
Making Parents Pay: Juvenile Fees in Contra Costa

Documents, 2016–2019

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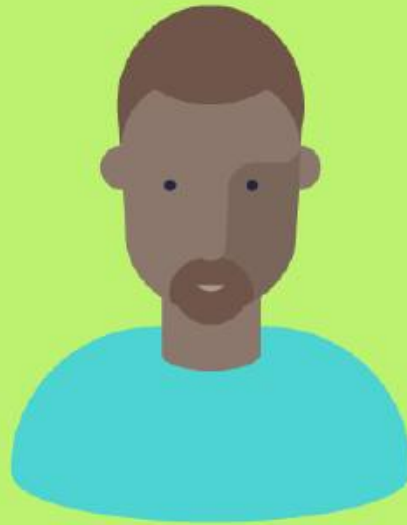
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In the System: One Child's Experience in CoCo

Brooke Harris,
Post-Disposition Reentry Attorney,
CoCo Office of the Public Defender





Randy's Story*

- Randy is now 18 years old*
- Middle of three children
- Resides in East County
- Raised by mother and grandfather
- Father has been in prison for 10 years

*The following details have been modified.



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*Identifying details have been modified.

Randy's Path

- The event:
 - October 2012, at 14 years old, Randy was riding in a car with some friends who decided to break into a house.
- The arrest (his first offense):
 - Randy and his friends were taken into custody and held at the local jail.



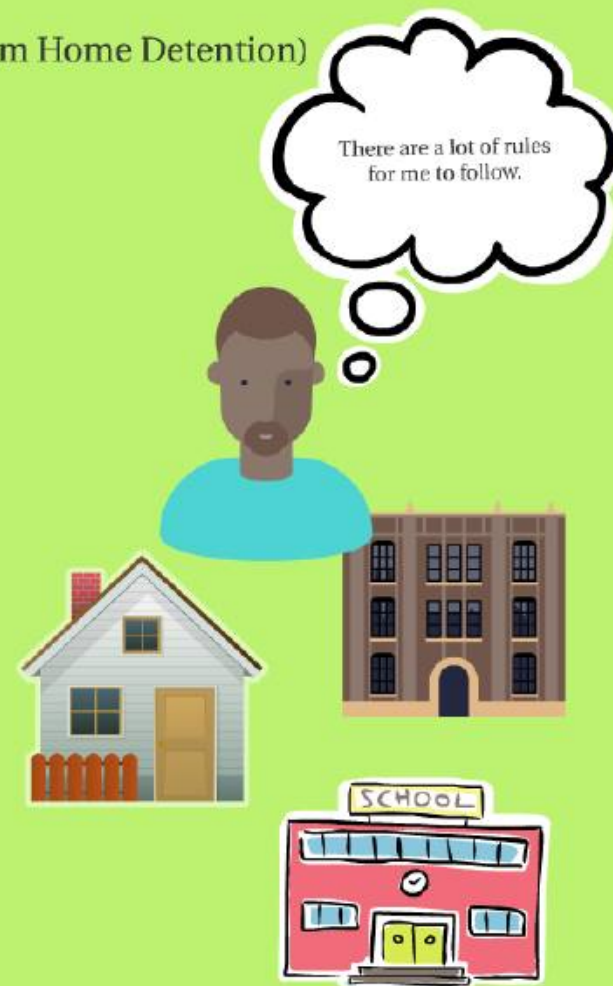
Randy's Path

- **The events:**
 - October 2012, at 14 years old, Randy was riding in a car with some friends who decided to break into a house.
- **The arrest (his first offense):**
 - Caught and arrested, Randy was interviewed by the police (without an adult present).
 - He admitted to the investigating officer that he took two watches and an iPad.
 - At the police station, he expressed remorse and wrote an apology to the victim.
- **Case process:**
 - **Police department** decided to report his case to Probation.
 - **Probation** decided to refer him to the District Attorney for prosecution
 - **District Attorney** decided to charge him with First Degree Residential Burglary.
 - **Court** referred him for consideration for "Deferred Entry of Judgment" (DEJ).
 - **Probation** found him "unsuitable" for DEJ.
 - Pending resolution of his case, **Probation** placed him on electronic monitoring.
- **Disposition and initial cost:**
 - January 2013: Plead guilty to Second Degree Burglary, with a maximum custody term of three years. Probation recommended in-custody program at the Ranch
 - March 2013: Court instead sentenced him to another 90 days on ankle monitoring and made him an indefinite Ward of the Court.
 - By this point, he had spent 22 weeks in the system: 32 days in Juvenile Hall and 122 days on electronic monitoring, at a potential cost to parents of \$3,034.



"Deferred Entry of Judgment" allows a conviction to be dismissed if the person abides by conditions for 18 months.

- **May 2013, while on Home Detention (now 15 years old):**
 - Probation charged him with violating terms of supervision (unauthorized absence from Home Detention)
 - Probation took him into custody
 - Court sentenced him to six months at the Ranch
- **June 2013:**
 - Charged with fighting at the Ranch, which is a Probation violation
 - Sentence extended by 60 days (now sentenced to a total of eight months)
- **November 2013:**
 - Charged with fighting at the Ranch, which is a Probation violation
 - Sentence extended by 60 days (now sentenced to a total of ten months)
- **Spring 2014 (now 16 years old):**
 - Released from Ranch, returned to home
 - As an indefinite Ward of the Court, still under Probation supervision
- **May 2014:**
 - Charged with curfew violation and truancy, which are Probation violations
 - Recommitted to Ranch for 56 days (time remaining on his Parole)
- **June-August 2014:**
 - Charged with fighting at the Ranch, which is a Probation violation
 - Contested Dispositional Hearing
 - Ordered to an Out of Home group placement in Stockton (40 miles away)
- **March 2015-August 2015 (now 17 years old):**
 - Alleged to be AWOL from group placement, sent back to Juvenile Hall
 - Ordered into placement at Rite of Passage in San Andreas, CA (90 miles away)
- **August 2015-May 2016 (now 18 years old):**
 - Held at Rite of Passage until release/graduation at age 18
 - Sent back to Contra Costa, released from custody
 - Remains on Probation



Outcomes?

So, after stealing two watches and an iPad at 14, Randy has been in the juvenile justice system for almost four years.

He has spent almost all of his teenage years away from home and family: at the Ranch, at the Hall, or in a group placement.

He has been moved at least eight times. His educational setting has changed with each move.

Cost of Probation

The possible total cost billable to Randy's mother for all of his years under Probation supervision likely approaches \$40,000.

Although this amount can be reduced based on CoCo's sliding scale (which Donté will talk about next), the amount due from his mother will probably exceed \$10,000.

Juvenile Fees in Contra Costa: An Overview

Donté Blue
Contra Costa County
Reentry Coordinator

The Cost of Juvenile Probation
Contra Costa County Probation Department
has a Vision that
that responsibility for counseling, monitoring, and supporting services
remain with the courts and not the individual probation services providers.
This Vision is a goal of a juvenile with access to cost of services that will
be paid for by the courts. They are paid for by the courts and not
by the individual probation services providers.



The Cost of Juvenile Probation

Contra Costa County Probation Department
has a "Collections Unit"

that is responsible for assessing, billing, and collecting various
justice-related fines and fees (for both adult probationers and juveniles).

This Unit has a staff of 4.6 people, with an annual cost of about \$588,000.

The costs for the Collections Unit are paid for by the fines and fees
collected from justice-involved adults and from parents of juveniles.

It hasn't always been this way:

- Prior to 2010, the County operated a *countywide* Office of Revenue Collections. With revenues of about \$1 million and expenses of about
- \$1.5 million, it operated at a "Net County Cost" of \$505,935.

It hasn't always been this way:

- Prior to 2010, the County operated a **countywide** Office of Revenue Collections. With revenues of about \$1 million and expenses of about \$1.5 million, it operated at a "Net County Cost" of \$505,935.
- This Net County Cost was paid for by the County's "General Fund": public revenues that cover administrative functions as well as public protection, public assistance, health, education, and public facilities.
- But in 2010, during the recession, the County Board of Supervisors dissolved the countywide Office of Revenue Collections.

Budget and Policy Decisions Made by the Board of Supervisors

When the County dissolved the Office of Revenue Collections in 2010,
Probation formed its own Collections Unit,
absorbing the positions, the existing staff, and the expenses associated with Collections.

The change increased Probation's staffing and budget,
and it also changed the source of funding:

As a result of this County change, the cost of the Collections Unit is no longer covered by General Fund - instead, the cost of the Collections Unit is covered by the revenues collected from justice-involved individuals and families.

In the same year, the County Supervisors also raised
the maximum daily rate charged to families of justice-involved children:

Daily Rates Approved by Board of Supervisors

At the "Hall": \$30/day

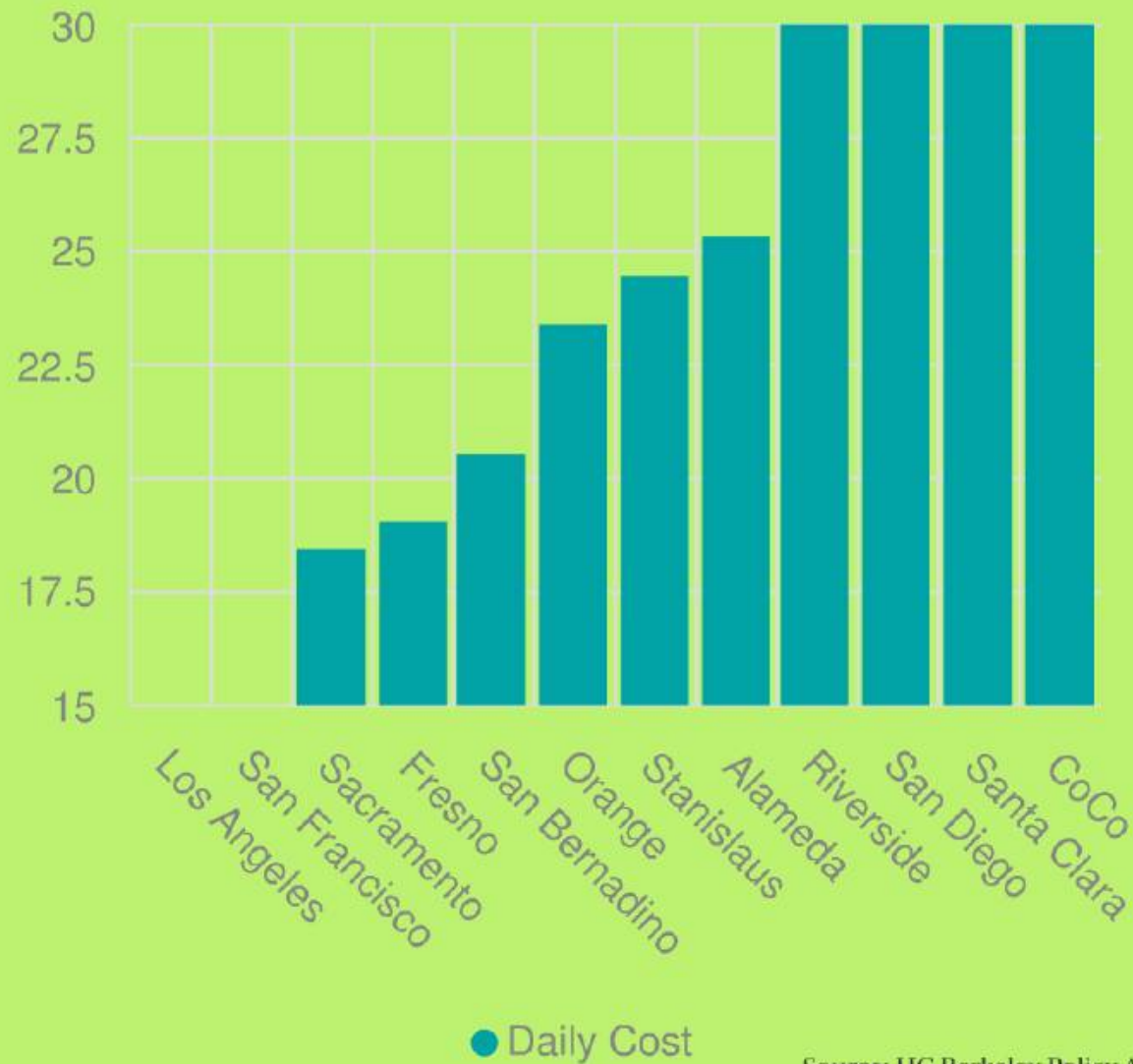
(charges are supposed to be waived if the case is dismissed)

At the "Ranch": \$30/day

Electronic monitoring (home detention): \$17/day

Starting with these amounts,
the County then uses a sliding scale
to determine the actual amount due for each stay.
(We'll hear more about that in a minute.)

**Contra Costa's juvenile detention fees
are among the highest in-custody juvenile fees in the state of California.**



Source: UC Berkeley Policy Advocacy Clinic

What is the billing process?

Each time a child **exits** some element of Probation supervision (the Hall, the Ranch, electronic monitoring), the Probation Collections Unit calculates a bill based on the number of days the child spent.

That bill is sent to parents as part of a collections letter, along with an "Ability to Pay" form.

If parents complete and return that form, the Collections Unit will create a new bill, using a **sliding scale**, based on the family's "net discretionary income."

How does Probation calculate a family's sliding scale?

Probation charges families \$1/day for every \$100 in monthly "net discretionary income." Net discretionary income is any money left over after paying rent/mortgage, utilities, phone, food, car, and child care.

So, if a family has \$400/month in net discretionary income, Probation will charge \$4/day or \$120/month.

Delinquent accounts can be sent to the Franchise Tax Board to intercept people's tax refunds or garnish their wages.

What does this mean for a typical justice-involved family in CoCo?

If a family has \$800/month in discretionary income,
that's a total of \$26.67/day to cover
medical care, emergencies, clothes, education, savings, entertainment...

A Probation charge of \$8/day represents
30% of that family's total discretionary income.

Average total family income for African Americans
in Contra Costa is \$50,516/year.**

Average total family income for Latinos
in Contra Costa is \$57,855/year.**

**Source: American Community Survey 2010-2014

How much money does the County earn from all this?

Probation Collections Unit Revenues and Expenses (info provided by Probation 6/15/16)				Adult % of total revenues and expenses	Juvenile % of total revenues and expenses
Revenues					
	Adult revenues		\$ 339,127	44.04%	
	Juvenile revenues		\$ 430,926		55.96%
Total Unit Revenue			\$ 770,053		
Expenses (allocation derived by applying revenue allocation percentages (known) to expenses)					
Administration					
	FTE				
	0.1	Administrative Chief			
	0.3	Admin Services Assistant III			
	0.2	Account Clerk Advanced			
		Costs are paid from County general fund	\$ 69,872	\$ 30,771	\$ 39,101
Direct Staff					
		2 Collection Enforcement Officers Level II			
		1 Clerk Specialist			
		1 Accounting Technician			
	Total Staff	4.6 Costs are paid from Probation Collections budget	\$ 450,340	\$ 198,327	\$ 252,013
	Additional Costs	Costs are paid from Probation Collections budget	\$ 68,513	\$ 30,173	\$ 38,340
Unit Expenses (with allocations)			\$ 588,725	\$ 259,271	\$ 329,454
Total Unit Net Revenue (with allocations)			\$ 181,328	\$ 79,856	\$ 101,472



Another Approach to Youth and Family Justice

Meredith Desautels, Rosenberg Fellow,
Racial Justice Staff Attorney
at Lawyer's Committee for Civil Rights



**Contra Costa is not the only county
that raised their juvenile fees during the recession.**

In 2009, Alameda County raised its detention fees
from \$10.11/ day to \$25.29/day - a 250% increase.

Yet Alameda's rate is still 15% lower
than Contra Costa's \$30 daily fee.

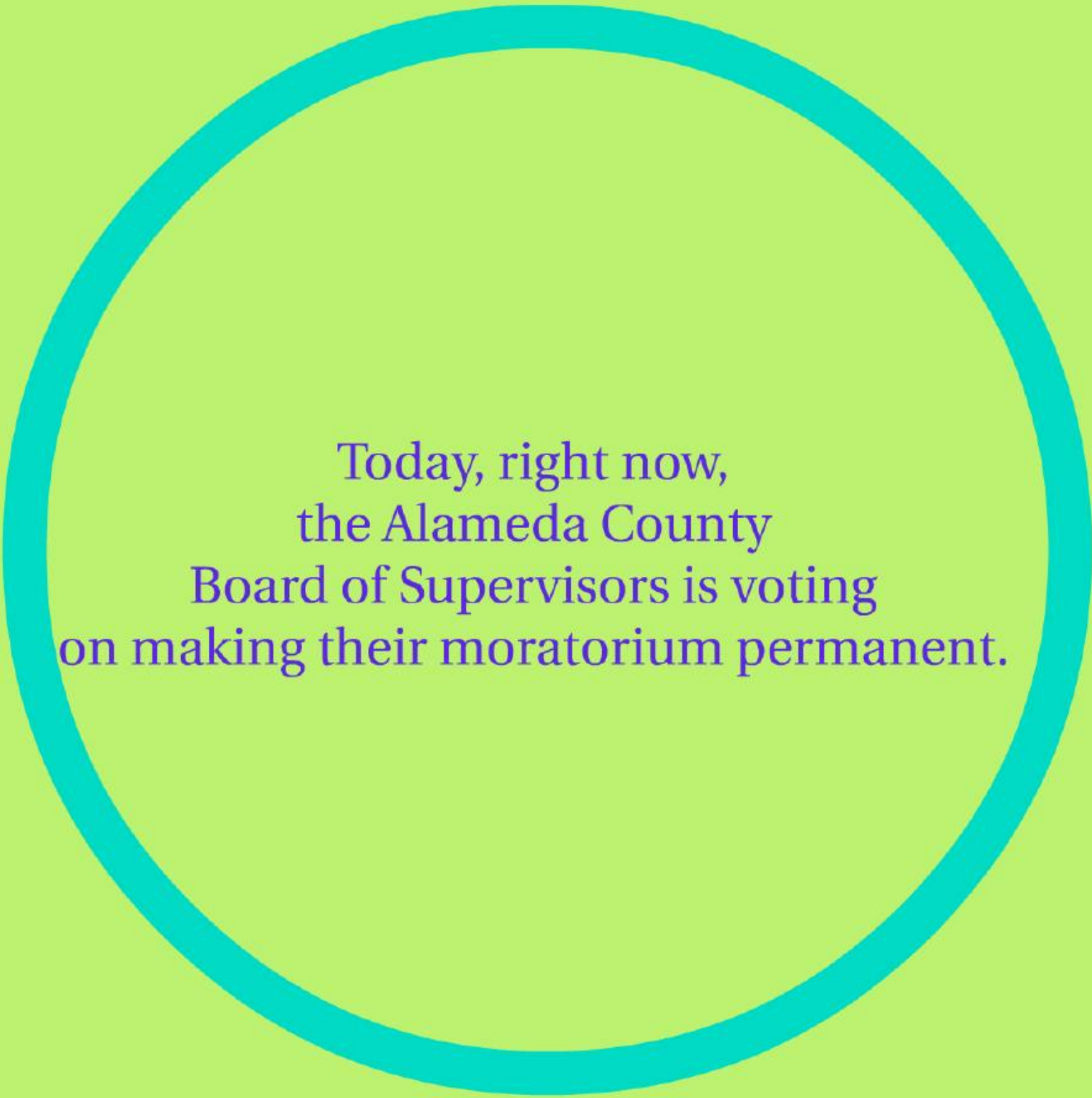
But Alameda is reversing that trend:

But Alameda is reversing that trend:

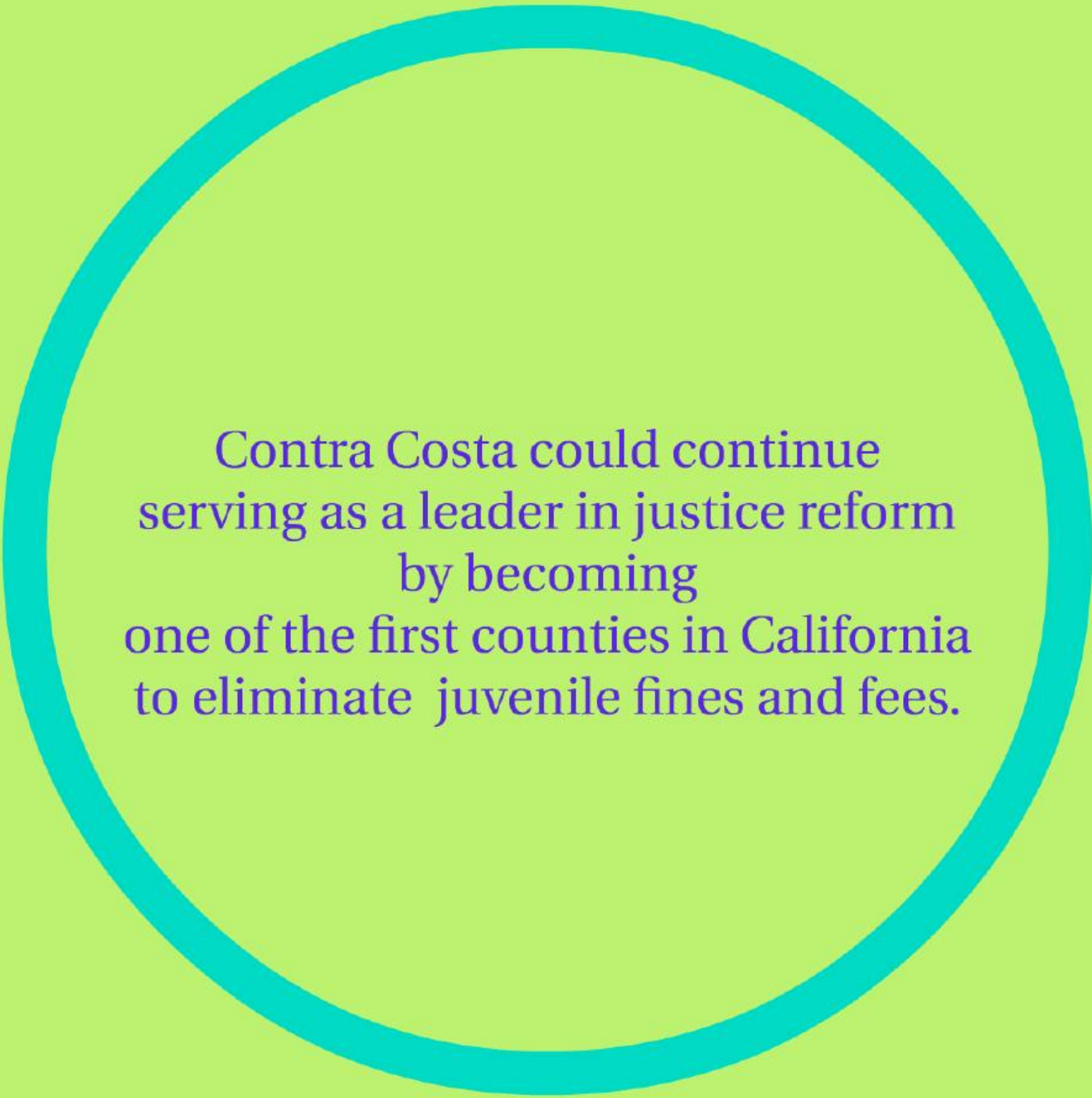
On 3/29/16, spearheaded by
County Supervisors Carson and Valle
and in partnership with community organizations,
Alameda County passed an immediate moratorium
on assessing or collecting all juvenile justice fees.

This was the first moratorium passed by legislation in California.

Santa Clara plans to impose a moratorium on July 1, 2016,
and expects to make it permanent by October 1, 2016.



Today, right now,
the Alameda County
Board of Supervisors is voting
on making their moratorium permanent.



Contra Costa could continue
serving as a leader in justice reform
by becoming
one of the first counties in California
to eliminate juvenile fines and fees.

Why is eliminating juvenile fines and fees smart and equitable public policy?

- **Fees harm family finances:** Low-income families are disproportionately involved in the juvenile justice system. Imposing fees forces them into further instability and can increase collateral burdens on public systems and ordinary citizens.
- **Fees inhibit efforts to escape poverty:** By garnishing wages and intercepting tax refunds, fee-related debt provide disincentives to work.
- **Fees harm family relationships and stability:** Increased family stress and conflict related to financial burdens interferes with the rehabilitative purpose of the juvenile system.
- **Fees harm community stability:** The threat of fees may compel family members to relinquish custody of their children; may compel children to move out of the home in the hope of relieving the family of the burden of fees; may cause a parent to abandon the family in order to avoid the collection process.

"Imposing this kind of debt on families induces economic and familial instability, which undermines the rehabilitative purpose of the juvenile justice system."

Alameda County Supervisors Carson and Valle

Juvenile fees offer little public benefit

- **CoCo generates limited revenue from juvenile fees:** As RSG's analysis of the Collections Unit demonstrates, CoCo generates about \$100,000 in net revenue from Juvenile fines each year.
- **CoCo expends significant resources assessing and collecting juvenile fees:** Reallocating these resources to more efficient purposes is consistent with good governance and with justice reinvestment.
- **Juvenile fees exacerbate economic inequality:** Because the juvenile justice system disproportionately affects low income people of color, imposing juvenile fees only widens the economic disparities that underlie entrenched poverty.
- **Juvenile fees disproportionately burden families of color:** Children and youth of color are disproportionately involved in the juvenile justice system. In addition, they receive disproportionately longer sentences than Caucasian youth. As a result, they accrue more fees and owe more in total debt.
- **Maintaining a policy of juvenile fees is inconsistent with national efforts to reduce incarceration:** By creating additional hardships and stressors, juvenile fees represent barriers to successful rehabilitation.

"We believe that the goals and objectives of our juvenile justice system are being made without the need for fees imposed on those individuals and families that can least afford to pay them."

Allen Nance, San Francisco County Chief Juvenile Probation Officer



"In evaluating a family's financial ability to pay under this section, the county shall take into consideration the family's income, the necessary obligations of the family, and the number of persons dependent upon this income."

- California Welfare and Institutions Code, Section 903(c)

Juvenile fees are not a form of restitution and may not be used for punitive purpose.

By law, juvenile fees imposed on parents or guardians may be used only to offset the county's costs of "support and maintenance of" a child who is incarcerated or on community supervision (CA W&IC, Section 902). They are not a form of restitution, and it is unlawful to use them for either punitive or rehabilitative purposes.

State statute requires that Counties conduct a meaningful "ability to pay" process, along with a formal process to appeal that determination. Yet Contra Costa's "Application for Financial Evaluation" form neglects to consider several "necessary obligations of the family" (CA W&IC, Section 903), thus overestimating the family's ability to pay. And the County's forms fail to inform recipients of the legally protected right to a formal appeal. (CA W&IC, Section 903.45)

The "ability to pay" form that CoCo uses to calculate how much a family has to pay in daily detention and GPS fees does not include the following family expenses:

- Health care and medical costs
- Public transportation
- Educational expenses
- Restitution orders
- Child support costs
- Clothing
- Auto repair or maintenance
- Emergencies
- The family's efforts to save for the future

Contra Costa youth are typically ordered to serve "indefinite" probation terms: With orders for "indefinite" supervision, young people can spend years on probation, constantly under surveillance. As a result, parents may be billed for hundreds of days on GPS or in juvenile incarceration, without ever knowing how long this expense might go on.

In CoCo, juvenile fees have disproportionate impact on low-income families of color.

Black and Latino youth in CoCo are disproportionately suspended, arrested, "referred" to court, found delinquent by the Court, placed on probation, and sentenced to custody than White youth.

In CoCo, 41% of children under probation supervision or custody are African American, 30% are Latino, 18% are White, and 11% are other.

(Demographic statistics: Probation Chief, direct communication, May 2016)



"My grandson has been through a world of hurt and I was not going to just leave him on his own. But I was told that if my grandson didn't have a guardian and was purely a ward of the court, then the state would have to pay for all the fees. So I've been thinking that this is how we were going to have to do it." – Grandmother of an adjudicated youth

Making Parents Pay: What the Research Tells Us about Juvenile Fees

As a matter of law, juvenile fees may not be used as punishment or restitution:

The only legally permissible purpose or use of juvenile fees is to offset the county's costs of "support and maintenance of" a child who is incarcerated or on community supervision. (CA W&IC, Section 902).

Juvenile administrative fees are not the same as restitution and may not legally be used as a tool of either punishment or rehabilitation. (UC Berkeley School of Law, 2016, p. 3)

Juvenile fees make poor families poorer: "Fines and fees are regressive payments that disproportionately impact the poor." (Council of Economic Advisers, 12/2015, p. 3)

"High fines and fee payments may force the indigent...to make difficult trade-offs between paying court debt and other necessary purchases." (Council of Economic Advisers, 12/2015, p. 4)

"Sociological studies show that debt is both a cause and a consequence of poverty but have not previously recognized that penal institutions are an important source of a particularly deleterious form of debt." (Harris, Evans, & Beckett, p. 1762)

They are contrary to rehabilitation: "Burdening a minor's mother with debts to be paid following his detention...hardly serves the future welfare of the child and hardly enhances the Probation Department's attempt to transform him into a productive member of society. Most disturbing, however, is that the County's actions undermine the very domestic 'support' for which it is ostensibly seeking reimbursement. In relentlessly pursuing the debt's collection and opposing its discharge, the County raises yet another obstacle to Rivera's efforts to provide her son with the support about which the County claims to be so deeply concerned. That 'betray[s] a misguided sense of values.' Jerald C., 36 Cal. 3d at 10." (In re Maria G. Rivera (9th Circuit), 2016)

They cause long-term and cumulative harm to families: "Legal debt is substantial relative to expected earnings and usually long term.... [T]his indebtedness contributes to the accumulation of disadvantage in three ways: by reducing family income; by limiting access to opportunities such as housing, credit, transportation, and employment; and by increasing the likelihood of ongoing criminal justice involvement." (Harris, Evans, & Beckett, p. 1756)

"[M]onetary sanctions, like incarceration and felony conviction, are a critical component of the process by which disadvantage accumulates over the life course among many of the urban poor." (Harris, Evans, & Beckett, p. 1792)

They intensify income inequality: "[I]f the imposition of monetary sanctions is...considered...the mechanisms by which poverty and inequality are reproduced are even more numerous." (Harris, Evans, & Beckett, p. 1761)

"For a single-parent family making federal minimum wage, even the average payment constitutes approximately two months' salary." (Feierman, Goldstein, Haney-Caron, & Columbo, p. 6)

They are racially inequitable: “African American families are doubly harmed by current practices—their children are overrepresented within the system, and they are liable for higher fees because of longer probation conditions [imposed on children of color].” (UC Berkeley School of Law, 2016, p. 6)

They’re ineffective: “Given the high administrative costs and low or negative rates of return for fee collection programs, some localities have opted to abolish fee payments altogether.” (Council of Economic Advisers, 12/2015, p. 6)

“If the policy goal is to improve the lives of victims, recoup state expenditures, and reduce crime, our findings suggest that the imposition of monetary sanctions is very likely a policy failure.” (Harris, Evans, & Beckett, p. 1792)

They increase the risk of recidivism: “[The] total amount of fines, fees, and/or restitution imposed at disposition significantly increase[s] the odds of a youth recidivating...even after controlling for relevant youth demographics and case characteristics variables.” (Piquero & Jennings, 2016, p. 26)

They impose costs on everybody else: “These findings are of obvious relevance to scholars...seeking to reduce the costs associated with entrenched urban poverty and crime—costs that are borne by all of us.” (Harris, Evans, & Beckett, p. 1793)

They’re inhumane: “The specific ways that [monetary] policies are implemented in the United States...raise important humanitarian concerns, particularly that they unfairly disadvantage low-income [people].” (Council of Economic Advisers, 4/2016, p. 38)

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Good morning. Rebecca Brown. Thank you for considering this matter and for the opportunity to speak with you today.

I'm Founder and Director of Reentry Solutions Group, which has led much of the research and policy development on this issue.

During our months of work on this, we at RSG have developed recommended language for the ordinance, based on our research and on the work done by the Berkeley Policy Advocacy Clinic; we have previously provided that to County staff and will be glad to do so again.

I am delighted to hear all of you affirming the recommendations we have made, and I am deeply grateful – and impressed – by your willingness to learn about what can otherwise be a neglected reality.

At RSG, as you all know, we have also conducted substantial research on both national findings and on local practices, and we have been grateful for the opportunity to provide education to the community and to you as elected officials.

We would be happy to continue to provide you with information on this and similar issues. To that end, we also prepared a research brief called "Making Parents Pay," which is in your packet but which was not mentioned in the staff presentation.

And I'd like to add a bit more to the educational opportunity today, on two elements: outstanding accounts, and the County's implementation practices

We have analyzed the accounts provided the Probation department. Our analysis reveals the longstanding inefficiency of these efforts.

- 11,089 accounts
- They have unpaid accounts going back to 1990
- On 53.4% accounts, \$0 has been collected – they are 100% outstanding.
- On 78.3% of accounts, more than 75% remains uncollected.
- Overall, 61.8% of the total moneys assessed remains unpaid.

But the harm remains. By eliminating these debts, you can begin to free parents who are already overburdened and struggling.

Mr. Ewell mentioned that the average daily fee for parents may be \$4/day or \$8/day; while I've seen some elected officials scoff at this number as minimal, let me point out that if a family is charged \$4/day, that means that the family has been adjudged to have a total net discretionary income of \$400/month, which means that at \$4/day, \$120/month, that family is paying 30% of their net discretionary income.

And of course our research at Reentry Solutions Group demonstrates that the county's method of accurately assessing a family's "ability to pay" may not in fact fail to achieve the statutory obligation. The statute requires that the ability to pay process take into account what the statute calls "necessary obligations of the family"; the county's sliding scale is based on net discretionary income after taking into account the necessary obligations of the family.

The statute also requires that parents be noticed of their right to appeal, and that the County provide a formal hearing process.

However, the County's process for calculating a family's ability to pay fails to include the following necessary obligations of a family: medical care and health insurance, public transportation, educational expenses, restitution orders, child support orders, clothing, auto repair or maintenance, emergencies.

The County also fails to notice families of their right to appeal and fails to offer a formal process for appealing.

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 10/25/2016 by the following vote:

AYE: ☐
NO: ☐
ABSENT: ☐
ABSTAIN: ☐
RECUSE: ☐



Resolution No. 2016/606

IN THE MATTER OF a proposed Moratorium on the assessment and pursuit of collection of the Probation Department's juvenile cost of care fees.

WHEREAS, the County of Contra Costa's Probation Department is currently authorized by Resolution No. 2010/253 and California Welfare and Institutions Code § 903 to charge a maximum fee of \$30 per day, "known as the juvenile cost of care fee," for the reasonable costs of support of minors detained in Juvenile Hall and the Orin Allen Youth Rehabilitation Facility.

WHEREAS, the Public Protection Committee referred to the Board of Supervisors the matter of whether the Probation Department should continue to assess and collect the juvenile cost of care fee in light of the financial hardship and social impact of such fees on the families of the minors in detention.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Effective November 1, 2016, and until further action by the Board of Supervisors, the Probation Department's authority to assess the juvenile cost of care fee is temporarily suspended. In addition, the Probation Department shall not actively pursue collection of existing accounts, but can continue to deposit payments submitted by clients during the period of the moratorium.
2. While this moratorium is in effect, the Probation Department's Probation Collections Unit will not assess a cost of care fee with respect to minors placed or detained in Juvenile Hall or the Orin Allen Youth Rehabilitation Facility on or after November 1, 2016 and will not pursue the collection of said fees previously assessed with respect to minors detained in those facilities.
3. The Probation Department and County Administrator will report back to the Board of Supervisors on this matter on or before February 14, 2017.

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

ATTESTED: October 25, 2016

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

Contact: Timothy Ewell, 925-335-1036

By: , Deputy

cc:

Probation Department

Probation Collections Unit

50 Douglas Drive, Suite 200
Martinez, CA 94553
925-313-4002



Todd Billeci
CHIEF PROBATION OFFICER

October 28, 2016

Jane Doe
123 Main Street
Anytown, USA 54321

Dear Ms. Doe,

You are receiving this letter because you have an account for charges related to juvenile care fees while your child was at the Juvenile Hall or the Boys Ranch and/or for juvenile electronic monitoring. On October 25, 2016, the Contra Costa County Board of Supervisors passed a moratorium on the juvenile care fee and juvenile electronic monitoring fee beginning November 1, 2016.

We will no longer be assessing a fee for these services and we will no longer be collecting payments on existing accounts. Please do not send any additional payments.

If your account has been referred to the Franchise Tax Board, the account has been recalled and no further collection action will be taken.

If you have any questions regarding this matter, please call our Collections Unit at 925-313-4002.

Sincerely,

Danielle

Danielle C. Fokkema
Chief of Administrative Services

Probation Department

Probation Collections Unit

50 Douglas Drive, Suite 200
Martinez, CA 94553
925-313-4002



Todd Billeci
CHIEF PROBATION OFFICER

Octubre 28. 2016

Jane Doe
123 Main Street
Anytown, USA 54321

Querido Sra Doe,

Usted esta recibiendo esta carta porque tiene una cuenta con nosotros, la cuenta es por los gastos incurridos por su hijo/a cuando estuvo en Juvenile Hall, en Boys Ranch o bajo monitoreo electronico. En Octubre 25, 2016, el Comite de Supervisores del Condado de Contra Costa authorizo que por ahora no se cobre ningun cargo por cuidado de menores de edad y por el monitoreo electronico comenzando Noviembre 1, 2016.

De hoy en adelante nosotros no cobraremos por los servicios mencionados arriba en todas las cuentas que estan pendientes hasta este dia. Por favor no envie mas pagos.

Si su cuenta ha sido mandada a la Oficina del Cobro de Taxes (Franchise Tax Board), su cuenta ha sido retractada y nosotros no continuaremos requiriendo ningun pago.

Si usted tiene preguntas relacionadas con esta carta, por favor llame a nuestra Oficina de Cobros al numero 925-313-4002

Sinceramente,

Danielle

Danielle C. Fokkema
Chief of Administrative Services



advancing social justice through collective impact

FOR IMMEDIATE RELEASE
November 1, 2016

CONTACT:

Rebecca Brown
Founder and Director
Reentry Solutions Group
(510) 243-0122
rebecca@reentrysolutionsgroup.org
reentrysolutionsgroup.org

**CONTRA COSTA COUNTY PROBATION COLLECTIONS UNIT
BEGINS NOTIFYING PARENTS/ GUARDIANS
OF A NEW MORATORIUM ON JUVENILE PROBATION FEES**

This week, the Contra Costa County Probation Office begins mailing letters to thousands of parents and guardians who were previously required to pay daily fees for their children's incarceration in a County juvenile detention facility, as well as daily fees for children required to wear electronic ankle monitors as a condition of probation.

The notification letters, available in both English and Spanish, are the result of a unanimous vote on October 25, 2016 by the Contra Costa County Board of Supervisors to impose a moratorium on this longstanding practice.

Prior to the moratorium, Contra Costa County imposed a range of fees on families with children placed under the control of the County's juvenile justice system, including \$30.00 for each night in the John A. Davis Juvenile Hall or the Orrin Allen Youth Rehabilitation Facility, and \$17.00 per day for electronic ankle monitoring. In many cases, the fees have added up to thousands of dollars per family.

This moratorium has both prospective and retrospective impacts: It immediately suspends the current and future practice of charging parents of children who are incarcerated or ordered to wear electronic ankle monitors, while also suspending collections on all such debts imposed in past decades.

This decision will offer immediate relief to thousands of families with current or outstanding debt and will shield thousands of families who pass through the County's juvenile courts from future financial hardship.

"I am delighted by the swift action now being taken by the Contra Costa County Probation Collections Unit to notify parents and guardians of this moratorium," says Rebecca Brown, Founder and Director of Reentry Solutions Group, which led the local effort to end this practice. "It's very important for parents and guardians to understand that the age or original date of the debt does not matter – all

collections efforts will now cease. Further, if an account has been referred to the state Franchise Tax Board, the account will be recalled by Contra Costa County and no further collection action will be taken. This means that the County will stop garnishing wages and intercepting tax refunds for affected families.”

Contra Costa Supervisor John Gioia, an early champion of the moratorium, says, “The purpose of our juvenile justice system is to promote public safety by rehabilitating young people, but the fee was counterproductive to this purpose. It harmed families already struggling to maintain stability, while providing little revenue to training and treatment programs that benefit youth.”

The moratorium represents an important step in reforming the local juvenile system, explains Ms. Brown. “Now that the moratorium is in place, we look forward to the County’s continuing efforts to remedy this issue by identifying and providing restitution in cases when families were improperly charged.”

Contra Costa’s moratorium goes into effect today, November 1, 2016, with a further report due to the full Board of Supervisors no later than May 31, 2017.

For information and help regarding specific juvenile probation accounts, interested individuals should call the Contra Costa County Probation Collections Unit, at (925) 313-4002.

#End#

Probation Department Offices

Martinez Office

50 Douglas Drive, Suite 200
925-313-4000

Contra
Costa
County



Todd Billeci
CHIEF PROBATION OFFICER

January 26, 2018

Jane Doe
1234 Elm Street
Martinez, CA 94553

Dear Ms. Doe,

I am writing to you because Contra Costa County owes you a refund of money you paid to the County when your child was held in Juvenile Hall.

Please contact us so we can provide you with more information and send you a refund check. You can call us at 925-313-4100 or send us an email at JuvFees@prob.cccounty.us.

Sincerely,

Danielle Fokkema

Danielle C. Fokkema
Chief of Administrative Services

Probation Department Offices

Martinez Office

50 Douglas Drive, Suite 200
925-313-4000

Contra
Costa
County



Todd Billeci
CHIEF PROBATION OFFICER

January 26, 2018

Jane Doe
1234 Elm Street
Martinez, CA 94553

Dear Ms. Doe,

I am writing to you because you paid Contra Costa County for juvenile detention administration fees between September 2010-October 2017 for your child's confinement in Juvenile Hall.

The County may owe you a refund of these fees if your child's petition was dismissed or if your child was found not guilty.

If you believe that you paid the County for fees charged to you even when your child was found not guilty, please contact us so we can determine whether you are due a refund. You can call us at 925-313-4100 or send us an email at JuvFees@prob.cccounty.us.

Sincerely,

Danielle Fokkema

Danielle C. Fokkema
Chief of Administrative Services

We Started with Juvenile Justice Fees: Juvenile Fees in CoCo Ended in Late 2016



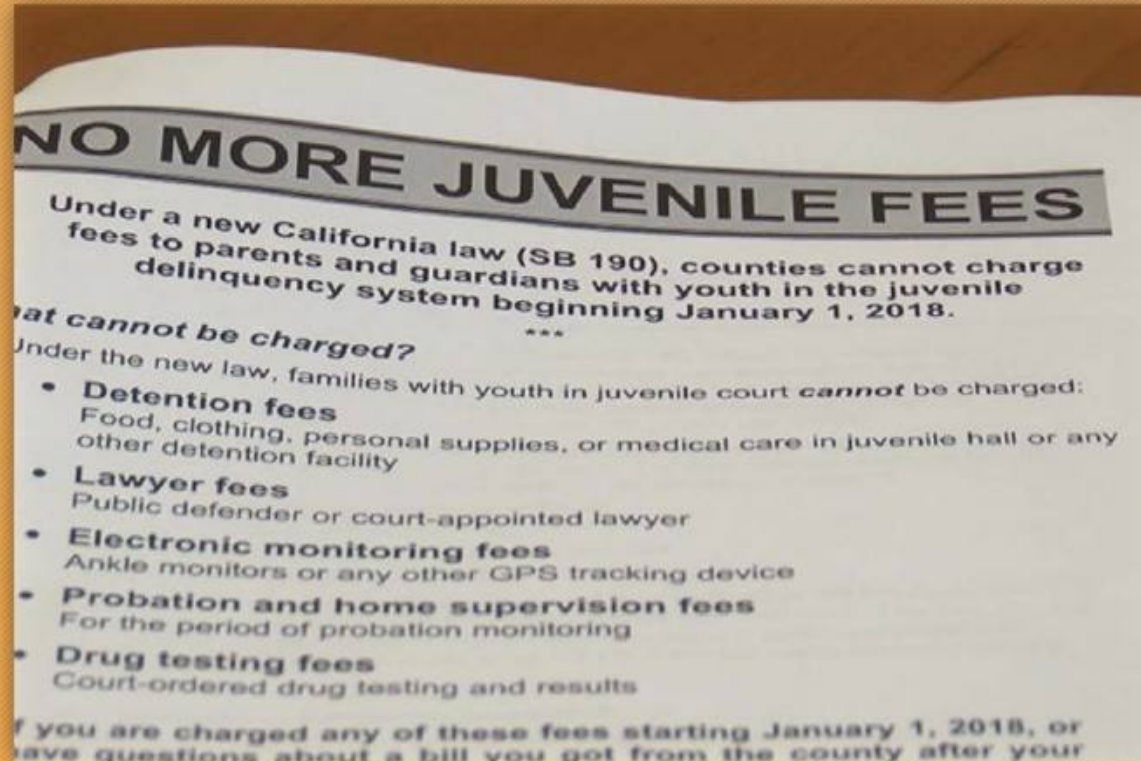
In response to public pressure, in late 2016 Contra Costa
eliminated all juvenile justice fees:
probation, incarceration, drug testing, electronic monitoring.

In response to collective research and advocacy,
Contra Costa became the first county in the nation
to begin to refund fees to families that had been unlawfully charged.

Juvenile Justice Fees Ended Statewide: 2017



In late 2017,
the state of California
eliminated juvenile
justice fees
in all counties,
by means of
Senate Bill 190.





Juvenile Fees Referral Report to the Board of Supervisors

October 25, 2016



History

- ▶ July 19, 2016: The Board of Supervisors referred a review of juvenile fees assessed by the Probation Department to the Public Protection Committee for review.
- ▶ September 26, 2016: The Public Protection Committee received an introductory report from staff on juvenile fees and directed staff to forward the report to the Board of Supervisors for discussion



Collection of Fees

- ▶ County previously had an Office of Revenue Collections (ORC) that centralized collection of many receivables on behalf of departments
- ▶ ORC had difficulty generating sufficient revenue to pay for the cost of collections and was subsequently closed
- ▶ Responsibility for collections was returned to departments
- ▶ Probation Collections Unit (PCU) established in FY 2010/11 collecting
 - Juvenile Fees
 - Adult Public Defense Fees



Juvenile Fees

- The County assesses and the Juvenile Court orders collection of certain fees to offset the costs of caring juveniles in custody
 - Juvenile Cost of Care Fee: Up to \$30 /day. Authorized by W&I 903 and County Resolution No. 2010/253
 - Juvenile Electronic Monitoring Fee: Up to \$17/day. Authorized by County Ordinance 2009-23
- All juvenile fees are assessed on a sliding scale based on ability to pay



Juvenile Fees on a Sliding Scale

- The County significantly reduces the \$30 Juvenile Cost of Care fee based on ability to pay evaluations conducted by the Probation

<i>Adjusted, Daily Juvenile Cost of Care Fee</i>	<i>Max Daily Rate</i>	<i>July 2016</i>	<i>August 2016</i>	<i>September 2016*</i>
Juvnile Hall	\$ 30.00	\$ 5.93	\$ 6.21	\$ 16.98
OAYRF	\$ 30.00	\$ 3.17	\$ 9.13	\$ 14.57

***Note:** September 2016 adjusted average higher because of pending ability to pay evaluations in progress.



Probation Collections Unit (PCU)

- ▶ Staffing of 4.0 FTE
 - ▶ 2.0 Collection Enforcement Officers
 - ▶ 1.0 Accounting Technician
 - ▶ 1.0 Clerk–Specialist Level
- ▶ Unit currently at minimum staffing level



Probation Collections Unit (PCU)

► FY 2016/17 Budget:

		2016-17 Recommended
3004	PROBATION COLLECTIONS UNIT	
E1000	Salaries and Benefits	402,965
E2000	Services and Supplies	77,097
E4000	Fixed Assets	20,000
GRSCST	GROSS EXPENDITURES	500,062
TOTEXP	TOTAL EXPENDITURES	500,062
TOTREV	GROSS REVENUE	790,000
FTE	Allocated Positions (FTE)	4.00
NETCOST	NET COUNTY COST (NCC)	(289,938)



PCU Performance

- PCU does generate revenue for the County

	YTD Actuals	2014-15 Actual	2013-14 Actual	2012-13 Actual	2011-12 Actual	2010-11 Actual
PROBATION COLLECTIONS UNIT	0	0	0	0	0	0
Salaries and Benefits	338,601	450,340	429,190	406,283	434,359	370,932
Services and Supplies	103,470	68,513	68,766	78,770	75,430	134,192
Fixed Assets	0	0	0	0	0	0
GROSS EXPENDITURES	442,072	518,853	497,956	485,054	509,789	505,124
TOTAL EXPENDITURES	442,072	518,853	497,956	485,054	509,789	505,124
GROSS REVENUE	815,835	770,053	739,861	690,928	764,033	720,307
Allocated Positions (FTE)	4.00	4.00	5.00	5.00	5.00	0
NET COUNTY COST (NCC)	(373,763)	(251,200)	(241,905)	(205,874)	(254,244)	(215,183)

- FY 2015/16 generated higher than average revenue due to a vacancy and increased receipts

Note: "YTD Actuals" represented the FY 2015/16 unaudited actuals



PCU Revenue Composition

- Important to evaluate the two revenue streams coming into PCU

3004	PROBATION COLLECTIONS UNIT	2015/16	2014/15	2013/14	2012/13	2011/12	2010/11
	Revenue Composition						
	Juvenile Fees	530,032	430,926	442,707	419,323	474,210	365,809
	Public Defender Fees	285,803	339,127	296,500	271,605	289,824	354,498
	Misc Revenue	0	0	654	0	0	0
	Total	815,835	770,053	739,861	690,928	764,034	720,307

- Since FY 2010/11, Juvenile fees have grown from approximately 51% to 65% of PCU revenue



PCU Insolvent without Both Fees

- PCU operating costs average \$500k per year
- PCU could not operate with revenue from one fee
 - More difficult without Juvenile Fees since it represents 65% of total revenue
 - Important to be aware of the operational impact to PCU from policy changes to juvenile fees



Status of Accounts Receivable

- PCU has \$16.9 million in accounts receivable outstanding from juvenile fees and adult public defense fees.
 - \$8.55 million attributable to Juvenile Fees
 - \$8.34 million attributable to Adult Public Defense Fees
- Earliest receivable on record dates to 1990



Committee Discussion

- The Public Protection Committee accepted the staff report
- Received testimony from the public, including representatives from the Racial Justice Coalition and UC Berkeley Policy Advocacy Clinic
- Referred the issue to the Board of Supervisors with two recommendations:
 - Implement a temporary moratorium on juvenile cost of care fees; and/or
 - Refer the issue to the Racial Justice Task Force for further review



Recommendations

1. ACCEPT a report on the issue of certain fees assessed by the County related to the juvenile justice system;

2. CONSIDER taking the following actions:

a. ADOPT Resolution No. 2016/606 to place a moratorium on the assessment and collection of the Juvenile Cost of Care Fee for Juvenile Hall and the Orin Allen Youth Rehabilitation Facility and DIRECT staff to return to the Board of Supervisors with an update no later than February 14, 2017 in advance of fiscal year 2017/18 budget development;

AND / OR

b. REFER the issue to the Racial Justice Task Force for additional review and report back to the Board at a future date;

3. PROVIDE further direction to staff regarding next steps.



Questions / Discussion

PROBATION COLLECTIONS UNIT
OUTSTANDING BALANCES
as of June 30, 2016

CLIENT# (FEE TYPE)	DATE ASSIGNED	BALANCE REMAINING
22005 Public Defender - Probation	2010	86,408
	2011	306,104
	2012	482,550
	2013	325,120
	2014	269,911
	2015	316,778
	2016	148,480
	TOTAL	\$ 1,935,351

30310 & 30310a Juvenile Electronic Monitoring - Probation	2009	16,914
	2010	697
	2011	91,223
	2012	102,513
	2013	107,228
	2014	86,587
	2015	192,691
	2016	113,138
	TOTAL	\$ 710,991

30355 & 30355a Juvenile Hall - Probation	2010	229,117
	2011	560,683
	2012	377,524
	2013	467,078
	2014	486,320
	2015	615,274
	2016	301,178
	TOTAL	\$ 3,037,175

30356 Ranch - Probation	2010	183,485
	2011	253,115
	2012	276,178
	2013	284,910
	2014	251,175
	2015	294,444
	2016	152,238
	TOTAL	\$ 1,695,546

CLIENT# (FEE TYPE)	DATE ASSIGNED	BALANCE REMAINING
20005 & 21005 Public Defender - Office of Revenue Collections	1995	765
	1996	2,125
	1997	5,207
	1998	12,805
	1999	163,701
	2000	513,914
	2001	696,337
	2002	649,684
	2003	638,625
	2004	624,632
	2005	567,033
	2006	516,570
	2007	640,562
	2008	568,781
	2009	453,979
	2010	350,384
	TOTAL	\$ 6,405,105

30305 Juvenile Hall/Ranch - Office of Revenue Collections	1990	733
	1996	305
	1997	1,668
	1998	3,344
	1999	220,336
	2000	232,546
	2001	393,006
	2002	148,942
	2003	135,039
	2004	120,437
	2005	129,124
	2006	246,830
	2007	459,391
	2008	419,579
	2009	311,241
	2010	282,108
	2013	626
	TOTAL	\$ 3,105,256

GRAND TOTAL **\$ 16,889,424**

October 20, 2016

To the Contra Costa County Board of Supervisors:

Thank you for addressing the important issue of juvenile fines and fees in Contra Costa by adding a proposal for a moratorium to your upcoming meeting agenda. Cessation of these juvenile collections is critical not only because of its proven harmful effects on rates of recidivism and disproportionate financial hardship on families of color. Immediate and complete prohibition is also required because of the clearly unlawful manner in which these collections are perpetually enforced by our county.

At the Public Protection Committee meeting on September 26, 2016, the Probation Collection Unit (PCU) chief enforcement officer confirmed that Contra Costa standard practice includes:

1. Imposition and retention of fines and fees debts upon families of children who are jailed awaiting hearing and ultimately not found to have violated the law by a judge; and
2. Systemic failure to provide required both judicial review and notice of that right to families who report an inability to pay fines and fees assessed upon them by Probation.

Welfare and Institutions Code sections 903 and 903.45 plainly prohibit the above practices as violations of protections put into place for California families. Per section 903:

“[A] county shall not levy charges for the costs of support of a minor detained... **unless,** at the detention hearing, the juvenile court determines that detention of the minor should be continued, the petition for the offense for which the minor is detained is subsequently sustained, or the minor agrees to a program of supervision....”

(Cal. Welf. & Inst. Code §903(a) (emphasis added).) Further, section 903.45 provides:

“A person appearing for a financial evaluation has the right to dispute the county financial evaluation officer's determination, in which case he or she is **entitled to a hearing before the juvenile court.** The county financial evaluation officer, at the time of the financial evaluation, **shall advise the person of his or her right to a hearing and of his or her rights....”**

(Cal. Welf. & Inst. Code § 903.45 (emphasis added).)

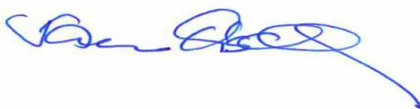
Undoubtedly, Contra Costa's collections practices do not comply with these legal requirements. The PCU represented on September 26th that it would be too costly to identify which families among the more than 16,000 families currently charged are being made to pay unlawfully. According to the PCU, collections enforcement officers do not tell family members of their rights to judicial review and affirmatively tell those who ask that no such hearing right exists. Also, the hearings described by the PCU chief and reflected in juvenile collections forms do not conform the mandate in section 903(c) to consider “the necessary obligations of the family.”

Probation's historically small income generated from its present collection efforts would be nonexistent if the mandatory costs of juvenile court hearings were added to operations. Considered as a whole, these facts mean that the county's defective practices cannot be remedied even if this Board were to allow them to continue.

As you know, the current state and local trend is to terminate county collection of juvenile fines and fees other than victim restitution. In 2016, Alameda County repealed its juvenile collections ordinance and Santa Clara County imposed a moratorium. In 2009, Los Angeles County also imposed a moratorium. Santa Clara announced that it was stopping collections efforts "in an effort to address and potentially reduce the disproportionate representation of youth of color within our juvenile justice system." Alameda County Supervisors Keith Carson and Richard Valle explained, "Imposing this kind of debt on families induces economic and familial instability, which undermines the rehabilitative purpose of the juvenile justice system." The U.S. Court of Appeals for the Ninth Circuit strongly disapproved of the practice this August in *Rivera v. Orange Cty. Prob. Dep't*, writing, "Not only does such a [juvenile fee] policy unfairly conscript the poorest members of society to bear the costs of public institutions, operating 'as a regressive tax,' but **it takes advantage of people when they are at their most vulnerable.**" (9th Cir. Aug. 10, 2016, No. 14-60044 (emphasis added).) The considerations and reasoning that led to cessation and repeal in neighboring counties and across the state apply with equal force here. In fact, the case for a moratorium is all the stronger in Contra Costa because of the violations of family rights embedded in the county's collections practices.

For all of these reasons, we join with Reentry Solutions Group, Berkeley Law's Policy Advocacy Clinic, the Contra Costa County Racial Justice Coalition, and families charged for the detention and needed treatment of their children in calling on you to take strong action for racial justice by imposing an immediate and complete moratorium on juvenile fees in Contra Costa.

Sincerely,



Jane Fischberg
President and CEO