

SUPERIOR COURT OF CALIFORNIA
 COUNTY OF LOS ANGELES
 PROBATION OFFICER'S REPORT

THE PEOPLE OF THE STATE OF CALIFORNIA
 COUNTY OF LOS ANGELES
 SUPERIOR COURT OF CALIFORNIA
 COUNTY OF LOS ANGELES

VS.
 CLAREMONT POLICE DEPT.
 SURETY COMPANY

PAGE NO. _____
 CURRENT DATE _____

COMPLIANCE OFFICER'S REPORT
 CASE FILED ON _____
 OFFENSE(S) _____
 COMMITTED ON OR ABOUT _____
 NEXT SCHEDULED EVENT: _____
 DATE _____
 TIME _____
 AM/PM _____

NOTICE TO DEFENDANT: As part of your sentence, you are ordered to satisfy the following conditions. Failure to comply will result in one or more of the following:
 Issuance of a bench warrant, revocation of probation, civil assessment and/or collection agency.

CT 2 23152(B) VC

ON 02/06/17 AT 830 AM

CASE CALLED FOR ARRAIGNMENT AND PLEA IN EAST DISTRICT DEPT EAF

THE DEFENDANT IS CALLED FOR ARRAIGNMENT AND PLEA WITHOUT SUFFICIENT EXCUSE AND NOT REPRESENT

COURT ORDERS: NO BAIL BENCH WARRANT TO ISSUE

NEXT SCHEDULED EVENT: BENCH WARRANT TO ISSUE

HEARING: _____

IS ON CALENDAR FOR PROGR...

CLEARANCE: _____

CHECK WITH THE CALIFORNIA BUREAU OF CRIMINAL IDENTIFICATION TO ISSUE WARRANT TO ISSUE FORTHWITH.

INVESTIGATOR'S CASE INDICATES: _____

ARRESTED: _____

PROBATION OFFICER'S REPORT: _____

VIOLATION OF \$3,169.00 IS BROKEN DOWN AS FOLLOWS:

DESCRIPTION	AMOUNT DUE	PAID	BALANCE DUE
LAB/LABSVCS \$50 (included base fine)	\$50.00	\$50.00	\$0.00
BASE FINE (subj to PA + CRIMSUR) MISD 18.5	\$320.00	\$320.00	\$0.00
RESTCONDIT (Upon condition revoc & term)	\$150.00	\$150.00	\$0.00
RESTPROB	\$150.00	\$150.00	\$0.00
RESTITUTION FINE	\$33.00	\$33.00	\$0.00
VIO / LABFUND \$33	\$33.00	\$33.00	\$0.00
PRIOR \$10	\$1.00	\$1.00	\$0.00
INC / TSGEN	\$1.00	\$1.00	\$0.00
TSFEEL (Infr. only)	\$1.00	\$1.00	\$0.00
TRFDMV \$15 (Infraction only)	\$1.00	\$1.00	\$0.00
WRNT \$10 (Infr. only)	\$1.00	\$1.00	\$0.00
COR \$10+ (Infr. only)	\$1.00	\$1.00	\$0.00
ICNACOR \$15/\$25	\$1.00	\$1.00	\$0.00
ICNAINF \$35 (per infr. count with conviction)	\$30.00	\$30.00	\$0.00
ICNAMIS \$30 (per mis/ fel count w/ conviction)	\$30.00	\$30.00	\$0.00
SEC FEE \$40 (per convicted count)	\$40.00	\$40.00	\$0.00
INSTEEL \$30	\$30.00	\$30.00	\$0.00
CITEPROC \$10	\$10.00	\$10.00	\$0.00
ADS REEN \$25	\$25.00	\$25.00	\$0.00

Total Credit Days 0 Violation Date 01/01/19

Convicted Counts 1 Conviction Date 10/18/19

☒ Serve or Perform: 3 Days ☐ Jail ☒ Community Labor

In Lieu of Base Fine Less Credits: \$390.00 AND Pay Fee Balance of: \$318.00

Items in bold text are ordered by the court. Items in regular text are assessed by operation of law by the J.A./Clerk's Office. See reverse side for instructions and information.

Payment Due: \$318.00 ☐ Forthwith or by ☒ 8:30 AM on ☒ Clerk's Office ☐ Dept

POE ☐ 8:30 AM on ☐ Clerk's Office ☐ Dept

☐ 8:30 AM on ☐ Clerk's Office ☐ Dept

TOTAL BALANCE DUE \$1,947.00

Cash Bail Applied \$0.00 % Credits Alternative Rate Per (Jail) Day (Defaults to min \$125.00)

Bail Refund Due \$0.00 \$125.00

COSTS of INJUSTICE

How Criminal System Fees Are Hurting Los Angeles County Families

CONTRIBUTORS

Sandra Blanco, Lupita Carballo, Manuel Galindo, Donna Harati,
David Henschel, Gilbert Johnson, Milinda Kakani, Kim McGill, Kent Mendoza,
Anthony Robles, Phal Sok, Dayvon Williams, and Adrienna Wong.

SPECIAL THANKS

Jhumpa Bhattacharya, Stephanie Campos-Bui, Angelique Evans,
Tara Gamboa-Eastman, Aila Ferguson, and Devon Porter.

DESIGN

Jenna Pittaway and Stina Va

PHOTOS

Page 6: J. Emilio Flores / Cal State LA
Page 26: Youth Justice Coalition
All other photos by Devon Porter

Published November 2019



EXECUTIVE SUMMARY

Los Angeles County has a responsibility to ensure that all its community members, whether rich or poor, receive equal justice and a fair chance to succeed. However, by using the criminal system to extract fees and fines from low-income communities of color, the county is doing the opposite.

Los Angeles County’s assessment and collection of criminal system fees and fines is linked to America’s long history of punishing poverty and exploiting the poor under the guise of justice. The policies of extracting fees and fines from county residents, along with detaining people who can’t pay bail and incarcerating or extending the probation of those who fail to pay “on time,” are rooted in past systems that have trapped people in detention, debt, and unpaid labor due to an inability to pay for freedom: debtors’ prisons, workhouses, and convict labor.

This report documents how criminal system fees and fines can extract thousands of dollars from a single person for a single case. Drawing from firsthand accounts of individuals who have struggled to survive through and break free from this system, in addition to data from the very agencies that seek to collect the funds, this report describes how Los Angeles County pushes people into the criminal system, traps them there for far longer than their stated sentence, undermines the successful re-entry of people returning home from jails and prison, and damages the economic security of entire families and communities.

Most important, this report urges the Los Angeles County Board of Supervisors to end its counterproductive and regressive fees policy and push the state to end its practice of collecting fees and fines. Instead, the county should invest in the shared prosperity and promise of all residents.

KEY FINDINGS

Los Angeles County imposes criminal system fees amounting to thousands of dollars on our most economically vulnerable community members.

Though state law does not require it to do so, the county charges a variety of administrative fees through the criminal system to generate revenue. Simultaneously, state courts charge exorbitant fees and fines. The people who pay these burdensome fees are predominantly Black and Latinx families struggling to meet their basic needs, due to racism and socioeconomic discrimination in policing and the criminal system.

Criminal system fees harm Los Angeles County families and public safety in significant ways.

County-imposed fees force people to choose between fees payments and necessities like rent, groceries, transportation, and medical care. They cause compounding debt, housing instability, loss of employment and educational opportunities, and negative health consequences for thousands of county families. Fees push people into poverty and into the underground economy, and can lead to incarceration or extended probation supervision if the fees aren’t paid, all of which decrease the likelihood of successful re-entry and increase the risk of further criminal system contact.

Collecting criminal system fees is not worth the cost.

The county collects a minimal amount — less than 4% — of the fees it assesses, because people cannot afford to pay. The county spends millions to collect that amount, in addition to using unmeasured criminal and legal system resources to enforce payment. Imposing fees also results in social costs that threaten overall economic wellbeing in the county.

RECOMMENDATIONS

- 1

Immediately eliminate all criminal system fees under county control, end their collection, and discharge previously assessed fees.
- 2

Reinvest savings from reduced collections and criminal and legal system costs into community services, including free options for diversion, court-ordered programs, and re-entry support.
- 3

Establish effective oversight of all criminal system program providers and referral agencies operating within the county to prevent them from exploiting families.
- 4

Support state legislative efforts to minimize criminal system fees.
- 5

Change policies and practices that lead to excessive pretrial time in detention, forcing plea deals that impose burdensome fees.

STORY | ANTHONY ROBLES



Growing up, I saw my family struggle financially.

Despite both of my parents working full-time jobs, it was still only enough to get by paycheck to paycheck. Things got worse when my father was deported. Soon after that, we were evicted and left homeless moving from one roach-infested motel to another every week. Shortly after we were evicted, my brother, who was in a college-bound school program and an avid basketball player, was arrested and sentenced to Probation Camp at 16 years old. Luckily, my grandmother took us in and let us live with her for a year until my mom got back on her feet.

Years later, as a teenager living on a block that had a heavy police presence and a lack of resources and opportunities, I found myself getting constantly stopped by police, patted down and searched, wrongfully put on a gang database, and arrested multiple times. I eventually ended up with a felony conviction in 2014 and spent time in the L.A. County Jail. When I was assigned a public defender, I was handed a piece of paper and told to sign it by the attorney who was going to represent me. They told me that I had to pay \$50 to register for their services and that if I didn't have the money now that I could pay within 15 days. I was shocked because I had always thought public defenders were free because the US Constitution guarantees counsel for the accused no matter one's income. This immediately made me distrustful of my public defender and exacerbated my preconceived notion that public defenders were incompetent and did not care for their clients — something that I now know couldn't be further from the truth. My distrust led to me arguing with my counsel because I thought they didn't have my best interests in mind. Looking back, this very well might have undermined effective representation on my behalf.

I didn't pay the fee on time, and the private collection agency that L.A. County contracts with — GC Services — sent me a letter saying that I was delinquent and that I owed them \$50. This added stress to an already incredibly stressful time in my life. After my case was

settled, I received numerous phone calls from GC Services reminding me that I owed them money. I eventually paid it off, but not before experiencing the extra emotional and financial strain during a hard time in my life. Fortunately, L.A. County has repealed the public defender registration fee, but it has *not* repealed collection of other court-appointed counsel fees, which can add up to hundreds or even thousands of dollars.

After I was released, I was on probation for three years. When I went to check in with my probation officer ("PO"), I was in for another shock. My PO told me that I would have to pay \$4,000 before my probation term was up and that the minimum monthly payment was \$50. I could not believe that I had to pay for my own probation supervision — a program that didn't help me find a job or get into school. I had just gotten out of jail with a felony on my record and had no money to my name. My old job would not take me back because of my record and I couldn't find any stable employment. I was lucky if I found a job assignment for a whole week. I went back to community college and kept striving toward my goal of transferring to a four-year and obtaining my bachelor's degree.

I did not — could not — make a payment to probation for an entire year. Although I did not have any police contact and checked in with my PO on time every month, probation sent me a letter saying that if I didn't make a payment within two weeks, I would have a probation hearing in court, where I could possibly be found to have violated the terms of my probation and thrown back into jail.

This was a particularly rough time for my family as we had recently been forced out of our home because the owner sold it. We were back at my grandma's again — bless her soul for taking us in twice. There were three people living in a 500-sq.-ft., affordable housing apartment for low-income senior citizens. My living space was in a corner of the living room and all I had was a rollout bed and a small dresser. Even in these circumstances, the Probation Department demanded I pay them \$50 every month for services they didn't even provide to support me and threatened to violate my probation if I did not.

I visited my PO and told her that I was in school and relying on general relief benefits and that I could not afford the payments. She told me that I could receive a financial evaluation if I brought in all my proof of income. When I came in for the evaluation, I was not receiving financial aid because I had taken too many units for community college so all I was receiving was \$220 in food stamps and about \$200 cash a month from general relief. The only reason I was surviving at the time was because my grandma was letting me live there for free. But somehow Probation calculated that I had the ability to pay half of the original fee — \$2,000 total, \$25 minimum monthly payment.

By good fortune, shortly after that evaluation, I found employment through my brother's employer and was able to make the payments until my probation was terminated. Nonetheless, if I had not had tremendous and amazing support from my family, I most likely would have been in violation and sent back to jail for not being able to pay. Probation never offered bus passes, access to computers, or life counseling. It was my struggling family who provided that support.

Sadly, every day thousands of Californians face this hapless situation and do not have the support I did.

Los Angeles County is the largest and richest county in the nation and boasts one of the largest economies in the entire world, but it is also home to the largest jail system and probation department, making it an epicenter of mass incarceration that entraps far too many people, especially low-income people and people of color. Let us have a fair chance by eliminating fees, fines, penalties, and assessments and allow us to enjoy all the great things Los Angeles County has to offer, not just its criminal system.

Anthony Robles is a member of the Youth Justice Coalition.

LET’S GET FREE LA



Let’s Get Free LA is a coalition fighting for economic and racial justice for system-impacted people and families in Los Angeles County. The coalition is led by people who have experienced county jails, courts, and probation, as well as several organizations: A New Way of Life Reentry Project, the ACLU of Southern California, Anti-Recidivism Coalition, Community Coalition, Homeboy Industries, National Lawyers Guild-LA, Public Counsel, and Youth Justice Coalition.

In 2009, the Youth Justice Coalition (YJC) published *Getting Paid*, a report about the impact of system fees on youth and their families. That same year, YJC successfully pushed the Los Angeles County Board of Supervisors to stop charging juvenile system fees. In 2017, members of the Let’s Get Free LA coalition successfully advocated for county repeal of public defender registration fees. Building on this victory, in 2018, YJC and the Western Center on Law and Poverty sponsored and pushed the California Legislature to pass SB 190 (authored by state Sen. Holly Mitchell), which ended the assessment of juvenile system fees statewide.

Above: The Youth Justice Coalition hosts panels and legal clinics for community members impacted by fines and fees.

In October 2018, members of Let’s Get Free LA came together and successfully urged the Board of Supervisors to discharge \$90 million in outstanding juvenile fees and to order county agencies to report back information about adult probation fees. That board action resulted in the Los Angeles County Probation Department producing a preliminary summary of the criminal system fees it collects. That same month, Let’s Get Free LA hosted a legal clinic and regional convening of advocates, organizers, and impacted people to discuss the effects of criminal fees and fines in their communities. Some of the stories included in this report were shared at that convening.

In April 2019, the Board of Supervisors passed a motion directing the Chief Executive Office in consultation with the Probation Department, the Auditor-Controller, County Counsel, the Treasurer Tax Collector, the Public Defender’s Office, the Alternate Public Defender’s Office, the District Attorney’s Office, the Sheriff’s Department, the courts, and community stakeholders, including those with direct system experience, to produce a detailed report on the fines, fees, and penalties levied against adults in the criminal system.

METHODOLOGY & OBSTACLES

The findings in this paper are rooted in the firsthand accounts of people experiencing system fees and fines, which Let’s Get Free LA organizations gathered from their members and clients. In addition to direct outreach, the coalition utilized surveys that invited responses from individuals affected by criminal system fees. The coalition also interviewed individuals who attended YJC’s participatory defense legal clinic to collect their experiences, analyses, and evidence of system billing and collections.

Additionally, the coalition reviewed publicly available court records, policies, and forms used by program providers and referral agencies, as well as state and national research reports that included Los Angeles County. The coalition also analyzed responses to several sets of public records act requests submitted to Los Angeles County and the Los Angeles County Superior Court by the ACLU Foundation of Southern California; the UC Berkeley School of Law’s Policy Advocacy Clinic; and the Western Center on Law and Poverty.

Those requests sought various records regarding the assessment and collection of fees from adults in the criminal legal system in Los Angeles County.

The L.A. County Sheriff’s Department responded to Let’s Get Free LA’s request for records relating to fees with the implausible statement: **“We have no responsive records.”**

Throughout this process, the coalition has consistently encountered a lack of transparency and difficulty accessing relevant information. The California Legislative Analyst’s Office has observed that on a statewide level, there is a “lack of complete and accurate data on fine and fee collections and distribution.”

This is certainly the case in Los Angeles County.

Los Angeles was one of only a few counties in California, for example, that failed to provide a fee schedule in response to the UC Berkeley Policy Advocacy Clinic’s records requests. The L.A. County Sheriff’s Department responded to Let’s Get Free LA’s request for records relating to fees with the implausible statement: “We have no responsive records.”

Read *Getting Paid* online:

<https://youthjusticela.org/wp-content/uploads/2012/12/Getting-PaidReportYJC.pdf>



THE IMPACT OF CRIMINAL SYSTEM FEES ON FAMILIES

What System Fees Does Los Angeles County Impose?

Under California law, people facing criminal charges can be assessed a wide variety of criminal fees, fines, and assessments.¹ Some of those are administrative fees that counties have discretion to impose or not impose. Every day, Angelenos face bills for a multitude of administrative fees attached to every stage of the criminal system: public defender fees, probation supervision fees, fees for mandatory drug tests, and electronic monitoring. When people can’t afford to pay off all their fees immediately, they are billed for even more: installment account fees, collection fees, interest, then assessments for “failure to pay.”

Some counties, like San Francisco and Alameda, have already stopped collecting fees that are under county control.² Los Angeles County, however, continues to charge many fees that it has discretion to eliminate. (See Figure 1).³ These county-authorized fees by themselves can add up to thousands of dollars.

Among the counties that choose to impose administrative fees, Los Angeles’s fees are some of the highest in the state.⁴ For example, Los Angeles County charges between \$696 and \$796 for a pre-sentence investigation report. For the same kind of report, Contra Costa County imposes a \$176 fee. Los Angeles County charges roughly \$155 a month in probation supervision fees, compared to Santa Barbara County’s fees of about \$90 a month.

FEE	COST
Probation Supervision	\$155/month (~\$5500 for 3-year term)
Pre-Sentence Investigation Report	\$769 per report
Representation by Counsel	\$305-\$2399
Probation Collection Installment	\$50
Restitution Collection	Up to 15% of restitution fine
Restitution Fine Service Charge	Up to 10% of restitution fine
Alcohol Testing	\$50
Emergency Medical Services Assessment	\$2 for every \$10 of penalties, fines or forfeitures

Figure 1:
Administrative Fees L.A. County Chooses to Impose

In addition to paying the fees that Los Angeles County directly imposes, people must pay fees to private agencies to complete programs and labor required by the court, probation, or diversion agreements. Fees for such programs vary widely across the county. Initial enrollment fees range from \$35 to hundreds of dollars. On top of enrollment fees, referral agencies and program providers impose various fees for services and items such as courses, time-sheets, and certificates of completion.

These fees are imposed on top of the monetary sanctions the state of California imposes: fines, penalty assessments, and restitution. By choosing to assess administrative fees, Los Angeles County piles on to what is for most people already a crushing, unpayable amount of criminal system debt.

Who Pays?

Los Angeles County imposes criminal administrative fees on people already struggling to meet their basic needs. The vast majority of people that the county burdens with such fees are represented by court-appointed counsel⁵ and are therefore presumed to be indigent under the law.⁶ National studies indicate that fees are primarily charged to people who are poor; two-thirds of people on probation make less than \$20,000 a year and nearly 2 in 5 make less than \$10,000 a year.⁷ Research from the University of California, Los Angeles shows that 43% of people arrested by the Los Angeles Police Department are unemployed even before their lives are disrupted by court hearings, a conviction, or incarceration.⁸ Los Angeles County residents facing the aftermath of a conviction struggle to secure housing, provide for their families, and find employment.⁹ Yet it is at this most vulnerable time that the county bills them for the criminal fees it has chosen to impose.

Two-thirds of people on probation make less than \$20,000 a year.

Nearly 2 in 5 make less than \$10,000 a year.

TYPES OF PROGRAM FEES IN L.A. COUNTY

Diversion Fees People accused of minor offenses can sometimes avoid criminal charges if they complete a diversion program. Private diversion program providers charge fees that may amount to hundreds of dollars. Some legal advocates told us about clients who could have avoided further criminal system involvement who were forced back into criminal proceedings because they could not afford diversion program fees.

Community Service / Labor Fees People are sometimes given the option of doing community service or labor instead of jail or fines, particularly when they cannot afford to pay fines.⁴⁸ But ironically, community service and labor agencies require people to pay fees in order to complete court-approved labor.⁴⁹

Program Fees Courts often require people to take classes or complete other programs as part of their sentence, or as a condition of probation (e.g. DUI programs, domestic violence programs, anger management programs). These programs are offered by private providers who may charge hundreds of dollars in fees for participation.

Monitoring Fees Courts also order people to submit to conditions of release or probation — such as drug and alcohol testing, HIV/AIDS testing, GPS ankle bracelet monitoring, and ignition interlock devices — that require people to pay fees to private companies.

STORY |

D.B. *and* S.H.

D.B. is 23 years old. He owes **over \$3,000** in criminal system fees (in addition to thousands of dollars in victim restitution). The weight of the fees he owes Los Angeles County keeps D.B. up at night with worry. But D.B. can’t afford to pay the fees. He can barely afford to eat right now. He has had trouble finding work because of his record. He found a job at Ross Dress for Less but was never brought on board following a background check. D.B. has decided to focus on school for now, but it is difficult for him to focus on his studies because he is constantly stressed about scraping together enough money to cover food and other basic necessities.

Criminal system fees harm not only the people who owe the fees, but also their families and communities. When individuals are unable to pay, many turn to family members for help. A national survey found that family members paid criminal system fees and fines in 63% of cases; 83% of the people responsible for paying were women.¹⁰ One in five families took out loans to make payments.¹¹ Criminal system fees force entire families to choose between payments and necessities like rent, groceries, diapers, and health care. The county extracts fees from people and their family members who have already paid taxes for government agencies’ operations — in other words, people impacted by the system are taxed twice.¹²

Criminal system fees are particularly harmful to communities of color in Los Angeles County and they disproportionately hurt Black families. Seventy-five percent of adults on probation in Los Angeles County are Black or Latinx.¹³ Due to over-policing and bias in the system, Black Angelenos account for roughly 9% of the total population but

S.H. had been in foster care for five years before her arrest. She was a survivor of sexual exploitation and the mother of a 2-year-old daughter. She was dealing with the fact that her daughter was going to be entering foster care and repeating the cycle S.H. had lived through. In facing that reality, S.H. wanted to give her daughter everything she could, despite being entirely disconnected from support, resources, and a community. S.H. stole clothes from a children’s clothing store and was arrested and convicted of theft. S.H. left the courtroom at the age of 18, without a high school diploma, without an income, without a family to turn to — facing \$111 in assessments and fines, \$300 in restitution, and three years of Los Angeles County probation supervision fees (adding up to **about \$5,000**). S.H. cannot pay any portion of that amount. Her life is about figuring out where she will sleep tonight and where her next meal will come from.

28% of people on probation and 30% of people in jail.¹⁴ The rate of criminal system involvement is disproportionately high for Black families with children.¹⁵ Forty-five percent of Black households and 55% of Latinx households in Los Angeles County struggle to keep a roof over their heads and pay their bills.¹⁶ This means that the burden of fees is not only racially inequitable but also falls disproportionately on lower-income families. By assessing criminal administrative fees, Los Angeles County becomes a driver of inequality, stripping resources from communities of color and exacerbating the racial wealth gap.¹⁷

What Are the Harms that Los Angeles County Causes to Families by Imposing System Fees?

Because Los Angeles County’s most economically vulnerable families carry the weight of criminal system debt, the bulk of the fees imposed by Los Angeles County goes unpaid. Still, families routinely undertake extraordinary efforts to scrape together whatever payments they can. According to system-impacted people, community organizers, and legal advocates, common methods include taking out predatory payday loans, turning over yearly tax refunds, borrowing money from family and friends, recycling for cash, postponing medical care, and even donating plasma for money. Efforts to prioritize system payments also entrench people in further debt with other lenders, leading to increased interest on loans and loss of vehicles or housing due to failure to make monthly loan or lease payments. All of this compromises the health and economic security of Los Angeles families and robs future generations of wealth and security.

Furthermore, debt adversely impacts housing, employment, earning capacity, and investments in child care or higher education, harming rehabilitation and contributing to recidivism. Debt imposed by the criminal system lowers people’s credit scores, impeding their ability to obtain rental housing or loans for homes, cars, and higher education. Employment is one of the most important tools for preventing recidivism.¹⁸ But outstanding fees show up on employment credit checks, obstructing access to jobs for the very applicants who need work the most.¹⁹

Once assessed, administrative fees can become a civil judgment subject to tax refund intercept and wage garnishment. System fees thus trigger aggressive and threatening debt collection actions that compound stress and trauma for individuals and their families. Paycheck garnishments caused by criminal system fees cause stress to employees and employers alike, often leading to problems finding or keeping work.²⁰ Under duress, people are sometimes forced to turn to the underground economy to manage the financial pressure of fees.²¹ Research also shows that unpaid debt causes significant physical and mental health problems and strains family and other relationships that are important for a healthy, pain-free life.²²

STORY |

SANDRA BLANCO

Sandra Blanco is a native of South Central Los Angeles and a member of the Community Coalition. She is the mother of four children (three with autism) and is currently unemployed. She was first put on probation in 2011 for a small identity theft charge (\$2,000), yet spent several days in jail, was required to serve 480 hours of community service and given three years probation. Due to economic hardships, lack of family support, and emotional stress, she began using drugs and was charged in a minor substance abuse case. That

violated her probation, causing her to spend 44 days in jail and extending her probation sentence for an additional five years. She was released under AB 109 and though she has only worked part-time babysitting, she has paid a little over **\$3,500** towards her restitution and probation fees. She still owes roughly **\$3,500** towards the rest of her debt (probation and court fees). These fines and fees have created a tremendous burden for her and her family and she believes they need to be abolished!

STORY |

C.L. and L.P.

C.L. was convicted of prostitution-related charges while experiencing homelessness and trying to provide for her family. Although her convictions have now been expunged, the outstanding criminal fees are now in collections and negatively affecting her credit score. C.L. has been unable to get approval for a car loan or apartment application because of her low credit score. She has three children, ages 12, 10, and 7 months. As C.L. says, the impact of these fees on her credit score is making it “hard to live.”

Although C.L.’s convictions have now been expunged, the outstanding criminal fees are now in collections and negatively affecting her credit score.

L.P. entered the foster care system at the age of 6 because her mother was a sex worker. While the Department of Children and Family Services acted as her parent, L.P. found herself on the street and with a pimp by age 13. At age 22, L.P. was arrested on prostitution charges. According to L.P., “she turned tricks to pay the bills.” These bills included food, clothing, and shelter — but they also included the **\$700 in fees** she needed to pay for the prostitution diversion program associated with her first arrest and the thousands of dollars of system debt associated with the conviction and sentencing for her second arrest. The county’s imposition of fees and fines on young people like L.P. does not curb their sexual exploitation. Instead, it increases the economic pressures on them, obstructing their way out.

The county’s imposition of fees and fines on young people like L.P. does not curb their sexual exploitation. Instead, it increases the economic pressures on them, obstructing their way out.

THE “ABILITY TO PAY”

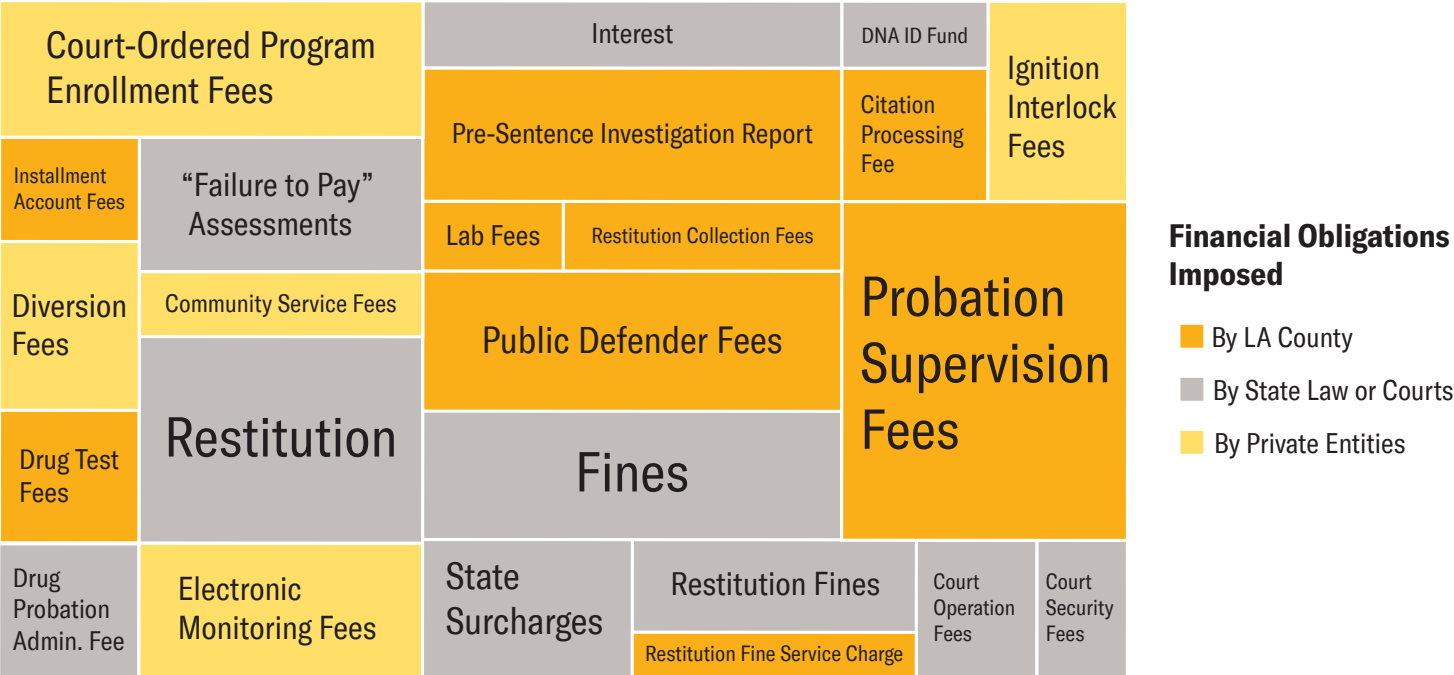
Fewer than half of California laws that authorize the assessment of criminal fines and fees affirmatively permit courts to inquire into a defendant’s ability to pay those fines and fees. Regardless, judges have the authority to waive or stay fines and fees in the interest of justice. And in a recent decision, the California Court of Appeals held that the Constitution requires waiver or stay of fees in cases where someone does not have the ability to pay.²³

However, there is a lack of uniformity in approach to ability to pay proceedings among Los Angeles County Superior Court judges. This means that a defendant in one courtroom could receive a complete waiver of fines and fees, while a similarly situated defendant in a courtroom down the hall could be assessed hundreds of dollars. Some judges require defendants to complete a full financial evaluation with a county financial evaluator before even considering granting a waiver or reducing a defendant’s financial obligations because of an inability to pay. Other judges require counsel to provide an overview of a defendant’s income sources and obligations in open court before entertaining a fee waiver. Some judges simply refuse to make ability to pay findings or grant fee waivers in any situation.

Although the law gives people on probation the right to a hearing to determine their ability to pay fees, probation officers in Los Angeles County often coerce people into waiving this right.

Similarly, state law requires the Probation Department to consider ability to pay in order to assess supervision fees,²⁴ but in too many cases, there is no real consideration of a person’s financial circumstances. Even for people with extremely low income or no income, a waiver rarely happens; at best they receive a slight reduction in fees or a longer payment schedule. According to numerous accounts by impacted individuals, the determination that someone does not have the ability to pay fines and fees typically results in a finding that the person should nonetheless pay a monthly installment amount.²⁵ Although the law gives people on probation the right to a hearing to determine their ability to pay fees, probation officers in Los Angeles County often coerce people into waiving this right. People with no money to spare are therefore forced to turn to desperate measures to scrape together payments on a monthly basis in order to avoid serious consequences. Adding insult to injury, the county imposes on them an additional poverty penalty: an “installment collection fee.” When people are unable to make their payments as ordered, they are punished with further monetary penalties.²⁶

In one case we reviewed, for example, the county’s financial evaluator determined that an individual on probation had the ability to make payments of \$15 a month toward her probation services. A year later, the Probation Department reported an unpaid balance of fees exceeding \$3,000 on that person’s account. On top of the fees for probation services, the county also imposed a collection installment fee, a restitution fine service charge, a court security fee, a court construction fee, and a restitution fine collection charge, among others. The person attempted to make one payment toward her probation fees, but her bank account had insufficient funds. As a result, the county added an additional fee — a “bad check charge” — to her account. The Probation Department then reported to the court that the person was not in compliance with court-ordered obligations.



Program Fees: Unaffordable & Unaccountable

Waivers and reductions of programs fees are not consistently available. Many system-impacted individuals and legal advocates report seeking and failing to obtain waivers of program fees based on inability to pay.²⁷

Even where fee waivers or reductions may be available, program providers impose restrictions or proof of indigency requirements that are too onerous for many people to satisfy. For example, the coalition reviewed policies and forms from one community service center that expressly stated that “clients” must live within a certain geographic area to be eligible for a fee reduction; that they must produce proof that they receive public benefits that do not exceed \$1,000 a month; and even those individuals must still pay a minimum fee of \$20.²⁸

Many people are not able to afford such fees and end up going back to court to explain why they could not complete the work or program as ordered by the judge. Some people even end up in jail as a result.²⁹

In one Los Angeles County case, the court ordered an individual, who worked periodically as a day laborer, to take 52 weeks of classes as a condition of probation. The individual tried for months to identify classes he could afford, to no avail. The Probation Department confirmed that there were no free or waived-fee classes offered near the individual’s home; all court-approved programs required fees that he could not afford to pay. Nevertheless, the Probation Department recommended that the individual’s term of probation be continued for failure to complete court-ordered program requirements. In another case described by a legal advocate, an individual donated to a plasma bank multiple times to save up enough to pay off a DUI program in order to complete the court-ordered terms of his probation.

In another case from YJC’s participatory defense clinic, a young person was ordered to pay \$520 for 52 weeks of anger management classes as part of a plea agreement, after she got into a verbal argument with her boyfriend and was arrested. At the time, she was unemployed, was a part-time student, and lived with her mother and little brother. Nobody ever notified her about the possibility of reducing or waiving the program fees or any of the other fees and fines charged in her case.”

Gilbert is a native of South Central L.A.

He first came into contact with the L.A. County Probation Department at 16, when he was expelled from school for poor grades and possession of marijuana. His grandmother was raising him – she was on a fixed income and the probation fees and check-ins imposed a huge burden on their household.

Eventually, Gilbert was removed from youth probation. He returned to probation at 18, though, after he received a DUI and was charged in a marijuana-sales case. He had to enroll in expensive DUI-related classes and pay thousands of dollars in court, restitution, community service, and adult-probation fees. He did not complete his community service, violating his probation. He ended up back in jail.

His debt continued to pile up. A second DUI and a possession of narcotics charge followed at 21. He served a month in L.A. County jail and had to enroll in an 18-month alcohol program, which cost nearly triple the amount of the first alcohol program. He had to install an ignition interlock device in his vehicle and his probation sentence was lengthened, meaning his fines and fees increased drastically. He also had to take a narcotics class, which cost hundreds of dollars. He was charged in a variety of nonviolent crimes over the next couple years, which landed him back in jail several times and further piled up the amounts of fines and fees.

He had a very hard time finding a living wage and sustainable employment. When he finally did, his checks were garnished and tax refunds taken. Fortunately for Gilbert and his growing family, he was hired by Community Coalition and he is currently leading efforts to eliminate predatory fees and fines.

Gilbert Johnson is Director of Organizing for the Community Coalition.



Los Angeles County dedicates **over \$4 million** to staff probation collection efforts — more than the total probation supervision fees collected.

THE UNDERCOUNTED COSTS OF IMPOSING FEES

System fees are imposed in addition to the fines, labor, and incarceration that the court assigns to a convicted person as punishment. The county assesses fees not to punish, but to generate revenue.³⁰ But fees are an unreliable and painfully regressive source of revenue. The vast majority of people who owe fees simply cannot afford to pay them.

The Probation Department reported a collection rate of **only 3.8%**.

As a result, collection rates are low. The Probation Department’s January 2019 report to the Board of Supervisors reported single digit collection rates for nearly all county-imposed fees. Overall, the Probation Department reported a collection rate of only 3.8%.

The costs of assessing and collecting fees greatly outweigh the value of the revenue the county can collect.³¹ The detrimental impacts of fees also result in costs to the county. Fees cause harm to public health, safety, and economic stability, putting pressure on county resources and resulting in increased legal and criminal system expenses. The county does not appear to track these costs, and they are harder to quantify, but that does not make them any less real.³²

Collection Costs

According to responses to public records requests, Los Angeles County dedicates over \$4 million to staff probation collection efforts; more than the total probation supervision fees collected and more than a third of all system fees collected.³³ In addition, the Probation Department spends unspecified amounts on mailing notices of amounts due and maintaining a collections call center.³⁴ Finally, the Probation Department expends many unlogged hours of staff time by requiring probation officers to be collections agents. Probation officers spend time monitoring their supervisees’ payments, pressing them to pay their fees and participating in enforcement proceedings (including reporting nonpayment to the court and participating in hearings to extend or revoke probation). All of these resources could be used to provide services to “rebuild lives and provide for healthier and safer communities.”³⁵ Instead, the county uses them to assess fees that destroy lives and undermine public safety.

Criminal & Legal System Costs

Los Angeles County’s policy of collecting fees through the criminal system feeds into a debtors prison-type system that increases the number of people on probation or in jail. Fees set people on the path to more criminal system involvement in several ways, all of which result in significant — but untracked — county costs.

When people fall behind on paying their fees, they often are scheduled for a court hearing. That uses up resources allocated to county public defenders, prosecutors, and the Probation Department, as well as to the court. At the hearing, judges may extend a person’s probation for the purported purpose of giving the person time to demonstrate they can make consistent payments, to pressure them to pay fees, or to punish them for failing to pay fees. Meanwhile, the person continues to accrue more supervision fees and expend probation resources. Extension of probation also increases the likelihood that a person’s probation will be revoked for a technical violation, resulting in incarceration and/or prolonged supervision.

Sometimes, judges revoke probation for failure to pay fees, resulting in incarceration or further probation costs. Probation decisions in this context often result in court appeals that require even more use of county legal system resources.³⁶ Some court clerks and probation officers seek bench warrants for people when they fall behind on payments or when they fail to appear for a fees-related meeting or court date. These warrants lead to arrests that not only deprive people of freedom but result in law enforcement and jail costs.³⁷

Fees also lead to increased criminal system involvement by creating barriers for people post-conviction and increasing the likelihood of recidivism.³⁸ It is already very difficult for people with a conviction to secure housing and employment. Criminal system debt makes this even more difficult by making people ineligible for record-clearing and by damaging people’s credit reports, eliminating opportunities to secure jobs, housing, and commercial leases or loans. Status hearings to enforce fees payments disrupt work schedules, making it hard for people who owe such debt to hold down jobs. Research and anecdotal evidence shows that fees often push people into the underground economy in order to make their payments to the county or court and still make ends meet.³⁹

STORY | DAYVON WILLIAMS

I have been in the system since the age of 3, when I was removed from my parents’ custody and put into the foster care system.

Since then I moved from foster home to foster home and eventually to the street.

My first arrest was for theft. I was stealing, because I was hungry. I was put on juvenile probation for a year. I reported to a Probation office every month, but I was never given any resources for education, employment, or housing. All I remember them saying was that I had to get a library card, go to counseling and pay for probation, or I would get violated and locked up. I was sentenced to one year Probation but my probation time was extended to almost two years, because I didn’t have the money to pay. The Department knew that I was in foster care living with my foster father. They also knew that I have epileptic seizures.

I knew that it was my responsibility to care for myself, and I was getting close to 18. But, Probation and foster care never helped me to find a stable job and a way to pay for education.

After I turned 18, all I had was a small income from SSI due to my disability. I was arrested for burglary. The fact I had been on probation and was slow to pay fees and fines was one of the reasons that my bail was kept to high. So, I couldn’t afford to bail out. When I was first in county jail, I had a seizure. The people in my cell yelled for the sheriffs, but they ignored the calls. When they finally came over and saw me on the floor, they claimed that I was faking and locked me for two weeks in solitary confinement.

For two weeks, 24 hours a day, I had no books, no writing materials, no music, and no human contact except occasionally when deputies brought food. Only two or three days would pass by, and it felt like weeks. I would never know if it was day or night. The room was freezing. It was dirty, and there wasn’t a bed, only a hard concrete seat built into the wall. The room was very small. Immediately, I felt trapped! There was a tiny window in the door that I would peek out of just to see outside of the claustrophobic cell. One day, the guard caught me looking outside the window, and he put paper over it, so I could no longer see anything.

I hadn’t had a shower for the first four days after coming into solitary confinement. I smelled myself and started to feel disgusting. I received a change of clothes only once during my two weeks in solitary confinement. I was ignored like I didn’t even exist. It’s these conditions that force people to take bad deals and accept fees and fines they can’t pay just to get out of jail.

Dayvon Williams is a member of the Youth Justice Coalition.

STORY | DAVID HENSCHEL

In January 2009, I was convicted of a felony charge of forgery.

After receiving credit for three days that I served in the Van Nuys jail, I was sentenced to 90 days of CalTrans work and five years of probation.

I completed the CalTrans sentence in October 2009. I set up a payment plan for the fees and fines I owed. The total amount was approximately \$4,400. That included fees that covered the cost of the three days I spent in the Van Nuys jail. I don’t know what else besides meals could have necessitated those particular fees. I and others who were incarcerated with me during the three days did not go outside during that time. The only other cost that might have been necessary was the cost of one group shower that we took.

According to the payment plan I followed throughout the years 2009 to 2012, I paid \$25 a month. It was obvious that many years would be necessary for that arrangement to approach a total of more than four thousand dollars. During those years of 2009 to 2012, I had a career as a volunteer in phase 1 medical clinical trials at three different medical facilities in Southern California.

In the fall of 2012, after three of the five years of probation had passed, I asked my probation officer exactly how much more time I faced. He replied that the time period of five years was misleading. He said that as soon as I paid the \$4,000-plus amount of fees and fines in full,

my probation would be terminated. I asked what would happen if the five years passed, and I still owed a large balance. The probation officer replied that the outstanding balance would be transferred to a state government office that was based in Sacramento. I would receive bills in the mail from there for many years until my balance was paid in full.

So in the fall of 2012, I decided to use my earnings from phase 1 clinical trials to pay the entire balance of approximately \$4,300.

In 2016, at age 51, I became unable to volunteer for phase 1 clinical trials. I am surviving on a Social Security monthly payment for a disability, and I receive a small financial support from my 83-year-old widowed mother. I am 54 years old without a marketable skill.

This is an appeal for Los Angeles County to stop charging low-income people — including those of us surviving on payments for disabilities — thousands of dollars in fees and fines including the cost of incarceration in a Los Angeles County jail. Fees for confinement to county facilities are absurd because jails don’t provide any rehabilitation services, psychological counseling, job training, or even physical fitness equipment. The financial burden of more than \$4,000 that I covered during an earlier, healthier phase of my life was absurd, and I request that I get it back in full. Other people who have paid exorbitant fees and fines, including the cost of incarceration in facilities where they did nothing but eat and wait for release, should receive refunds in full.

David Henschel came to the Youth Justice Coalition’s participatory defense / legal clinic for help with an expungement and has been organizing since then to end fees and fines in L.A. County.

Social Costs

Los Angeles County’s policy of imposing criminal fees also results in costs to the public safety net and community savings, causing financial insecurity that threatens the county’s overall economic prosperity. Fees force families to pay down system debt with money they could otherwise spend on basic needs, such as housing, food, clothing, auto repair, and medical care. In the words of one legal advocate, the county’s practice of collecting fees from families that receive public assistance “seems silly” because “it takes money from one county pocket to put it in another.” For other families, fees can be the difference between making ends meet and a needy situation or even financial calamity — because they exhaust emergency reserves, force people into high-interest loans, and cause the loss of rental housing, college enrollment, and essential property (such as vehicles) due to prioritization of system payments over other costs.

Taking such considerations into account, a 2016 benefit-cost analysis found that eliminating juvenile fees in Alameda County alone would result in a net financial benefit to society of \$192,000 annually, or more than \$5.5 million in perpetuity (present value), due to state and local administrative savings and in the reduction of labor market harms and wage garnishment.⁴⁰ As Los Angeles County considers the financial impact of eliminating criminal system fees, it must similarly account for community costs and savings in its analysis.

“As the founder of Homeboy Industries, I see firsthand how the justice system’s wanton disregard for the poor impedes the progress of the men and women we work with. Homeboys and homegirls tell me of the excitement and pride they feel at getting a job and earning honest money. A homie once showed me his first earnings and said, ‘Damn, G, this paycheck makes me feel proper!’ But those feelings can be dampened when they see how their wages must be spent on or are garnished for court fines and fees. Most of these men and women are earning minimum wage or less, and losing this income means making impossible choices between putting food on the table, paying monthly bills or paying rent.”

— Father Greg Boyle

*“Court fees punish the poor for being poor. California, stop criminalizing poverty,”
Sacramento Bee (June 26, 2017)*



Left to right: Manuel Galindo, Policy Advocate, A New Way of Life; Angelique Evans, Policy Fellow, A New Way of Life; Daurus Cyprian, Senior Organizer, All of Us or None.

“ I want to move forward. I want to do right by my son. But how can I move forward with these fees hanging over me? It made me feel so low.

...I hate to see the women coming home, simply trying to survive, trying to do the right thing and getting pulled under by these fees. ”

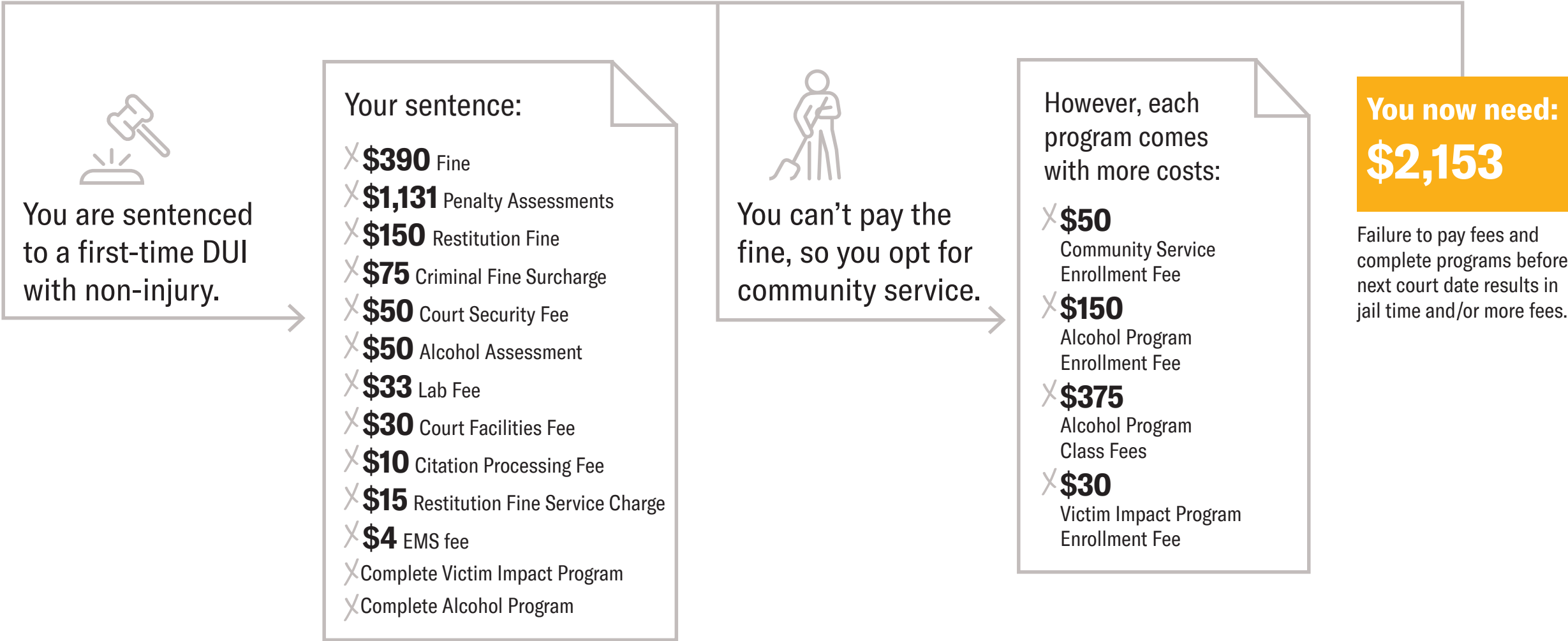
— Angelique Evans,
A New Way of Life Policy Fellow

How Do Criminal System Fees Work?

SCENARIO A:



SCENARIO B:



STORY | LUPITA CARBALLO



I graduated last year from high school at the Youth Justice Coalition.

I worked hard to pass Senate Bill 190, a bill that was sponsored by the Youth Justice Coalition to end system fees for youth across California, and now I am hoping L.A. County will end fees for adults.

My older brother has been in and out of the system since he was 10 years old. My mother is a single mom and she has paid thousands of dollars for fees for him. This included the time when my brother was in juvenile hall, his time in a probation camp, and public defender fees as a young person and numerous court fees and fines as an adult. I could tell how all the fees worried my mom. She would leave the house for work at 4 a.m. and come home at 6 or 7 at night. She would just look so sad and tired. When I got a ticket in elementary school, like most little children, there was no way I could help her pay. Over the past two years, our rent went way up in Inglewood and we were eventually evicted and forced to live with family in South Central Los Angeles. She has become more and more angry and depressed. System fees and fines are a big part of what has destroyed our family's stability.

When we were organizing against youth fees and fines, the Youth Justice Coalition surveyed families on the juvenile hall visiting lines. One mother had two children at home and one locked up in probation camp. Her son was in and out of camp for minor probation violations such as missing school or being out past curfew. She had worked for the past eight years at a dry cleaners where she earned \$685 dollars a month. She paid probation \$50 dollars a month for 14 months and still had \$11,000 dollars left to pay.

We talked to another family from South Central Los Angeles that had three children and two grandchildren living at home. The family had

a bill for one child's system fees that was over \$6,000 dollars. His mother and his sister had already paid \$3,000 dollars. His mother was laid off from her job at a factory, so she pawned all her jewelry and rented half of their house to another family to pay off the remaining probation fees.

We found out through our research that adoptive families and foster care families — who weren't supposed to be charged fees and fines — were charged anyway. One father had adopted a little boy at the age of 4. When his son was first arrested at the age of 10, he retired early to give him more supervision and support. But because of thousands of dollars in probation custody and supervision fees, he returned to work. Because of how detention in juvenile hall and probation supervision hurt his son, the father eventually moved with his son to Africa to give him better chances. Everyone is charged the same.

We don't know the exact racial breakdown of fees and fines on the adult side — the County of Los Angeles doesn't have a demographic breakdown. But we know that for youth fees and fines, over 90% of the families charged probation fees by L.A. County were families of color. White youth are more likely to have access to paid lawyers that rush their cases through court. Low-income families of color like mine end up paying much more for the exact same charges. We already pay for courts and probation with our taxes. Poor families of color are getting taxed twice.

We should celebrate the progress we all made by passing SB 190 — no other California family in the future will have to pay for being locked up in juvenile halls and probation camps, or juvenile probation supervision, electronic monitoring for house arrest, public defender representation, or drug testing. In ending these fees in L.A. County and in passing SB 190, L.A. County and the state of California said that they care about children and youth. But, if L.A. and California agree that fees hurt people under 18, how is that different for people over 18 that are the parents, grandparents, or siblings of children and youth? If you are charging an adult, in most cases, you are still taking food, housing, transportation, and school supplies from a child.

*Lupita Carballo is a member of
the Youth Justice Coalition.*

We don't know the exact racial breakdown of fees and fines on the adult side — the County of Los Angeles doesn't have a demographic breakdown. **But we know that for youth fees and fines, over 90% of the families charged probation fees by L.A. County were families of color.**

LET'S GET FREE, LA!



The Los Angeles County Board of Supervisors must put an end to the criminalizing practices that seek to balance the county's books on the backs of people who have the least financial means. Collecting criminal system fees is both expensive and harmful for the county; it's just bad public policy.

In recent years, public officials have increasingly realized that criminal system fees should be eliminated as a matter of sound financial management and economic and racial justice. In 2017, five probation chiefs — including Los Angeles Chief Probation Officer Terri McDonald — signed onto a public “Statement on the Future of Community Corrections” that called for reducing the number of people on probation by “eliminating or significantly curtailing charging supervision fees” and focusing the resources saved by reducing the probation population on “improving community based services and supports.”⁴¹ A much larger group of current and former probation executives — again including Chief McDonald — has since issued a “Statement on the Future of Probation

& Parole in the United States” that similarly calls for the “eliminat[ion] of supervision fees.”⁴² In May 2018, San Francisco County passed an ordinance eliminating all locally controlled criminal system fees.⁴³ San Francisco Treasurer & Tax Collector Jose Cisneros stated: “We must find more fair and just ways to fund our courts and criminal justice system that do not balance the books on the backs of those who cannot afford it.”⁴⁴ In November 2018, Alameda County followed suit with an ordinance eliminating its criminal system fees.⁴⁵ And in September 2019, Contra Costa County imposed a moratorium on its assessment and collection of fees.⁴⁶

For Los Angeles County, it's clear the time to act is now. Los Angeles must lift the burden that its fees policies have been imposing on economically marginalized communities for too long, to allow all of us to move forward together and succeed.

RECOMMENDATIONS

Immediately eliminate all criminal system fees under county control and discharge outstanding debt. The county should follow in the example of San Francisco and Alameda Counties and repeal the authorization for all system fees that it has discretion to stop collecting.⁴⁷ It should immediately end assessment and collection of those fees. In addition, it should discharge all previously assessed fees and end their collection, as it did for juvenile system debt. The county should also develop a referral, complaint, and investigation mechanism to both ensure that debt agencies end their collection of past debt and to ensure that families credit ratings are restored. The county should freeze all debt assignment and collection until all aspects of the study authorized by the L.A. County Board of Supervisors are completed, especially given that the report is past due.

Reinvest savings from reduced collections and criminal and legal system costs into community services, including free options for diversion, court-ordered programs, and re-entry supports. The county has extracted millions of dollars from its poorest residents, funds that could have been spent on education, savings, child care, and other vital services essential for the progress of their families and their communities. The county should reinvest in the individuals and communities it has harmed most by imposing fees. It can start by funding free, accessible programs and referrals that will enable people to fulfill court-ordered requirements and prevent future entanglement in the criminal system without sinking into debt.

Establish effective oversight of all criminal system program providers and referral agencies operating within the county to prevent them from exploiting families. In addition to offering free options for diversion, rehabilitation, and court-ordered program requirements, the county should closely monitor and regulate private program providers and referral agencies to ensure that they consistently offer fee waivers, refrain from financially exploitative practices, and do not discriminate against people on the basis of disability, language, or income.

Support state legislative efforts to minimize criminal system fees. The county should support efforts at the state level to take the burden of funding our court system and government agencies off the backs of California's poorest families. The county should start with a resolution in support of SB 144, the Families Over Fees Act, then amend its legislative agenda to make reducing fees a priority.

Change policies and practices that increase pre-trial time in detention, which forces people to take plea bargains that often lead to more punitive fees and fines, including by:

Establishing mechanisms within jail intake and assessment performed by the county's 57 law enforcement agencies and the Sheriff's Department to dramatically increase the use of release on one's own recognizance (OR);

Transferring pre-trial services out of the Probation Department to the county Office of Diversion or Department of Health Services and focus instead on Pre-Arrest Assessment and review by a judge within 12 hours and review by a judge within 24 hours to dramatically decrease the use and length of jail detention;

Increasing, strengthening, and establishing pre-booking diversion for people of all ages, building on the county's creation of Youth Diversion and Development (YDD) within the Office of Diversion and Reentry; and

Working with the state of California's courts and Judicial Council to capitalize on dramatic declines in the number of people arrested and processed (now at their lowest levels since the 1950s that *without similar drops in court staffing or funding*, represent an unprecedented opportunity to expand court schedules and services) to guarantee a 24-hour arraignment for youth and adults, including night, weekend, and holiday courts.

Endnotes

¹ See Criminal Justice Policy Program at Harvard Law School, 50-State Criminal Justice Debt Reform Builder: California, [https://cdebtreform.org/data-explorer/fines-and-fees?deff\[0\]=state:89](https://cdebtreform.org/data-explorer/fines-and-fees?deff[0]=state:89) (last visited Sept. 20, 2019).

² See Office of the Treasurer & Tax Collection, City & County of San Francisco, CRIMINAL JUSTICE ADMINISTRATIVE FEES: HIGH PAIN FOR PEOPLE, LOW GAIN FOR GOVERNMENT (2019), available at https://sftreasurer.org/sites/default/files/Hig%20Pain%20Low%20Gain%20FINAL_04-24-2019.pdf (hereinafter, “SF Report”).

³ All fee amounts drawn from responses to public records requests, on file with authors, or from the Probation Department’s January 4, 2019 report.

⁴ Tara Gamboa-Eastman, THE PROBLEM WITH PROBATION: A STUDY OF THE ECONOMIC AND RACIAL IMPACT OF PROBATION FEES IN CALIFORNIA (2018), available at https://wclp.org/wp-content/uploads/2018/06/TheProblemWithProbation_GamboaEastman_ForWCLP_Final.pdf.

⁵ See, e.g., Bureau of Justice Assistance, CONTRACTING FOR INDIGENT DEFENSE SERVICES: A SPECIAL REPORT 3 (2000), available at <https://www.ncjrs.gov/pdffiles1/bja/181160.pdf>; Caroline Wolf Harlow, Bureau of Justice Statistics, DEFENSE COUNSEL IN CRIMINAL CASES (2000), available at <https://www.bjs.gov/content/pub/pdf/dccc.pdf>. In Los Angeles County, court-appointed counsel includes attorneys from the Los Angeles County Public Defender’s Office, the Alternate Public Defender, and Bar Panel. The Los Angeles County Public Defender’s Office alone handles approximately 70% of felony and 55% of misdemeanor cases in the county. The Alternative Public Defender handles an additional 15% of cases. Nancy Albert-Goldberg, “Los Angeles County Public Defender Office in Perspective,” 45 CAL. WEST LAW. REV. 2 (2009).

⁶ People v. Vaughn (1981) 124 Cal.App.3d 1041, 1045-1046; Woods v. Superior Court (1990) 219 Cal.App.3d 708, 714, fn. 6.

⁷ Mack Finkel, Prison Policy Institute, “New data: Low incomes – but high fees – for people on probation” (Apr. 9, 2019), <https://www.prisonpolicy.org/blog/2019/04/09/probation-income/> (“States must acknowledge that people on probation are mostly low-income, and driving them further into poverty through monthly fees is cruel and counterproductive.”).

⁸ Estefania Zavala, Alvin Teng, Kelly Lytle Hernández & Albert Kochaphum, POLICING THE UNEMPLOYED IN LOS ANGELES (2018), available at http://milliondollarhoods.org/wp-content/uploads/2018/05/Policing_the_Unemployed_MDH_May2018.pdf.

⁹ See, e.g., Alexes Harris, Beth Huebner, Karin Martin, Mary Pattillo, Becky Pettit, Sarah Shannon, Bryan Sykes, & Chris Uggen, UNITED STATES SYSTEMS OF JUSTICE, POVERTY AND THE CONSEQUENCES OF NON-PAYMENT OF MONETARY SANCTIONS: INTERVIEWS FROM CALIFORNIA, GEORGIA, ILLINOIS, MINNESOTA, MISSOURI, TEXAS, NEW YORK, AND WASHINGTON 30-3 3(Nov. 8, 2017) (noting that 43% of individuals owing fees & fines interviewed were recently unhoused, and many, including an interviewee from Los Angeles, faced barriers finding employment as a result of their conviction and relied on public assistance).

¹⁰ Ella Baker Center for Human Rights, WHO PAYS? THE TRUE COST OF INCARCERATION ON FAMILIES (Sept. 2015), available at <https://ellabakercenter.org/sites/default/files/downloads/who-pays.pdf>.

¹¹ Id.

¹² In the words of law professor Alexandra Natapoff, “[F]ees are really taxes.... It’s expensive to run the criminal justice system and now we’re going to use its subjects, arguably the population that is least able to afford paying for these processes, to fund the machinery.” Alexandra Bastien, PolicyLink, ENDING THE DEBT TRAP: STRATEGIES TO STOP THE ABUSE OF COURT-IMPOSED FINES AND FEES 3 (2017), available at <https://www.policylink.org/sites/default/files/ending-the-debt-trap-03-28-17.pdf>.

¹³ County of Los Angeles Probation Department, 2018 Annual Report 46 (2018), available at https://probation.lacounty.gov/wp-content/uploads/AR2018_Probation_v10M_MQ.pdf.

¹⁴ Id.; Los Angeles County Sheriff’s Department, Custody Division Quarterly Report (July – Sept. 2018); see also Los Angeles Homeless Services Authority, REPORT & RECOMMENDATIONS OF THE AD HOC COMMITTEE ON BLACK PEOPLE EXPERIENCING HOMELESSNESS 5 (Dec. 2018) (hereinafter “LAHSA Report”).

¹⁵ LAHSA Report at 24 (reporting that 44% of Black families with children reported involvement with the criminal justice system, compared to 29% of families in other race and ethnic groups, and noting that when one family member the entire family unit is at risk of homelessness).

¹⁶ Jhumpa Bhattacharya, “Los Angeles County Can Do Better by Its African American and Latinx Populations” (June 7, 2018), available at <https://medium.com/@InsightCCED/los-angeles-county-can-do-better-by-its-african-american-and-latinx-populations-7ce505aafe4d> (citing data from the Insight Center for Community Economic Development’s California Family Economic Self-Sufficiency Standard)

¹⁷ Id.; see also Courtney E. Martin, “I Served My Prison Time. Why Do I Still Have to Pay?” N.Y. Times (Apr. 30, 2019), available at <https://www.nytimes.com/2019/04/30/opinion/i-served-my-prison-time-why-do-i-still-have-to-pay.html>; Courtney E. Martin, “The Racial Wealth Gap in Reader’s Eyes,” N.Y. Times (May 15, 2019), available at <https://www.nytimes.com/2019/05/15/opinion/the-racial-wealth-gap-in-readers-eyes.html>.

¹⁸ Alfred Blumstein & Kiminori Nakamura, POTENTIAL OF REDEMPTION IN CRIMINAL BACKGROUND CHECKS (2010), available at <https://www.nij.gov/topics/corrections/reentry/Pages/potential-for-redemption-in-employment-in-an-era-of-widespread-criminal-background-checks.aspx>.

¹⁹ Amy Traub, DISCREDITED: HOW EMPLOYMENT CREDIT CHECKS KEEP QUALIFIED WORKERS OUT OF A JOB (2014), available at <https://www.demos.org/research/discredited-how-employment-credit-checks-keep-qualified-workers-out-job>.

²⁰ ADP Research Institute, GARNISHMENT: THE UNTOLD STORY (2014), available at <https://www.adp.com/resources/articles-and-insights/articles/t/the-us-wage-garnishment-landscape-through-the-lens-of-the-employer.aspx>.

²¹ Council of Economic Advisers, FINES, FEES AND BAIL: PAYMENTS IN THE CRIMINAL JUSTICE SYSTEM THAT DISPROPORTIONATELY IMPACT THE POOR (Dec. 2015), available at https://obamawhitehouse.archives.gov/sites/default/files/page/files/1215_cea_fine_fee_bail_issue_brief.pdf.

²² American Psychological Association, STRESS IN AMERICA: THE STATE OF OUR NATION (2017), <http://www.apa.org/news/press/releases/stress/2017/state-nation.pdf>.

²³ People v. Dueñas, 30 Cal. App. 5th 1157 (2019).

²⁴ Cal. Penal Code § 1203.1b.

²⁵ These accounts are consistent with statewide findings that probation departments that do conduct ability to pay determinations are not applying appropriate reduction to fees. Gamboa-Eastman at 15. They area also consistent with findings in other states. In Massachusetts, for example, a study found that probation fee waivers are not granted consistently or often enough and therefore fail to provide relief to poor probationers. See Wendy Sawyer, Prison Policy Institute, PUNISHING POVERTY: THE HIGH COST OF PROBATION FEES IN MASSACHUSETTS (2016), https://www.prisonpolicy.org/probation/ma_report.html.

²⁶ Cal. Penal Code § 1214.1

²⁷ See UCLA Labor Center Report at 36 (finding only five fee waivers granted out of approximately 5,000 entries in a roster obtained from one community service agency in LA county).

²⁸ Forms on file with author.

²⁹ See UCLA Labor Center Report at 36-38.

³⁰ The statutory authorizations for most criminal administrative fees direct any funds collected to be paid into the county general fund.

³¹ In the 2018 fiscal year, LA county spent \$3.9 million on salaries for collections staff alone to bring in \$3.4 million in adult probation fees — amounting to a net loss. See Collections Unit Cost Out Summary from LA County Probation Budget, FY 17-18; Data Obtained Using Position Control Report July 16, 2017.

³² The state of California also does not track these costs. See Rebekah Diller, Alicia Bannon, Mitali Nagrecha, Brennan Center for Justice, CRIMINAL JUSTICE DEBT: A BARRIER TO REENTRY 10 (2010) (hereinafter, “Brennan Center Report”) (noting that California does not have any kind of process for measuring the impact of criminal justice debt and related collection practices on former offenders, their families, or their communities, nor a statewide process for tracking the costs of collection).

³³ Collections Unit Cost Out Summary from LA County Probation Budget, FY 17-18; Data Obtained Using Position Control Report July 16, 2017. Third-party collection agencies, like Linebarger Goggan Blair & Sampson or GC Services, often work off commission, often taking up to 25 percent of what is collected in fines and fees.

³⁴ January 4, 2019 Report on Existing Fees Collected by County Departments for Probation Supervision or Services for Adult or Youth Populations, Item No. 11, BOS Agenda of May 29, 2016.

³⁵ Los Angeles County Probation Department Core Values, <https://probation.lacounty.gov/vision-mission-and-values/>.

³⁶ Although the law does not authorize courts to require payment of criminal administrative fees as a condition of probation, see e.g., People v. Bennett, 196 Cal.App.3d 1054, 1056-57 (1987), the reality is that judges in Los Angeles County do sometimes impose probation conditions requiring payment of such fees and issue bench warrants for nonpayment.

³⁷ As noted, supra, nonpayment of criminal administrative fees should not be a valid basis for incarceration. The reality on the ground, however, is that courts do issue warrants for arrest and court and LA County employees do threaten people with jail as a consequence for nonpayment. The Brennan Center for Justice documented one such story from California:

Michelle worked hard to pay each month, at times paying down more than required. Even when she got laid off and was unemployed for over a year, Michelle paid what she could while supporting a daughter, but she feared punishment for her accumulating debt. “When I got laid off, there was one month – it was Christmas and my daughter’s sixteenth birthday – when I couldn’t make any payment,” says Michelle. “But the financial officer told me that if I didn’t make next month’s payment they’d give me a probation violation and send me back to jail. That’s the part that scared me most – I’d get my electric turned off before I missed a payment and had to maybe go back to jail.” She worries, “for the unpaid probation fees, they can put me in jail if I don’t make payments. ... Anytime that you owe probation and you don’t pay, they give you thirty days and then they issue a bench warrant for your arrest.

Brennan Center Report at 16; see also id. at 21.

³⁸ See, e.g., Karin D. Martin, Sandra Susan Smith and Wendy Still, “Shackled to Debt: Criminal Justice Financial Obligations and the Barriers to Re-Entry They Create,” NEW THINKING IN COMMUNITY CORRECTIONS – HARVARD KENNEDY SCHOOL & NATIONAL INSTITUTE OF JUSTICE (Jan. 2017), available at <https://www.ncjrs.gov/pdffiles1/nij/249976.pdf>.

³⁹ Harris et al, UNITED STATES SYSTEMS OF JUSTICE at 46; see also id. at 28 (“In California, a participant with convictions in Los Angeles County described the tradeoff between paying bills and paying outstanding legal debt. He said that fines and fees “were taking food out of our mouths, you know?... Every month. It was stressful; I had to hustle.”).

⁴⁰ Ezra Cohn, Debbie Mayer, Caitlin O’Neil, Khalia Paridsh & Jenny van der Heyde, AN ECONOMIC ANALYSIS OF CHARGING ADMINISTRATIVE FEES TO JUSTICE-INVOLVED YOUTH (2016) (unpublished manuscript) (on file with authors). In the analysis, researchers ran the economic model 1,000 times and never showed a net societal loss from eliminating fees.

⁴¹ Statement on the Future of Community Corrections (2017), <https://www.hks.harvard.edu/centers/wiener/programs/criminaljustice/research-publications/executive-session-on-community-corrections/publications/less-is-more-how-reducing-probation-populations-can-improve-outcomes/statement-on-the-future-of-community-corrections>.

⁴² Executives Transforming Probation & Parole (ExiT), Statement on the Future of Probation & Parole in the United States (2019), <https://www.exitprobationparole.org/statement>.

⁴³ See SF Report, supra, note iv.

⁴⁴ Id. at 14.

⁴⁵ See Peter Hegarty, “Alameda County eliminates some criminal justice fees that saddle inmates,” East Bay Times (Nov. 11, 2018), <https://www.eastbaytimes.com/2018/11/20/alameda-county-eliminates-some-criminal-justice-fees-that-saddle-inmates/>; see also Theresa Zhen & Brandon Greene, East Bay Community Law Center, PAY OR PREY: HOW THE ALAMEDA COUNTY CRIMINAL JUSTICE SYSTEM EXTRACTS WEALTH FROM MARGINALIZED COMMUNITIES (2018), available at https://ebclc.org/wp-content/uploads/2018/10/EB-CLC_CrimeJustice_WP_Fnl.pdf.

⁴⁶ Annie Sciacca, “Contra Costa to stop collecting court fees from people getting out of jail or on probation,” The Mercury News (Sept. 16, 2019), <https://www.mercurynews.com/2019/09/17/contra-costa-to-halt-administrative-court-fees-that-burden-the-poor/>.

⁴⁷ See San Francisco Ordinance No. 180132 (2018), <https://sfgov.legistar.com/View.ashx?M=F&ID=5795249&GUID=OCBEDF28-B1CC-428D-9405-3521F9F6EB5B>.

⁴⁸ A report by the UCLA Labor Center reveals that 74% of people doing court-ordered community service in L.A. do so because they can’t afford to pay their court debt. In criminal court, 68% can’t complete their community service by the deadline. These individuals risk violating probation, getting a bench warrant, and even incarceration. Most just go to collections, where the debt they were supposed to “work off” just drags down their credit. Even after receiving community service because a judge determined they couldn’t afford to pay their fines, 73% wind up making payments anyway. See Lucero Herrera, Tia Koonse, and Melanie Sonsteng-Person, & Noah Zatz, WORK, PAY, OR GO TO JAIL: COURT-ORDERED COMMUNITY SERVICE IN LOS ANGELES (Oct. 2019), https://www.labor.ucla.edu/wp-content/uploads/2019/10/UCLA_CommunityServiceReport_Fi-nal_1016.pdf (hereinafter, “UCLA Labor Center Report”).

⁴⁹ Id. at 36 (describing fees of up to \$100 that volunteer centers charge community service workers to receive a work site placement; out-of-pocket expenses for community service requirements such as work boots required by a work site; site transfer fees; lost time sheet fees; and other fees).

NO
FEES
NO
FINES!

I AM NOT THE PROPERTY OF
L.A. COUNTY JAIL

I AM NOT THE PROPERTY OF
L.A. COUNTY JAIL

I AM NOT THE PROPERTY OF
L.A. COUNTY JAIL

NO
BAIL
INC

EXIT

let's get free LA