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, Legislation Committee

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

HON. KYLE S. BRODIE
Chair, Technology Committee

Hon. Richard Bloom
Hon. C. Todd Bottke
Hon. Stacy Boulware Eurie
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MR. MARTIN HOSHINO
Administrative Director
Judicial Council

December 16, 2020

Ms. Cara L. Jenkins
Legislative Counsel
State Capitol, Room 3021
Sacramento, California 95814

Ms. Erika Contreras
Secretary of the Senate
State Capitol, Room 400
Sacramento, California 95814

Ms. Sue Parker
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California 95814

Re: *Online Traffic Adjudication and Ability-to-Pay: Annual Report–January 2021*, as required under the Budget Act of 2018

Dear Ms. Jenkins, Ms. Contreras, and Ms. Parker:

Attached is the Judicial Council report required under the Budget Act of 2018 (Sen. Bill 847; Stats. 2018, ch. 45) on the Judicial Council's Online Traffic Adjudication 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/sc
Enclosures
cc: 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
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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
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Report title: *Online Traffic Adjudication and Ability-to-Pay: Annual Report–January 2021*

Statutory citation: Budget Act of 2018

Date of report: January 2021

The Judicial Council has submitted a report to the Legislature in accordance with the Budget Act of 2018 (Sen. Bill 847; Stats. 2018, ch. 45).

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

Through the Budget Act of 2018, chapter 1.5 was added to division 17 of the Vehicle Code. This chapter directed the Judicial Council to administer the Pilot Program for Online Adjudication of Infraction Violations, and report on the implementation of the pilot program. The first report was due on or before January 1, 2020. The second report is due on or before January 1, 2021.

The current report is the second report. This report:

- Documents first-year and second-year implementation activities of the Judicial Council and the pilot courts;
- Provides data about usage of the MyCitations software; and
- Describes the next steps of developing additional online functions.

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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Online Traffic Adjudication and Ability-to-Pay

ANNUAL REPORT

JANUARY 2021

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. 45) documents the background of the *Pilot Program for Online Adjudication of Infraction Violations* and describes the project's second-year implementation activities. It also provides cumulative 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, fiscal year (FY) 2018–19, the website—called MyCitations—was launched as a prototype. It was the platform for requesting an online ability-to-pay determination by members of the public in three pilot courts: the Superior Courts of Shasta, Tulare, and Ventura Counties. In the second year of state funding, FY 2019–20, MyCitations was implemented in two additional pilot courts: the Superior Courts of San Francisco and Santa Clara Counties. Also, in year two, the Judicial Council of California (the Judicial Council) and the five pilot courts together developed new MyCitations features including a prototype for conducting online trials. The final two pilot courts will be onboarded to MyCitations in the third year of state funding, FY 2020–21.

Since the launch of this platform, up to November 1, 2020, a total of 10,935 ability-to-pay requests have been submitted by 6,865 litigants across five pilot courts. Of those 6,865 litigants, 50.7 percent reported that they receive public benefits and 86.5 percent reported incomes at or below the poverty line[1]. Of the 10,935 requests submitted, the total amount of fines and fees initially owed by litigants was $7,531,329 averaging $689 per request. More than three quarters—76.5 percent—of the 10,935 requests were approved by the courts for a reduction. After review by the courts, the new total fine amount owed across all requests was $4,728,262 and averaged $347 per each approved request. These approvals account for a total of $2,803,067 in reduced fines and fees.[2]

Background

Historically, only two options existed for addressing traffic infractions: an individual could pay in full or appear in court. Although courts recently began providing paper forms to allow the litigant to request a reduction, including petitions to vacate a civil assessment and the plain-language form *Can't Afford to Pay Fine: Traffic and Other Infractions* (form TR-320), these forms *must* be filed in court with a clerk and usually reviewed by a judge. The act of appearing *in court* poses a barrier to many: it often requires taking time off work, securing childcare, and/or finding transportation.

[1] Data pulled from 250% and below of federal poverty line to account for California poverty.

[2] $7.5 million in fees owed before MyCitations assistance, less $2.8 million in reductions through MyCitations for a revised total of $4.7 million in traffic fines and fees owed.

During FY 2019–20 alone, 75 percent of all criminal filings filed in California superior courts were traffic infraction cases[3]. The fines and fees imposed in these cases reach amounts that many Californians are unable to pay.

The Judicial Council began studying the impact of fines and fees on low-income court users and options to minimize these impacts in 2016 as a result of 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 five partner courts (San Francisco, Santa Clara, Shasta, Tulare, and Ventura) 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 the partners' various court case management systems (CMS).

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

The next year, the 2018 State Budget included funding to the Judicial Council to expand the work previously started by developing a pilot program to increase public access to the courts and minimizing the impact to low-income individuals. The pilot program outlined in this subsequent legislation included (1) expanding the ability-to-pay prototype into three additional courts (for a total of eight), (2) authorizing the online adjudication of traffic infraction violations, and (3) including the development of additional functions. In total, all pilot courts will offer ability-to-pay determinations plus at least three other online options, including:

- Posting/forfeiting bail;
- Requesting to forfeit bail in installments;
- Requesting an online trial;
- Requesting a continuance; and
- Requesting a date to appear in court.

Three additional courts (the Superior Courts of El Dorado, Fresno, and Monterey Counties) were selected to participate in the pilot program along with the five initial courts. Complications with implementation of a new case management system (CMS) caused the El Dorado court to withdraw from participation in the pilot program. Funding authorized by the Legislature for that pilot court reverted before a replacement could be identified.

This report details implementation efforts that took place in the second year (since the last report) and includes a description of the development of new online features. It also provides

[3] Judicial Council of Cal., *2020 Court Statistics Report: Statewide Caseload Trends*, *2009–10 Through 2018–19,* pp. 97, *https://www.courts.ca.gov/documents/2020-Court-Statistics-Report.pdf*.

demographic information about defendants using the online system, violations processed, and fines and fees reduced.

Second-Year Pilot Program Implementation Activities

November 1, 2019–October 31, 2020

New Courts Live with Online Ability-to-Pay Determinations

With three courts already providing online ability to pay determinations with MyCitations, the second year saw the addition of two new courts, the Superior Courts of San Francisco and Santa Clara Counties. Of significance, with San Francisco coming online, the pilot achieved a successful interface to a Thompson Reuters CMS, ensuring that other courts with the same system will have a model when they wish to consider adopting these online functions. Santa Clara's adoption took longer than initially anticipated because of delays imposed by the COVID-19 pandemic and associated court closures. But Santa Clara's implementation included a full two-way interface that both pulls data from the CMS to MyCitations, and also updates the CMS with the key case details handled in MyCitations.

This bidirectional functionality represents a significant time saver for court staff who process the requests. Santa Clara's interface also marked the project's first Tyler Odyssey case management system integration, an important step for the many courts that also use the Tyler CMS.

Table 1 identifies the go-live dates of all pilot courts, describes the case management system used by each, and indicates the type of interface the pilot court is currently using. By the end of the project in 2022, all courts expect to have adopted a two-way interface.

Table 1. Pilot Court Go-Live Timetable

Go-Live Date		Court	Case Management System	Interface Developed
Year 1	April 2019	Tulare	Journal Technologies eCOURT	One Way
	May 2019	Shasta	JALAN (transitioning to Tyler Odyssey in 2021)	One Way
	August 2019	Ventura	VISION (VCIJIS)	Two Way
Year 2	December 2019	San Francisco	Thompson Reuters	One Way
	August 2020	Santa Clara	Tyler Odyssey	Two Way
Year 3	Planned for November 2020	Fresno	Tyler Odyssey	One Way
	Planned for 2021	Monterey	Tyler Odyssey	Two Way

Additional MyCitations System Functions

Although planned court go-live events were slowed by CMS interface complications and COVID-19 related court closures, development of additional online traffic court functions was able to continue as scheduled. This work focused primarily on creating a process for online trials. Mirroring the existing Trial By Written Declaration (Veh. Code, § 40902) process, the Judicial Council worked with partner courts and a contract developer to devise a system where the litigant, the court, and law enforcement can undertake their respective parts of the adjudication process entirely online, eliminating the need to submit paperwork by mail or fax. Individual workflows were created for various types of user, and then tested all together.

The new system allows the litigant to identify their citation and then complete and submit their declaration electronically. The court is then notified of the request, electronically informs law enforcement, and the issuing officer completes and remits their declaration about the incident back to the court. The system includes identity management protocols for more secure officer sign-in, which is currently being tested.

The Judicial Council and pilot courts also began discussing requirements for an online system to allow litigants to request a continuance and/or a future date to appear in court. Workflows are currently under development, and a variety of methods are being considered to provide the public with these additional online options. All new functions will be included in the MyCitations planned release schedule over the coming months.

MyCitations System Usage

Data from MyCitations provides insights into requests being made, the system calculators' recommendations for reductions, and final court order details. From April 2019 through November 1, 2020, a total of 10,935 requests were submitted by 6,865 litigants across five counties. Of the 6,865 litigants who submitted these 10,935 requests, over half—50.7 percent—reported that they receive public benefits, and 86.5 percent reported incomes below the poverty line.

While MyCitations system's calculator offers an initial recommendation for all requests, judicial officers retain the discretion to accept it or make adjustments based on the facts of the case. Overall, data shows that judicial officers accepted the tool recommendation not quite two-thirds—61 percent—of the time.

Of the 10,935 requests received by the pilot courts, the total amount of fines and fees initially owed was $7,531,329 and averaged $689 per request (see table 2). Over three-quarters of these requests—76.5 percent—were approved by the courts for a reduction. After review by the courts, the new total fine amount owed across all requests was $4,728,262 and averaged $347 per each approved request. These approvals account for a total of $2,803,067 in reduced fines and fees. The two most recent courts to implement the system, the Superior Courts of San Francisco and Santa Clara Counties, are offering reductions from 50 to 80 percent, with an average reduction amount between the two of approximately 77 percent.

Table 2. MyCitations Traffic Infraction Ability-to-Pay Requests
Cumulative Data from April 2019–October 31, 2020

MyCitations User Data	
Number of requests	10,935
Number of litigants	6,865
Percentage of total litigants on public benefits	50.7%
Percentage of litigants below poverty line	86.5%
Fines and Fees Owed and Reduced	
Total amount of fines and fees initially owed	$7,531,329
Average amount, per request, of fines and fees initially owed	$689
Total amount owed on approved requests	$2,907,600
Average amount owed on approved requests	$347

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 San Francisco, Santa Clara, and Ventura Counties. Next year, CMS interfaces will be developed or updated to include zip codes for all participating counties. The top five most common residence zip codes for MyCitations users are found in table 3 below. These most common zip codes show poverty rates, almost without exception, above the county-wide averages.[4]

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

Table 3. Top Five Most Common User Zip Codes by Court: San Francisco, Santa Clara, and Ventura County MyCitations Users

Court	Zip Code	Total Users	Zip Code Poverty Rate	County-Wide Poverty Rate
San Francisco	94124	43	20.1	9.5
	94134	26	11.9	
	94112	25	8.6	
	94102	22	21.0	
	94110	17	9.5	
Santa Clara	95020	47	9.0	6.1
	95123	35	5.4	
	95037	32	5.9	
	95116	30	13.9	
	95127	30	8.3	
Ventura	93033	587	17.8	7.9
	93030	413	14.7	
	93036	270	12.5	
	93003	231	8.4	
	93060	200	14.6	

MyCitations includes an optional survey component. Overall, litigants generally found their experience with the MyCitations system to be very helpful. The survey, which is included near the end of the online request process, shows that 75 percent of respondents felt 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

Third-year activities will focus on the MyCitations go-live activities for the Superior Courts of Fresno and Monterey Counties. Also during this year, efforts will focus on deploying the online trial function to the pilot courts already using MyCitations. Finally, the project will see development of the final two functions to allow litigants to request a continuance and request a date to appear in court.

In addition to the added functions, the Judicial Council continues to work with the California Department of Social Services (CDSS) on an interface that will allow a litigant to confirm their CalFresh benefit status directly with CDSS. The MyCitations system currently includes an option to allow litigants to upload proof of public benefits status. With the vast majority of users accessing the system from a mobile device, the priority was on developing functionality to allow a user to take a picture of their benefits card and upload that image. But the enacting legislation allows litigants, through encrypted transmittal, to confirm their benefits status and confirm whether they want the returned result to be submitted to the court with their request. "CalFresh

Confirm," a tool currently under development by CDSS, will allow MyCitations to access a CalFresh beneficiary database to search for a name and return a yes/no answer as to active benefits status. The function is intended to provide convenience for the litigant who may not always have ready access to their CalFresh card. It would also provide the court with added verification that the litigant's reported income has already been validated by CDSS, and is appropriate for a fine and fee reduction. Agreements with CDSS are under development and are expected to be completed in this third year: this improved functionality will be incorporated into an upcoming MyCitations release once it has been tested and approved.

In Year Three, all pilot courts will continue providing regular data and feedback to Judicial Council staff for ongoing evaluation and continuous improvement of the MyCitations tool. In-house Judicial Council program developers, through code documentation and knowledge transfer sessions with the contract developer, are beginning to take on responsibilities for system enhancements and fixes as needed on an ongoing basis.

Court closures and restricted in-person services due to the COVID-19 pandemic have presented unprecedented opportunities to more fully realize the value of online systems like MyCitations, which provide users with options to handle their court matters remotely, minimizing person-to-person contact in addition to other conveniences. As we embark on the final stages of the pilot program, the Judicial Council will reach out to nonpilot courts interested in adopting the MyCitations tool to expand the online functions available to their communities, to help relieve the burdens faced by individuals for whom an easier online opportunity to determine their ability-to-pay fines and fees will be a significant improvement in their access to justice.