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Democracy Dies in Darkness



States must abolish juvenile fees. They're putting families in debt.

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Nevada Gov. Steve Sisolak last month signed a bill repealing more than a dozen decades-old laws that authorized the state and counties to charge fees to families with young people in the juvenile legal system. Nevada became just the second state in the country to abolish juvenile fees; California repealed them in 2017. More states should follow their lead.

Almost every state authorizes courts and agencies to charge children and their parents and guardians for youth detention, supervision and electronic monitoring. Many jurisdictions even charge families for their children's "free" public defenders. The fees can quickly add up to thousands of dollars.

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These fees have nothing to do with theories of punishment or accountability, which are accomplished through other mechanisms in the system. Instead, they are misguided attempts to replace tax revenue with “user fees” in the justice system.

In practice, the policy can have dire implications for people such as Kameelah Davis-Spears, a single mother in Philadelphia who had only recently escaped homelessness when the city charged her \$12,000 for the time her son spent in detention after a school fight. The amount was almost as much as her annual take-home pay from a job doing inventory work for \$10.20 an hour; the city started garnishing \$13.71 from her weekly paycheck. “Right now, I can just pay my bills. But if anything happens, we're out of luck,” Davis-Spears told the Philadelphia Inquirer in 2016.

Then there was 13-year-old Dequan Jackson of Jacksonville, Fla., who was punished for bumping into a teacher while playing around in his school hallway. He completed all the terms of his probation except one — he couldn't afford to pay court and public-defender fees. As a result, the county kept him on probation for 14 more months and charged additional fees while he and his mother struggled to pay off the debt. Jackson told the New York Times in 2016, when he was 16, “You feel like you're drowning and you're trying to get some air, but people are just pouring more water into the pool.”

In California about a decade ago, the Orange County Probation Department billed Maria Rivera \$16,372 for her son's detention and lawyer. An unemployed single mother, Rivera sold her house to pay the county \$9,508 in May 2010. When the county demanded the remaining balance, she filed for bankruptcy. Even in bankruptcy, the county continued to pursue Rivera until a federal appeals court finally ordered it to stop in 2016, calling the fees "a tax upon distress."

These are not isolated examples, unfortunately. As we have found through national surveys and state and local research, the damage is widespread from a public policy that is harmful on a variety of levels.

First, the fees are regressive and racially discriminatory, falling hardest on low-income African American and Latino families. Because young people of color are over-policed, over-prosecuted and over-punished, their families bear a disproportionate burden of juvenile fees.

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Further, the fees harm rehabilitation and increase recidivism, undermining key goals of the juvenile legal system. The fees strain family finances and relationships, and incentivize young people and families to try to pay them off however they can.

Ironically, collection rates and net revenue are also low, because most families with youth in the system are poor and often unable to pay. Some jurisdictions even lose money because assessment and collection costs exceed fee revenue.

The data from California paints a staggering picture of what is at stake. Before new charges were barred starting in 2018, county-level records revealed that hundreds of thousands of California families owed more than \$373 million in fees.

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In response to organizing and advocacy, California counties have since ended collection on more than \$236 million in previously assessed fees. But some counties are still trying to collect more than \$136 million from families, a large majority of whom cannot afford to pay anything.

Beyond comprehensive legislative reform in California and Nevada — and pending bills in Maryland and New Jersey — some local judges, agencies and elected officials have begun to act on their own. Philadelphia ended juvenile detention fees such as the ones charged to Davis-Spears, and courts and counties in states as politically different as Kansas, Louisiana, Ohio and Wisconsin have also exercised their discretion to end juvenile fee assessments.

Earlier this year, Rep. Tony Cárdenas (D-Calif.) introduced the “Eliminating Debtor’s Prison for Kids Act,” a federal bill that would earmark funds for youth mental and behavioral health services to states that prohibit the imposition of juvenile fees.

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While the federal law would be a helpful nudge, the juvenile legal system operates almost exclusively at the state and local level, so that’s where reform must happen. The recent trends are encouraging, but the work won’t be complete until debt-free justice for young people and their families is the law in every state.

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