

CITIES AND COUNTIES FOR FINE AND FEE JUSTICE

WASHTENAW COUNTY

DECEMBER 2023





EXECUTIVE SUMMARY

The report outlines Washtenaw County's participation in the Cities and Counties for Fines and Fee Justice (CCFFJ) National Cohort, focusing on the efforts, achievements, and impacts of the initiative. Washtenaw County, located in the state of Michigan, joined the national cohort in pursuit of equitable and just practices surrounding fines and fees within the justice system.

I INTRODUCTION

In recent years, the issue of fines and fees within the criminal legal system has gained national attention due to its disproportionate impact on low-income individuals and communities of color. Washtenaw County recognized the need for reform and embarked on a journey to address this issue through participation in the national cohort.

In June of 2022 leaders of multiple departments throughout Washtenaw County came together with justice involved service providers and justice impacted individuals to discuss the unique opportunity that participation in this cohort could create. The team decided to apply for participation as a collaborative body of decision makers.

In August of 2022 it was announced that Washtenaw County had been selected to participate in the second cohort of the Cities and Counties for Fines and Fee Justice cohort. This opportunity provided technical assistance, personalized strategic guidance and resources to municipalities committed to reforming the way

fines and fees were assessed and collected with respect to the justice system. CCFFJ is led by the Fines and Fees Justice Center, the City and County of San Francisco's Financial Justice Project, and Results for America.

The Washtenaw County team was led by the Washtenaw County Racial Equity Office. The Washtenaw County team represented a unique collaboration between the county's Central Administration, Prosecutor's Office, Sheriff's Office, Public Defender, Treasurer's Office, and Trial Court and two local organizations doing re-entry work. With a focus on eliminating non-statutory fines and fees related to incarceration and the local judicial process, the cohort team began the work of fine and fee justice reform. The cohort's work consisted of a convening with many local elected officials and system impacted individuals, collecting, and analyzing budget data, development of strategies, crafting messaging related to eliminating fines and fees, and implementation and roll out of all decisions.

II OBJECTIVES

The primary objectives of Washtenaw County's participation in the cohort were to focus on eliminating non-statutory fines and fees related to incarceration and the local judicial process by:

1. Improve equity and fairness in the criminal/legal system by reducing the financial burden on marginalized communities.
2. Develop and implement sustainable policies and practices for assessing, collecting, and reinvesting fines and fees.
3. Foster collaboration between criminal/legal system stakeholders, community organizations, and system-involved individuals.

III KEY INITIATIVES AND ACHIEVEMENTS

Washtenaw County took several significant steps during its participation in the cohort, including:

1. **Data Analysis and Reporting:** Robust quantitative and qualitative data analysis and interviews were conducted to better understand the climate of fines and fees in Washtenaw County.
2. **Stakeholder Engagement:** Washtenaw County actively engaged with community organizations,

county staff, elected official and justice involved residents to gain insights, gather feedback, and ensure that reform efforts met the needs of the community.

3. **Implementation of recommendations:** The county invested in the work and stood behind the concerns by making decisions that were necessary to see change.

IV IMPACTS AND OUTCOMES

The participation in the Cities and Counties for Fines and Fee Justice National Cohort yielded several notable impacts and outcomes:

1. **Reduced Financial Burden:** At the discretion of the Chief Judge, Carol Kuhnke, Washtenaw County successfully reduced the financial burden on low-income individuals and communities of color by implementing fee elimination of discretionary court costs, leading to a more equitable justice system.
 - a. Chief Judge Carol Kuhnke took the first step to mitigate the inequity of fees and fines. Kuhnke, who participated in the initial convening of the Cities and Counties for Fines and Fee Justice (CCFFJ) cohort, declared, "We want a fair system of justice in Washtenaw County. The Judge receives

a statement of income prior to sentencing and we are not ordering fines and costs if the defendant cannot afford private, legal counsel."

- i. After a year of implementation, 409 individuals (indigent defendants) have had discretionary fees waived at sentencing for a total of \$924,749.
- ii. Michigan law requires a mandatory restitution payment for many felonies, misdemeanors and ordinance violations that cause harm to the victim. Elimination of court cost and attorney fees will allow for defendants to prioritize restitution and ultimately assist in attempting to make victims whole. Currently, statute requires payments be

divided into two buckets: court costs and attorney fees and restitution. For example, previously, if a defendant makes a payment of \$100, \$50 will go towards court costs and attorney fees and \$50 towards restitution. Under this reform, now 100 percent of payments can go towards restitution.

2. **Increased cross department collaboration:** The implementation of data analysis and reporting tools led to greater transparency, enabling stakeholders to make informed decisions and evaluate the success of the reform efforts.
3. **Stronger Community Relationships:** Active engagement with community organizations and affected individuals improved the county's relationships with the community, fostering trust and collaboration.
4. **Policy Reforms:** Washtenaw County's policy reforms have been recognized as a model for other jurisdictions seeking to address fines and fees injustices.
5. **Enhanced Rehabilitation:** The investment in diversion and rehabilitation programs contributed to reducing recidivism and addressing the underlying issues faced by those involved in the justice system.

- a. Development of Washtenaw County Juvenile Earn and Learn program.
- b. Stabilization of Washtenaw County Community Corrections
 - i. Washtenaw County's action plan originally sought to eliminate the fees associated with booking fees and Community Corrections, including electronic monitoring, drug testing, pre-trial monitoring. However, facing a significant operational shortfall for 2024, there was a risk for current and future court-involved individuals benefiting from Community Corrections to face incarceration if these services were to become unavailable. So, while fees and fines were not eliminated or reduced, support from our fine and fee justice work prevented the immediate reduction or elimination of the Community Corrections program. This approach prevents passing along additional financial burden to court-involved individuals, while a more structural solution is sought. Community Corrections served 3,010 individuals in 2022.



“When folks are facing probation, or a jail sentence or, at worst, a prison sentence, it really just seems like it’s counterproductive to then also impose an onerous financial penalty on them when what we really want them to do is get their lives back in order – get their lives back on track. And I see a financial penalty as something that makes it harder for them to do that. So, let’s take away any barrier that we can.”

– JUDGE KUHNKE



REFORM	CURRENT STATUS	FINE(S) OR FEE(S) ELIMINATED/ REDUCED	IMPACT + METRICS	QUALITATIVE DATA
Reduction of Discretionary fine and fees	Judicial Authority of Chief Judge	\$60 fingerprint \$1611 Court Cost \$650 Attorney Cost \$30 or \$60 supervision fee	From October 5, 2022 to July 31, 2023, there were 550 sentencings. Costs were assessed on 141 cases (either court costs, attorney fees, or both). In the remaining 409 cases, discretionary fees were fully waived at sentencing and totaled \$924,749.	A young man impacted by the juvenile justice system shared his story in retrospect to Washtenaw decision makers at a summit kicking off local reform work. From this conversation the Judge was able to walk away and with the stroke of a pen eliminate over \$2000 in potential fines and fees to indigent individuals sentenced.
Juvenile Earn and Learn Pilot Program (Court Involved Youth)	Currently in planning phase with an anticipated 2024 start date. \$50,000 has been allocated to this effort.	No direct relationship to the reduction of fines and fees but in theory should reduce recidivism of youth by reducing barriers.	Seeking a reduction in juvenile probation violation and encourage participation in Juvenile Day Treatment Program.	

IV CONCLUSION

Washtenaw County’s participation in the Cities and Counties for Fines and Fee Justice National Cohort has been instrumental in promoting equity and justice within its justice system. The county’s efforts have not only reduced the financial burden on marginalized communities but also served as an inspiration and example for others seeking to create a more equitable and just system.

The success of this initiative reaffirms Washtenaw County’s commitment to ensuring fairness, justice, and inclusivity within its jurisdiction. The county remains dedicated to building on the achievements made during its participation in the cohort, continually striving for a more just and equitable future for all its residents.



“The cohort offers us the unique opportunity to deepen the impact of efforts. Reducing the impact of fines and fees is aligned with the County’s overall equity strategy.

It’s a transformational change of a system that has negatively and disproportionately impacted poor people, Black people and People of Color.”

- ALIZE ASBERRY-PAYNE, RACIAL EQUITY OFFICER

QUESTIONS?

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