

## Challenge

For decades, California state law allowed counties to impose daily “administration” fees on families when their children were incarcerated in juvenile detention facilities or ordered onto electronic monitoring on juvenile probation. Almost half of the counties in California (48%) charged such fees.

In determining the cost for each family, state law required counties to assess the family’s “ability to pay.” However, the state provided no oversight to ensure that counties complied with these statutory provisions. As a result, many counties imposed fees that violated state standards, overcharging families for costs related to legal representation, detention, drug testing and electronic monitoring.

Families were charged daily fees for youth to be on electronic supervision, ranging from \$3.50 per day to as much as \$30 per day in some counties. Being charged daily fees for the loss of their child’s liberty can lead to thousands of dollars of debt for low-income families that are already disproportionately affected by the criminal justice system. In California, over 70% of youth in the juvenile system are people of color. A statewide report by the Policy Advocacy Clinic at Berkeley Law, titled “Making Families Pay,” highlighted the story of Maria Rivera, an unemployed single mother who was assessed over \$16,000 stemming from her child’s probation. After selling her home and paying \$9,000 towards the debt, she filed for bankruptcy.

## Action

In late 2017, the state of California passed Senate Bill 190, which abolished these fees statewide. This statewide bill was the result of years of advocacy to end the practice. In Contra Costa County, for example, the juvenile probation department had charged families \$30 per day for juvenile detention and \$17 per day for electronic monitoring. To redress this inequitable and ineffective practice, Reentry Solutions Group, a local nonprofit organization, partnered with the Policy Advocacy Clinic to research the legality and impact of these fees.

The research conducted by Reentry Solutions Group found that in 2016, Contra Costa County collected over \$400,000 in revenue from fees assessed to families but spent close to 70% of that money on debt collections activities. Their research also found that the county was violating state law in its longstanding practice of imposing such fees on families even in cases when the youth was found not guilty or had charges dropped. Based on such analysis, Reentry Solutions Group led a successful campaign to compel Contra Costa County officials to pass a moratorium on these fees. In October 2016, the Board unanimously voted to end these practices and to relieve more than \$8.5 million in uncollected debt. Further, Contra Costa County has since become one of the first counties in the nation to begin identifying and reimbursing families who were wrongfully charged such fees.

That same year, other counties in California, including Alameda and Santa Clara, passed similar measures to end administrative fees in the juvenile system. In late 2017, with pressure building across the state, the California State Legislature ended these fees statewide by enacting Senate Bill 190.

## Insights

#ChallengingEcarceration guidelines call on the state to carry the burden of financial costs related to electronic monitoring. In this particular case, the research by Reentry Solutions Group and the Policy Advocacy Clinic helped elevate the human impact, the lack of efficacy, and the unlawful nature of the county’s practices.

## About Us

#ChallengingEcarceration is a project led by James Kilgore of the Urbana-Champaign Independent Media Center in partnership with the Center for Media Justice. #ChallengingEcarceration aims to change the story and policies that affect the lives of people living under electronic monitoring. This project will put advocates of criminal justice and immigration reform in a better position to restrict and abolish the use of electronic monitors.

## Contact Us

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