



Agenda

PUBLIC PROTECTION COMMITTEE

April 1, 2019
10:30 A.M.

651 Pine Street, Room 101, Martinez

Supervisor John Gioia, Chair
Supervisor Federal D. Glover, Vice Chair

Agenda Items:

Items may be taken out of order based on the business of the day and preference of the Committee

1. Introductions
2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).
3. APPROVE Record of Action from the March 11, 2019 meeting. **(Page 3)**
4. CONSIDER accepting an introductory report on the issue of certain fees assessed by the County related to the criminal justice system and provide direction to staff regarding next steps. **(Paul Reyes, Committee Staff) (Page 7)**
5. The next meeting is currently scheduled for May 6, 2019.
6. Adjourn

The Public Protection Committee will provide reasonable accommodations for persons with disabilities planning to attend Public Protection Committee meetings. Contact the staff person listed below at least 72 hours before the meeting.

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the Public Protection Committee less than 96 hours prior to that meeting are available for public inspection at 651 Pine Street, 10th floor, during normal business hours.

Public comment may be submitted via electronic mail on agenda items at least one full work day prior to the published meeting time.

For Additional Information Contact:

Paul Reyes, Committee Staff
Phone (925) 335-1096, Fax (925) 646-1353
paul.reyes@cao.cccounty.us

Glossary of Acronyms, Abbreviations, and other Terms (in alphabetical order):

Contra Costa County has a policy of making limited use of acronyms, abbreviations, and industry-specific language in its Board of Supervisors meetings and written materials. Following is a list of commonly used language that may appear in oral presentations and written materials associated with Board meetings:

AB	Assembly Bill	HIPAA	Health Insurance Portability and Accountability Act
ABAG	Association of Bay Area Governments	HIV	Human Immunodeficiency Syndrome
ACA	Assembly Constitutional Amendment	HOV	High Occupancy Vehicle
ADA	Americans with Disabilities Act of 1990	HR	Human Resources
AFSCME	American Federation of State County and Municipal Employees	HUD	United States Department of Housing and Urban Development
AICP	American Institute of Certified Planners	Inc.	Incorporated
AIDS	Acquired Immunodeficiency Syndrome	IOC	Internal Operations Committee
ALUC	Airport Land Use Commission	ISO	Industrial Safety Ordinance
AOD	Alcohol and Other Drugs	JPA	Joint (exercise of) Powers Authority or Agreement
BAAQMD	Bay Area Air Quality Management District	Lamorinda	Lafayette-Moraga-Orinda Area
BART	Bay Area Rapid Transit District	LAFCo	Local Agency Formation Commission
BCDC	Bay Conservation & Development Commission	LLC	Limited Liability Company
BGO	Better Government Ordinance	LLP	Limited Liability Partnership
BOS	Board of Supervisors	Local 1	Public Employees Union Local 1
CALTRANS	California Department of Transportation	LVN	Licensed Vocational Nurse
CaiWIN	California Works Information Network	MAC	Municipal Advisory Council
CaiWORKS	California Work Opportunity and Responsibility to Kids	MBE	Minority Business Enterprise
CAER	Community Awareness Emergency Response	M.D.	Medical Doctor
CAO	County Administrative Officer or Office	M.F.T.	Marriage and Family Therapist
CCCFPD	(ConFire) Contra Costa County Fire Protection District	MIS	Management Information System
CCHP	Contra Costa Health Plan	MOE	Maintenance of Effort
CCTA	Contra Costa Transportation Authority	MOU	Memorandum of Understanding
CDBG	Community Development Block Grant	MTC	Metropolitan Transportation Commission
CEQA	California Environmental Quality Act	NACo	National Association of Counties
CIO	Chief Information Officer	OB-GYN	Obstetrics and Gynecology
COLA	Cost of living adjustment	O.D.	Doctor of Optometry
ConFire	(CCCFPD) Contra Costa County Fire Protection District	OES-EOC	Office of Emergency Services-Emergency Operations Center
CPA	Certified Public Accountant	OSHA	Occupational Safety and Health Administration
CPI	Consumer Price Index	Psy.D.	Doctor of Psychology
CSA	County Service Area	RDA	Redevelopment Agency
CSAC	California State Association of Counties	RFI	Request For Information
CTC	California Transportation Commission	RFP	Request For Proposal
dba	doing business as	RFQ	Request For Qualifications
EBMUD	East Bay Municipal Utility District	RN	Registered Nurse
ECCFPD	East Contra Costa Fire Protection District	SB	Senate Bill
ECCRPC	East Contra Costa Regional Planning Commission	SBE	Small Business Enterprise
EIR	Environmental Impact Report	SRVRPC	San Ramon Valley Regional Planning Commission
EIS	Environmental Impact Statement	SWAT	Southwest Area Transportation Committee
EMCC	Emergency Medical Care Committee	TRANSPAC	Transportation Partnership & Cooperation (Central)
EMS	Emergency Medical Services	TRANSPLAN	Transportation Planning Committee (East County)
EPSDT	State Early Periodic Screening, Diagnosis and Treatment Program (Mental Health)	TRE or TTE	Trustee
et al.	et alii (and others)	TWIC	Transportation, Water and Infrastructure Committee
FAA	Federal Aviation Administration	VA	Department of Veterans Affairs
FEMA	Federal Emergency Management Agency	vs.	versus (against)
F&HS	Family and Human Services Committee	WAN	Wide Area Network
First 5	First Five Children and Families Commission (Proposition 10)	WBE	Women Business Enterprise
FTE	Full Time Equivalent	WCCTAC	West Contra Costa Transportation Advisory Committee
FY	Fiscal Year		
GHAD	Geologic Hazard Abatement District		
GIS	Geographic Information System		
HCD	(State Dept of) Housing & Community Development		
HHS	Department of Health and Human Services		



Contra Costa County Board of Supervisors

Subcommittee Report

PUBLIC PROTECTION COMMITTEE

3.

Meeting Date: 04/01/2019

Subject: RECORD OF ACTION - March 11, 2019

Department: County Administrator

Referral No.: N/A

Referral Name: RECORD OF ACTION - March 11, 2019

Presenter: Paul Reyes, Committee Staff **Contact:** Paul Reyes, (925) 335-1096

Referral History:

County Ordinance requires that each County body keep a record of its meetings. Though the record need not be verbatim, it must accurately reflect the agenda and the decisions made in the meeting.

Referral Update:

Attached for the Committee's consideration is the Record of Action for its March 11, 2019 meeting.

Recommendation(s)/Next Step(s):

APPROVE Record of Action from the March 11, 2019 meeting.

Fiscal Impact (if any):

No fiscal impact. This item is informational only.

Attachments

Record of Action - March 11, 2019



Agenda

PUBLIC PROTECTION COMMITTEE

****RECORD OF ACTION****

March 11, 2019

10:30 A.M.

651 Pine Street, Room 101, Martinez

Supervisor John Gioia, Chair
Supervisor Federal D. Glover, Vice Chair

Agenda Items:

Items may be taken out of order based on the business of the day and preference of the Committee

Present: John Gioia, Chair
Federal D. Glover, Vice Chair
Staff Present: Tim Ewell, Chief Assistant County Administrator

1. Introductions

Convene - 10:30 AM

2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).

Public comment was received.

3. APPROVE Record of Action from the February 4, 2019 meeting.

Approved as presented.

Chair John Gioia, Vice Chair Federal D. Glover

AYE: Chair John Gioia, Vice Chair Federal D. Glover

Passed

4. 1. ACCEPT a report on the County's Multi-Agency Juvenile Justice Plan; and
2. PROVIDE direction to staff regarding the recruitment process for the community based organization and public member seats on the Contra Costa County Juvenile Justice Coordinating Council.

Approved as presented with the following direction to staff:

1. ***Proceed with the proposed 8-week application process;***
2. ***Directed the Juvenile Justice Coordinating Council to implement the Juvenile Justice Action Strategy;***
3. ***Report back to the Committee with an update upon completing the Georgetown University project.***

Chair John Gioia, Vice Chair Federal D. Glover

AYE: Chair John Gioia, Vice Chair Federal D. Glover

Passed

5. 1. ACCEPT an update on the Board of Supervisor's letter requesting the Contra Costa County Fairgrounds to ban gun shows; and
2. PROVIDE direction to staff on next steps.

Approved as presented.

Vice Chair Federal D. Glover, Chair John Gioia

AYE: Chair John Gioia, Vice Chair Federal D. Glover

Passed

6. APPROVE the fiscal year 2018/2019 AB 109 funding for the Public Defender's West County EarlyRep program in the amount of \$43,858.

Approved as presented with the following modification:

1. ***Approved FY 18/19 AB 109 funding for the Public Defender's West County EarlyRep program in the amount of \$63,000.***

Chair John Gioia, Vice Chair Federal D. Glover

AYE: Chair John Gioia, Vice Chair Federal D. Glover

Passed

7. 1. ACCEPT the recommendation by the QAC to increase Fast Eddie's award by \$37,500 to be executed as a new contract for \$73,797 with a term of November 1, 2018 through December 31, 2019.
2. DIRECT the ORJ to award up to \$50,000 from the Local Innovation Fund through "micro – grants" in amounts ranging from \$3,000 - \$10,000 to the five agencies currently participating in the County's Capacity Building Project.
3. DIRECT staff to conduct an RFP process to utilize remaining revenue of the Local Innovation Fund.

Approved as presented.

Chair John Gioia,

AYE: Chair John Gioia

Other: Vice Chair Federal D. Glover (ABSENT)
Passed

8. The next meeting is currently scheduled for April 1, 2019.
9. Adjourn

Adjourned - 11:58 AM

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For Additional Information Contact:

Timothy Ewell, Committee Staff
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timothy.ewell@cao.cccounty.us



Contra Costa County Board of Supervisors

Subcommittee Report

PUBLIC PROTECTION COMMITTEE

4.

Meeting Date: 04/01/2019
Subject: Criminal Justice Fees
Submitted For: PUBLIC PROTECTION COMMITTEE,
Department: County Administrator
Referral No.: N/A
Referral Name: Criminal Justice Fees
Presenter: Paul Reyes, Committee Staff **Contact:** Paul Reyes, 925-335-1096

Referral History:

On February 26, 2019, The Board of Supervisors referred to the Public Protection Committee the topic of criminal justice system fees charged to individuals and a review the current programs, policies and practices related to criminal justice fees. A copy of the referral is attached for reference.

Referral Update:

Background

Momentum to end criminal fees is growing in the state and individual counties have begun to view criminal justice fees as “high pain, low gain,” and have taken steps to eliminate them. In 2017, the County of Los Angeles eliminated its public defender registration fee. In May 2018, San Francisco eliminated all criminal administrative fees under its control, freeing over 21,000 people of more than \$32,000,000 in outstanding criminal administrative fees and surcharges. Most recently, in December 2018, the Alameda County Board of Supervisors voted to eliminate a host of county-imposed criminal fees. The board voted to eliminate \$26,000,000 in fees for tens of thousands of Alameda County residents. A copy of the Alameda County Board of Supervisors approved ordinance is attached for reference.

With the passage of Senate Bill 190 in 2017, the State of California eliminated juvenile justice fees in all counties. In January 2019, Senate Bill (SB) 144 was introduced by Sen. Holly Mitchell and would state the intent of the Legislature to enact legislation to eliminate the range of administrative fees that agencies and courts are authorized to impose to fund elements of the criminal legal system, and to eliminate all outstanding debt incurred as a result of the imposition of administrative fees. There has recently been discussion at the state level about the proposed elimination of specific fees – the probation fee, the public defender fee, and work furlough fee. This will likely be amended into SB 144 (Mitchell). SB 144 is currently on referral to the Senate Rules Committee for assignment. A copy of SB 144 is attached for reference.

The general argument in favor of continuing criminal justice fees is that these fees generate revenue for public programs and to fund their operations. Elimination of certain fees is effectively eliminating a revenue source and could potential result in reduction in County services. This needs to be weighed against a strong argument against imposing criminal justice fees. There is public concern that criminal justice fees are inequitable in that these fees are disproportionately imposed on communities of color and are especially harmful for Black and Latinx people, who are overrepresented in the criminal legal system across the state. Additionally, many view these fees as being regressive; hurting the poorest the most. Criminal justice fees are also viewed as being an inefficient source of government revenue. With the majority of criminal cases qualifying for indigent defense, these fee are a poor way to raise revenue and are often difficult to collect. There is also concern that these fees are impoverishing in that large monetary sanctions translate to large levels of debt that reinforce poverty. Lastly, there is concern that criminal fees could undermine public safety. The goal of a successful post-incarceration period is to reintegrate into the community, yet these fees are perceived as creating significant barriers to successful reentry.

Analysis of adult criminal justice fees has proven to be complicated. State law dictate a very complex process for the distribution of fine and fee revenue. Per a recent Legislative Analyst's Office report, 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.

Today's report will focus on those fees that have been positively identified as being local and discretionary fees (i.e. not mandated by California law), specifically Probation Fees, Public Defender Fees, and Sheriff Custody Alternative Facility Fees. Further research and analysis will be needed on other fines and fees collected by the Contra Costa Superior Court of California (Court) and remitted to the County.

Probation Fees

Probation Report Fee - In 2009, the Board of Supervisors adopted Ordinance 2009-28 authorizing the Probation Department to charge a fee of \$176 for the cost of generating a probation report to the Court. This is one-time fee.

Cost of Probation Fee - In 2010, the Board of Supervisors adopted Resolution No. 2010/262 to increase the monthly Cost of Probation Fee from \$50 per month to \$75 per month (average daily cost of \$2.50).

Probation Drug Testing Fee – The Probation Department currently charges \$10 per month (average daily cost of \$0.33) for drug testing.

Probation Dept. Drug Diversion Fee – The Probation Department currently receives approximately \$1,000 per year from this fee.

All adults that have been ordered to formal Probation, which includes mandatory supervision, and ordered to pay Probation fees, drug testing fees and/or the cost of their court report shall be assessed for their ability to pay said fees. The ability-to-pay determination is sent to the Court. The Court will order the amount the probationer is required to pay and refer the probationer to the Court Collections Unit for collection.

The following table illustrates the total amount of probation fees a probationer could

hypothetically be charged. This is assuming the probation is placed on 3 years of probation and requires monthly drug testing. Over 3 years, a probationer could be charged up to \$3,236 for probation.

Example Probationer	Cost	# of Months	Total
Supervision	\$75/month	36	2,700
Drug Testing	\$10/month	36	360
Report Fee	\$176 one-time	n/a	176
Total Cost of Probation			3,236

Cost of Collection and Revenue

The following table shows the actual and estimated cost of collection and revenue for FY 17/18 and FY 18/19, respectively. The Probation fee revenue is used to offset the salaries of adult Deputy Probation Officers.

Fee	FY 17/18		Estimated FY 18/19	
	Collection Cost	Revenue	Collection Cost	Revenue
Probation Dept. Drug Diversion Fee (PC 1001.9)	143	1,249	10	1,000
Cost of Probation Fee	91,957	475,573	82,000	444,000
Probation Cost of Drug Test Fee (PC 1203.1(ab))	12,332	60,638	12,000	61,000
Probation Report Fee (PC 1203.1(b))	4,554	27,333	5,000	30,000
Total	108,986	564,793	99,010	536,000

Public Defender Fees

Penal Code 987.81 authorizes the Court to consider and make a determination of the defendant's ability to pay all or a portion of the costs of legal assistance provided through the public defender or private counsel appointed by the court and may order the defendant to pay all or a part of the cost.

Adults charged with capital or homicide cases may have to pay fees ordered by the court at the conclusion of the case to reimburse the County for the cost of outside counsel. The defendant is referred to the Contra Costa Superior Court Collections Unit by the judge who orders the amount to be paid. The Court makes a determination as to how much, if any, of the ordered amount the person can afford to pay. This determination is made on a sliding scale based upon the person's financial resources. The Office of the Public Defender is not involved in the determination of, or collection of fees.

Cost of Collection and Revenue

The following table shows the actual and estimated cost of collection and revenue for FY 17/18 and FY 18/19, respectively. The Public Defender Fee revenue is used to offset cost of County trial court function, specifically costs associated with capital cases.

Fee	FY 17/18		Projected FY 18/19	
	Collection Cost	Revenue	Collection Cost	Revenue
Public Defender Fee	1,849	26,100	-	121,000

Sheriff Office Custody Alternative Facility Program Fees

In 2009, the Board of Supervisors approved Resolution No. 2009/435 setting the fees for the Office of the Sheriff custody alternative programs. The current fees for the Custody Alternative Facility programs are provided below.

Fee	Cost
Electronic Home Detention and Alcohol Monitoring:	
Application fee	\$125.00 one-time
Electronic Home Monitoring Only	\$20.00 per day
Alcohol Monitoring Only	\$20.00 per day
Electronic Home Monitoring and Alcohol Monitoring	\$23.50 per day
Urinalysis Test	\$6.00 per test
Work Alternative Program:	
Application fee	\$125.00 one-time
Daily Fee	\$16.00 per day

Ability to Pay Process

The current Custody Alternative Facility (CAF) procedure provides for the CAF participant to be completely enrolled in a CAF program prior to discussing fees or ability to pay. Participants review and complete the personal budget with their assigned CAF Specialist. The participant will then request a reduction/waiver of fees based on their stated ability to pay. A CAF Sergeant will review and approve the Personal Budget form. A participant's inability to pay all or a portion of any fee(s) will not preclude them from being enrolled or completing any program offered by the Custody Alternative Facility.

Process of Collections

CAF fees are collected after the participant is enrolled in a CAF program. Fees can be paid in the manner which is most appropriate for the participant. Participants can pay their total program fees at one time or over a pre-determined length of time. There is no process established to collect payment from participants who complete the program, but do not pay. A participant's ability to successfully complete a CAF programs is not impacted by lack of payment.

Future Plan for CAF Electronic Home Detention and Work Alternative Programs

CAF is currently working with representatives from the Office of Re-Entry and Justice, the Public Defender's Office, and Reentry Solutions Group to present updated Ability to Pay forms.

Revenue

The following table shows the actual and estimated revenue for FY 17/18 and FY 18/19, respectively. The CAF Fee revenue is used to offset program costs.

Program	FY 17/18	Projected FY 18/19
Work Alternative Program	443,055	423,000
Electronic Home Detention	568,541	12,000
Total	1,011,596	435,000

Recommendation(s)/Next Step(s):

1. ACCEPT an introductory report on the issue of certain fees assessed by the County related to the criminal justice system; and
2. PROVIDE direction to staff on next steps.

Fiscal Impact (if any):

No immediate fiscal impact.

Attachments

Board of Supervisors Referral - Criminal Justice Fees

Alameda County Ordinance Eliminating Fees

Senate Bill 144



Contra
Costa
County

To: Board of Supervisors
From: PUBLIC PROTECTION COMMITTEE
Date: February 26, 2019
Subject: Criminal Justice Fees

RECOMMENDATION(S):

REFER to the Public Protection Committee the issue of criminal justice system fees charged to individuals.

FISCAL IMPACT:

No fiscal impact. This action refers the issue of justice system fees to the Public Protection Committee.

BACKGROUND:

Existing law allows the County to impose various criminal justice fees for the cost of administering the criminal justice system. This referral is being requested to review the current programs, policies and practices related to criminal justice fees.

CONSEQUENCE OF NEGATIVE ACTION:

The issue will not be referred to the Public Protection Committee for review.

-
- APPROVE OTHER
 - RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
-

Action of Board On: **02/26/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

ABSENT: Diane Burgis, District III Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 26, 2019

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Paul Reyes,
925-335-1096

ORDINANCE NO. 2018-67

AN ORDINANCE AMENDING SECTION 2.42.190 OF THE ADMINISTRATIVE CODE TO ELIMINATE PROBATION FEES; REPEALING RESOLUTION 2011-142 REGARDING PUBLIC DEFENDER/CONFLICT COUNSEL FEES FOR REPRESENTATION OF INDIGENT ADULTS; AND ELIMINATING SHERIFF'S WORK ALTERNATIVE PROGRAM ADMINISTRATIVE AND ATTENDANCE FEES.

WHEREAS, criminal justice financial obligations like probation supervision and investigation fees, indigent defense fees, and fees associated with work release programs, can have long-term effects that can undermine successful societal reentry goals of the formerly-incarcerated, such as attaining stable housing, transportation, and employment; and

WHEREAS, this Board of Supervisors recognizes that criminal justice debt levied against low-income or indigent adults compromises key principles of fairness in the administration of justice in a democratic society and engenders deep distrust of the criminal justice system among those overburdened by such debt; and

WHEREAS, California Penal Code section 1203.1b authorizes but does not require a county to recover the actual costs for probation services in lieu of incarceration; and

WHEREAS, County of Alameda Administrative Code section 2.42.190 establishes probation department fees; and

WHEREAS, California Penal Code sections 987.5 and 987.8 authorizes but does not require the assessment of fees to cover the costs of appointed counsel; and

WHEREAS, the Board of Supervisors most recently authorized Indigent Defense Fees in Resolution 2011-142; and

WHEREAS, California Penal Code section 4024.2 authorizes but does not require a board of supervisors to assess an administrative fee on inmates of the county jail for costs associated with a county's work release program; and

WHEREAS, the Board of Supervisors has approved the Alameda County Sheriff's Office Sheriff Work Alternative Program (SWAP) and set administrative and attendance fees for participation in that Program; and

WHEREAS, the Board of Supervisors finds that it is in the best interest of the County, justice-involved adults, and the larger community to repeal the above-named adult fees; and

WHEREAS, it is also in the best interests of the County and the community that the Auditor-Controller be authorized to write-off all accounts receivable balances and close the associated fee accounts;

NOW, THEREFORE, the Board of Supervisors of the County of Alameda ordains as follows:

SECTION I

Section 2.42.190 of the County of Alameda Administrative Code is hereby amended to read as follows:

2.42.190 Probation Department fees.

Notwithstanding any prior County ordinance or resolution of the Board of Supervisors to permit assessment of probation fees and costs under California Penal Code section 1203.1b, neither the Probation Department nor any other County agency shall assess fees for probation services, or any other fees or costs authorized by Penal Code section 1203.1b.

SECTION II

The Public Defender schedule of fees authorized by this Board in Resolution No. 2011-142 on May 10, 2011 is hereby repealed.

SECTION III

The Sheriff's Office Alternative Work Program (SWAP) administrative fee and attendance fee, authorized by this Board by resolution as permitted by Penal Code section 4024.2 is repealed. Neither the Sheriff's Office or any other County agency shall assess SWAP administration or attendance fees.

SECTION IV


This ordinance shall take effect and be in force thirty (30) days from and after the date of passage and before the expiration of fifteen (15) days after its passage it shall be published once with the names of the members voting for and against the same in the Inter-City Express, a newspaper published in the County of Alameda.

Adopted by the Board of Supervisors of the County of Alameda, State of California, on the 4th day of December, 2018, by the following called vote:

AYES: Supervisors Carson, Haggerty, Miley & President Chan

NOES: None

EXCUSED: Supervisor Valle



President of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors,

By: R. Bailey
Deputy Clerk

APPROVED AS TO FORM:

DONNA R. ZIEGLER, COUNTY COUNSEL

By: K. Scott Dickey
Assistant County Counsel

Introduced by Senator Mitchell

January 18, 2019

An act relating to criminal fees.

LEGISLATIVE COUNSEL'S DIGEST

SB 144, as introduced, Mitchell. Fees: criminal administrative fees.

Existing law imposes various fees contingent upon a criminal arrest, prosecution, or conviction for the cost of administering the criminal justice system, including administering probation and diversion programs, collecting restitution orders, processing arrests and citations, administering drug testing, incarcerating inmates, facilitating medical visits, and sealing or expunging criminal records.

This bill would state the intent of the Legislature to enact legislation to eliminate the range of administrative fees that agencies and courts are authorized to impose to fund elements of the criminal legal system, and to eliminate all outstanding debt incurred as a result of the imposition of administrative fees.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) State law authorizes counties to charge criminal
- 4 administrative fees. These financial exactions are imposed in
- 5 addition, in many cases, to serving time in prison, and are intended
- 6 to generate revenue for public programs and to fund their
- 7 operations.

1 (b) Administrative fees, penalty assessments, and surcharges
2 are extraordinarily burdensome. Individuals exiting the criminal
3 justice system are often charged dozens of administrative fees and
4 surcharges, totaling thousands of dollars per person. In Los Angeles
5 County, for example, someone with a 3-year term of probation
6 accumulates over \$5,500 in probation fees alone.

7 (c) These fees are charged to people who have already paid their
8 debt to society and serve no formal punitive function, and are often
9 assigned to people who simply cannot afford to pay them.

10 (d) This practice often pushes families into poverty and can trap
11 them in a cycle of debt. They serve as a perpetual punishment by
12 pushing vulnerable families further into economic insecurity and
13 peril, as well as increased mental stress, with low-income people
14 and people of color often hit the hardest. Additionally, a national
15 survey of formerly incarcerated people found that families often
16 bear the burden of fees, and that 83 percent of the people
17 responsible for paying these costs are women.

18 (e) Due to overpolicing and systemic racial bias, these fees are
19 disproportionately imposed on communities of color and are
20 especially harmful for Black and Latinx people, who are
21 overrepresented in the criminal legal system across the state.
22 Despite making up only 7 percent of the state population, Black
23 people make up 23 percent of the probation population and are
24 also grossly overrepresented in felony and misdemeanor arrests.
25 Moreover, close to half of Black and Latinx households in
26 California live on the brink of poverty as they struggle to put food
27 on the table and pay for housing.

28 (f) The vast majority of people exiting jail or prison are
29 unemployed, have unstable housing, have no steady source of
30 income, and find work difficult or nearly impossible to obtain after
31 release. Approximately 80 percent of individuals in jail are
32 indigent. Yet, after someone has already served their time, they
33 frequently receive a bill for a long list of fines and fees to pay for
34 probation, fingerprinting, and mandated user fees. According to a
35 report by the Ella Baker Center for Human Rights, the average
36 debt incurred for court-related fines and fees of over 700 people
37 surveyed was \$13,607, nearly equal to the annual income for
38 respondents in the survey.

39 (g) Criminal fees also undermine public safety. The goal of a
40 successful postincarceration period is to reintegrate into the

1 community, yet these fees create significant barriers to successful
2 reentry. These financial burdens frequently hit individuals at the
3 precise moment they are trying to turn their lives around. The
4 nonpayment of criminal fees can lead to wage garnishment, bank
5 account levies, tax refund intercepts, driver's and professional
6 license suspensions, negative credit scores, and even incarceration
7 or deportation. These consequences can, in turn, limit access to
8 employment, housing, education, and public benefits, which creates
9 additional barriers to successful reentry. Research also shows that
10 the fees can push individuals into underground economies and can
11 result in individuals turning to criminal activity or predatory
12 lending to pay their debts.

13 (h) Criminal fees are also an inefficient source of government
14 revenue. Research shows that the fees are expensive and difficult
15 to collect. For instance, in one year, Alameda County Central
16 Collections spent approximately \$1.6 million toward collection of
17 adult fines, fees and restitution for all cases, resulting in a net loss
18 of \$1.3 million. Similarly, a study of comparable juvenile
19 administrative fees found that counties typically netted very little
20 or even lost revenue after accounting for collections costs.

21 (i) Momentum to end criminal fees is growing in the state and
22 individual counties have begun to recognize that these fees are
23 "high pain, low gain," and are taking steps to eliminate them. In
24 May 2018, San Francisco eliminated all criminal administrative
25 fees under its control, freeing over 21,000 people of more than
26 \$32,000,000 in outstanding criminal administrative fees and
27 surcharges. Additionally, in December of 2018, the Alameda
28 County Board of Supervisors voted to eliminate a host of
29 county-imposed criminal fees. The board voted to eliminate
30 \$26,000,000 in fees for tens of thousands of Alameda County
31 residents. In 2017, the County of Los Angeles eliminated its public
32 defender registration fee.

33 (j) With the passage of Senate Bill 190 in 2017 and other
34 important criminal justice reform bills, California is a national
35 leader in criminal justice reform. In order to live up to our
36 progressive values of fairness, equity, and opportunity for all, the
37 Legislature should continue its work on criminal justice reform
38 and take all measures necessary to ensure all California families
39 have a chance to achieve economic stability and are treated fairly.

1 SEC. 2. It is the intent of the Legislature to enact legislation
2 to eliminate the range of administrative fees that agencies and
3 courts are authorized to impose to fund elements of the criminal
4 legal system, and to eliminate all outstanding debt incurred as a
5 result of the imposition of administrative fees.

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