

City of Philadelphia



Council of the City of Philadelphia
Office of the Chief Clerk
Room 402, City Hall
Philadelphia

(Resolution No. 161029)

RESOLUTION

Authorizing Council’s Legislative Oversight Committee and Committee on Public Safety to hold hearings examining costs, fees, and penalties incurred by individuals in the juvenile justice system and the impact thereof on families in the City of Philadelphia.

WHEREAS, The Commonwealth of Pennsylvania, like most jurisdictions in the United States, authorizes the imposition of court costs, fines, and fees related to placement and treatment within the juvenile justice system. The City of Philadelphia’s Department of Human Services (DHS) has opted to pursue several of these revenue collection schemes, including those aimed at recouping the cost of juvenile placement and treatment; and

WHEREAS, The Department of Justice, in a report released in March 2016 which examines similar cost recovery programs within the adult criminal justice system, found that “individuals may confront escalating debt; face repeated, unnecessary incarceration for nonpayment despite posing no danger to the community; lose their jobs; and become trapped in cycles of poverty that are nearly impossible to escape”; and,

WHEREAS, A recent study commissioned by the Juvenile Law Center, and conducted by criminologists Alex Piquero and Wesley Jennings, examined the effects of these penalties and fees on individuals in the juvenile justice system within Allegheny County, Pennsylvania. The results show an increase in the likelihood of recidivism as a result of these economic burdens and suggested that these policies may contribute to racial disparities in the juvenile justice system. In total, it was found that 94% of youth within the sample owed costs, fines, fees, or restitution; and

WHEREAS, Fines and fees pursuant to judgments within the juvenile justice system place an inordinate burden on low-income families and families of color. In a nationwide study of these fee schemes, the Juvenile Law Center found that youth in a majority of states incurred a variety of sanctions and fines as a result of their inability to pay. These debts create a poverty trap from which it is difficult to escape and, in Philadelphia, have resulted in further monetary fees and legal sanctions, according research by Justice Lab at

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the Sheller Center for Social Justice at Temple Law School on behalf of the Youth Sentencing and Reentry Project (YSRP); and

WHEREAS, Within the Commonwealth of Pennsylvania, whose statutes dictate the practices of Philadelphia's DHS, most of the fees, fines, and costs imposed on youth and families are discretionary and not required by the law; and

WHEREAS, A Justice Lab study of one such cost recovery program – which is aimed at offsetting the cost of treatment programs through the imposition of fees on youth who are in placement and the collection of child support payments from their families – found that these efforts failed to create any significant cost savings; and

WHEREAS, Rehabilitation and redemption must be the central focus of Philadelphia's juvenile justice system. Indeed, the mission at DHS is to promote "safety, permanency, and well-being for children and youth at risk of abuse, neglect, and delinquency." Attempts to impose strict fiscal discipline within the juvenile justice system have created a variety of perverse incentives which disproportionately affect low-income families and families of color and which run directly counter to the Department's stated mission; now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That we hereby Authorize Council's Legislative Oversight Committee and Committee on Public Safety to hold hearings examining costs, fees, and penalties incurred by individuals in the juvenile justice system and the impact thereof on families in the City of Philadelphia.

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CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the seventeenth of November, 2016.

Darrell L. Clarke
PRESIDENT OF THE COUNCIL

Michael A. Decker
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmember Jones for Councilmember Johnson

Sponsored by: Councilmembers Jones, Johnson, Domb, Taubenberger, Gym, Greenlee, Quiñones Sánchez, Squilla, Parker, Oh, Blackwell and Council President Clarke