

MOTION BY SUPERVISORS HILDA L. SOLIS  
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APRIL 16, 2019

**Addressing Fines and Fees Associated with Criminal Justice System Involvement**

When a person is convicted of a crime, they often face several fines, fees, and penalties often in addition to serving time in jail or prison, which generate revenue for the agencies that make up the criminal justice system. These fees are incurred at nearly every stage, as a person moves through the criminal justice system. And although the individual fees may be relatively small, the total of the fines and fees that a person may face often amount to thousands of dollars.

On May 29, 2018, a motion authored by Supervisors Hilda Solis and Janice Hahn discontinued collection and forgave outstanding debt for fees assessed for youth detention in Probation custody. That motion also directed the Probation Department to report back with a list of existing fees collected by County departments for Probation supervision and services for youth and adult populations.

According to the list provided by the Probation Department on January 4, 2019, in response to that motion, along with information provided by the coalition of Los Angeles County community-based and reentry organizations including A New Way of Life, Anti-Recidivism Coalition, Community Coalition, Homeboy Industries, the Youth Justice Coalition, the list of fines, fees, and penalties is extensive. The list of fines, fees, and penalties that may be levied against adults who become involved with the criminal justice system can include Probation supervision fees, Probation installment collection fees, pre-sentence, investigation, and progress report fees, drug and alcohol testing fees, restitution fine service fees, restitution service and collection fees, juvenile restitution collection fees, county jail booking fees, court appointed counsel fees, home detention fees, electronic monitoring fees, Sheriff’s Work Alternative Program fees, ignition interlock device fees, restitution income deduction order fees, diversion restitution collection fees, work furlough fees, weekend confinement fees, medical expenses while in County jail, copayments for medical visits while in County jail, temporary release from County jail for family emergency fees, returned check fees, drug lab cleanup costs, child abuse offender management program fees, domestic violence Probation fees, costs of incarceration in County jail, child abuse or neglect investigation costs, petition to change plea/set aside verdict fees, petition to seal

MOTION

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juvenile record fees, installment payment account fees, nonviolent drug possession treatment program costs, drug diversion program fees, “cite and release” administrative screening fees, drug program fees, Emergency Medical Services Fund assessments, Court Facilities Construction Fund and Court Construction Fund assessments, court security fees, restitution, restitution fines, restitution interest, Probation revocation restitution fines, DNA additional penalty assessments, DNA ID penalty assessments, DUI fines, alcohol abuse fund assessments, high court fees, AIDS Education Program assessments, additional DUI fees.

Because of difficulty paying these fees, they often turn into debt, that can add to the difficulty that people with criminal justice system involvement already face, such as securing housing or employment, suspended driving privileges, maintaining or improving credit, and meeting child support obligations. Most concerning is that failing to pay these fines or fees can result in re-arrest or delayed discharge of Probation supervision, creating new paths to incarceration for people who are unable to pay, as a national study on criminal justice fines and fees by the Brennan Justice Center points out.

Studies by the Brennan Justice Center, the American Civil Liberties Union, and the Ella Baker Center have found that the accumulation of these fines and fees push people into poverty, or push people in poverty even deeper, through penalties such as fees for payment plans, late fees, collection fees, and interest charges. This has also been shown to impact people of color, disproportionately. Further, a national survey of formerly incarcerated people by the Ella Baker Center for Human Rights found that families often bear the burden of fees, and that 83 percent of the people responsible for paying these costs are women.

In recent years, this Board has taken significant efforts to improve access to reentry services for people who are coming out of jail and prison, reduce housing insecurity, and reduce poverty and racial disproportionalities. However, these fines and fees serve as an additional hurdle at the time when they are trying to reintegrate into their families and communities.

**WE, THEREFORE MOVE**, that the Board of Supervisors: Direct 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, and other relevant stakeholders to report back in writing in 120 days with a detailed report of the fines, fees, and penalties (including non-economic penalties) levied against adults in the criminal justice system, including but not limited to those listed above. The report back should include:

- 1) The impact of these charges on affected populations, when in the criminal justice

process the fees, fines, and penalties are imposed, including an analysis of the amounts of fees, fines, and penalties imposed against people based on income level and geography.

- a. This assessment should also include an analysis of:
  - The fines and fees collected by community service referral agencies and court-ordered program providers, including providers of drug or alcohol rehabilitation treatment providers, domestic violence programs, and diversion programs, and the County's setting, regulation, and monitoring of these fees.
  - The authorizing statute for each type of fee, fine, or penalty, and and the County's ability to eliminate the imposition of the fee or to suspend its collection.
  - Distinguishing between fees the county has discretion to administer/collect and other fees, fines, and assessments required by state law.
  - Best practices for eliminating fines, fees, and penalties, including consideration of the elimination of these fees in other jurisdictions across the state.
- 2) The costs of administering and collecting these fees, including additional fees added as a result of initial non-payment.
- 3) The revenue received and retained by the county, or potential revenue, and what it is used for, disaggregated by each fee, fine and assessment, including an assessment of the revenue the county passes on to the state or collection agencies or private providers.
- 4) A feasibility study of eliminating the fees, fines and penalties the county has discretion to eliminate, and the financial or administrative impact to the County and other agencies, based on (3), above, and a proposed timeline and multi-year plan for discontinuing collection and elimination of these fines, fees, and penalties. The study must report on what has been collected and spent in the past five years since FY 2013-2014, on an annual basis.

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HLS: rk