

September 16, 2019

Contra Costa County Board of Supervisors  
651 Pine Street  
Martinez, CA 94553

Re: Moratorium on Criminal Justice Fees (Item D.4, Board Agenda 9/17/19)

Dear Members of the Board of Supervisors:

We the undersigned write in support of the proposed moratorium on the assessment and collection of criminal justice administrative fees currently imposed by Contra Costa County; this moratorium is to be considered at the Board of Supervisors' meeting on Tuesday, September 17, 2019. We support this moratorium and call on the Supervisors to end this practice.

As you know, under California state law counties are permitted, but not mandated, to impose certain administrative fees on justice-involved people. Administrative fees, which are different from fines and restitution, include fees for supervision, investigation reports, drug tests, electronic monitoring, participation in work alternative programs, and even for representation by the Public Defender's Office (all of whose clients are considered indigent).

For people with limited resources, these fees can have substantial, long-term and counter-productive impacts: People may be denied release from probation until all fees have been paid; their paychecks may be garnished or tax refunds intercepted for decades; they may be subjected to harsh and unreasonable demands by for-profit debt collectors hired to compel payment; and such fees may render them ineligible to clear their records as permitted by law.

A growing body of research demonstrates that such fees inflict high pain for low gain: They impose significant and disproportionate financial hardships on low-income people and people of color and on their families while adding minimal revenue to county coffers.

A statistical analysis of national and state-level court data conducted by researchers at the University of Washington found that "if the policy goal is to improve the lives of victims, recoup state expenditures, and reduce crime...the imposition of monetary sanctions is very likely a policy failure."<sup>1</sup>

The United States Council of Economic Advisers found that "fines and fees are regressive payments that disproportionately impact the poor,"<sup>2</sup> while the Brookings Institute has found that "the fact that monetary sanctions from the criminal justice system result in a substantial number of reincarcerations suggests these penalties are generating important costs to society ranging from the most direct (increasing corrections costs) to those that are broader (e.g., interrupting careers and housing, disrupting families, and harming job prospects)."<sup>3</sup>

<sup>1</sup> Harris, A., Evans, H., & Beckett, K. (2010). "Drawing Blood from Stones: Legal Debt and Social Inequality in the Contemporary United States." *American Journal of Psychology*, 115, 1753-99.

<sup>2</sup> US Council of Economic Advisers. (12/2015). "Fines, Fees, and Bail: Payments in the Criminal Justice System that Disproportionately Impact the Poor." *Issue Brief*, Office of the President of the United States

<sup>3</sup> Liu, P., Nunn, R., & Sambhugh, J. (2019). "Nine Facts about Monetary Sanctions in the Criminal Justice System." *The Hamilton Project*. Brookings Institute.

Further, the burden of paying these fees disproportionately falls on women, with one study finding that of the family members primarily responsible for these costs, 83% were women.<sup>4</sup>

With increasing attention to the unintended, detrimental, and lasting consequences of money-based justice systems, counties across the country are now seizing the opportunity to reconsider and reform such past practices. The decision to suspend both new fees and the collection of fee-related debt would be a major stride towards a more just and equitable Contra Costa County, and we urge you to vote for this moratorium.

Respectfully,

Contra Costa Public Defenders Association

Central Labor Council of Contra Costa County

SEIU 1021

Lift Up Contra Costa

Contra Costa County Racial Justice Coalition

Contra Costa Immigrant Rights Alliance

BWOPA Richmond/Contra Costa Chapter

Safe Return Project

Monument Impact

ACCE

Immigration Institute of the Bay Area

Organizing for Action – Contra Costa

SURJ (Showing Up for Racial Justice) Contra Costa County

Douglas Leich, Racial Justice Working Group of Multi-faith ACTION Coalition

Ensuring Opportunity Campaign

Asian Americans Advancing Justice – Asian Law Caucus

Reentry Solutions Group  
California Nurses Association

<sup>4</sup> deVuono-powell, S., Schweidler, C., Walters, A., and Zohrabi, A. (2015). "Who Pays? The True Cost of Incarceration on Families." Ella Baker Center.