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Juvenile Fees in Nevada

Senate Judiciary Committee
May 10, 2019

Juvenile Monetary Sanctions

Fees



Recoup costs

Fines




Punish & deter

Restitution



Help victims

Juvenile Fee Research



DEBTORS' PRISON FOR KIDS?
The High Cost of Fines and Fees in the Juvenile Justice System

Authored by Jessica Freeman
with Nazmi Goldstein, Emily Harry Carson, Jaymes Fairfax Colombo

2016

Juvenile
Law
Center

Article

Research Note: Justice System-Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders

Alex R. Piquero¹ and Wesley G. Jennings²

Abstract

Although the use of financial penalties is pervasive in the justice system, there has been limited (and mostly dated) empirical research that has investigated the effect of financial costs incurred by juvenile offenders and the extent to which such costs relate to the likelihood of recidivism and reintegration into society. This study uses data from a large cohort of adolescent offenders to examine how demographics and case characteristics relate to financial penalties imposed by the justice system and the degree to which such monetary penalties are related to recidivism in a 2-year follow-up. Results suggest that financial penalties increase the likelihood of recidivism. Study limitations and directions for future research are also discussed.

Keywords

juveniles, delinquency, recidivism, restitution, costs, fines, fees

There are a wide range of criminal punishments available to judges and juries when it comes to sanctioning an offender for their transgression(s), the most common of which is probation, with other options including imprisonment and other community correction alternatives (boot camps, intensive supervision, etc.; see Morris & Tonry, 1990). One type of punishment that is also used is that of a fine, a punishment that has been around for several centuries (e.g., Beccaria, 1764/1986; Ruback & Bergstrom, 2006). One would suspect, then, that knowledge about the effect of fines on subsequent reoffending, or recidivism, would be as commonplace as are recidivism-based investigations for the more widely used punishments. Unfortunately, with a few exceptions (Albrecht & Johnson, 1980; Glaser & Gordon, 1988; MacDonald, Greene, & Wortzella, 1992) that is not the case, as much of the research surrounding fines has been administrative or process based (cf. Lilienau,


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¹ Program in Criminology, University of Texas at Dallas, Richardson, TX, USA
² University of South Florida, Tampa, FL, USA

Corresponding Author:

Alex R. Piquero, Program in Criminology, University of Texas at Dallas, 800 W. Campbell Rd., GA31, Richardson, TX 75080, USA.
Email: apiquero@utdallas.edu

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MAKING FAMILIES PAY

THE HARMFUL, UNLAWFUL, AND COSTLY PRACTICE OF CHARGING JUVENILE ADMINISTRATIVE FEES IN CALIFORNIA

MARCH 2017

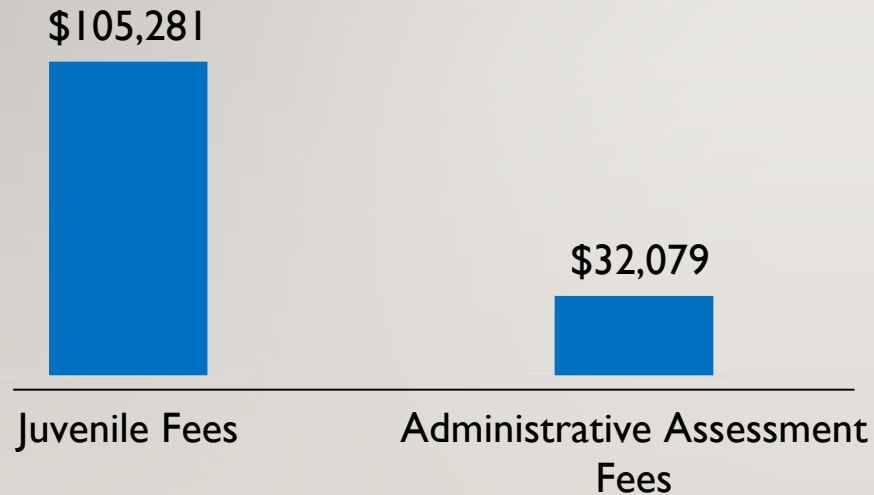
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Assembly Bill 439

- ▶ **Summary:** Repeal discretionary juvenile fees
 - ▶ *Court costs* (§§ 62B.110, 62B.420, 62E.300)
 - ▶ *Appointed counsel* (§ 62D.030)
 - ▶ *Cost of care* (§§ 62B.120-140, 62E.540, 63.430)
 - ▶ *Evaluation and treatment* (§§ 62E.280, 62E.440, 62E.680)
 - ▶ *Court program fees* (§§ 62C.210, 62E.180, 62E.210, 62E.600, 62E.720)
 - ▶ *Administrative assessments* (§§ 62E.270, 62E.430, 62E.440, 62E.685, 62E.730)

Low Revenue

Total Juvenile & Administrative Assessment Fee Collection¹

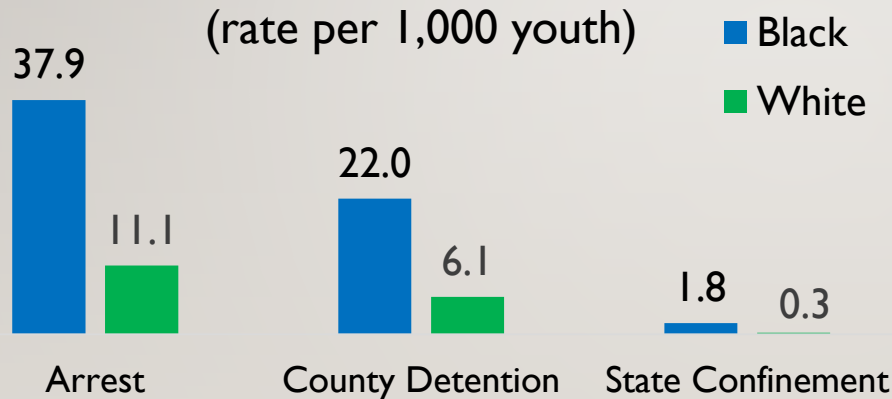


DCFS (state) = <\$8,000/year
Clark County = <\$25,000/year
Eleventh Dist. = <\$3,000/year
Lyon County = <\$2,000/year

¹ Reported to UC Berkeley Law's Policy Advocacy Clinic by various Chief Probation Officers

Racial Disparities

Youth by Race in Nevada, 2017



Source: Nevada Juvenile Justice Programs Office (2017)

- 2017: Black youth were **>3 times** more likely than White youth to be arrested and placed in county detention
- 2017: Black youth were **6 times** more likely to be confined in a state facility



High Harm

Nonpayment of fees can lead to:

- Collection actions (§ 62B.420)
- Negative credit scores (§ 62B.420)
- Contempt of court (§§ 62E.040, 62B.120, 420)
- Driver's license suspension (§ 62B.420)
- Prevention of record sealing (§ 62H.130)
- Criminal liability (§ 62E.040)



The Nevada Context



Kenny Guinn Ctr. for Policy Priorities, *The Costs of the Nevada Juvenile Court System on Youths and Their Families* (2016)



NEVADA ADVISORY COMMITTEE TO THE U.S. COMM'N ON CIVIL RIGHTS, *MUNICIPAL FINES AND FEES IN THE STATE OF NEVADA* (2017)

Calls to Action



Conference of
CHIEF JUSTICES

NCJFCJ NATIONAL COUNCIL OF
JUVENILE AND FAMILY COURT JUDGES
est. 1937

NCSL
NATIONAL CONFERENCE OF STATE LEGISLATURES

ABA
Defending Liberty
Pursuing Justice
AMERICAN BAR ASSOCIATION

NJDC
NATIONAL JUVENILE DEFENDER CENTER

Other Jurisdictions

The Washington Post

Philadelphia ends practice of billing parents for the time their children spend in detention

THE KANSAS CITY STAR.

Monitoring equipment fees for children go away

**THE NEW ORLEANS
ADVOCATE**

New Orleans becomes first city in South to axe court fees for delinquent youths

THE CAP TIMES
— Madison, Wisconsin —

Dane County budget amendment eliminates fee for juveniles held in detention center

The Marshall Project

California Ends Practice of Billing Parents for Kids in Detention

**The Delaware
Gazette**

Juvenile court eliminates detention fees

AB 439 Digest

▶ **Elimination of fees**

- ▶ Section 1.5: Custody in public/private institution or agency
- ▶ Section 2: Commitment to a regional treatment and rehabilitation facility
- ▶ Section 3: Collection fee for civil judgments
- ▶ Section 5: Appointed attorneys
- ▶ Section 11: Tobacco awareness and cessation program
- ▶ Section 17: Coroner program

AB 439 Digest

- ▶ **Elimination of fees for participation in programs with carve-out for liability waivers**
 - ▶ Section 4: Restitution through work or a program of cognitive training and human development
 - ▶ Section 7: Community service
 - ▶ Section 8: Program of cognitive training and human development, arts, or sports and physical fitness
 - ▶ Section 12: program of restitution through work

AB 439 Digest

- ▶ **Elimination of fees with carve out for insurance billing and non-approved providers**
 - ▶ Section 1: Ancillary services
 - ▶ Section 9: Medical, psychiatric, psychological or other care or treatment
 - ▶ Section 13: Drug or alcohol evaluation
 - ▶ Section 15: Counseling or other psychological treatment regarding cruelty to/torture of animals

AB 439 Digest

- ▶ **Section 19** repeals:
 - ▶ Support of child in local detention facilities, administrative assessment, expenses of juveniles proceedings, costs of support while a child is in custody of DCFS
- ▶ **Sections 6, 10, 16, and 18** make conforming changes.
- ▶ **Amendments**
 - ▶ CAA: Add in Section 63.430 to repeal fees for placement in DCFS facilities
 - ▶ Counties: Amend Section 62B.110 to clarify language regarding payment for illnesses and injuries while in custody and on probation



Questions?

Dagen Downard

Policy Advocacy Clinic Law Student
ddownard@clinical.law.berkeley.edu
(801) 404-4559

Savannah Reid

Policy Advocacy Clinic Law Student
sreid@clinical.law.berkeley.edu
(702) 544-2047



Denise Tanata

Children's Advocacy Alliance Executive Director
denise.tanata@caanv.org
(702) 228-1869

Jared Busker

Children's Advocacy Alliance Associate Director
jared.busker@caanv.org
(775) 440-1767