

To: Senate Committee on Judiciary and Ballot Measure 110 Implementation
From: Amelia Watts, University of California, Berkeley, Policy Advocacy Clinic
Re: Senate Bill 422—Eliminating Juvenile Administrative Fees
Date: February 1, 2021

Dear Chair Prozanski, Vice-Chair Thatcher, and Members of the Committee:

I am a graduate student researcher in the Policy Advocacy Clinic at the University of California, Berkeley. The Policy Advocacy Clinic has been researching juvenile fees across the country since 2013, and we have been studying juvenile fees in Oregon for the last 15 months.

We have received detailed juvenile fee data from every state and local agency involved in charging fees, including the State Court Administrator, the Oregon Youth Authority, and the Division of Child Support. We also surveyed county juvenile departments with the help of the Oregon Juvenile Department Directors' Association, and we interviewed young people and their families who have been impacted by juvenile fees, some of whom you will hear testify.

The data show that fees are pervasive across Oregon's juvenile system. Families are charged for public defenders, probation supervision, and for many other reasons, including their inability to pay fees. Youth in every county are subjected to fees, which can total hundreds and even thousands of dollars, which most families can never pay off.

Our findings in Oregon are consistent with a growing body of national research, showing:

1. Juvenile fees harm youth and families. Fees create financial hardship and weaken family ties.¹ They are especially harmful to low-income youth and youth of color who are overrepresented in the juvenile system.²
2. Fees push youth deeper into the juvenile system. A recent study found a strong correlation between juvenile fees and future system involvement, undermining public safety and family reunification goals.³
3. While they come at a great cost to youth and families, fees generate little or no net revenue for government. Oregon data show that juvenile fee revenue is decreasing while the cost of collection is increasing, and net revenue is minimal or negative.⁴

Recognizing that juvenile fees are harmful and a poor source of revenue, key national stakeholders have called for their reduction or elimination, including:

- National Council of Juvenile and Family Court Judges,
- Law Enforcement Leaders to Reduce Crime and Incarceration,
- National Juvenile Defender Center,
- Conference of Chief Justices, and
- Council of State Court Administrators.⁵



More than 130 racial and economic justice groups from across the country and across the political spectrum have called on state and local governments to abolish juvenile fees, especially to help vulnerable families recover from the pandemic.⁶

Six state legislatures, including in Washington, California, Nevada, and Utah, have recently eliminated most or all juvenile fees, and twelve more are considering repeal bills this year.

By passing SB 422, Oregon can be the next state to end these harmful, regressive, and racially discriminatory fees.

Thank you for the opportunity to testify on this bill.

Sincerely,

/s/

K. Amelia Watts

Clinical Policy Student

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NOTES

¹ See LESLIE PAIK & CHIARA PACKARD, IMPACT OF JUVENILE JUSTICE FINES AND FEES ON FAMILY LIFE: CASE STUDY IN DANE COUNTY, WI (2019), <https://debtorsprison.jlc.org/documents/JLC-Debtors-Prison-dane-county.pdf>; POLICY ADVOCACY CLINIC, BERKELEY LAW, UNIVERSITY OF CALIFORNIA, MAKING FAMILIES PAY: THE HARMFUL, UNLAWFUL, AND COSTLY PRACTICE OF CHARGING JUVENILE ADMINISTRATIVE FEES IN CALIFORNIA (2017), https://www.law.berkeley.edu/wp-content/uploads/2019/10/SB-190-Implementation-Report11_10_31_19.pdf.

² See JULIE NEBURKA, ANALYSIS: OREGON YOUTH AUTHORITY DIVERSITY, EQUITY, AND INCLUSION REPORT 2 (2020), <https://olis.leg.state.or.us/liz/2020R1/Downloads/CommitteeMeetingDocument/214577> (showing the racial disproportionality of the population of the Oregon Youth Authority).

³ JESSICA FEIERMAN ET AL., JUVENILE LAW CENTER, DEBTORS' PRISON FOR KIDS? THE HIGH COST OF FINES AND FEES IN THE JUVENILE SYSTEM (2016), <https://debtorsprison.jlc.org/documents/JLC-Debtors-Prison.pdf>.

⁴ OREGON DEPARTMENT OF JUSTICE, OREGON CHILD SUPPORT PROGRAM, CHILD SUPPORT INFORMATION RELATED TO OREGON YOUTH AUTHORITY (OYA) (2020), <https://berkeley.box.com/s/oprz08vy7q4wca7rumku7wgg10cyjmi> (showing that the Division of Child Support spent about \$866,000 to collect about \$864,000 in incarceration fees in 2019); UC Berkeley Policy Advocacy Clinic, Total Oregon Circuit Court Juvenile Fees & Fees Assessed and Collected (July 2020), <https://berkeley.box.com/s/4eg724oy5xhbmicwvrlv8n8fmyofwgxe> (view "Fees" tab).

⁵ NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES, RESOLUTION ADDRESSING FINES, FEES, AND COSTS IN JUVENILE COURTS (2018) <https://www.ncfcj.org/wp-content/uploads/2019/08/resolution-addressing-fines-fees-and-costs-in-juvenile-courts.pdf>. LAW ENFORCEMENT LEADERS TO REDUCE CRIME AND INCARCERATION, ENSURING JUSTICE AND PUBLIC SAFETY: FEDERAL CRIMINAL JUSTICE PRIORITIES FOR 2020 AND BEYOND, 17 (2020), http://lawenforcementleaders.org/wp-content/uploads/2020/04/2020_04_LEL_Policy_Report_Final.pdf. NATIONAL JUVENILE DEFENDER CENTER, THE COST OF JUVENILE PROBATION: A CRITICAL LOOK INTO JUVENILE SUPERVISION FEES (2017), <https://njdc.info/wp-content/uploads/2017/08/NJDC-The-Cost-of-Juvenile-Probation.pdf>. NATIONAL TASK FORCE ON FINES, FEES, AND BAIL PRACTICES, PRINCIPLES ON FINES, FEES, AND BAIL PRACTICES (2019), https://www.ncsc.org/_data/assets/pdf_file/0020/14195/principles-1-17-19.pdf.

⁶ POLICY ADVOCACY CLINIC, BERKELEY LAW, UNIVERSITY OF CALIFORNIA, CALL FOR A NATIONWIDE MORATORIUM ON JUVENILE FEES AND FINES (2020), <https://drive.google.com/file/d/1JmX2L9cArGxAL8yl4IjWolOB6XAQIFcz/view>.