



Local Policy Guides: Fee Elimination and Debt Relief

FFJC Process Guidance on Pathways to Local Reform

BY:
FINES AND FEES JUSTICE CENTER

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About Us

The [Fines and Fees Justice Center](#) (FFJC) is catalyzing a movement to eliminate the fines and fees that distort justice. Our goal is to create a justice system that treats individuals fairly, ensures public safety and community prosperity, and is funded equitably. We work together with affected communities and justice system stakeholders to eliminate fees in the justice system, ensure that fines are equitably imposed and enforced, and end abusive collection practices.

Introduction

Across the country, the criminal legal system and traffic courts impose fees on individuals to fund the justice system and other government operations.¹ These fees include penalties, surcharges, assessments, and other costs that bear no relation to punishment for an offense or to public safety. Rather, they are regressive taxes used to raise revenue. Yet, while everyone benefits from the public services, these predatory fees are disproportionately assessed against low-income communities and communities of color. These same communities carry the disproportionate burden of high unemployment rates, over incarceration, poor health care, and less educational and economic investments.

Fees imposed in the criminal legal system are often unrelated to one's conviction and may be assessed throughout an individual's involvement with the criminal legal system from pre-trial to post-conviction. Even those who are not convicted or have their cases dismissed may be required to pay fees. And, while the types of fees and the amounts assessed in a particular case vary from jurisdiction to jurisdiction (and state to state), common examples include monthly probation fees, electronic or ankle monitor fees, booking fees, incarceration fees and collection fees, among many others. Most states and counties also still authorize courts and other agencies to charge youth and their families a litany of costs in the juvenile justice system (including for detention, supervision, electronic monitoring, informal adjustment/diversion, evaluation/testing, cost of care, court costs, fines, expungement costs, and even sometimes public defenders). As many youth and families cannot afford to pay them, much of the collected revenue goes toward the costs to collect.²

Court fees fail to effectively raise revenue, as many counties spend more to collect than what they bring in.³ A 2019 Brennan Center report found that certain counties in Texas & New Mexico spend more than 41 cents to collect a dollar – nearly 121 times what it costs the IRS to collect tax revenue.⁴ Because fees are often imposed without consideration of an individual's ability to pay, jurisdictions end up with extremely low collection rates, while individuals end up saddled with exorbitant debt. These individuals facing court debt are often forced to choose between making payments and paying for basic necessities. In a survey of nearly one thousand people in Alabama who owe criminal justice debt or are paying off a loved one's criminal justice debt conducted, 83% gave up necessities like rent, food, medical bills, car payments, and child support in order to pay court debt (which, almost half of them believed they would never be able to pay off).⁵

Reliance on fees is an efficient, harmful, and also unsustainable way to fund government, requiring more crime to balance budgets. This cycle yields more enforcement, over-criminalization, and egregious collection practices -- all while perpetuating hardship on

¹ Cities and counties may charge municipal fees as well.

² [Making Families Pay: The Harmful, Unlawful, and Costly Practice of Charging Juvenile Administrative Fees in California](#) (Berkeley Law School Policy Advocacy Clinic, 2017).

³ E.g. [Costs of Injustice: How Criminal System Fees Are Hurting Los Angeles County Families](#) (ACLU, 2019).

⁴ [The Steep Costs of Criminal Justice Fines and Fees](#) (Brennan Center, 2019).

⁵ [Under Pressure: How fines and fees hurt people, undermine public safety, and drive Alabama's racial wealth divide](#) (Alabama Appleseed, 2018).

those already experiencing difficult economic circumstances. The only solution is to end the use of fees in the justice system and provide relief to those burdened with debt.⁶

Overview of Local Reform Pathways

Here we identify approaches for local fee elimination, including through local legislation and budget, through the courts, and debt relief. Beneath each reform pathway, you will find case studies of cities or counties that have implemented a particular reform.

Pathway: Local Ordinances and Budgetary Process

Local ordinances should eliminate all discretionary fees, surcharges, and costs in the criminal legal system as well as in vehicle and traffic cases, and where possible include budget provisions to backfill any anticipated revenue loss from eliminated fees. Ordinances that eliminate fees should also include provisions vacating and making all outstanding associated debt uncollectible and unenforceable.⁷

San Francisco became the first in the nation to eliminate local criminal justice fees in 2018. Building on the advocacy of a local community coalitions and government departments calling for fine and fee reform, then-Board President London Breed – backed by the Office of the Treasurer’s Financial Justice Project, the Public Defender’s Office, District Attorney’s Office, Adult Probation, Sheriff’s Department, and Mayor’s Budget Office – introduced the [ordinance](#). In all, the San Francisco Superior Court lifted over \$32.7 million and impacted more than 21,000 people.

Los Angeles County, CA Board of Supervisors passed an [ordinance](#) in 2019 eliminating discretionary county-imposed criminal administrative fees, including, though not limited to, fees related to probation supervision, work furlough, misdemeanor and drug diversion programs, pretrial electronic monitoring, and public defender fees. The ordinance also waived related criminal fees debt.

Alameda County, CA Board of Supervisors passed an [ordinance](#) in 2018 ending the assessment of county-imposed criminal administrative fees, including probation fees, public defender fees, and fees for participating in the Sheriff’s Work Alternative Program (S.W.A.P.). The ordinance also prohibited the collection of debt incurred as a result of the fees, [resulting in the waiver of \\$26 million of criminal justice debt](#).

Buffalo, NY’s Common Council repealed [15 vehicle and traffic fees](#) following several years of advocacy led by the Fair Fees and Fines Coalition. In 2020, the Common Council voted

⁶ Debt relief is critical to the success of fee elimination reforms. Attempting to collect unpaid fees after the fee has been eliminated or significant periods of nonpayment is a waste of government resources and further perpetuates harm for those unable to pay.

⁷ FFJC recommends that fees should be deemed uncollectible 2 years after they are imposed.

unanimously to eliminate vehicle and traffic fees that were introduced and adopted in 2018, including: Public Safety Fee, Driver Responsibility Fee, Initial and Subsequent Deferred Payment Fee, Scofflaw/Default Judgment Administrative Processing Fee, Default Conviction Administrative Processing Fee, Boot and Tow Fee, Administrative Fee for Filing Judgements, Late Fees, Collections Fee, Distracted Driver Diversion Program Application Fee.

Baltimore County, MD Executive Johnny Olszewsk announced the [elimination of fees](#) charged to people in the county's Pretrial Community Supervision program in 2021. The cost to operate the program was \$827,000 per year, and as of May 2021 there were 1,041 participants. Fees eliminated include program fee and drug testing fee. Earlier in 2021, after the COVID pandemic emphasized the harmful consequences of fees for those in home detention, the administration also eliminated home-monitoring fees.

Dane County, WI [eliminated fees](#) and forgave debt in the juvenile justice system. Detention centers fee collection were discontinued in the 2019 budget, home detention fees were discontinued in the 2020 budget, and in 2020, the Dane County Board eliminated shelter home fees and social worker supervision program fees as well as all debt associated with juveniles (impacting 586 individuals with \$1.4 million in outstanding debt).

Ramsey County, MN Board of Commissioners [eliminated 11 fees](#) levied against people in jail and on probation, including probation supervision fees, electronic monitoring fees, and fees for diabetes supplies and over-the-counter medications for people in custody in 2020. The 11 fees accounts for about \$675,000 that the county had been charging those in custody each year.

Sacramento, California's Board of Supervisors passed a resolution in 2017 that repeals [fees associated with juvenile supervision](#), drug testing, electronic monitoring, representation, and care within the Youth Detention Facility. The resolution also waived \$23.2 million in outstanding fee debt and prohibited the collection of juvenile fees.

Multnomah County, OR approved a \$2.06 billion budget, [eliminating parole and probation fees](#) within the County's Department of Community Justice and partnering with the state to end parole and probation supervision fees altogether. The \$35 monthly supervision fees for the approximately 12,000 adults on probation or parole supervision previously funded county personnel costs. The county will cover the approximately \$1 million in annual lost revenue.

Pathway: Court Order, Rules of Procedure, Fee Waiver Rules

Courts should eliminate entire categories of criminal fees in the adult and juvenile legal systems.

Seattle, WA Municipal Court judges voted unanimously to [eliminate all discretionary fees](#) on criminal cases in 2020. Fees eliminated include community service setup fee, probation supervision fee, records check fee, and work crew fee. Officials estimated that lost revenue due to the elimination of the fees was around \$268,000 per year. Funds collected from fines and fees

are not kept by the court in Seattle, but get passed through to the general fund or other state or local funds.

Philadelphia, PA amended their rules of criminal procedure in 2018 to [eliminate a 30% fee](#) courts retained from posted bail payments.

Orleans Parish, LA Juvenile Court issued an order in 2018 [abolishing court fees for youth](#), including probation supervision fees, physical and mental examination fees, care and treatment fees, appointed counsel fees, medical treatment fees, and teen or youth court program fees under informal adjustment or deferred disposition agreements. Prior to the order, courts had the authority to waive discretionary court costs, and it was estimated that the bottom line caused by the elimination of the fees was negligible. Out of \$4.1 million in revenue in the previous year, the court took in only \$1,954 from youth and their parents.

Pathway: Debt Relief

Provide debt relief for outstanding court debt through existing authority or local ordinances. Fees should also be deemed uncollectible 2 years after they are imposed.

Washtenaw County, MI [eliminated debt](#) from all jail accounts in 2020. The Corrections staff found that over 31,000 individuals had a total of over \$509,000 in debt from fees such as booking fees, standard medical care, and intake kits. Individuals could not access money in their jail accounts to pay for commissary, and deposited funds (from family members, for example), first went toward existing debt. This debt forgiveness was paired with a re-evaluation and reduction of several incarceration costs to ease the burden of individuals, especially during COVID.

Dane County, WI eliminated nearly \$150,000 in outstanding fees and fines accrued by people incarcerated in the county jail. In 2021, fueled by the efforts of the Dane County Sheriff's Office, the county also eliminated outstanding fees and fines accrued in the Dane County Jail. Eliminated fees include bookkeeper fees, electronic monitoring fees, and medical copays.

Phoenix, OR [cleared suspensions](#) and wrote off all traffic debt 10 years or older in 2021. For debt incurred within the past decade, the city offered a 50% discount through May 1 to drivers who still owe fines.

Cumberland County, NC's DA petitioned the court to [forgive court costs](#) and fees for more than 7,000 people with minor traffic violations at least 5 years old.

How to Use This Guide

This guide provides local leaders with a recommended process for each of three pathways to local fee elimination reform:

- Local ordinances and budgetary processes
- Court orders, rules of procedure, fee waiver rules
- Debt relief

This guide includes: key data points to collect and track, questions to help you assess stakeholder buy-in and lead community engagement, and guidelines for developing an effective campaign and implementation strategy. Localities seeking to make the most impact should consider a multi-pronged strategy, adopting more than one of the above policies.

Recommended Reform Process

01

IDENTIFY KEY
STAKEHOLDERS

02

COLLECT DATA
ON THE ISSUE

03

ENGAGE
COMMUNITY

04

DEVELOP
LANGUAGE &
STRATEGY

05

ADOPT POLICY &
TRACK IMPACT

Have Questions?

Contact Policy and Program Associate, Joni Hirsch, at jhirsch@ffjc.us. Want to learn more about our work to end unjust fines and fees? Visit ffjc.us

Local Reform Guide: Fee Elimination and Debt Relief

Localities can use this guide when seeking to eliminate fees, surcharges, and costs in the criminal legal system and traffic courts and vacate outstanding debt.⁸

Mechanism for Reform

- Local Ordinance
- Budget Process
- Court Order or Amend Rules of Procedure

Step 1: Assess Stakeholders and Build Your Team

Key Questions:

- Who has authority over specific fees?
- Do judges have discretion to waive fees? What fees are required by state law?
- Who manages your collections? Do you have contracts with 3rd party collection agencies?
- Which government stakeholders have already shown interest or engagement in fee elimination?
- Who at agencies or departments impose the highest fees? Which are the most harmful? (Example: juvenile justice fees; fees charged to those in custody) What are the collection rates of those fees?
- Where is revenue from those fees allocated?
- Which agencies or departments are involved in imposing current consequences of late payment or nonpayment? (Ex. late fees, penalties, driver's license suspensions, wage garnishment, tax refund intercepts, or use of private debt collectors)

⁸ FFJC recommends that fees should be deemed uncollectible 2 years after they are imposed.

STAKEHOLDER	SUPPORT	OPPOSE	EXPECT SUPPORT	EXPECT OPPOSITION	NOT RELATED TO REFORM
County Commissioners					
Clerks					
Judges					
Courts					
Collections gov. agencies					
Prosecutors					
City Council					
DA's Office					
Budget Office					
Community Orgs					
Directly Impacted					

Step 2: Collect All Relevant Data and Conduct Fiscal Analysis

Understanding Fiscal Impact of Fees:

- What are all the criminal legal fees your jurisdiction imposes?
- What is the (\$) total amount imposed for each fee per year? For the past 3 years?
- What is the (\$) total revenue collected for each fee?
- What percentage of fees are paid on time?
- How much debt is outstanding for each fee and/or in total?
- How much revenue from criminal legal fees is budgeted? How much is collected?
 - Where does this funding go?

Costs of Collections:

- Who manages your collections?
- Is your jurisdiction required to report collections data to the state?

- What is the full cost of collections? Consider the role of all mechanisms for collections including:
 - Expenses paid to 3rd party collection agencies
 - Government collections staff time
 - Court proceedings
 - Law Enforcement staff time for enforcing warrants or arrests for FTP
 - Cost of Parole and Probation systems
 - Cost Public Defense for individuals with court debt
 - Costs of incarceration for nonpayment
 - Agencies that process license suspension or other forms of collections such as wage garnishment, tax refund intercepts, or private debt collectors
- Are any collection costs passed to individuals?

Understanding Impact on Individuals:

- How many distinct individuals have paid criminal legal fees in the past year? Past 3 years?
 - Do you have demographic data on who was assessed fees?
 - Do you know the percentage of people who pay their criminal justice debt in full after 1 year? After 3 years? After 5 years? After 10 years?
- What are the consequences for nonpayment?
- How much criminal justice debt exists in your jurisdiction?

Step 3: Engage Community

Guidelines:

- Consider who is most impacted by this reform and what forms of outreach will most effectively reach those impacted by criminal fees and court debt
- Determine what strategies will best accomplish your engagement goals and ensure you are centering the experiences of those most impacted in the design and implementation of your reform
 - Surveys, listening sessions, understanding experiences, roundtable discussions, relationship-building with advocates
- Identify additional key community partners to engage
- Decide how will you document, synthesize, and share what you learn

Step 4: Develop Policy Language and Campaign Strategy

Example Policy Language:

- Immediately discontinue the collection of all discretionary fees that are collected and retained by the County and fall within the Board's authority to suspend ;
- Discharge and/or release any balance of outstanding debt based on the discretionary fees that fall within the Board's authority to suspend, including by filing satisfaction of judgments with the court for court judgments, where applicable; filing releases of liens with the County Clerk for judgment liens, where applicable; amending the County Code; creating a referral, complaint and investigation process to ensure debt collection agencies cease collections of past debt and individuals' credit ratings are restored; and taking all other legal action as needed to discharge and/or release debts for these fees.

OR:

- WHEREAS, the Board of Supervisors finds that it is in the best interest of the County, justice involved adults, and the larger community to repeal the following fees;
- WHEREAS, it is also in the best interests of the County and the community that the Auditor Controller be authorized to write-off all accounts receivable balances and close the associated fee accounts

Key questions:

- What is your goal with this reform?
- Who is the specific audience for this reform? Who will be most impacted by this policy? Are their needs and concerns addressed through this reform?
- Are there other policy reforms that have addressed similar issues? What is the language of previous policies?
- Have community stakeholders given feedback on the policy language to ensure it does not stigmatize those impacted by the reform?
- Will your reform be most impactful if combined with another reform (such as debt relief in addition to fee elimination)?
 - Are individuals charged any collections fees? *(If so, these should be eliminated. If your jurisdiction uses a private collections company, the government should fully cover these costs. Collections fees should not be passed to those who can least afford to pay them.)*

- What consequences of non-payment of fees should also be addressed?
 - Ex. civil liens, driver's license suspensions
- What will the budget implications be of fee elimination and/or debt relief (accounting for savings in collections costs)? How will you backfill those losses?
- Where do you expect opposition? What is the plan for addressing opposition?
- Will you deem debt uncollectible after a certain period of time? [The Fines and Fees Justice Center recommends 2 years]

Step 5: Implement Policy and Track Impact

Implementation Questions:

- Is there already local momentum for fee elimination?
- What is your timeline?
- What metrics will you track?

Example Metrics:

- What savings are realized by eliminating fees?
- How do collection rates change after fee elimination and/or debt relief?
- What is the cost to the County?