

Monetary Sanctions As a Permanent Punishment

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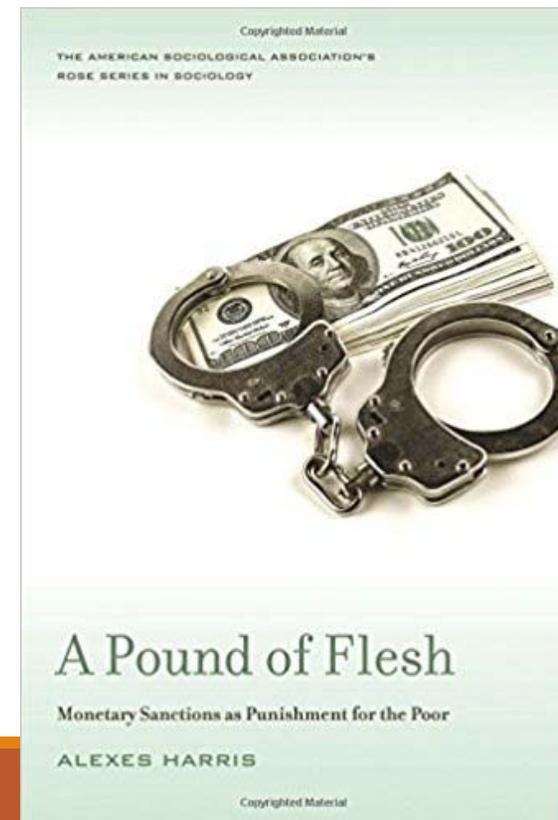


I. Framing the Problem

The Issue: Monetary Sanctions

Legal Financial Obligations (LFOs)

- Costs associated with justice system contact
- People are required to pay for services and sentences
- An involuntary system
- Court supervision and control extend until people pay in full
- Certain rights limited until paid
- Leads to a two-tiered system of justice



Immigration

Detention release bond

Financial Related
Consequences

Loss of driver's license
Wage garnishment

"Alternative" Sentences

Victim panel class
Probation
Drug/Alcohol Assessment &
Treatment
Electronic Home Monitoring
Work Release

Police Arrest

Cost of defense attorney
Cash Bond/Bail Bond
"Pre-pay Release Cards"
Asset forfeiture
Jail booking fee
Expungement of record
Deferred prosecution

Pre/Post
Incarceration

Phone calls, internet,
visits)
Jail/prison cost
LFO deduction

Black = Private
Underline= w/o conviction

**Figure 1. The System of Monetary
Sanctions in U.S. Institutions of Justice**

Costs if Can't Pay in Full

Collections fee
"Convenience" fee
Interest
Per payment cost, min.

Conviction

Jail/prison cost
Restitution
LFOs - fines,
fees, costs

Examples of WA Private Entities



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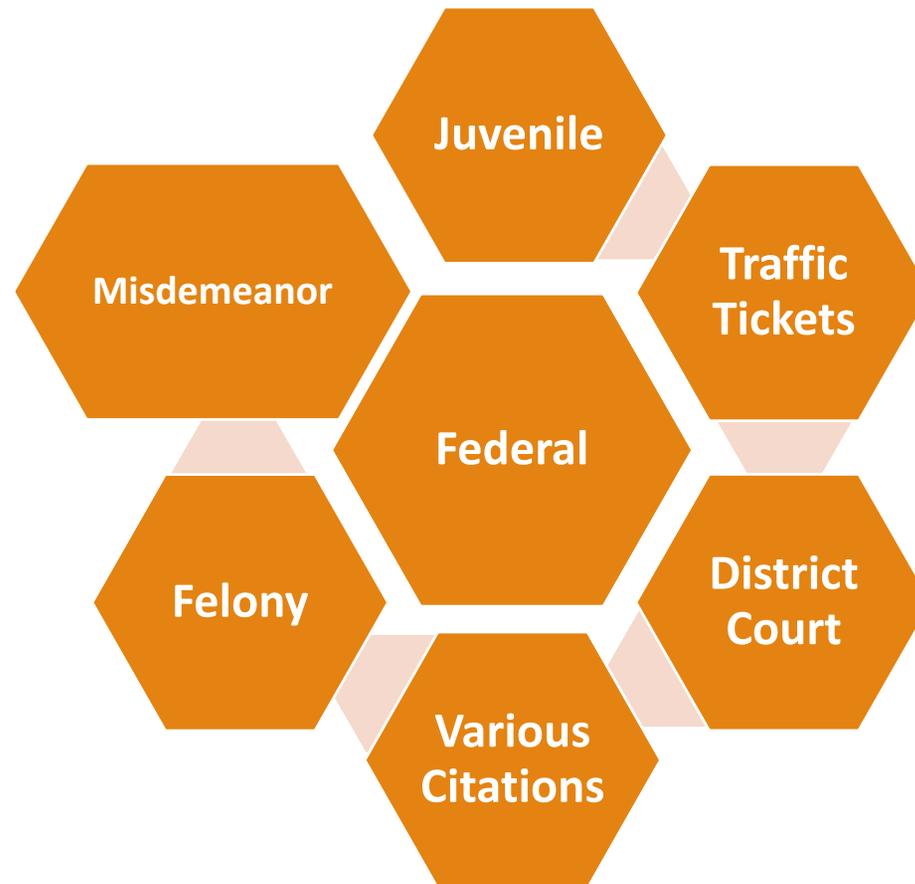
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Figure 2. The Layers of Monetary Sanctions



II. WA State Data

Preliminary Data Analysis cases 2000-2014

WA State Administrative Office of the Courts Automated Court Data

Statistical Support: Frank Edwards, PhD, Cornell University

Grant Support: Laura and John Arnold Foundation



Figure 3. Total Amount Fines and Fees ordered by WA State Court Level, 2000-2014.

Total LFOs ordered by court level, excludes restitution

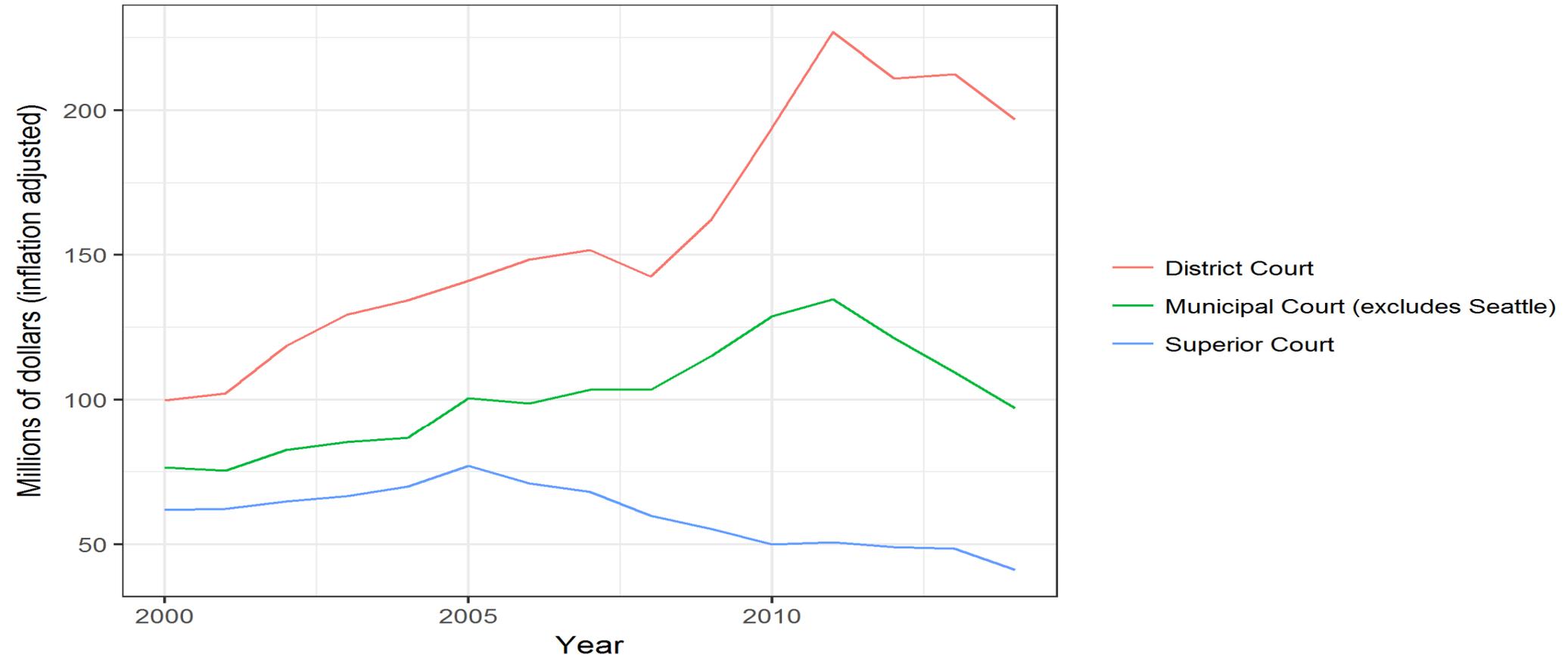


Figure 4. Total Amounts Collected and Outstanding WA State Court Type, 2000-2014.

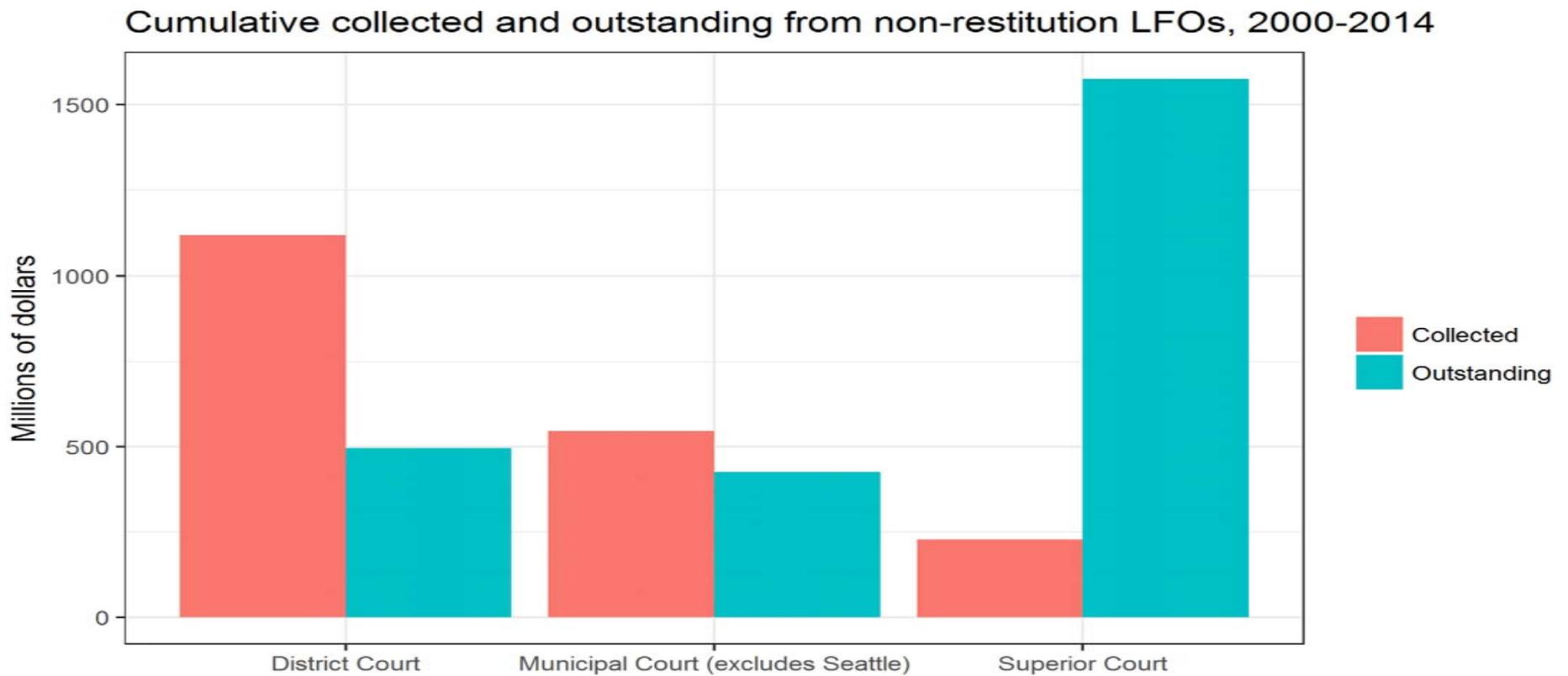


Figure 5. Amount of Sentences by Court and Case Type, WA State, 2000-2014.

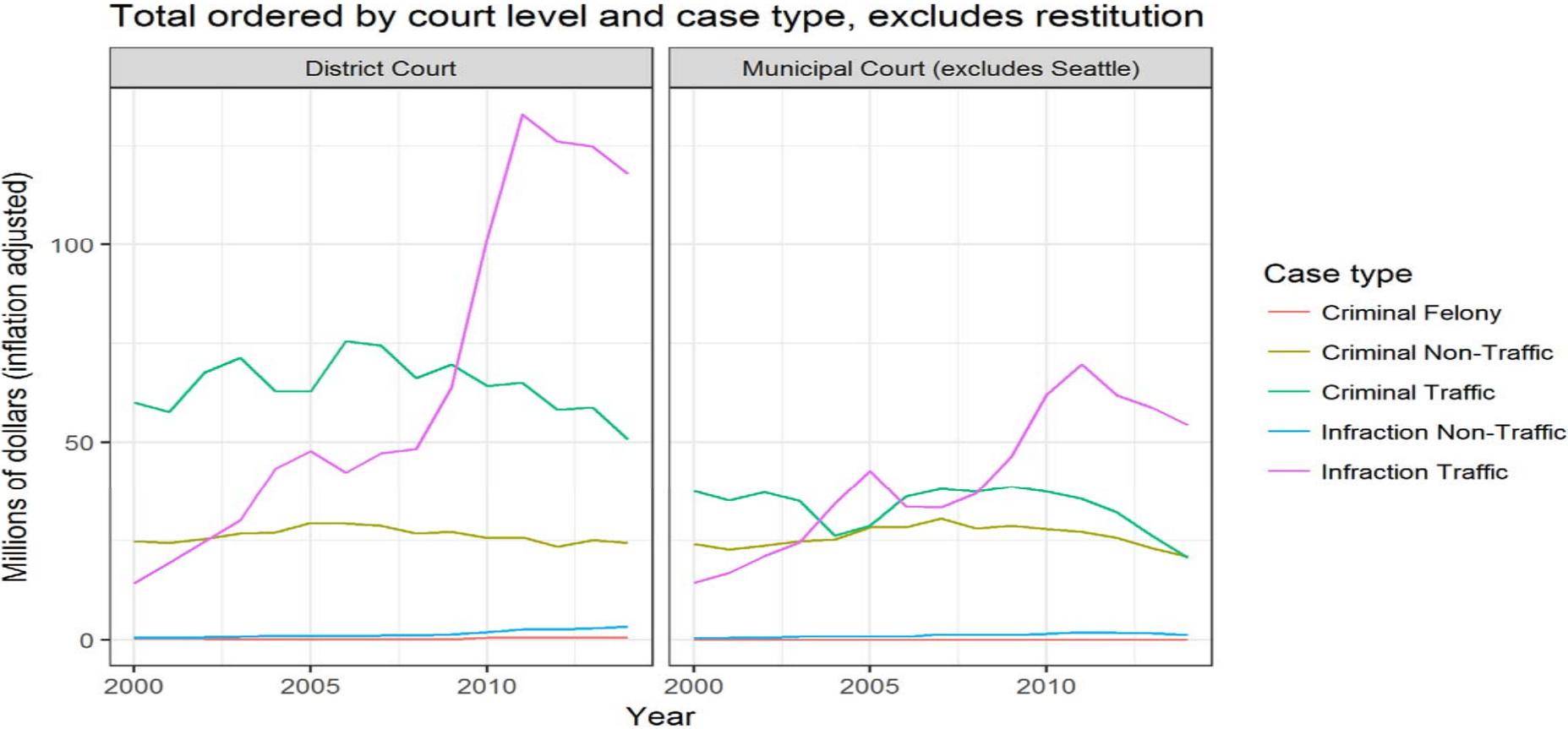
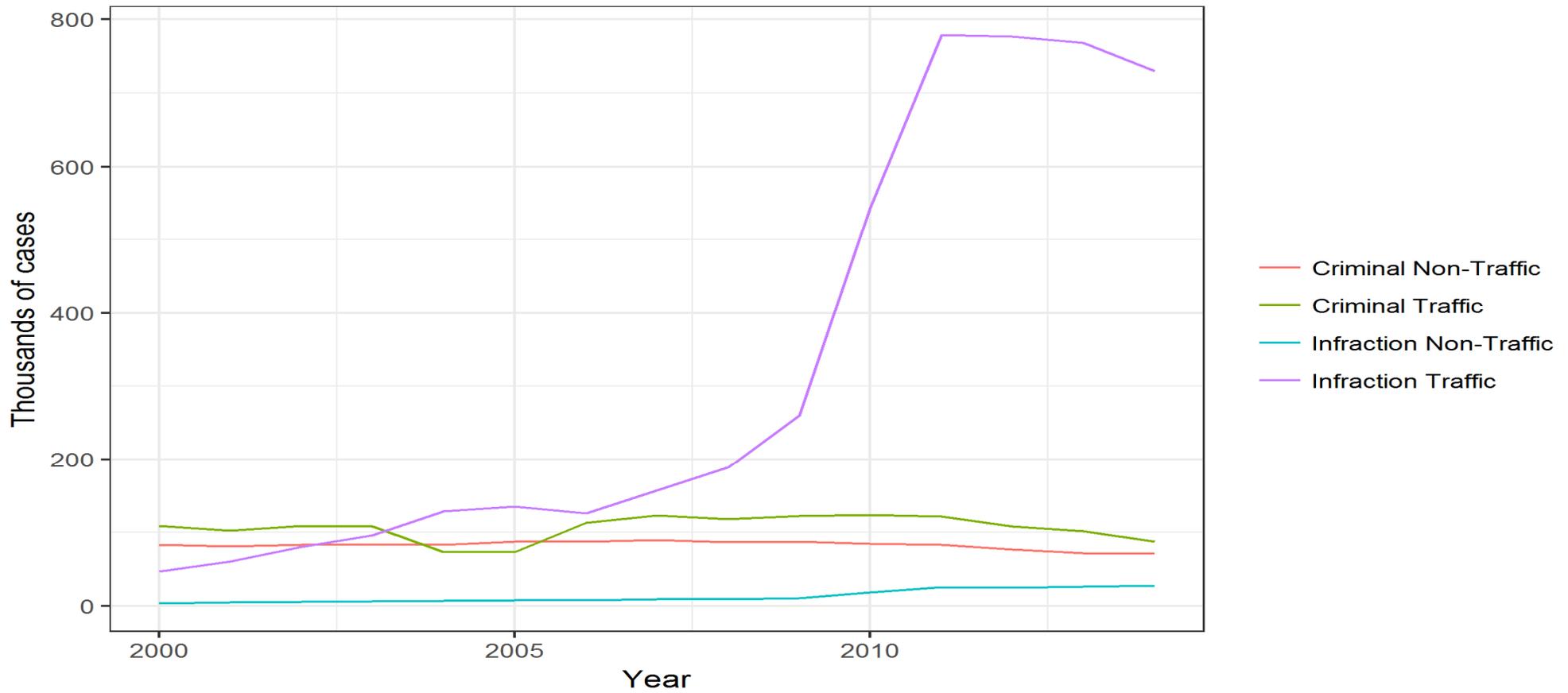


Figure 6. Numbers of Cases/Tickets Filed by Case Type (CLJ), WA State, 2000-2014.



Understanding Racial & Ethnic Inequality in Sentencing & Paying Practices

Aggregate analysis examining racial and ethnic
disproportionality in Washington State LFO Sentencing



Figure 7. Median Sentence Per Person by Race & Ethnicity, WA Superior Courts, 2014.

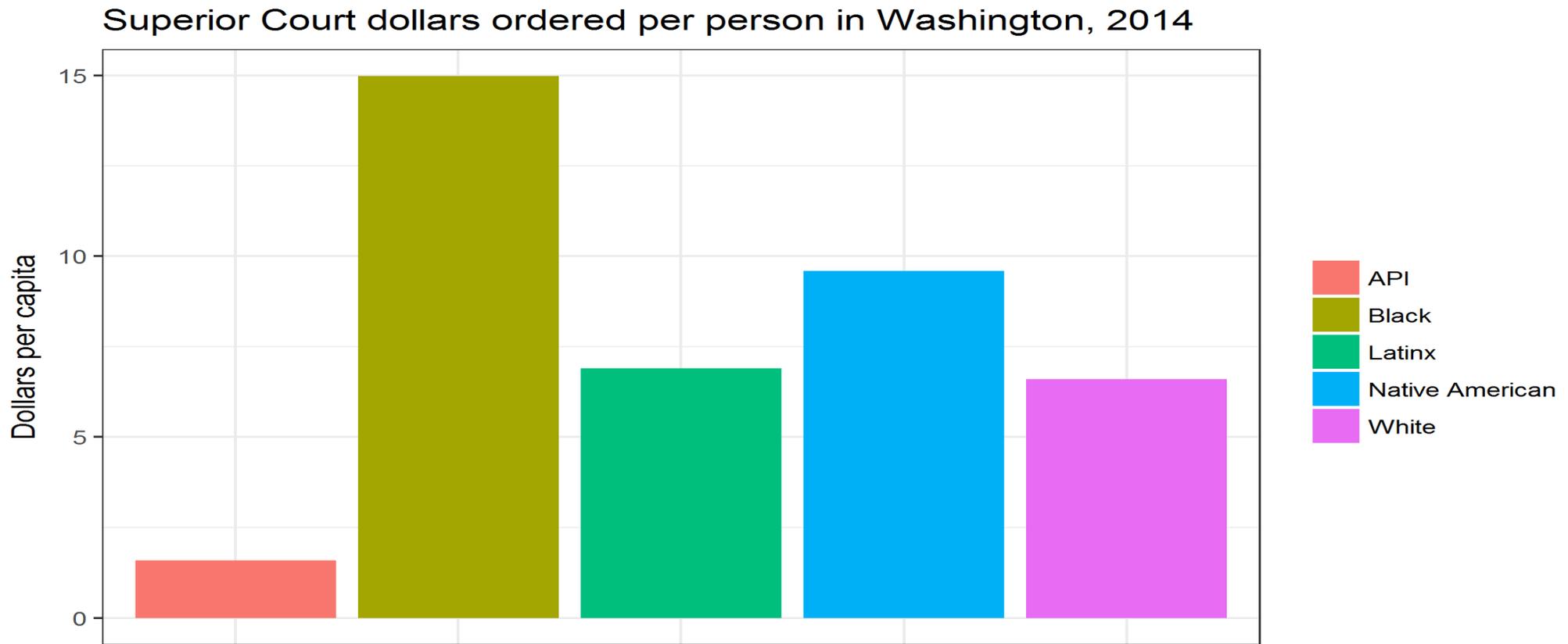


Figure 8. Per Capita Rate of LFO Balance in Superior Courts by Race/Ethnicity, WA Superior Courts, 2014.

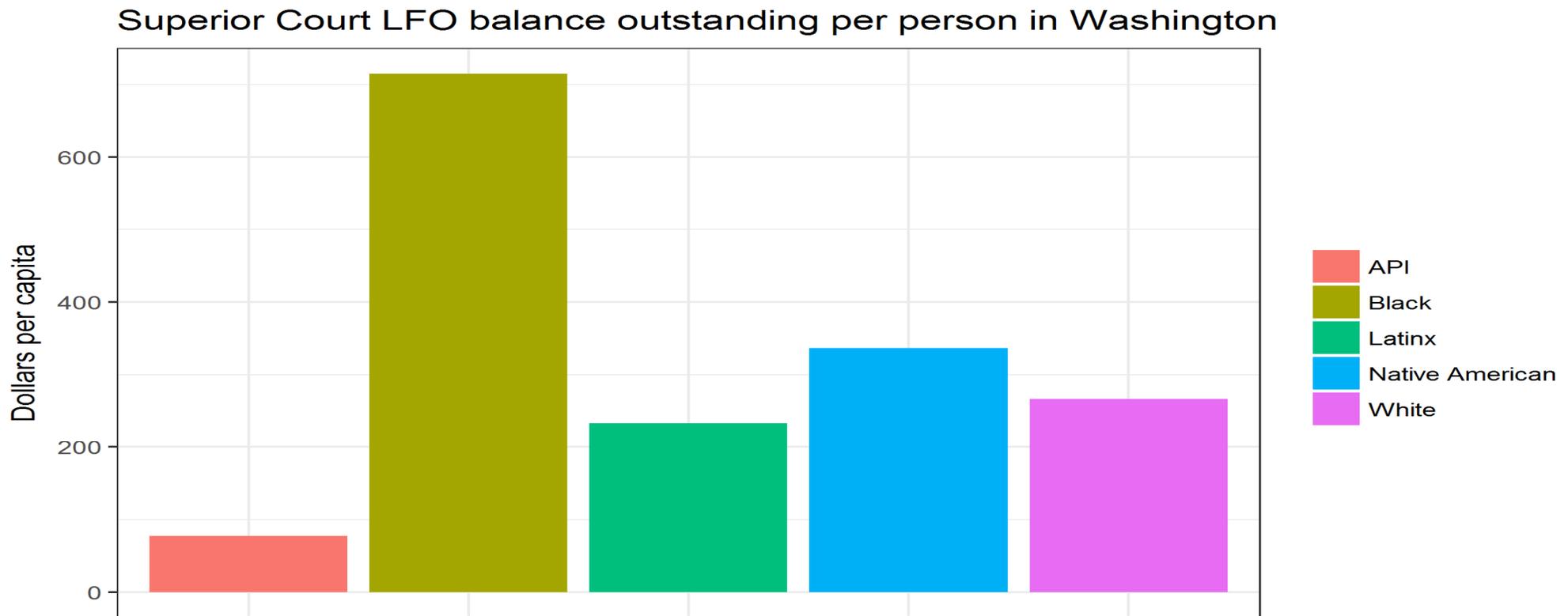


Figure 9. Percent of Population With New LFO Cases by Race/Ethnicity, WA Superior Court, 2014.

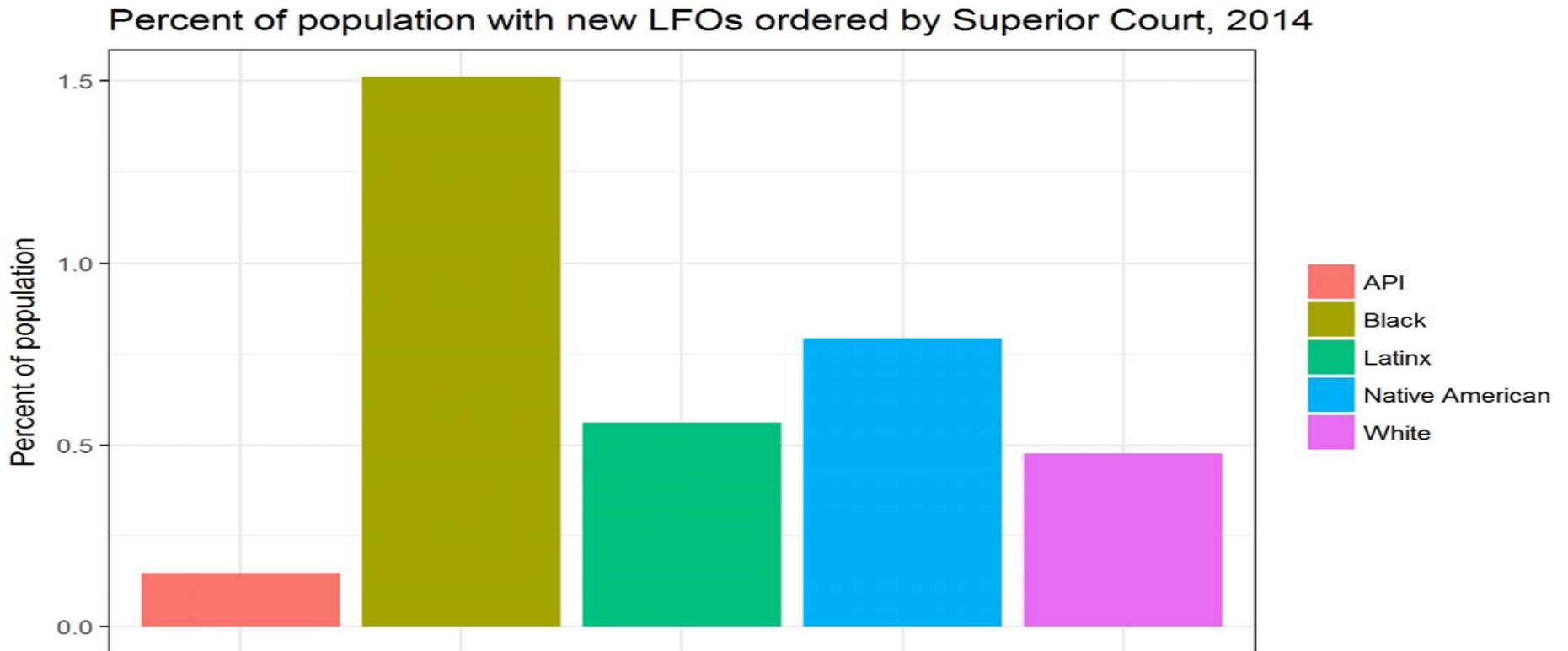
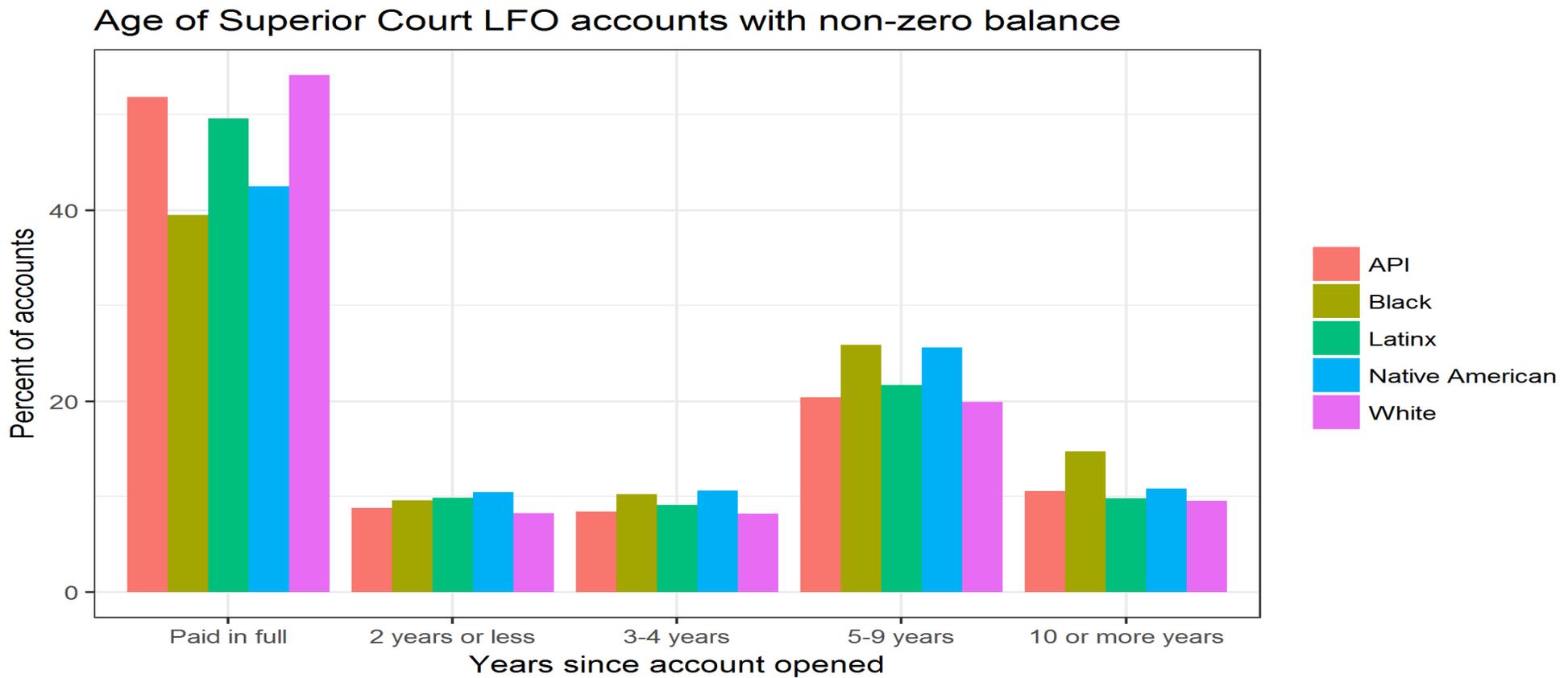


Figure 10. Age of LFO Accounts, WA Superior Court, 2000-2014



Summary

Varying sentencing, collection, and debt processes across the three major court types

- CLJ Collect 33 times more revenue than Superior courts
- Sentencing amounts have decreased in Superior Court since 2005, but has increased dramatically in CLJ since 2008
- CLJ collect 45-57% of what was sentenced in 2014, Superior Courts 11%
- Traffic infraction sentencing increased dramatically

Racial and Ethnic Disproportionality

- Differences in collection trends suggests an inability to pay for Black, Latinx and Native American
 - Black, Latinx and Native American people are sentenced LFO more frequently and at higher rates than Whites and Asian/Pacific Islanders
- 

III. (a) Data Implications

- Specific data elements:
 - Was community service offered in lieu of payment?
 - Did the jurisdiction provide a comm. Service program?
 - comm. Service used for payment adjustment?
 - Was a payment calculator used to establish sentence and payment amounts?
- Seattle Municipal should be combined with State AOC for comparison of practices across the state
- Need more information about private contracts with our public jurisdictions
 - What are the private practices and policies used to collect money from people?
 - How much of a profit is being made by private entities who replace a public good?
 - What might be the trade offs (e.g., public safety, increased costs to poor people?)

III. (b) Policy Implications

- Ability to pay hearings for all types of monetary sanctions sentenced
- Community service alternative
- Fines/fees/restitution calculated by individuals' average daily wage (day fine)
- Need to address court funding and expenditures
 - What are ways to decrease costs?
 - How can budgets be restructured to provide appropriate revenue to courts?

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Follow-up Slides

Sources re: privatization of services and costs

Kitsap county jail release cards: <https://www.prisonlegalnews.org/news/2017/dec/5/hrdc-sues-kitsap-county-washington-over-debit-release-cards/>

Washington State DOC phone calls:
<http://www.doc.wa.gov/corrections/incarceration/visiting/phone-vendor.htm>

Seattle Municipal Court: <http://www.seattle.gov/courts/tickets-and-payments/pay-my-ticket>