POLICY BRIEF NOVEMBER 2021

CALIFORNIA POLICY LAB

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harm that monetary sanctions can inflict on justice-involved youth and their families, and are calling for fees to be repealed.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) *fines* are meant to punish, (2) *restitution* is meant to compensate a victim for harm, and (3) *fees* 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Starting in 2016, several California counties repealed administrative fees in the juvenile justice system.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.

ALAMEDA COUNTY FEE REPEAL

Alameda was the first county in California and one of the first in the nation to repeal all juvenile administrative fees. Before doing so, Alameda County assessed various fees to families that ranged from $7 to $300, including:

- drug testing ($7 per test)
- electronic monitoring ($15 per day)
- probation supervision ($90 per month)
- public defender ($300 per case)[3]

On average, these fees totaled nearly $3,000 per family.[4] In March 2016, the Alameda County Board of Supervisors placed an immediate moratorium on fees for youth in the juvenile justice system, with a permanent fee repeal enacted in July 2016.

MOTIVATION

Because of its novelty, the actual impacts of fee repeal are unknown. Among the most pressing questions are (1) whether fee repeal results in meaningful financial relief for families and (2) whether jurisdictions will substitute other monetary sanctions in an effort to recover lost revenues.

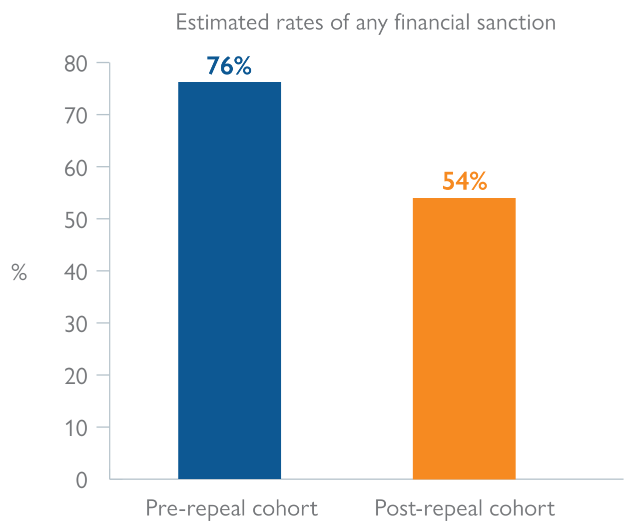
To examine the impact of this fee repeal, we partnered with the Alameda County Probation Department (ACPD) to compare a cohort of youth who were under probation supervision prior to the enactment of fee repeal (n = 1,656) and a cohort of youth who were under probation supervision after the enactment of fee repeal (n = 745). We followed these cohorts of youth and their families over an 18-month period after their initial placement on probation to compare their financial sanction outcomes. We compared the two cohorts' outcomes using targeted maximum likelihood estimation (TMLE), a causal-inference approach that attempts to approximate an experiment by creating comparison groups that are similar in their observed characteristics. Within TMLE, we used a machine-learning approach to estimate the outcomes of interest.

FINDINGS

(1) Fee repeal decreased the likelihood of any monetary sanctions by 22 percentage-points

The probability of having any monetary sanction imposed dropped from 76% in the pre-repeal cohort to 54% in the post-repeal cohort, a decline of 22 percentage-points (Figure 1). This reduction is likely due to two factors. First, about one-fifth of the families in the pre-repeal cohort were charged fees only, so the removal of fees decreased the overall proportion of families who were assessed any monetary sanction. Second, other types of sanctions like fines were also reduced after fee repeal, as described below.

FIGURE 1. Fee repeal reduced the likelihood that families experienced any monetary sanctions

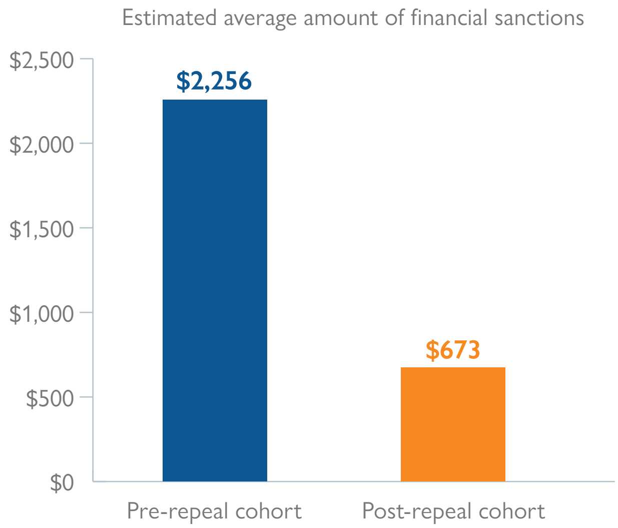


Note: $p<0.001$

(2) Fee repeal decreased the amount of monetary sanctions by 70%

For families that incurred any monetary sanctions, fee repeal dramatically decreased their dollar amount. Monetary sanctions fell from an estimated average of $2,256 for the pre-repeal cohort to an estimated average of $673 for the post-repeal cohort — a 70% decrease. Despite concern that fees account for only a small proportion of the total financial burden of monetary sanctions and evidence that restitution can cost much more than fees,[5] our results suggest that fee repeal makes a substantial difference for families.

FIGURE 2. Fee repeal reduced the average amount of monetary sanctions families experienced



Note: p<0.01

(3) There was no evidence that fees were substituted by other types of monetary sanctions

One potential response to fee repeal could be for a county to attempt to recover the lost revenue by other means. Fines are the most likely other monetary sanction available for such a purpose. But in Alameda County, we found no evidence of a compensatory response.

Instead, we found that the likelihood of having fines imposed *decreased* after fee repeal. Specifically, the probability of having a fine imposed was eight percentage-points lower in the post-repeal cohort compared to the pre-repeal cohort (decreasing to 51% from 59%).

The dollar amount of fines imposed also decreased after fee repeal. The estimated total amount of fines was $18 lower for the post-repeal cohort compared to the pre-repeal cohort.

These findings suggest that the juvenile justice system did not compensate for the removal of fees by imposing more fines. Alameda County is a relatively progressive jurisdiction — demonstrated in part by their early adoption of fee repeal. This finding that fines also decreased may reflect the county's overall reform-oriented approach to monetary sanctions. Fee repeal may have a different impact in jurisdictions that are more ambivalent about reform.

CONCLUSION

This appears to be the first study of the impact of fee repeal on the monetary sanctions that families bear when their children are placed on juvenile probation. We found (1) that fee repeal meaningfully reduced the financial burden placed on families during their children's terms of probation and (2) that fee repeal did not significantly increase the use of other monetary sanctions such as fines.

This study is relevant to efforts to eliminate fees in the criminal-legal system; efforts which have spread from the juvenile to the adult system in California.[6] We have shown that fee repeal can substantially reduce families' financial obligations to the justice system, without shifting to other monetary sanctions to replace the lost fee revenue. This policy brief is based on a working paper on this study, which can be downloaded here. Next, we plan to examine the impact of fee repeal on recidivism and families' financial health.

ACKNOWLEDGMENTS

Support for this research was generously provided by Arnold Ventures. The contents of this publication and views expressed are solely the responsibilities of the authors and should not be attributed to our funders. All errors should be attributed to the authors. We would also like to thank the Alameda County Probation Department for their collaboration on this study.

The California Policy Lab builds better lives through data-driven policy. We are an independent, nonpartisan research institute at the University of California with sites at the Berkeley and Los Angeles campuses.

This research publication reflects the views of the authors and not necessarily the views of our funders, our staff, our advisory board, the Regents of the University of California, or the Alameda County Probation Department.

Endnotes

1. For example:
   Feierman, J., Goldstein, N., Haney-Caron, E., & Columbo, J. F. (2016). *Debtors' prison for kids? The high cost of fines and fees in the juvenile justice system.* Juvenile Law Center. http://debtorsprison.jlc.org/documents/jlc-debtors-prison.pdf
   Harris, A. (2016). *A pound of flesh: monetary sanctions as punishment for the poor.* Russell Sage Foundation.
2. Selbin, J. (2020). Juvenile fee abolition in California: early lessons and challenges for the debt-free justice movement. North Carolina Law Review, 98(2), 401–418.
3. Alameda County Board of Supervisors. (2016, March 16). *Adopt a resolution suspending the assessment and collection of juvenile probation fees and the juvenile public defender fee for all Alameda County residents.* http://www.acgov.org/board/bos_calendar/documents/DocsAgendaReg_03_29_16/PUBLIC%20PROTECTION/Regular%20Calendar/Supervisor%20Valle_Supervisor%20Carson_229888.pdf
4. Kaplan, A., Lavalais, A., Kline, T., Le, J., Draznin-Nagy, R., Rodriguez, I., van der Heyde, J., Campos-Bui, S., & Selbin, J. (2016). *High pain, no gain: how juvenile administrative fees harm low-income families in Alameda County, California.* https://papers.ssrn.com/sol3/papers.cfm?Abstract_id=2738710
5. Haynes, S. H., Cares, A. C., & Ruback, R. B. (2014). Juvenile economic sanctions: an analysis of their imposition, payment, and effect on recidivism. *Criminology & Public Policy*, 13(1), 31–60.
6. San Francisco Public Defender. (2020, September 24). *California becomes the first state in the nation to end collection of fees in the criminal legal system.* https://sfpublicdefender.org/news/2020/09/california-becomes-the-first-state-in-the-nation-to-end-collection-of-fees-in-the-criminal-legal-system/