



360 14TH STREET, 2ND FLOOR
OAKLAND, CA 94612
GREENLINING.ORG



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Wilma Chan, President
Alameda County Board of Supervisors
1221 Oak Street, Suite 536
Oakland, CA 94612

Dear Supervisor Chan and Members of the Board:

As the Board of Supervisors considers Alameda County's practice of assessing and collecting criminal fines and fees, we write to share our strong support on the proposed action.

The Greenlining Institute envisions a nation where communities of color thrive, and race is never a barrier to opportunity. Unjust criminal fines and fees exacerbate the lingering impacts of redlining policies by denying economic opportunities to individuals and communities of color, who are disproportionately harmed by this systemic injustice. Eliminating adult fines and fees is a key step in criminal justice reform, which The Greenlining Institute strongly supports.

Research at the UC Berkeley School of Law Policy Advocacy Clinic demonstrates that the assessment and collection of criminal fines and fees is harmful, costly, and contributes to persistent racial inequity in California's criminal justice system.

Fines and fees harm individuals and their families. Research at the UC Berkeley School of Law Policy Advocacy Clinic on the juvenile system in Alameda County found that administrative fees harm youth and their families, causing financial hardship and undermining the rehabilitative goals of the juvenile system.ⁱ Preliminary research suggests that adults who are assessed criminal fees suffer similar harms.

In Alameda County, adults can be charged fees for probation supervision, investigation reports, electronic monitoring, drug testing, work programs, representation by a public defender, and more.ⁱⁱ The average person on probation in Alameda County could be charged **over \$6,000 in fees** for supervision and an investigation report alone.ⁱⁱⁱ

State law requires a determination of one's ability to pay before fees for supervision or investigation reports can be imposed.^{iv} Yet, the Alameda County Probation Department has reported that it does not currently conduct ability-to-pay determinations, leaving people on probation to grapple with insurmountable bills that do not take into account their resources or other financial obligations.^v In short, fines and fees can result in large amounts of debt for individuals and their families, causing stress, strained family relationships, and long-term financial consequences.^{vi}

Fines and fees inflict high costs on individuals with minimal financial benefit to counties. Almost half of all families of people in the criminal justice system cannot afford to pay fines and fees.^{vii} Initial analysis of records provided by the Probation Department suggests that Alameda County **collected less than 17%** of the \$1.5 million (\$263,000) in probation fees that it assessed in FY 2016-17.^{viii} Since the cost of collections often rivals the amount collected, net revenue from these fees is minimal.^{ix}

As of April 2018, over \$21.3 million in probation fees remained outstanding.^x Quarterly Aging Analysis Reports provided by the Central Collections Agency showed an 8% collection rate on accounts less than 6 months old and a 0% collection rate on accounts older than 3 years.^{xi}

Fines and fees exacerbate racial disparities. Discrimination at every stage of the criminal justice system leads to racial disparities in arrests and sentencing. For example, although Black residents only represent 12% of the Alameda County population, they represent 47% of the probation population.^{xii} As a result, people of color are disproportionately subject to fines and fees associated with their sentences.

Recognizing the harm, cost, and inequity of fees in the juvenile system, the Alameda County Board of Supervisors imposed a moratorium on the assessment and collection of juvenile fees in 2016.^{xiii} Following Alameda County's lead, the California Legislature eliminated juvenile fees statewide in 2017.^{xiv}

The Board of Supervisors should adopt the same position on adult fines and fees. Recognizing that the harm inflicted on individuals and their families by fines and fees outweighs their minimal financial benefit and undermines the rehabilitative goals of our justice system, San Francisco recently repealed all discretionary criminal fees and discharged over \$32.7 million in outstanding fee debt.^{xv} By repealing criminal fees, Alameda County can once again be a beacon of criminal justice reform.

For these reasons, The Greenlining Institute supports eliminating the adult fines and fees in Alameda County and urges you to support this action. Feel free to reach out to me if I can be of any further assistance.

Sincerely,

Sonrisa Cooper
Economic Equity Fellow
The Greenlining Institute

ⁱ POLICY ADVOCACY CLINIC, BERKELEY LAW, UNIVERSITY OF CALIFORNIA, MAKING FAMILIES PAY: THE HARMFUL, UNLAWFUL, AND COSTLY PRACTICE OF CHARGING JUVENILE ADMINISTRATIVE FEES IN CALIFORNIA (2017), <https://www.law.berkeley.edu/wp-content/uploads/2015/12/Making-Families-Pay.pdf>

ⁱⁱ ALAMEDA COUNTY, CALIFORNIA, ADMINISTRATIVE CODE 2.42.190, https://library.municode.com/ca/alameda_county/codes/administrative_code?nodeId=TIT2AD_CH2.42PRDE_2.42.190COPRDEFE.

ⁱⁱⁱ The average adult remains on probation in Alameda County for five years. ALAMEDA COUNTY, A LOOK INTO PROBATION (July 2013), <https://www.acgov.org/probation/documents/July2013Report.pdf>. At \$90 per month, for 12 months, over five years, plus \$710 for an investigation report, the average person on probation owes \$6,110.

^{iv} See CALIFORNIA PENAL CODE 1203.1b(a).

^v Meeting between Chief Probation Officer Wendy Still and attorneys at the East Bay Community Law Center (Apr. 5, 2018).

^{vi} ALEXES HARRIS ET AL., UNITED STATES SYSTEMS OF JUSTICE, POVERTY AND THE CONSEQUENCES OF NON-PAYMENT OF MONETARY SANCTIONS: INTERVIEWS FROM CALIFORNIA, GEORGIA, ILLINOIS, MINNESOTA, MISSOURI, TEXAS, NEW YORK, AND WASHINGTON (2017), <http://www.monetarysanctions.org/wp-content/uploads/2018/01/Monetary-Sanctions-2nd-Year-Report.pdf> (noting that unpaid fines and fees can result in civil judgments and wage garnishment).

^{vii} ELLA BAKER CENTER FOR HUMAN RIGHTS, WHO PAYS?: THE TRUE COST OF INCARCERATION ON FAMILIES (2015), <https://ellabakercenter.org/sites/default/files/downloads/who-pays.pdf>

^{viii} ADULT PROBATION, REFERRAL, COLLECTIONS AND REVENUE REPORT (October 22, 2017) (on file with authors).

^{ix} In FY 2016-17, Alameda County spent approximately \$135,000 per month toward collection. Central Collections, Cost Recovery (March 5, 2018) (on file with authors).

^x Alameda County, Community Corrections Partnership Executive Committee Meeting (May 21, 2018) (notes on file with authors).

^{xi} CENTRAL COLLECTIONS, QUARTERLY AGING ANALYSIS REPORT (March 5, 2018) (on file with authors). Note that this report includes collection data on court fines, victim restitution, bail bonds, adult probation fines, and juvenile fines.

^{xii} Alameda County Probation Department, Final Budget Work Session 2017-2018 (June 27, 2017), https://acgov.org/MS/OpenBudget/pdf/FY17-18/Probation%20Final%20Presentation%20Budget%20FY%2017-18_06_27_17.pdf; U.S. Census Bureau, *Quick Facts, Alameda County, California*, <https://www.census.gov/quickfacts/fact/table/alamedacountycalifornia/PST045217> (last visited Sept. 12, 2018).

^{xiii} ALAMEDA COUNTY, CALIFORNIA, ORDINANCE No. 35 (2016), http://www.acgov.org/board/bos_calendar/documents/DocsAgendaReg_07_12_16/GENERAL%20ADMINISTRATION/Regular%20Calendar/CAO_Auditor_Probation_PUBDEF_236774.pdf

^{xiv} Senate Bill 190, Regular Session 2017-2018 (California 2017), https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB190.

^{xv} SAN FRANCISCO ORDINANCE 131-18, <https://sfbos.org/sites/default/files/o0131-18.pdf>. See THE FINANCIAL JUSTICE PROJECT, CRIMINAL JUSTICE ADMINISTRATIVE FEES: HIGH PAIN FOR PEOPLE, LOW GAIN FOR GOVERNMENT (2018), https://sftreasurer.org/sites/default/files/Criminal%20Justice%20Fees_High%20Pain_Low%20Gain%20FINAL.pdf (more information on practices in San Francisco County).