

REVISED MOTION BY SUPERVISORS HILDA L. SOLIS
AND JANICE HAHN

May 29, 2018

Feasibility Study - Discontinuing Collection of Outstanding Juvenile Detention

Fees

In 2009, the Probation Department ~~suspended the collection of costs~~ stopped collecting fees charged to parents or guardians for the incarceration of their children, referred to as “juvenile detention fees,” ~~which were generally imposed through court orders.~~ Through a temporary moratorium that became permanent in the same year, the Probation Department stopped actively pursuing and requesting court orders to collect the juvenile detention fees, ~~going forward~~ already incurred. However, the Department continued to collect or accept payments on existing debt from obligations accrued before February 16, 2009. Currently, the Probation Department continues to collect payments from these pre-2009 obligations.

On January 1, 2018, ~~California legislation~~ SB190 ended the assessment of juvenile detention fees statewide ~~when Senate Bill 190 went into effect~~. The new law repeals counties' authority to assess and collect administrative fees to parents or guardians of youth involved in the delinquency system, ~~going forward~~. However, it does not prohibit the collection of previously assessed juvenile detention fees. ~~In passing~~ The legislature’s decision to pass SB 190, the legislature found was based on 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.

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 raising questions on the administrative burdens to the County as well. The Probation Department, stakeholders, and the impacted community all agree that this is not consistent with ~~with~~ best practices for serving to serve our County’s youth and their families, ~~and~~ especially considering the fiscal and administrative burdens to the County.

MOTION

SOLIS _____

RIDLEY-THOMAS _____

HAHN _____

BARGER _____

KUEHL _____

WE, THEREFORE, I MOVE that the Board of Supervisors: Direct the Probation Department with the Chief Executive Office, the Auditor-Controller, County Counsel, and other relevant departments to provide a feasibility study and report back in 90 days on:

- 1) Whether legal authority exists to discontinue collection or acceptance of payment of ~~pre-2009~~ juvenile detention fees incurred before 2009;
- 2) Whether administrative or fiscal issues exist related to the discontinuation of the pre-2009 juvenile detention fees;
- 3) A proposed plan to discontinue the collection of pre-2009 juvenile detention fees including, but not limited to, 1) necessary legal process required to formalize the discontinuation of the pre-2009 juvenile detention fees; 2) establishing a protocol to notify families of ~~the intent to discontinue the collection or acceptance of payment of pre-2009~~ that juvenile detention fees will no longer be collected or accepted; and 3) the necessary timing and costs to the County for the discontinuation of pre-2009 juvenile detention fees; and d) A sampling of fees collected between 2009-2017 to determine whether the fees were appropriately collected.

WE, FURTHER, MOVE that the Probation Department in consultation with the Chief Executive Office, the Auditor-Controller, County Counsel, and other relevant departments report back in 180 days with a list of all existing fees collected by ~~the Probation Department or other relevant Departments on adults and youth~~ any county Departments for Probation supervision or services for adult or youth populations.

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HLS: rk