Legal Financial Obligations

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Outline

- I. Monetary Sanctions in Washington State
 - What are they?
 - Varying sentence and recoupment rates
- II. Consequences of Monetary Sanctions
 - Long term legal debt
 - Court monitoring
 - Incarceration
 - Stunted lives
 - Frustration and emotional strain

Monetary Sanctions in Washington

Mandatory

- Victim Penalty Assessment (VPA) \$500/\$250
- DNA \$100

Example "Optional" Costs

- Court costs (\$200)
- Costs related to warrant (\$100)
- Department of Assigned Council (e.g. Pierce County \$450)
- Fee for requesting a jury trial (\$125/\$250)
- Incarceration costs (up to \$100 per day jail/ \$50 per day prison)

Fees

- 12% interest
- \$100 Annual collections surcharge
- Per payment fees

_	ancial Obligati	ons: The defendant shall pay to the clerk of this court:		☐ All payments shall be made in accordance with the policies of the clerk of the court and on a schedule established by DOC or the clerk of the court, commencing immediately, unless the court specifically sets
<u>JASS CODE</u> PCV	\$ <u>500</u>	_ Victim assessment	RCW 7.68.035	forth the rate here: Not less than \$ per month commencing
PDV	\$	Domestic Violence assessment	RCW 10.99.080	RCW 9.94A.760.
CRC	\$	Court costs, including RCW 9.94A.760, 9.94A.505, 10.01	1.160, 10.46.190	The defendant shall report to the clerk of the court or as directed by the clerk of the court to provide financial and other information as requested. RCW 9.94A.760(7)(b).
		Criminal filing fee \$ FRC Witness costs \$ WFR Sheriff service fees \$ SFR/SFS/SFW/WRI Jury demand fee \$ JFR	F	The court orders the defendant to pay costs of incarceration at the rate of \$ per day (actual costs not to exceed \$100 per day). (JLR) RCW 9.94A.760. (This provision does not apply to costs of incarceration collected by DOC under RCW 72.09.111 and 72.09.480.)
		Extradition costs \$ EXT Other \$		The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090. An award of costs on appeal
PUB	\$	Fees for court appointed attorney	RCW 9.94A.760	against the defendant may be added to the total legal financial obligations. RCW 10.73.160.
WFR	\$	Court appointed defense expert and other defense costs	RCW 9.94A.760	
FCM/MTH	\$	Fine RCW 9A.20.021; ☐ VUCSA chapter 69.50 RCW, additional fine deferred due to indigency RCW 69.50.430		Washington State Felony Judgment and Sentence
CDF/LDI/FCD NTF/SAD/SDI	\$	Drug enforcement fund of	RCW 9.94A.760	First-Time Offender Form 7/2013
CLF	\$	Crime lab fee suspended due to indigency	RCW 43.43.690	 14 Specific fines and fees
	\$ <u>100</u>	_ DNA collection fee RCW 43.43.7541		Restitution
FPV	\$	Specialized forest products	RCW 76.48.140	Cost of incarceration
	\$	Other fines or costs for:		• Interest
RTN/RJN	\$	Restitution to:		
RIIVIDIV	\$	_ Restitution to:		
	\$	Restitution to: (Name and Addressaddress may be withhe confidentially to Clerk of the Cour		
	\$	Total	RCW 9.94A.760	Source: https://www.courts.wa.gov/forms/?fa=forms.contribute&formID=18

County-Level Differences, Example of King County J & S Form

IV. ORDER

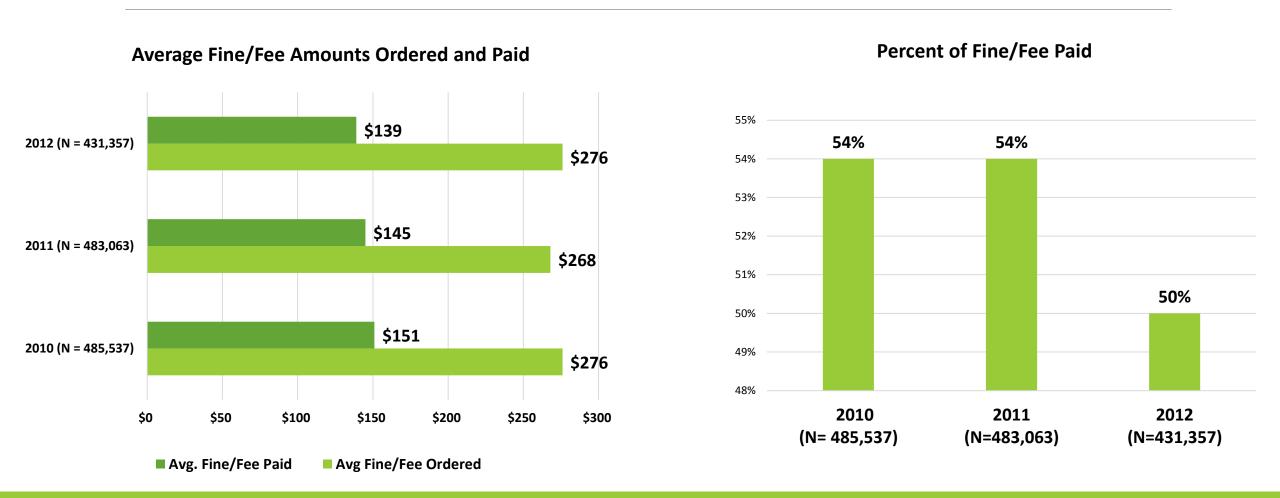
IT IS ORDERED that the defendant serve the determinate sentence and abide by the other terms set forth below.

4.1 RESTITUTION AND VICTIM ASSESSMENT:

Defendant shall pay restitution to the Clerk of this Court as set forth in attached Appendix E.

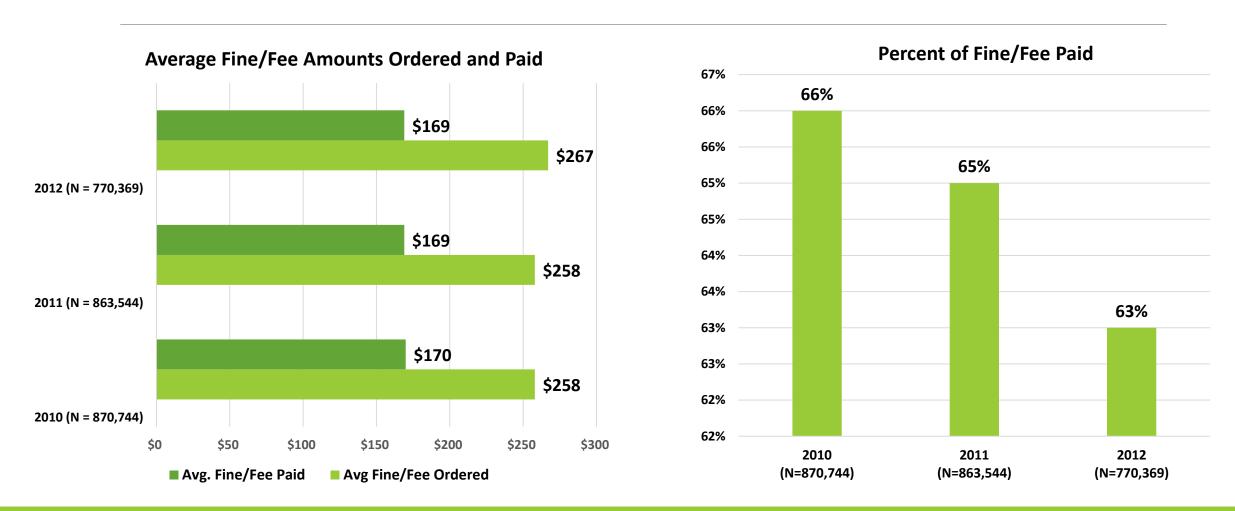
		CC	urt, purs	shall not pay restitution ment to RCW 9.94A.7 to be determined at fi	753(2), sets fort	th those circum	stances in attach	hed Appendix E.	m_
			Date to			wan baadaala			
	1	R	stitution	dant waives presence : is not ordered.					
Ł	De	fen	dant shal	l pay Victim Penalty	Assessment pur	rsuant to RCW	7.68.035 in the	amount of \$500.	
V	-	_	~			~	_		
4.2	fina	anci	ial resour ial obliga ant lacks	nctal Obligations, the Court conclustions imposed. The Court and future	des that the des court waives fin ability to pay	fendant has the nancial obligati them. Defend	present or likely on(s) that are ch int shall pay the	y future ability to p ecked below becar following to the C	pay the use the
	(a)	E]5	Court costs;	Court cost	s are waived; (RCW 9.94A.030	0, 10.01.160)	
	(ъ)	C	3 \$100	DNA collection fee; [JDNA fee w	aived (RCW 4	3.43.754)(crime	s committed after	7/1/02);
	(c)	Į) \$_ 	Recoupment secoupment is waived	for attorney's it (RCW 9.94A.0	fees to King Co	unty Public De	fense Programs;	
	(d)	ı]\$, Fine; []\$1, UCSA fine waived (R	.000, Fine for V CW 69.50.430	/UCSA; []S	2,000, Fine for	subsequent VUCS	A;
	(e)	1]\$_ (RCW	9.94A.030)	Interlocal Drug	g Fund; [] D	rug Fund paym	ent is waived;	
	(f)	τ]5	, State Crime I	aboratory Fee	[] Laborate	ory fee waived (RCW 43.43.690);	
	(g)	ι]\$	Incarceration	costs; [] In	carceration cos	ts waived (RCV	V 9.94A.760(2));	
	(b)	1] S	Other costs fo	per:				
								-	^
	pay follo Cor obli juri ten con if th furt and	owi igat igat igat igat igat igat igat iga	ing terms unity Co ions shall ction to ers from itted on efendant notice to wide fin	be made to the King (Not less than a rections Officer or D bear interest pursual assure payment of the date of sentence or after 7/1/2000, unit is more than 30 days the offender. Pursual ancial information as a k's trust fees are waited.	per more particular to RCW 10.8 insucial obligation or release from past due in pay at to RCW 9.9 requested.	or Court Clerk and in the court Clerk and in the court Clerk and in the court	secording to the a schedule esta- stration (DJA) of fendant shall re- nes committed ernent, whichever ly satisfied. Pure of payroll dedu-	rules of the Clerk iblished by the def collections Officer cruain under the before 7/1/2080, ver is later; for crusuant to RCW 9.5 action may be issue	endant's Financial Court's for up to imes 4A.7602, ed without
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Table 1. Washington <u>Municipal Courts</u>, Fines and Fees Ordered and Paid, 2010-2012.



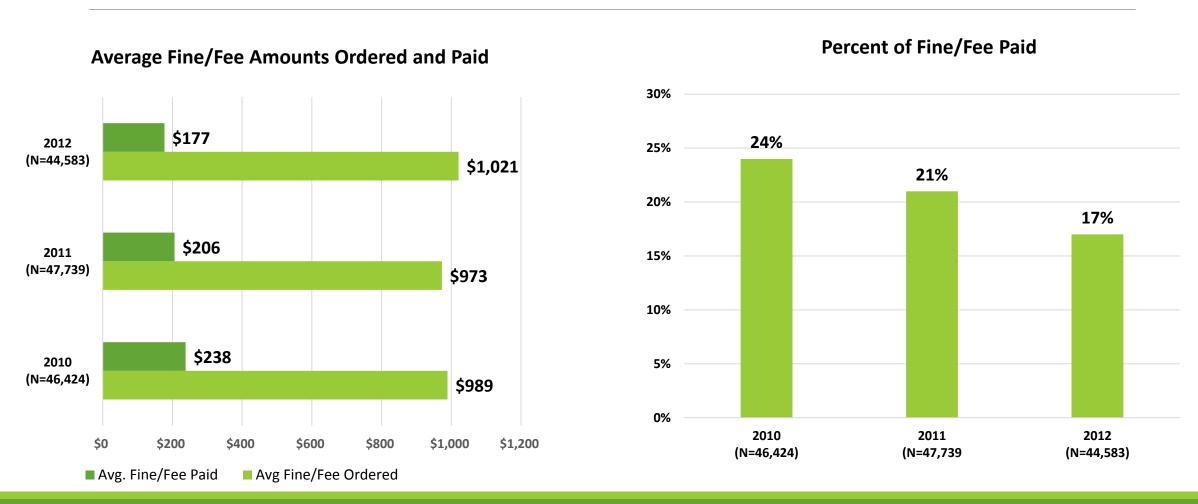
Source: Data obtained from the WA State Administrative Office of the Courts, analyzed by Alexes Harris, University of Washington.

Table 2. Washington <u>District Courts</u>, Fines and Fees Ordered and Paid, 2010-2012.



Source: Data obtained from the WA State Administrative Office of the Courts, analyzed by Alexes Harris, University of Washington.

Table 3. Washington <u>Superior Courts</u>, Fines and Fees Ordered and Paid, 2010-2012.



Source: Data obtained from the WA State Administrative Office of the Courts, analyzed by Alexes Harris, University of Washington.

Table 4. Summary of Average Fines and Fees Sentenced, Washington State, 2010-2012.

	Average # of Cases per year	Average Amount Ordered	Average Amount Paid	% Paid
Municipal	466,652	\$273	\$145	53%

Table 4. Summary of Average Fines and Fees Sentenced, Washington State, 2010-2012.

	Average # of Cases per year	Average Amount Ordered	Average Amount Paid	% Paid
Municipal	466,652	\$273	\$145	53%
District	834,885	\$261	\$169	65%

Table 4. Summary of Average Fines and Fees Sentenced, Washington State, 2010-2012.

	Average # of Cases per year	Average Amount Ordered	Average Amount Paid	% Paid
Municipal	466,652	\$273	\$145	53%
District	834,885	\$261	\$169	65%
Superior	46,249	\$995	\$207	21%

Table 5. Summary of Average Total Annual Fines and Fees Sentenced, Washington State, 2010-2012.

	Ordered Annual Average	Paid Annual Average
Municipal	\$128 million	\$68 million
District	\$218 million	\$141 million
Superior	\$46 million	\$9.5 million

Table 5. Summary of Average Total Annual Fines and Fees Sentenced, Washington State, 2010-2012.

	Ordered Annual Average	Paid Annual Average	Unpaid Annual Average	Average Amount Paid per Case
Municipal	\$128 million	\$68 million	\$60 million	\$145
District	\$218 million	\$141 million	\$77 million	\$169
Superior	\$46 million	\$9.5 million	\$36.5 million	\$207

Consequences of Monetary Sanctions

Table 6. Example of Three-Year Accrual of Charges related to Average Fine/Fee Ordered in Superior Court (\$995)

	Principal Ordered Less \$20 monthly payment	Running Interest + Annual Surcharge	Total Debt
Sentencing Day			
Jan, 2010	\$995		\$995
Owe Jan 2011 (year1)	\$755	\$104 + \$100	\$959
Owe Jan 2012 (year 2)	\$515	\$179 + \$200	\$894
Owe Jan 2013 (year 3)	\$275	\$222 + \$300	\$797
3-Year Difference	(Paid \$720)		

^{*\$995} Is the Average fine/fee ordered in Washington State Superior Courts between 2010-2012. Total Debt includes 12% simple interest and \$100 annual surcharge. Interest does not accrue on interest nor surcharge.

Constant Court Supervision

Required regular court appearance

Varies by county

- Some courts have specific LFO courts with monthly appearances
- Others do not require appearances as long as minimum payments are received
- Some send any unpaid debt to collections agencies w/ additional fees:
 - 17.1% add-on fee to principal
 - \$15 account set-up fee
 - Monthly fees ranging from \$4.75-\$11.25

Legal Consequences for Missing Payments

"Willful" non-payers (Bearden v. Georgia 1983)

- Courts determine ability to pay and "willful" non-payment
 - Conspicuous spending (manicure, tattoos, smoking)
 - Reliance on friends and family for loans
 - Illicit income ("under table" employment, begging)
- Non-payment is a violation of court orders

Warrants

Fear of incarceration, arrest, spend time in jail

Incarceration

- Sanction for contempt 60 days per violation
- Some district courts apply a per day credit towards debt for each day spent in jail

Stunted Lives and Emotional Stress

- Strain on family and friendship networks
- Negative impact on positive identity of self
- Frustration, Anger, Disappointment







Conclusion

- A large number of people are sentenced to monetary sanctions across Washington State
- Generates a large amount of money
- Also generates a large amount of debt
- Creates negative consequences and barriers for re-entry
 - Continual court monitoring
 - Incarceration
 - Stunted lives
 - Emotional stress

Summary of Recommendations

- 1. Impose a moratorium on non-restitution LFOs
- 2. Restructure sentencing process
- Prohibit the use of incarceration as a sanction for nonpayment related court violations
- Eliminate interest, collection and payment surcharges attached to LFOs
- 5. Require detailed county-level yearly reporting of LFO process
- 6. Create a statewide LFO taskforce