

DISCLAIMER: This document is an example from a past legislative campaign that has ended and therefore may not reflect current conditions.

Dear Governor Inslee:

We respectfully request your signature on HB 2050, which takes important steps toward justice for some of Washington’s most vulnerable families. This bill eliminates statutes requiring parents to pay a percentage of their income for the cost of their child’s detention in local and state facilities.

Although the YEAR Act of 2015 reduced the number of fees and fines charged to youth in Washington, several costs like “parent pay” remain on the books and continue to cause significant harm to Washington families. In fiscal year 2019, for example, juvenile courts across Washington assessed \$845,614 in fees against youth and their families. Monetary sanctions are also notoriously difficult to collect and generate little or no net revenue for states and localities—for example, Washington courts collected less than \$167,344, or less than 20% of the total assessed, in fiscal year 2019.

HB 2050 eliminates local and state “parent pay” fees, one of the largest categories of juvenile monetary sanctions remaining in Washington. In 2019 alone, the Juvenile Rehabilitation Administration collected more than \$300,000 from families with children in custody, while local detention facilities collected \$25,000. HB 2050 bans these harmful costs and waives all outstanding “parent pay” debt. The counties and JR support this legislation, recognizing that it is impossible to administer these fees fairly.

Below is a summary of the harms caused by juvenile fees and attachments that provide additional insight into the growing body of literature about monetary sanctions.

Juvenile fees and fines harm vulnerable children and families.

- Fees and fines can quickly add up to hundreds or even thousands of dollars. This is a significant financial burden for many, especially Black, Hispanic, and Indigenous families, whose median household incomes are significantly lower than White families’ in Washington.
- Fees and fines take money out of the pockets of low-income families that they could have spent on health care, education, and other productive, social goods. Youth and families should not be forced to choose between paying the court and meeting their basic needs.

Juvenile fees and fines disproportionately burden youth of color and their families.

- Youth of color are overrepresented and over-punished in the juvenile system, and therefore overburdened by juvenile fees and fines. While youth of color make up 38% of Washington’s juvenile population, they are 44% of youth arrested. This disproportionality increases as youth go deeper into the system: 77% of those transferred to adult court are youth of color.

Juvenile fees and fines drive youth deeper into the system.

- Fees and fines are associated with longer and deeper involvement in the legal system.
- Deepening system involvement harms children and their families, exacerbates poverty, and undermines the rehabilitative purpose of Washington's juvenile legal system.

Juvenile fees and fines serve no governmental interest and undermine public trust.

- Current research into adolescent development shows that fines are not an effective deterrent, and monetary sanctions have never been an evidence-based method of addressing misconduct.
- Pursuing fees and fines strains relationships between the community and government. Funding the judiciary on the backs of poor people undermines public trust by creating a clear conflict between judges' interest in court budgets and the impartial administration of justice.

Juvenile fees and fines are ineffective and costly to administer.

- Fees and fines are difficult to collect and can cost states and counties almost as much or more than they collect in revenue. For example, the Oregon Youth Authority spent \$866,000 to collect \$864,000 in juvenile fees in 2019.

There is a growing national movement to eliminate juvenile fees and fines.

- California and Nevada eliminated all juvenile fees statewide. Oregon eliminated all juvenile fees and fines in 2021. Louisiana, New Jersey, Virginia, New Mexico, and Colorado, and many other states have abolished or limited the use of juvenile fees and fines.
- National groups from across the political spectrum have also called for juvenile fee abolition, including the National Juvenile Defender Center, Fair & Just Prosecution, the Juvenile Law Center, Right on Crime, and Law Enforcement Leaders to Reduce Crime & Incarceration.

The following pages summarize the key research and policy advice on fines and fees charged to youth and families in the juvenile legal system.

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YOUTH FEES AND FINES IN WASHINGTON

HB 2050

- ✓ Eliminates "parent pay fees" imposed on youth in Juvenile Rehabilitation facilities (RCW 13.40.220)
- ✓ Eliminates costs for youth detained in county detention facilities (RCW 13.60.085)
- ✓ Waives all outstanding "parent pay" and local detention fee debt
- ✗ Does not impact Victim Penalty Assessment, DNA, or any other fees or fines
- ✗ Does not impact victim restitution
- ✗ Does not reimburse previously paid fees

ONE STEP CLOSER TO ENDING A HARMFUL AND INEFFECTIVE SYSTEM

The YEAR Act (2015) reduced fees and fines for youth, but many remain and still harm Washington families.

These costs include punitive fees and fines for:

- **Detention and confinement**
- **Assessment and treatment**
- **DNA testing**
- **Diversion**



Fees and fines can add up to hundreds or even thousands of dollars, and are especially burdensome for the Black, Hispanic, and Indigenous families most likely to be impacted by the criminal, juvenile, and family regulatory systems.

Fees and fines drive youth deeper into the system, harm families, exacerbate poverty, and undermine the stated goals of Washington's juvenile system.

Collection costs often outweigh any revenue from juvenile fees.

Oregon spent **\$866,000** to collect **\$864,000** in support fees for youth in custody in 2019.

Juvenile fees and fines have low collection rates.

In 2019, Washington courts collected \$167,344, or **less than 20%** of the total amount assessed.

WASHINGTON SHOULD CONTINUE LEADING THE WAY TOWARDS FULL JUVENILE FEE AND FINE REPEAL



DEBTORS' PRISON FOR KIDS?

The High Cost of Fines and Fees in the Juvenile Justice System

By Jessica Feierman with Naomi Goldstein, Emily Haney-Caron and Jaymes Fairfax Columbo

EXECUTIVE SUMMARY

While much is now known about the financial burdens imposed on individuals and families by the assessment of costs, fines, fees, and restitution in the adult criminal justice system, there has been scant attention paid to this issue in the juvenile justice system. To address this gap, with the support of the Laura and John Arnold Foundation, Juvenile Law Center : 1) reviewed statutes in all 50 states and the District of Columbia to assess the legal framework for financial obligations placed on youth in the juvenile justice system and their families; 2) conducted a national survey of lawyers, other professionals, adults with previous juvenile justice involvement, and families to collect information about local practices;¹ 3) interviewed attorneys and young adults who had experiences with the juvenile justice system to further understand how cost of justice issues play out in practice; and 4) solicited a study by criminologists Alex Piquero and Wesley Jennings, who examined the connection between costs and recidivism, and the implications for racial disparities in the juvenile justice system.

As in the criminal justice system, the imposition of costs and fees in the juvenile justice system is widespread across the country. Approximately one million youth appear in juvenile court each year. Costs, fees, fines, or restitution are imposed in every state. **These financial penalties increase recidivism, push impoverished young people deeper into the juvenile justice system, exacerbate racial disparities in the juvenile justice system, and heighten economic and emotional distress for families already struggling financially.**

The chart below identifies the types of financial obligations imposed and the results of our statutory review and stakeholder survey. In some cases, costs are imposed locally even when there is no applicable state statute. In a forthcoming report, we will consider the additional costs that are imposed when indigent youth are required to pay for counsel.

¹ We received responses from 183 individuals in 41 states; in each of these states, respondents reported the imposition of costs, fines, fees or restitution, and harms to youth or families as a result.

NATIONAL OVERVIEW OF COSTS IMPOSED

TYPE OF COST	STATES WITH A STATUTE AUTHORIZING OR REQUIRING THE COST	STATES WITH PRACTICE OF IMPOSING COSTS (BASED ON SURVEY RESULTS FROM 41 STATES)
Court costs	25	28
Evaluation and Testing	32	26
Probation and Supervision	21	18
Diversion	22	26
Cost of Care	47	31
Fines	43	29
Expungement	11	20
Restitution	50+DC	All

The inability to pay costs, fines, fees, or restitution often results in harsh legal consequences and contributes to financial stress and family tension. In the 41 states with survey respondents, participants widely affirmed that youth experience these consequences for failure to pay:

- Case remained open longer (33 states²)
- Youth was sent to juvenile justice placement (26 states)
- Youth remained in juvenile placement longer than he/she otherwise would have (26 states)
- Additional court visits, leading to missed school or missed work (34 states)
- Inability to get records expunged (24 states)
- Civil judgment imposed (25 states)
- Formal petition filed for failure to pay diversion costs (15 states)

Additionally, respondents in 31 states reported that families took on debt in order to pay their juvenile justice-related financial obligations.

² For each consequence, at least one survey respondent in this many states reported the designated consequence. More often, numerous respondents in each state reported the designated consequence.

Our statutory research also revealed significant consequences that we had not posed as survey questions, but which we believe are also widely imposed and require further study. These include:

- Probation extended
- Probation revoked
- Driver's license revoked, suspended, or child barred from applying for license
- Arrest warrants issued
- Child deprived of needed treatment
- Youth or parents held in civil or criminal contempt
- Interest fees, collection fees, or other additional fees or fines for failure to pay

Until now, almost no empirical research has investigated the effect of financial costs imposed on juvenile offenders and the extent to which such costs contribute to recidivism or their potential impact on racial disparities in the juvenile justice system. Criminologists Alex Piquero and Wesley Jennings used data from a cohort of 1,167 adolescent offenders in Allegheny County, Pennsylvania to examine 1) how demographics and case characteristics relate to financial penalties imposed by the justice system and 2) the degree to which such monetary penalties are related to recidivism in a two-year follow-up.

Their analysis showed that financial penalties in general—and the sheer amount of financial penalties in particular—significantly increased the likelihood of recidivism, even after controlling for relevant demographics and case characteristics. They also concluded that owing costs upon case closing is significantly related to recidivism. Their analysis suggests that cost and fee policies may contribute to racial disparities in the juvenile justice system as children of color are more likely to owe costs upon case closing relative to their white peers. Moreover, 94% of youth in their sample—over 1,000 youth in just one county—owed costs, fines, fees, or restitution.

While this report focuses on a problem—the imposition of costs on youth and families who cannot afford to pay—it also highlights solutions and identifies jurisdictions that are changing their local or state policies to ensure that the youth are not punished for poverty.

Research Note: Justice System–Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders

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Alex R. Piquero¹ and Wesley G. Jennings²

Abstract

Although the use of financial penalties is pervasive in the justice system, there has been limited (and mostly dated) empirical research that has investigated the effect of financial costs incurred by juvenile offenders and the extent to which such costs relate to the likelihood of recidivism and reintegration into society. This study uses data from a large cohort of adolescent offenders to examine how demographics and case characteristics relate to financial penalties imposed by the justice system and the degree to which such monetary penalties are related to recidivism in a 2-year follow-up. Results suggest that financial penalties increase the likelihood of recidivism. Study limitations and directions for future research are also discussed.

Keywords

juveniles, delinquency, recidivism, restitution, costs, fines, fees

There are a wide range of criminal punishments available to judges and juries when it comes to sanctioning an offender for their transgression(s), the most common of which is probation, with other options including imprisonment and other community correction alternatives (boot camps, intensive supervision, etc.; see Morris & Tonry, 1990). One type of punishment that is also used is that of a fine, a punishment that has been around for several centuries (e.g., Beccaria, 1764/1986; Ruback & Bergstrom, 2006). One would suspect, then, that knowledge about the effect of fines on subsequent reoffending, or recidivism, would be as commonplace as are recidivism-based investigations for the more widely used punishments. Unfortunately, with a few exceptions (Albrecht & Johnson, 1980; Glaser & Gordon, 1988; MacDonald, Greene, & Worzella, 1992) that is not the case, as much of the research surrounding fines has been administrative or process based (cf. Hillsman,

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Executive Summary

National attention has recently turned towards fines and fees in the criminal justice system and the ways in which these legal financial obligations further exacerbate poverty and racial inequality. People involved in the justice system across the country often face many challenges due to their involvement in court, including burdensome fees. Many families find it difficult to pay these bills, leading to a cycle of debt and financial struggle. Most of this attention to fines and fees, however, has focused on the adult system, whereas little attention has been given to parents and youth involved in the juvenile justice system who face similar financial obligations. Charges to youth who commit crimes are complicated by the fact that youth often do not have the financial means to pay. Parents are often left with the financial burden of these fines and fees even though they did not commit any crime.

This report presents selected findings from a study on fines and fees in the juvenile justice system in Dane County, Wisconsin as part of an on-going collaborative project with Juvenile Law Center. Drawing on interviews with 20 parents and their children conducted in July-September 2018, we explore how parents and youth experience and perceive fines and fees. Drawing on 10 additional interviews of victims eligible for restitution for crimes committed by youth, we also explore victims' experiences with restitution and their views on this particular financial obligation for youth. Parents in Dane County can face many different charges for their child's involvement in court, ranging from \$130/night for stays in the Juvenile Detention Center^a to \$240 for a Public Defender in a misdemeanor case. Of the parents we interviewed, the average amount of money charged is \$1,796. Youth can also be charged up to a maximum of \$1,000 for victim restitution.

This report focuses not only on the specific fines and fees and respective amounts that parents and youth are asked to pay, but also the impact of Legal Financial Obligations (LFOs) on their family life. Our research reveals that these charges impose a significant financial burden on families. We also explore how participants view potential and actual alternatives to LFOs.

In the following pages, we bring forward the voices of youth, parents, and victims to share their experiences. Here, we summarize two main findings that emerged in these interviews:

1. **Impact of Fines and Fees on Family Life:** The stories families tell of their experiences with LFOs illustrate the negative impact of these financial bills, which can outweigh any potential of them to instill responsibility in youth. The LFOs have significant negative impact on family life, in material and emotional ways. Parents discuss the psychological toll of these LFOs and the resulting impact on the quality of their relationships with their youths. They also talk about the overall impact on their household, including their other children. In addition to this effect on their family dynamics, families discussed the financial and nonfinancial consequences for not paying LFOs. Those included the state seizing their tax refunds, sending their bill to collections, suspending driver's licenses, as well as

^a This particular fee has recently been abolished as of January 2019. There is a pending bill to make this change retroactive.

increased justice involvement for the youth and potential new court involvement for the parents.

2. **Viable Alternatives to Restitution:** Through private nonprofit agencies, youth in Dane County sometimes have the option of doing community service to start paying for the restitution they owe to victims. While interview participants generally supported community service as an alternative to paying restitution, they also expressed concerns about the types and number of hours of community service needed to complete this process. Moreover, their views on other alternatives, such as writing a letter of apology or meeting with the victim of the crime, were mixed.

Given these findings, we recommend two policy reforms:

1. Abolish all fines and fees

Our findings support other research that advocates for abolishing all fines and fees in the juvenile justice system. There is no therapeutic or deterrent effect of these fines and fees, nor do they teach youths responsibility. Moreover, the youths often have no reasonable way to pay these fines; their parents are not able to do so either. The LFOs also have significant material and emotional impacts on the family, affecting their interpersonal dynamics and household stability.

2. Revise how community service is used as an alternative to restitution

Even with the caps to restitution amounts, the process of paying restitution can be quite complicated. As such, it would be wise to reconsider the ways that the youths can work off restitution. Any option considered should also recognize the non-financial impacts of the crime on the victims.

In sum, there is much more to the story than simply saying families are not paying LFOs because they cannot afford it or that offering alternatives like community service or letters of apology would be viable options. To truly reform this system requires more careful attention to how each local jurisdiction imposes the LFOs and how families and victims experience that process.



Eliminating fees in the Alameda County juvenile justice system meaningfully reduced financial burdens on families

JACLYN E. CHAMBERS, KARIN D. MARTIN, AND JENNIFER L. SKEEM

Most juvenile justice agencies in the U.S. impose fees on families to offset the cost of their child's legal representation, detention, and supervision. Unlike other types of monetary sanctions, like fines and restitution, fees are not intended to punish defendants or repair survivors. Instead, fees are imposed to recoup administrative costs. Increasingly, advocates are highlighting the harm that monetary sanctions can inflict on justice-involved youth and their families, and are calling for fees to be repealed. This study examines whether removing fees has an appreciable effect on families' overall financial burden. Applying a rigorous causal-inference approach to data on 2,401 youth placed on probation before and after a fee repeal in Alameda County, we estimate that the likelihood of experiencing any monetary sanction was 22 percentage-points lower after fee repeal and the average sanction was 70% (or \$1,583) lower.

JUVENILE JUSTICE FEES

In the American criminal-legal system, monetary sanctions are the most ubiquitous form of punishment. They are imposed for every level of offense, across all levels of government, and in every type of jurisdiction. In the juvenile justice system, there are three types of monetary sanctions with different functions: (1) *fin*es are meant to punish, (2) *restitution* is meant to compensate a victim for harm, and (3) *fe*es are meant to offset administrative costs.

Recently, momentum for reforming monetary sanctions has grown, driven in part by scholars and advocates who have documented its individual harms and social costs.¹ For adolescents in particular, fees seem inconsistent with the rehabilitative goal of the juvenile justice system. Moreover, parents and families typically bear the financial responsibility for paying these sanctions — not young people themselves.

Starting in 2016, several California counties repealed administrative fees in the juvenile justice system. Two years later, California became the first state to repeal such fees.

Despite the widespread use of monetary sanctions and growing calls for their reform, there has yet to be a rigorous accounting of the impacts of eliminating fees. In fact, some legal experts have suggested that fee repeal could have unintended consequences, as jurisdictions may increase other types of monetary sanctions to compensate for lost fees.² This brief examines the impact of the 2016 juvenile fee repeal in Alameda County, California.

Exploitative Revenues, Law Enforcement, and the Quality of Government Service

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and Hye Young You³

Abstract

A growing body of evidence indicates that local police departments are being used to provide revenue for municipalities by imposing and collecting fees, fines, and asset forfeitures. We examine whether revenue collection activities compromise the criminal investigation functions of local police departments. We find that police departments in cities that collect a greater share of their revenue from fees solve violent and property crimes at significantly lower rates. The effect on violent crime clearance is more salient in smaller cities where police officers' assignments tend not to be highly specialized. We find that this relationship is robust to a variety of empirical strategies, including instrumenting for fines revenue using commuting time. Our results suggest that institutional changes—such as decreasing municipal government reliance on fines and fees for revenue—are important for changing police behavior and improving the provision of public safety.

Keywords

policing, local public finance, law enforcement and public safety, crime

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Recent high-profile tensions between Black citizens and police officers in the United States have led to protests and calls for reforms. The ensuing popular and scholarly discussion of inequality in police practices has been focused, for the most part, on individual police officers' implicit bias or lack of appropriate training.¹ Comparatively less attention has been paid to police departments' institutional structures and incentives, even though these characteristics have been shown to significantly influence police behavior (Fung 2003; Kantor, Kitchens, and Pawlowski 2017; Luna 2003; Maguire and Uchida 2000; Willis, Mastrofski, and Weisburd 2007).

One aspect of recent criticism of police departments has been centered on the aggressive imposition and collection of fees, fines, and civilly forfeited assets (Harris, Evans, and Beckett 2010). The Department of Justice's (DOJ) investigation of the Ferguson, Missouri, police department revealed that a key driver of the behavior of the Ferguson police was the desire to generate municipal revenue by issuing traffic tickets and imposing fees.² Scholarly evidence indicates the practices unearthed in Ferguson are by no means unique. Census of Governments data from 2012 show that about 80% of American cities with law enforcement institutions derive at least some revenue from fees, fines, and asset forfeitures, with about 6% of cities collecting more than 10% of their revenues this way in 2012 (Sances and You 2017). Implementing this practice requires close coordination between governing bodies, such as mayors and city councils, and local police forces, as the DOJ's Ferguson report vividly describes.³

If police agencies keep a substantial fraction of revenues from fines and fees, they could be augmenting their own budgets through fee and fine enforcement. In practice, revenue from fines and fees is typically contributed directly to the municipal budget, not the police budget, meaning that direct financial incentives for police departments to collect revenue may be weak. But police forces are also the agents of local governments: Local police chiefs are appointed by the city executive (mayor or city manager), and must respond to city politicians (Chaney and Saltzstein 1998; Ostrom and Whitaker 1973; Williams 1984; Wilson 1968). This means that the police in some cities are under significant pressure from city authorities to raise city funds. Given that local police offices have limited resources, and that police officers have broad discretion to focus on any of a wide variety of activities (Brown 1981; Lipsky 1980; Wilson 1968), a focus on revenue-generating activities may distract police departments from their primary duty of providing public safety. Although political scientists know little about how police departments respond to institutional incentives (Gottschalk 2008), a recent study shows that police officers are highly responsive to managerial directives (Mummolo 2018), which suggests that at least in some cases, political pressure on police leadership can translate into officer behavior.



BACKGROUND

On any given day in 2019, there were an estimated 48,000 juveniles confined due to juvenile or criminal justice system involvement.¹ That same year, there were nearly 700,000 juvenile arrests.² Involvement in criminal and juvenile justice systems causes children lasting harm that can limit their potential to thrive in adulthood. When justice-involved children are not offered alternatives such as restorative justice, or do not receive rehabilitative support such as community treatment, they are at higher risk of school dropout, substance abuse disorders, and future offending.³ These harms are not experienced equally — with Black youth 5.8 times, Native youth 2.5 times, and Hispanic youth 1.7 times more likely than white youths to be incarcerated and to experience resulting collateral consequences.⁴

The reflexive use of punitive sanctions against youth does not promote public safety in the long run.⁵ Study after study has proven what common sense has long shown: children's neurological and developmental immaturity often leads to poor decision-making.⁶ Providing children with trauma-informed, developmentally appropriate responses to offending can improve their sense of security and connection to their communities. The data bears this out: while juvenile incarceration has fallen 66 percent nationwide from 2008 to 2018, we have also seen a 65 percent decline in youth crime over that same period.⁷ We can reduce unnecessary youth incarceration and crime at the same time.

RECOMMENDATIONS

RECOMMENDATION 1: RAISE THE AGES OF CRIMINAL AND JUVENILE COURT RESPONSIBILITY AND STOP AUTOMATIC TRANSFERS OF YOUTH TO THE ADULT CRIMINAL JUSTICE SYSTEM

The prosecution and incarceration of juveniles as adults fails to meet their developmental needs, adversely affecting youth rehabilitation.⁸ As many in law enforcement have recognized, states should raise the age of criminal responsibility to 18, end automatic transfers of youth to adult court, and raise the minimum age of juvenile court jurisdiction to at least 14, consistent with international norms.⁹

Despite the national trend of raising the age of criminal responsibility to 18, three states have yet to do so.¹⁰ In addition, most states have laws that allow or require prosecutors to automatically transfer

children to adult courts for more serious offenses and under certain conditions.¹¹ In many states, children as young as 13 and 14 can be automatically tried as adults.¹² However, these automatic transfer laws are both ineffective at reducing crime and harmful to rehabilitative goals. Juveniles who are prosecuted as adults are more likely to recidivate, commit more serious new offenses upon release, and reoffend more quickly than youth processed through the juvenile justice system.¹³ Further, trying young people as adults fails to account for their evolving capacities and can limit chances for rehabilitation.¹⁴ Such practices undermine extensive scientific research showing that adolescents tend to make poor decisions because they are cognitively less able to regulate their behavior and

¹ Wendy Sawyer, *Youth Confinement: The Whole Pie*, Prison Policy Initiative, 2019, <https://www.prisonpolicy.org/reports/youth2019.html>.

² *Juvenile Arrests*, OJJDP Statistical Briefing Book, accessed January 14, 2021, <https://www.ojjdp.gov/ojstatbb/crime/qa05101.asp?qaDate=2019&text=yes>.

³ Barry Holman and Jason Ziedenberg, *The Dangers of Detention*, Justice Policy Institute, 2006.

⁴ Vincent Schiraldi, *Can We Eliminate the Youth Prison (And What Should We Replace It With?)*, The Square One Project, 2020, 19.

⁵ Lawrence W. Sherman et al., *Preventing Crime: What Works, What Doesn't, What's Promising*, National Institute of Justice, 1998; "Statement on Ending Youth Prisons," Youth Correctional Leaders for Justice, July 20, 2020.

⁶ Staci A. Gruber and Deborah A. Yurgelun-Todd, "Neurobiology and the Law: A Role in Juvenile Justice," *Ohio St. J. Crim. Law* 3 (2005): 321, 330; *21 Principles for the 21st Century Prosecutor*, Brennan Center for Justice, 2018.

⁷ Schiraldi, *supra* note 4, at 11.

⁸ Ian Lambie and Isabel Randell, "The Impact of Incarceration on Juvenile Offenders," *Clinical Psychol. Rev.* 3 (2013): 448, 450–55.

⁹ National Sheriffs' Association, National Sheriffs' Association Resolution on Youth Tried as Adults (2018); Major Cities Chiefs Association, Policy Statement: Youth in the Adult Criminal Justice System (2017); *Raise the Minimum Age for Trying Children in Juvenile Court*, National Juvenile Justice Network, 2020.

¹⁰ Rachel Marshall, *Removing Youth from Adult Jails: A 50-State Scan of Pretrial Detention Laws for Youth Transferred to the Adult System*, Campaign for Youth Justice, 2019, 9 (Georgia, Wisconsin, and Texas have yet to do so); Daniel Nichanian, "As Michigan Raises the Age, Advocates Vow to Press for More Change," *The Appeal*, November 14, 2019 (Michigan raised the age in 2019).

¹¹ Anne Teigen, "Juvenile Age of Jurisdiction and Transfer to Adult Court Laws," *National Conference of State Legislatures*, July 1, 2020.

¹² Jeree Thomas et al., *Raising the Floor*, Campaign for Youth Justice, 2019, 12.

¹³ Robert Hahn et al., *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System*, Center for Disease Control and Prevention, 2007.

¹⁴ See Lambie, *supra* note 8, at 450 (noting that involvement in sensation-seeking and risk-taking behaviors peaks during adolescence).

that youth neurological development continues until around 25 years of age.¹⁵

RECOMMENDATION 2: REDUCE RELIANCE ON INCARCERATION AND INVEST IN PREVENTION AND COMMUNITY-BASED TREATMENT

Incarcerated juveniles experience disproportionate rates of mental illness and a higher risk of self-harm.¹⁶ Further, juvenile detention disrupts psychological development and youths' capability to "age out" of delinquency.¹⁷ As a result, incarcerated youth are more likely to recidivate than those placed in community-based rehabilitation and probation programs.¹⁸ Incarcerated youth are also less likely to graduate from high school and face diminished job opportunities, limiting their future earning potential and further increasing their likelihood of recidivism.¹⁹ States should design juvenile justice systems around the goals of diversion and rehabilitation — with the ultimate aim of closing youth prisons, as has been called for by dozens of current and former correctional leaders of youth justice agencies.²⁰

RECOMMENDATION 3: PROVIDE COUNSELING, MEDICAL CARE, AND APPROPRIATE PROGRAMMING TO INCARCERATED YOUTH

Psychological research demonstrates how important it is for states to reduce juvenile incarceration, which can severely exacerbate youth's existing mental health problems.²¹ However, when incarceration is necessary for public safety, correctional facilities must create and maintain conditions that protect youth. Youth incarcerated in adult facilities face disproportionate rates of chronic physical and mental health conditions, mortality, suicide, and violence, as well as physical,

sexual, and psychological abuse.²² Even worse, young people placed in solitary confinement — still common in certain states — face severe, sometimes irreversible, psychological damage.²³ And juveniles in adult facilities typically do not have access to the same rehabilitative services as should be available in juvenile systems. To achieve full rehabilitation, it is critical that young people receive educational, mental health, and substance abuse resources tailored to their needs. Youth should only be housed in adult facilities or in solitary confinement as a last resort.

RECOMMENDATION 4: STOP CHARGING YOUTH CRIMINAL JUSTICE FEES AND FINES

Justice-involved youth, many of whom are from low-income households, often bear significant monetary burdens associated with the court system. This includes fees and fines imposed as a result of court proceedings, probation, and rehabilitation programs.²⁴ In at least 26 states, when juveniles fail to pay these costs, they can be incarcerated, even if they pose no threat to public safety.²⁵ Consequently, young people are pushed into inescapable debt, and often pushed further into the justice system for inability to pay.²⁶ As a general rule, children are financially dependent and unable to pay criminal justice fees and fines. They should not be saddled with criminal justice debt or incarceration because their parents cannot afford to pay it. These unfair policies risk wasting scarce law enforcement resources, and also have long-lasting effects — they trap children in poverty and increase their risk of recidivism.²⁷ As New Jersey did in 2020, states should eliminate the practice of imposing juvenile justice fees and fines on youth.²⁸

Juvenile justice policies must reflect the reality that children have unique needs. State, local, and tribal juvenile justice systems should rely less on incarceration and more on providing developmentally appropriate responses in order to advance both juvenile rehabilitation and community public safety goals.

¹⁵ See Gruber and Yurgelun-Todd, *supra* note 6, 321, 330 (“[Adolescents] may make poor decisions because they are cognitively less able to select behavioral strategies associated with self-regulation.”); see also Brennan Center for Justice, *supra* note 6 (neurological development continues until around the age of 25).

¹⁶ Lee A. Underwood and Aryssa Washington, “Mental Illness and Juvenile Offenders,” *Int’l J. of Env. Res. & Pub. Health* 13 (2016): 2–3.

¹⁷ Richard A. Mendel, *No Place for Kids: The Case for Reducing Juvenile Incarceration*, The Annie E. Casey Foundation, 2011, 9–15.

¹⁸ Edward Mulvey, *Highlights from Pathways to Desistance: A Longitudinal Study of Serious Adolescent Offenders*, U.S. Department of Justice.

¹⁹ Anna Aizer and Joseph Doyle, *What is the Long-Term Impact of Incarcerating Juveniles*, Vox CEPR Policy Portal, July 16, 2013; Richard B. Freeman, *Crime and the Employment of Disadvantaged Youths*, National Bureau of Economic Res. 3875, 1991.

²⁰ “Statement on Ending Youth Prisons,” Youth Correctional Leaders for Justice. To aid in the development of better programs for youth, states may apply for grants through the federal Juvenile Justice Delinquency Prevention Act, 34 U.S.C.A. § 11102 (2018).

²¹ Linda A. Teplin et al., “Prevalence, Comorbidity, and Continuity of Psychiatric Disorders in a 15-Year Longitudinal Study of Youths Involved in the Juvenile Justice System.” *JAMA Pediatrics*, 2021.

²² Celia Harris et al., *Juvenile Injustice: Charging Youth as Adults is Ineffective, Biased, and Harmful*, Human Impact Partners, 2017.

²³ Andrew B. Clark, “Juvenile Solitary Confinement as a Form of Child Abuse,” *J. Am. Acad. Psychiatry* 45 (2017): 350–357.

²⁴ Jessica Feierman, *Debtors’ Prison for Kids?*, Juvenile Law Center, 2016, 9.

²⁵ Feierman, *supra* note 24, at 10, 23.

²⁶ Feierman, *supra* note 24, at 3.

²⁷ Feierman, *supra* note 24, at 4; see Eli Hager, “Punishing Kids With Years of Debt,” *The Marshall Project*, June 11, 2019; Alex R. Piquero & Wesley G. Jennings, “Justice System-Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders,” *Youth Violence & Juv. Just.* 15 (2017): 325–340.

²⁸ See S. 48, 218 Leg. (N.J. 2020).

MAKING FAMILIES PAY

THE HARMFUL, UNLAWFUL, AND COSTLY PRACTICE OF
CHARGING JUVENILE ADMINISTRATIVE FEES IN CALIFORNIA



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EXECUTIVE SUMMARY

IN THE WAKE OF TRAGEDIES in cities like Ferguson, Missouri, national attention is focused on the regressive and racially discriminatory practice of charging fines and fees to people in the criminal justice system. People of color are overrepresented at every stage in the criminal justice system, even when controlling for alleged criminal behavior. Racially disproportionate treatment in the system leaves people of color with significantly more criminal justice debt, including burdensome administrative fees.

While regressive and discriminatory criminal justice fees have been described and critiqued in the adult system, the issue has received very little attention in the juvenile system. Nevertheless, families with youth in the juvenile system are charged similar fees, which significantly undermine the system's rehabilitative goals. The harmful practice of charging poor people for their interaction with the criminal justice system is not limited to places like Ferguson, Missouri. California, too, makes families pay for their children's involvement in the juvenile system.

This report presents findings about the practice of assessing and collecting administrative fees from families with youth in the California juvenile system. We use the term "administrative fees" to describe the charges imposed by local jurisdictions on families for their child's involvement in the juvenile system. State law permits counties to charge administrative fees for legal representation, detention, and probation, but only to families with the ability to pay. Most counties in California charge these administrative fees, imposing millions of dollars of debt on families with youth in the juvenile system.

Our research over the last three years reveals that juvenile administrative fees undermine the rehabilitative purpose of the juvenile system. Counties charge these fees to families already struggling to maintain economic and social stability. Fee debt becomes a civil judgment upon assessment. If families do not pay the fees, counties refer the debt to the state Franchise Tax Board, which garnishes parents' wages and intercepts their tax refunds. Under state law, these fees are meant to help protect the fiscal integrity of counties. They are not supposed to be retributive (to punish the family), rehabilitative (to help the youth) or restorative (to repay victims).

This report details our findings on juvenile fees in California, but we summarize them here:

HARMFUL: Juvenile administrative fees cause financial hardship to families, weaken family ties, and undermine family reunification. Because Black and Latino youth are overrepresented and overpunished relative to White youth in the juvenile system, families of color bear a disproportionate burden of the fees. Criminologists recently found that juvenile debt correlates with a greater likelihood of recidi-

vism, even after controlling for case characteristics and youth demographics. These negative outcomes from fees undermine the rehabilitative purpose of the juvenile system.

UNLAWFUL: Some counties charge juvenile administrative fees to families in violation of state law, including fees that are not authorized in the juvenile setting, fees that exceed statutory maximums, and fees for youth who are found not guilty. Some counties violate federal law by charging families to feed their children while seeking reimbursement for the same meals from national breakfast and lunch programs. Further, counties engage in fee practices that may violate the state Constitution by depriving families of due process of law through inadequate ability to pay determinations and by denying families equal protection of the law in charging certain fees.

COSTLY: Counties are authorized to charge families for juvenile administrative fees to pay for the care and supervision of their children. Yet counties net little revenue from the fees. Because of the high costs and low returns associated with trying to collect fees from low-income families, most of the fee revenue pays for collection activities, not for the care and supervision of youth. Further, the fee debt can cause families to spend less on positive social goods, such as education and preventative health-care, which imposes long term costs on families, communities, and society by prolonging and exacerbating poverty.

Based on our findings, fixing the system is not an option. Charging administrative fees to families with youth in the juvenile system does not serve rehabilitative purposes. Other mechanisms in the system punish youth for their mistakes and address the needs of victims. Further, we did not find a single county in which fee practices were both fair and cost-effective. Counties either improperly charge low-income families and net little revenue, or they fairly assess families' inability to pay and net even less. Counties that have recently considered the overall harm, lawfulness, and costs of juvenile administrative fees have all ended the practice.

In light of our findings, we make the following recommendations to policymakers:

RECOMMENDATIONS

1. To end their harmful impact on youth and families, the state should repeal laws that permit the assessment and collection of juvenile administrative fees.
2. To redress unlawful practices, counties should reimburse families for all payments they made on improperly charged juvenile administrative fees.
3. To understand the consequences of costly practices like juvenile administrative fees, the state and counties should collect and maintain better data in the juvenile system.

Debtors' Blocks: How Monetary Sanctions Make Between-neighborhood Racial and Economic Inequalities Worse

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Abstract

Although recent scholarship has enumerated many individual-level consequences of criminal legal citations and sentences involving fines and fees, we know surprisingly little about the structural consequences of monetary sanctions or legal financial obligations (LFOs). We use social disorganization and critical race theories to examine neighborhood-level associations between and among LFO sentence amounts, poverty, and racial and ethnic demographics. Using longitudinal data from the Washington State Administrative Office of the Courts, and the American Community Survey, we find LFOs are more burdensome in high-poverty communities and of color, and that per-capita rates of LFOs sentenced are associated with increased future poverty rates across all neighborhoods.

Keywords

criminal justice sentencing, monetary sanctions, legal financial obligations, spatial analysis, social disorganization, racial disparities, spatial inequality

INTRODUCTION

Poverty and racial inequality are pernicious and persistent dimensions of American life. People who are poor and BIPOC (Black, Indigenous, and people of color) have worse education outcomes, shorter life expectancies, higher rates of felony conviction and incarceration, and lower rates of social mobility than their affluent and White counterparts (Sampson and Wilson 1995; Wildeman and Western 2010; Williams 2014). Furthermore, poverty, inequality, and the accumulation of disadvantage that accompany them are concentrated in resource-poor neighborhoods¹ where residents' access to educational resources, labor markets, and financial institutions that could improve their lives is often limited (Kawachi, Kennedy, and Wilkinson 1999; Sampson 2009). Economic change (W. J. Wilson 1987), historic and contemporary racism (Bonilla-Silva 1997; Golash-Boza 2016), institutional economic practices (Massey, Eggers, and Denton 1990; Oliver and

Shapiro 1995), and cultural assumptions and norms (Massey and Denton 1993) have helped create racially segregated communities and neighborhoods. Subsequently, the isolation of poor and differently racialized neighborhoods (i.e., neighborhoods with a larger share of BIPOC residents) exacerbates these disadvantages, locking communities into dynamics that reproduce poverty and inequality (Massey 2007; Pattillo-McCoy 1999).

One omnipresent institution that has invaded the lives and communities of BIPOC and people who are poor is the American criminal legal system. Black, Native American, and Latino people

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Monetary Sanctions as Chronic and Acute Health Stressors: The Emotional Strain of People Who Owe Court Fines and Fees



ALEXES HARRIS AND TYLER SMITH

In this article, we explore the experiences of people who carry monetary sanction (or penal) debt across eight U.S. states. Using 519 interviews with people sentenced to fines and fees, we analyze the mental and emotional aspects of their experiences. Situating our analysis within research on the social determinants of health and the stress universe, we suggest that monetary sanctions create an overwhelmingly palpable sense of fear, frustration, anxiety, and despair. We theorize the ways in which monetary sanctions function as both acute and chronic health stressors for people who are unable to pay off their debts, highlight the mechanisms linking penal debt with mental and emotional burdens, and generalize our findings using national data from the U.S. Federal Reserve. We find that the system of monetary sanctions generates a great deal of stress and strain that becomes an internalized punishment affecting many realms of people's lives.

Keywords: health, stress, criminal legal system, monetary sanctions, fines and fees

Monetary sanctions lead to long-term criminal legal entanglement, supervision, and punishment for people who are unable to afford them. These fiscal penalties, also called legal financial obligations (LFOs), include court sanctioned fines, fees, restitution, and surcharges as well as various cost points and hidden costs related to the completion of mandated sentences (Har-

ris 2016; Harris, Smith, and Obara 2019; O'Neil and Strellman 2020). Monetary sanctions can affect people's behavioral transitions to adulthood, influence their self-identities, and limit their abilities to move into successful life paths (Harris 2016). Current research outlines the "piling on" (Uggen and Stewart 2015) of monetary sanctions as it puts strain on family net-

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