

## MEMORANDUM

October 10, 2017

**TO: Members of the SF Fines and Fees Task Force**

**FROM: The Financial Justice Project, Office of Treasurer José Cisneros**

**RE: Progress Update**

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It's hard to believe that six months have passed since the last SF Fines and Fees Task Force meeting. This memo updates Task Force members and others on the progress we have collectively made in advancing the recommendations for reform we put forward in our [TASK FORCE REPORT](#). Much progress has been made AND much more work needs to be toward our collective goal to reform fines, fees, and financial penalties that disproportionately impact low-income San Franciscans and people of color. At our October 11<sup>th</sup> Task Force meeting, we will discuss our progress, challenges, and next steps.

### **The Fines and Fees Task Force is proud to report several key milestones:**

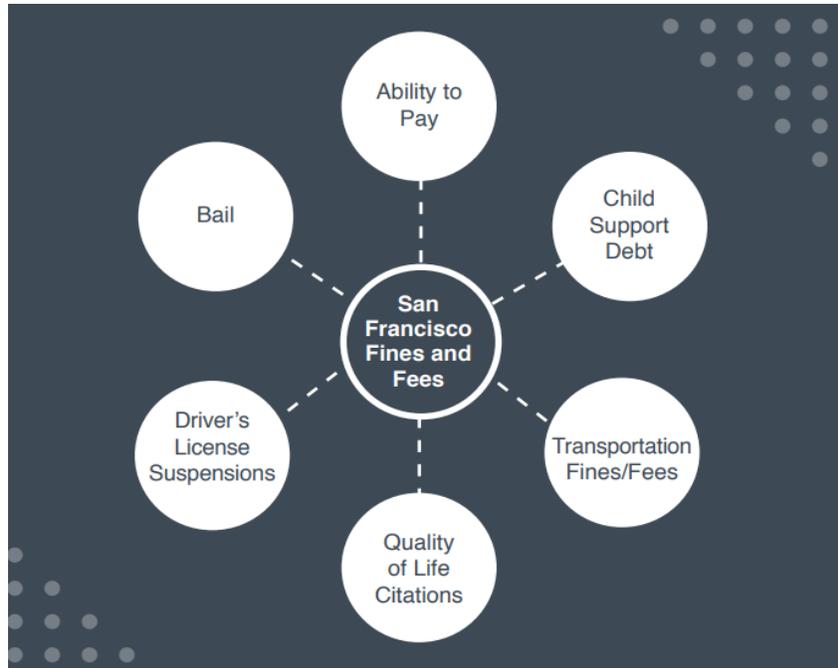
- ❑ **DRIVER'S LICENSE SUSPENSIONS.** California became the first state in the nation to stop the suspension of Driver's Licenses for inability to pay, after the San Francisco Superior Court was the first county court in the state to end this practice.
- ❑ **JUVENILE FEES.** Statewide, a bill to end fees and fines charged to the parents and guardians of youth exiting the juvenile justice system is sitting on the Governor Brown's desk. If signed, California will be the first state to end this practice.
- ❑ **ABILITY TO PAY.** The SF Superior Courts and the SF MTA are advancing Ability to Pay processes that offer discounts and reductions to San Franciscans with incomes at 200% of the Federal Poverty Line (FPL) or below or who receive means tested benefits such as SNAP/Food Stamps. Departments across the City and County are exploring ways to incorporate ability to pay processes.
- ❑ **QUALITY OF LIFE CITATIONS** in 2017 are projected to have decreased by one-third from 2016 levels. The District Attorney's office is collaborating with advocates and the Financial Justice Project and courts to improve access to and streamline a program that allows people struggling with homelessness to clear their citations if they access social service supports.
- ❑ **CHILD SUPPORT DEBT OWED TO THE GOVERNMENT.** The San Francisco Department of Child Support Services and Financial Justice Project raised philanthropic support to pilot a program aimed toward helping low-income noncustodial parents receive relief from government-owed child support debt, and ensure that for formerly assisted families, their child support payments go to their families and children, not to reimburse the government for TANF expenses.
- ❑ **TRANSPORTATION.** San Francisco Municipal Transit Agency (SFMTA) is advancing a range of reforms to make it easier for low-income people to pay off parking tickets, clear Muni fare evasion citations, and access community service options and payment plans.

- **MONEY BAIL.** San Francisco City and County took steps to minimize the use of money bail, and increase support for the use of cost-effective alternatives to incarceration that increase accountability and safety.

These milestones and next steps are detailed below.

## I. TASK FORCE RECOMMENDATIONS: PROGRESS AND NEXT STEPS

Our Task Force made recommendations in six areas. Below we report our goals, progress, and next steps in each area.



### 1. Ability to Pay

**GOAL:** When possible and appropriate, base fine and fee amounts on an individual’s ability to pay, to ensure consequences do not place an inequitable burden on low-income San Franciscans.

#### **PROGRESS:**

**Pilot Programs:** Starting in 2018, the San Francisco Superior Courts will conduct an Ability to Pay pilot program in partnership with the California Judicial Council. People with income levels below 200% of the Federal Poverty Line (FPL) or who receive means-tested benefits will be eligible for reductions.

**SF Departments:** SFMTA is planning to offer a range of discounts to people at 200% FPL or who receive means tested benefits. The Financial Justice Project is serving as a resource to several other City and County departments who have expressed an interest in basing their fees on ability to pay.

**Verifying inability to pay:** To verify inability to pay in a way that is easy for departments to administer and easy for low-income people to prove, The Financial Justice Project partnered with the SF Human

Services Agency (HSA) to develop a guide with photos of all means-tested benefit cards and eligibility guidelines (i.e. SNAP and Medi-CAL), which departments can use as proof of enrollment/low income status. The SF Superior Court is using the guide, which is also available for use by other departments. The Financial Justice Project is also in discussions with HSA, SFMTA and others to create a “lookup tool” or similar process that will allow City and County departments to verify inability to pay by “looking up” if a client has already been certified as low income by another department. A memo describing this look-up tool is available upon request.

**NEXT STEPS:** The Financial Justice Project will continue to partner with the SF Superior Court, SFMTA and other CCSF partners as they continue to explore and develop ability to pay standards and processes. We will continue to emphasize that these standards and processes should be as similar as possible across departments so that they will be easy to administer and simple for low-income San Franciscans to navigate.

## **2. DRIVER’S LICENSE SUSPENSIONS**

**GOAL:** Remove employment barriers for low-income Californians by ending the practice of suspending people’s Californians’ drivers’ licenses when they are unable to pay traffic citations.

**PROGRESS:** San Francisco Superior Court was the first court in the state to end the suspensions of Drivers Licenses for Failure to Pay or Failure to Appear. Other courts followed suit, and Governor Jerry Brown recently ended this practice statewide. Previously, upwards of four million Californians had their Driver’s Licenses suspended for failure to pay or appear. California is the first state in the nation to end this onerous practice. SF Juvenile Court also no longer pre-suspends Driver’s Licenses for failure to pay or appear.

**NEXT STEPS:** Work with the San Francisco Superior Court on the development and implementation of their ability to pay pilot, and on the process to release all existing failure to pay suspensions from tickets predating the policy change. Work with Court to examine and reform process for release of Failure to Appear holds.

## **3. QUALITY OF LIFE CITATIONS**

**GOAL:** Ensure that “Quality of Life” citations do not punish people for being poor or create barriers to employment and housing for people struggling with homelessness.

**PROGRESS:**

**Quality of Life citations are down.** Quality of Life citations in 2017 have decreased by one-third over 2016 levels. The Task Force recommended that, when possible and appropriate, police use written admonishments rather than Quality of Life citations to people who are struggling with homelessness, and almost always cannot pay a \$200 ticket. We heard in our conversations with police that they could often accomplish the same goals with a written admonishment as with a citation, without saddling the person with a citation they cannot pay.

**Expansion of program administered by the District Attorney and the San Francisco Superior Court that allows people who have received Quality of Life citations to resolve their tickets if they obtain social services and help from trusted providers.** The program allows people who are homeless to satisfy a Quality of Life citation by connecting with a trusted set of social services providers and holding them accountable to get the help they need, including (but not limited to) counseling, addiction services, food, shelter and medical assistance to permanently exit homelessness. The goal is to encourage and reward people for seeking housing and social services, and not to waste city and court resources pursuing fines people cannot afford, or jailing them for failure to pay. Right now, this informal program still requires many in-person visits to the courts, and discussions with the District Attorney and court officials. The District Attorneys' office has committed to make this program more accessible and efficient to serve more people and free up District Attorney and court time to address serious crime. A memo detailing our plans and a timeline to streamline this program and make it more accessible is available upon request.

**Reporting:** The Task Force had a recommendation to track trends with Quality of Life citations and connect homeless people in crisis to social services and health services. The Superior Court has been providing key data when requested and has agreed to share other data when its revamped information system is live in early 2018.

**NEXT STEPS:** Continue to work with the DA's office and SF Superior Court to streamline its program and make it more accessible. Continue the dialogue and partnership with key partners to ensure that CCSF actions hold people accountable but do not punish people for being poor or create barriers to employment and housing.

#### **4. TRANSPORTATION**

**GOAL:** To ensure consequences for transportation violations hold people accountable but do not pose an inequitable burden for low-income San Franciscans

**PROGRESS:** SFMTA presented the Task Force recommendations to their board of directors earlier this summer, and are evaluating a number of reforms. These include:

**Expanding Community Service and Payment Plan Options.** SFMTA has agreed to increase payment plan and community service repayment periods, and is considering a policy aligned with AB503 that will significantly reduce community service and payment plan participation fees. Additionally, they are evaluating a policy to allow individuals who are under 200% of the Federal Poverty Level to get their participation fees for community service/payments plans waived once per year.

**Fare evasion citations.** Based on the Task Force's recommendation, they are recommending individuals who apply for a free or reduced Muni pass will have their fare evasion citations waived.

**Clear and accessible options:** SFMTA added information on how to access alternative payment options to all handheld issued and fare evasion citations for the first time. Fare evasion citations also include notice of Free Muni and Lifeline programs. In partnership with their vendors, SFMTA is exploring text message reminders and other automated systems to assist people to remember to make their

payments. Finally, SFMTA implemented a 50% discount for single ride tokens and monthly passes purchased by social service, non-profit and government agencies.

**Expanding towing and boot fine relief.** SF MTA is in the process of adopting reforms that make it easier for low-income San Franciscans to pay off parking tickets, such as the policies listed above, which hopefully will reduce incidences of booting. SF MTA offers a discount on the administration fee for low-income and first-time tows.

**NEXT STEPS:** These proposed changes need to be further developed, evaluated and approved by the SFMTA Board of Directors. SFMTA is also exploring reforms to its towing and booting processes.

## 5. MONEY BAIL

**GOAL:** Reform our local system of bail to ensure decisions to keep someone in jail are based on the risk they pose to the community, not the amount of money in their bank account. All local bail reform efforts must enhance public safety, increase accountability, and enhance justice, and equity.

### **PROGRESS:**

**The City and County of San Francisco actively supported and endorsed SB10, which would have reformed the bail system across the state.** The bill, however, was held and became a two-year bill, with Governor Brown and Chief Justice Tani Cantil-Sakauye signaling action next year.

**Locally, San Francisco has increased support for the use of cost-effective alternatives to incarceration that increase accountability and safety.** In the last budget cycle, Task Force recommendations to increase funding for a variety of pretrial programs saw funding increases. These included Pretrial Diversion, funding for weekend rebooking through the District Attorney's Office, and support for the Public Defender's Bail Unit. The Public Safety Assessment Tool continues to be implemented and improved.

**Heightened awareness of the unfairness and inequity in our money bail system.** As a result of the information surfaced through the Fines and Fees Task Force, Supervisor Hillary Ronen held a [hearing](#) on the impact of money bail on women in San Francisco. Dozens of women came and testified about their experience with money bail. The San Francisco Financial Justice Project released a [report](#) called Do the Math: Money Bail Doesn't Add Up for San Francisco with recommendations for reform. These efforts garnered significant press coverage, KQED's [California Report](#), [San Francisco Chronicle](#), and many other TV and print news outlets.

**NEXT STEPS:** Continue to advocate for statewide bail reform (SB 10), work with CCSF Departments to curb bail industry abuse and lower the cost and frequency of money bail, and move forward the recommendations put forward by the Task Force and in the Financial Justice Project's report.

## 6) CHILD SUPPORT DEBT

**GOAL:** Relieve the inequitable financial burden of child support debt owed to the government by low-income parents when they cannot afford to pay.

When parents pay child support in San Francisco, we believe those payments should go to support their children, not to reimburse the government. In San Francisco, over \$120 million in delinquent child support is owed to the government by noncustodial parents, usually fathers, to reimburse TANF costs, for when the custodial parent, usually a mother, applied for and received TANF. The vast majority of this money has been deemed “uncollectible.” The majority of these parents earn less than \$10,000 a year and are people of color.

**PROGRESS:**

**Pilot program to illustrate the impact on San Francisco families of alleviating government-owed debt.**

San Francisco Child Support Services (SF DCSS) and The Financial Justice Project are developing a potential pilot project to help parents pay down this debt to the government so that all future payments, for a formerly assisted family, can go to the custodial parent, usually the mother, and child. Funding was secured for the pilot from the Walter and Elise Haas Fund and Tipping Point. Kathryn Edin, a researcher and author with the Urban Institute, will evaluate the pilot. The goal of this pilot is to build evidence to allow California counties to eliminate parent’s debt that is owed to the government, so that their child support payments will go to their children.

**Ability to Pay & Driver’s License Suspension.** SF DCSS continues to work with noncustodial parents to proactively review Driver’s Licenses for release, and to establish a parent’s ability to pay using early intervention tactics and a proactive order modification process. Due to the success of early intervention and basing child support on the noncustodial parent’s actual ability to pay, SF DCSS continues to establish very few default judgements. Additionally, SF DCSS continues its regular visits to the SF County Jail to locate and assist incarcerated parents with service of process, order establishment and order modification.

**Nonmonetary options to pay child support debt.** SF DCSS has also begun a partnership with the Mayor’s Project 500 Initiative with Human Services Agency (HSA) and Department of Public Health (DPH) offering voluntary expedited parenting time plans in conjunction with initial and modified child support orders.

**The City and County supported SB 282, which will allow noncustodial parents to participate in subsidized job training programs such as JobsNOW!** The City and County of San Francisco supported this bill and it is on Governor Jerry Brown’s desk as of 9/19. San Francisco will begin discussions with HSA on referrals of delinquent noncustodial parents to JobsNOW! in October 2017.

**NEXT STEPS:** Our goal is to begin the Child Support Debt Relief pilot program in January of 2018.

**II. OTHER UPDATES**

**California leads the nation in fine and fee reform.** It was a year of “firsts” for California. And San Francisco leadership mattered. California became the first state to stop the suspension of Driver’s

Licenses for inability to pay, after the San Francisco Superior Court was the first county level court to end this practice. California is on track to become the first state to stop charging fees to the parents of children who are incarcerated in juvenile halls, and San Francisco was the only county California to never charge these fees. If AB 503 is signed, California will become the first state to require localities to offer flexible low-cost payment plans to low-income people who cannot afford to pay parking tickets.

**San Francisco fine and fee review.** The SF Mayor's Budget Office is conducting a fine and fee review of fines, fees, and tickets that may disproportionately impact low-income and people of color. The primary goals are to: 1) identify fees and fines that may be "high pain" for families but low-gain, where revenue is low, since people cannot afford to pay 2) identify opportunities for reform that will make a difference and are doable for County and City of San Francisco departments and partners.

**Reform of criminal justice fines and fees.** Californians who are incarcerated often face a double debt. They pay their debt to society when they serve a jail or prison term, and then they owe thousands of dollars in fines and fees when they get out of jail or prison. There is a significant research that shows that men and women exiting jail or prison cannot pay these fines and fees, and the financial burden of these fines and fees can create significant barriers to their successful re-entry as they try to get jobs and secure a place to live. There is also extensive research that shows that the payment rate of these fines and fees are very low. The San Francisco Public Defender's Office is examining the impact of these fines and fees on its clients. The Mayor's Budget Office, in its fine and fee review, is also assessing these criminal justice fines and fees. The Financial Justice Project has been in discussion with many SF departments and partners about criminal justice fines and fees and conducting analysis, and looks forward to collaborating to drive reform with all partners.

**A growing awareness of the inequitable burden of government fines and fees on low-income people and people of color.** The Financial Justice Project has published a range of op-eds, articles, and papers about this work, participated in several national webinars, and responded to numerous media inquiries. All of these are included on our [web page](#).

We look forward to discussing our progress, challenges, and next steps with everyone at our upcoming meeting