JUDICIAL COUNCIL OF CALIFORNIA

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HON. TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

HON. MARSHA G. SLOUGH
Chair, Executive and Planning Committee

HON. DAVID M. RUBIN
Chair, Judicial Branch Budget Committee
Chair, Litigation Management Committee

HON. MARLA O. ANDERSON
Chair, Policy Coordination and Liaison Committee

HON. HARRY E. HULL, JR.
Chair, Rules and Projects Committee

HON. KYLE S. BRODIE
Chair, Technology Committee

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MR. MARTIN HOSHINO
Administrative Director, Judicial Council

January 17, 2020

Hon. Holly J. Mitchell
Chair, Joint Legislative Budget Committee
1020 N Street, Room 553
Sacramento, California 95814

Ms. Keely Martin Bosler, Director
State of California, Department of Finance
State Capitol, Room 1145
Sacramento, California 95814

Re: *Online Traffic Adjudication and Ability-to-Pay: Annual Report*, as required under the Budget Act of 2018.

Dear Senator Mitchell and Ms. Bosler:

Attached is the Judicial Council report required under the Budget Act of 2018 (Sen. Bill 847; Stats. 2018, ch. 29) on the Judicial Council's Online Traffic Adjudication and Ability-to-Pay Project.

If you have any questions related to this report, please contact Shelley Curran, Director, Judicial Council Criminal Justice Services, at 415-865-4013 or shelley.curran@jud.ca.gov.

Sincerely,

Martin Hoshino
Administrative Director
Judicial Council

MH/SC/dmb
Attachment
cc: Diane F. Boyer-Vine, Legislative Counsel
Erika Contreras, Secretary of the Senate
Sue Parker, Assistant Chief Clerk of the Assembly
Eric Dang, Policy Consultant, Office of Senate President pro Tempore Toni G. Atkins
Amy Alley, Policy Advisor, Office of Senate President pro Tempore Toni G. Atkins
Alf Brandt, Senior Counsel, Office of Assembly Speaker Anthony Rendon
Gabrielle Zeps, Policy Consultant, Office of Assembly Speaker Anthony Rendon
Anita Lee, Principal Fiscal and Policy Analyst, Legislative Analyst's Office
Tina McGee, Executive Secretary, Legislative Analyst's Office
Jesse Romine, Budget Analyst, Department of Finance
Margie Estrada, Chief Counsel, Senate Judiciary Committee
Mary Kennedy, Chief Counsel, Senate Public Safety Committee
Christopher Francis, Consultant, Senate Budget and Fiscal Review Committee
Shaun Naidu, Consultant, Senate Appropriations Committee
Jennifer Troia, Principal Consultant, Joint Legislative Budget
Eric Csizmar, Consultant, Senate Republican Policy Office

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Hon. Rebecca L. Wightman

MR. MARTIN HOSHINO
Administrative Director,
Judicial Council

Report title: *Online Traffic Adjudication and Ability-to-Pay: Annual Report*

Statutory citation: Budget Act of 2018

Date of report: January 17, 2020

The Judicial Council has submitted a report to the Legislature in accordance with the Budget Act of 2018.

The following summary of the report is provided under the requirements of Government Code section 9795.

The Budget Act of 2018 appropriated a total of $3.4 million in new operational funding and $1.3 million in ongoing funds to support the Online Traffic Adjudication and Ability-to-Pay Project administered by the Judicial Council. The funds are designated for the Judicial Council and courts to use in the administration and operation of a pilot program for online ability-to-pay determinations and online traffic infraction adjudication.

The Budget Act directed the Judicial Council to administer the program and report annually on its implementation to the Joint Legislative Budget Committee and the Department of Finance.

The current report is the initial annual report. It:

- Documents first-year implementation activities of the Judicial Council and the pilot courts,
- Provides preliminary data about usage of the ability-to-pay software, and
- Describes the next steps of developing additional online functions for traffic adjudication.

The full report can be accessed here at www.courts.ca.gov/7466.htm.

A printed copy of the report may be obtained by calling 415-865-8994.

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Chief Justice of California and
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Martin Hoshino
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Shelley Curran
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Martha Wright
Criminal Justice Programs Manager
Primary Author of Report

Attachment A

Online Traffic Adjudication and Ability-to-Pay

ANNUAL REPORT

JANUARY 2020

JUDICIAL COUNCIL OF CALIFORNIA
OPERATIONS AND PROGRAMS DIVISION
CRIMINAL JUSTICE SERVICES

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Executive Summary

This legislative report, as mandated by the Budget Act of 2018 (Sen. Bill 847, Stats. 2018, Ch. 29) documents the background of the Online Traffic Adjudication and Ability-to-Pay project and describes the project's initial implementation activities. It also provides data about the litigants making requests using the software and the resulting reductions in fines and fees, and describes the next steps of developing additional online traffic functions.

In the first year of state funding, the Pilot Program for Online Adjudication of Infraction Violations was launched and a prototype for online ability-to-pay determinations was implemented in three pilot courts: the Superior Courts of Shasta, Tulare, and Ventura (with two more, San Francisco and Santa Clara, scheduled for December 2019 and March 2020 respectively). Furthermore, additional pilot courts – the Superior Courts of Fresno and Monterey Counties – were confirmed. An eighth pilot court will be identified in the coming months.

As of November 1, 2019, a total of 1,469 requests were submitted by 1,083 litigants across the first three counties using MyCitations, a prototype software developed for the pilot courts. Of those 1,083 litigants, 54 percent reported that they receive public benefits and 74 percent reported incomes below the federal poverty line. Of the 1,469 requests submitted, the total amount of fines and fees initially owed by litigants was $963,977, averaging $657 per request. The MyCitations calculator recommended adjustments resulting in a reduction of the total amount owed to $468,501, averaging $362 per request.

Background

The 2018 State Budget included a pilot program to increase public access to the courts by authorizing the online adjudication of infraction violations including online ability-to-pay determinations.

The catalyst for this pilot program was the high cost of fines and fees associated with traffic infractions and the resulting impact on low-income individuals who are unable to pay them.

During fiscal year 2018–19, a total of 3,569,081 traffic infraction cases were filed in California superior courts, constituting approximately 75 percent of all criminal filings.[1] The fines and fees imposed in these cases can reach total amounts that many Californians are unable to pay.

Historically, only two options existed for addressing traffic infractions: an individual could pay in full or appear in court. Although courts provide forms to request a reduction, including petitions to vacate a civil assessment or the plain–language *Can't Afford to Pay Fine: Traffic and Other Infractions* (form TR-320), the forms must be filed in court with a clerk and usually heard

[1] Judicial Council of California, *2019 Court Statistics Report: Statewide Caseload Trends*, *2008-09 Through 2017-18,* pp. 97, https://www.courts.ca.gov/documents/2019-Court-Statistics-Report.pdf.

by a judge. Appearing in court poses a barrier to many, because it may require taking time off work, securing childcare, or finding transportation.

The Judicial Council of California began studying options to minimize the impact of high fines and fees on low-income court users in 2016 with a successful grant proposal to the U.S. Department of Justice under the Price of Justice Initiative. With seed funding from the grant, the Judicial Council and partner courts (in San Francisco, Santa Clara, Shasta, Tulare, and Ventura Counties) designed a process to conduct ability-to-pay determinations online. That effort included identifying online workflows, selecting a software vendor to develop a prototype, and testing interfaces with partner court case management systems (CMS).

The resulting prototype, named MyCitations, allows users to make online requests for reductions in traffic fines and fees based on an individual's ability-to-pay. In this early phase of the project, the software was brought live in three courts (the Superior Courts of Shasta, Tulare, and Ventura Counties), offering online ability-to-pay determinations for citations issued in those counties. The next phase of the project will facilitate online adjudication.

This report details implementation efforts to date, including designating pilot court partners, developing a new online system, providing demographic information about defendants using the online system, providing information on violations processed, and documenting local court activities.

First-Year Pilot Program Implementation Activities

In the first year of state funding, the Online Traffic Adjudication and Ability-to-Pay project was launched and three additional courts were selected, bringing the total number of court partners to eight. Those additional courts selected included the Superior Courts of El Dorado, Fresno, and Monterey Counties. However, shortly after selection, complications with a new CMS caused the El Dorado court to withdraw from participation in the pilot program. The Judicial Council is in the process of identifying a court to replace it.

The expanded pilot program adds the development of new functions to the overall project. In addition to online ability-to-pay determinations, these new functions allow a litigant to:

- Post and forfeit bail,
- Request to forfeit bail in installments,
- Request an online trial,
- Request a continuance, and
- Request a date to appear in court.

In the coming year, the Judicial Council will develop and establish full bidirectional interfaces with all participating courts' CMSs. These interfaces will pull relevant data from citations from the CMS and push key case information to the CMS, such as the date of request, new amount owed, adjusted due dates, and other necessary data points. This bidirectional interface will make the process even more efficient.

Online Ability-to-Pay Determinations

To date, work has concentrated on developing and deploying the new online ability-to-pay system. To develop the system's functionality, Judicial Council staff collaborated with partner courts in web-based meetings to discuss the determination process. Each meeting involved consensus decisions about what financial information to request from litigants and how to organize the information for the judge and clerk to review.

The group also discussed what parameters they wanted the calculator to use to make reduction recommendations based on public benefits status, income, and household size. Per legislative requirement, all participating courts provide a minimum of a 50 percent reduction for litigants receiving public benefits. In addition, for those not receiving benefits, but still low-income, each pilot court set its own parameters for reduction recommendations, accounting for cost of living and other relevant local factors. Table 1 summarizes the reduction recommendations made by the pilot courts.

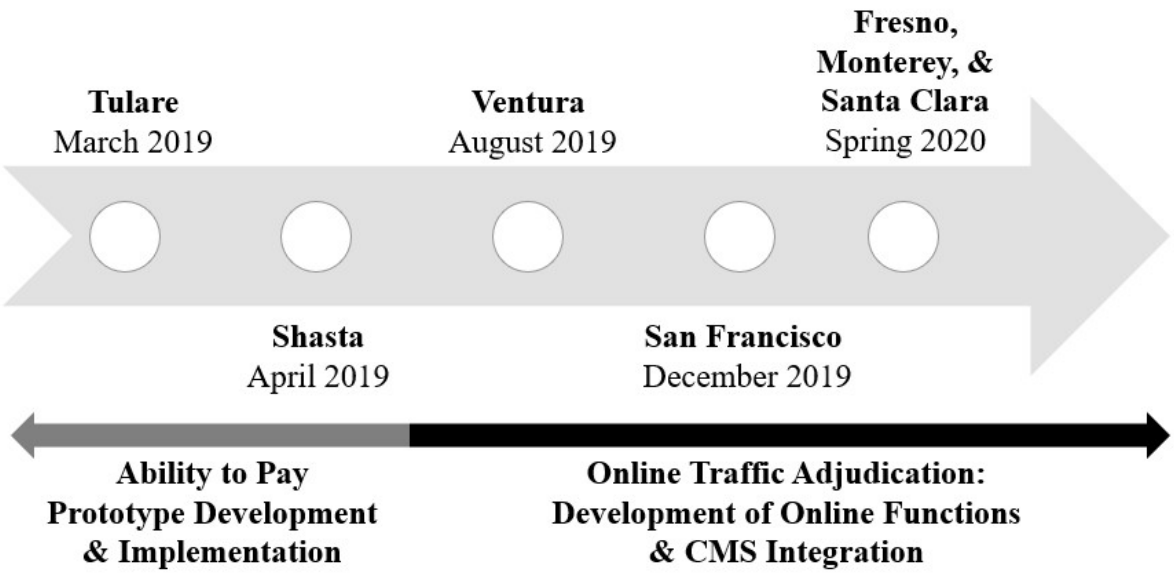
Table 1. Pilot Court Recommended Reductions Based on Income

Percentage of Federal Poverty Line	Recommended Reductions
100% to 150%	50 to 80%
200%	Up to 50%
400%	Up to 30%

Once decisions were made, the software developer presented prototypes, gathered feedback and refined design and functionality as appropriate. Significant time was also spent with each court developing interfaces to their CMSs. Data points required to identify the correct citation for the litigant – including name, citation number, and date – were defined. The data points required to provide the court with necessary information to review the request, including the Vehicle Code charges and amount due, were also defined.

As of the writing of this report, three counties are actively using MyCitations, allowing requests online, and issuing court orders via email response. The Superior Courts of Shasta, Tulare, and Ventura Counties went live with MyCitations in April, March, and August of 2019. The San Francisco court is expected to go live in December 2019 and the courts in Fresno, Monterey, and Santa Clara, in early 2020. The Judicial Council is also in the process of confirming participation of an eighth court. The additional features being developed will be released in software updates to MyCitations in spring 2020. Figure 1 provides a high-level timeline of the project's progress.

Figure 1. Project Timeline



Online Ability-to-Pay System Usage

Initial data from the MyCitations system provides insights into the requests made using MyCitations, the recommendations for reductions, and the litigants making requests. As of November 1, 2019, a total of 1,469 requests were submitted by 1,083 litigants across all three counties. Table 2 describes characteristics of the litigants making those requests. Of the 1,083 litigants who submitted requests, 54 percent reported that they receive public benefits and 74 percent reported incomes below the federal poverty line.

Of the 1,469 requests submitted, the total amount of fines and fees initially owed by litigants was $963,977, averaging $657 per request. The MyCitations calculator recommended adjustments resulting in a reduction of the total amount owed to $468,501.

The system offers an initial recommendation, and judicial officers can choose to accept it or make adjustments. Overall, data shows that judicial officers accepted the calculated recommendation 83 percent of the time. Given the judicial officers' final judgment, the total amount finally owed by litigants was $540,740. The average amount finally owed per request was $362.

Table 2. MyCitations Traffic Case Requests April-November 2019

MyCitations Users	
Number of requests	1,469
Number of litigants	1,083
Percentage on public benefits	54%

Percentage below federal poverty line	74%
Fines and Fees Owed and Reduced	
Total amount of fines and fees initially owed	$963,977
Total amount of reductions recommended by ability-to-pay tool	$468,501
Total amount owed after final judgment	$540,740
Average amount of fines and fees owed per request	$657
Average amount owed after final judgment per request	$362

Additional demographic information about system users required by Senate Bill 847 includes zip codes where citation holders live. Currently, zip code information is available for citations issued in Ventura County. Next year, CMS application program interfaces will be developed or updated to include zip code for all participating counties. The top four most common zip codes for MyCitations user addresses in Ventura were 93033, 93030, 93036 and 93060 (see table 3). These most common zip codes show poverty rates significantly above the county-wide average of 10.3 percent.[2]

Table 3. Most Common Zip Codes: Ventura County MyCitations Users

Zip Code	Poverty Rate	Total Users
93033	19.90%	99
93030	16.30%	86
93036	13.60%	54
93060	16.10%	46

Finally, litigants generally found their experience with the MyCitations system to be very helpful. A survey included near the end of the online request process shows that 78 percent of litigants responded that the ability-to-pay tool was "very helpful." In response to a question asking exactly what factors made it difficult to come to court in person, a majority responded that taking time off work and finding transportation were their biggest challenges.

Next Steps

In the coming year, Judicial Council staff, in partnership with pilot courts and the contracted software developer, will continue enhancing MyCitations' ability-to-pay functions, while working on a bidirectional CMS interface, expanded online traffic case functionality, and a new

[2] Data on poverty rates gathered from the U.S. Census Bureau.

interface with California Department of Social Services (CDSS) to confirm a litigant's CalFresh benefit status.

With only the single-direction interface currently in place, participating court clerks must separately update the information in the courts' CMSs after case decisions have been made. In the coming months, Judicial Council staff will complete gathering requirements for a bidirectional interface that will allow automatic updates to the courts' CMSs.

With the two-way interface developed, project partners can focus on defining a workflow and requirements for new features that will expand the current system and allow the litigant to request an online trial, continuance, or new date to appear in court, making the MyCitations tool fully functional as intended through enacted legislation.

Finally, the current system as developed includes an option allowing litigants to upload proof of public benefits status. Under this expanded pilot, the litigant will be able to authorize MyCitations to connect with a newly developed "CalFresh Confirm" tool for direct CDSS validation of the litigant's current CalFresh benefit status. This function is intended to provide convenience for the litigant, who may not always have ready access to a CalFresh card or other proof of benefits status. It could also provide the court with an added degree of confidence that the litigant's reported income has been validated and is commensurate with a fine and fee reduction.

Once integrated into the existing MyCitations system currently in use by four courts, the remaining four will "go live" with the fully functional expanded system. In addition, all pilot courts will continue providing regular data and feedback to Judicial Council staff for ongoing evaluation and continuous improvement.