

MOTION BY SUPERVISORS HILDA L. SOLIS
and JANICE HAHN

October 9, 2018

Discontinuing Collection of Outstanding Juvenile Detention Fees

In 2009, the Los Angeles County Probation Department (Probation) stopped collecting fees charged to parents or guardians for the incarceration of their children, referred to as “juvenile detention fees.” Through a temporary moratorium that became permanent in the same year, the Probation Department stopped actively pursuing and obtaining court orders to collect the juvenile detention fees, already incurred. However, Probation continues to collect or accept payments on existing debt from obligations accrued before February 16, 2009. There is compelling evidence that the administrative fees related to detention undermine youth rehabilitation and public safety, increase the financial insecurity of vulnerable families, and is correlated to higher recidivism rates.

On January 1, 2018, California Senate Bill 190 ended the assessment of juvenile detention fees statewide. The new law repealed counties' authority to assess and collect administrative fees to parents or guardians of youth involved in the delinquency system going forward from January 1, 2018. However, it does not prohibit the collection of previously-assessed juvenile detention fees.

On May 29, 2018, this Board of Supervisors directed the Chief Probation Officer with the Chief Executive Officer (CEO), Auditor-Controller (A-C), County Counsel, and other relevant Departments to conduct a feasibility study and report back on the legal

MOTION

SOLIS _____

RIDLEY-THOMAS _____

HAHN _____

BARGER _____

KUEHL _____

authority for discontinuing collection or acceptance of payments of juvenile detention fees incurred before 2009, any related administrative or fiscal issues, and a proposed plan to discontinue the collection of these fees.

According to the report prepared by the Chief Probation Officer, with CEO, A-C, County Counsel, and the Treasurer and Tax Collector, although nearly \$89 million in pre-2009 juvenile detention debts are still outstanding in Los Angeles County, only approximately \$120,000 -- or less than one percent -- is collected annually, providing minimal return to the County, which does not justify the expense of collection. Further, Probation, stakeholders, and the impacted community all agree that this is not consistent with best practices to serve our County's youth and their families, especially considering the fiscal and administrative burdens to the County.

THEREFORE, WE MOVE that the Board of Supervisors: Direct the Probation Department with the Treasurer and Tax Collector, the Chief Executive Office, the Auditor-Controller, County Counsel, and other relevant departments to:

- 1) Immediately discontinue the collection or acceptance of payment of debts related to pre-2009 juvenile detention fees,
- 2) Discharge and/or release any balance of outstanding debt based on these pre-2009 juvenile detention fees, which has been levied against the approximately 52,000 accounts, by:
 - a. Filing satisfaction of judgments with the court for court judgments, where applicable;
 - b. Filing releases of liens with the Los Angeles County Recorder for judgment liens, where applicable;
 - c. And/or taking all other legal action as needed to discharge and/or release debts for pre-2009 juvenile detention fees,
- 3) Develop a notification protocol to parents, guardians, and other related entities, to ensure that parent and guardians cease payment as soon as possible, and
- 4) Provide a quarterly report back on the status of implementation, until fee

collection is discontinued and all debts related to pre-2009 juvenile detention fees are discharged and/or released.

HLS: rk

#