

Unique calculator designed to set appropriate fines and fees launches for Washington Courts

Friday, 08 June 2018 14:40

San Juan Islander

The prototype of a specialized online calculator designed to help Washington judges set appropriate levels of fines and fees based on defendants' ability to pay was launched today by the Washington State Supreme Court Minority and Justice Commission. While the calculator was designed for use by judges, it is also available for the public to use.

The calculator was developed by Microsoft in conjunction with the Minority and Justice Commission's study of the impacts of court fines and fees — known as Legal Financial Obligations (LFOs) — on persons with little or no ability to pay them. Development of the LFO calculator was one of several goals of the LFO Consortium that was established when the Minority and Justice Commission received a three-year, \$500,000 grant in 2016 from the U.S. Department of Justice.

"The calculator is primarily a tool for judges that helps them make an individualized determination of a person's ability to pay LFO's," said Washington Supreme Court Justice Mary Yu, co-chair of the Minority and Justice Commission and chair of the LFO Consortium. "The calculator is a result of the hard work of Judge Coburn from the Edmonds Municipal Court and it will be a tremendous resource for all judges."

The calculator utilizes numerous fields where information can be input by judges or others regarding the nature of an offense, defendant income, total debt and other details that can determine a person's ability to pay. The calculator program also lists examples of questions that can be asked of defendants and provides information on current Washington law to give judges guidance on where there is and isn't discretion in levying fines and fees. The prototype was introduced at the symposium by Edmonds Municipal Court Judge Linda Coburn, who had been using a rough version of such a tool in her court prior to the DOJ grant.

The LFO calculator prototype was unveiled Wednesday during a Minority and Justice Commission symposium that showcased the work of the Consortium and provided a status report on the work being undertaken by the various subcommittees. For example, some of the preliminary findings include:

The amount of court fines and fees levied each year increased 41 percent between 2000 and 2014, and is now about \$335 million each year.

There is approximately \$2.5 billion in unpaid LFOs — it is a debt that remains attached to individuals with significant impact on employability, housing, insurance and more.

There is significant racial disproportionality in who receives LFOs in Washington with African American defendants bearing the greatest burden.

The three-hour symposium, reviewing new research into the LFO problem in Washington and discussing possible solutions, can be viewed on TVW at www.tvw.org/watch/?eventID=2018061018. Materials from the symposium, such as research documents, can be found on the Minority and Justice Commission Web page at www.courts.wa.gov/index.cfm?fa=home.sub&org=mjc.

Development of the calculator is ongoing, with the prototype now in its beta phase of use and testing. It can be found at beta.lfocalculator.org. The LFO Calculator is only compatible with the most current versions of the following browsers: Microsoft Edge, Google Chrome, Mozilla Firefox, and Apple Safari.

“We’re trying to encourage the judicial branch to think about the realities of the impacts (of fees) and to create a system that’s reasonable, where defendants can have a fresh start when they complete their sentences,” Coburn told Supreme Court justices during the symposium.

The launch of the LFO calculator prototype coincides with significant changes in Washington’s law regarding LFOs, which take effect today. Approved by lawmakers in March, House Bill 1783 eliminates the jailing of persons for inability to pay LFOs, eliminates collection of interest except for restitution, clarifies standards regarding ability to pay, provides for community service as an alternative, and more.

The Washington State Minority & Justice Commission was established by the state Supreme Court in 1990 to determine whether racial and ethnic bias exists in the courts of Washington and to take creative steps to overcome and prevent it. The Commission grew out of a task force established in 1988 at the urging of state legislators. CONTACT: Administrative Manager for the Supreme Court Commissions Cynthia Delostrinos at Cynthia.Delostrinos@courts.wa.gov or at (360) 705-5327.