



Fines and Fees Task Force

Initial Findings and Recommendations

Executive Summary

Across the country, a growing number of government programs levy fines and fees from their residents, partly to generate revenue to balance public budgets. There is often an insidious unintended impact of this practice—to push people into poverty. These fines and fees can knock people down so hard they can't get back up. Poor people and people of color are often hit the hardest. These financial penalties can make government a driver of inequality, not an equalizer.

In early 2016, The Public Safety and Neighborhood Services Committee of The San Francisco Board of Supervisors held a [hearing](#) to listen to diverse perspectives on how fines, fees, tickets, and financial penalties impact low-income San Franciscans. Staff from city and county departments and institutions testified, as did residents and representatives of community organizations. The Supervisors called for the creation of a citywide task force, staffed by the Financial Justice Project, to bring together representatives from the City and County, courts, and community organizations to develop recommendations for reform.

Key findings from the Task Force include:

1. Fines and fees are spreading when Americans can least afford them. 48 states have increased their court and criminal justice fees since 2010. Local governments have increasingly turned to fines and fees since the Great Recession. Yet almost half of Americans lack the savings to cover a \$400 emergency expense, according to a recent Federal Reserve study.
2. Fines and fees that exceed people's ability to pay them can create barriers to employment and mobility. When people cannot pay fines, fees, or tickets, their credit can be downgraded, their driver's license suspended, making it hard to get a job or a place to live. Late fees and other penalties can grow the debt and dig people into holes that are hard to get out of.
3. Many government programs throughout California assess fees, fines and revenue from people who have a hard time paying them. In California, uncollected court-ordered debt for traffic and criminal offenses add up to an estimated \$12.3 billion, according to the California Legislative Analyst's Office.
4. 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.
5. 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.
6. San Francisco is a leader in reforming fines and fees, but we still have more to do.

7. Better data is sorely needed to better understand the challenges in San Francisco and craft effective solutions.

The Task Force developed recommendations to:

1. Base fine and fee amounts on an individual's **ability to pay**, to ensure consequences do not place an inequitable burden on low income San Franciscans.

Specific recommendations include offering options including community service for people who have a complete inability to pay, offering flexible payment plans, allowing individuals to verify inability to pay by showing enrollment in public benefits, and using the same process across all City/County/Court proceedings.

2. End the practice of **suspending people's driver's licenses** when they are unable to pay traffic citations.

Specific recommendations include making permanent the San Francisco Superior Court's policy to not refer failures to pay to the Department of Motor Vehicles, supporting and advocating to pass SB185, which would eliminate this process statewide, and to create an ability to pay process throughout the traffic court proceedings.

3. Ensure that **Quality of Life citations** do not punish people for being poor or create barriers to employment and housing for people struggling with homelessness.

Specific recommendations include to stop adding a \$300 civil assessment fee to quality of life violations, streamline the process to allow individuals who receive these citations to resolve them through receiving social services, and to prioritize written admonishments rather than citations when possible.

4. Ensure consequences for **transportation violations** hold people accountable but do not pose an inequitable burden for low income San Franciscans.

Specific recommendations include expanding community service and payment plan options and making them more accessible, lowering fare evasion tickets and options to clear them, expanding towing and boot fine relief, and adding information about alternative payment options to the initial citation.

5. Reform our local system of **bail** to ensure decisions to keep someone in jail are based on the risk they pose to the community, not the amount of money in their bank account.

Recommendations include exploring the creation of a community revolving bail fund, increasing oversight of the local bail bond industry, increasing the use of current alternatives such as the Pretrial Diversion Project, and engaging in statewide advocacy for reform.

6. Relieve the inequitable burden of **child support debt** owed to the government by low income parents when they cannot afford to pay.

Specific recommendations include developing and piloting a program to erase delinquent child support debt owed to the state if they can pay down a portion of the delinquent debt, increasing referrals to nonmonetary payment options, and to continue to seek realistic child support orders that allow parents to make manageable payments.