



February 4, 2014

The Honorable Carol Murphy, Presiding Judge
Thurston County Superior Court
2000 Lakeridge Dr. SW, Bldg. 2
Olympia, WA 98502-6001

Re: Legal Financial Obligations (LFO) Report

Dear Judge Murphy,

For the past several years, the ACLU of Washington (ACLU) and Columbia Legal Services (CLS) have worked to address the negative consequences that legal financial obligations (LFOs) have on low-income persons convicted of crimes in Washington state. Through our work we have discovered that LFOs and their consequences disproportionately impact the poor and serve as a major barrier to successful rehabilitation and community reentry.

This summer, the ACLU and CLS launched an investigation into court processes for collection of LFOs. While the focus of this investigation was statewide, we gave additional attention to four counties that have been regularly referenced by individuals contacting our organizations: Benton County, Clallam County, Clark County, and Thurston County. Staff attorneys observed "pay or appear" calendars in superior and district courts, spoke to local attorneys and individuals who owed LFOs, and reviewed court records. The results of this investigation are documented in our report "Modern-Day Debtors' Prisons: The Ways Court-Imposed Debts Punish People for Being Poor." The report is enclosed and will be released on February 10, 2014.

We have serious concerns that, throughout the state, discretionary LFOs are imposed on the indigent without considering ability to pay, interest and collections fees make it virtually impossible for poor people to pay off court-imposed debts, and court collections processes penalize the poor. In particular, we are concerned that Thurston County's policies and practices may result in impoverished individuals being forced to pay needs-based public assistance to satisfy LFOs. We are aware of at least two recent occasions where the court ordered defendants to use their disability or needs-based benefits to pay LFOs or face incarceration. We understand that, although the court rescinded those orders and was made aware that it is illegal to garnish or attach such benefits, the court has not adopted any policy changes to address the situation. We encourage the County to adopt a formal policy that it will not order defendants to

**AMERICAN CIVIL
LIBERTIES UNION
OF WASHINGTON**

901 5TH AVENUE, SUITE 630
SEATTLE, WA 98164
T/206.624.2184
WWW.ACLU-WA.ORG

COLUMBIA LEGAL SERVICES

101 YESLER WAY
SEATTLE, WA 98101
T/206.464.5911
WWW.COLUMBIALEGAL.ORG

pay needs-based public assistance towards discretionary LFOs, and that it will consider the receipt of needs-based public assistance as per se evidence of indigence when considering sanctioning individuals for non-payment.

We would appreciate the opportunity to meet and discuss these issues with you. We hope to work together to ensure that the LFO collections process in Thurston County is fully compliant with state law and the constitution, and does not impose harsher burdens on the poor. Please feel free to contact either the ACLU's Vanessa Hernandez at (206) 624-2184, vhernandez@aclu-wa.org, or CLS's Nick Allen at (206) 464-0838 ext. 131, nick.allen@columbialegal.org.

Sincerely,



Vanessa Hernandez
Staff Attorney
ACLU of Washington Foundation



Nick Allen
Staff Attorney
Columbia Legal Services

Enclosure: LFO Report

cc: Ms. Betty Gould, Thurston County Clerk
Mr. Jon Tunheim, Thurston County Prosecuting Attorney
Mr. Daryl Rodrigues, Thurston County Office of Assigned Counsel