

File No. 180132

Committee Item No. 1

Board Item No. 1

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Budget & Finance Committee

Date May 16, 2018

Board of Supervisors Meeting

Date June 5, 2018

Cmte Board

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest |
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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
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Completed by: Linda Wong Date May 4, 2018
 Completed by: Linda Wong Date May 15, 2018

1 [Administrative Code - Criminal Justice System Fees and Penalties]

2
3 **Ordinance amending the Administrative Code to abolish fees associated with probation**
4 **costs, restitution, booking, the Sheriff's Work Alternative Program, the automated**
5 **county warrant system, the Sheriff's Home Detention Program, and to abolish local**
6 **penalties associated with alcohol testing and court-ordered penalties for misdemeanor**
7 **and felony offenses.**

8 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
9 **Additions to Codes** are in *single-underline italics Times New Roman font*.
10 **Deletions to Codes** are in *strikethrough-italics Times New Roman font*.
11 **Board amendment additions** are in double-underlined Arial font.
12 **Board amendment deletions** are in ~~strikethrough-Arial font~~.
13 **Asterisks (* * * *)** indicate the omission of unchanged Code
14 subsections or parts of tables.

15 Be it ordained by the People of the City and County of San Francisco:

16 Section 1. Findings and Purpose.

17 (a) When people are convicted of a crime, they are often charged thousands of dollars
18 in fines, fees, or financial penalties related to their conviction, sentence, or incarceration – in
19 addition, in many cases, to their serving time in jail or prison. These financial exactions are
20 intended to generate revenue for public programs and to fund their operations. But there is
21 often an insidious, unintended consequence of this practice – to push people into poverty, or
22 push them even deeper into poverty if they already were there. These fines, fees, and
23 penalties can trap people in a cycle of debt, and low-income people and people of color are
24 often hit the hardest. Under this system, government becomes a driver of inequality, creating
25 additional layers of punishment for those moving through the criminal justice system.

1 (b) More specifically, these financial burdens frequently hit individuals at the precise
2 moment they are trying to turn their lives around. The vast majority of people exiting jail or
3 prison are unemployed, have unstable housing, have no steady source of income, and find
4 work difficult or nearly impossible to obtain after release. Approximately 80% of individuals in
5 jail are indigent. Yet, after someone has already served their time, they frequently receive a
6 bill for a long list of fines and fees to pay for probation, fingerprinting, and mandated user fees.
7 According to a report by the Ella Baker Center, the average debt incurred for court-related
8 fines and fees of over 700 people surveyed was \$13,607, nearly equal to the annual income
9 for respondents in the survey.

10 (c) In San Francisco, people who have spent time in jail or prison or have been
11 involved in the criminal justice system are charged a long list of fines and fees. The Public
12 Defender's Office found that people participating in its Clean Slate Program have received
13 bills for approximately 25 fees for administrative functions such as automated record keeping,
14 a court operations assessment, a DNA identification program, state court construction penalty,
15 an automated fingerprint fund, and emergency medical services. The monthly probation fee
16 appears to impose the most debt on those who have been involved in the criminal justice
17 system in San Francisco, where people are charged \$50 a month to be on probation. These
18 individuals are charged \$1,800 up-front when they start their probation, as probation typically
19 lasts for three years.

20 (d) The fines and fees incurred by those involved in the criminal justice system in San
21 Francisco are substantial. People in the Clean Slate program typically owe \$3,000 to \$5,000
22 in criminal justice fines and fees, according to a sample of clients examined by the Clean
23 Slate Program. The men and women paying these fines and fees are typically unemployed,
24 and earn wages, if at all, well below the federal poverty level. Clean Slate participants are
25 disproportionately people of color. Indeed, the burden of these fines and fees falls heaviest

1 on the African-American community, which accounts for less than 6% of the population in San
2 Francisco, but makes up over half the population in the county jail.

3 (e) Left unpaid, these fines and fees can grow in size, and can result in wage
4 garnishment and levies on bank accounts, to the extent there are wages to garnish or a bank
5 account to draw upon. The fines and fees make it harder for people to cover their expenses
6 and therefore can create burdens for others. For example, the Ella Baker Center study stated
7 that family members often pay the fines and fees on behalf of their loved ones, and over 20%
8 of families had to take out a loan to cover the costs of these fines and fees.

9 (f) Furthermore, research shows that these fines and fees are often an inefficient
10 source of revenue. Researchers at the University of California, Berkeley, among other
11 researchers, have found that some criminal justice fines and fees are “High Pain” (hitting poor
12 people particularly hard) and “Low Gain” (bringing in very little revenue), as the fees are
13 charged to people who often cannot afford to pay them. Both the White House Council of
14 Economic Advisors and the Conference of State Court Administrators have found that these
15 legal financial obligations are often an ineffective and inefficient means of raising revenue.

16 (g) San Francisco has a long history of leadership in this area: It is the only county that
17 has never charged fees to parents of children who have been incarcerated in Juvenile Hall,
18 and was the first county court in the state to stop suspending driver’s licenses for unpaid fines
19 and fees. With this ordinance, San Francisco becomes the first county in California to
20 eliminate the criminal justice fines, fees, and financial penalties under its control, that so
21 disadvantage the most vulnerable in our society. By removing these financial burdens and the
22 outstanding debt they create that hangs over thousands of families, San Francisco hopes to
23 inspire other jurisdictions to lift this burden off of low-income families, and to find more fair and
24 just ways to fund their criminal justice systems.
25

1 (h) The City urges the San Francisco Superior Court to modify any prior orders to
2 eliminate the fine, fees, and penalties included in this ordinance, and to discharge all debt
3 associated with the same, to the extent permitted by law. The City urges the Public Defender
4 to assist individuals in seeking modification of court orders to pay fines, fees, and penalties
5 covered by this ordinance. Finally, to the extent permitted by law, the City urges all City
6 departments to stop collecting the fines, fees, and penalties covered by this ordinance.
7

8 Section 2. The Administrative Code is hereby amended by deleting Section 8.14-1,
9 adding Section 8.29, deleting Sections 8.31, 8.31-1, 8.36, and 8.38, revising Section 8.42, and
10 deleting Sections 10.39-4 and 10.100-280, to read as follows:

11 **~~SEC. 8.14-1. PENALTY ASSESSMENT FOR TESTING FOR ALCOHOL CONTENT.~~**

12 ~~(a) Pursuant to Penal Code Section 1463.14(b), there shall be an additional penalty of fifty~~
13 ~~dollars (\$50.00) for criminal convictions for violation of Vehicle Code Sections 23152 or 23153, in~~
14 ~~addition to any other fines and forfeitures provided by law.~~

15 ~~(b) All penalties collected under this Section shall be deposited with the Treasurer and shall be~~
16 ~~used to defray the costs incurred by the Medical Examiner in performing for the City and County~~
17 ~~analysis of blood, breath, or urine for alcohol content, or for services related to that testing.~~

18 **SEC. 8.29. NO AUTHORIZATION TO COLLECT FEES FOR PROBATION COSTS.**

19 Notwithstanding any prior ordinance enacted to make operative Penal Code Section 1203.1b,
20 there is no authorization to collect fees for probation costs, pre-sentence report costs, or any other
21 costs authorized under Penal Code section 1203.1b.

22 **~~SEC. 8.31. ADULT PROBATION DEPARTMENT—RESTITUTION COLLECTION FEE.~~**

23 ~~(a) The Adult Probation Department is hereby authorized to collect a fee to cover the actual~~
24 ~~administrative cost of collecting any victim restitution included in an order of the court. The~~
25 ~~administrative fee shall be paid in addition to the restitution payment and shall be 10 percent of the~~

1 ~~amount ordered to be paid to the victim. The proceeds of the fee collection shall be deposited in the~~
2 ~~general fund for appropriation by the Board of Supervisors.~~

3 ~~**SEC. 8.31-1. ADULT PROBATION DEPARTMENT—RESTITUTION FINE**~~

4 ~~**ADMINISTRATIVE FEE.**~~

5 ~~(a) The Adult Probation Department is hereby authorized to charge a fee to cover the actual~~
6 ~~administrative cost of collecting any restitution fine and shall be 10 percent of the amount ordered to~~
7 ~~be paid, pursuant to Section 13967 of the Government Code. The fee shall be added to the restitution~~
8 ~~fine and included in the order of the court. The fee collection proceeds shall be deposited in the general~~
9 ~~fund and appropriated by the Board of Supervisors.~~

10 ~~**SEC. 8.36. JUVENILE PROBATION DEPARTMENT—RESTITUTION COLLECTION**~~

11 ~~**FEE.**~~

12 ~~The Juvenile Probation Department is hereby authorized to collect a fee to cover the actual~~
13 ~~administrative cost of collecting any victim restitution fine included in an order of the court pursuant to~~
14 ~~Welfare and Institutions Code Section 730.6. The administrative fee shall not exceed 10 percent of the~~
15 ~~restitution amount ordered to be paid. The administrative fee shall be added to the restitution fine and~~
16 ~~included in the court order. Any administrative fees so collected shall be deposited in the general fund~~
17 ~~and shall be used to defray the costs incurred by the Juvenile Probation Department in collecting such~~
18 ~~restitution.~~

19 ~~**SEC. 8.38. ADULT PROBATION BOOKING FEE.**~~

20 ~~(a) Subject to the conditions and limitations of Section 29550.3 of the Government Code, the~~
21 ~~City and County of San Francisco elects to establish and collect an administrative fee pursuant to the~~
22 ~~standards and procedures set forth in Section 29550.1 of the Government Code to be collected from~~
23 ~~persons arrested, convicted, and subsequently placed on probation. This fee shall be established by the~~
24 ~~Controller in consultation with the Sheriff's Department, and shall be collected by the Adult Probation~~
25 ~~Department.~~

1 (b) ~~The fee authorized by Subsection (a) shall reflect but not exceed the actual administrative~~
2 ~~costs, including applicable overhead costs, incurred in processing arrested persons. The fee shall be set~~
3 ~~initially at \$125. The Controller shall, not later than January 1st of each year, reexamine and if~~
4 ~~necessary, adjust the fee to ensure that it continues to reflect the costs of the services provided, except~~
5 ~~that the fee shall in no event exceed \$150. Proceeds received from collection of the fee shall be~~
6 ~~deposited in the General Fund.~~

7 (c) ~~At the time the court grants probation, the Adult Probation Department shall request that~~
8 ~~the defendant be ordered to pay the fee authorized by Subsection (a). However, a defendant shall not be~~
9 ~~required to pay the fee if the court determines, based upon the following criteria, that the defendant~~
10 ~~lacks the ability to pay. A defendant's ability to pay shall mean his or her overall capability to pay the~~
11 ~~fee authorized by Subsection (a). Evaluation of a defendant's ability to pay shall include, but shall not~~
12 ~~be limited to, the individual's:~~

13 ~~———— (1) Present financial position; ——— (2) Reasonably discernible future financial~~
14 ~~position. In no event shall the court consider a period of more than six months from the date that~~
15 ~~probation is granted for purposes of determining reasonably discernible future financial position;~~

16 ~~———— (3) Likelihood that the defendant shall be able to obtain employment within six months~~
17 ~~from the date probation is granted;~~

18 ~~———— (4) Any other factor or factors that may bear upon the defendant's financial capability~~
19 ~~to reimburse the County for the costs.~~

20 **SEC. 8.42. PENALTY ASSESSMENT FOR EMERGENCY MEDICAL SERVICES.**

21 (a) Pursuant to California Government Code Section 76000.5, there is hereby
22 established an additional penalty of ~~two dollars (\$2.00)~~ over that currently levied under
23 California Penal Code Section 1464 for every ~~ten dollars (\$10.00)~~ or fraction thereof upon
24 every fine, penalty, or forfeiture imposed and collected by the courts for non-misdemeanor and
25 non-felony eriminal offenses, including violations of the California Vehicle Code or local

1 — ordinances adopted pursuant to the Vehicle Code, as authorized by Penal Code Sections
2 1464 and 1465, with the exceptions noted therein. The revenues from this assessment shall
3 go to the Public Health Emergency Medical Services Fund established in Section 10.100-195
4 of this Code. Pursuant to Government Code Section 76000.5(b), these increased penalties
5 shall not offset or reduce the funding of other programs from other sources, but shall result in
6 increased funding to those programs. ~~(b) This section shall expire on January 1, 2009, unless the~~
7 ~~Legislature deletes or extends the expiration date for Government Code Section 76000.5 adopted as~~
8 ~~part of Chapter 841 of the Statutes of 2006.~~

9 **~~SEC. 10.39-4. SHERIFF'S WORK ALTERNATIVE PROGRAM FEES.~~**

10 ~~The Sheriff is hereby authorized to assess and collect from all Sheriff's Work Alternative~~
11 ~~Program (S.W.A.P.) participants a fee which shall not exceed the pro rata cost of administering that~~
12 ~~program, pursuant to California State Penal Code Section 4024.2. The Sheriff shall make inquiry into~~
13 ~~the ability of each program participant to pay all or a portion of the costs of participation in S.W.A.P.,~~
14 ~~develop a schedule or formula for determining a participant's ability to pay such costs, develop~~
15 ~~payment schedules, receive payments, and deposit all funds received into the general fund through the~~
16 ~~Treasurer.~~

17 ~~The Sheriff shall determine the costs of S.W.A.P. participation, which determination shall be~~
18 ~~approved by the Controller and reviewed annually by the Board of Supervisors.~~

19 ~~Nothing contained in this Section shall be deemed to supersede or conflict with any other~~
20 ~~provisions of this Code for recovering the costs of incarceration in any local detention facilities.~~

21 **~~SEC. 10.100-280. SAN FRANCISCO AUTOMATED COUNTY WARRANT SYSTEM.~~**

22 ~~(a) Establishment of Fund. The San Francisco Automated County Warrant System is~~
23 ~~established as a category two fund to accept any assessment of \$7 on any person convicted of violating~~
24 ~~Vehicle Code Section 40508 or Penal Code Section 853.7.~~

1 ~~(b) Use of Fund. Monies in the fund shall be used exclusively for the development and~~
2 ~~operation of an automated County warrant system.~~

3
4 Section 3. The Administrative Code is hereby amended by revising Sections 2A.301
5 and 13.63, to read as follows:

6 **SEC. 2A.301. HOME DETENTION AND ELECTRONIC MONITORING AS A**
7 **SANCTION FOR VIOLATION OF POSTRELEASE COMMUNITY SUPERVISION.**

8 The Chief Probation Officer of the Adult Probation Department is authorized to develop
9 and maintain a Home Detention and Electronic Monitoring program for supervision purposes
10 and as an intermediate sanction for persons who violate the conditions of their postrelease
11 community supervision program pursuant to the Postrelease Community Supervision Act of
12 2011. The Adult Probation Department shall not charge fees for participation in the Home Detention
13 and Electronic Monitoring program.

14 **SEC. 13.63. HOME DETENTION PROGRAM.**

15 The Sheriff is authorized to offer a Home Detention Program, as specified in California
16 Penal Code Section 1203.016 of the California Penal Code, in which minimum security prisoners
17 and low-risk offenders committed to the County Jail or other County correctional facility or
18 inmates participating in a Work Furlough program may voluntarily participate in a Home
19 Detention Program during their sentence in lieu of confinement in the County Jail or other
20 County correctional facility. The Sheriff shall not charge fees for participation in the Home
21 Detention Program.

22
23 Section 4. Effective and Operative Dates.

24 (a) This ordinance shall become effective 30 days after enactment. Enactment occurs
25 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not

1 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
2 Mayor's veto of the ordinance.

3 (b) This ordinance shall become operative on July 1, 2018.
4

5 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
6 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
7 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
8 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
9 additions, and Board amendment deletions in accordance with the "Note" that appears under
10 the official title of the ordinance.

11 APPROVED AS TO FORM:
12 DENNIS J. HERRERA, City Attorney

13 By:

14 
15 JANA CLARK
16 Deputy City Attorney

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25

LEGISLATIVE DIGEST

[Administrative Code - Criminal Justice System Fees and Penalties]

Ordinance amending the Administrative Code to abolish fees associated with probation costs, restitution, booking, the Sheriff's Work Alternative Program, the automated county warrant system, the Sheriff's Home Detention Program, and to abolish local penalties associated with alcohol testing and court-ordered penalties for misdemeanor and felony offenses.

Existing Law

Existing law authorizes fees associated with probation costs, restitution collection, restitution fine administration, booking, the Sheriff's Work Alternative program, the automated county warrant system, and home detention and electronic monitoring, and penalties associated with alcohol testing. In addition, under existing law, persons convicted of Vehicle Code violations may be charged additional penalties to fund emergency medical services.

Amendments to Current Law

This ordinance abolishes fees associated with probation costs, restitution collection, restitution fine administration, booking, the Sheriff's Work Alternative program, the automated county warrant system, and home detention and electronic monitoring. In addition, it abolishes penalties associated with alcohol testing. Finally, it abolishes penalties charged to persons for non-misdemeanor, non-felony Vehicle Code violations.

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<p>Item 1 File 18-0132</p>	<p>Departments: Adult Probation, Sheriff, Public Health, Juvenile Probation, City Administrator</p>
<p>EXECUTIVE SUMMARY</p>	
<p style="text-align: center;">Legislative Objectives</p>	
<p>The proposed ordinance would amend the Administrative Code to abolish: (1) fees associated with emergency medical services, probation costs, restitution, booking, the Sherriff’s Work Alternative Program, the automated county warrant system, and the Sherriff’s Home Detention Program, and (2) local penalties associated with alcohol testing and court-ordered penalties for misdemeanor and felony offenses.</p>	
<p style="text-align: center;">Key Points</p>	
<ul style="list-style-type: none"> • San Francisco charges people for costs related to emergency medical services and the administration of criminal justice, including incarceration fees, probation fees, penalty assessment fees and electronic monitoring fees. The fees are levied on some of San Francisco’s lowest income residents. • The amount of the fees varies by type of fee and length of time for which the fee is charged. For example, one-time probation fees are up to \$1,800 and ongoing probation fees are \$600 per year. Fees to participate in the Clean Slate Program, which assists individuals in expunging their criminal records, can range from \$3,000 to \$5,000. 	
<p style="text-align: center;">Fiscal Impact</p>	
<ul style="list-style-type: none"> • The reduction in fee revenues to the City from implementation of the proposed ordinance is approximately \$1,017,911 (based on fees collected in FY 2016-17), of which approximately 70 percent or \$709,951 were probation fees. • Other revenue impacts include the reduction of approximately \$200,000 in electronic monitoring fees, which are collected by the electronic monitoring contractor and pay for part of the contract costs; and approximately \$50,000 in penalty assessments on fines, penalties, and forfeitures related to criminal offenses, which is deposited into an emergency medical services fund to reimburse physicians and hospitals for the cost of uncompensated care. 	
<p style="text-align: center;">Recommendation</p>	
<ul style="list-style-type: none"> • Approval of the proposed ordinance is a policy matter for the Board of Supervisors 	

MANDATE STATEMENT

According to Charter Section 2.105, all legislative acts shall be by ordinance and require the affirmative vote of at least a majority of the members of the Board of Supervisors.

BACKGROUND

San Francisco charges people for costs related to emergency medical services and the administration of criminal justice, including incarceration fees, probation fees, penalty assessment fees and electronic monitoring fees. The fees are levied on some of San Francisco's lowest-income residents. For example, more than 90 percent of people in San Francisco jails are defined as low-income.¹

The amount of these fees for individuals varies. For example, adults ordered to probation by the courts are charged up to \$1,800 in one-time fees when they start their probation, and then an additional \$50 per month to be on probation, which typically lasts for three years (approximately \$600 per year or \$1,800 for three years). According to the Public Defender's Office, participants in the Clean Slate Program, which assists individuals in expunging their criminal records, are charged approximately 25 fees for administrative functions, and typically owe \$3,000 to \$5,000.

The San Francisco Superior Court is responsible for collecting the criminal justice administration fees and a percentage of the collected fees are remitted to the County.

DETAILS OF PROPOSED LEGISLATION

The proposed ordinance would amend the Administrative Code to abolish:

- (1) fees associated with emergency medical services, probation costs, restitution, booking, the Sherriff's Work Alternative Program, the automated county warrant system, and the Sherriff's Home Detention Program, and
- (2) local penalties associated with alcohol testing and court-ordered penalties for misdemeanor and felony offenses.

The fees affected by the proposed ordinance and the corresponding department are shown in Table 1 below.

¹ Statistic found from SF Chronicle report by Evan Sernoffsky, entitles "SF Ordinance Targets Fees Faced by Poor." February 5, 2018

Table 1: Fees eliminated by the proposed ordinance and corresponding department

Department	Fee
Adult Probation	Probation Fee
	Presentence Report/Investigation Fee
	Adult Probation Booking Fee
	Adult Probation Restitution Collection Fee
	Adult Probation Restitution Fine Administrative Fee
Annual Determination of Average Per Day Costs of Incarceration	
City Administrator's Office	Penalty Assessment for Testing for Alcohol Content
Juvenile Probation	Restitution Collection Fee
Public Health	Penalty Assessment for Emergency Medical Services
Sheriff	San Francisco Automated County Warrant System
	Sheriff's Work Alternative Program Fees
	Electronic Monitoring

The proposed ordinance only eliminates the fees which are the jurisdiction of the County to alter. The proposed ordinance urges the San Francisco Superior Court to modify or eliminate fees within their jurisdiction.

FISCAL IMPACT

According to the Controller's office, the total General Fund amount collected from the affected fees for FY 2016-17 was \$1,017,911, as shown in Table 2 below.

Table 2: General Fund Fee Actuals for FY 2016-17

Fee	FY 2016-17 Amount
Probation Fee	\$709,951
Presentence Report/Investigation Fee	34,711
Adult Probation Booking Fee	48,565
Adult Probation Restitution Collection Fee	-
Adult Probation Restitution Fine Administrative Fee	-
Annual Determination of Average Per Day Costs of Incarceration	-
Penalty Assessment for Testing for Alcohol Content	20,313
Restitution Collection Fee	112,616
Penalty Assessment for Emergency Medical Services	-
San Francisco Automated County Warrant System	-
Sheriff's Work Alternative Program Fees	91,755
Electronic Monitoring	-
Total	\$1,017,911

Source: Controller's Office

Other fiscal impacts could include replacing lost fee revenues for electronic monitoring and penalty assessment for testing alcohol content. Currently, the Sheriff's Department contracts with a private contractor for electronic monitoring. Fees paid directly to the electronic monitoring contractor by the individuals required by the Court to wear electronic monitors partially offset the contract amount. If these electronic monitoring fees are abolished, the Sheriff's Department would need to budget for the full amount of the contract, estimated to be \$200,000. According to Mr. Crispin Hollings, Deputy Director at the Sheriff's Department, since early February 2018, the Department has not been charging the electronic monitoring fees to individuals in anticipation of this resolution.

San Francisco also collects a penalty assessment on fines, penalties, and forfeitures, which is deposited into an emergency medical services fund to reimburse physicians and hospitals for the cost of uncompensated care. According to Mr. Drew Murrell, Finance Manager at the Department of Public Health, the proposed ordinance will only remove the criminal offense portion of the penalty assessment.² The Department of Public Health projects the revenue impact to be \$50,000 per year.

RECOMMENDATION

Approval of the proposed ordinance is a policy matter for the Board of Supervisors

² According to Mr. Murrell, the majority of the fee comes from vehicle code violations.

File No. 180132

4/25/2018 . Presented in Rules Committee

NO PRICE TAG ON JUSTICE!

“Fines and fees in the justice system hurt millions of Americans – entrenching poverty, exacerbating racial disparities, diminishing trust in our courts and police, and trapping people in perpetual cycles of punishment.”

--- Fines & Fees Justice Center



NATIONAL CENTER ON STATE COURTS TASK FORCE

“Courts should be entirely and sufficiently funded from general governmental revenue sources to enable them to fulfill their mandate. Core court functions should generally not be supported by revenues generated from court-ordered fines, fees, or surcharges. Under no circumstances should judicial performance be measured by, or judicial compensation be related to, a judge’s or a court’s performance in generating revenue.”

--- National State Courts Principles on Fines and Fees



US DEPT OF JUSTICE

The Justice Department is asking local courts across the country to be wary of how they slap poor defendants with fines and fees to fill their jurisdictions' coffers, warning that such practices often run afoul of the U.S. Constitution and have serious real-world consequences.

“Individuals may confront escalating debt; face repeated, unnecessary incarceration for nonpayment despite posing no danger to the community; lose their jobs; and become trapped in cycles of poverty that can be nearly impossible to escape,”

“Furthermore, in addition to being unlawful, to the extent that these practices are geared not toward addressing public safety, but rather toward raising revenue, they can cast doubt on the impartiality of the tribunal and erode trust between local governments and their constituents.”



SF TREASURER'S FINES AND FEES TASK FORCE

- ▶ In San Francisco, the burden of these fines and fees falls heavily on the African American community. African Americans make up less than 6 percent of the population in San Francisco, but over half of people who are in the County jail, and 45 percent of people arrested for a “failure to pay/appear” traffic court warrant.
- ▶ Steep fines and fees can be a “lose-lose” for citizens and for government. Research has shown that fines and fees levied on people with modest incomes are often high pain (hitting poor people particularly hard) but low gain, bringing in less revenue than expected.

#1

Account Information

Account type: 120 Delinquent Adult Probation
 Status: Forwarded
 Interest type:
 Last charge amount: \$0.00
 Current balance: \$5,020.00
 Paid by this defendant: \$0.00
 Adjusted: \$0.00
 Forwarded to OCA: Yes
 Court Number:

Number:
 Interest start date: 06/07/2013
 Interest rate: 0.00
 Last payment amount: \$0.00
 Original balance: \$5,020.00
 Paid by all defendants: \$0.00
 Days since entered: 1529
 Forwarded to tax intercept: No
 CUPS Number:

* FN: #2,530 -
 Ely. cov: 18 hrs.
 * FE: #2,490 -
 * No payments

Facility

Code	Incurred Date	Charged Amount	Adjusted Amount	Paid Amount	Canceled Amount	Balance
Pre-Sentence Rept	06/07/2013	\$150.00	\$0.00	\$0.00	\$0.00	\$150.00
PenSB1773 2/10	06/07/2013	\$107.80	\$0.00	\$0.00	\$0.00	\$107.80
Crim Conv Assmt	06/07/2013	\$30.00	\$0.00	\$0.00	\$0.00	\$30.00
Auto Fingerprint	06/07/2013	\$268.96	\$0.00	\$0.00	\$0.00	\$268.96
State Penalty 70%	06/07/2013	\$377.30	\$0.00	\$0.00	\$0.00	\$377.30
EMS Maddy Fund	06/07/2013	\$107.80	\$0.00	\$0.00	\$0.00	\$107.80
DNA 2nd	06/07/2013	\$210.70	\$0.00	\$0.00	\$0.00	\$210.70
DNA 1st	06/07/2013	\$53.90	\$0.00	\$0.00	\$0.00	\$53.90
State 20% Surchg	06/07/2013	\$110.00	\$0.00	\$0.00	\$0.00	\$110.00
STConstFund4.99/10	06/07/2013	\$268.96	\$0.00	\$0.00	\$0.00	\$268.96
Court Operations Assessment	06/07/2013	\$40.00	\$0.00	\$0.00	\$0.00	\$40.00
Civil Assessment Penalty	06/07/2013	\$300.00	\$0.00	\$0.00	\$0.00	\$300.00
Crim Lab Fee	06/07/2013	\$50.00	\$0.00	\$0.00	\$0.00	\$50.00
Admin Fee	06/07/2013	\$35.00	\$0.00	\$0.00	\$0.00	\$35.00
HS BF County	06/07/2013	\$125.00	\$0.00	\$0.00	\$0.00	\$125.00
2% State Atm Fnd	06/07/2013	\$31.80	\$0.00	\$0.00	\$0.00	\$31.80
Booking Fee	06/07/2013	\$135.00	\$0.00	\$0.00	\$0.00	\$135.00
Base Fine	06/07/2013	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
CCA ICNA	06/07/2013	\$0.54	\$0.00	\$0.00	\$0.00	\$0.54
Probation Costs	06/07/2013	\$1,800.00	\$0.00	\$0.00	\$0.00	\$1,800.00
Restitution Fine	06/07/2013	\$280.00	\$0.00	\$0.00	\$0.00	\$280.00
Moving Crim Constructn	06/07/2013	\$0.54	\$0.00	\$0.00	\$0.00	\$0.54
HS BF State	06/07/2013	\$375.00	\$0.00	\$0.00	\$0.00	\$375.00
State Penalty 30%	06/07/2013	\$161.70	\$0.00	\$0.00	\$0.00	\$161.70

Criminal Fines and Fees in SF

Fee Code	Statute	What is it?	Where it goes?	Client Examples (Total Assessment)				
				1	2	3	4	5
2% State Alm Fund	GC 68090.8	Cost of Automated Record Keeping	State	31.80	30.80	25.99	33.99	15.20
Admin Fee	PC 1205d	Fee for installment accounts	Court or collection agency	35.00	35.00	30.00	30.00	35.00
Auto Fingerprint	GC76102	Automated Fingerprint Fund	County	268.96	268.96	244.51	244.51	97.80
Base Fine	PC1463.001	Specific to crime	Varies	-	-	-	490.00	216.00
Booking Fee	G.C. 29550.2	Criminal Justice Administration Fee	County	135.00	135.00	135.00	135.00	135.00
CCA ICNA	GC70772A	Immediate and Critical Needs Account (ICNA)	State	0.54	0.54	-	-	0.20
Civil Assessment Penalty	PC1214.1	FTA or FTP	State	300.00	-	300.00	-	300.00
Court Operations Assessment	PC 1465.8	"To assist in funding court operations"	State	40.00	40.00	20.00	20.00	40.00
CrimConvAssmnt	GC70373	Criminal Conviction Assessment To maintain court facilities	State	30.00	30.00	-	-	30.00
Crim Lab Fee	HS 11372.5	Criminal Laboratory Analysis Fee	County	50.00	50.00	50.00	50.00	-
DNA 1st	G.C. 76104.6	DNA Identification Fund	25% State, 75% County	53.90	53.90	49.00	49.00	19.60
DNA 2nd	G.C. 76104.7	DNA Identification Fund	State	210.70	211.70	49.00	49.00	58.80
EMS Maddy Fund	GC76104	Emergency Medical Services	Various different funds	107.80	107.80	98.00	98.00	39.20
HS BF County		Base fine (Health and Safety)	County	125.00	125.00	125.00	-	-
HS BF State		Base fine (Health and Safety)	State	375.00	375.00	375.00	-	-
Movng Crt Constrctn	GC 76100	County jail construction fund	County	0.54	0.54	0.49	0.49	-
PenSB11773 2/10	GC76000.5	Emergency Medical Services	County	107.80	107.80	98.00	-	39.20
Pre-sentence Rept	PC 1203 PSR	Cost of preparing report	County	150.00	150.00	150.00	150.00	150.00
Probation Costs	PC 1203.1b	Probation Department Operating Expenses	County	1,800.00	1,800.00	1,800.00	1,800.00	1,800.00
Restitution Fine	PC 1202.4	To state fund	State	280.00	300.00	200.00	200.00	280.00
State 20% Surchrg	PC 1465.7	On all base fines.	State	110.00	110.00	100.00	100.00	40.00
State Penalty 70%	P.C. 1464(e)	State penalty fund, County General Fund	70% State, 30% County	377.30	377.30	343.00	343.00	137.20
StConstFund4.99/10	G.C. 70372	State court construction penalty	State	268.96	268.96	244.51	244.51	97.80
State Penalty 30%	PC 1464	County special funds	State 30%, County 70%	161.70	161.70	147.00	147.00	58.80
VR Admin Fee	PC 1203.1(f)	Restitution collection fee	County	-	-	-	-	123.74
Total				5,020.00	4,740.00	4,584.50	4,184.50	3,713.74
County \$				2,637.30	2,637.30	2,603.00	2,380.00	2,345.74
County %				53%	56%	57%	57%	63%

**SF Superior Court
Criminal Fines and Fees Assessed and Collected
2012 - 2017**

Facility Code	State Code	No. of	Original	Adjusted	Paid	Cancelled Amount	Balance	Percent Paid
Probation Costs	PC1203.1b	8,458	\$15,788,531.83	\$(1,060,966.07)	\$ 2,712,627.68	\$ 5,400.00	\$12,009,538.08	17%
Restitution Fine	PC1202.4	22,879	\$ 4,808,163.62	\$ (78,642.04)	\$ 1,440,661.24	\$ 1,200.00	\$ 3,287,660.34	30%
Civil Assessment Penalty	PC1214.1	14,839	\$ 3,390,186.53	\$ 911,643.17	\$ 456,994.87	\$ -	\$ 3,844,834.83	13%
State Penalty 70%	PC1464	7,145	\$ 1,864,528.30	\$ (27,093.09)	\$ 1,236,437.16	\$ 583.10	\$ 600,414.95	66%
VR Admin Fee	PC1203.1i	680	\$ 1,671,992.60	\$ (111,316.34)	\$ 65,539.46	\$ -	\$ 1,495,136.80	4%
Base Fine	PC1463.001	6,770	\$ 1,588,944.00	\$ (3,541.83)	\$ 1,076,147.91	\$ 593.00	\$ 508,661.26	68%
Auto Fingerprint	GC76102	7,146	\$ 1,329,190.48	\$ (19,308.26)	\$ 881,663.87	\$ 415.67	\$ 427,802.68	66%
STConstFund4.99/10	GC70372	7,146	\$ 1,329,059.51	\$ (19,298.05)	\$ 881,228.99	\$ 415.65	\$ 428,116.82	66%
Booking Fee	GC29550.2	8,253	\$ 1,110,272.13	\$ (28,376.41)	\$ 171,308.57	\$ 540.00	\$ 910,047.15	15%
Court Operations Assessment	PC1465.8	22,949	\$ 1,084,398.18	\$ (13,782.85)	\$ 292,039.78	\$ 240.00	\$ 778,335.55	27%
DNA 2nd	GC76104.7	7,146	\$ 958,353.14	\$ (12,343.60)	\$ 643,174.69	\$ 333.20	\$ 302,501.65	67%
Pre-Sentence Rept	PC1203.1b	6,175	\$ 922,277.25	\$ (30,672.94)	\$ 90,177.34	\$ 300.00	\$ 801,126.97	10%
CrimConvAssmnt	GC70373	22,935	\$ 813,792.33	\$ (10,029.89)	\$ 219,426.45	\$ 180.00	\$ 584,155.99	27%
State Penalty 30%	PC1464	7,146	\$ 799,564.25	\$ (11,610.56)	\$ 530,116.46	\$ 249.90	\$ 257,587.33	66%
Admin Fee	PC 1205(d)	21,780	\$ 706,861.10	\$ (8,436.93)	\$ 166,034.28	\$ 210.00	\$ 532,179.89	23%
State 20% Surchrg	PC1465.7	7,144	\$ 542,930.42	\$ (7,119.46)	\$ 420,169.15	\$ 170.00	\$ 115,471.81	77%
EMS Maddy Fund	GC76104	7,146	\$ 533,190.28	\$ (7,744.74)	\$ 353,415.91	\$ 166.60	\$ 171,863.03	66%
PenSB1773 2/10	GC76000.5	4,535	\$ 349,375.72	\$ (7,244.19)	\$ 235,565.06	\$ -	\$ 106,566.47	67%
CUBS Interest		129	\$ 340,306.14	\$ (1,022.41)	\$ 31,385.19	\$ -	\$ 307,898.54	9%
Alcohol Lab Fee	PC1463.14	5,972	\$ 297,550.00	\$ (388.90)	\$ 207,357.37	\$ 100.00	\$ 89,703.73	70%
Alcohol Rehab Fee	PC1463.16	5,965	\$ 297,337.20	\$ (344.38)	\$ 207,309.28	\$ 100.00	\$ 89,583.54	70%
DV Fee County	PC1203.097	950	\$ 294,152.09	\$ (8,078.29)	\$ 66,656.22	\$ -	\$ 219,417.58	23%
DNA 1st	GC76104.6	7,147	\$ 270,478.01	\$ (3,869.41)	\$ 176,979.06	\$ 83.30	\$ 89,546.24	65%
HS BF State		778	\$ 266,408.29	\$ (23,747.12)	\$ 27,500.61	\$ -	\$ 215,160.56	10%
Alcohol Lab Fee ME	PC1463.14(b)	4,234	\$ 214,350.00	\$ (308.02)	\$ 139,879.96	\$ 100.00	\$ 74,062.02	65%
2%State AtmFnd	GC68090.8	7,404	\$ 203,782.60	\$ (2,462.92)	\$ 116,703.50	\$ 66.48	\$ 84,549.70	57%
EMS 2 of 10	SB1773	2,609	\$ 183,959.84	\$ (495.68)	\$ 118,244.25	\$ 166.60	\$ 65,053.31	64%
DV Fee State	PC1203.097	950	\$ 153,440.09	\$ (3,775.23)	\$ 34,934.88	\$ -	\$ 114,729.98	23%
VR Admin Fee Policy	PC1203.1(i)	242	\$ 144,908.89	\$ 1,037.31	\$ 5,980.61	\$ -	\$ 139,965.59	4%
VIF \$20 to State	PC1463.18	4,912	\$ 97,942.01	\$ (232.07)	\$ 74,198.13	\$ 40.00	\$ 23,471.81	76%
HS BF County		778	\$ 89,650.37	\$ (7,974.39)	\$ 9,170.26	\$ -	\$ 72,515.72	10%
Citation Fee	PC1463.07	5,286	\$ 52,779.00	\$ (40.00)	\$ 38,283.20	\$ 10.00	\$ 14,445.80	73%

RECREATION AND PARK COMMISSION
City and County of San Francisco
Resolution No. 1804-006

RESOLUTION REQUESTING THAT THE BOARD OF SUPERVISORS APPROVE THE ISSUANCE OF LEASE REVENUE BONDS FOR THE PURPOSE OF REFUNDING OUSTANDING BONDS SECURED BY THE PARK, RECREATION AND OPEN SPACE FUND AND BY CERTAIN CITY-OWNED PROPERTIES UNDER THE JURISDICTION OF THE RECREATION AND PARK COMMISSION

WHEREAS, on March 7, 2000, the voters of the City and County of San Francisco (the "City") approved Proposition C, which extended the Park, Recreation and Open Space Fund (the "Fund"), established by Section 16.107 of the City's Charter (the "Charter") and administered by the Recreation and Park Department ("Department") as directed by the Recreation and Park Commission ("Commission"); and

WHEREAS, pursuant to Section 16.107(e) of the Charter, the Commission may request and, upon recommendation of the Mayor of the City, the Board of Supervisors of the City (the "Board of Supervisors") may authorize the issuance of revenue bonds or other evidences of indebtedness, or the incurrence of other obligations, secured by the Fund for the acquisition, construction, reconstruction, rehabilitation and/or improvement of real property and/or facilities and for the purchase of equipment; and

WHEREAS, pursuant to Section 9.108(2), the City, acting through the City and County of San Francisco Finance Corporation (the "Corporation"), may issue refunding bonds that are expected to result in net savings in rental payments to the City and County on a present value basis, calculated as provided by ordinance; and

WHEREAS, at the request of the Board of Supervisors pursuant to Section 16.107(e), the Corporation has previously issued \$27,005,000 aggregate principal amount of its Lease Revenue Bonds, Series 2006 (Open Space Fund – Various Park Projects) (the "Series 2006 Bonds") and \$42,435,000 aggregate principal amount of its Lease Revenue Bonds, Series 2007 (Open Space Fund – Various Park Projects) (the "Series 2007 Bonds" and, together with the Series 2006 Bonds, the "Prior Bonds") to finance the construction, reconstruction, rehabilitation and/or improvement of various park, recreation and open space improvements; and

WHEREAS, to further secure the Prior Bonds, the City and the Corporation entered into certain leases of City-

owned facilities and properties under the jurisdiction of the Commission (the "Prior Leased Property"); and

WHEREAS, the Series 2006 Bonds are currently outstanding in an aggregate principal amount of \$15,805,000 and the Series 2007 Bonds are currently outstanding in an aggregate principal amount of \$28,135,000; and

WHEREAS, to reduce the annual debt service costs with respect to the Prior Bonds, the Commission wishes to request that the Board of Supervisors authorize the issuance of revenue bonds (the "2018 Bonds") pursuant to Section 16.107(e) secured by the Fund to refund the Prior Bonds; and

WHEREAS, the Commission has identified certain other City-owned facilities and properties under the jurisdiction of the Commission for purposes of leasing in connection with the issuance and sale of the 2018 Bonds as set forth and further described below; and

WHEREAS, as part of the refunding, the leases entered into between the City and the Corporation in connection with the Prior Bonds will be terminated and the Prior Leased Property will be unencumbered by the financing leases; now therefore be it,

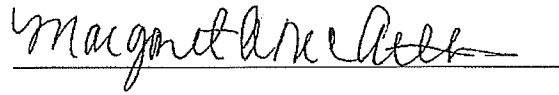
RESOLVED, that the Commission hereby requests that the Board of Supervisors approve the issuance by the Corporation of the 2018 Bonds to refund the Prior Bonds pursuant to Section 9.108(2) of the Charter.

RESOLVED, that the issuance of the 2018 Bonds and lease financing hereby approved may involve the lease and leaseback by the City of all or a portion of the real property and improvements identified as follows: (1) the Betty Ann Ong Chinese Recreation Center, located at 1199 Mason Street, (2) the Sunset Recreation Center, located at 2201 Lawton Street, (3) the Palega Recreation Center, located at 500 Felton Street, (4) the Minnie & Lovie Ward Recreational Center, located at 650 Capital Avenue, and (5) any other property under the jurisdiction of the Commission that is available to be leased for these purposes, as determined by the Department's General Manager or his or her designee in consultation with the Director of Real Estate, the Office of Public Finance and the City Attorney.

Adopted by the following vote:

Ayes	7
Noes	0
Absent	0

I hereby certify that the foregoing resolution was adopted at the Recreation and Park Commission meeting held on April 19, 2018.



Margaret A. McArthur, Commission Liaison

San Francisco Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, Ca. 94102-4689

File No. 100132
4/25/2018 Received
in Rules Committee

Dear Supervisors,

San Francisco Board of Supervisors President London Breed has introduced legislation to eliminate several court fees that have been plaguing San Franciscans caught up in the criminal justice system. These fees, used to fund City services, can add up to thousands of dollars of debt for people who have served their time and create obstacles to successfully moving on to productive lives. The unintended consequence of this practice – to push people into poverty, with people of color are often hit the hardest. These financial penalties can make government a driver of inequality, and further damage communities that are struggling to maintain their place in this city.

Fines and fees in the criminal justice system, including court and probation costs, restrict the economic mobility of people reentering society from jail or prison. **Approximately 80 percent of individuals in jail are indigent. Yet, after someone has already served their time, they frequently receive a bill for a long list of fines and fees to pay for probation, fingerprinting, and mandated user fees.** According to a report by the Ella Baker Center, the average debt incurred for court-related fines and fees of over 700 people surveyed was \$13,607, nearly equal to the annual income for respondents who earn less than \$15,000 per year.

As one of the most progressive cities in the nation, it is not enough for us to simply acknowledge that our criminal justice system is broken. We must actively lead the charge to reform these laws and in doing so challenge the rest of the country to make vulnerable populations a priority.

These substantial fees are primarily burdened on people with very low incomes who cannot afford to pay them and can create significant barriers for people to re-enter their communities. Left unpaid, these fines and fees can grow in size, and can result in wage garnishment and levies on their bank accounts. In San Francisco, the burden of these fines and fees falls heaviest on the African-American community, which accounts for less than 6 percent of the population, but makes up over half the population in the county jail. We must end the cycle of poverty that results from policies that impose crippling debt on our city's marginalized communities.

Furthermore, research shows that these fines and fees are often an inefficient source of revenue, as the fees are charged to people who cannot afford to pay them.

With this proposed ordinance, the City and County of San Francisco becomes the first county in California to eliminate the criminal justice fines and fees under its control. Our city has the power to inspire other municipalities to seriously confront the problems of the criminal justice system. San Francisco does not have to fund its budget on the backs of our most vulnerable residents, many of whom are already facing homelessness and unemployment. *We, the below signed, strongly urge you to support the proposed legislation to eliminate criminal fines and fees used to fund City services.*

In Community,

Community Housing Partnership
Legal Services for Prisoners with Children
Coalition on Homelessness

San Francisco Public Defender Jeff Adachi
Lawyers' Committee for Civil Rights of the San Francisco Bay Area
Bay Area Community Resources
Lavender Youth and Recreation Information Center
Mo' MAGIC
Delivering Innovation in Supportive Housing
Coleman Advocates for Youth
San Francisco Board of Education Commissioner Matt Haney
Jobs with Justice San Francisco
Tenderloin Neighborhood Development Corporation

Wong, Linda (BOS)

From: Javier Bremond <Jbremond@chp-sf.org>
Sent: Thursday, May 03, 2018 10:20 AM
To: Wong, Linda (BOS)
Subject: Letter of support submission
Attachments: Community Housing Partnership Support Letter.docx

Hello,

My name is Javier Bremond and I work with Community Housing Partnership, a supportive housing organization based in the Tenderloin neighborhood. I want to submit a letter to the Board of Supervisors with support from other organizations and SF officials for the *Criminal Justice System Fees and Penalties* legislation, File No. 180132. This legislation is set to be on the agenda for next week's Budget Committee hearing on May 10th.

Thank you for processing this admission, we appreciate the work that you do.

In community,

Javier Bremond
Community Organizer
Community Housing Partnership
Email: jbremond@chp-sf.org
Cell: (510) 207-8267
Web: www.chp-sf.org

San Francisco Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, Ca. 94102-4689

Dear Supervisors,

San Francisco Board of Supervisors President London Breed has introduced legislation to eliminate several court fees that have been plaguing San Franciscans caught up in the criminal justice system. These fees, used to fund City services, can add up to thousands of dollars of debt for people who have served their time and create obstacles to successfully moving on to productive lives. The unintended consequence of this practice – to push people into poverty, with people of color are often hit the hardest. These financial penalties can make government a driver of inequality, and further damage communities that are struggling to maintain their place in this city.

Fines and fees in the criminal justice system, including court and probation costs, restrict the economic mobility of people reentering society from jail or prison. **Approximately 80 percent of individuals in jail are indigent. Yet, after someone has already served their time, they frequently receive a bill for a long list of fines and fees to pay for probation, fingerprinting, and mandated user fees.** According to a report by the Ella Baker Center, the average debt incurred for court-related fines and fees of over 700 people surveyed was \$13,607, nearly equal to the annual income for respondents who earn less than \$15,000 per year.

As one of the most progressive cities in the nation, it is not enough for us to simply acknowledge that our criminal justice system is broken. We must actively lead the charge to reform these laws and in doing so challenge the rest of the country to make vulnerable populations a priority.

These substantial fees are primarily burdened on people with very low incomes who cannot afford to pay them and can create significant barriers for people to re-enter their communities. Left unpaid, these fines and fees can grow in size, and can result in wage garnishment and levies on their bank accounts. In San Francisco, the burden of these fines and fees falls heaviest on the African-American community, which accounts for less than 6 percent of the population, but makes up over half the population in the county jail. We must end the cycle of poverty that results from policies that impose crippling debt on our city's marginalized communities.

Furthermore, research shows that these fines and fees are often an inefficient source of revenue, as the fees are charged to people who cannot afford to pay them.

With this proposed ordinance, the City and County of San Francisco becomes the first county in California to eliminate the criminal justice fines and fees under its control. Our city has the power to inspire other municipalities to seriously confront the problems of the criminal justice system. San Francisco does not have to fund its budget on the backs of our most vulnerable residents, many of whom are already facing homelessness and unemployment. *We, the below signed, strongly urge you to support the proposed legislation to eliminate criminal fines and fees used to fund City services.*

In Community,

Community Housing Partnership
Legal Services for Prisoners with Children
Coalition on Homelessness

San Francisco Public Defender Jeff Adachi
Lawyers' Committee for Civil Rights of the San Francisco Bay Area
Bay Area Community Resources
Lavender Youth and Recreation Information Center
Mo' MAGIC
Delivering Innovation in Supportive Housing
Coleman Advocates for Youth
San Francisco Board of Education Commissioner Matt Haney
Jobs with Justice San Francisco
Tenderloin Neighborhood Development Corporation

Somera, Alisa (BOS)

From: Board of Supervisors, (BOS)
Sent: Thursday, March 08, 2018 4:11 PM
To: BOS-Supervisors; Somera, Alisa (BOS); Young, Victor
Subject: FW: Support for File No 180132 - Criminal Justice System Fees and Penalties
Attachments: SF Criminal Fees Ordinance - LSPC Support Letter.pdf; 18.02.28 SF Criminal Fee Ordinance - Greenbridge Counsel Support Letter.pdf; SF Criminal Fee Ordinance - Bethlehem Desta Support Letter.pdf; SF Criminal Fee Ordinance - Root & Rebound Support Letter.pdf; SF Criminal Fees Ordinance - Courage Campaign.pdf; SF Ordinance_eliminate unfair court fines_LEAP Support Letter.pdf

From: Brittany Stonesifer [mailto:brittany@prisonerswithchildren.org]
Sent: Thursday, March 08, 2018 4:01 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Support for File No 180132 - Criminal Justice System Fees and Penalties

Dear members of the San Francisco Board of Supervisors,

Please find attached several letters from nonprofit organizations, a law firm, and an individual in support of the Criminal Justice System Fees and Penalties ordinance currently pending before the Board (File No 180132). The ordinance was introduced by Supervisor Cohen on February 6, is currently cosponsored by Supervisors Cohen, Tang, Sheehy, and has broad community support.

We respectfully ask for your yes vote on this important legislation. Please feel free to contact me if you have any questions regarding the ordinance or our support.

Sincerely,

Brittany Stonesifer
Staff Attorney
Legal Services for Prisoners with Children
1540 Market Street, Suite 490
San Francisco, CA 94102
(415) 255-7036, ext. 306
www.prisonerswithchildren.org
[Donate to LSPC here](#)



March 8, 2018

San Francisco Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, Ca. 94102-4689

Dear Supervisors,

San Francisco Board of Supervisors President London Breed has introduced legislation to eliminate several court fees that have been plaguing San Franciscans impacted by the criminal justice system. These fees can add up to thousands of dollars of debt and prevent people coming home from jail or prison from getting back on their feet. As a member of the Debt Free SF Coalition and an organization with a 40 year history of fighting for the civil and human rights of people with convictions, Legal Services for Prisoners with Children (LSPC) believes that government services should not be funded on the backs of our city's most vulnerable residents.

Criminal justice fines and fees restrict the economic mobility of reentering people. **Approximately 80 percent of individuals in jail are indigent. Yet, after someone has already served their time, they frequently receive a bill for a long list of fines and fees, including probation costs, fingerprinting costs, and mandated user fees.** According to a survey of over 700 people conducted by the Ella Baker Center, the average debt incurred for court-related fines and fees on one case was \$13,607.

In San Francisco, the burden of these fines and fees falls heaviest on the African-American community, which accounts for less than 6 percent of the population but makes up over half the population in the county's jails. Not only does charging San Franciscans thousands of dollars for criminal fines strip communities of color of resources, but **research also shows that these fines and fees are an inefficient source of revenue**, with the costs of trying to collect from people who can't afford to pay often nearing or exceeding the revenue actually collected.

With this proposed ordinance, the City and County of San Francisco becomes the first county in California to eliminate the criminal justice fines and fees under its control. Our city has the power to inspire other municipalities to seriously confront economic injustice in the criminal justice system. San Francisco does not have to fund its budget by stripping resources from formerly incarcerated people, many of whom are already facing homelessness and unemployment.

For these reasons, LSPC strongly urges you to support the proposed legislation to eliminate criminal fines and fees used to fund city services.

Sincerely,

Brittany Stonesifer
Staff Attorney

1540 Market St., Suite 490
San Francisco, CA 94102

Phone: (415) 625-7046
Fax: (415) 552-3150

www.PrisonersWithChildren.org
brittany@PrisonersWithChildren.org

February 28, 2018

San Francisco Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, Ca. 94102-4689

Dear Supervisors,

San Francisco Board of Supervisors President London Breed has introduced legislation to eliminate several court fees that have been systematically harming San Franciscans caught up in the criminal justice system. These fees, used to fund city services, can add up to thousands of dollars of debt and create obstacles to successful re-entry. This practice pushes people into poverty, with people of color often hit the hardest. These financial penalties can make government a driver of inequality and further damage communities that are struggling to maintain their place in this city.

Fines and fees in the criminal justice system, including court and probation costs, restrict the economic mobility of people reentering society from jail or prison. **Approximately 80 percent of individuals in jail are indigent. Yet, after someone has served their time, they frequently receive a bill for a long list of fines and fees, including probation costs, fingerprinting costs, and mandated user fees.** According to a survey of over 700 people conducted by the Ella Baker Center, the average debt incurred for court-related fines and fees on one case was \$13,607.

In San Francisco, the burden of these fines and fees falls heaviest on the African-American community, which accounts for less than 6 percent of the population but makes up over half the population in the county's jails. We must end the cycle of poverty that results from policies that impose crippling debt on our city's marginalized communities. Not only does charging San Franciscans thousands of dollars for criminal fines strip communities of color of resources, but **research also shows that these fines and fees are an inefficient source of revenue**, with the costs of trying to collect from people who can't afford to pay often nearing or exceeding the revenue actually collected.

With this proposed ordinance, the City and County of San Francisco becomes the first county in California to eliminate the criminal justice fines and fees under its control. Our city has the power to inspire other municipalities to seriously confront economic injustice in the criminal justice system. San Francisco does not have to fund its budget on the backs of our most vulnerable residents, many of whom are already facing homelessness and unemployment.

It is not enough for San Francisco to simply acknowledge that our criminal justice system is broken. We must actively lead the charge to reform these laws and, in doing so, challenge the rest of the country to make vulnerable populations a priority. **For these reasons, I strongly urge you to support the proposed legislation to eliminate criminal fines and fees used to fund city services.** As someone born and raised in California, and who has worked on criminal justice issues as an intern with the Ella Baker Center for Human Rights, Legal Services for Prisoners With Children, the Rhode Island Department of Health, and the Center for Prisoner Health and Human Rights, I strongly believe in the importance of this ordinance. The San Francisco Board of Supervisors needs to take a stand against this injustice, and lead the rest of the state and nation in criminal justice reform.

Sincerely,

Bethlehem Desta
Ethnic Studies, AB – Candidate
Brown University, 2018

COURAGE CAMPAIGN

February 28, 2018

San Francisco Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, Ca. 94102-4689

Dear Supervisors,

On behalf of the 1,400,000 members of Courage Campaign, California's largest online, progressive organizing network, I write in strong support of legislation to eliminate several court fees that have been plaguing San Franciscans caught up in the criminal justice system. These fees, used to fund certain city services, can add up to thousands of dollars of debt for people who have served their time and create obstacles to successfully moving on to productive lives. The unintended consequence of this practice is to push people into poverty, with people of color often hit the hardest. These financial penalties can make government a driver of inequality and further damage communities that are struggling to maintain their place in this city.

Fines and fees in the criminal justice system, including court and probation costs, restrict the economic mobility of people reentering society from jail or prison. **Approximately 80 percent of individuals in jail are indigent. Yet, after someone has already served their time, they frequently receive a bill for a long list of fines and fees, including probation costs, fingerprinting costs, and mandated user fees.** According to a survey of over 700 people conducted by the Ella Baker Center, the average debt incurred for court-related fines and fees on one case was \$13,607.

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Best Regards,

A handwritten signature in black ink, appearing to read "Eddie Kurtz". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Eddie Kurtz
Executive Director, Courage Campaign



Jesse Stout
Of Counsel
mobile +1 415 633 6280
jesse.stout@greenbridgelaw.com

Greenbridge Corporate Counsel
1215 K Street
Suite 1700
Sacramento, CA 95814
office +1 916 503 3132
fax +1 916 503 2401
greenbridgelaw.com

February 28, 2018

San Francisco Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

Dear Supervisors,

Greenbridge Corporate Counsel supports San Francisco Board of Supervisors President London Breed's legislation to eliminate several court fees that have been plaguing San Franciscans caught up in the criminal justice system. Greenbridge represents businesses in the legal cannabis industry, whose leaders would previously have been criminalized.

Court fees, used to fund certain city services, can add up to thousands of dollars of debt for people who have served their time and create obstacles to successfully moving on to productive lives. The unintended consequence of this practice is to push people into poverty, with people of color often hit the hardest. These financial penalties can make government a driver of inequality and further damage communities that are struggling to maintain their place in this city.

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February 28, 2018

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Sincerely,

A handwritten signature in black ink that reads "Jesse Stout". The signature is written in a cursive style with a large, looped initial "J".

Jesse Stout



February 28, 2018

San Francisco Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, Ca. 94102-4689

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Sincerely,

A handwritten signature in black ink, appearing to read "Katherine Katcher", written over a horizontal line.

Katherine Katcher – Founder and Executive Director, Root & Rebound



LAW ENFORCEMENT ACTION PARTNERSHIP

ADVANCING JUSTICE AND PUBLIC SAFETY SOLUTIONS

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Policy Foundation, Washington, DC, USA
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- Judge Robert Sweet
Ret. U.S. District Court Judge, New York, USA
- Chief Francis Wilkinson
Fmr. Chief Constable, Wales, UK

March 6, 2018

San Francisco Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, Ca. 94102-4689

Dear Supervisors,

San Francisco Board of Supervisors President London Breed has introduced legislation to eliminate several court fees that have been plaguing San Franciscans caught up in the criminal justice system. These fees, used to fund certain city services, can add up to thousands of dollars of debt for people who have served their time and create obstacles to successfully moving on to productive lives. The unintended consequence of this practice is to push people into poverty, with people of color often hit the hardest. These financial penalties can make government a driver of inequality and further damage communities that are struggling to maintain their place in this city.

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It is not enough for San Francisco to simply acknowledge that our criminal justice system is broken. We must actively lead the charge to reform these laws and, in doing so, challenge the rest of the country to make vulnerable populations a priority. For these reasons, the Law Enforcement Action Partnership (LEAP) strongly urges you to support the proposed legislation to eliminate criminal fines and fees used to fund city services.

Sincerely,

Neill Franklin
Executive Director
Law Enforcement Action Partnership

LawEnforcementActionPartnership.org

Formerly known as Law Enforcement Against Prohibition

Somera, Alisa (BOS)

From: Board of Supervisors, (BOS)
Sent: Thursday, March 08, 2018 4:54 PM
Subject: FW: Support for File No 180132 - Criminal Justice System Fees and Penalties

From: Brittany Stonesifer [mailto:brittany@prisonerswithchildren.org]
Sent: Thursday, March 08, 2018 4:14 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Re: Support for File No 180132 - Criminal Justice System Fees and Penalties

Correction: I intended to say that Supervisor *Breed* is the primary sponsor of this legislation.

Apologies for the inconvenience and thank you again for your support.

Brittany Stonesifer
Staff Attorney
Legal Services for Prisoners with Children
1540 Market Street, Suite 490
San Francisco, CA 94102
(415) 255-7036, ext. 306
www.prisonerswithchildren.org
[Donate to LSPC here](#)

On Thu, Mar 8, 2018 at 4:01 PM, Brittany Stonesifer <brittany@prisonerswithchildren.org> wrote:

Dear members of the San Francisco Board of Supervisors,

Please find attached several letters from nonprofit organizations, a law firm, and an individual in support of the Criminal Justice System Fees and Penalties ordinance currently pending before the Board (File No 180132). The ordinance was introduced by Supervisor Cohen on February 6, is currently cosponsored by Supervisors Cohen, Tang, Sheehy, and has broad community support.

We respectfully ask for your yes vote on this important legislation. Please feel free to contact me if you have any questions regarding the ordinance or our support.

Sincerely,

Brittany Stonesifer
Staff Attorney
Legal Services for Prisoners with Children
1540 Market Street, Suite 490
San Francisco, CA 94102
(415) 255-7036, ext. 306
www.prisonerswithchildren.org
[Donate to LSPC here](#)



March 8, 2018

San Francisco Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, Ca. 94102-4689

Dear Supervisors,

San Francisco Board of Supervisors President London Breed has introduced legislation to eliminate several court fees that have been plaguing San Franciscans impacted by the criminal justice system. These fees can add up to thousands of dollars of debt and prevent people coming home from jail or prison from getting back on their feet. As a member of the Debt Free SF Coalition and an organization with a 40 year history of fighting for the civil and human rights of people with convictions, Legal Services for Prisoners with Children (LSPC) believes that government services should not be funded on the backs of our city's most vulnerable residents.

Criminal justice fines and fees restrict the economic mobility of reentering people. **Approximately 80 percent of individuals in jail are indigent. Yet, after someone has already served their time, they frequently receive a bill for a long list of fines and fees, including probation costs, fingerprinting costs, and mandated user fees.** According to a survey of over 700 people conducted by the Ella Baker Center, the average debt incurred for court-related fines and fees on one case was \$13,607.

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With this proposed ordinance, the City and County of San Francisco becomes the first county in California to eliminate the criminal justice fines and fees under its control. Our city has the power to inspire other municipalities to seriously confront economic injustice in the criminal justice system. San Francisco does not have to fund its budget by stripping resources from formerly incarcerated people, many of whom are already facing homelessness and unemployment.

For these reasons, LSPC strongly urges you to support the proposed legislation to eliminate criminal fines and fees used to fund city services.

Sincerely,

Brittany Stonesifer
Staff Attorney

1540 Market St., Suite 490
San Francisco, CA 94102

Phone: (415) 625-7046
Fax: (415) 552-3150

www.PrisonersWithChildren.org
brittany@PrisonersWithChildren.org

February 28, 2018

San Francisco Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, Ca. 94102-4689

Dear Supervisors,

San Francisco Board of Supervisors President London Breed has introduced legislation to eliminate several court fees that have been systematically harming San Franciscans caught up in the criminal justice system. These fees, used to fund city services, can add up to thousands of dollars of debt and create obstacles to successful re-entry. This practice pushes people into poverty, with people of color often hit the hardest. These financial penalties can make government a driver of inequality and further damage communities that are struggling to maintain their place in this city.

Fines and fees in the criminal justice system, including court and probation costs, restrict the economic mobility of people reentering society from jail or prison. **Approximately 80 percent of individuals in jail are indigent. Yet, after someone has served their time, they frequently receive a bill for a long list of fines and fees, including probation costs, fingerprinting costs, and mandated user fees.** According to a survey of over 700 people conducted by the Ella Baker Center, the average debt incurred for court-related fines and fees on one case was \$13,607.

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COURAGE CAMPAIGN

February 28, 2018

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Best Regards,

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Eddie Kurtz
Executive Director, Courage Campaign



Greenbridge Corporate Counsel
1215 K Street
Suite 1700
Sacramento, CA 95814

Jesse Stout
Of Counsel
mobile +1 415 633 6280
jesse.stout@greenbridgelaw.com

office +1 916 503 3132
fax +1 916 503 2401
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February 28, 2018

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City Hall
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Sincerely,

A handwritten signature in black ink that reads "Jesse Stout". The signature is written in a cursive, flowing style.

Jesse Stout



February 28, 2018

San Francisco Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, Ca. 94102-4689

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Katherine Katcher – Founder and Executive Director, Root & Rebound



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ADVANCING JUSTICE AND PUBLIC SAFETY SOLUTIONS

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Major Neill Franklin, Ret.
Baltimore, Maryland, USA

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Bethesda, Maryland, USA

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& RCMP, Vancouver, Canada

Justice Kenneth Crispin
Ret. Supreme Court Justice,
Sydney, Australia

MP Libby Davies
Member of Parliament, Ottawa, Canada

Officer Hans van Duijn
Ret. National Dutch Police
Union President, Amsterdam, Netherlands

Mr. Carel Edwards
Fmr. Drug Czar, European Union, Belgium

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Fmr. Attorney General, Colombia

Governor Gary E. Johnson
Fmr. Governor of New Mexico, USA

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Ret. U.S. District Court Judge, Colorado, USA

Justice C. Ross Lander
Ret. BC Supreme Court Justice, Canada

Justice Ketil Lund
Ret. Supreme Court Justice, Oslo, Norway

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Sheriff, San Miguel County, Colorado, USA

Chief Norm Stamper
Ret. Police Chief, Seattle, Washington, USA

Mr. Eric Sterling
President, Criminal Justice
Policy Foundation, Washington, DC, USA

Mr. Thomas P. Sullivan
Ret. U.S. Attorney Northern
Washington, District, Chicago, Illinois, USA

Judge Robert Sweet
Ret. U.S. District Court Judge, New York, USA

Chief Francis Wilkinson
Fmr. Chief Constable, Wales, UK

March 6, 2018

San Francisco Board of Supervisors
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1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, Ca. 94102-4689

Dear Supervisors,

San Francisco Board of Supervisors President London Breed has introduced legislation to eliminate several court fees that have been plaguing San Franciscans caught up in the criminal justice system. These fees, used to fund certain city services, can add up to thousands of dollars of debt for people who have served their time and create obstacles to successfully moving on to productive lives. The unintended consequence of this practice is to push people into poverty, with people of color often hit the hardest. These financial penalties can make government a driver of inequality and further damage communities that are struggling to maintain their place in this city.

Fines and fees in the criminal justice system, including court and probation costs, restrict the economic mobility of people reentering society from jail or prison. Approximately 80 percent of individuals in jail are indigent. Yet, after someone has already served their time, they frequently receive a bill for a long list of fines and fees, including probation costs, fingerprinting costs, and mandated user fees. According to a survey of over 700 people conducted by the Ella Baker Center, the average debt incurred for court-related fines and fees on one case was \$13,607.

In San Francisco, the burden of these fines and fees falls heaviest on the African-American community, which accounts for less than 6 percent of the population but makes up over half the population in the county's jails. We must end the cycle of poverty that results from policies that impose crippling debt on our city's marginalized communities. Not only does charging San Franciscans thousands of dollars for criminal fines strip communities of color of resources, but research also shows that these fines and fees are an inefficient source of revenue, with the costs of trying to collect from people who can't afford to pay often nearing or exceeding the revenue actually collected.

With this proposed ordinance, the City and County of San Francisco becomes the first county in California to eliminate the criminal justice fines and fees under its control. Our city has the power to inspire other municipalities to seriously confront economic injustice in the criminal justice system. San Francisco does not have to fund its budget on the backs of our most vulnerable residents, many of whom are already facing homelessness and unemployment.

It is not enough for San Francisco to simply acknowledge that our criminal justice system is broken. We must actively lead the charge to reform these laws and, in doing so, challenge the rest of the country to make vulnerable populations a priority. For these reasons, the Law Enforcement Action Partnership (LEAP) strongly urges you to support the proposed legislation to eliminate criminal fines and fees used to fund city services.

Sincerely,

Neill Franklin
Executive Director
Law Enforcement Action Partnership

LawEnforcementActionPartnership.org

Formerly known as Law Enforcement Against Prohibition

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Vicki Hennessy, Sheriff, Sheriff's Department
William Scott, Police Chief, Police Department
Jeff Adachi, Public Defender, Office of the Public Defender
George Gascón, District Attorney, Office of the District Attorney

FROM: *ll*
bs Alisa Somera, Legislative Deputy Director
Rules Committee

DATE: February 13, 2018

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee has received the following proposed legislation, introduced by Supervisor Breed on February 6, 2018:

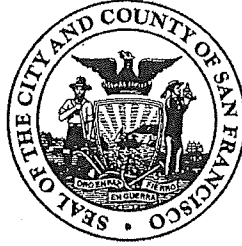
File No. 180132

Ordinance amending the Administrative Code to abolish fees associated with probation costs, restitution, booking, the Sheriff's Work Alternative Program, the automated county warrant system, the Sheriff's Home Detention Program, and to abolish local penalties associated with alcohol testing and court-ordered penalties for misdemeanor and felony offenses.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: alisa.somera@sfgov.org.

c: Theodore Toet, Sheriff's Department
Katherine Gorwood, Sheriff's Department
Eileen Hirst, Sheriff's Department
Rowena Carr, Police Department
Kristine Demafeliz, Police Department
Cristine Soto DeBerry, Office of the District Attorney
Maxwell Szabo, Office of the District Attorney

President, District 5
BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-7630
Fax No. 554-7634
TDD/TTY No. 544-5227

BOS-11 /
Aides, Rules
Clerk, Mayor's
Office, Dep. City
Att'y.

London Breed

PRESIDENTIAL ACTION

Date: 2/14/2018

To: Angela Calvillo, Clerk of the Board of Supervisors

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
FEB 15 AM 1:23
AK

Madam Clerk,
Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. 180132 Breed
(Primary Sponsor)

Title. _____

Transferring (Board Rule No 3.3)

File No. _____
(Primary Sponsor)

Title. _____

From: _____ Committee

To: _____ Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor _____

Replacing Supervisor _____

For: _____ Meeting
(Date) (Committee)

London Breed, President
Board of Supervisors

Print Form

Introduction Form

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

By a Member of the Board of Supervisors or the Mayor

2018 FEB -5 PM 3:47

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

President London N. Breed, Supervisor Cohen

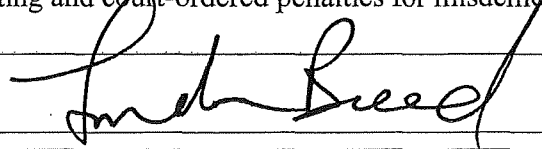
Subject:

Administrative Code - Criminal Justice System Fees and Penalties

The text is listed below or attached:

Ordinance amending the Administrative Code to abolish fees associated with probation costs, restitution, booking, the Sheriff's Work Alternative Program, the automated county warrant system, the Sheriff's Home Detention Program, and to abolish local penalties associated with alcohol testing and court-ordered penalties for misdemeanor and felony offenses.

Signature of Sponsoring Supervisor: _____



For Clerk's Use Only: