<b>Closed</b>		
	Amount Ordered	\$16,793,033.09
	Amount Collected	\$296,612.69
	Balance:	\$16,496,420.40
	Restitution Disbursed	\$276,497.00
	Restitution Undisbursed	\$20,115.69

PRCS		
<b>Active</b>		
	Amount Ordered	\$15,676,137.34
	Amount Collected	\$38,023.14
	Balance:	\$15,638,114.20
	Restitution Disbursed	\$30,696.49
	Restitution Undisbursed	\$7,326.65
<b>Closed</b>		
	Amount Ordered	\$38,121,334.97
	Amount Collected	\$62,065.69
	Balance:	\$38,059,269.28
	Restitution Disbursed	\$52,607.99
	Restitution Undisbursed	\$9,457.70

Collection from offenders who are serving state prison sentences in county jail began on July 31, 2018 through the Los Angeles County Restitution Information System (LACRIS). As of September 30, 2019, 810 cases have been identified for collection, totaling approximately \$7.8 million in restitution orders; approximately \$54,189.17 has been collected; and approximately \$38,004.38 has been disbursed to victims. Virtually all of these cases involve property and theft-related crimes.

In all, the AB 109 population has restitution orders totaling approximately \$100,478,668.03. Continued efforts should be made to help victims and their families, who are poor themselves, recover this astounding amount of crime-related losses they incurred at the time of the crime.

4. #17 PC section 1202.44 (probation revocation restitution fine): This relates to the probation revocation restitution fine that is imposed in addition to the restitution fine in probation cases. The amount is the same as the restitution fine and becomes effective upon the revocation of probation. This fine is deposited in the Victim Restitution Fund.

PC 1202.45: This relates to the parole revocation restitution fine that is imposed in addition to the restitution fine in parole cases. The amount is the same as the restitution fine and becomes effective upon the revocation of parole. The same applies to post-release community supervision cases and mandatory supervision cases. This fine is deposited in the Restitution Fund.

5. #23 PC section 1203.097(a)(5)(A): This relates to the minimum \$500 fee, which is disbursed as follows: 2/3rds deposited with County treasurer retained in domestic violence programs special fund and remaining 1/3rd deposited in equal parts to Domestic Violence Restraining Order Reimbursement Fund and Domestic Violence Training and Education Fund.

The shelters are funded through a portion of the 2/3rds amount. The estimated loss is at least \$800,000 in shelter funding if SB 144 is passed as presently drafted. The decreased shelter funding will lead to an increase in domestic violence victims and their

children being homeless or force them back into a scenario where they will have to live with the batterer, subjecting them to more physical and psychological trauma.

There is also a concern that the bill makes it increasingly easier to waive the fees to programs for court-ordered Batterer Intervention Program (BIP). BIP programs particularly rely on these fees as they do not receive government funding.

6. #40 PC section 1463.18 (DUI cases): The first \$20 of any amount collected for a conviction shall be transferred to the Restitution Fund. This is in addition to the restitution fine. The amount deposited to the Restitution Fund pursuant to this section shall be used for indemnification of victims pursuant to Section 13965 of the Government Code, with priority given to victims of alcohol-related traffic offenses.
7. #44 PC section 2085.5(f) (administration fee for collection): This administrative fee covers the administrative costs for collecting restitution fines and/or restitution orders of prisoners in state prison and county jail. If these collection efforts are curtailed because recovery costs have been eliminated, this will impact the Restitution Fund and may render Marsy's Law ineffective and constitute a violation of that Constitutional right.
8. #45 PC section 2085.6 (administration fee for collection): This administrative fee covers the administrative costs for collecting restitution fines and/or restitution orders from the mandatory supervision and PRCS populations. As above, if these collection efforts are curtailed because recovery costs have been eliminated, this will impact the Restitution Fund and may render Marsy's Law ineffective and constitute a violation of that Constitutional right.
9. #46 PC section 2085.7 (administration fee for collection): This administrative fee covers the administrative costs for collecting restitution fines and/or restitution orders from the PC 1170(h) population. As above, if these collection efforts are curtailed because recovery costs have been eliminated, this will impact the Restitution Fund and may render Marsy's Law ineffective and constitute a violation of that Constitutional right.

In addition to the above, the following fines and fees should be eliminated as it relates to victims:

1. Coroner Fees: Family survivors of criminal homicide may incur fees (\$385) for removal of the victim's remains when there was a delay in determining if the death was caused by a criminal act. When a criminal act caused the death, an exemption to paying these fees applies. (Cal. Gov. Code section 27472). This is often an issue in cases involving driving under the influence deaths or other deaths which may not initially present as homicides.

CalVCB will not pay for or reimburse the costs of coroner fees even when families have paid them, and an eligible crime is later determined to have been the manner of death.

The County should forego the billing for coroner's fees in deaths that are the subject of a criminal investigation, either by police or prosecutors, at least until the investigation into whether there was a criminal act concludes that there was none.



2. Fees Associated with Collection of Petition for Enforcement of Restitution Orders: Many victims do not have the funds available to proceed with collection of judgment. There is no initial filing fee for the request for enforcement of order for restitution/judgment in the criminal case but there are filing fees in the civil court, e.g. the fee(s) for the issuance of the Writ of Execution and/or Abstract of Judgment. There is an additional charge to the Los Angeles County Registrar Recorder office to record the abstract of judgment. (Cal. Gov. Code sections 27387, 27387.1, 27388, and 27388.1). This does not include costs of certified copies that the victim may need.

The County should eliminate the filing fees or establish a fund to pay the filing fees since the main purpose of this program is to help victims fully recover losses and not incur additional costs that would go against the restitution order.

3. Any filing fees for restraining orders: These include, but not limited to, Domestic Violence Restraining Orders; Elder Abuse Restraining Orders; Gun Violence Restraining Orders; etc.

The above is a preliminary analysis and is in addition to any information this Office has provided related to the survey. Once we receive more data, we may have additional insights and thoughts as to the impact to victims, the rehabilitation of defendants, public safety, and the criminal justice process from the Office's perspective. We look forward to working with you and the CEO's office as we determine the impact of fines and fees on the families of Los Angeles County.

# High Pain, No Gain:

## How Juvenile Administrative Fees Harm Low-Income Families in Alameda County, California



**BerkeleyLaw**  
UNIVERSITY OF CALIFORNIA

Policy Advocacy Clinic

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## ACKNOWLEDGMENTS

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*Cover photo of the interior of Juvenile Hall in San Leandro, California  
(<http://www.henselphelps.com/projects/alameda-county-juvenile-justice-center1>).*



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## EXECUTIVE SUMMARY

National attention is focused on racial and economic discrimination in the criminal justice system.<sup>1</sup> People of color are overrepresented at every stage in the criminal justice system, even when controlling for alleged criminal behavior.<sup>2</sup> Racially disproportionate interaction with the criminal justice system leaves people of color with significantly more system-related debt.<sup>3</sup> While criminal justice debt has been described and condemned in the adult system, this issue has received virtually no attention in the juvenile system.<sup>4</sup> Nevertheless, youth and their families face similar financial burdens in the juvenile delinquency system—burdens that significantly undermine the rehabilitative goals of the juvenile system.

This report presents research findings about the practice in Alameda County, California, of assessing and collecting administrative fees against families with children involved in the juvenile system. State law permits counties to charge administrative fees in addition to court-ordered fines and restitution, but only against families with the ability to pay. Since 2009, when the Board of Supervisors increased juvenile administrative fees more than ten-fold, Alameda County has imposed millions of dollars of debt on families with youth in the juvenile system.

Our research reveals that juvenile administrative fees result in high pain to families. The County charges these fees to thousands of families who are already struggling to maintain economic and social stability, and the financial burden appears to fall most heavily on families of color. This debt becomes a civil judgment upon assessment, and if families do not pay the fees, the debt is referred to the Franchise Tax Board for wage garnishment, bank levy or tax intercept.

State law makes clear that the fees are meant to help counties recoup costs and are not supposed to be retributive (to punish the family), rehabilitative (to help the youth) or restorative (to repay victims). Although the fees are supposed to help counties recoup expenses, Alameda County's own data suggest that its net fiscal gain is minimal at best. We report in more detail below the following key findings about this high pain, no gain fee scheme:

1. **Alameda County charges families of youth in the juvenile system some of the highest administrative fees in California.**
2. **Alameda County does not administer a fair, consistent and lawful process for determining families' ability to pay juvenile administrative fees.**
3. **Alameda County youth and families experience juvenile administrative fees as harmful and counterproductive to the rehabilitative purpose of the system.**
4. **Alameda County does not benefit financially from juvenile administrative fees, because it is costly to assess and collect them against families who cannot afford to pay.**
5. **Alameda County would realize a net benefit from ending the assessment and collection of juvenile administrative fees.**

## RECOMMENDATION

**The Alameda County Board of Supervisors should end the practice of assessing and collecting administrative fees against the families of youth in the juvenile system. The board of Supervisors should adopt an ordinance to repeal all juvenile administrative fees or place an immediate moratorium on their assessment and collection.**



## INTRODUCTION

### *Background*

In 2014, California juvenile courts placed more than 30,000 youth on formal probation.<sup>5</sup> The Alameda County Probation Department actively monitors over 2,000 youth in any given month.<sup>6</sup> In Alameda County, like across the state, youth of color are disproportionately represented in the juvenile system. For example, African Americans make up only 12% of the county's population but represent 50% of the juvenile probation population.<sup>7</sup>

The stated purpose of California's juvenile system is to promote public safety by rehabilitating young people through training and treatment.<sup>8</sup> When a young person enters the system, the county provides care and supervision intended to help the youth "be a law-abiding and productive member of his or her family and the community."<sup>9</sup> The majority of youth in the juvenile system spend some time on probation, and juvenile courts routinely order youth to comply with a range of probation conditions, including detention in Juvenile Hall, probation supervision, electronic monitoring and drug testing.<sup>10</sup>

State law authorizes counties to hold parents liable for many of the costs incurred in providing counsel, care and supervision to youth in the juvenile system in order to help counties recoup costs related to the support of the minor.<sup>11</sup> At the same time, state law also prohibits counties from imposing fiscal responsibility on families without the "ability to pay" in order to protect families against excessive fees.<sup>12</sup> Almost every county in California charges families juvenile administrative fees for at least some portion of their child's involvement in the system.<sup>13</sup>

Several years ago, lawyers and law students at the East Bay Community Law Center (EBCLC) started representing youth in juvenile court in Alameda County. Almost immediately, they observed that the parents and guardians of their clients were liable for administrative fees that could total several thousand dollars per family. Families often had no information about the difference between administrative fees and other financial charges such as fines and restitution or who owed what debt. Families also lacked knowledge about how to pay or contest the bills.

EBCLC represented parents in their individual cases and convened a working group of Alameda County juvenile justice advocates to address the growing concerns about juvenile administrative fee debt. On the working group's behalf, we began investigating juvenile administrative fee practices locally and across California. Our research for this report included:

1. Review of existing literature and publicly-available data, including from the California Attorney General's Office and County websites;
2. Analysis of California statutes that permit counties to charge juvenile administrative fees and local ordinances that specify how individual counties assess and collect the fees;
3. Survey of all 58 Chief Probation Officers in California to determine policies, procedures and practices regarding fees at the County level;
4. In-depth research, including Public Records Act requests, in ten high population counties to gather more detailed information about policies, procedures and practices; and
5. Interviews with families in the juvenile system, and public officials, senior management and line staff with direct knowledge of county practices in Alameda County.

### *Report Outline*

In Section I of this report, we provide an overview of the administrative fees that Alameda



County charges the families of youth in the juvenile system. The Alameda County Board of Supervisors increased the fees more than ten-fold in 2009. For the family of a youth with average probation conditions, fees have risen from less than \$250 to almost \$3,000.

In Section II, we present our findings about how juvenile administrative fees harm youth and their families in Alameda County. The current fee scheme affords sweeping discretion to County collections employees when charging families, with no accountability mechanisms and a disproportionate impact on low-income families of color.

In Section III, we provide data on the amount of juvenile administrative fees assessed and collected against families in Alameda County, including the costs associated with assessment and collection. Our findings, based on the County's own data, suggest that Alameda County nets little to no net revenue from charging juvenile administrative fees and would benefit from the elimination of juvenile administrative fees.

In Section IV, we put Alameda County's practices in a statewide context, which reveals that it charges some of the highest fees in California. In fact, San Francisco has never charged such fees, and Los Angeles placed a moratorium on fees in 2009 in response to community outcry about the harm to low-income youth of color and their families.

In Section V, we conclude with a recommendation that the Alameda County Board of Supervisors end—or at least temporarily suspend—the practice of assessing and collecting juvenile administrative fees. A fee repeal or moratorium will relieve a significant financial burden on thousands of low-income families at little or no financial cost to Alameda County.

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## **I. JUVENILE ADMINISTRATIVE FEES IN ALAMEDA COUNTY**

State law authorizes counties to charge families for costs incurred in the juvenile system.<sup>14</sup> Although state law authorizes such fees, individual counties decide what fees should be imposed and in what amounts.<sup>15</sup> The fees we describe here are purely administrative in nature—by law, the fees are meant solely “to protect the fiscal integrity of the county.”<sup>16</sup> These juvenile administrative fees are not supposed to be retributive, rehabilitative or restorative.<sup>17</sup>

In Alameda County, the Board of Supervisors sets juvenile administrative fees by local ordinance or resolution, often at the recommendation of County departments. In this Section, we provide a brief overview of these fees, including the type and amount of fees, how the County assesses fees against families, and how it determines whether families can afford to pay the fees.

### **A. History of Juvenile Administrative Fees in Alameda County**

The Alameda County Board of Supervisors has authorized the assessment and collection of juvenile administrative fees since the late 1980s.<sup>18</sup> However, until 2009, Alameda County only charged fees for:

- (1) detention in Juvenile Hall (\$10.11 per day),
- (2) detention in Camp Sweeney (\$10.24 per day), and
- (3) representation by a lawyer (\$200 per case).<sup>19</sup>

In 2009, at the request of the Probation Department “in order to offset the increased cost of providing probation services,” the Board of Supervisors approved recommendations to increase the detention fees for Juvenile Hall (\$25.29/day) and Camp Sweeney (\$20.32/day) and approved



four new fees:

- (1) probation supervision (\$90.00/month),
- (2) electronic monitoring (\$15.00/day),
- (3) drug testing (\$28.86/test),<sup>20</sup> and
- (4) pre-charge investigations (one-time \$250).<sup>21</sup>

In 2011, at the request of the Office of the Public Defender in order to “expand opportunities for recoupment and ensure continuing revenue,” the Board of Supervisors increased the fee for public defender and court-appointed attorney representation to \$300.00 per case.<sup>22</sup>

Alameda County now charges families seven different juvenile administrative fees, which are listed in Table 1.<sup>23</sup>

**Table 1: Juvenile Administrative Fees in Alameda County<sup>24</sup>**

Fee	Before 2009	After 2009
Juvenile Hall	\$10.11/day	\$25.29/day
Camp Sweeney	\$10.24/day	\$20.32/day
Public Defender/Court-Appointed Attorney	\$200.00/case	\$300.00/case*
Probation Supervision	\$0.00	\$90.00/month
Electronic Monitoring	\$0.00	\$15.00/day
Drug Testing	\$0.00	\$28.68/test
Investigation	\$0.00	\$250.00/case

\*The Public Defender/Court-Appointed Attorney Fee was increased in 2011.

Like some counties in California, Alameda County adopted fee increases during a budget crisis. Based on interviews with various stakeholders involved in the process at that time, we found no evidence to suggest that anyone considered the impact of the fee increases on families with youth in the juvenile system. The sole motivating factor behind the 2009 and 2011 fee hikes appears to have been revenue generation.<sup>25</sup>

#### **B. Assessment of Juvenile Administrative Fees in Alameda County**

While the Alameda County Board of Supervisors sets overall amounts with respect to juvenile administrative fees, the process of assessing and collecting fees is complex and involves multiple county actors. At the time of “disposition” in juvenile court, the judge imposes a sentence (most often a form of probation) and orders parents or guardians to see a Financial Hearing Officer (“FHO”) to answer questions concerning their financial ability to reimburse the County.<sup>26</sup> Though judges sometimes mention juvenile administrative fees earlier in the process, most families first learn about the fees when their children are formally punished.

Despite instructions from the judge, many families do not meet with the FHO. For example,

in the one quarter in fiscal year 2014-15 for which the County provided data, almost half of all families did not meet with an FHO after disposition.<sup>27</sup> One mother stated she did not go because she was distraught by the outcome of her son's disposition.<sup>28</sup> Another mother said she was confused and did not realize she had to go see a FHO.<sup>29</sup> As discussed further below, families who do not meet with the FHO can be charged the full amount of fees, regardless of their ability to pay.

### **C. Determining Ability to Pay Juvenile Administrative Fees in Alameda County**

Under state law, counties may not charge fees without determining a family's ability to pay. In Alameda County, this determination is delegated to the FHOs, who are employees of the County's Central Collections Agency.<sup>30</sup> State law says the FHO "shall take into consideration the family's income, the necessary obligations of the family, and the number of persons dependent upon this income."<sup>31</sup> If families do not meet with a FHO after having been given proper notice to do so, the FHO "shall recommend to the court that the person be ordered to pay the full amount of the costs," regardless of a family's ability to pay.<sup>32</sup>

When a family meets with a FHO, the FHO evaluates the family's ability to pay and determines the amount owed and the terms of payment.<sup>33</sup> The FHO then petitions the court for an order "requiring the person to pay that sum to the County or the court in a manner that is reasonable and compatible with the person's financial ability."<sup>34</sup> State law permits families to dispute in court the outcome of a FHO ability to pay determination and to be represented by appointed counsel at that hearing.<sup>35</sup> Additionally, if a family's circumstances change, they have the right to have their ability to pay reassessed.<sup>36</sup>

However, very few families meeting with a FHO are represented by lawyers or other advocates.<sup>37</sup> Families often have a hard time differentiating the various legal financial obligations, including restitution, restitution fines and juvenile administrative fees. While families have the right to appeal FHO determinations, many families are not aware of this right or cannot assert it. The Juvenile Justice Center in San Leandro is not easily accessible by public transportation and many families must take off work or forgo employment opportunities to attend such hearings.

When the juvenile court judge approves the FHO petition for order of payment, the juvenile administrative fees become a civil judgment enforceable against the parents or guardians.<sup>38</sup> The FHO can no longer waive or reduce the fees. Only a judge can modify or vacate an existing judgment to change the ordered fee amounts. In other words, once established, juvenile administrative debt can follow a family for years.

Unpaid fees are subject to collection like any other civil judgment, even after juvenile court jurisdiction ends.<sup>39</sup> If families do not meet their monthly payment amounts or pay off their debt in full, their cases can be referred to the Franchise Tax Board ("FTB"). The FTB then garnishes their wages, levies their bank accounts and intercepts their tax receipts until the debt is paid off.<sup>40</sup>

## **II. HIGH PAIN THAT HARMS STRUGGLING FAMILIES**

The Alameda County Board of Supervisors increased juvenile administrative fees in 2009. In this Section, we present our findings about how these fees impact youth and their families. We describe in particular how the current assessment and collections practices—which grant wide discretion to employees of the Central Collections Agency with virtually no oversight or record-keeping—harm some of Alameda County's most vulnerable families and undermine the



rehabilitative purpose of juvenile system.

#### **A. The Financial Burdens are High and Fall Especially Hard on Families of Color**

According to the most recent Alameda County Probation Department statistics, youth spend an average of 24 days in Juvenile Hall, 77 days in Camp Sweeney, 17 months on probation supervision and 33 days on electronic monitoring.<sup>41</sup> We estimate that youth are drug tested every other month while on probation supervision, for an average of eight times over 17 months.<sup>42</sup>

The juvenile administrative fees for a youth serving average probation conditions in Alameda County are listed in Table 2.<sup>43</sup> The \$250 pre-charge investigation fee and the \$300 public defender fee—one-time assessments for every new case—are not included below.

**Table 2: Juvenile Administrative Fees for Youth Serving Average Probation Conditions in Alameda County**

<b>Administrative Fee</b>	<b>Amount</b>	<b>Average</b>	<b>Total</b>
<b>Juvenile Hall</b>	\$25.29/day	24 days	\$606.96
<b>Supervision</b>	\$90.00/month	17 months	\$1,530.00
<b>Electronic Monitoring</b>	\$15.00/day	33 days	\$495.00
<b>Drug Testing</b>	\$28.68/test	8 tests	\$229.44
<b>TOTAL</b>			<b>\$2,861.40</b>

Comparing the overall fee burden before and after the 2009 increases—holding constant the most recent average probation conditions from the County—reveals the dramatic rise in juvenile administrative fees. Prior to the increases, the total fee burden on the family of a youth serving average probation conditions was \$243. As Table 2 above notes, the total fee burden on the same family after the increases is almost \$3,000. In effect, the Alameda County Board of Supervisors increased juvenile administrative fees on families more than ten-fold in 2009.<sup>44</sup>

Even these startling numbers mask significant disparities by race and ethnicity. Youth of color are overrepresented in every stage of the juvenile system.<sup>45</sup> For example, African-Americans make up 12 percent of the County population—fewer than 1 in 8 residents—but according to the County’s most recent statistics, they represent almost 70 percent of the youth detained in Juvenile Hall and 50 percent of the youth under probation supervision and on electronic monitoring.<sup>46</sup> In other words, African American youth are sentenced to probation at more than four times their numbers in the community (50-70 percent versus 12 percent).<sup>47</sup>

In addition to being sentenced more often to probation, African American youth serve longer probation conditions than white youth. For example, the average African American youth serves 25 days in Juvenile Hall, 22 months on probation supervision and 34 days on electronic monitoring.<sup>48</sup> The corresponding numbers for white youth are 11 days in Juvenile Hall, 10 months on probation supervision and 21 days on electronic monitoring.<sup>49</sup> As a result of the greater frequency and duration of average probation conditions, African American families are liable for significantly higher fees.

Average juvenile probation conditions, and the disparate fee amounts assessed by race as a result of disparate probation conditions, are listed in Table 3. Like the figures in Table 2, these averages are derived from the most recent figures available from the Alameda County Probation Department. The analysis shown in the table includes detention in Juvenile Hall, but not Camp Sweeney, and excludes the flat investigation and public defender/court-appointed counsel fees that apply to all youth.<sup>50</sup>

**Table 3: Average Juvenile Probation Conditions and Fees by Race in Alameda County**

		Average Probation Conditions			
Race	Total	Juvenile Hall (days)	Probation Supervision (months)	Electronic Monitoring (days)	Drug Testing (tests)
Black	\$3,438	25	22	34	11
Latino	\$2,563	24	14	33	7
Asian	\$2,269	7	12	56	6
White	\$1,637	11	10	21	5
Other	\$1,192	4	6	31	3

As Table 3 depicts, a family with an African American youth serving average probation conditions is liable for more than twice the juvenile administrative fees (\$3,438) as a family with a white youth serving average probation conditions (\$1,637).<sup>51</sup> Recall that African American youth are already overrepresented fourfold in the Alameda County juvenile system. In other words, African American families are doubly harmed by current practices—their children are overrepresented within the system, and they are liable for higher fees because of longer probation conditions.

The County does not maintain data that permits a full assessment of whether or not these racial disparities are related to the underlying seriousness of the crimes for which youth are punished. However, evidence from other parts of the criminal justice system suggests that the differences are at least in part the product of racial bias.<sup>52</sup> Given what we know about the juvenile system—the overrepresentation of youth of color and the disproportionate outcomes by race—the County should have the burden of showing that it is not operating its fee scheme in a way that exacerbates racial inequalities.

### **B. The Ability to Pay Determination is Deeply Flawed**

State law mandates an ability to pay determination in order to safeguard low-income youth and their families of all races from excessive fees. Accordingly, FHOs are supposed to evaluate who can afford to pay such fees and whose fees should be reduced or waived based on an inability to pay. Unfortunately, we found little evidence that the ability to pay determination in Alameda County is conducted fairly or consistently. In fact, the burden appears to be on low-income families to prove their *inability* to pay, with FHOs exercising wide discretion with



inadequate accountability measures in place to ensure compliance with state law.

In Alameda County, FHOs have full discretion to assess a family's ability to pay juvenile administrative fees. By its own admission, the County has no written standards or guidelines upon which FHOs perform ability to pay evaluations.<sup>53</sup> Rather, all existing policies appear to be communicated verbally to and among FHOs.<sup>54</sup> Of the verbal policies purported to exist—such as not charging grandparents or families who receive public benefits—the county has no statistics, data or other evidence to show that the FHOs apply such policies fully, fairly or consistently.<sup>55</sup>

Early in our research, we interviewed the two FHOs in Alameda County. They both indicated that they have complete discretion to determine ability to pay and no formal guidance or training on making such determinations. Subjective factors weigh heavily in their decision-making—one FHO reported making decisions based solely on a parent's statement unless the FHO suspects the parent is lying.<sup>56</sup> The FHO said it was possible to tell when people were lying based on their clothes (e.g., “mom's handbag”) and how they act.<sup>57</sup>

State law requires that counties consider the family's income, obligations and the number of dependents, but Alameda County provided no evidence that it considers these factors.<sup>58</sup> Per their job description, the FHOs are supposed to maintain “a log of all financial hearings and the disposition of each,” and provide “a record of all financial hearings and the outcome of each [...] with all documentation for each financial determination/assessment for the purpose of billing and collections.”<sup>59</sup> But in response to our 2015 Public Records Act request, the County acknowledged that such systematic record-keeping was “currently not being done” (see Figure 1).<sup>60</sup>

**Figure 1: Alameda County Response to Public Records Act Request about the Ability to Pay Process**

*currently not being done*  
 The FHO's keep a log of the parents not having the ability to pay along with reasons justifying why they were not billed.

In fact, neither the Central Collections Agency nor the Probation Department regularly collects or maintains the most basic information about ability to pay determinations. In response to our records request, the Central Collections Agency provided figures from the third quarter of fiscal year 2015 for illustrative purposes.<sup>61</sup> According to the County, during that three-month period, 264 families met with FHOs and 234 did not meet with FHOs. Of those families that did not meet with the FHOs, 15 were charged fees *without* an ability to pay determination.<sup>62</sup> It is unclear what happened to the other 219 families who also did not meet with FHOs. The County could not tell us the number or percentage of families that had their fee assessments reduced or waived—irrespective of whether they met with an FHO—because they do not track this information.<sup>63</sup> In other words, Alameda County is unable to demonstrate that it is protecting low-income families from being charged excessive, unjust or unlawful fees.

### **C. High Fees Undermine Family Reunification and Stability**

As described above, Alameda County's juvenile administrative fees are high and especially burdensome on families of color. Further, the County does not operate a fair and consistent fee assessment process that takes into consideration state-mandated factors when determining ability to pay. As a result of the high financial burden and a flawed ability to pay process, Alameda County's policies and practices undermine family stability, and are thus counterproductive to the



rehabilitative purpose of the juvenile system.

Through a series of interviews with youth and their families over the last two years, we have repeatedly heard stories suggesting that juvenile administrative fees impose several significant harms on families without the ability to pay. First, the fees force families to choose between paying for necessities and paying the County. Second, the fees strain often already challenging relationships between youth and their parents. And third, the fees incentivize actions that are even more costly and harmful to the family and society.

### *1. Family financial harm*

Juvenile administrative fees disrupt a family's financial stability. Although the County does not gather or maintain socio-economic data on youth and their families in the juvenile system, evidence from other sources suggests that they are disproportionately low-income.<sup>64</sup> As a result, many families must struggle to pay these fees as they must choose between paying the County or meeting basic necessities.

For example, we interviewed Frances Green, a single, self-employed mother from Oakland. Ms. Green was billed more than \$4,000 after the disposition of her 14-year-old son's case.<sup>65</sup> She did not meet with a FHO because she was too distraught, which resulted in an order of a civil judgment for the full amount. At first, the Central Collections Agency billed Ms. Green at a rate of \$75 per month. After she was late with one payment, the agency increased her monthly payment to more than \$300 per month.

Ms. Green subsequently requested a rehearing in front of a judge to negotiate her payment because she could not afford to pay based on her fluctuating income. While she was able to reduce her monthly payment to \$50 per month, no one told her that she could have requested a full reassessment of the fees so that they could be waived in full or in part based on her income and other financial obligations. Her son was recently sent to an out-of-state facility and she knows that she will soon be billed for his time there.

### *2. Family relationship harm*

Charging juvenile administrative fees strains family relationships. Many families already have challenging relationships due to the involvement of their child in the juvenile system, and adding a financial burden only amplifies feelings of anger or resentment. This is contrary to the goal of the juvenile system in fostering family stability and the reintegration of a youth back into a household.<sup>66</sup>

For example, we interviewed a single father, Chris Miller, who lamented his experience with administrative fees and how they have impacted his relationship with his teenage son. Mr. Miller said that the fees created a strain between him and his son that only made it harder for him to take care of his child. Growing more and more distrustful of the system, he was troubled by the fact that the fees left his son feeling like people in the system did not care about him or how he performed in school—they only seemed to care if he paid the fees.<sup>67</sup>

### *3. Societal harm*

Third, the juvenile administrative fee scheme creates perverse incentives for youth and their families.<sup>68</sup> Rather than bolstering ties within families, holding parents liable for administrative fees encourages family members to make harmful decisions.<sup>69</sup> We interviewed a grandmother who was charged detention fees for her grandson, over whom she had assumed guardianship after the death of her daughter.<sup>70</sup> When she contemplated how she was going to pay these fees on



her income of only \$400 per month, she considered relinquishing custody of her grandson to the County. In another instance, we interviewed a youth who was thinking of running away from home and living on the streets—becoming homeless—in the hope that his family would be relieved of the fee burden.<sup>71</sup>

### **III. LITTLE OR NO FISCAL GAIN FOR ALAMEDA COUNTY**

The California Legislature authorizes counties to charge juvenile administrative fees to protect their fiscal integrity—in other words, to recoup their costs for providing care, counsel and supervision to youth.<sup>72</sup> Yet data on the amount of fees assessed and collected against families with youth in the juvenile system strongly suggest that Alameda County's net recoupment is small to nonexistent. In this Section, we discuss what the County has assessed and collected in juvenile administrative fees since 2010, how much the County spends annually on assessing and collecting fees, and the fiscal implications of this fee regime for the County.

#### **A. Alameda County Collects Minimal Revenue from Juvenile Administrative Fees**

In response to our Public Records Act request, the County provided juvenile administrative fee data by fiscal year (July 1 to June 30) from 2010 to 2015. The data was in places internally inconsistent and challenging to interpret, even after consultation with officials in the Central Collections Agency and the Probation Department. For example, the data is recorded not by youth or family, but by category of fee assessment, making it difficult to determine how many families are impacted and in what amounts. Nevertheless, we were able to reach the following conclusions about what the County assesses and collects in juvenile administrative fees.

During the last five fiscal years, the Central Collections Agency has charged Alameda County families more than \$3 million in juvenile administrative fees.<sup>73</sup> In the most recent fiscal year, 2014-15, the County charged hundreds of families more than \$475,000.<sup>74</sup> However, these numbers do not represent the full amount of charges. We did not include what the County assesses each year for public defender or court-appointed attorney fees, because the County did not provide information about what it collects in such fees.<sup>75</sup>

The average annual revenue from juvenile administrative fees—exclusive of the public defender and court-appointed attorney fees—is roughly \$400,000. In 2014-15, the Central Collections Agency reported collecting \$419,830.<sup>76</sup> Since the amount collected annually includes receipts from families ordered to pay fees in prior years, it is difficult to estimate what percentage of charged fees Alameda County has collected over time. According to the latest 2015 figures, the outstanding balanced owed by families exceeds \$1.5 million.<sup>77</sup>

#### **B. Alameda County Expends Significant Resources Assessing and Collecting Juvenile Administrative Fees**

As noted above, Alameda County collects approximately \$400,000 annually from families who are charged juvenile administrative fees. This figure, however, is gross receipts, and does not take into account the costs associated with assessing and collecting the fees. The County maintains staffing and infrastructure to administer the juvenile fee process, which entails fiscal obligations such as salaries, benefits and non-personnel expenses. The County does not track directly the costs associated with administering the fee regime, but we are able to make some estimates based on various data points.

The Central Collections Agency employs two Financial Hearing Officers who assess juvenile administrative fees and make ability to pay determinations. According to the County, both FHOs

spend 67 percent of their time on tasks related to these activities. The FHOs report directly to a supervisor who we estimate spends 20 percent of her time overseeing their fee-related activity.<sup>78</sup> The Agency also employs a Collection Enforcement Deputy who, according to the County, spends 90 percent of her time following up with families to try to collect fees.<sup>79</sup> She also has a direct supervisor, who we estimate spends 10 percent of her time on activity related to collecting juvenile administrative fees. The County reported additional minor costs related to these employees.

Table 4 summarizes these annual direct costs in the Central Collections Agency, which totaled more than \$250,000 in fiscal year 2014-15.

**Table 4: Central Collections Agency Expenditures on Assessment and Collection of Juvenile Administrative Fees in Alameda County, FY 2014-15**

One FHO (.67 FTE x \$93,417 annual salary and benefits) <sup>80</sup>	\$62,590.05
One FHO (.67 FTE x \$101,679 annual salary and benefits) <sup>81</sup>	\$68,124.97
Collection Enforcement Deputy II (.90 FTE x \$86,497 annual salary and benefits) <sup>82</sup>	\$77,847.46
FHO Supervisor (.20 FTE x \$134,227.42 annual salary and benefits) <sup>83</sup>	\$26,845.48
Collection Supervisor II (.10 FTE x \$125,000 estimated annual salary and benefits)	\$12,500.00
Annual daily costs for FHOs (2)	\$2,000.00
Annual daily costs for CED (1)	\$1,000.00
Annual office charges in Juvenile Justice Center—San Leandro	\$31.00
<b>TOTAL DIRECT COSTS, FISCAL YEAR 2014-15</b>	<b>\$250,938.96</b>

### C. Juvenile Administrative Fees Yield Little Net Financial Gain for Alameda County

The Alameda County Central Collections Agency spends a minimum of \$250,000 annually to assess and collect an average of \$400,000 in juvenile administrative fees. It is important to note that these expenses do not include a range of costs associated with personnel time and overhead in the Alameda County Probation Department or the Alameda County Superior Court. The Franchise Tax Board also bears additional collection related expenses that are not reflected here.<sup>84</sup>

Table 5 shows the annual net financial gain from the assessment and collection of juvenile administrative fees to Alameda County for the last four years.<sup>85</sup>



**Table 5: Net Financial Gain of Collecting Juvenile Administrative Fees to Alameda County, FY 2011-15**

	2011-12	2012-13	2013-14	2014-15
<b>Collected</b>	\$438,937	\$423,614	\$377,949	\$419,830
<b>Costs<sup>86</sup></b>	\$185,801	\$245,247	\$235,064	\$250,938
<b>Net to County</b>	\$253,136	\$178,367	\$142,885	\$168,892

Setting aside the harm to families, and even assuming net revenue of approximately \$150,000, it is helpful to consider this figure in light of Alameda County's total budget of more than \$2.74 billion dollars.<sup>87</sup> Any net revenue the County receives from juvenile administrative fees is also a tiny percentage of the relevant departmental budgets.<sup>88</sup> Put simply, the assessment and collection of fees against the families of youth in the juvenile system yields little to no net financial gain to the County.<sup>89</sup>

It is important to note that "fixing" the existing system would very likely only make the fiscal picture worse. Instituting a fair and consistent ability to pay process would require additional personnel, training, supervision and case management, which would drive up costs. In addition, a meaningful ability to pay process will lower charges to families and further reduce revenue. Higher costs and lower revenue will almost certainly push an already fiscally questionable program into the red.

#### **IV. JUVENILE ADMINISTRATIVE FEE PRACTICES IN PEER COUNTIES**

Alameda County's juvenile administrative fees harm low-income families with little or no fiscal benefit. But how do the fee policies and practices compare to other counties in California? In this section, we provide basic information on fee categories and amounts from several counties that are rough demographic peers to Alameda County, that is, other large, ethnically-diverse counties in California.

##### **A. Alameda County Has Some of the Highest Juvenile Administrative Fees in California**

In 2015, we surveyed all 58 Chief Probation Officers in California about juvenile administrative fee practices. We received responses from 52 counties.<sup>90</sup> Fees differ by jurisdiction, but 48 of 52 California counties report charging fees for detention in Juvenile Hall, 21 charge for probation supervision, 28 charge for electronic monitoring and 15 charge for drug testing. Of the fixed fees, 37 of 52 counties charge for public defenders and 11 charge for investigations.<sup>91</sup> Two counties—Los Angeles and San Francisco—do not assess and collect juvenile administrative fees. Alameda County is one of the few counties that charges families *all* of these fees.

To compare fees across counties, we held constant the juvenile probation conditions. That is, in an effort to compare apples to apples, we calculated the fees each county would charge a family with a youth serving the average probation conditions in Alameda County. Because of the limited availability of certain kinds of data from other counties, we only include fees in four categories: (1) Juvenile Hall, (2) probation supervision, (3) electronic monitoring and (4) drug testing. The analysis below does not include fees for public defenders or investigations.

Table 6 lists the fees that families of youth sentenced to the average probation conditions in Alameda County would be charged in California's high-population counties, which were not available for all counties.

**Table 6: Juvenile Administrative Fees by County for a Youth Serving Average Probation Conditions in Alameda County<sup>92</sup>**

County	Total	Juvenile Hall (24 days)	Probation Supervision (17 months)	Electronic Monitoring (33 days)	Drug Testing (8 times) <sup>93</sup>
Sacramento	\$4,895	\$18.40/day	\$206/mo.	\$24.00/day	\$20.00/test
Santa Clara	\$3,052	\$30.00/day	\$110.00/mo.	\$14.00/day	N/A
Orange	\$2,994	\$23.90/day	\$136.78/mo.	N/A	\$11.91/test
Alameda	\$2,861	\$25.29/day	\$90.00/mo.	\$15.00/day	\$28.68/test
San Diego	\$1,859	\$30.00/day	\$67.00/mo.	N/A	N/A
Contra Costa	\$1,281	\$30.00/day	N/A	\$17.00/day	N/A
Ventura	\$1,115	\$33.00/day	N/A	\$75.00 + \$7.50/day	N/A
Fresno	\$997	\$19.00/day	\$50.00 once	\$11.00/day	\$16.00/test
Riverside	\$720	\$30.00/day	N/A	N/A	N/A
Stanislaus	\$636	\$24.41/day	\$50.00 once	N/A	N/A
San Bernardino	\$492	\$20.53/day	N/A	N/A	N/A
Sonoma	\$198	N/A	\$132.30 once	N/A	\$8.20/test
Los Angeles	\$0	N/A	N/A	N/A	N/A
San Francisco	\$0	N/A	N/A	N/A	N/A

#### **B. San Francisco County Has Never Charged Juvenile Administrative Fees**

As noted above, San Francisco County does not charge juvenile administrative fees. During the 2009 budget crisis—when the Alameda County Board of Supervisors increased juvenile administrative fees more than twelve-fold—the San Francisco Board of Supervisors tabled a proposal to enact a sliding juvenile fee scale.<sup>94</sup> San Francisco's position is that the fees are unfair and unrealistic given the adverse economic conditions faced by families with youth in the juvenile system.<sup>95</sup>



In fact, the Chief Probation Officer of San Francisco County believes that the no-fee policy has contributed to the County's success in reducing delinquency referrals by 50% and the Juvenile Hall population by 43% over the past six years:

"We believe that the goals and objectives of our juvenile justice system are being made without the need for fees imposed on those individuals and families that can least afford to pay them. One might argue that [our] successes are attributable to the fact that we did not create additional hardships and stressors for these families that would serve as additional barriers to their success."

—Allen Nance, San Francisco County Chief Probation Officer<sup>96</sup>

### **C. Los Angeles County Placed a Moratorium on Juvenile Administrative Fees**

Los Angeles County has the largest juvenile probation department in California. In 2008, advocates of families with youth in the juvenile system began reporting excessive fees and aggressive collection tactics. The Youth Justice Coalition issued a report documenting numerous instances of unfair practices that "put youth at risk and impoverish families."<sup>97</sup> As County Supervisor Zev Yaroslavsky observed in response to the complaints from community members: "The County does not appear to have made the effort to discern who can afford to pay and who cannot."<sup>98</sup>

In 2009—the same year that San Francisco County tabled a proposal to enact fees and Alameda County increased them more than ten-fold—the Los Angeles County Chief Probation Officer declared a moratorium on juvenile administrative fees.<sup>99</sup> L.A. Probation Department Deputy Chief of Juvenile Institutions, Felicia Cotton, said the decision to end billing practices was widely supported by leadership in Probation, acknowledging that families often arrive to the juvenile system in crisis and the fees only compound the stress and the strain.<sup>100</sup> Deputy Chief Cotton also said that the County has not terminated employees or reduced services because of the moratorium, and neither the Board of Supervisors nor the Probation Department has sought to reinstate the fees.<sup>101</sup>

## **V. RECOMMENDATION TO END JUVENILE ADMINISTRATIVE FEES**

In light of the high pain for families and the low financial gain for the County, we recommend that the Alameda County Board of Supervisors immediately end the assessment and collection of juvenile administrative fees. The Board should follow the lead of San Francisco County by repealing the fees, or it should place an immediate moratorium on the practice like Los Angeles County. In 2015, the Board repealed the juvenile record sealing fee; it should now end the practice of charging families all juvenile administrative fees.

### **A. Alameda County Should Repeal Juvenile Administrative Fees**

The Alameda County Board of Supervisors should adopt an ordinance to repeal juvenile administrative fees and to offer relief to those who have been charged fees. Specifically, Alameda County should amend Section 2.42.190 of the County Administrative Ordinance Code to abolish the authority to charge fees for juvenile detention (Juvenile Hall and Camp Sweeney), juvenile investigation and electronic monitoring. Additionally, the County should adopt a resolution that would end the assessment of fees for drug testing, probation supervision and representation by a public defender or court-appointed attorney.

In addition to ending the assessment of administrative fees, Alameda County should also ensure that families who have already been assessed fees are protected from further harm. The



County has charged youth and their families over \$3 million since 2010, and many hundreds of families still have outstanding debt totaling approximately \$1.5 million.<sup>102</sup> The Board of Supervisors should adopt a resolution to halt the collection of and acceptance of payment on juvenile administrative fee debt. Such a resolution should further instruct staff of the Central Collections Agency to petition the juvenile court to vacate existing civil judgments against families that were obtained without a meaningful process to establish their ability to pay.

#### **B. Alameda County Should Institute a Moratorium on the Assessment and Collection of Juvenile Administrative Fees**

In the alternative to a full repeal, the Alameda County Board of Supervisors should impose an immediate and indefinite moratorium on the assessment and collection of juvenile administrative fees. With the Probation Department, the Office of the Public Defender and the Central Collections Agency, we have already gathered data, identified information gaps and performed a wide-ranging review of juvenile administrative fee practices in the County. A moratorium will allow for further study and review of practices and policies, including ways in which the County can ensure that lost revenue, if any, can be replaced by other funding to maintain important staffing and services.

Like under a full repeal, the moratorium must suspend both the assessment and the collection of juvenile administrative fees. Families previously charged under a process that did not fairly assess their ability to pay should not continue to be liable for such fees, especially while the County is actively considering the future of the policy.

#### **C. Alameda County Can Lead as it Did On Juvenile Record Sealing Fees**

In 2015, the Alameda County Board of Supervisors repealed the juvenile record sealing fee.<sup>103</sup> In proposing to eliminate the record sealing fee, the Probation Department stated that “[a]lthough the fee is capped [by state law at \$150 per case] and is determined based on ‘ability to pay,’ it has created significant difficulty for young people, parents, and guardians having custody and control of juveniles that are unable to afford the record-sealing fee.”<sup>104</sup> The Probation Department also assured the Board that it would be able to absorb the cost of the lost revenue from the elimination of the juvenile record sealing fee.<sup>105</sup> In September 2015, the state followed Alameda County’s lead by enacting into law SB 504 (Lara), which eliminated the record sealing fee for youth under the age of 26 across California.<sup>106</sup>

As described in this report, juvenile administrative fees pose similar barriers to youth and their families. Fee debt causes immediate harm to vulnerable families and strains parent-child relationships. The debt can impact young people as they enter into adulthood by limiting their abilities to secure a job, education and housing.<sup>107</sup> The Alameda County Board of Supervisors has been at the forefront of criminal justice reform. It has the opportunity to lead once again by ending the assessment and collection of juvenile administrative fees.

### **CONCLUSION**

In authorizing counties to charge juvenile administrative fees, the California Legislature made its intent clear: to protect the fiscal integrity of the County, to protect families from excessive charges, to ensure reasonable uniformity throughout the state, and to ensure that liability is imposed only on families with the ability to pay.<sup>108</sup> Alameda County’s current fee scheme fails in each of these dimensions. The County charges some of the highest fees in the state, does not conduct a fair and consistent ability to pay determination and nets little or no revenue.

Charging families administrative fees also fails to advance the rehabilitative goals of the juvenile system. The juvenile system is supposed to provide for the protection and safety of youth, preserve family ties and foster family reunification and enable young people to become law-abiding and productive members of their families and communities.<sup>109</sup> Instead, Alameda County's fee scheme imposes economic hardship, creates family strain and erects significant reentry barriers for youth.

The Alameda County Board of Supervisors should end the regressive policy and practice of charging juvenile administrative fees. It should join other counties, like San Francisco and Los Angeles, by permanently repealing or immediately suspending the assessment and collection of these harmful fees. The Board took a similar leadership role last year by repealing the juvenile record sealing fee. By ending fees in Alameda County, thousands of families with youth in the juvenile system will benefit from a more progressive approach to criminal justice reform.



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NOTES

<sup>1</sup> Jamal Hagler, *8 Facts You Should Know About the Criminal Justice System and People of Color*, CENTER FOR AMERICAN PROGRESS (Oct. 28, 2015), <https://www.americanprogress.org/issues/criminal-justice/news/2015/05/28/113436/8-facts-you-should-know-about-the-criminal-justice-system-and-people-of-color/> (summarizing multiple studies and datasets showing disproportionate negative affects of the criminal justice system on people of color).

<sup>2</sup> Robert D. Crutchfield, April Fernandes & Jorge Martinez, *Racial and Ethnic Disparity and Criminal Justice: How Much is Too Much*, 100 J. CRIM. L. & CRIMINOLOGY 903 (2010) (reviewing studies and research examining racial and ethnic disparities in the criminal justice system and affirming that such disparities exist in both our criminal justice and juvenile justice systems).

<sup>3</sup> Alexes Harris, Heather Evans & Katherine Beckett, *Drawing Blood from Stones: Legal Debt and Social Inequality in the Contemporary United States*, 115 AMER. JOURNAL OF SOCIOLOGY 1753 (2010) (analyzing federal and state court data on the imposition of monetary sanctions, and finding that legal indebtedness is “substantial relative to expected earnings [, ... and] reproduces disadvantage by reducing family income, by limiting access to opportunities and resources, and by increasing the likelihood of ongoing criminal justice involvement.”); Joseph Shapiro, *As Court Fees Rise, The Poor Are Paying the Price*, NATIONAL PUBLIC RADIO (May 23, 2014), <http://www.npr.org/2014/05/19/312158516/increasing-court-fees-punish-the-poor>.

<sup>4</sup> REBEKAH DILLER, ALICIA BANNON & MITALI NAGRECHA, N.Y.U. SCHOOL OF LAW, BRENNAN CENTER FOR JUSTICE, CRIMINAL JUSTICE DEBT: A BARRIER TO REENTRY (2010), <https://www.brennancenter.org/publication/criminal-justice-debt-barrier-reentry> (examining the imposition of “user fees” on adults with criminal convictions).

<sup>5</sup> CALIFORNIA DEPARTMENT OF JUSTICE, JUVENILE JUSTICE IN CALIFORNIA 14 (2014), <http://oag.ca.gov/sites/all/files/agweb/pdfs/cjsc/publications/misc/jj14/preface.pdf>.

<sup>6</sup> ALAMEDA COUNTY PROBATION DEPARTMENT, A LOOK INTO PROBATION MONTHLY REPORT 8 (July 2013), <https://www.acgov.org/probation/documents/July2013Report.pdf>.

<sup>7</sup> *Alameda County Quickfacts*, UNITED STATES CENSUS BUREAU, <http://quickfacts.census.gov/qfd/states/06/06001.html> (last visited Jan. 15, 2015); ALAMEDA COUNTY PROBATION DEPARTMENT, A LOOK INTO PROBATION MONTHLY REPORT 8 (July 2013), <https://www.acgov.org/probation/documents/July2013Report.pdf>.

<sup>8</sup> Cal. Welf. & Inst. Code § 1700 (“The purpose of this chapter is to protect society from the consequences of criminal activity and to that purpose community restoration, victim restoration, and offender training and treatment shall be substituted for retributive punishment and shall be directed toward the correction and rehabilitation of young persons who have committed public offenses.”).

<sup>9</sup> Cal. Welf. & Inst. Code § 202(b).

<sup>10</sup> Many youth in the juvenile system spend time in Juvenile Hall, either immediately upon arrest, as part of their disposition or for short stints as punishment for probation violations. See Kate Weisburd, *Monitoring Youth: The Collision of Rights and Rehabilitation*, 101 IOWA L. REV. 297, 320-21 (2015).

<sup>11</sup> Cal. Welf. & Inst. Code § 729.9 (describing liability for cost of drug and substance abuse testing); Cal. Welf. & Inst. Code §§ 902-914 (describing liability for the cost of care, support and maintenance of a ward (§ 902); public defender and court-appointed attorney services (§ 903.1); probation supervision and electronic surveillance (§ 903.2)).

<sup>12</sup> Cal. Welf. & Inst. Code § 903(c), 903.45.

<sup>13</sup> However, under state law, counties “shall limit the charges it seeks to impose to the reasonable cost of support of the minor and shall exclude any costs of incarceration, treatment, or supervision for the protection of society and the minor and the rehabilitation of the minor.” Cal. Welf. & Inst. Code § 903(b). In theory, all charges—for detention, probation, etc.—are related to the rehabilitation of a young person by the very nature of their relation to the juvenile justice system. But the legality of these charges are not within the scope of this report.

<sup>14</sup> Cal. Welf. & Inst. Code § 729.9 (describing liability for cost of drug and substance abuse testing); Cal. Welf. & Inst. Code §§ 902-914 (describing liability for the cost of care, support and maintenance of a ward (§ 902); public defender and court-appointed attorney services (§ 903.1); probation supervision and electronic surveillance (§ 903.2)).

<sup>15</sup> Cal. Welf. & Inst. Code § 902.

<sup>16</sup> Cal. Welf. & Inst. Code § 903.



<sup>17</sup> Within the juvenile system, separate measures exist to “hold youth responsible” for their mistakes—to punish them for committing crimes, to help them to rejoin their families and community, and to repay victims who have been harmed through restitution and restitution fines. Cal. Welf. & Inst. Code § 729.5.

<sup>18</sup> Letter from Mel Hing, former Alameda County Administrator, to Alameda County Board of Supervisors (Dec. 18, 1984) (on file with authors); Memorandum from Mary Ann Cabral, former Senior Administrative Services Officer, Alameda County Probation Department, Subject: Cost of Care – Juvenile Institutions (Jan. 19, 1989) (on file with authors) (these and subsequent documents were obtained through a Public Records Act request to the Alameda County Board of Supervisors, and are available upon request from the authors). Cal. Welf. & Inst. Code § 903 (2010) (originally enacted by Stats.1983, ch. 1135, § 3 (1983)). The California legislature enacted Welfare and Institutions Code section 903 in 1983, which gave counties the authority to charge parents and/or guardians for the reasonable costs of support for a minor placed in an institution pursuant to an order of the juvenile court.

<sup>19</sup> Alameda County Board of Supervisors Minute Order (Apr. 14, 2009) (on file with authors) (setting fee amounts); Memorandum from Donald H. Blevins, former Chief Probation Officer, to Alameda County Board of Supervisors, Subject: Adoption of Ordinance Amending Chapter 2.42 of Title 2 of the Administrative Code Revising Fee Schedule to Be Charged for Specified Adult and Juvenile Probation Services (Mar. 11, 2009) (on file with authors). Camp Sweeney is an Alameda County-run facility where youth can spend up to 6-9 months in detention.

<sup>20</sup> The drug testing fee was calculated based on the cost of the test (\$7.17) and the cost of running the test (\$21.51) for a total of \$28.68.

<sup>21</sup> Letter from Donald H. Blevins, former Alameda County Chief Probation Officer, to the Alameda County Board of Supervisors, Subject: Adoption of Ordinance Amending Chapter 2.42 of Title 2 of the Administrative Code by Amending Section 2.42.190 Relating to Assessing Probation Fees and Adoption of Resolution Determining an Additional Schedule of Probation Fees (Nov. 6, 2009); Alameda County Board Resolution 2009-468, Resolution Determining an Additional Schedule of Probation Department Fees (Dec. 21, 2009) (on file with authors) (approving supervision fee, electronic monitoring fee, and two separate drug testing fees). A \$150 record sealing fee was added at the same time, but was subsequently repealed by the County—and eventually the state—in 2015. *See infra* section V. C. for a discussion of the record sealing fee.

<sup>22</sup> Letter from Diane Bellas, former Alameda County Public Defender, to the Alameda County Board of Supervisors, Subject: Increase in Fees for Indigent Defense Services Provided by the Public Defender and Court-Appointed Counsel (Mar. 22, 2011); Alameda County Board of Supervisors Resolution, “Authorizing a New Fee Structure for Indigent Defense Services Provided by Public Defender and Court-Appointed Counsel,” (May 3, 2011), [http://www.acgov.org/board/bos\\_calendar/documents/DocsAgendaReg\\_05\\_10\\_11/PUBLIC%20PROTECTION/Regular%20Calendar/Public\\_Defender\\_fees\\_for\\_indigent\\_defense.pdf](http://www.acgov.org/board/bos_calendar/documents/DocsAgendaReg_05_10_11/PUBLIC%20PROTECTION/Regular%20Calendar/Public_Defender_fees_for_indigent_defense.pdf) (last visited Feb. 10, 2016).

<sup>23</sup> *See* ALAMEDA COUNTY ADMINISTRATIVE CODE § 2.42.190 (fee schedule for Juvenile Hall, Camp Sweeney, GPS and investigations); Alameda County Board Resolution 2009-468, *supra* note 21 (fee schedule for juvenile probation supervision, electronic monitoring, and drug testing fees); Alameda County Board of Supervisors Resolution (2011), *supra* note 22 (authorizing increased public defender fee).

<sup>24</sup> *Id.*

<sup>25</sup> *See* Letter from Donald H. Blevins, *supra* note 21 (“The county cost of providing these services have increased significantly over the years and the following fees are needed to reflect the average cost of providing these services.”) The letter does not discuss fee collection costs to the county. *See also* Letter from Diane Bellas, *supra* note 22.

<sup>26</sup> Superior Court of California, County of Alameda Juvenile Court, “Court Order to Appear for Financial Evaluation” (2008) (redacted version on file with authors); Job Announcement, *Financial Hearing Officer*, COUNTY OF ALAMEDA, <https://www.jobaps.com/Alameda/sup/bulpreview.asp?R1=15&R2=1426&R3=01> (last visited on Jan. 24, 2016).

<sup>27</sup> Email from Kevin Hing, Assistant Auditor-Controller, Alameda County Central Collections Agency, to Stephanie Campos-Bui (Jan. 7, 2016, 14:10 PST) (on file with authors). Of the 498 families for whom the county provided information, 234 did not meet with a Financial Hearing Officer.

<sup>28</sup> Telephone interview with single mother of a child in the Alameda County juvenile system (Nov. 19, 2015).

<sup>29</sup> Interview with mother of a child in the Alameda County juvenile system (Mar. 12, 2015).

<sup>30</sup> Job Announcement, *Financial Hearing Officer*, COUNTY OF ALAMEDA, *supra* note 26; Memorandum from Mel Hing, past Alameda County Administrator, to Alameda County Board of Supervisors (Dec. 18, 1984) (on file with authors) (recommending delegation of parental financial liability decisions to the Central Collections Agency).

<sup>31</sup> Cal. Welf. & Inst. Code § 903.45(b).

<sup>32</sup> *Id.* (“Proper notice to the person shall contain all of the following: (1) That the person has a right to a statement of the costs as soon as it is available. (2) The person’s procedural rights under Section 27755 of the Government Code.



(3) The time limit within which the person's appearance is required. (4) A warning that if the person fails to appear before the county financial evaluation officer, the officer will recommend that the court order the person to pay the costs in full.”).

<sup>33</sup> *Id.* Furthermore, if the juvenile court or the Financial Hearing Officer determines that payment of fees would frustrate reunification and support of the minor post-reunification, or if “the court finds that the repayment would be unjust under the circumstances of the case,” the court shall not order repayment.

<sup>34</sup> *Id.*

<sup>35</sup> Cal. Welf. & Inst. Code § 903.45.

<sup>36</sup> Cal. Welf. & Inst. Code § 903.45(c).

<sup>37</sup> *Id.* Families do not have a right to appointed counsel at the ability to pay evaluation with a Financial Hearing Officer. However, they do have a right to appointed counsel at a hearing to dispute a financial evaluation in front of a juvenile court judge, although in practice the presence of counsel in either setting is rare.

<sup>38</sup> Cal. Welf. & Inst. Code § 903.45(d).

<sup>39</sup> *Id.* (“Execution may be issued on the order in the same manner as on a judgment in a civil action, including any balance remaining unpaid at the termination of the court's jurisdiction over the minor.”).

<sup>40</sup> Telephone interview with Kevin Hing, Alameda County Assistant Auditor-Controller, and Elizabeth Wei, Auditor-Associate (Jan. 12, 2016). Cases are referred to the Franchise Tax Board for wage garnishment after 90 days of delinquency. Cases are also referred to the Franchise Tax Board once a year for tax receipt intercept based on default. However, the Alameda County Central Collections Agency and its agents have wide discretion in referring cases to and taking cases back from the Franchise Tax Board depending on further discussion with individuals regarding ability to pay and changed circumstances. Wage garnishment due to administrative fees can be experienced as a decrease in wages by parents. As a result, some parents may reduce their work hours over time knowing that their wages will be garnished. Ezra Cohn, Debbie Mayer, Caitlin O’Neil, Khalia Parish & Jenny van der Heyde, “An Economic Analysis of Charging Administrative Fees to Justice-Involved Youth,” (Feb. 16, 2016) (on file with authors).

<sup>41</sup> See generally ALAMEDA COUNTY PROBATION DEPARTMENT, A LOOK INTO PROBATION MONTHLY REPORT, *supra* note 6. These figures are a one-month snapshot in July 2013, but represent the most recent data available from the County.

<sup>42</sup> Interview with Kate Weisburd, Director of Education, Justice, and Defense for Youth Practice at the East Bay Community Law Center (July 2, 2015).

<sup>43</sup> We only include four fees in this analysis as it allows for a comparison of administrative fees in California counties found later in this report.

<sup>44</sup> Because of the distribution of youth in services, the pre- and post-2009 difference in fee totals is likely less than the maximum possible represented here.

<sup>45</sup> Joshua Rovner, *Disproportionate Minority Contact in the Juvenile Justice System*, THE SENTENCING PROJECT (2014), [http://sentencingproject.org/doc/publications/jj\\_Disproportionate%20Minority%20Contact.pdf](http://sentencingproject.org/doc/publications/jj_Disproportionate%20Minority%20Contact.pdf) (examining Office of Juvenile Justice and Delinquency Prevention data, school discipline practices, and enforcement practices to show disparate impact on youth of color); Alex Piquero, *Disproportionate Minority Contact*, 18 THE FUTURE OF CHILDREN 59, 70 (2008), [http://futureofchildren.org/futureofchildren/publications/docs/18\\_02\\_04.pdf](http://futureofchildren.org/futureofchildren/publications/docs/18_02_04.pdf) (Using Office of Juvenile Justice and Delinquency Prevention (OJJDP) data to measure the disparity of contact with decision points in the system—including arrest, referral to juvenile court, detention, petitioning, transfer to criminal court, adjudication and out-of-home placement after adjudication—to show that African American youth were about 3.5-4.5 times more likely to interact with the system than white youth).

<sup>46</sup> ALAMEDA COUNTY PROBATION DEPARTMENT, A LOOK INTO PROBATION MONTHLY REPORT, *supra* note 6; *Alameda County Quickfacts*, UNITED STATES CENSUS BUREAU, *supra* note 7.

<sup>47</sup> African-Americans and Latinos are over represented in the criminal justice system, even when controlling for alleged criminal behavior. For example, in the school discipline context, there is no support in the research literature that disparities in school discipline are caused by racial/ethnic differences in behavior. Russell J. Skiba & Natasha T. Williams, *Are Black Kids Worse? Myths and Facts about Racial Differences in Behavior*, Equity Project at Indiana University (2014), [http://www.indiana.edu/~atlantic/wp-content/uploads/2014/03/African-American-Differential-Behavior\\_031214.pdf](http://www.indiana.edu/~atlantic/wp-content/uploads/2014/03/African-American-Differential-Behavior_031214.pdf).

<sup>48</sup> ALAMEDA COUNTY PROBATION DEPARTMENT, A LOOK INTO PROBATION MONTHLY REPORT, *supra* note 6.

<sup>49</sup> *Id.*

<sup>50</sup> We exclude Camp Sweeney for the purposes of comparing fees by race and ethnicity because few youth are placed in Camp Sweeney each year, and placement in Juvenile Hall and placement in Camp Sweeney are generally mutually exclusive, meaning youth usually only spend time in one or the other.



<sup>51</sup> Additionally, based on disproportionately longer times on probation and various conditions, families with a Latino youth and families with an Asian youth are also charged more than families with a White youth, 57 percent and 39 percent more respectively.

<sup>52</sup> Robert D. Crutchfield, April Fernandes & Jorge Martinez, *Racial and Ethnic Disparity and Criminal Justice: How Much is Too Much*, 100 J. CRIM. L. & CRIMINOLOGY, *supra* note 2; Human Rights Watch, *Decades of Disparity: Drug Arrests and Race in the United States* (Mar. 2, 2009), <http://hrw.org/en/node/81110/> (presenting FBI arrest data that shows the extent and persistence of racial disparities in U.S. drug-law enforcement).

<sup>53</sup> Email from Patricia McFadden, Principal Auditor, Alameda County Central Collections Agency, to Alex Kaplan (Dec. 2, 2015, 15:30 PST) (on file with authors).

<sup>54</sup> Interview with Alameda County Central Collections Agency (Kevin Hing, Matthew Yankee, Patricia McFadden, and Jacalyn Richardson) (Nov. 3, 2015).

<sup>55</sup> *Id.*; interviews with families that have been charged fees (Mar. 17, 2015; Apr. 13, 2015).

<sup>56</sup> Interview with Alameda County Financial Hearing Officer (Oct. 21, 2013).

<sup>57</sup> *Id.*

<sup>58</sup> Email with Patricia McFadden, *supra* note 53.

<sup>59</sup> Job Announcement, *Financial Hearing Officer*, COUNTY OF ALAMEDA, *supra* note 26.

<sup>60</sup> Alameda County Central Collections Agency, “Juvenile Financial Hearing Process” (undated internal document, but handwritten notes indicate it is more recent than May 2011) (on file with authors).

<sup>61</sup> Telephone interview and email correspondence with Kevin Hing, Alameda County Assistant Auditor-Controller (Jan. 11, 2016).

<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

<sup>64</sup> Tamar R. Birkhead, *Delinquent by Reason of Poverty*, 38 WASH. U. J.L. & POL’Y 53 (2012) (arguing that emphasis on family need when adjudicating delinquency has a disproportionate effect on low-income children); H. Ted Rubin, *Impoverished Youth and the Juvenile Court: A Call for Pre-Court Diversion*, 16 JUV. JUST. UPDATE 2 (Dec.-Jan. 2011) (stating that juvenile courts are considered courts of the poor and that juvenile courts in wealthier jurisdictions are rare).

<sup>65</sup> Telephone conversation with single mother of a child in the Alameda County juvenile system (Nov. 19, 2015), *supra* note 28. For the purposes of this report, we have used fictional names in order to protect the identity of the families and respect their wishes to have their stories presented in such a manner.

<sup>66</sup> Cal. Welf. & Inst. Code § 202(a).

<sup>67</sup> Interview with father of a child in the Alameda County juvenile system (Mar. 17, 2015) (on file with authors).

<sup>68</sup> Research also suggests that administrative fees may have a deterrence effect on some people and criminogenic effect on others. Although public knowledge of fees is low, it is possible that those who know about fees may be deterred from committing acts that would bring them into contact or back into contact with the juvenile justice system. *See* Ruback, R. Barry & Mark H. Bergstrom, “Economic Sanctions in Criminal Justice Purposes, Effects, and Implications,” *Criminal Justice and Behavior* 33, no. 2 (2006): 242–273, <http://cjb.sagepub.com/content/33/2/242.full.pdf> (concluding that the lack of deterrence effect from economic sanctions is due to the relatively low size of economic sanctions and lack of adjustment according to the nature of individual crimes). However, it is also possible that fees may have a criminogenic effect—some people who are assessed fees may turn to crime to finance their payment of the fees. *See* Ezra Cohn, Debbie Mayer, Caitlin O’Neil, Khalia Parish & Jenny van der Heyde, “An Economic Analysis of Charging Administrative Fees to Justice-Involved Youth,” (Feb. 16, 2016) (on file with authors), *supra* note 40.

<sup>69</sup> Parents and guardians are held jointly and severally liable for juvenile administrative fees. Cal. Welf. & Inst. Code. §§ 903, 903.1, 903.2.

<sup>70</sup> Interview with grandmother of a child in the Alameda County juvenile system (Apr. 13, 2015) (on file with authors).

<sup>71</sup> Interview with youth in the Alameda County juvenile system (July 2, 2015) (on file with authors).

<sup>72</sup> Cal. Welf. & Inst. Code § 903(c).

<sup>73</sup> Alameda County fiscal records from Public Records Act request (on file with authors). The County provided data on juvenile administrative fees for the last five fiscal years, 2010-2015.

<sup>74</sup> *Id.*

<sup>75</sup> *Id.* For example, according to Central Collections Agency documents, in fiscal year 2013-14, 283 families were billed \$62,000 for the public defender and 201 families were billed \$40,000 for court-appointed attorneys.

<sup>76</sup> *Id.* This does not include collections for the public defender or court-appointed attorney fees as these numbers were not made available by the Central Collections Agency.



<sup>77</sup> *Id.*

<sup>78</sup> Telephone interview with Kevin Hing, Alameda County Assistant Auditor-Controller (Dec. 21, 2015).

<sup>79</sup> Telephone interview and email correspondence with Kevin Hing, Alameda County Assistant Auditor-Controller (Jan. 11, 2016), *supra* note 61.

<sup>80</sup> “Financial Hearing Officer” Search Results, TRANSPARENT CALIFORNIA, <http://transparentcalifornia.com/salaries/search/?q=Financial+Hearing+Officer&y> (income for Financial Hearing Officer) (last visited Jan. 30, 2015).

<sup>81</sup> “Financial Hearing Officer” Search Results, TRANSPARENT CALIFORNIA, <http://transparentcalifornia.com/salaries/search/?q=Financial+Hearing+Officer&y> (income for Financial Hearing Officer) (last visited Jan. 30, 2015).

<sup>82</sup> “Collection Enforcement Deputy II” Search Results, TRANSPARENT CALIFORNIA, <http://transparentcalifornia.com/salaries/search/?q=Collection%20Enfrcemnt%20Depty%20II>, (income for Collection Enforcement Deputy II) (last visited Jan. 30, 2015).

<sup>83</sup> “Collection Supervisor II” Search Results, TRANSPARENT CALIFORNIA, <http://transparentcalifornia.com/salaries/search/?q=Collection%20Supervisor%20II>, (income for Collection Supervisor II) (last visited Jan. 30, 2015).

<sup>84</sup> The Alameda Central Collections Agency sends cases for wage garnishment and intercept of tax receipts and/or refunds to the Franchise Tax Board. The Franchise Tax Board keeps 15% in recoup fees on any monies collected on such cases, but we do not know if those fees cover their staff time and costs. Telephone interview and email correspondence with Kevin Hing, Alameda County Assistant Auditor-Controller (Jan. 11, 2016), *supra* note 61.

<sup>85</sup> Alameda County fiscal records from Public Records Act request (on file with authors), *supra* note 73.

<sup>86</sup> In order to accurately represent the annual cost to the County, we adjusted salaries and benefits of the financial hearing officers, the Collection Enforcement Deputy II, and the Collection Supervisor II for each year of employment (2011-2015).

<sup>87</sup> County of Alameda, Final Budget 2015-2016, ACGOV.ORG, <http://acgov.org/MS/OpenBudget/pdf/FY15-16/FY%2015-16%20Final%20Budget%20Book%20for%20Web%20and%20CD.pdf> (last visited Feb. 16, 2016).

<sup>88</sup> For example, the Probation Department’s 2015-16 juvenile services and facilities budget is \$74.3 million. For another point of comparison, in the 2015-16 fiscal year, the County appropriated more than \$51 million to increase the reserve fund. *Id.*

<sup>89</sup> Additionally, a 2015 study by students at the Goldman School of Public Policy concluded that a permanent elimination of juvenile administrative fees in Alameda County would bring \$5.5 million in benefits to society, approximately \$192,000 each year fees are not charged. Ezra Cohn, Debbie Mayer, Caitlin O’Neil, Khalia Parish & Jenny van der Heyde, “An Economic Analysis of Charging Administrative Fees to Justice-Involved Youth,” *supra* note 41.

<sup>90</sup> Despite multiple attempts, we did not receive survey responses from the following counties: Alpine, Glenn, Imperial, Mono, Sierra, and Tuolumne.

<sup>91</sup> The Policy Advocacy Clinic at Berkeley Law, California Juvenile Fees Survey (2015) (on file with authors) (surveying counties for administrative fee assessment and collection practices).

<sup>92</sup> *Id.* Data from San Diego, Ventura, Fresno, Stanislaus and Sonoma counties were self-reported from the survey of Chief Probation Officers and were not verified by Public Record Act requests; Sacramento, Santa Clara, Orange, Alameda, San Diego, Contra Costa, Riverside, San Bernardino and Los Angeles County responses to Public Record Act requests (on file with authors). San Francisco does not charge any administrative fees, *see* email from Allen Nance, San Francisco County Chief Probation Officer, (Apr. 18, 2015, 15:22 PST) (on file with authors). Los Angeles placed a moratorium on administrative fees in 2009, *see* letter from Robert B. Taylor, Los Angeles County Chief Probation Officer, to the Los Angeles County Board of Supervisors, Subject: Probation Department Moratorium on Collection of Support Costs for Incarcerated Minors (Mar. 31, 2009).

<sup>93</sup> The number of drug tests the average youth on probation in Alameda County undergoes is based on the experience of Kate Weisburd, Director of Education, Justice for Youth Clinic at the East Bay Community Law Center, who stated that on average a young person is given one drug test every other month. Thus, during an average 17-month probation term, a youth would be drug tested approximately eight times.

<sup>94</sup> Proposed Ordinance, City and County of San Francisco, “Juvenile Probation Department-Daily Fee at Juvenile Hall and Log Cabin Ranch” (June 26, 2009) (proposed ordinance to establish daily fees for Juvenile Hall and ranch), <https://sfgov.legistar.com/LegislationDetail.aspx?ID=483686&GUID=09C53DEA-4619-4A48-9AD5-16557011FDE1&Options=ID%7cText%7c&Search=090709> (last visited Jan. 31, 2016).

<sup>95</sup> Email from Allen Nance, San Francisco County Chief Probation Officer (Apr. 18, 2015, 15:22 PST) (on file with authors).

<sup>96</sup> *Id.*

<sup>97</sup> *Getting Paid Report*, YOUTH JUSTICE COALITION (2009), <http://www.youth4justice.org/wp-content/uploads/2012/12/GettingPaidReportYJC.pdf>.

<sup>98</sup> Molly Hennessy-Fiske, *Probation Fees Allegedly Continue Despite Moratorium*, L.A. TIMES (Mar. 24, 2009), <http://articles.latimes.com/2009/mar/24/local/me-probation-fees24>; Molly Hennessy-Fiske, *County Spent \$13,000 to Chase \$1,004*, L.A. TIMES (Mar. 4, 2009), <http://articles.latimes.com/2009/mar/04/local/me-probation-fees4>.

<sup>99</sup> Memorandum from Los Angeles County Probation Department to Los Angeles County Board of Supervisors, "Probation Department Moratorium on Support Costs for Incarcerated Minors" (Mar. 31, 2009) (on file with authors).

<sup>100</sup> Telephone interview with Felicia Cotton, Los Angeles Probation Department Deputy Chief of Juvenile Institutions (Nov. 1, 2014).

<sup>101</sup> *Id.*

<sup>102</sup> *Id.*

<sup>102</sup> Alameda County fiscal records from Public Records Act request, *supra* note 73.

<sup>103</sup> Letter from LaDonna Harris, Alameda County Chief Probation Officer, to Alameda County Board of Supervisors, Subject: Adoption of Ordinance Amending Section 2.42.190 of the Administrative Ordinance Code to Repeal the Probation Fee for Sealing or Expunging Juvenile Court Records (March 25, 2015).

<sup>104</sup> *Id.*

<sup>105</sup> *Id.*

<sup>106</sup> California Senate Bill No. 504 (2015) (enacted), [http://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160SB504](http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB504). See also Cal. Welf. & Inst. Code §§ 781, 903.3 (amended statutory language).

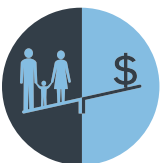
<sup>107</sup> Birckhead, *supra* note 64 (discussing how involvement in the juvenile court system can exacerbate problems for youth, especially with community members, police officers, teachers and future employers).

<sup>108</sup> Cal. Welf. & Inst. Code § 903.

<sup>109</sup> Cal. Welf. & Inst. Code § 202(a)-(b).

# SAN FRANCISCO FINES & FEES TASK FORCE:

Initial Findings and Recommendations



THE FINANCIAL  
JUSTICE PROJECT  
S A N F R A N C I S C O

OFFICE OF THE TREASURER & TAX COLLECTOR  
CITY AND COUNTY OF SAN FRANCISCO

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# I. OVERVIEW

Across the country, a growing number of government programs levy fines and fees from their residents, partly to generate revenue to balance public budgets. There is often an insidious unintended impact of this practice---to push people into poverty. These fines and fees can knock people down so hard they can't get back up. Poor people and people of color are often hit the hardest. These financial penalties can make government a driver of inequality, not an equalizer.

In early 2016, The Public Safety and Neighborhood Services Committee of The San Francisco Board of Supervisors held a **hearing** to listen to diverse perspectives on how fines, fees, tickets, and financial penalties impact low-income San Franciscans. Staff from city and county departments and institutions testified, as did residents and representatives of community organizations.

This meeting was prompted by widely publicized reports and community action that raised awareness of the inequitable burden that many fines and fees place on low-income Californians and San Franciscans. A coalition of California legal aid organizations had just published a **report** that described how four million Californians have had their driver's licenses suspended for their inability to pay court ordered fines and tickets. The authors wrote: "These suspensions make it harder for people to get and keep jobs, further impeding their ability to pay their debt. They harm credit ratings. They raise public safety concerns. Ultimately, they keep people in long cycles of poverty that are difficult, if not impossible to overcome."

A coalition of San Francisco community organizations had also recently come together to form **Debt Free SF**, to call for reforms to tickets, fines, and fees that they see their low-income clients and constituents struggle with. Debt Free SF is made up of legal aid and community groups that help people who are poor, homeless, or exiting jail or prison. Their clients were getting tickets for sleeping on park benches, racking up court ordered fines they could not pay, or struggling with debt from their time in the criminal justice system. Their clients also struggled when their cars were towed and then couldn't get them back, as tow fees in San Francisco often exceed \$400.

This local and California-wide advocacy echoed calls for reform across the nation. The **Ferguson Report**, published by the United States Department of Justice, drew national attention to the impact of fines, fees, and tickets on low-income Americans and people of color.

These calls for reform share a core rationale. They are advocating for consequences that fit the offense, and do not hit lower-income people and people of color harder than wealthier or white people. They are not advocating for a lack of consequences.

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In late 2016, The Board of Supervisors called for the creation of a Fines and Fees Task Force, composed of staff from city and county departments and community organization representatives. The Task Force was directed to study the impact of fines, fees, tickets, and various financial penalties that disproportionately impact low-income San Franciscans, and propose reforms.

The Board of Supervisors directed the newly-created **Financial Justice Project**, in the San Francisco Office of The Treasurer and Tax Collector, to staff the Task Force. City Treasurer José Cisneros had launched The Financial Justice Project in October 2016 to assess and reform how fines and fees impact our City's most vulnerable residents.

San Francisco has a history of initiating fine and fee reforms that other counties and the state eventually follow. For example, San Francisco was the **first county** to not charge fees to parents whose children were incarcerated in juvenile hall. Since then, several other counties have followed suit. A **bill** is advancing in Sacramento to eliminate them statewide. Similarly, the San Francisco Superior Court was the first to stop suspending driver's licenses when people were unable to pay traffic court fines. Other counties have since done the same. Governor Jerry Brown **called for an end to this practice statewide** in early 2017, and **legislation** is advancing to end the suspension of driver's licenses for people unable to pay court fines and fees.

The Fines and Fees Task Force met for the past six months and developed recommendations for reform. These recommendations are detailed in this report.

This report provides the following:

- Top Lessons from The Fines and Fees Task Force and The Financial Justice Project
- Key Goals, Context, and Recommendations for Reform
- Overview of The Fines and Fees Task Force
- Overview of The Financial Justice Project
- Media & Resources
- Contact information
- Acknowledgements



# II. TOP LESSONS

## from the Fines and Fees Task Force and The Financial Justice Project

**1. The Ferguson Report, published by the United States Department of Justice, drew national attention to the impact of fines, fees, and tickets on low-income Americans and people of color.**

In 2015, The United States Department of Justice released the **Ferguson Report**, an investigation into the city's police department, after Michael Brown, an unarmed African American 18-year-old, was shot and killed. The report revealed that Ferguson officials aggressively raised revenue through fining residents. In 2013, the municipal court in Ferguson — a city of 21,135 people — **issued 32,975 arrest warrants** for nonviolent offenses. Residents were fined \$531 for high grass and weeds in a yard, \$792 for failure to comply with an officer, and \$375 for lacking proof of insurance. If residents could not pay, they were assessed late fees, which quickly escalated. Fines of a few hundred dollars could snowball to a few thousands. Residents who couldn't pay up were sometimes jailed. One woman spent more than 30 days in jail over an unpaid traffic ticket she'd gotten 15 years earlier, when she was a teenager. Fines were the city's second largest source of revenue in 2013.

**2. Ferguson is not an outlier. Steep fines and other financial penalties have been increasing and spreading.**

The Ferguson Report sparked national outrage and concern about what many call “cash register justice.” National Public Radio conducted an extensive report that found that since 2010, 48 states have increased criminal and civil court fees. **Defendants are charged** for a long list of government services that were once free — including ones that are constitutionally required.

A **state-by-state survey** conducted by NPR found that:

- In at least 43 states and the District of Columbia, defendants can be billed for a public defender.
- In at least 41 states, inmates can be charged room and board for jail and prison stays.
- In at least 44 states, offenders can get billed for their own probation and parole supervision.
- And in all states except Hawaii, and the District of Columbia, there's a fee for the electronic monitoring devices defendants and offenders are ordered to wear.
- Impoverished people sometimes go to jail when they fall behind paying these fees.
- In over half of states, people who owe Legal Financial Obligations to the courts can have their ability to vote taken away.

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This is not just a Ferguson problem. Fees and fines have been spreading at a time when Americans can least afford them.

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**3. There has been a stark increase in the number of Americans who get caught up in the criminal justice system, where fines and fees are widespread.**

- **One in three** Americans are arrested by age 23.
- Shockingly, **as many Americans have criminal records as college degrees**

**4. The increase in arrest rates and over incarceration has hit the African American community the hardest:**

- **One in four African American children born in 1990** had an imprisoned father by the time he or she turned fourteen.
- **One in two African American women have a loved one who is incarcerated.**
- Nationwide, one-third of African American men in their twenties are under correctional supervision. African American men are over six times more likely to be incarcerated than white men, and Latino men are 2.5 times more likely to be incarcerated than white men.
- **Half of African American males are arrested by the age of 23.**

**5. Cities are becoming increasingly reliant on fine and fee revenue, according to emerging research.**

- Cities have relied on fine and fee revenue for decades, but cities increasingly turned to them during the Great Recession. According to **Joe Soss** at the University of Minnesota: “Their usage expanded dramatically during the Great Recession that began in 2007, when tax collections dropped due to the weak economy and municipalities needed to find more sources of revenue to pay for ongoing operations.”
- Other **research** has explored how cities increase fines or fees or up collections efforts when budgets are tight.
- Conservative and progressive organizations have decried municipal reliance on fines and fees. Grover Norquist of Americans for Tax Reform and Mark Levin from Right on Crime **testified** on the need for reform of government’s reliance on fine and fee revenue to United States Commission of Civil Rights in March of 2017. The ACLU, Vera Institute of Justice, Southern Center on Law and Poverty, Lawyers Committee for Civil Rights and Bay Area Legal Aid have all made calls for reform.
- More research is needed on municipal fines and fees to better understand why cities turn to them; the implications for residents and revenue; and to understand which cities are most likely to rely on fines and fees. (For example, are smaller cities more likely to turn to fines and fees because they have fewer opportunities to generate revenue? Or are cities with larger populations of people of color or immigrants more likely to rely on fine and fee income?)
- More research is needed to identify data points that allow for direct comparisons among cities and counties across the United States, to surface learnings and to better identify trends.

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Fines and fees can strip resources and wealth from communities that cannot afford to lose them. Research shows they hit the African American community the hardest.

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Cities have relied on fine and fee revenue for decades, but cities increasingly turned to them during the Great Recession.

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California brought in \$2.6 billion in revenue from fines and forfeits in 2013, more than any other state.

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When people cannot pay financial penalties because of their empty pocketbooks, their financial holes can get deeper or they are sometimes jailed.

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## 6. Many government programs throughout California assess fees, fines and revenue from people who have a hard time paying them.

- In California, uncollected court-ordered debt for traffic and criminal offenses add up to an estimated \$12.3 billion, according to the Legislative Analyst's Office.
- California brought in \$2.6 billion in revenue from fines and forfeits in 2013, more than any other state.<sup>1</sup>
- California traffic fines and fees are some of **highest in country**. Although the base fines for California Vehicle Code violations may be lower or comparable to many other states', the add-on fees—and particularly the \$300 late penalty—make California one of the states with the steepest fines.
- California fine and forfeiture revenue per capita is the second highest (after New York) in the eight states analyzed in an Arnold Foundation research project.<sup>2</sup>
- Four million Californians have had their driver's licenses suspended because they cannot pay court fines and fees. This makes it difficult to get a job, as employers increasingly require a license as a precondition to employment.
- In California, **eighty percent** of counties charge parents a nightly fee for every night their son or daughter spends locked up in Juvenile Halls. These fees vary wildly throughout the counties and are levied on some of the most vulnerable families in our state.
- Thousands of Californians sitting in jails are there not because they have been found guilty of a crime, but because they are awaiting their trial behind bars because they cannot pay bail. Median felony bail is **\$50,000** in our state; five times the national average.
- Poverty is often the prevailing reason why offenders fail to make specified payments. California has one of the highest poverty rates in the nation, with over one-fifth of its residents (or nearly 8.0 million people) living in poverty in 2015. When Californians fail to submit monthly payments, incarceration and other legal sanctions can be imposed as civil penalties. Once the initial payment deadline has passed, **California adds an additional \$300** for failure to pay by the specified date.

**7. Government's increasing reliance on fines and fees is happening when Americans can least afford them.** About **one in three** Americans live in or near poverty. According to a recent **Federal Reserve study**, nearly half of adults say they either could not cover an emergency expense costing \$400, or would cover it by selling something or borrowing money.

**8. Steep fines and fees that are beyond people's ability to pay can dig people into financial holes that are hard to get out of.** When people cannot pay financial penalties because of their empty pocketbooks, their financial holes can get deeper or they are sometimes jailed. Their debt can increase through late fees or other penalties. Their credit can be negatively impacted. Their driver's licenses can be suspended, which can cause them to lose their jobs. They can even be jailed.

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<sup>1</sup> Sarah Shannon provided this testimony to the United States Commission on Civil Rights on March 15, 2017. She is an assistant professor of sociology at the University of Georgia. She leads the Multi State Study of Monetary Sanctions funded by the Laura and John Arnold Foundation investigating how criminal justice debt impacts low-income people.

<sup>2</sup> Ibid.



**9. In San Francisco, the burden of these fines and fees falls heavily on the African American Community. In San Francisco, African Americans make up less than 6 percent of the population, but:**

- African Americans are over **HALF of the people who are in the County Jail.**
- Of people arrested for a “failure to appear/pay” traffic court warrant, **45 percent were African American** (over-represented by 8.4x).
- African American individuals represent more than **70% of people seeking legal assistance** for driver’s license suspensions.
- The Bayview-Hunters Point neighborhood in San Francisco, zip code 94124, has a relatively high rate of poverty (23.5%), the highest percentage of African American residents in San Francisco (35.8%) and a **driver’s suspension rate more than three times the state average.**

**10. Steep fines and fees can be a “lose-lose”, for citizens and for government. Research has shown that fines and fees that are levied on people with modest incomes are often high pain (hitting poor people particularly hard) but low gain, bringing in less revenue than expected.**

A recent **report** by the Vera Institute found that the City of New Orleans lost money in its efforts to force city residents to pay court fees or face jail time: the cost of jailing those who could not or would not pay far exceeded the revenue received. In Florida, clerk performance standards rely on the assumption that just **9 percent** of fees imposed in felony cases can be collected. In Alabama, collection rates of court fines and fees in the largest counties **are about 25%.** In California, research by the **Berkeley Policy Advocacy Clinic** shows that juvenile administration fees generate little net revenue, which largely pay for the cost of collection activities. Both the **White House Council of Economic Advisors** and the **Conference of State Court Administrators** have found these Legal Financial Obligations are often an ineffective and inefficient means of raising revenue.

**11. San Francisco is a leader in reforming fines and fees, but we still have more to do.** San Francisco has a history of initiating reforms of fines and fees, that other counties and the state eventually follow. (For example, San Francisco was the **first county** to not charge fees to parents whose children were incarcerated in juvenile hall.) Since then, several other counties have followed suit. A **bill is advancing** in Sacramento to eliminate them statewide. SFMTA has the most extensive free MUNI program in the country. Similarly, the San Francisco Superior Court was the first to stop suspending driver’s licenses when people were unable to pay traffic court fines. Other counties have since followed suit. Governor Jerry Brown called for an **end to this practice statewide** in early 2017, and **legislation** is advancing to end the suspension of driver’s licenses for people unable to pay court fines and fees. **Debt Free SF** and other community groups have called out how a range of fines, fees, and financial penalties are hitting vulnerable San Franciscans hard at a time when it’s already very expensive to be poor in the city. We describe these local challenges in our recommendations section.

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Fines and fees are often high pain--hitting poor people particularly hard--but low gain--bringing in less revenue than expected.

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Fines and fees that exceed people’s ability to pay them can be a lose-lose, for citizens and for government.

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San Francisco has a history of initiating reforms of fines and fees that other counties and the state eventually follow.

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Data that helps us better understand local challenges is sorely needed to help us craft the most effective solutions.

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Solutions exist that work for both government and citizens.

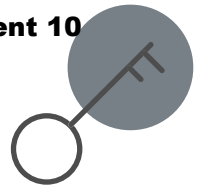
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**12. Solutions exist that work for both government and citizens. We want the consequence to fit the offense, and not hit poor or people of color harder than they hit middle income or white San Franciscans.** There's a range of solutions that the Task Force is recommending. Sometimes it may make sense to base the fine or fee on people's ability to pay and right-size the fine or fee. Other times, it may make sense to get rid of specific penalties if they are extreme and completely out of whack with the offense (for example, to stop suspending people's driver's license when people cannot afford to pay fines or fees). Other times a non-monetary fine or fee may make sense. For example, people could "pay" their fine or fee by doing community service.

**13. Interest is high, but some City and County department staff are concerned about the potential loss of revenue from reforms to fines or fees, or a lack of administrative resources to develop and enact effective reforms.** All City, County, and Court staff we interviewed expressed an openness to reforms, often saw the need for them, and sometimes believe that fines and fees inhibit their abilities to pursue their missions. That said, some staff were concerned about eliminating potential sources of revenue, at a time when San Francisco and other local governments are calling on departments to make cuts. Additionally, some staff members expressed concern about the potential technical and administrative challenges related to implementation. These realities will spur further conversations about how we balance our need for revenue with our commitment to equity and inclusion for everyone in San Francisco, including poor San Franciscans. Some departments say they may need additional funds if their potential sources of revenue are cut.

**14. Better data is sorely needed about these problems and potential solutions. But better data is hard to get from the majority of San Francisco departments and institutions.** The Financial Justice Project has reached out to the departments that are most likely to have fines and fees that disproportionately impact low-income San Franciscans and people of color. We are asking questions to better understand how many people get a certain fine, fee or ticket; how much money from the fine or fee is collected, outstanding, and delinquent; their cost of collections; and what penalties or alternatives to payment exist. This data has been very hard to get from most departments, often because they have antiquated systems or lack budget staff to respond to requests like these. Data that helps us better understand local challenges is sorely needed to help us craft the most effective solutions.

**15. An analysis of San Francisco's fines, fees, tickets and financial penalties should be conducted through the City and County budget process.** The Fine and Fee Equity Test could be a required component of a Department's budget submission on a regular basis. It would provide the Board of Supervisors and the public with a tool to evaluate revenue collection mechanisms that may undermine larger policy goals of equity and fairness. The test would evaluate fees and fines, their potential for disparate negative impact on low-income communities, and/or communities of color, and present alternative solutions. The report would note any fee or fine where 1) Revenue collected does not justify the cost of collection and enforcement 2) Delinquent revenue is greater than or equal to revenue collected 3) Collection and enforcement has a disparate impact on low-income communities or communities of color.



# III. KEY GOALS, CONTEXT & RECOMMENDATIONS FOR REFORM



# 1 ABILITY TO PAY

## GOAL:

When possible and appropriate, base fine and fee amounts on an individual's ability to pay, to ensure consequences do not place an inequitable burden on low-income San Franciscans.

## CONTEXT:

The 8th Amendment of the United States Constitution states that: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." A fee or fine can impact people differently, depending on their incomes.

For a wealthy person, a fine or fee may be little more than an annoyance. For someone at the hard edges of the economy, a fine or fee can impact their ability to pay rent, feed their family, and move up the economic ladder. If a low-income person cannot pay a fine or fee, other consequences can follow. The fine can increase with interest and late fees, their credit rating can be downgraded, they can lose their driver's license and even their job.

At a time when **one in three Americans live in poverty**, and about approximately half of Americans say they **lack the resources to cope with a \$400 unexpected expense**, many San Franciscans cannot afford the fines and fees assessed, and are stuck facing the consequences of nonpayment. Meanwhile, the Courts and various City and County agencies spend time and resources attempting to collect fines and fees that individuals are unable to pay and are often driven by California state law.

It's time to right-size fines and fees and develop efficient and equitable ways to proportion them to people's incomes. Our goal is not to advocate for a lack of consequences. Our goal is to make the consequence fit the offense.

There is much momentum towards this goal. **The California Judicial Council** recently directed courts throughout California to develop processes to base fines and fees on ability to pay. The California Judicial Council also recently won a **Price of Justice** grant from the United States Department of Justice to develop and pilot ability to pay tools. Other state court systems, such as **Michigan**, have moved toward basing fines and fee on ability to pay. And courts in the United States have piloted **Day Fines** that are proportioned to people's incomes. In some of these pilots, courts saw their overall revenue go up, and their disproportional impact go down. Since day fines are calculated to be bearable at different income levels, collection rates are much higher than with traditional fines. When people get a fine or fee that is unrealistic for their income/budget, they are less likely to pay. When the amount is manageable for their income level, they pay, according to discussions with researchers.

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A fee or fine can impact people differently, depending on their incomes.

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For a wealthy person, a fine or fee may be little more than an annoyance. For someone at the hard edges of the economy, a fine or fee can impact their ability to pay rent and feed their family.

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# 1 ABILITY TO PAY

## RECOMMENDATIONS:

**1. When possible and appropriate, base fine and fee amounts on an individual's ability to pay, to ensure consequences are equitable for low-income San Franciscans.**

**2. The Financial Justice Project should serve as a resource to help interested county institutions develop efficient ability to pay processes** for fines and fees to ensure consequences do not place an inequitable burden on low-income San Franciscans.

**3. Ability to pay processes should include the following attributes:**

- Have a presumption of inability to pay for anyone who is homeless, receiving public benefits, or at/below 250% Federal Poverty Line (approximately \$60,000 for a family of four).
- For total inability to pay, offer options including community service (without participation fees, based on an hourly rate at or above minimum wage, and based on the reduced fine amount); and in which service is satisfied by participation in social services programs, job training, education, drug treatment, etc.; or suspension or dismissal of fine.
- For people with some, but limited ability to pay, reduce fines and offer flexible payment plans without a participation fee.
- Allow for online enrollment in payment plans and alternatives to monetary payment.
- Include easy-to-read information about alternative payment options based on ability to pay on the notices of the fee/fine and on relevant websites.
- Do not charge an up-front fee before allowing an ability to pay determination. Make late fees reasonable and part of the ability to pay process.

**4. Develop meaningful, efficient processes to allow low-income San Franciscans to demonstrate their inability to pay, such as options that:**

- Allow individuals to verify inability to pay by showing their EBT card, enrollment letter from the Human Services Agency or other benefit card.
- Allow individuals to self-report under penalty of perjury.
- Use shared data agreements between departments to verify people's income while maintaining client confidentiality. For example, allow interested County departments and courts to use a "look up tool" to determine if someone is receiving means tested benefits.
- Use the same process in all City/County/Court proceedings.

**5. Explore specific opportunities to pilot ability to pay innovations, such as:**

- The creation of a "Day Fines/Proportional Fines" pilot
- Applying to California Judicial Council's Ability To Pay pilot program.

**6. Provide support to the County departments and the courts as they create streamlined ability to pay processes.** Developing and implementing ability to pay processes may consume time and resources. County institutions should be supported as they make these reforms.

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It's time to right-size fines and fees and develop efficient and equitable ways to proportion fines to people's incomes.

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## 2

# DRIVER'S LICENSE SUSPENSIONS

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Over the past five years, 4 million Californians have had their driver's licenses suspended for their inability to pay court-ordered fines and tickets.

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The San Francisco Superior Court is the first in the state to end the suspension of driver's licenses for inability to pay/failure to appear. Their leadership should be commended.

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## GOAL:

Remove employment barriers for low-income Californians by ending the practice of suspending people's Californians' drivers' licenses when they are unable to pay traffic citations.

## CONTEXT:

Over the past five years, 4 million Californians have had their driver's licenses suspended for their inability to pay court ordered fines and tickets.<sup>4</sup> According to a report entitled Not Just a **Ferguson Problem**: How Traffic Courts Drive Inequality in California: "These suspensions make it harder for people to get and keep jobs, further impeding their ability to pay their debt. They harm credit ratings. They raise public safety concerns. Ultimately, they keep people in long cycles of poverty that are difficult, if not impossible to overcome."<sup>5</sup>

This extreme punishment falls hardest on low-income people and people of color. The Bayview-Hunters Point neighborhood in San Francisco, zip code 94124, has a relatively high rate of poverty (23.5%), the highest percentage of African American residents in San Francisco (35.8%) and a driver's license suspension rate of 6.7%, more than three times the state average.<sup>6</sup> In the City and County of San Francisco, the population is 5.8% black or African American, yet 48.7% of arrests for a "failure to appear/pay" traffic court warrant are of African American drivers (over-represented by 8.4x).<sup>7</sup>

The San Francisco Superior Court is the first in the state to end the suspension of driver's licenses for inability to pay/failure to appear. Their leadership on this important issue should be commended and has spurred other courts to do the same. Alameda and Solano Counties have also ended this practice. And California Governor Jerry Brown has **called for an end to this practice statewide**. California State Senator Bob Hertzberg, D-Van Nuys, has sponsored **legislation** to prevent the automatic suspension of driver's licenses for people who are unable to pay fines or fees for minor traffic tickets and require courts to determine violators' ability to pay before setting fine amounts.

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4 Not Just a Ferguson Problem

5 Not Just a Ferguson Problem

6 Stopped, Fined, Arrested: Racial Bias in Policing and Traffic Courts in California

7 Stopped, Fined, Arrested: Racial Bias in Policing and Traffic Courts in California



## 2

# DRIVER'S LICENSE SUSPENSIONS

## RECOMMENDATIONS

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Driver's license suspensions make it hard for people to get and keep jobs, further impeding their ability to pay their debt.

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Driver's license suspensions harm credit ratings. They raise public safety concerns. Ultimately, they keep people in long cycles of poverty that are difficult, if not impossible to overcome.

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**1. Make permanent the San Francisco Superior Court's existing policy of not referring failure to pay (FTP) and failures to appear (FTA) to the Department of Motor Vehicles for license suspension.** Work to get other jurisdictions to follow their lead.

**2. Support and actively advocate to pass SB 185,** California State Senator Bob Hertzberg's bill to prevent the automatic suspension of driver's licenses for people who are unable to pay fines or fees for minor traffic tickets and require courts to determine violators' ability to pay before setting fine amounts.

**3. Create an ability to pay process available at every stage of traffic court proceedings, as outlined in the previous section.** Recall past license suspensions for people who come to court to resolve past debt using this process. Include all fees, including a \$300 civil assessment, in the process.

**4. Communicate to people that they have options.** Change notices to include information about ability to pay, post information on the court's website, investigate ways to communicate via text and email or accept ability to pay documentation via the internet, just as payments are accepted. Notices should be available in multiple languages and be readable at a fourth grade reading level (for people with disabilities).

**5. Stop all up-front fees.** If people are coming to court to resolve a ticket, they should not be charged up front just to get into court.

**6. Ensure that young people in juvenile traffic court do not have their driver's licenses "pre-suspended" for their inability to pay fine and fees.**

**7. Allow young people in juvenile traffic court to clear their citations if they connect with trusted social service providers** and get help through job training, counseling, addiction treatment and other services. Extend the program that is available in adult traffic court to juvenile traffic court.

## 3

# QUALITY OF LIFE CITATIONS

## GOAL:

Ensure that “Quality of Life” citations do not punish people for being poor or create barriers to employment and housing for people struggling with homelessness.

## CONTEXT:

San Francisco Police gave over 15,000 citations for “Quality of Life” incidents in 2016. These citations are often for offenses like sleeping or camping where it is prohibited, blocking a sidewalk, loitering, or having an open container of alcohol. Most of the tickets start at \$200 and grow to nearly \$500 when people are unable to pay them on time. A recent **survey** found that 90% of homeless people were unable to pay the fine for their last citation. When people cannot pay, a cascade of consequences can occur: a warrant can be issued for their arrest; they can be assessed a civil assessment of \$300; people can be jailed for nonpayment; their driver’s licenses can be suspended; and credit bureaus can be contacted for nonpayment. Social workers report that the after-effects of the tickets can create barriers for people struggling with homelessness when they try to get jobs or get housing.

Frustration with this process is widespread. Police are often frustrated at responding to calls that are not related to crime. The City and County of San Francisco spends an **estimated** \$20 million a year responding to Quality of Life incidents. The Courts spend time and resources processing thousands of citations through the criminal justice system, resources that could be directed to fairness and accessibility in proceedings like evictions or other serious offenses. The processes to appeal or resolve Quality of Life citations is difficult to navigate and requires individuals to show up at court for several appearances at specific dates and times. It is often difficult for people struggling with homelessness, mental health issues, and addiction to make their way through this process. San Francisco residents and business owners are frustrated if they do not see that this process helps get people off the streets and permanently exit homelessness.

There is progress. The San Francisco Superior Court decided to **stop issuing bench warrants** for people who cannot pay quality of life citations. In essence, their actions state: we do not believe homeless people should be jailed when they cannot pay these citations. The District Attorney’s Office and Courts have collaborated to create an innovative program that allows people to clear their citations if they receive 20 hours of counseling, medical help, addiction services and others from a vetted list of social service providers. This informal program, which still requires many in-person visits to the courts, and is staffed by District Attorneys, even though the homeless people do not have lawyers, could be built up and made more accessible and efficient to serve more people and free up court and District Attorney resources. Some police leaders have stated that they are shifting their response from writing citations to giving people written admonishments or warnings. This shift allows police to respond to and address the situation at hand without saddling the homeless individual with a ticket they cannot pay and other potential unintended consequences when they cannot pay the tickets.

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Most of the tickets start at \$200 and grow to nearly \$500 when people are unable to pay them on time. A recent survey found that 90% of homeless people were unable to pay the fine for their last citation.

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Social workers report that the after-effects of the tickets can create barriers for people struggling with homelessness when they try to get jobs or get housing.

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## 3

QUALITY OF LIFE  
CITATIONS

## RECOMMENDATIONS:

**1. Hold people accountable and uphold community norms without issuing citations that people cannot pay and create challenges that prevent them from exiting homelessness.**

- **When possible and at their discretion, San Francisco Police should use written admonishments/warnings, rather than citations when responding to Quality of Life infractions.** We heard in our conversations with police that they can often accomplish the same goals with a written admonishment as with a citation, without saddling a person with a citation that they cannot pay. The police potentially could explore possibilities such as: i) allowing people to receive a certain number of written admonishments before they receive a citation ii) require that written admonishments be given, rather than citations, for first offenses of various Quality of Life infractions, as is the case with panhandling (In other words, the rules regarding pan handling and citations could be extended to other Quality of Life infractions).
- **Ensure that the admonishment and citation processes do not create barriers to employment and housing for homeless people.** People should not be jailed for non-payment; people's driver's licenses should not be suspended; credit bureaus should not be contacted for nonpayment.
- **Stop adding a \$300 civil assessment fee to these municipal violations, where nearly 100% of the people receiving the tickets, by definition, cannot pay.**

**2. When people receive Quality of Life citations, provide alternatives to payment and opportunities for them to resolve their citations through receiving social services.**

- **Streamline the program of the District Attorney and the San Francisco Superior Court that allows people who have received Quality of Life citations to resolve their tickets if they obtain social services and help from trusted providers.** The program allows people who are homeless to satisfy a Quality of Life citation by connecting with a trusted set of social services providers and holding them accountable to get the help they need including (but not limited to) counseling, addiction services, medical assistance, food and shelter-- to permanently exit homelessness. The goal is to encourage and reward people for seeking housing and social services, and not to waste City and court resources pursuing fines people cannot afford, or jailing them for failure to pay. Right now, people must make multiple appearances to access this program. This informal program, which still requires many in-person visits to the courts, and discussions with the District Attorney and court officials, could be made more accessible and efficient to serve more people and free up court and District Attorney time to address serious crime.
- **If people fail to respond to multiple citations, allow them to resolve their citations through receiving services through the Community Justice Center or another alternative court.** The San Francisco Superior Court is developing a proposal that court leaders say will hold homeless individuals accountable, connect them with needed help and social services, and be easier to navigate for people struggling with homelessness. The proposal would be targeted toward people struggling with homelessness who receive repeated citations and do not resolve them through the program described above. We look forward to working with the Superior Court as this proposal develops.

**3. Use data from front line responders to track trends and connect homeless people in crisis to social services and health services.**

## 4

TRANSPORTATION  
FINES AND FEES

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Of the roughly 42,350 vehicles towed annually in San Francisco, about 10 percent of the owners abandon their cars, many of whom likely cannot afford to retrieve their cars.

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If people cannot afford to pay the \$2.25 muni fare, and they board Muni without paying, they may get a \$112 fare evasion ticket.

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**GOAL:**

Ensure that consequences for transportation violations hold people accountable, but do not pose an inequitable burden for low-income San Franciscans.

**CONTEXT:**

There are many ways to get around San Francisco. Buses, trains, private vehicles, and bicycles take hundreds of thousands of San Franciscans where they need to go every day. A system of rules and consequences for breaking these laws is necessary to ensure our transportation ecosystem functions well for the benefit of all.

San Francisco Municipal Transit Agency (SFMTA) is a leader in making transportation services accessible to low-income people. SFMTA offers a free Muni pass for low-income San Francisco youth; discounts for low-income San Franciscans; a first time/low-income towing discount; and allows people to pay off tickets by performing community service.

Like all San Franciscans, low-income and very poor San Franciscans must navigate the city to get to work, appointments, and school. Sometimes, citations and financial penalties for violating these rules hit low-income San Franciscans much harder than they hit middle and upper-income San Franciscans. For example, it can cost approximately \$600 to retrieve a towed car in San Francisco. Of the roughly 42,350 vehicles towed annually in San Francisco, about **10 percent** of the owners abandon their cars, many of whom likely cannot afford to retrieve their cars. If people cannot afford to pay the \$2.25 muni fare, and they board Muni without paying, they may get a **\$112 fare evasion** ticket. These individuals do have the option to perform community service to clear the ticket, but must pay **\$75 to enroll** in the community service program. If they request a payment plan, they must pay upwards of \$60 to enroll. According to several community advocates, it can be difficult for low-income San Franciscans to navigate MTA processes to appeal their citations if they cannot pay.

# 4 TRANSPORTATION FINES AND FEES

## RECOMMENDATIONS:

### 1. Use a data driven multi-agency determination to base citations on low-income San Franciscans' ability to pay.

- Allow for reductions of SFMTA citation/fine at the appeal stage based on ability to pay.
- Waive the administrative fee for community service or setting up a payment plan.
- Increase the repayment period allowed to pay down fines, and create an automated reminder system.
- Streamline ability to pay and appeal processes to reduce the administrative challenges related to implementation, and ensure ability to pay processes are easily accessible.

### 2. Expand community service options and make them more accessible to clear citations and fines:

- Eliminate participation fees.
- Increase hourly rates.
- Propose allowing hearing officers to lower fees as appropriate.
- Allow service to be satisfied by participation in social services programs, job training, education, drug treatment, etc.

### 3. Lower fare evasion fine amounts and expand options to clear them.

- Waive the fare evasion citation when a person applies for free or reduced MUNI pass.
- Propose reductions in ticket costs of certain offenses, such as fare evasion, in the San Francisco transportation code.
- Expand use of free MUNI for homeless people and people on need-based public benefits.
- Expand use of reduced-fare MUNI tokens distributed by HSA to disabled, elderly, or youth passengers who currently qualify for reduced fare.

### 4. Expand towing and boot fine relief:

- Establish an accessible, simple process for the waiver of towing fees for individuals residing in their vehicles.
- Align boot fees with tow fees (add first-time and low-income).

### 5. Make alternative payment information accessible and send notices/reminders through text/email:

- Add information about alternative payment options to the initial citation.
- In addition to sending notices and reminders by traditional mail, the MTA should also send these by text and email.

**6. Work with the San Francisco Police Department, the SFMTA, the San Francisco Superior Court, and the San Francisco Bicycle Coalition and other partners to create a diversion program to allow bicyclists who are ticketed for certain infractions to attend a class on safe bicycle riding and reduce their fines.** The San Francisco Bicycle Coalition estimates they get three or so calls a week from bicyclists who cannot afford to pay traffic citations. In 2015, Governor Brown signed a **bill** into law to allow cyclists to take a class to reduce fines from certain citations. The Financial Justice Project will reach out to SFPD, SFMTA, the SF Bicycle Coalition, and others to explore developing this diversion program.

**7. Reach out to BART and CalTrans to continue conversations** to ensure consequences for transportation violations hold people accountable but do not pose an inequitable burden for low-income San Franciscans.



## 5

REFORMING SAN FRANCISCO'S  
SYSTEM OF BAIL**GOAL:**

Reform our local system of bail to ensure decisions to keep someone in jail are based on the risk they pose to the community, not the amount of money in their bank account. All local bail reform efforts must enhance public safety, increase accountability, and enhance justice, and equity.<sup>8</sup>

**CONTEXT:**

In November of 2016, San Francisco City Attorney Dennis Herrera announced that our system of bail is unconstitutional and that he would not defend it in a lawsuit. Herrera **stated** that: "Bail creates a two-tiered system: one for those with money and another for those without."

**Our system of bail is unfair and inequitable.** Although one person with wealth and another with a low income may be charged with the exact same crime, the individual with wealth may be able to purchase their freedom through bail, while the low-income individual often must wait for their trial in jail.

**Bail is expensive and many San Franciscans cannot afford it.** Median bail in California is **estimated** to be **\$50,000**, more than five times the national average. For those who cannot afford to pay the entire amount to the court, they must pay a 10% fee (for example, \$5,000 on a \$50,000 bond) to a private bail bond company that they will never get back, regardless of whether their charges are dropped. Average bail in San Francisco is in the top highest **quartile** in the state.

**Bail strips wealth and resources from San Francisco communities that cannot afford to lose them.** San Franciscans spend up to \$15-20 million each year on nonrefundable bail fees, the vast majority of which comes from low-income communities and communities of color.<sup>9</sup> Bail hits women particularly hard: Today 1 in 4 women and nearly 1 in 2 African American women has a family member in jail or prison. Anecdotally, women are usually the ones to pay bail bondsmen, and to cosign the loan to be on the hook if someone fails to appear in court.

**Commercial bail bond companies receive little local and statewide oversight.** Statewide, complaints against bail bond agents have increased by 300% in the last several years. The failure to appear and re-arrest rates for people who post bail and are released by bail agents are not known or published. The procedures required to collect money owed by bail agents after someone fails to appear in court are burdensome and costly, and can result in the bail agents avoiding payment.

**Local bail reform efforts could save taxpayers money, while maintaining public safety.**

Taxpayers pay an average of **\$173 per day** to keep someone in a San Francisco jail, compared with an average of \$10 per day for conditional pretrial release.<sup>10</sup>

**San Francisco is a leader in pioneering community supervision and risk assessment programs that keep San Franciscans safe and save taxpayers money.** On any given day, 1,000-1,500 individuals under the supervision of the San Francisco Sheriff's Department are released pretrial through alternative sentencing and community release programs such as the Supervised Pretrial Release Program and Electronic Monitoring.<sup>11</sup> Furthermore, The Courts, District Attorney, and other agencies are collaborating to use data-driven risk assessment tools to ensure the decision to release, supervise, or detain defendants is based on their risk of committing additional crimes, or skipping court.

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Median felony bail in California is estimated to be \$50,000, more than five times the national average.

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Statewide, complaints against bail bond agents have increased by 300% in the last several years.

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<sup>8</sup> The Financial Justice Project is working with Fines and Fees Task Force members to develop an expanded set of recommendations to reform our local system of bail in San Francisco

<sup>9</sup> Analysis of San Francisco Sheriff's office data on bail bonds issued by zip code and ethnicity

<sup>10</sup> Analysis of Pretrial Diversion Project FY16 Budget

<sup>11</sup> Estimates from San Francisco Jail Count, 11/7/2017

## 5

# REFORMING SAN FRANCISCO'S SYSTEM OF BAIL

## RECOMMENDATIONS:

### 1. Lower the cost and financial burden of bail in San Francisco, whose bail schedule is in the highest quartile in the state, so that poor San Franciscans can receive equal access to justice.

- a. **Explore the creation of a community revolving bail fund.** Bail funds pool money to help people pay bail who cannot afford it. As people's cases resolve, the bail paid revolves back to the Fund, available to help other defendants in need. There is a **national network** of community bail funds. In Brooklyn, for example, the bail fund is available to people charged with misdemeanors, and **95%** of bail fund clients make all court appearances. Most San Franciscans who pay bail do so for felony charges, and bail levels are significantly higher than other communities with bail funds. Further exploration is needed to determine if this model can be adopted to fit San Francisco's unique circumstances. A bail fund may become more feasible in San Francisco if statewide reforms are passed in Sacramento that allow people to make partial bail payments (i.e. 10 percent of the bail total) to the courts, and then get this money back if they appear for their trial or their charges are dropped.
- b. **Explore ways to lower bail schedules throughout California.** Average felony bail in California is **estimated** to be \$50,000, more than five times the national average. And the bail schedule in San Francisco is one of the highest in the state. The Public Policy Institute of California estimates that if bail schedules were lowered by \$10,000 across the State, 4% of unsentenced defendants would be able to afford bail, and prepare for their trial at home.
- c. **Explore ways to minimize the use of "stacking" bail**, where bail amounts from each charge are added together.

### 2. Increase local oversight of the bail bonds industry to increase transparency, curb abuse, and recover costs owed to the City and County of San Francisco.

### 3. Increase the use of cost effective alternatives to incarceration that increase accountability and safety.

- a. **Continue and invest in the Pre Trial Diversion Project to meet the demand for its services.**
- b. **Continue to implement and improve the Public Safety Assessment**, a risk assessment tool that helps judges make accurate, efficient, and evidence-based decisions about which defendants should be detained prior to trial and which can be safely released.
- c. **Continue and support the Public Defender's Bail Unit**, that aims to free defendants from jail ahead of trial who would be released, but for their inability to pay bail.

### 4. Engage in State Legislative Advocacy to reform our system of bail.

- a. **Support California Bills (Bonta AB 42 and Hertzberg SB 10)** to reform our system of money bail.
- b. **Over the longer term, explore and support statewide efforts to:** a) Move away from money bail toward a system that is based on risk, to ensure decisions to keep someone in jail are based on the risk they pose to the community, not the amount of money in their bank account (as New Jersey, Kentucky, Oregon, Illinois, New Mexico, and Wisconsin have done). b) Lessen the inequitable impacts of our system bail through: i. Adopting a state-wide bail schedule based on ability to pay ii. Allow county courts to accept partial bail deposits (i.e. 10 %) that are refundable after appearing in court.

## 6

## CHILD SUPPORT DEBT

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Almost all of the 12,000

families in San Francisco's child support system have household incomes of less than \$10,000 a year.

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In San Francisco, over \$120 million in delinquent child support debt is owed to the government by noncustodial parents to reimburse TANF costs. The vast majority of this money has been deemed "uncollectible."

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**GOAL:**

Relieve the inequitable financial burden of child support debt owed to the government by low-income parents when they cannot afford to pay.

**CONTEXT:**

Over 12,000 San Francisco residents, the majority of whom are fathers of color, owe child support in San Francisco. Almost all of the families in San Francisco's child support system have household incomes of less than \$10,000 a year. Over three quarters of San Francisco families connected to the Child Support system receive public assistance or Temporary Assistance for Needy Families (TANF). When a parent, usually a mother, applies for and receives public assistance or TANF, the other parent, usually a father, is assessed monthly child support payments to reimburse the government for its costs of providing TANF. The child support payments are determined by a statewide formula, and are based on the father's ability to pay. When these fathers make child support payments, the majority of the payments go to reimburse the government for the cost of TANF. Only \$50 of any payment goes to the household to support the child.

If the father cannot pay and the support order is not modified, these payments continue to be assessed, even if the father is unemployed or in jail or prison. Annually, ten percent interest is charged on the unpaid payments. The father's wages can be garnished. Money in their bank accounts is often garnished. Their driver's license, occupational licenses, and professional licenses can be suspended. Their credit ratings are often negatively impacted, which impacts their ability to get housing. Their tax refunds can be intercepted. In many counties and states, they can also be jailed for nonpayment of delinquent child support debt.

In San Francisco, over \$120 million in delinquent child support debt is owed to the government by noncustodial parents to reimburse TANF costs. The vast majority of this money has been deemed "uncollectible."

The San Francisco Department of Child Support Services is a leader in calling for reform at the state and federal levels. Also, the department has implemented many reforms to minimize the negative impacts on families of delinquent child support debt. The City and County should support the department's calls for reforms. The department's local reform efforts should be expanded and supported.

# 6 CHILD SUPPORT DEBT

## RECOMMENDATIONS:

1. **Develop and pilot a program to allow parents to erase delinquent child support debt owed to the government if they can pay 10 percent of the delinquent debt.** The California Department of Child Support Services allows parents to reduce their government-owed delinquent child support by up to 90% in exchange for 10% repayment. San Francisco Child Support Services and The Financial Justice Project are discussing a potential pilot project to help parents save up for this lump sum payment. The pilot could potentially integrate a partnership with San Francisco's Kindergarten to College program following the Kansas City model, which writes off \$2 of child support arrears owed to the government for every dollar invested in an education savings account.
2. **Driver's license suspensions. SF DCSS should continue to review all child support cases where the participant non-custodial parent has a driver's license that has been suspended by the office, reach out to those parents, and with a minimal payment, SF DCSS should release driver's license suspensions.** Suspending driver's licenses often makes it harder for parents to keep or find employment and makes it less likely that they will be able to pay.
3. **Nonmonetary options to pay child support debt. SF DCSS should continue to increase its referral of non-custodial parents to the San Francisco Unified Family Court's Family Law Facilitators Office to assist those parents in learning about and exercising their right to access and visitation with their children. Further, SF DCSS should make every effort to provide evidence to the court in recognition of visitation time as a percentage of child support owed.** Several years ago, the Court and the Department gave fathers "credit" to pay down their child support debt by caring for their children while the mothers took classes at San Francisco City College. The overwhelming majority of mothers who participated completed their Associates Degree, according to the San Francisco Department Child Support Services. The Department should collaborate with the Court and others to explore reviving this program and developing other nonmonetary options for parents to pay down their child support debt.
4. **SF DCSS should continue its practice to seek alternative enforcement remedies to incarceration for non-payment of child support and make those recommendations to the court.**
5. **SFDCSS should continue to seek to establish realistic child support orders that allow parents to make manageable payments to help people rebuild their credit.** The Department has reviewed its entire caseload to "right size" child support orders and has maintained a low default order rate of under 10%, the lowest in the state. SFDCSS should continue to work with the Sheriff and county jail to ensure incarcerated noncustodial parents have the ability to apply for a modification.
6. **SFDCSS should continue to consider noncustodial parents' ability to pay and continue its collaboration with the San Francisco County jail to reach incarcerated parents and provide onsite services to file an "answer" in response to a summons and complaint or a motion or stipulation to modify child support with the court.**
7. **Support the County Welfare Director's Association of California (CWDA) and SB282 to allow noncustodial parents to participate in subsidized job training programs such as JobsNOW!** Participation in these programs increases the likelihood of gaining long-term, meaningful employment, and supports the noncustodial parent to make successful payments.

# IV. OVERVIEW OF THE FINES AND FEES TASK FORCE



In February 2016, the Public Safety and Neighborhood Services Committee of the San Francisco Board of Supervisors hosted a **hearing** to review City practices related to driver's license suspensions, citations, and collection practices for court-ordered debt. Responses from community members, service providers, and city departments resulted in the creation of the Fines & Fees Task Force. The Task Force was directed to assess how fines, fees, tickets, and other financial penalties impact low income people and people of color, and recommend reforms. Members of the Task Force were asked to provide advice to the Board of Supervisors, the Mayor, and City departments regarding policies that reduce fines and fees for low-income residents and mitigate negative impacts of fines and fees.

The Task Force launched in October, 2016 and met monthly to assess specific fines and fees and discuss potential recommendations and reforms. The San Francisco Fines and Fees Task Force is made up of thirteen appointed seats. Nine of the appointed seats are reserved for City and County representatives from departments that are key stakeholders for fines and fees reform. Four of the appointed seats on the Task Force are reserved for community members. Task Force Members include:

## FINES AND FEES TASK FORCE MEMBERS

Appointment	Department	Appointee Name	Role
Seat 1	Treasurer/Tax Collector	Anne Stuhldreher	The Financial Justice Project, Director
Seat 2	Office of Economic & Workforce Development	Ruth Sappelt	Principal Workforce Analyst
Seat 3	Human Services Agency	James Whelly	Program Manager
Seat 4	Public Defender's Office	Carmen Aguirre	Managing Attorney, Misdemeanor Unit
Seat 5	District Attorney's Office	Tara Anderson	Director of Policy
Seat 6	Municipal Transportation Agency	Diana Hammons	Senior Manager, Revenue Collection and Sales
Seat 7	San Francisco Superior Court		
Seat 8	Adult Probation	Lee Anne Hudson	Division Director
Seat 9	Department of Child Support Services	Carol Beckett	Assistant Director
Seat 10 Community Seat	Community Housing Partnership	Dion Libutti	Outreach Coordinator
Seat 11 Community Seat	Coalition on Homelessness	Scott Nelson	Community Activist, Coalition on Homelessness
Seat 12 Community Seat	Lawyers' Committee for Civil Rights	Elisa Della-Piana	Legal Director
Seat 13 Community Seat	Bay Area Legal Aid	Kendra Amick	Economic Justice Attorney





## TASK FORCE DECISION MAKING PROCESS

Task Force members collaboratively decided which fines, fees and financial penalties to examine during the November Task Force meeting, and raised pertinent topics to be covered over the course of the meetings. Topics included driver's license suspensions, Quality of Life citations, bail, criminal justice fees, transportation-related fines, child support debt and ability to pay. Members identified key stakeholders within each issue area, and made recommendations for speakers to attend and/or present to address the identified topics.

All recommendations were developed with key department and community stakeholders before each meeting, and then fully vetted during each meeting. The goal was to achieve consensus. In considering reforms for fines and fees, the Task Force developed and reviewed the following questions:

1. **Is it effective?** What is the goal of the fine or fee? Does charging a fine or fee move us toward that goal?
2. **Is it fair?** Should the population receiving the fine or fee be paying for government services? Does the punishment fit the infraction? Does a one size fits all fee or fine make sense? Would reducing or eliminating the fee or fine make a difference in the life of the person receiving it?
3. **Is it equitable?** Does it hit some people harder than others? Does it exacerbate existing racial and socioeconomic disparities? Can the overall population receiving it pay it?
4. **Is it efficient?** How much are we spending to collect this fee or fine? Are we spending as much or more to collect the fine than we are taking in? Does the revenue collected justify the cost of collection?
5. **Is it sustainable?** Is implementing the fine or fee a good use of county resources? Or could those resources be deployed in higher value ways?

## FORMAT OF TASK FORCE MEETINGS

Each of the Municipal Fines and Fees Task Force meetings followed a format of presentation(s) from key stakeholders followed by a group discussion of potential reforms. Below are brief summaries of meeting agenda elements:

- Each Task Force meeting was opened by a brief introductory check-in, followed by *review and approval of the agenda* by Task Force members. Agenda items and pertinent reading material was provided to Task Force members for review prior to each meeting.
- After the approval of the agenda, *Group Agreements* were read and agreed upon by Task Force members. The Group Agreements were established at the first Fines and Fees Task Force meeting, and are joint agreements made by The Task Force to model respect and solution-oriented dialogue during the meeting.
- *Presentations from Key Stakeholders.* The range of topics addressed over the course of the Task Force called for a range of experts to present to Task Force members. Meeting topics ranging from San Francisco's system of bail, to Quality of Life Citations. Presenters included:



## Attachment 10

- » Academic experts on specific fines, fees, and potential reforms. Presenters included Beth Colgan, J.D. (UCLA), Rourke O'Brien, PhD (University of Wisconsin—Madison), and Karin Martin, PhD (UC Berkeley/John Jay College of Criminal Justice)
  - » Representatives from San Francisco City and County agencies, including the City Attorney's Office, District Attorney's Office, the San Francisco Police Department, the Office of Economic and Workforce Development and others.
  - » Community Based Organizations with deep expertise in the topic areas presented, including Bay Area Legal Aid, Legal Services for Children, PolicyLink, and the San Francisco Bicycle Coalition.
- Following presentations by a variety of experts, the Task Force discussed recommendations and potential reforms. Keeping in mind the objectives identified by the Board of Supervisors, Task Force members' recommendations for reforms were recorded and clarified. The goal was to vet each recommendation and achieve consensus.
  - Following the discussion of potential reforms, *Public Comment* was offered at each meeting before closing. Generally, due to the size of each meeting, members of the public and other non-Task Force members were invited to participate in open dialogue on the issue areas, unless the schedule for presenters was particularly time-sensitive. In meetings where time was limited, the public was asked to reserve their comments for public comment portion at the end of the meeting.
  - Public Comment was followed by closing the two-hour meeting.

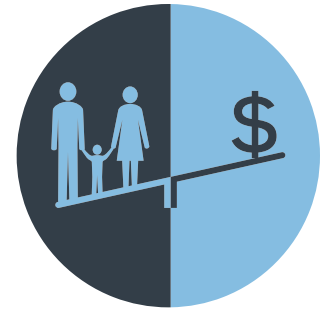
### WHAT'S NEXT FOR THE TASK FORCE

The Fines and Fees Task Force held its final meeting on March 29th, 2017. At this meeting, Task Force Members reviewed and further clarified the recommendations listed above.

The Task Force agreed to two additional meetings over the course of the next year, at the six and twelve-month mark, to discuss progress and provide updates on reforms to date. Next steps include:

- Present Fines and Fees Task Force Findings to the San Francisco Board of Supervisors
- As needed, convene smaller working groups around specific issue areas, such as reforming San Francisco's system of bail, and transportation fines and fees.
- The Financial Justice Project in the Treasurer's Office will continue to move forward with the recommendations and pursue other opportunities with City and County partners, and will seek opportunities to gather feedback and refine recommendations with people impacted by fines and fees.

# V. OVERVIEW OF THE FINANCIAL JUSTICE PROJECT



## OVERVIEW

A growing number of government programs levy fines and fees on their residents, partly to generate revenue to balance public budgets. There is often an insidious unintended impact of this practice---to push people into poverty. These fines and fees can knock people down so hard they can't get back up. Poor people and people of color are usually hit the hardest. These financial penalties can make government a driver of inequality, not an equalizer.

The San Francisco Office of the Treasurer and Tax Collector is the first in the nation to launch a Financial Justice Project to assess and reform how fines and fees impact our city's most vulnerable residents. The Financial Justice Project examines questions such as: What policy objectives are these financial penalties advancing? Are they serving San Francisco residents, the community and the city at large? Are there better ways to achieve our goals?

We are just beginning to understand the universe of government financial penalties and how they can sap the financial livelihood of low-income San Franciscans. We staff a citywide taskforce on fines and fees and work collaboratively with city departments, the San Francisco community, and experts across California and the nation. We hope to listen closely to San Franciscans who have been impacted by financial penalties, and have their experiences inform solutions.

## THE PROBLEM

We started thinking hard about fines and fees in March of 2015. The United States Department of Justice released the Ferguson Report, an investigation into the city's police department, after Michael Brown, an unarmed African American 18-year-old, was shot and killed. The report revealed that Ferguson officials aggressively raised revenue through fining residents. In 2013, the municipal court in Ferguson — a city of 21,135 people — issued 32,975 arrest warrants for nonviolent offenses. Residents were fined \$531 for high grass and weeds in a yard, \$792 for failure to comply with an officer, and \$375 for lacking proof of insurance. If residents could not pay, they were assessed late fees, which quickly escalated. Fines of a few hundred dollars could snowball to a few thousands. Residents who couldn't pay up were sometimes jailed. One woman spent more than 30 days in jail over an unpaid traffic ticket she'd gotten 15 years earlier, when she was a teenager. Fines were the city's second largest source of revenue in 2013.

Ferguson is not an outlier. Steep fines and other financial penalties seem to be spreading when Americans can least afford them. About one in three Americans live in or near poverty. A recent survey found that 63 percent of Americans have no emergency savings and could not come up with \$500 if they had to. When people cannot pay financial penalties because of their empty pocketbooks, their financial hole gets deeper or they are sometimes jailed. They lose driver's licenses and jobs. Their credit, and sometimes their lives, are ruined.

Many government programs throughout California assess fees and revenue from the people least able to pay. For example, four million Californians have had their driver's licenses suspended because they cannot pay court fines and fees. This makes it difficult to get a job, as employers increasingly require a license as a precondition to employment. Thousands of Californians sitting in jails are there not because they have been found guilty of a crime, but because they

cannot pay bail (median bail is \$50,000 in our state). The list goes on. People on probation can be charged a daily rate for their ankle monitors. In many California counties, parents are billed for every night their child spends locked up at juvenile hall. People are fined for sleeping on park benches. And in San Francisco, if your car gets towed, it costs over \$400 to get it back. We are just beginning to understand the universe of fines and fees that pose an inequitable burden for low-income people, and what imperatives from the City, State and/or courts fuel their spread.

## **POTENTIAL SOLUTIONS**

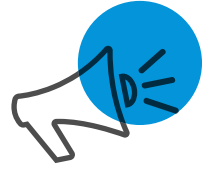
The Treasurer's Office was the first in the nation to create an **Office of Financial Empowerment** that aims to build up San Franciscans' financial reserves. We have started many programs, including **Bank on San Francisco** and **Kindergarten to College** that help people enter the financial mainstream and build their savings. These programs are lauded as national models and have helped tens of thousands of families. However, much of this work could be undone by fines and fees that undermine the financial security of our most vulnerable families.

To pursue our commitment to financial justice we will do the following:

1. **Build our understanding of the problem and potential solutions.** We will examine financial fines, fees, and penalties and how they impact vulnerable residents in San Francisco. We will assess how different state, court system, and city imperatives fuel their spread. We will work collaboratively with city staff, the Fines and Fees Task Force, community members, and national experts. We will look across the nation and world for potential solutions, as well as craft homegrown solutions.
2. **Advance reforms that work for San Franciscans, the City, and our community.** We will examine the goals we aim to achieve through certain financial penalties, and explore if there are better ways to pursue them. We will advance equitable reforms that advance key policy goals, consider the needs of vulnerable residents, and are consistent with San Francisco community values.
3. **Tell the real life stories of how people suffer from financial injustice.** City and state policy makers, as well as the general public, need to understand the human toll of these financial penalties. People's experiences should be front and center in the discussion and serve as the foundation upon which to craft solutions. We hope to develop new ways to involve people who live these problems in the policy making process.
4. **Share our financial justice agenda for San Francisco with other cities.** We hope to share what we learn with other cities and interested parties. We hope to build a learning community of cities dedicated to pursuing their own financial justice agendas. We have worked with the US Conference of Mayors, National League of Cities, and Cities for Financial Empowerment to create similar learning communities. We hope to do the same with Financial Justice.

By the end of our first year, we hope to have a clear financial justice agenda that has buy-in and momentum amongst key stakeholders. We hope to have enacted meaningful reforms and be actively pursuing others.

# VI. MEDIA & RESOURCES



## Media Coverage of The Financial Justice Project

- [San Francisco has become a predatory government. The San Francisco Chronicle.](#)
- [San Francisco Program Aims to Make Fines More Fair for the Poor. NPR.](#)
- [Charged: Do cities go too far with tickets and fines? San Francisco hires a director of financial justice to find out. California Sunday Magazine.](#)
- [These people have been barred from voting today because they're in debt. The Washington Post.](#)
- [It's self-defeating to bill parents for their children's jail time. The Sacramento Bee.](#)

## Media Coverage of Fines and Fees:

- [Jail Time for Unpaid Court Fines and Fees Can Create Cycle of Poverty. NPR.](#)
- [Municipal Violations. Last Week Tonight with John Oliver.](#)
- [Ending the Debt Trap: Strategies to Stop the Abuse of Court-Imposed Fines and Fees. PolicyLink.](#)

## Ability to Pay

- [The End of Debtors' Prisons: Effective Court Policies for Successful Compliance with Legal Financial Obligations. Conference of State Court Administrators.](#)
- [Price of Justice. Judicial Council Summary.](#)
- [Instead of Jail, Court Fines Cut to Fit the Wallet. The New York Times.](#)
- [Day Fines in American Courts: The Staten Island and Milwaukee Experiments. U.S. Department of Justice.](#)
- [Day-Fines: Should the Rich Pay More? Review of Law & Economics.](#)
- [The Ventura Day-Fine Pilot Project. The Justice Management Institute.](#)
- [Tools and Guidance for Determining and Addressing an Obligor's Ability to Pay. Michigan Supreme Court State Court Administrative Office.](#)

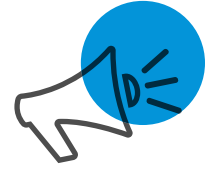
## Driver's License Suspensions

- [Stopped, Fined, Arrested: Racial Bias in Policing and Traffic Courts in California. East Bay Community Law Center.](#)
- [Not Just A Ferguson Problem: How Traffic Courts Drive Inequality in California.](#)
- [Driver's License suspensions push poor deeper into poverty, report says. Los Angeles Times.](#)
- [California Governor Brown: Driver's license penalty harms the poor. Daily News.](#)
- [Economic Disparity Is Seen in California Driver's License Suspensions. New York Times.](#)
- [Low-Income Drivers Sue California DMV for Illegally Suspending Licenses. ACLU of Northern CA.](#)
- [CA Legal Orgs Bring First-of-its-kind Lawsuit Challenging Harmful Driver's License Suspension Policies. ACLU of Northern CA.](#)
- [The Government Wants to Take Away My License Because I'm Poor. I Need It to Survive. ACLU of Northern CA.](#)
- [Driver's License Suspensions Still a Problem for People Too Poor to Pay Exorbitant Traffic Fines. ACLU of Northern CA.](#)

## Quality of Life Citations

- [Punishing the Poorest. Coalition on Homelessness.](#)
- [We don't want to jail people for being poor. The San Francisco Chronicle.](#)
- [SF courts ignoring thousands of quality-of-life citations. The San Francisco Chronicle](#)
- [California's New Vagrancy Laws. The Growing Enactment of Enforcement of Anti Homeless Laws in the Golden State. University of California, Berkeley.](#)
- [Processing 'Quality of Life' Violations. San Francisco Legislative Analyst Report.](#)
- [San Francisco's Homeless Population Punished More Than Other Cities, Report Finds. Huffington Post.](#)





## Transportation Related Fines and Fees

- [All-Door Boarding Evaluation Final Report. San Francisco Municipal Transportation Agency.](#)
- [When It Comes to Fare Enforcement, Muni's Inspectors Rarely Stray Far From HQ. Hoodline.](#)
- [SF Board of Supervisors Fare Evasion Fine Structure. San Francisco Board of Supervisors.](#)
- [Proof-of-Payment Study, San Francisco Municipal Transportation Agency.](#)
- [Next Stop: Justice. Race & Environment at the Center of Transit Planning. POWER, Data Center and Urban Habitat.](#)

## Bail

- [Statewide AB-42 Bail Reform Bill](#)
- [Assessing the Impact of Bail on California's Jail Population. PPIC.](#)
- [Bail Fail: Why the U.S. Should End the Practice of Using Money for Bail. Justice Policy Institute.](#)
- [In New Orleans, Making Defendants Choose Bail or Jail is Really Expensive. Five Thirty Eight.](#)
- [Fines, Fees and Bail: Payments in the Criminal Justice System that Disproportionately Impact the Poor. White House Council of Economic Advisers.](#)
- [California lawmakers want to reform a bail system they say 'punishes the poor for being poor'. Los Angeles Times.](#)
- [California's bail system punishes the poor, and it's time for the government to do something about it. Los Angeles Times.](#)
- [California Considers Ditching Cash Bail System to Help Poor. CBS.](#)
- [Seeking a better bail system, SF turns to computer algorithm. San Francisco Chronicle.](#)
- [Moving Beyond Money: A Primer on Bail Reform. Criminal Justice Policy Program, Harvard Law School.](#)
- [Draft Bail and Release Work Group Report-the County of Santa Clara. Santa Clara Bail and Release Workgroup.](#)
- [San Francisco Justice Reinvestment Initiative: Racial and Ethnic Disparities Analysis for the Reentry Council. The W. Haywood Burns Institute.](#)

## Child Support Debt

- [Fines, Fees and Financial Insecurity Webinar. PolicyLink.](#)
- [Issue Briefs on Child Support Debt, Center for Family Policy and Practice.](#)
- [Collecting Child Support without Making Matters Worse. The New York Times.](#)

## Criminal Justice Fines and Fees

- [Punishing Poverty: The High Cost of Probation Fees in Massachusetts. Prison Policy Initiative.](#)
- [Who Pays? The True Cost of Incarceration on Families. The Ella Baker Center for Human Rights, Forward Together, and Research Action Design.](#)
- [Collaborative Reform Initiative. An Assessment on the San Francisco Police Department. U.S. Department of Justice.](#)
- [Court Costs Entrap Nonwhite Poor Juvenile Offenders. New York Times.](#)
- [Police Collected Fines, Fees and Forfeitures: How Does Your City Rank? Forbes.](#)
- [SF judge explains why 66,000 arrest warrants were discarded. SF Gate.](#)
- [The Long-Term Costs of Fining Juvenile Offenders. The New Yorker.](#)
- [Probation Fees hit poor the hardest, says report. Common Wealth Magazine.](#)
- [Improving California's Criminal Fine and Fee System. California Legislative Analyst Office.](#)
- [High Pain, No Gain: How Juvenile Administrative Fees Harm Low-Income Families in Alameda County. California. University of California, Berkeley.](#)
- [Fines, Fees and Bail: Payments in the Criminal Justice System that Disproportionately Impact the Poor. Council of Economic Advisors Issue Brief.](#)
- [Fines, Fees and Financial Insecurity Webinar. PolicyLink.](#)
- [Making Families Pay: The Harmful, Unlawful, and Costly Practice of Charging Juvenile Administrative Fees in California. University of California, Berkeley.](#)
- [State-by-State Court Fees. NPR.](#)
- [Guilty and Charged. NPR.](#)

# VII. CONTACT INFORMATION



For more information, visit our website at [www.sftreasurer.org/financialjustice](http://www.sftreasurer.org/financialjustice)

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# VIII. ACKNOWLEDGEMENTS

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WALTER & ELISE  
HAAS FUND

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

# FINANCIAL IMPLICATIONS OF CRIMINAL JUSTICE FINES AND FEES



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## An Informational Hearing

TUESDAY, FEBRUARY 5, 2019  
9:30 A.M. – 11:30 A.M.  
STATE CAPITOL, ROOM 126  
SACRAMENTO, CALIFORNIA

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REGINALD BYRON JONES-SAWYER, SR.  
*Chair*

TOM LACKEY  
*Vice Chair*

REBECCA BAUER-KAHAN  
*Member*

TYLER DIEP  
*Member*

SYDNEY KAMLAGER-DOVE  
*Member*

BILL QUIRK  
*Member*

MIGUEL SANTIAGO  
*Member*

BUFFY WICK  
*Member*

## Staff

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DAVID BILLINGSLEY  
*Counsel*

MATTHEW FLEMING  
*Counsel*

NIKKI MOORE  
*Counsel*

**AGENDA**  
**Tuesday, February 5, 2019**  
**9:30 a.m – 11:30 a.m.**

**FINANCIAL IMPLICATIONS OF CRIMINAL JUSTICE FINES AND FEES**

I. Introduction and Opening Remarks. 9:30 a.m. - 9:40 a.m.

II. Overview of Fines and Fees by Legislative Analyst's Office. 9:40- 10:00

Anita Lee, Principal Fiscal & Policy Analyst, Legislative Analyst's Office

Luke Koushmaro, Fiscal & Policy Analyst, Legislative Analyst's Office

III. The Personal Impact of Fines of Fees. 10:00 a.m. – 10:10 a.m.

Anthony Robles, Youth Organizer, Youth Justice Coalition

IV. Alameda and S.F. Counties Have Eliminated Fee Assessments Related to Probation Supervision and Attorney Costs. 10:10 a.m. – 10:50 a.m.

Brendon Woods, Public Defender, Alameda County

Karen Baker, Assistant Chief Probation Officer, Alameda County

Jeff Adachi, Public Defender, City and County of San Francisco

José Cisneros, Treasurer, City and County of San Francisco

V. Considerations in Reforming the Structure of Fines and Fees. 10:50 a.m. - 11:30 a.m.

Stephanie Campos-Bui, Clinical Supervising Attorney, Policy Advocacy Clinic, University of California, Berkeley, School of Law

Brandon Greene, Clinical Supervisor, Clean Slate Practice, East Bay Community Law Center, University of California, Berkeley

Mary Booher, Assistant County Executive Officer, Napa County

Shelley Curran, Director of Criminal Justice Services, Judicial Council of California

VI. Public Comment. 11:30 a.m. -11:45 a.m.

# LAO REPORT





February 27, 2017

# Overview of Criminal Fine and Fee System

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L E G I S L A T I V E   A N A L Y S T ' S   O F F I C E

Presented to:

Assembly Budget Subcommittee No. 5 on Public Safety

Hon. Shirley N. Weber, Chair





## How Are Criminal Fines and Fees Assessed?

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- ***Criminal Fines and Fees Assessed for Criminal Offenses.*** During court proceedings, trial courts typically levy fines and fees upon individuals convicted of criminal offenses (including traffic violations).
- ***Total Amount Owed Consists of Various Fines and Fees.*** The total amount owed by an individual begins with a base fine that is set in state law for each criminal offense. State law then requires the courts to add certain charges to the base fine. On a limited basis, state law authorizes counties and courts to levy additional charges depending on the specific violations and other factors. Statute also gives judges some discretion to reduce the total amount owed by waiving or reducing certain charges.

February 27, 2017



## How Are Criminal Fines and Fees Assessed?

(Continued)

Various Fines and Fees Substantially Add to Base Fines			
As of January 1, 2017			
	How Charge is Calculated	Stop Sign Violation (Infraction)	DUI of Alcohol/Drugs (Misdemeanor)
<b>Standard Fines and Fees</b>			
Base Fine	Depends on violation	\$35	\$390
State Penalty Assessment	\$10 for every \$10 of a base fine <sup>a</sup>	40	390
County Penalty Assessment	\$7 for every \$10 of a base fine <sup>a</sup>	28	273
Court Construction Penalty Assessment	\$5 for every \$10 of a base fine <sup>a</sup>	20	195
Proposition 69 DNA Penalty Assessment	\$1 for every \$10 of a base fine <sup>a</sup>	4	39
DNA Identification Fund Penalty Assessment	\$4 for every \$10 of a base fine <sup>a</sup>	16	156
EMS Penalty Assessment	\$2 for every \$10 of a base fine <sup>a</sup>	8	78
EMAT Penalty Assessment	\$4 per conviction	4	4
State Surcharge	20% of base fine	7	78
Court Operations Assessment	\$40 per conviction	40	40
Conviction Assessment Fee	\$35 per infraction conviction and \$30 per felony or misdemeanor conviction	35	30
Night Court Fee	\$1 per fine and fee imposed	1	1
Restitution Fine	\$150 minimum per misdemeanor conviction and \$300 minimum per felony conviction	—	150
Subtotals		(\$238)	(\$1,824)
<b>Examples of Additional Fines and Fees That Could Apply</b>			
DUI Lab Test Penalty Assessment	Actual costs up to \$50 for spe- cific violations	—	\$50
Alcohol Education Penalty Assessment	Up to \$50	—	50
County Alcohol and Drug Program Penalty Assessment	Up to \$100	—	100
Subtotals		(—)	(\$200)
<b>Totals</b>		<b>\$238</b>	<b>\$2,024</b>

<sup>a</sup> The base fine is rounded up to the nearest \$10 to calculate these additional charges. For example, the \$35 base fine for a failure to stop would be rounded up to \$40.  
DUI = Driving Under Influence; EMS = Emergency Medical Services; and EMAT = Emergency Medical Air Transportation.



## How Have Fine and Fee Levels Changed Over Time?

### Total Fine and Fee Level for Stop Sign Violation Has Increased Significantly Since 2005<sup>a</sup>

	Stop Sign Violation (Infraction)		
	2005	2017	Change
Base Fine	\$35	\$35	
State Penalty Assessment	40	40	—
County Penalty Assessment	28	28	—
Court Construction Penalty Assessment	20	20	—
Proposition 69 DNA Penalty Assessment	4	4	—
DNA Identification Fund Penalty Assessment	—	16	\$16
EMS Penalty Assessment	—	8	8
EMAT Penalty Assessment	—	4	4
State Surcharge	7	7	—
Court Operations Fee	20	40	20
Conviction Assessment Fee	—	35	35
Night Court Fee	1	1	—
<b>Totals</b>	<b>\$155</b>	<b>\$238</b>	<b>\$83</b>

<sup>a</sup> Depending on the specific violation and other factors, additional county or state assessments may apply.  
EMS = Emergency Medical Services and EMAT = Emergency Medical Air Transportation

- **Total Fine and Fee Levels Increased Significantly in Recent Years.** Over the past decade, the number and size of charges added to the base fine have increased significantly—resulting in increases in the total amount owed by individuals convicted of criminal offenses. As shown in the above figure, the total penalty for a stop sign violation has increased by 54 percent since 2005.
- **Fine and Fee Levels Set to Serve Multiple Purposes.** The state has enacted various fines and fees for various purposes. Some (such as the base fine) are generally tied to the seriousness of the crime. Others (such as the DNA assessments) were enacted to generate revenue to fund specific activities. Finally, some fines and fees were enacted to help offset state or local costs for providing particular services to individuals paying the specific charge.



## How Is Fine and Fee Revenue Distributed?

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***Numerous Funds Eligible to Receive Fine and Fee Revenue.***

Over 50 state funds—in addition to many local funds throughout the state—are eligible to receive fine and fee revenue. However, some of these funds receive very little revenue, such as those that only receive revenue from fines and fees for specific offenses that occur infrequently.



***Complex Process for Distributing Fine and Fee Revenue.***

State law (and county resolutions for certain local charges) dictate a very complex process for the distribution of fine and fee revenue. State law currently contains at least 215 distinct code sections specifying how individual fines and fees are to be distributed to state and local funds, including additional requirements for when payments are not made in full. In order to comply with these requirements, collection programs must carefully track, distribute, and record the revenue they collect.

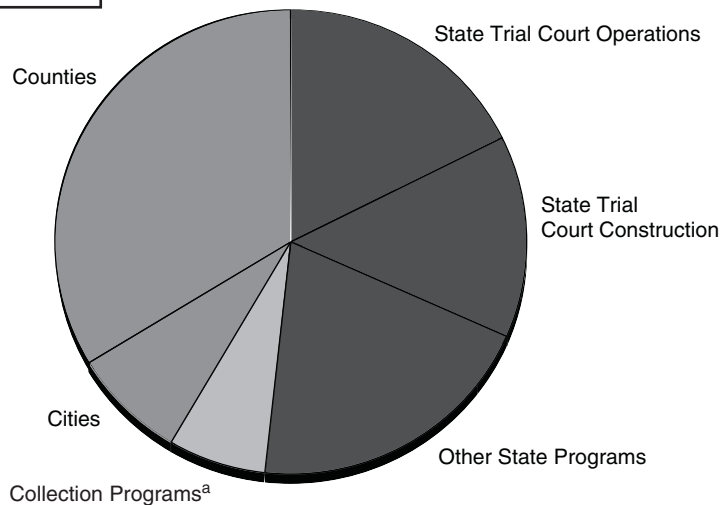


## Who Benefits From Fine and Fee Revenue?

### Majority of Fine and Fee Revenue Distributed to the State

2015-16

Total: \$1.7 billion



<sup>a</sup> Split between courts (state government) and counties (local government) depending on who is actually collecting the delinquent payments.

- **State Receives Majority of Revenue.** According to available data compiled by the State Controller's Office (SCO) and the judicial branch, we estimate that a total of \$1.7 billion in fine and fee revenue was distributed to state and local governments in 2015-16. As shown in the figure, the state received \$881 million (or roughly half) of this revenue. Of this amount, roughly 60 percent went to support trial court operations and construction.
- **Local Governments Receive Most of Remaining Revenue.** We estimate that local governments received \$707 million (or 42 percent) of the total amount distributed in 2015-16. Of this amount, about 80 percent went to the counties.





## Who Benefits From Fine and Fee Revenue?

*(Continued)*

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- ***Collection Programs Receive Share of Revenue.***

Collection programs received \$114 million (or 7 percent) of the total amount distributed in 2015-16 for their operational costs related to the collection of delinquent payments. These funds are split between state trial courts and counties depending on which entity incurred the costs.



## Key Problems With California's Fine and Fee System

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- ☑ ***Difficult for Legislature to Control Use of Fine and Fee Revenue.*** The statutory formulas that dictate how monies are distributed to funds ensure certain programs receive funding annually, which often makes it difficult for the Legislature to control use of fine and fee revenue. This is because the statutory formulas result in the following effects: (1) limited information to guide legislative decisions, (2) difficulty for the Legislature to reprioritize the use of revenue, and (3) administering entities maintaining significant control over the use of funds.
- ☑ ***Revenue Distributions Generally Not Based on Need.*** By locking in formulas in statute, the existing system preserves levels of funding deemed appropriate when the formulas were established. This can result in programs receiving more or less funding than needed to provide legislatively desired service levels.
- ☑ ***Difficult to Distribute Revenue Accurately.*** The numerous statutory distribution requirements can make it difficult for courts and counties to track and distribute revenue accurately and audits have frequently found distribution errors.
- ☑ ***Lack of Complete and Accurate Data on Collections and Distributions.*** Although the SCO and judicial branch both collect information on the collection and distribution of fines and fees, each omit pieces of data (generally because the data is not required to be collected). It also appears that there are inconsistencies between similar pieces of data they report as well as in how collection programs report data. Without complete, consistent, and accurate data, it is difficult for the Legislature to conduct fiscal oversight to ensure that funds are being allocated and used in accordance with its priorities and state law.



## Recommend Reevaluating Structure of Criminal Fine and Fee System

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***What Should Be the Goals of the Criminal Fine and Fee System?***

A fine and fee system can service various purposes, such as deterring behavior or mitigating the negative effects of crime. Ultimately, the Legislature should set fines and fees to reflect these goals.



***Should Ability to Pay Be Incorporated?***

To the extent the Legislature is interested in incorporating ability to pay into the criminal fine and fee system, there are various ways to do so. One way is to calculate fines and fees based on an individual's ability to pay. Another option is to levy the same level of fines and fees on all offenders who commit the same violation, but implement alternative methods for addressing the debt (such as through community service).



***What Should Be the Consequences for Failing to Pay?***

The Legislature will want to consider what consequences individuals should face when they fail to pay their fines and fees and whether to authorize additional sanctions and/or modify existing sanctions (such as holds on drivers' licenses). The Legislature could also take action to help prevent individuals from becoming delinquent—such as by authorizing programs to offer a discount if offenders pay their debt in full.



***Should Fines and Fees Be Adjusted?***

Once the Legislature sets the appropriate fine level for criminal offenses, the Legislature will want to decide whether and how such fines are adjusted in the future. For example, the levels could be regularly reevaluated or automatically adjusted (such as by using a statewide economic indicator).



## Recommend Increasing Legislative Control of Criminal Fine and Fee Expenditures

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- ☒ ***Deposit Most Criminal Fine and Fee Revenue in the General Fund.*** We recommend requiring that nearly all fine and fee revenue be deposited into the state General Fund for subsequent appropriation by the Legislature. This would increase legislative oversight and ensure that funding is provided based on program workload and legislative priorities. Additionally, programs supported by such revenue would no longer be disproportionately impacted by fluctuations in fine and fee revenue.
- ☒ ***Consolidate Most Fines and Fees.*** We recommend consolidating most fines and fees into a single, statewide charge and eliminate the ability of trial courts and local governments to add charges. Such a consolidation would eliminate the need for the existing complex distribution model and make it easier for collection programs to track such revenue.
- ☒ ***Evaluate Existing Programs Supported by Criminal Fine and Fee Revenues.*** If the Legislature deposits most revenue into the General Fund as we recommend, it would need to determine the appropriate level of funding (if any) for the various programs currently supported by fine and fee revenue. Accordingly, the Legislature would want to review each program to determine whether the program is a statewide priority as well as to define its expectations on program service levels and the level of funding needed to meet those expectations.
- ☒ ***Mitigate Impacts on Local Governments.*** We recommend mitigating the fiscal impact any restructuring of fines and fees would have on local governments.

**COUNTY OF LOS ANGELES PROBATION DEPARTMENT**  
**ELIMINATION OF FINES AND FEES: IMPACT STATEMENT**

Elimination of the Probation Department's revenue component of fine and fee collections impacts the following three areas:

- **Adult Probation Services – Cost of Probation Services (COPS) Budget \$4,555,000** – Adult Services Deputy Probation Officers (DPOs) provide a variety of client casework, counseling, and linkages to community-based and County delivered services. A small portion of each case-carrying DPO's time is devoted to discussion of fine and fee obligations with their clients as part of each DPOs responsibility for enforcement of Court imposed conditions of probation.

The amount of funding provided by COPS equates to approximately 35 DPOs, but the number of clients and the majority of casework to address client needs is not eliminated. Therefore, elimination of DPO items is not commensurate with the marginal change in workload.

Elimination of DPO items would effectively increase caseload sizes, which reduces direct client service. A decision will need to be made to either increase funding to replace the loss of COPS in support of these DPOs, or accept caseload increases and the incremental reduction in direct service time for clients.

California law requires that Probation provide an ability-to-pay assessment. The Department has 23 Financial Evaluators whose job it is to carry out this requirement. Elimination of all fines and fees, and the accompanying requirement for an ability-to-pay assessment, could result in elimination of Financial Evaluator positions. If that occurs, Probation would collaborate with partner entities, such as the Department of Human Resources and collective bargaining units, to match the qualifications of redundant Financial Evaluators to available vacancies.

- **Collections Unit – Cost Recovery Budget \$1,674,000** – Probation's Collections Unit is responsible for the administration and collection of receivables and is funded in-part by a portion of client payments referred to as "cost recovery." If these revenues are eliminated, the Collections Unit will continue to be responsible for set-up and recovery of victim restitution, and for pursuit of remaining Court ordered existing and future fines and fees as mandated by State legislation. The portion of client payments that had been allocated to cost recovery would simply be directed toward other categories within the hierarchy of fines and fees owed by each client.

If all fines and fees are eliminated, and it is determined there are no further collections of existing court-ordered obligations from clients, the Collections Unit would need bridge funding for a yet-to-be-determined timeframe to unwind approximately \$1.8 billion (~ 250,000 accounts) in receivables dating back twenty-five years or more. Each account would need to be researched, notifications sent to each client, potentially a hearing scheduled, then a process established with the County Treasurer and Tax Collector to reduce each receivable balance to zero.

Whether cost recovery or all fines and fees are eliminated, the Collections Unit would continue to coordinate with victims to set-up and pursue collection of restitution. An assessment would need to be performed to determine the staffing level needed for ongoing victim restitution services.

- **Other Miscellaneous Fines and Fees – Revenue Budget \$402,000** – These revenues are generated from a variety of fines that Counties receive related to domestic violence, drug and alcohol abuse, crime prevention and other miscellaneous programs. In addition, Counties receive fees for administrative functions, such as restitution collections, establishing payment plans, bad checks, etc.

The \$402,000 funds general Collection Unit services (or DPO casework services, equating to approximately 3 DPOs). Thus, if the \$402,000 is eliminated, it would have similar impacts to the Collections Unit and/or Adult Services direct client casework ratios as described above.