

Criminal Justice Administrative Fees: High Pain for People, Low Gain for Government

A Call to Action for California Counties



THE FINANCIAL
JUSTICE PROJECT
SAN FRANCISCO

OFFICE OF THE TREASURER & TAX COLLECTOR
CITY AND COUNTY OF SAN FRANCISCO

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Executive Summary

On February 6, 2018, San Francisco Board of Supervisors President London Breed held a press conference on the steps of San Francisco City Hall. Surrounded by dozens of residents, community activists, and elected officials, Breed announced that she was introducing [legislation](#) to make San Francisco the first city and county in the nation to eliminate all criminal justice administrative fees authorized by our local government. The legislation also aims to eliminate all outstanding debt from these criminal justice fees, and challenges other counties to re-examine their reliance on criminal justice fees, and search for more fair and just ways to fund our criminal justice system.

The broader public often does not realize that when individuals exit the criminal justice system, they can be assessed thousands of dollars in administrative fees that aim to recoup costs for the courts and government. For example, in San Francisco people can be charged a \$50 monthly probation fee; up to \$35 a day to rent an electronic ankle surveillance monitor, and other fees to pay for reports, collections costs, or tests. The fees can add up to thousands of dollars.

The ten San Francisco criminal justice administrative fees targeted for elimination by this legislation are assessed on individuals who have already paid other consequences for their crime. They have often served time in jail, paid other fines or are paying victim restitution. The goals of these local criminal justice fees are to generate revenue to cover costs, not create an additional layer of punishment.

San Francisco is not alone in this practice. Similar fines and fees are assessed in localities throughout California and the nation. While this legislation aims to eliminate local administrative fees, other fees and fines are also authorized and assessed by the state government and the courts.

Over the past year, the San Francisco Public Defender's Office, The San Francisco Financial Justice Project, and The San Francisco Mayor's Office of Budget and Public Policy have conducted research on the impacts of these criminal justice administrative fees. These departments were spurred to action by various community organizations and the [Debt Free SF coalition](#) that decried how many San Franciscans were struggling to pay these fees, and the barriers they created for people struggling to get back on their feet. The Adult Probation Department, the Sheriff's Department, and the District Attorney's Office all collaborated with us as we conducted this research and are champions of this legislation.

Our key research findings and conclusions include:

- **People exiting the criminal justice system can be assessed dozens of fines and fees that can add up to thousands of dollars.** At least 45 fines and fees can be assessed from people exiting our local criminal justice system, approximately 30 of which are administrative fees. Some are assessed by the county, and others by the courts or state government.
- **Over the last six years, more than 265,000 fines and fees have been charged to local individuals, totaling almost \$57 million.** Of this total, more than \$20 million of these fines and fees are locally controlled and authorized by San Francisco County.
- **Over the last six years, over 20,000 individuals have accumulated more than \$15 million in unpaid debt from locally authorized fees.** This legislation calls for the elimination of this outstanding debt.
- **The collection rates on these fees are very low,** averaging seventeen percent across these locally authorized fees, simply because people cannot afford to pay them.

- **Monthly \$50 probation fees result in the most debt and appear to be the hardest for people to pay.** In San Francisco, individuals are charged a monthly \$50 probation fee. Typically, the entire cost of the average three-year probation supervision term is billed to the individual upfront at the beginning of their probation, totaling \$1,800. A total of \$15.8 million in probation fees has been assessed in the last six years. Of the \$15.8 million, more than \$12 million is still uncollected. In 2016, the collection rate for probation fees was nine percent.
- **The cost of this legislation will be outweighed by the benefits.** The Mayor’s Budget Office estimates that elimination of these criminal justice administrative fees will cost \$1 million a year in foregone revenue, spread across several City departments. We believe the benefits of eliminating this debt outweighs the foregone revenue. Eliminating this liability will lift \$15 million in debt off thousands of individuals, most of whom are very low income. This debt makes it harder to meet their day to day living expenses, and is a barrier to their successful re-entry.

From our research and discussions with community groups and residents and department leaders, we concluded that our locally assessed criminal justice administrative fees pose three primary problems:

- 1. These criminal justice administrative fees are primarily charged to low-income people who cannot afford to pay them.** The vast majority of people exiting jail or prison are unemployed, have unstable housing, have no steady source of income, and find work difficult or nearly impossible to obtain after release. An evaluation of the Public Defender’s Clean Slate Program, which serves clients seeking to expunge their records, found that more than two thirds of the Clean Slate clients are unemployed, and of those who were, their median annual income was \$2,500 per year.
- 2. Criminal justice administrative fees create barriers for people to re-enter the community and can increase the likelihood of recidivism.** The goal of a successful post-incarceration period is to re-integrate into the community. The individual often faces difficulties to find a job, a place to live, and to reconnect with their family and community. Paying these fees can make it hard for someone to pay their rent or day to day expenses. Unpaid fees are often garnished from people’s paychecks or levied from their bank accounts. Furthermore, people with unpaid fees and fines are often unable to clear their records, which can make it hard to get a job or business license. Research shows that the fees can push individuals into underground economies and can result in individuals turning to criminal activity to pay their debts.
- 3. Criminal justice administrative fees are counterproductive, ineffective and anemic sources of revenue.** These fees are often “high pain” for individuals and “low gain” for government. Very little revenue comes in from these fees, simply because people cannot pay them. The vast majority of these fees are never collected, and instead hang over individuals and their families as debt. Research on criminal justice fee collection across California revealed that counties sometimes spend more to collect fees than they bring in. These fees are not an effective, reliable, sustainable source of revenue for government or the courts.

This issue brief provides background on local criminal justice administrative fees and puts forward our rationale and approach to eliminate them in San Francisco. We hope it is useful for people throughout California who want to search for more sustainable and just ways to fund our criminal justice systems.

Introduction

On February 6, 2018, San Francisco Board of Supervisors President London Breed held a press conference on the steps of San Francisco City Hall. Surrounded by dozens of residents, community activists, and elected officials, Breed announced that she was introducing [legislation](#) to make San Francisco the first city and county in the nation to eliminate all criminal justice administrative fees authorized by our local government. The legislation also aims to eliminate all outstanding debt from these criminal justice fees, and challenges other counties to reexamine their reliance on criminal justice fees, lift the burden of this debt from low-income families that cannot afford to pay them, and search for more fair and just ways to fund our criminal justice system.

This issue brief provides background on criminal justice administrative fees, and puts forward our rationale and approach to eliminate the local criminal justice fees in San Francisco. We also describe our research methods and findings. We hope this issue brief is useful for government and community leaders throughout California who may be considering similar actions.

What Administrative Fees are Charged to People Exiting the Criminal Justice System in San Francisco?

It's a common misperception that once someone has served their time in jail, they've repaid their debt to society. Few people realize that individuals are often double charged: in addition to serving time, individuals are often assessed thousands of dollars in criminal justice administrative fees.

These fees are not meant to be punitive; instead they are meant to recoup costs for government functions associated with our courts or criminal justice systems. People found guilty of crimes often face several punitive consequences—they receive jail or prison sentences; they sometimes must pay restitution to victims of their crimes, and must pay various fines related to their crimes.¹ The administrative fees included in the legislation, however, are solely intended to cover administrative costs.

To better understand the impact of fines and fees on their clients, the San Francisco Public Defender's Office submitted a Public Records Act request to the San Francisco Superior Court, which collects many of these fees on behalf of the City and County.²

Data from the San Francisco Superior Court revealed that at least 45 fines and fees can be assessed to people exiting our local criminal justice system- some are assessed by the county, and others by the courts or state government. Approximately 30 of these are administrative fees.

Over the last six years, more than 265,000 fines and fees have been charged to individuals exiting the justice system, totaling almost \$57 million. **Of this total, more than \$20 million of these fines and fees are locally controlled and authorized by San Francisco County.**

“Our reentry population deserves a fighting chance to turn their lives around. Getting rid of these fees gives them that chance,” said San Francisco Board of Supervisors President London Breed, who authored the legislation to eliminate the fees. **“These fees are counterproductive, inefficient and borne on the backs of low-income people and communities of color.”**

¹ Harris, Alexes, et al. [“Monetary Sanctions in the Criminal Justice System.”](#) Apr. 2017.

² See Appendix IV for a copy of the public documents request letter

The San Francisco Public Defender's office also began examining fines and fees charged to clients in their Clean Slate program, which works with people to expunge their criminal records in order to secure stable employment, housing, and get back on their feet.

The image below is of a bill received in 2017 by an individual in the San FrancPublic Defender's Clean Slate program, who hoped to clear his record to gain stable employment. The bill includes two dozen line items for fines and fees he was charged after his conviction in 2013. These fines and fees add up to more than \$5,000. Clients need to pay off large portions of their fines and fees before their records can be expunged.

Account Information		Number:	
Account type:	12D Delinquent Adult Probation	Interest start date:	06/07/2013
Status:	Forwarded	Interest rate:	0.00
Interest type:		Last payment amount:	\$0.00
Last charge amount:	\$0.00	Original balance:	\$5,020.00
Current balance:	\$5,020.00	Paid by all defendants:	\$0.00
Paid by this defendant:	\$0.00	Days since entered:	1529
Adjusted:	\$0.00	Forwarded to tax intercept:	No
Forwarded to OCA:	Yes	CUBS Number:	
Court Number:			

Facility							
Code	Incurred Date	Charged Amount	Adjusted Amount	Paid Amount	Canceled Amount	Balance	
Pre-Sentence Rept	06/07/2013	\$150.00	\$0.00	\$0.00	\$0.00	\$150.00	
PenSB1773 2/10	06/07/2013	\$107.80	\$0.00	\$0.00	\$0.00	\$107.80	
CrimConvAssmnt	06/07/2013	\$30.00	\$0.00	\$0.00	\$0.00	\$30.00	
Auto Fingerprint	06/07/2013	\$268.96	\$0.00	\$0.00	\$0.00	\$268.96	
State Penalty 70%	06/07/2013	\$377.30	\$0.00	\$0.00	\$0.00	\$377.30	
EMS Maddy Fund	06/07/2013	\$107.80	\$0.00	\$0.00	\$0.00	\$107.80	
DNA 2nd	06/07/2013	\$210.70	\$0.00	\$0.00	\$0.00	\$210.70	
DNA 1st	06/07/2013	\$53.90	\$0.00	\$0.00	\$0.00	\$53.90	
State 20% Surchrg	06/07/2013	\$110.00	\$0.00	\$0.00	\$0.00	\$110.00	
STConstFund4.99/10	06/07/2013	\$268.96	\$0.00	\$0.00	\$0.00	\$268.96	
Court Operations Assessment	06/07/2013	\$40.00	\$0.00	\$0.00	\$0.00	\$40.00	
Civil Assessment Penalty	06/07/2013	\$300.00	\$0.00	\$0.00	\$0.00	\$300.00	
Crim Lab Fee	06/07/2013	\$50.00	\$0.00	\$0.00	\$0.00	\$50.00	
Admin Fee	06/07/2013	\$35.00	\$0.00	\$0.00	\$0.00	\$35.00	
HS BF County	06/07/2013	\$125.00	\$0.00	\$0.00	\$0.00	\$125.00	
2%StateAtmFnd	06/07/2013	\$31.80	\$0.00	\$0.00	\$0.00	\$31.80	
Booking Fee	06/07/2013	\$135.00	\$0.00	\$0.00	\$0.00	\$135.00	
Base Fine	06/07/2013	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
CCA ICNA	06/07/2013	\$0.54	\$0.00	\$0.00	\$0.00	\$0.54	
Probation Costs	06/07/2013	\$1,800.00	\$0.00	\$0.00	\$0.00	\$1,800.00	
Restitution Fine	06/07/2013	\$280.00	\$0.00	\$0.00	\$0.00	\$280.00	
MovingCrtConstructn	06/07/2013	\$0.54	\$0.00	\$0.00	\$0.00	\$0.54	
HS BF State	06/07/2013	\$375.00	\$0.00	\$0.00	\$0.00	\$375.00	
State Penalty 30%	06/07/2013	\$161.70	\$0.00	\$0.00	\$0.00	\$161.70	

Figure 1: A bill received by a client of the San Francisco Public Defender's Clean Slate Program in 2017. Source: Public Defender's Office.

“I have twice faced these fees, and the effort to pay these fees contributed to my eviction and homelessness. The use of these fees to pay for the mechanics of incarceration is disheartening because it makes the system dependent on people staying incarcerated”
- Denny, San Francisco Resident

What Criminal Justice Administrative Fees Would be Eliminated in the San Francisco Legislation?

The legislation proposes to eliminate criminal justice fees that are authorized locally in San Francisco, and are high pain for people, and low gain for government. These include:

- **Monthly Probation Fees.** The San Francisco Adult Probation Department supervises 4,000-6,000 individuals a year. The Adult Probation Department oversees individuals who are under court-ordered supervision or are serving their sentence outside of jail. Across the state, counties charge individuals anywhere from \$16 to over \$200 a month to cover the cost of their probation services.³ In San Francisco, individuals are charged a monthly \$50 probation fee. Typically, the entire cost of the average three-year probation supervision term is billed to the individual upfront at the beginning of their probation term, totaling \$1,800. **Of all of the fees collected by the San Francisco Superior Court, probation fees are among the most expensive for individuals, second only to victim restitution, and result in the most long-term debt of the administrative fees we examined.** A total of \$15.8 million in probation fees has been assessed in the last six years. Of the \$15.8 million, more than \$12 million is still uncollected.

“Our mission is to assist individuals under our supervision to successfully reenter the community. Eliminating monthly probation fees will allow our clients to focus their limited resources on supporting their families, finding stable living arrangements and obtaining employment. This reform advances our mission.” - San Francisco Adult Probation Chief Karen Fletcher

- **Fees for Electronic or Ankle Monitors.** Individuals are also charged for the cost of electronic monitoring, or wearing an ankle monitor. Administered by the Sheriff’s Department, electronic monitoring allows the department to supervise individuals remotely who would otherwise be held in the county jail, but have been deemed low-risk. While the fees can be reduced for low-income people, the full cost includes an initial \$125 sign-up fee, plus up to \$35 per day. With bail reform gaining momentum across the state, it is possible that the use of electronic monitoring will expand to individuals who have not yet been convicted of a crime, but who are waiting for their trial. **San Francisco Sheriff Vicki Hennessy announced on the day of Supervisor Breed’s press conference that her office would no longer collect these fees.**

“The San Francisco Sheriff’s Department has and will continue to support every effort that helps individuals move beyond their offenses and live successful lives.” San Francisco Sheriff Vicki Hennessy, in voicing her support for the criminal justice fee legislation and her department’s action to eliminate fees for electronic monitoring and for the Sheriff’s Work Alternative Program.

- **Various administrative fees and surcharges.** In addition to paying “usage fees” for probation and electronic monitoring, individuals are charged a long list of fees that are unconnected to their convictions. For example, individuals are charged fees that support emergency medical services, fees for being booked into the county jail, and fees to cover the cost of the collection of their fines. While each of these fees may start small- between \$30-\$150 – they often add up to large sums.

³ A forthcoming paper by the Western Center on Law and Poverty, and Tara Gamboa Eastman, a graduate student at Harvard’s Kennedy School of Government used a public record request to identify probation fees across California counties.

A comprehensive list of the fees to be eliminated by the legislation is below.

Fee	Description	Code	Cost
Monthly Probation Fees	Fee to fund Adult Probation Department operating expenses	PC 1203.1b	\$50 a month. \$1,800 usually charged up front
Electronic Monitoring	Fee to fund operating expenses for Sheriff's Electronic Monitoring Program	PC 1203.018(j), Admin Code 2A.301	\$125 sign-up fee. \$35 a day.
Pre-Sentence Report	Fee to fund presentence investigations and preparing presentence reports.	PC 1203.1b	\$150
Booking Fee	Criminal Justice Administrative Fee	GC 29550.2, Admin Code 8.38	\$135
Alcohol Testing	Fee charged to everyone with specific convictions to fund costs of alcohol testing	PC 1463.14(b), Admin Code 8.14-1	\$50
Emergency Medical Services Penalty	Fee assessed on all criminal offenses to fund emergency medical services.	GC 76000.5, Admin Code 8.42	\$2 for every \$10 of penalties, fines or forfeiture
Restitution collection fee	Fee imposed to cover the cost of collecting restitution fines	PC 1203.1(l), Admin Code 8.31	.15 % of collection fee
Juvenile Restitution collection fee	Fee imposed to cover the cost of collecting restitution fines	WIC 730.6, Admin Code 8.36	10 % of restitution
Home Detention Program	Fee to fund home detention in lieu of confinement in a county jail	PC 1203.016(g), Admin Code 2A.301	Not currently collected
Sheriff's Work Alternative Program Fee	Fee to participate in the Sheriff's Work Alternative Program	PC 4024.2, Admin Code 10.39-4	\$100 signup fee, plus \$20 a day

Finally, the legislation calls for the elimination of outstanding debt from these fees. In total, this debt amounts to over \$15.69 million dollars, owed by over 20,000 individuals.⁴ Probation fees account for more than three quarters of the debt from the fees to be eliminated by the legislation, and more than a quarter of all debt stemming from criminal justice fines and fees overall.

“These fees mean garnished wages, a deepening poverty divide, and financial desperation that leads to more property crime,” said San Francisco Public Defender Jeff Adachi. “Fees in a criminal case are the equivalent of payday loans. They tell you to plead guilty and you get out of jail, but then they tack on 45 fees that will keep you buried in debt forever.”

⁴ Over \$15 million in debt is outstanding from the fees charged between 2012-2017. Data for outstanding debt from years prior is not currently available. Source: San Francisco Superior Court data.

The chart below breaks down the outstanding debt from each fee eliminated through this legislation. As mentioned above, the vast majority of the \$15.69 million stems from probation fees, with smaller portions of debt from administrative collection fees tied to restitution, booking fees, electronic monitoring and pre-sentence report fees.

Outstanding Debt by Type of Fee in Proposed Legislation 2012-2017

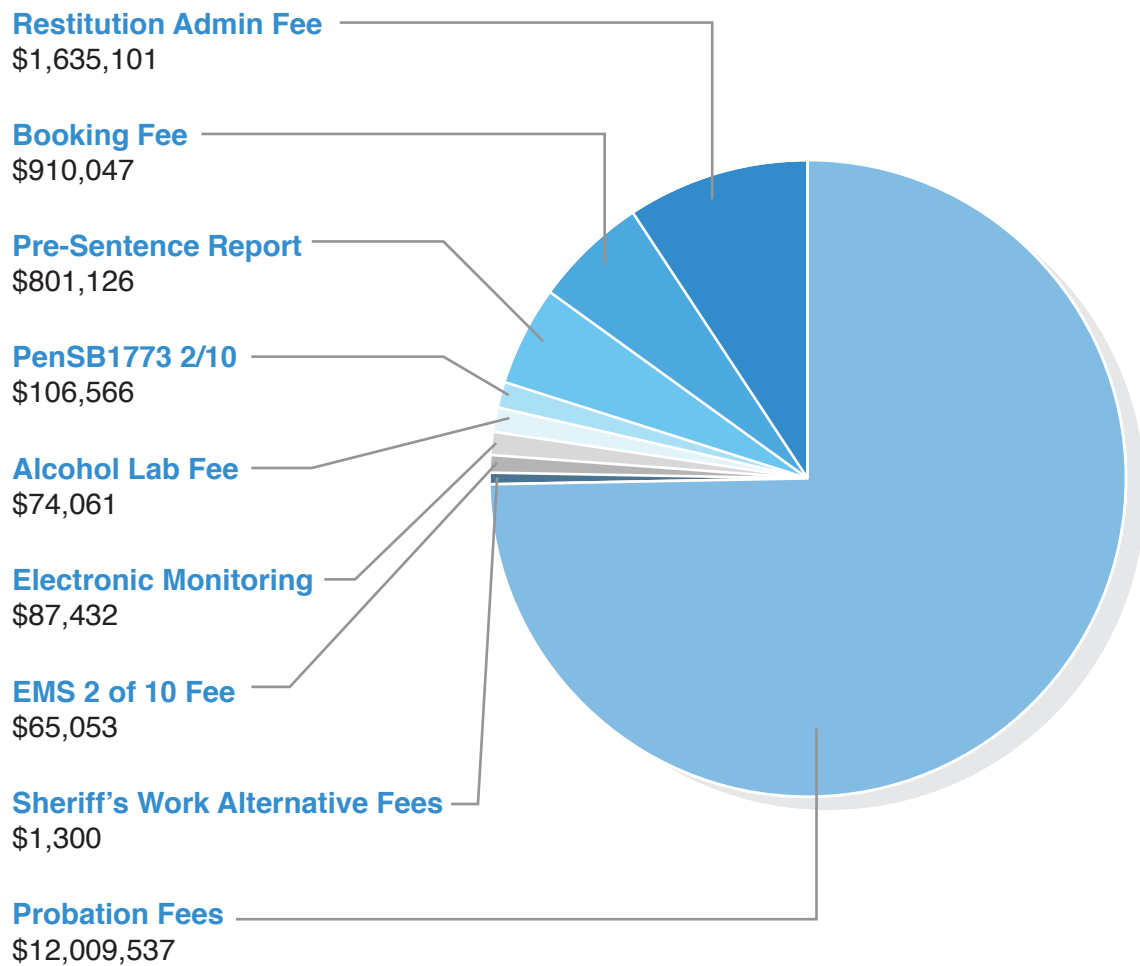


Figure 2: Outstanding Debt by Fee Eliminated in Legislation. Analysis: Financial Justice Project. Source: San Francisco Superior Court.

What are the Collection Rates of these Criminal Justice Administrative Fees? What is the Cost of Eliminating Them?

In partnership with the Financial Justice Project, the San Francisco Mayor's Budget Office examined our local criminal justice fees and found the collection rates to be very low.

Criminal justice fees are often “high pain,” meaning they cause significant barriers to those who cannot afford to pay them, and “low gain,” because they are often an anemic source of revenue.

While people are charged millions of dollars a year in these fees, City and County departments often projected little revenue from them. For more than half of the fees this legislation proposes to eliminate, the revenue projections were so low, the fees were not included in the city's budget forecast.

Through their research, the Mayor's Budget Office concluded that the costs of eliminating these fees are outweighed by the benefits of lifting the much larger outstanding debt off vulnerable families and reducing barriers to re-entry. In total, the Mayor's Budget Office estimates that elimination of these criminal justice administrative fees will cost \$1 million a year in foregone revenue in total, spread across several different City and County departments. While this revenue is significant for the City and County, it does not take into account the millions of dollars in debt owed by individuals and their families. More than 80 percent of the fees are not collected within six years, and instead hang over these families as debt. Over \$15 million in debt from these fees hangs over 20,000 individuals from the last six years alone. Eliminating the debt from these fees will lift more than \$15 million in debt off thousands of the most vulnerable San Franciscans. This debt makes it harder for people to meet their day to day living expenses, secure housing, and is a barrier to their successful re-entry.

The majority of the foregone revenue will be the approximately \$700,000 from the elimination of the adult probation fee. However, this revenue is mostly collected from individuals who served their time years ago, and continue to have their wages garnished and bank account levied years later.

Data provided by the San Francisco Superior Court reinforces these findings. **In 2016, collection rates for probation fees averaged just nine percent. Collection rates averaged 17 percent between 2012-2017 for the fees this legislation proposes to eliminate, despite five years of bank levies and wage garnishments to collect the fees due.**

When Joe Williams got out of San Francisco County Jail in 2015, he felt ready to reclaim his life and support his two children, as reported by [The San Francisco Chronicle](#). So he got three jobs and went to work. But Williams, 27, became increasingly frustrated when he realized large portions of his paychecks would be garnished for fees that had been imposed by the court. “I’m hit with all these debts, and they’re taking out more than I can support myself and children,” said Williams. “I want to pay all these bills. I want to support my children and I don’t have the money.”

The table below shows the fees assessed over the last six years, the amount that has been paid, and the current outstanding debt for nine of the fees included in the legislation. Collection rates averaged just 17 percent.

Criminal Justice Administrative Fees Included in Legislation

Fee Type	State Code	Fees Assessed 2012-2017	Fees Paid 2012-2017	Current Outstanding Debt
Alcohol Lab Fee ME	PC1463.v14(b)	\$214,350	\$139,880	\$74,062
Booking Fee	GC29550.2	\$1,110,272	\$171,309	\$910,047
EMS 2 of 10	GC76000.5	\$183,960	\$118,244	\$65,053
PenSB1773 2/10	GC76000.5	349,376	\$235,565	\$106,566
Pre-Sentence Report	PC1203.1b	\$922,277	\$90,177	\$801,127
Probation Costs	PC1203.1b	\$15,788,532	\$2,712,628	\$12,009,538
VR Admin Fee	PC1203.1(l)	\$1,816,900	\$71,520	\$1,635,102
Electronic Monitoring Fees	PC4024.2			\$87,433
Sheriff Work Alternative Fees	PC1203.018(j)			\$1,300
All Fees		\$20,385,667	\$3,539,323	\$15,690,226

Figure 3: Fees issued and collection rates, 2012-November 2017. Analysis: Public Defender's Office and Financial Justice Project.
Sources: San Francisco Superior Court and San Francisco Sheriff's Department.

“I’m currently on parole. I can personally attest to the hardship these fees cause the men and women and their families. Research shows that people exiting jail make 45% less, and then on top of that to have your wages garnished makes it even worse.”—Darren, San Francisco

Research shows that very little of the \$15.69 million assessed in probation fees would ever be collected. Instead, the debt from these fees would go unpaid, hanging over individuals who cannot afford to pay them. The table below shows collection rates for three of the more commonly charged fees: a booking fee, pre-sentence report fee, and probation fees. The collection rate for probation fees in 2016 averaged just nine percent.

Payment Rates for a Sample of Criminal Justice Administrative Fees Assessed in 2016

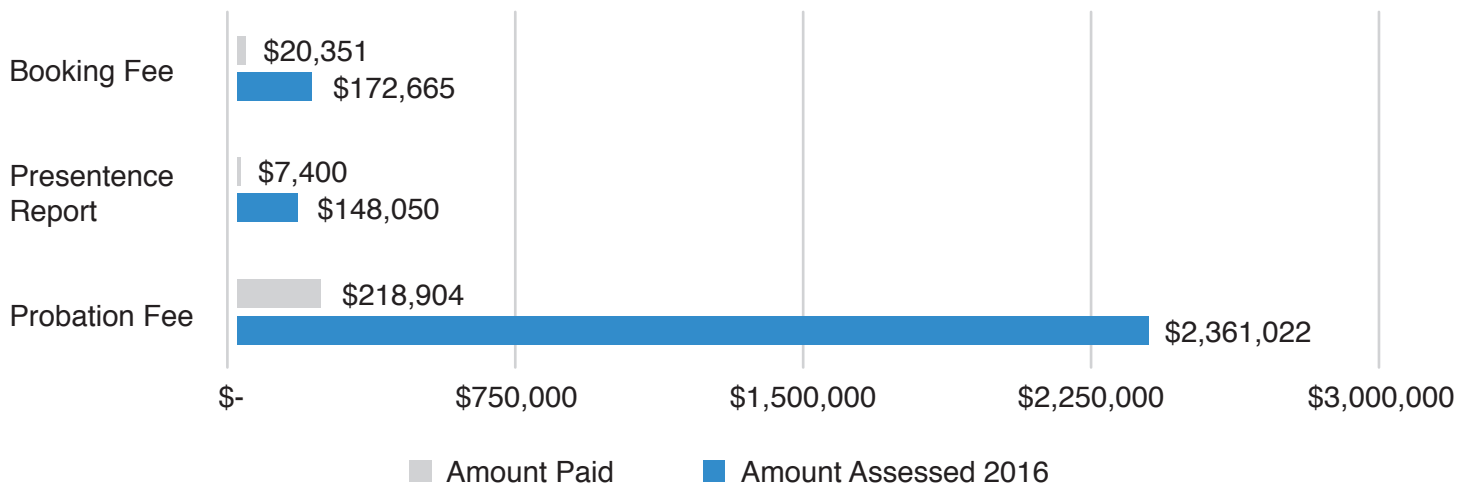


Figure 4: Payment rate for sample of three fees assessed in 2016. Analysis: Financial Justice Project. Source: San Francisco Superior Court

All Local Criminal Justice Administrative Fees Assessed v. Collected, 2016

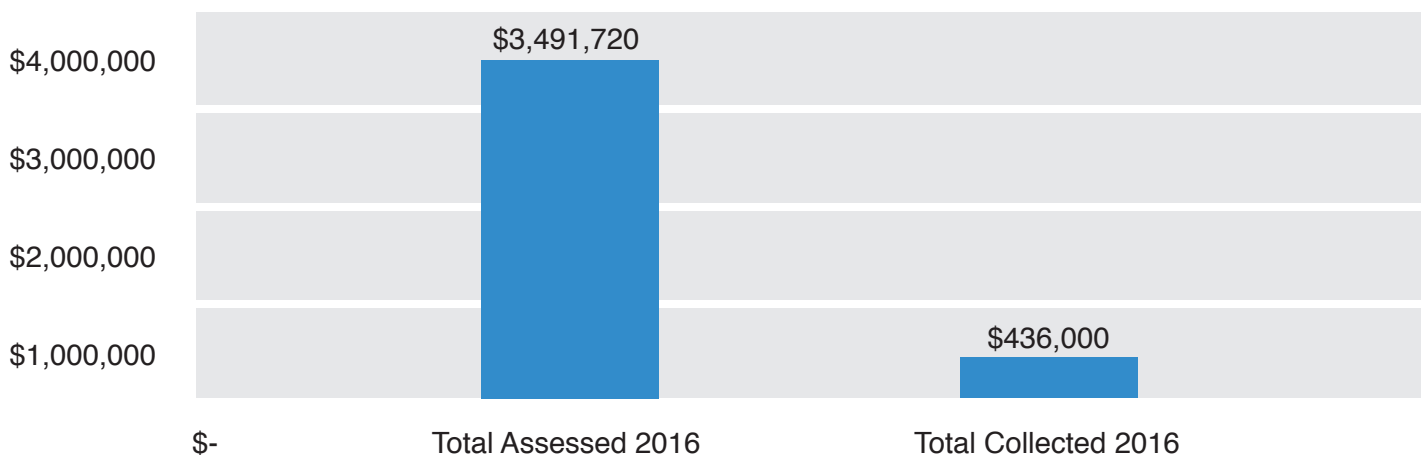


Figure 5: Assessment and Collection rates for fees included in local legislation from 2016. Analysis: Financial Justice Project. Source: San Francisco Superior Court

Why are Criminal Justice Administrative Fees a “Lose-Lose” for People and for Government?

Criminal justice fees pose three main problems for cities, counties, and residents. They are charged to low-income people who cannot pay them, create barriers to re-entry, and are self-defeating and anemic sources of revenue.

I. Criminal Justice Administrative Fees are Charged to Low-Income People Who Cannot Afford to Pay Them.

The vast majority of people exiting jail or prison are unemployed, have unstable housing, have no steady source of income, and find work difficult or nearly impossible to obtain after release.⁵ Simply put, they can rarely afford to pay these fees.

An evaluation of the San Francisco Public Defender’s Clean Slate Program, which helps people expunge their criminal records, show most of their clients are living in extreme poverty. According to [the evaluation](#), just over one-third (36%) of clients are employed. Of those who are employed, three quarters earn an annual income of \$3,000 or less. The median annual income of Clean Slate clients who are employed is \$2,500.⁶ In many cases, the total administrative fees charged to someone exiting jail far exceeds their annual income.

Using Bureau of Justice Statistics data, the [Prison Policy Initiative found that](#), in 2015 dollars, people in jail had a median annual income of \$15,109 prior to their incarceration. These earnings are less than half (48%) of the median income of non-incarcerated people of similar ages. [A study by the Ella Baker Center](#) found that family members, usually women, often pay criminal justice fines and fees on behalf of their loved ones.

Furthermore, criminal justice fees disproportionately impact people of color. African-Americans make up less than six percent of the San Francisco population, but more than half of people in the San Francisco jails.⁷

Nicole, a resident of the Fillmore district, works seven days a week. She starts her days at 7 am and works until 11 for an online shopping service. Then she rushes home to change clothes before her second job as a home health aide to an elderly man in her neighborhood. She estimates she earns about \$1,200 a month to support herself and her two daughters. Like millions of Americans who get out of jail or prison each year, when Nicole left jail in 2008, her debt to society was not yet repaid. For the past ten years, Nicole has never taken home her full paycheck. A few hundred dollars were garnished from each paycheck to pay off \$12,000 in debt from her time in the criminal justice system. While she dreamed of going back to school to become a Certified Nursing Assistant, she knew she wouldn’t be able to get her license until this debt was paid.

II. Criminal Justice Administrative Fees Create Barriers to Re-entry

Criminal justice fees can create real, insurmountable barriers for individuals at the exact moment they are attempting to get back on their feet.

The goal of a successful post-incarceration period is reintegration back into the community, and ensuring the individual can secure a stable job, housing, and has the resources to be successful. These fees make it harder for people to pay their rent, buy groceries, support their families, and meet their day to day expenses.

⁵ [The Challenges of Reentry: Facts and Figures](#). The Urban Institute.

⁶ [Clean Slate Program Office of the Public Defender Evaluation Findings](#). Prepared by the LFA Group. March 2009.

⁷ [Update to the Jail Population Forecast](#). San Francisco Office of the Controller. June 2015.

Left unpaid, these fees result in wage garnishment once someone gains a job, and bank account levies when someone deposits a paycheck.⁸

People with criminal convictions are often screened out of jobs and housing through background checks in standard applications.⁹ In order to qualify to have their record cleared or expunged, people must first pay large portions of their fines and fees, which can prove difficult without a stable job or housing. These fees create a cycle that is difficult to escape.

Finally, research shows that these fines and fees can increase the likelihood of recidivism and create major barriers to reentry. A study of probation fees in Maryland found that charging these administrative fees undercut reentry efforts, and that fee collection was at odds with the mission of their parole agency.¹⁰ According to a [report](#) by the White House Council of Economic Advisers, high fine and fee payments may force indigent formerly incarcerated individuals to make difficult trade-offs between paying court debt and other necessary purchases. The debt may even spur formerly incarcerated individuals to return to criminal activity to pay off their debts, according to the report. These fees often hinder people's reentry and can push individuals into underground economies and the underground banking system. A series of reports on similar fees charged in the juvenile justice system have found that the fees increase the likelihood of recidivism.¹¹

“I have made mistakes in my life and I have a past. The main thing that is holding me back now is all of the court fees that I have collected...I feel like I will never get ahead of these fees. They make it harder if not impossible to get off probation early.” —Mary, San Francisco

III. Criminal Justice Administrative Fees are an Unjust and Ineffective Source of Revenue.

Criminal justice fees are often “high pain,” meaning they cause significant barriers to those who cannot afford to pay them, and “low gain,” because they are often an anemic source of revenue. As stated previously, the collection rates for criminal justice administrative fees are very low, since people cannot afford to pay them. The debt however, hangs over thousands of families. Our research showed that over the last six years, more than 20,000 individuals owe more than \$15 million from county-imposed fees alone.

Across the state, similar research on other criminal justice fees have found that these debts can actually cost more to collect than they bring in revenue. **Research conducted** by the University of California Berkeley's Policy Advocacy Clinic found that many counties collect little net revenue from similar fees in the juvenile justice system, when taking into account the time and resources spent trying to collect these fees each year, such as the salary and time for the collections officers, clerks, probation officers, attorneys, and judges who will be involved in fee collection processes.¹²

“It is good policy to do all that we can to aid offenders in their successful re-entry into San Francisco,” San Francisco Undersheriff Matthew Freeman

⁸ [Monetary Sanctions in the Criminal Justice System](#). Harris et al. Page 15.

⁹ [Clean Slate Program Evaluation Findings](#), 2007-2008, Prepared by LFA Group

¹⁰ [Maryland's Parole Supervision Fee: A Barrier to Reentry](#). Diller, Greene and Jacobs. Brennan Center for Justice.

¹¹ [Justice System-Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders](#). Piquero, Alex and Jennings, Wesley. September 2016. Reports by the [White House Council of Economic Advisors](#), [UC Berkeley Policy Advocacy Clinic](#) the [The New Peonage](#) show similar findings.

¹² Research by the Brennan Center reflected similar findings. [Criminal Justice Debt: A Toolkit for Action](#). Roopal Patel and Meghna Philip. Brennan Center for Justice.

How Did San Francisco Leaders Build Their Understanding of Criminal Justice Fees and Potential Solutions?

I. Key Steps to Reform

1. Gathering the Data

Information about criminal justice fees is often convoluted and housed in many places across the city, county and the San Francisco Superior Court. To better understand the problem, the San Francisco Public Defender's Office began reviewing and analyzing the line item bills their clients would receive as they worked to expunge their records as part of the Clean Slate program. In many cases, these bills would include over two dozen line items with obscure court codes, totaling more than \$5,000. In reviewing the data, and tracing the code back to its source, it appeared that many of the line items, including the fees charged for monthly probation, were authorized locally by the county.¹³

To gain a more comprehensive sense of the numbers, the Public Defender's Office made a public document request to the San Francisco Superior Court on the fines and fees assessed and collected over the last six years. Last November, the Court shared line item data on every criminal justice fine and fee assessed between January 2012-November 2017, and the amount that has since been paid against the fine or fee (a copy of the document request and a summary of all data is provided in the Resources Section).

Using this data, the Public Defender's Office compiled a list of more than 45 fines and fees and identified ten that were locally authorized by the county.¹⁴

Along the same timeline, the Financial Justice Project began working with the San Francisco Mayor's Budget Office to conduct an audit of all fines and fees assessed by city and county departments. They identified fees that may have disproportionate adverse impacts on low-income people and people of color and worked in partnership with the departments to identify potential revenue impacts from eliminating these fines and fees. Through this process, fees for electronic monitoring and work alternative programs were identified and added into the legislation.

Adult Probation Chief Karen Fletcher agreed early on that probation fees should not be charged to individuals and worked with the Financial Justice Project and others to find more sustainable ways to support the work of her department.

2. Convening the Partners

In order to spearhead change, the Public Defender's Office convened a group of community organizations and Board of Supervisors staff to start building out their understanding of these criminal justice fees, how they impact San Francisco residents, and to build out a coalition to support legislative reform.

3. Understanding the Budget Impact

In partnership with the Financial Justice Project and other departments, the Mayor's Budget Office worked to identify where the revenue from these fees was collected and budgeted, what was authorized locally, and worked to identify more just and sustainable revenue sources. Because the revenue from some of these fees is collected by the San Francisco Superior Court and transferred to the city and county, identifying where the revenue hit the city's books was at times complicated. They worked closely with the Financial Justice Project, the Public Defender's Office, the Adult Probation Department, and the Controller's Office to determine how much revenue was collected and budgeted, and worked with departments to determine alternative funding sources.

¹³ Understanding the underlying state statute can be helpful to get to the source of the fine or fee. A good place to look up the distribution of criminal fines or fees is: https://www.sco.ca.gov/Files-ARD-Local/Trial_Court_Revenue_Distribution_Guidelines_Rev.28.pdf

¹⁴ See the appendix for a table of descriptions and statutes associated with the fines and fees collected, and where the revenue is directed. In some cases, fines or fees can be collected under different names.

4. Authoring the Legislation

At first, key departments thought about simply halting the practice of charging the fees. Department leadership and the community coalition agreed that it was preferable to push for legislation, which could lead to the permanent elimination of the fees. Other advocates considered pushing forward ability to pay provisions, rather than outright elimination of the fees. However, upon further reflection of the demographics of people who are assessed these fees, there was growing concern that implementing ability to pay provisions could increase the cost of administration, while bringing in very little revenue as the vast majority of people charged these fees are very low-income and cannot afford to pay them.

Supervisor Breed immediately supported the goals of the legislation. When she was executive director of a community arts organization, she saw the paychecks of employees garnished to pay criminal justice fees and saw how it discouraged people and made it hard for them to make ends meet. Breed and her staff closely examined the low collection rates of the administrative fees and concluded that the fees were a “lose-lose,” for government and for people.

5. Creating buy-in throughout the City and County

The Mayor’s Budget Office and The Financial Justice Project reached out to key departments, including Adult Probation, the Sheriff’s department and the office of the District Attorney, who immediately agreed to participate in the research process and begin a dialogue. They concluded that criminal justice fees created barriers to reentry and that the people being assessed these fees could not pay them. Given the low collection rates, Sheriff Hennessy immediately joined the efforts to eliminate them. She moved to immediately stop charging fees for her department’s work participation program and electronic monitoring, even before the legislation passed.

6. Clearing the outstanding debt from these local fees.

Once the legislation passes, the fees will no longer be assessed. However, unless the City and County takes further action, more than \$15 million in debt¹⁵ will still be outstanding and collected on, continuing to create barriers to reentry for people who cannot pay them. For these reasons, the coalition of departments, community organizations, and the San Francisco Superior Court agreed that the outstanding debt should be eliminated.

Getting agreement that the debt should be eliminated has been easier than making it happen. In San Francisco, while the fees included in the legislation are authorized by the county, they are collected by the San Francisco Superior Court. Because the courts are independently governed, the San Francisco Board of Supervisors does not have the authority to direct the court to clear judgments they have issued in the past. To resolve this issue, the Public Defender’s Office, the District Attorney’s Office, and the Financial Justice Project have worked to submit a petition to the court to clear all of the debt associated with the fees included in the legislation, along with a list of associated account numbers.

The leadership of the San Francisco Superior Court has been supportive and collaborative throughout this process. A copy of the petition to the courts can be made available by emailing the contributors to this paper. Furthermore, the University of California Berkeley [Public Advocacy Clinic](#) has assisted counties that aim to wipe out outstanding fees owed to the juvenile justice system and can provide sample Board of Supervisors resolutions from California counties that directed county departments to eliminate the outstanding debt. Their contact information is provided in the Resource section of this paper.

¹⁵ Over \$15 million in debt is outstanding from the fees charged between 2012-2017. Data for outstanding debt from years prior is not currently available. Source: San Francisco Superior Court data.

II. Key Challenges

Throughout this process, we faced several key challenges listed below:

- 1. Lack of awareness.** Over and over again, when we met with people inside and outside of government, they did not realize that the government and courts assess criminal justice administrative fees and were unaware of the problems they create for people who must pay them. Once people understood how they were assessed, how they added up, the problems they created for low-income people, and how they brought in very little revenue, key players throughout the city and county agreed to the reforms.
- 2. Gathering the necessary data.** We wanted to understand what fees are being charged, which fees are authorized by the county, and the associated revenue impacts. Many of these fees are authorized by the state, and we needed to determine which fees were mandatory to collect and which the county had local authority to eliminate. There were often local misperceptions about what was required to do by state law, and what was at the county's discretion. Compounding the complication is the fact that the fees are often collected by different entities, both within counties and across counties. In some cases, the fees are collected by the San Francisco Superior Court, and in other cases county entities do the collection. Tracing the revenue through the courts and into the county was sometimes challenging. The Public Defender's Office, the Mayor's Budget Office, and The Financial Justice Project worked closely with the Superior Court to understand the collection process, the statutes governing the fees, and what the county could and could not reform.
- 3. Working across government silos.** In many cases, understanding the client experience, fee collection process, and budget impact required compiling data from several different city and county agencies. The collection and understanding of this data would not have happened without a partnership between the San Francisco Public Defender's Office, the San Francisco Superior Court, the Mayor's Budget Office, the San Francisco Controller's Office and the Financial Justice Project, along with community organizations and advocates.
- 4. Clarifying the goal of these fees is to collect revenue, not to create an additional consequence or punishment.** One of the greatest misunderstandings we faced in describing this legislation was around the intention or purpose of these fees. Many are unaware that individuals face other consequences—such as serving time, paying restitution, or paying fines, in addition to paying these administrative fees. The goal of these fees is to cover costs, not create another consequence. Despite the intention, however, they create an additional layer of punishment and significant barriers to success.
- 5. Addressing concerns about revenue.** The fees eliminated are projected to cost the county approximately \$1 million a year in foregone revenue. We believe these costs are outweighed by the benefits that will come from eliminating them. They will lift \$15 million in debt off 20,000 individuals who have been unable to pay these fees over the past six years. Elimination of the fees will remove barriers to reentry for thousands of individuals. And the costs of our criminal justice system and courts should not be borne by people least positioned to pay them, especially by individuals who are living in extreme poverty and have already paid many consequences, including paying various fines, victim restitution, or serving time in jail.

**“These fees shackle people with debt long after they have served their time.”
– Malia Cohen, San Francisco Board of Supervisors**

III. Key Partners in Reform

These reforms grew out of the work and advocacy of San Francisco community coalitions and government departments. In 2016, a coalition of community advocates formed [Debt Free SF](#), and called for reforms to the inequitable burden that many fines and fees placed on low-income Californians and San Franciscans. Since then, several key city and county departments and community organizations have helped propel these reforms:

Community Organizations, including local legal service providers and advocacy groups, came together to call for reforms. The community groups called out the impact of these fees on their clients, identified priority actions, and advocated for reform with the San Francisco Board of Supervisors. These community organizations are identified in the acknowledgments section of this paper.

The San Francisco [Public Defender's Office](#) acted as a convener and organizer to spearhead reform and conducted first-of-its-kind research. The Public Defender's Office saw the daily impact of these fees on the individuals accessing their Clean Slate program. In many cases, fines and fees prevented these individuals from clearing their record and obtaining more stable employment or housing.

The San Francisco [Financial Justice Project](#), housed in the **Office of The Treasurer and Tax Collector**, is the nation's first effort embedded in local government to assess and reform how fines and fees hit low-income people. The Financial Justice Project chaired a [Fines and Fees Task Force](#) that brought together the Public Defender, District Attorney, Adult Probation Department, San Francisco Superior Court, other City and County agencies, and community groups to look at fees charged throughout the City and County of San Francisco, including those charged in the criminal justice system. They also worked closely with Adult Probation and the Mayor's Budget Office to advance reforms.

The San Francisco Mayor's Budget Office. The Mayor's Office of Public Policy and Finance (also known as the Mayor's Budget Office) works closely with City departments and agencies to build and maintain a balanced budget for the City and County of San Francisco. The Mayor's Budget Office partnered with the Financial Justice Project to conduct a review of all fines and fees administered by San Francisco City and County Departments, including those assessed through the criminal justice system. They closely examined the impacts of these fees and found more sustainable just sources of revenue.

“Only a fraction of criminal justice fees in San Francisco are actually collected. People simply cannot pay them,” said José Cisneros, San Francisco Treasurer and Tax Collector. “You cannot get blood from a stone. 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.”

What is Happening with Criminal Justice Fees Across the Country?

Criminal Justice Fees appear to be spreading when people can least afford them. According to the [Federal Reserve](#), almost half of people say they cannot pay for an unexpected \$400 expense. Research by the Urban Institute shows that 47% of families in San Francisco have less than \$2,000 in savings and net assets.¹⁶

Over the last few decades, people exiting the criminal justice system have seen dozens of additional fees added to their bills. Fees for services like fingerprinting, civil assessment fees, night court fees. A litany of mandated “add-on” fees like court constructions fees, emergency medical fees, and court operations fees quickly snowball to thousands of dollars. A [state-by-state](#) survey conducted by NPR found that 48 states have increased criminal and civil court fees since 2010. In many cases, if someone cannot pay the fee, additional consequences set in. Examples of these consequences from across the country, and the penalties for nonpayment, are listed below.¹⁷

Examples of User Fees and Penalties for Non-Payment of Criminal Justice Debt by State

State	Penalties
Florida	Requires offenders to pay for the costs of prosecution irrespective of their ability to pay. [§ 938.27(2)(a)]
Michigan	Courts can revoke probation or impose incarceration for those who fail to pay their debt. [Act 87 of 1985, 780.826]
Pennsylvania	denies parole to offenders who are unable to pay a \$60 fee. [18 Pa. Stat. Ann. § 11.1101]
Virginia	Many jurisdictions suspend the driver’s licenses of individuals who miss debt payments. [Va. Stat Ann. § 46.2-395(B)]
Alabama	disenfranchises ex-offenders until they pay all of their criminal justice debt. [Ala. Code § 15-22-36.1(a)(3)]
California	Charges ex-offenders \$300 if they are unable to pay their fines. [Cal. Penal Code § 1214.1(A)]
Missouri	Individuals can spend time in jail to settle their criminal justice debts. debtors are credited \$10 for each day imprisoned. [Mo. Rev. Stat. § 543.270(1)]
North Carolina	Charges at least \$95 in general court fees, a \$25 late payment fee, and a \$20 charge for paying in installments. [North Carolina Administrative Office of the Courts, Court Costs and Fees Chart]

Source: Bannon, Nagrecha and Diller (2010)

Figure 5: Table published in [The Debt Penalty: Exposing the Financial Barriers to Offender Reintegration](#). Douglas N. Evans. John Jay College of Criminal Justice. Page 3.

¹⁶ [The Cost of Eviction and Unpaid Bills of Financially Insecure Families for City Budgets](#). The Urban Institute. January 2017.

¹⁷ [The Debt Penalty: Exposing the Financial Barriers to Offender Reintegration](#). Douglas N. Evans. John Jay College of Criminal Justice. Table available page 3.

What is Happening with Criminal Justice Fees in California?

San Francisco is not alone in calling for reform. In August 2017, the Harvard Kennedy School released a [report](#) detailing a series of recommended reforms to improve probation outcomes. More than three dozen probation chiefs, community corrections directors and commissioners, and criminal justice advocates jointly signed a [statement](#) on the Future of Community Corrections, calling for reducing or eliminating probation fees. Chief Probation officers in Alameda, Los Angeles, San Diego, San Francisco, and Sonoma counties were among the signatories.

A Statewide Criminal Justice Fines and Fees working group was recently formed, coordinated by the East Bay Community Law Center and ACLU of Southern California. Approximately 50 legal service providers, government staff, researchers, and community organization staff participate on monthly calls. To learn more about the working group, or to get information about the regular calls, the contact information for the conveners is provided in the Resources Section at the end of this paper.

What are our Recommendations for Other Counties Considering Eliminating Criminal Justice Fees?

If you are interested in pursuing reform in your county, we suggest that you:

- 1. Reach out to community groups and legal service providers to hear how they see criminal justice fees impacting people they serve.** Key groups can include legal aid organizations and community groups that work with people exiting the criminal justice systems, and agencies that serve low-income individuals, Clean Slate programs that help people clear their records, consumer debt organizations and local public defender's offices.
- 2. Conduct research on which local fees are charged to people in the criminal justice system in your community.** Engage budget and county department stakeholders to better understand how these fees are assessed, authorized, collected, and budgeted. At the end of this report, we have attached sample Public Records Act (PRA) requests that were used by the San Francisco Public Defender. Partner with your Mayor's Budget Office and Controllers Office to explore questions such as: how many people are paying these fees? What are the costs of the fees? How much revenue is collected, outstanding, and delinquent? When you can, work to understand the cost of collections.
- 3. Reach out to the California Criminal Justice Fines and Fees statewide working group.** This group is made up of legal service providers, community advocates, and government officials across the state who are coming together to better understand the problems that stem from criminal justice fines and fees and search for local and state level solutions. Contact information for the group is included in the Resources Section of this paper.
- 4. Look to the many organizations and research institutions that are conducting important research on the impacts of criminal justice fees and recommending solutions.** We have listed some of these studies and organizations in the Resources section of this paper.
- 5. Identify key local leaders and advocacy groups willing to push for more just and sustainable funding sources.** These reforms would not have been possible without the strong support and leadership of a broad coalition, including community organizations and several city and county departments.

Contributors to this Paper

Christa Brown

Financial Justice Project
Office of the San Francisco Treasurer and Tax Collector
Christa.Brown@sfgov.org

Donna Mandel

San Francisco Public Defender's Office
Donna.Mandel@sfgov.org

Anne Stuhldreher

Financial Justice Project
Office of the San Francisco Treasurer and Tax Collector
Anne.Stuhldreher@sfgov.org

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- All of Us or None
- Bay Area Legal Aid
- Coalition on Homelessness
- Community Housing Partnership
- Debt Free SF Coalition
- East Bay Community Law Center
- Garrick Byers
- Lawyers' Committee for Civil Rights
- Legal Services for Prisoners with Children
- Meredith Desautels
- PolicyLink
- Statewide Criminal Justice Fees Working Group
- Tara Gamboa Eastman
- University of California at Berkeley Policy Advocacy Clinic
- University of California, Hastings Community Justice Clinics
- Western Center on Law and Poverty

We would also like to acknowledge our public-sector partners and leaders on this work:

- Office of Board of Supervisors President London Breed
- San Francisco Public Defender Jeff Adachi
- San Francisco Treasurer and Tax Collector José Cisneros
- San Francisco Mayor's Budget Office
- Adult Probation Department Chief Karen Fletcher
- San Francisco Sheriff's Department Vicki Hennessy
- San Francisco District Attorney's Office George Gascon
- San Francisco Superior Court
- San Francisco Human Rights Commission

Appendix of Resources

I. California Criminal Justice Fees Working Group

- To learn more about the California Criminal Justice Fees Working Group, contact Devon Porter at ACLU-Southern California or Theresa Zhen at the East Bay Community Law Center. dporter@aclusocal.org and TZhen@ebclc.org.
- For more information about the Juvenile Justice Administrative Fees, contact Stephanie Campos Bui with the University of California Berkeley Public Advocacy Clinic. scamposbui@clinical.law.berkeley.edu.

II. Additional Research on Criminal Justice Fees

III. News Coverage of San Francisco Criminal Justice Fee Legislation

IV. Sample Public Document Request to the San Francisco Superior Court

V. Criminal Justice Fines and Fees Assessed and Collected 2012-2017

VI. Description and Statutes for Criminal Justice Fines and Fees

VII. One Page Fact Sheet Describing San Francisco Legislation

II. Additional Research on Criminal Justice Fees

[A Pound of Flesh: Monetary Sanctions as Punishment for the Poor](#). Alexes Harris. 2016.

[California Legislative Analyst Report: Governor's Criminal Fine and Fee Proposals](#). Mac Taylor, Legislative Analyst. March 2017.

[California Legislative Analyst Report: Improving California's Criminal Fine and Fee System](#). Mac Taylor, Legislative Analyst. January 2016.

[Confronting Criminal Justice Debt: A Guide for Policy Reform](#). Harvard Law School Criminal Justice Policy Program. September 2016.

[Charging Inmates Perpetuates Mass Incarceration](#), Lauren Brooke Eisen, Brennan Center

[Double Charged: A Special Investigation](#). Youth Radio. May 2014.

[Ending the Debt Trap. Strategies to Stop the Abuse of Court-Imposed Fines and Fees](#). PolicyLink. Alexandra Bastien. March 2017.

[Fines, Fees, and Bail: Payments in the Criminal Justice System that Disproportionately Impact the Poor](#). White House Council of Economic Advisors. December 2015.

[Maryland's Parole Supervision Fee: A Barrier to Reentry](#). Diller, Greene and Jacobs. Brennan Center for Justice.

[Making Families Pay: The Harmful, Unlawful, and Costly Practice of Charging Juvenile Administration Fees in California](#). Berkeley Policy Advocacy Clinic. March 2017.

[Monetary Sanctions in the Criminal Justice System. A review of law and policy in California, Georgia, Illinois, Minnesota, Missouri, New York, North Carolina, Texas and Washington](#). Alexes Harris, Beth Huebner, Karin Martin, Mary Pattillo, Becky Pettit, Sarah Shannon, Bryan Sykes, Chris Uggen, and April Fernandes. April 2017

[San Francisco Fines and Fees Task Force: Initial Findings and Recommendations](#). San Francisco Financial Justice Project. May 2017.

[The Cruel Poverty of Monetary Sanctions](#). Alexes Harris. March 2014.

[The Debt Penalty: Exposing the Financial Barriers to Offender Reintegration](#). Douglas N. Evans, John Jay College of Criminal Justice (2014): 9. Web. 30 Jul. 2015

[Who Pays? The True Cost of Incarceration on Families](#). Ella Baker Center for Human Rights. September 2015.

III. News Coverage of San Francisco Criminal Justice Fee Legislation:

<https://www.sfchronicle.com/crime/article/S-F-ordinance-targets-fees-faced-by-poor-12553613.php>

<http://www.sfchronicle.com/news/article/SF-Sheriff-wipes-out-electronic-monitoring-12556420.php>

<http://www.sfweekly.com/news/s-f-may-eradicate-citys-court-fines-and-fees/>

<https://www.courthousenews.com/san-francisco-moves-to-end-nickel-and-diming-of-criminal-defendants/>

<http://www.sfexaminer.com/sf-seeks-eliminate-criminal-fees-keeping-people-buried-debt/>

<http://abc7news.com/politics/sf-board-of-supervisors-introduces-legislation-to-eliminate-criminal-justice-fees/3045007/>

<http://sanfrancisco.cbslocal.com/2018/02/06/san-francisco-eliminates-burdensome-fees-for-people-convicted-of-crimes/>

<https://kmel.iheart.com/featured/the-sana-g-morning-show/content/2018-02-06-san-francisco-to-eliminate-criminal-justice-fees/>

<https://www.sfgate.com/news/bayarea/article/Supervisor-Breed-Calls-For-Elimination-Of-Fines-12557074.php>

<https://sfbay.ca/2018/02/07/london-breed-targets-criminal-fees-for-elimination/>

<http://sfbayview.com/2018/02/supervisors-president-london-breed-joins-city-leaders-in-announcing-first-in-the-nation-legislation-eliminating-criminal-justice-fees-in-san-francisco/>

IV. Sample Public Document Request to the San Francisco Superior Court¹⁸

SAN FRANCISCO PUBLIC DEFENDER
JEFF ADACHI – PUBLIC DEFENDER
MATT GONZALEZ – CHIEF ATTORNEY



September 20, 2017

VIA EMAIL

Ann E. Donlan
Communications Director
Superior Court of California
County of San Francisco
400 McAllister St. Room 205
San Francisco, CA 94102
adonlan@sfc.org

Re: Request for Court Records Pursuant to Rule 10.500

Dear Ms. Donlan:

Please accept the following request to inspect and obtain copies of judicial administrative records maintained by the San Francisco Superior Court pursuant to Rule 10.500 of the California Rules of Court.¹

I hereby request access to records relating to the collection of court-ordered debt imposed by the San Francisco Superior Court of California (hereinafter "Court"). Unless otherwise stated, I request the records below from the January 1, 2012 to the present.

Definition of Terms Used in this Request:

"Criminal Court Debt" includes any monetary judgment, fine, or fee imposed by the court, arising from charges filed in criminal court, including a fine imposed as a sentence following a conviction, probation costs, and any other fines, fees, forfeitures, penalties, restitution, and assessments.

"Fine or Fee" includes a fine imposed as a sentence following a conviction, probation costs, and any other fines, fees, forfeitures, penalties, restitution, and assessments.

¹ All subsequent references are to the California Rules of Court, unless otherwise noted.

Adult Division - HOJ
555 Seventh Street
San Francisco, CA 94103
P: 415.553.1671
F: 415.553.9810
www.sfpUBLICDEFENDER.org

Juvenile Division - YGC
375 Woodside Avenue, Rm. 118
San Francisco, CA 94127
P: 415.753.7601
F: 415.566.3030

Juvenile Division - JJC
258A Laguna Honda Blvd.
San Francisco, CA 94116
P: 415.753.8174
F: 415.753.8175

Clean Slate
P: 415.553.9337
www.sfpUBLICDEFENDER.org/services

Community Justice Center
P: 415.202.2832
F: 415.563.8506

Bayview Magic
P: 415.558.2428
www.bayviewmagic.org

MoMagic
P: 415.567.0400
www.momagic.org

¹⁸ Note that not all data listed above was available from the court.

Requested Records:

1. All records, in electronic form, of Criminal Court Debt imposed by the San Francisco Superior Court, for all adult criminal matters, from January 1, 2012 to the present. This should include, but not be limited to, for each individual account:
 - a. Date the debt was originally incurred
 - b. Whether the debtor was represented by a court appointed attorney
 - c. Zip code of the debtor
 - d. Any demographic data collected about the debtor including race, sex, and immigration status
 - e. The original dollar amount of each individual Fine or Fee imposed, labeled with the facility code and/or authorizing statute
 - f. The total amount of any payments to date
 - g. The total amount of any balance that was waived, cancelled or reduced
 - h. The current balance
 - i. The date any installment payment agreement was agreed to, if applicable
 - j. Any late fees or interest assessed
 - k. Any civil assessment penalty assessed
 - l. The date the account was turned over to any debt collection company or agencyPersonal identification, such as name and social security number, may be redacted at your discretion.
2. All records reflecting any current agreements, including but not limited to executed contracts, between the Court and any debt collection company or agency, including but not limited to the Board of Delinquent Revenue and AllianceOne;
3. The most recent collections report to the Administrative Office of the Court for fines and fees.
4. A copy of the form used for an installment payment agreement.
5. A copy of the worksheet used for ability to pay determinations
6. The court's Debt Discharge Plan, or the most recent draft if a final plan does not yet exist.

I have attempted to be as specific as possible in designating the public records I wish to obtain. If you find that my request is unclear or insufficiently focused, I request that you provide me with the assistance required under Rule 10.500(e)(9)(A), including "assisting the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated."

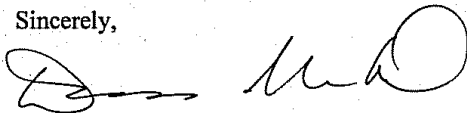
Where possible, please send your response in electronic format, as required by Rule 10.500(i), via electronic mail to donna.mandel@sfgov.org. Otherwise, please mail your response to:

Donna Mandel
Legislative Policy Analyst
Office of the Public Defender
City and County of San Francisco
555 Seventh Street
San Francisco, CA 94103

Finally, as you know, Rule 10.500(e)(6) requires a response within 10 calendar days of receipt of this request. I ask that you please send the materials responsive to this request as they become available. For example, if the material responsive to one request is ready, but the Court will need significantly more time to gather materials on other questions, please forward what is ready as soon as possible. Also, if a portion of the material is confidential, please send me the non-confidential portions of the material.

I thank you in advance for providing the records I have requested. Please feel free to contact me at the phone number or email address below if you have any questions about this request.

Sincerely,



Donna Mandel
Legislative Policy Analyst
Office of the SF Public Defender
(415) 734-3028

V. Criminal Justice Fines and Fees Assessed and Collected 2012-2017

All Fines and Fees Assessed and Collected by the San Francisco Superior Court January 2012-November 2017

All Fees Assessed and Collected, All Years										
Fee Type	2012	2013	2014	2015	2016	2017	All Years			
	# Assessed	# Assessed	# Assessed	# Assessed	# Assessed	# Assessed	All Years # Assessed	All Years Original Balance	All Years Paid	All Years Current Balance
2% StateAtmFnd	2,117	1,543	564	988	990	533	6,735	\$ 185,767	\$ 105,397	\$ 78,077
2% StateAtmFnd			668			1	669	\$ 18,016	\$ 11,307	\$ 6,472
30% of PC1464 County						1	1	\$ 35	\$ 35	\$ -
70% of PC1464 ST						1	1	\$ 50	\$ 50	\$ -
Adm AssmntVC Conv				1			1	\$ -	\$ -	\$ -
Admin Fee	4,269	4,326	3704	3,468	3,494	2,519	21,780	\$ 706,860	\$ 166,034	\$ 532,180
AIDS Ed Program						2	2	\$ 120	\$ 50	\$ 70
Alcohol Lab Fee	1,618	1,253	992	801	836	472	5,972	\$ 297,550	\$ 207,357	\$ 89,704
Alcohol Lab Fee ME	1,024	798	739	631	655	387	4,234	\$ 214,350	\$ 139,880	\$ 74,062
Alcohol Rehab Fee	1,618	1,253	991	799	833	471	5,965	\$ 297,337	\$ 207,309	\$ 89,584
Attorney Sanction				1			1	\$ 950	\$ 950	\$ -
Auto Fingerprint	2,088	1,524	1182	915	919	518	7,146	\$ 1,329,190	\$ 881,664	\$ 427,803
Base Fine	2,037	1,477	1072	837	857	490	6,770	\$ 1,588,944	\$ 1,076,148	\$ 508,662
Blood Alc Fund PC 1463.25						2	2	\$ 270	\$ 37	\$ 233
BDR NSF	31	70	15	52			168	\$ 8,550	\$ 7,500	\$ 1,950
Booking Fee	1,642	1,780	1539	1,177	1,279	836	8,253	\$ 1,110,272	\$ 171,309	\$ 910,047
CCA ICNA	2,086	1,523	1182	914	919	518	7,142	\$ 2,860	\$ 1,551	\$ 1,268
Citation Fee (PC1463)	1,500	1,114	884	679	718	391	5,286	\$ 52,779	\$ 38,283	\$ 14,446
Civil Assessment				1			1	\$ 290	\$ -	\$ -
Civil Assessment Penalty	2,999	3,150	805	3,254	2,505	2,125	14,838	\$ 3,389,897	\$ 456,995	\$ 3,844,835
County Penalty					2	2	4	\$ 11	\$ -	\$ 4
Court Operations Assessment	4,644	4,551	3883	3,631	3,646	2,594	22,949	\$ 1,084,398	\$ 292,040	\$ 778,336
Crim Lab Fee	278	187	88		7	14	574	\$ 31,524	\$ 4,730	\$ 25,591
CrimConvAssmnt (GC70373)	4,631	4,551	3879	3,632	3,647	2,595	22,935	\$ 813,792	\$ 219,426	\$ 584,156
Crime Prevention				2			2	\$ 20	\$ -	\$ 20
CUBS Interest	91	37	1				129	\$ 340,306	\$ 31,385	\$ 307,899
DA Investigation Costs				1	1		2	\$ 912	\$ 487	\$ 425
Diversion Fee Fel	1						1	\$ 500	\$ 500	\$ -
Diversion Rest Fee	3	3				2	8	\$ 800	\$ 225	\$ 575
DNA 1st	2,088	1,524	1182	915	920	518	7,147	\$ 270,478	\$ 176,979	\$ 89,546
DNA 2nd	2,088	1,524	1182	915	919	518	7,146	\$ 958,353	\$ 643,175	\$ 302,502
Drug Program Fee	65	26	7			1	99	\$ 15,900	\$ 2,392	\$ 13,108
DV Fee County	194	192	183	156	142	83	950	\$ 294,152	\$ 66,656	\$ 219,418
DV Fee State	194	192	183	156	142	83	950	\$ 153,440	\$ 34,935	\$ 114,730
EMAT	1		458	6,035	882	489	7,865	\$ 33,697	\$ 24,723	\$ 8,939
EMS 2 of 10			441	827	857	484	2,609	\$ 183,960	\$ 118,244	\$ 65,053
EMS Maddy Fund	2,088	1,524	1182	915	919	518	7,146	\$ 533,190	\$ 353,416	\$ 171,863
FG13003County						1	1	\$ 4,559	\$ 1,750	\$ 2,809
FG13003State						1	1	\$ 4,559	\$ 1,750	\$ 2,809
HS BF County	309	171	125	79	61	33	778	\$ 89,660	\$ 9,170	\$ 72,516
HS BF State	309	171	125	79	61	33	778	\$ 266,408	\$ 27,501	\$ 215,161
Legal Counsel Fee	13	7	3				23	\$ 23,750	\$ 19,858	\$ 3,892
Miscellaneous				5			5	\$ 25	\$ -	\$ (44)
MovingCrtConstruction	2,088	1,524	1182	914	918	518	7,144	\$ 2,723	\$ 1,854	\$ 641
Night Court Fee					3	1	4	\$ 5	\$ 2	\$ 5
OR fee (PC1463)	320	316	187	225	156	135	1,339	\$ 33,456	\$ 8,283	\$ 24,939
Overpayment	52	40	5	86	42	55	280	\$ 675	\$ 94,794	\$ (38,604)
PenSB1773 2/10	2,086	1,524	741	88	62	34	4,535	\$ 349,376	\$ 235,565	\$ 106,566
Pre-Sentence Report	1,280	1,211	1078	917	987	702	6,175	\$ 922,277	\$ 90,177	\$ 801,127
Probation Costs	1,758	1,784	1419	1,291	1,285	921	8,458	\$ 15,788,532	\$ 2,712,628	\$ 12,009,538
Restitution Fine PC1202.4	4,600	4,573	3877	3,605	3,637	2,587	22,879	\$ 4,808,164	\$ 1,440,661	\$ 3,287,660
Rest'n Fine (Cnty Children's Trust Fund)						1	1	\$ 300	\$ -	\$ 300
Return Check Fee	57	34	9	1,574			1,674	\$ 2,856	\$ 2,606	\$ 250
Sex offender first		1				2	3	\$ 900	\$ 300	\$ 600
ST PenAssessment					1	3	4	\$ 303	\$ -	\$ 303
State 20% Surcharge	2,087	1,524	1182	915	920	516	7,144	\$ 542,930	\$ 420,169	\$ 115,472
State Penalty 30%	2,088	1,524	1182	915	919	518	7,146	\$ 799,564	\$ 530,116	\$ 257,587
State Penalty 70%	2,088	1,524	1182	915	919	517	7,145	\$ 1,864,529	\$ 1,236,437	\$ 600,415
ST Construction Fund	2,089	1,524	1182	915	919	517	7,146	\$ 1,329,059	\$ 881,229	\$ 428,117
Victim Interest				1	2	1	4	\$ 909	\$ 453	\$ 456
Victim Restitution	231	159	77	20	230	226	943	\$ 11,403,370	\$ 1,017,760	\$ 10,240,008
Victim Restitution			84	133			217	\$ 2,638,858	\$ 292,842	\$ 2,261,572
VIF \$20 to State	1,379	1,024	836	647	648	378	4,912	\$ 97,942	\$ 74,198	\$ 23,472
VR Admin Fee	176	131	94	124	219	178	922	\$ 1,816,900	\$ 71,520	\$ 1,495,136
All Fees	62,405	52,888	41,576	45,151	38,085	25,039	265,144	\$ 56,712,114	\$ 14,612,793	\$ 41,174,259
Fees we are eliminating	7,966	7,228	6,051	5,055	5,344	3,542	35,186	\$ 20,385,667	\$ 3,539,323	\$ 15,461,529
Total Restitution	4,831	4,732	4,038	3,759	3,869	2,815	24,044	\$ 18,851,601	\$ 2,751,716	\$ 15,789,997
Totals Excluding Restitution	57,574	48,156	37,538	41,392	34,216	22,224	241,100	\$ 37,860,513	\$ 11,861,077	\$ 25,384,262

Figure 5: Source: San Francisco Superior Court, all fines and fees assessed and collected between January 2012-November 2017. Compilation and Analysis: Financial Justice Project. The blue rows indicate the fees would be eliminated in the proposed legislation.

VI. Description and Statutes for Criminal Justice Fines and Fees

Fee Code	Statute Provided by Court	What is it for?	Where does it go?
2%State AtmFnd	GC68090.8	Cost of Automated Record Keeping	State
30% of PC1464 Cnty	PC1464	State Penalty, 30% to County	County
70% of PC1464 ST	PC1464	State Penalty, 70% to State	State
Adm AssmntVC Conv	VC40508.6	Prior VC violation or vehicle registration is attached or restricted	Not specified
Admin Fee	PC 1205(d)	Fee for installment accounts	Court or collection agency
AIDS Ed Progm	PC1463.23	\$50 of specified fines e.g. PC264(b), 286(m), 288a(m), 647.1 & BP & HS	County
Alcohol Lab Fee	PC1463.14	(a) - DUI or Reckless DUI	County
Alcohol Lab Fee ME	PC1463.14(b) Medical Examiner	DUI VC 23152 or 23153	County
Alcohol Rehab Fee	PC1463.16 Alcohol Rehab Program Fee	DUI VC 23152 or 23153 or reckless DUI	County
Atty Sanction	CCP 177.5	Violation of lawful order	State
Auto Fingerprint	GC76102	Automated Fingerprint Fund	County
Base Fine	PC1463.001	Specific to crime	Varies
Blood Alc Fund	PC1463.25	DUI VC 23152 or 23153	County
Booking Fee	GC29550.2	Criminal Justice Administration Fee	County
CCA ICNA	GC70372	Immediate and Critical Needs Account (ICNA)	State
Citation Fee	PC1463.07	Citation Processing Fee	County
Civil Assessment Penalty	PC1214.1 \$300	FTA or FTP	State
County Penalty	GC76000	Additional penalties	County
Court Operations Assessment	PC1465.8	"To assist in funding court operations"	State
Crim Lab Fee	HS11372.5	Criminal Laboratory Analysis Fee	County
CrimConvAssmnt	GC70373	Criminal Conviction Assessment To maintain court facilities	State
Crime Prevention	PC 1202.5	PC 211, 215, 459, 470, 484, 487, 488 or 594	County
Diversion Fee Fel	PC1001.15	Administrative Diversion Fees//Actual Costs re: criminalistics lab	County or State
DivrsnRestFee	PC1001.90	felony and misdemeanor diversion	State
DNA 1st	GC76104.6	DNA Identification Fund	25% State, 75% County
DNA 2nd	GC76104.7	DNA Identification Fund	State
Drug Prgm Fee	HS11372.7	BP 4230 & HS 113501-2, 11355, 11357,11358-61, 11375, 11377-11380.5	Criminalistics lab or state

Fee Code	Statute Provided by Court	What is it for?	Where does it go?
DV Fee County	PC1203.097 DV Fee County	DV probation	2/3 county
DV Fee State	PC1203.097 DV Fee State	DV probation	1/3 state
EMAT	GC76000.10	penalty for VC violations	State
EMS 2 of 10	GC76000.5	Emergency Medical Services	County
EMS Maddy Fund	GC76104	Emergency Medical Services	Various different funds
FG13003County	FG13003C	Fish and Game violations	1/2 county
FG13003State	FG13003S	Fish and Game violations	1/2 state
HS BF County		Base fine (Health and Safety)	County
HS BF State		Base fine (Health and Safety)	State
Legal Counsel Fee	PC987.8	Public Defender Fee	County
MovngCrtConstrctn	GC76100	County jail construction fund	County
Night Court Fee	VC42006	Night court assessment if transferred to the State	State
OR Fee	PC1463.07	Own recognizance fee	County
PenSB1773 2/10	GC76000.5	Emergency Medical Services	County
Pre-Sentence Rept	PC1203.1b	Prepared by adult probation	County
Probation Costs	PC1203.1b	Probation Department Operating Expenses	County
Restitution Fine	PC1202.4	To state fund	State
Rest'n Fine (Cnty Children's Trust Fund)	PC 294	Child sex abuse or sex offense with minor under 14	State for dist to cnty
ReturnCheckFee	GC71386	Returned check	Court or County
Sex Offender Fine 1st	PC290.3	sex offender registration	State
ST PenAssmnt	PC1464	penalty for every fine	70% state 30% county
State 20% Surchrg	PC1465.7	On all base fines.	State
State Penalty 30%	PC1464	County General Fund	70% State, 30% County
State Penalty 70%	PC1464	State penalty fund	70% State, 30% County
STConstFund4.99/10	GC70372	State court construction penalty	State
VIF \$20 to State	PC1463.18	DUI VC 23152 & 23153	State
VR Admin Fee	PC1203.11	Restitution collection fee	Whoever collects it

Source: Created by the San Francisco Public Defender's Office

VIII. One Page Fact Sheet Describing San Francisco Legislation

Broad Coalition Support to Make San Francisco First County in the Nation to Repeal Criminal Justice Administrative Fees



The Legislation, at a glance: Introduced by San Francisco Board of Supervisors President London Breed, this revolutionary ordinance will eliminate all administrative fees charged to people exiting the criminal justice system that are locally authorized by the county. This includes 10 fees commonly collected by the court, Sheriff's Department, and Juvenile Probation. In eliminating these fees, this ordinance will lift a financial burden off many of our city's most vulnerable residents – formerly incarcerated individuals who are working to get on their feet and escape the cycle of poverty and homelessness.



The Impact: People exiting the criminal justice system are often charged thousands of dollars in administrative fees. The goal of these fees is to raise revenue, not to punish, since people have already served time, paid fines, or faced other consequences. However, research shows that the vast majority of people charged these fees cannot afford to pay them.

Research shows the vast majority of people exiting prison are unemployed, have unstable housing, and find work difficult or nearly impossible to find after release. The majority of people exiting prison do not have a steady source of income, and often rely on family and friends as their source of income. More than two thirds of people served in the Public Defender's Clean Slate Program, which works with people to expunge their records, are unemployed and make less than \$3,000 per year. The burden of these fees also falls heaviest on the African-American community, which accounts for less than 6 percent of the population, but makes up over half the population in the county jail. For many individuals, they cannot get their record cleared, and access stable jobs and housing, until this debt is paid, which can take years. Court debt drives whole families to spend years trying to dig themselves out from under mountains of bills. It means garnished wages, a deepening poverty divide, and financial desperation that leads to more property crime. These fees shackle people with debt well after they've served their time.



The Budget: The fees affected by this legislation are all administrative fees, intended to generate revenue to fund government agencies, rather than to serve some punitive or deterrent purpose. These fees fail to meet their purpose. They create barriers to reentry, and are inefficient and unreliable sources of revenue. Less than 20% of these fees are ever collected because people cannot afford to pay them, yet the debt hangs over the families for years. More than 20,000 people owe more than \$15 million in debt stemming from the fees that were assessed just over the last five years. For more than half of the fees, the revenue is not included in the city's budget. In total, these fees bring in about \$1 million a year, but leave families with millions of dollars in additional debt. The fees that are collected come at a great cost to the city and great pain to indigent residents. We can find a better way to finance local government.



The Solution: Most criminal defendants are indigent, and many are homeless. When we know that the people being charged these fees are poor, debt-strapped, struggling to access employment and housing, and trying to get back on their feet, the only fair and rational solution is to eliminate these fees. It's time for us to identify more sustainable and just ways to fund our criminal justice system.

The Supporters:

- SF Public Defender's Office
- SF District Attorney's Office
- SF Treasurer's Office
- SF Adult Probation Department
- SF Sheriff's Department
- SF Human Rights Commission
- SF Mayor's Budget Office
- ACLU Foundation of Northern CA
- Coalition on Homelessness
- Community Housing Partnership
- Courage Campaign
- East Bay Community Law Center
- Law Enforcement Action Partnership
- Lawyers' Committee for Civil Rights
- Legal Services for Children
- Legal Services for Prisoners with Children
- SF Financial Justice Project
- Root & Rebound
- Western Center on Law & Poverty

A Look at Criminal Justice Administrative Fees:

- Cost of Adult Probation fees – typically \$1,800 up front
- Booking fee – \$135
- Pre-sentence report fee – \$150
- Electronic monitoring – up to \$125 sign-up fee, plus \$35 a day

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