

Policy advocates work to end juvenile justice fees

By L.J. Williamson

Court-ordered administrative fees for incarcerated juveniles of Alameda County can run the average affected family up to \$3,000 per month, research by the Berkeley Policy Advocacy Clinic shows.

In October Stephanie Campos-Bui, clinical teaching fellow at the clinic, presented the research to the Alameda County Board of Supervisors' Public Protection Committee to ask them to impose a moratorium on all administrative fees related to the juvenile justice system.

Alameda County imposed fee increases in the wake of the recession, and the bill for an average juvenile's family is \$2,861, nearly 10 times the amount it was prior to 2009 fee hikes.

The protection committee has yet to make a decision on the matter, and has asked the county collections department to review the economic data presented in the report.

Campos-Bui is anticipating a response in January.

"Given that our records came from them, we imagine they will have nothing new to share," she said.

Of California's 58 counties, only two don't charge fees to families with children in the juvenile justice system: Los Angeles and San Francisco.

The remaining counties statewide enforce per-night fees for stays in juvenile hall, a public defender fee, pre-charge investigation fees, monthly probation fees, regular drug testing fees, and fees paid to private electronic monitoring companies.

Campos-Bui has been conducting research to produce a larger report detailing the assessment and collection of juvenile administrative fees against youth and their families throughout California.

But she said that in many counties, the publicly available information on collections, waivers, and fee structures is "often a little muddy... There's a lot of confusion, a lot of information not being collected; it's a whole mess."

Professor Kate Weisburd, director of the Youth Defender Clinic at Berkeley Law School's East Bay Community Law Center, explained youth offenders often come

from families in the lowest income brackets who can't pay the fees.

This makes collection difficult, she added.

Alameda County spends \$250,000 per year on the costs of collection agency fees, collections employees, and county hearing officers in an attempt to recoup the same dollar amount in administrative fees.

As a result, the county's net gain was zero, Weisburd said.

"It's high pain for low gain," Weisburd said. "We're questioning whether this is an effective policy - these fees directly undermine family stability in a time when it's needed most."

Unpaid debt gets sent to central collections, and the state franchise tax board, which can lead to garnishment of wages.

Santa Clara County has an appeals process for families unable to pay fees, said retired Santa Clara County Superior Court Judge Eugene M. Hyman, who presided in a delinquency court for five years.

But, he added, "given the fact that a lot of people are poor and don't speak English, a lot of people don't appeal anything," Hyman added.

All fees are on a sliding scale based on ability to pay in Contra Costa County, and the county and has dropped fees for some services such as record seals and sentencing reports.

But fee waivers aren't necessarily an answer, Weisburd said. "Poverty is not static. Income fluctuates, and parents often don't know they can ask for reduction in fees."

"There is a cascade of harms parents experience from youth who get ensnared in the criminal justice system," said Michele Goodwin, professor of law at University of California, Irvine.

"As members of congress have been pushed into rethinking mass incarceration, they must also include youth in that conversation," she said.

San Francisco is the only California county that has never charged administrative fees for juvenile offenders.

The Los Angeles County Board of Supervisors imposed a moratorium on such fees in 2009 after revelations about aggressive billing practices against needy families and information that the expense of collections outstripped recovered revenue by a wide margin.