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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. CARIN T. FUJISAKI
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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Hon. Glenn Mondo
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MR. MARTIN HOSHINO
Administrative Director
Judicial Council

February 2, 2022

Ms. Cara L. Jenkins
Legislative Counsel
1021 O Street, Suite 3210
Sacramento, California 95814

Ms. Erika Contreras
Secretary of the Senate
State Capitol, Room 3044
Sacramento, California 95814

Ms. Sue Parker
Chief Clerk of the Assembly
State Capitol, Room 319
Sacramento, California 95814

Re: *Online Infraction Adjudication and Ability-to-Pay Determinations: Annual Legislative Report (February 2022),* as required under Assembly Bill 143 (Stats. 2021, ch. 79)

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

Pursuant to Government Code section 68645.5, the Judicial Council is submitting *Online Traffic Adjudication and Ability-to-Pay: Annual Legislative Report (February 2022)*.

If you have any questions related to this report, please contact Shelley Curran at 415-865-4013 or by email at shelley.curran@jud.ca.gov.

Sincerely,

Martin Hoshino
Administrative Director
Judicial Council

MH/SC/MW/sc
Enclosures
cc: Eric Dang, Counsel, Office of Senate President pro Tempore Toni G. Atkins
Alf Brandt, Senior Counsel, Office of Assembly Speaker Anthony Rendon
Shaun Naidu, Policy Consultant, Office of Assembly Speaker Anthony Rendon
Anita Lee, Principal Fiscal and Policy Analyst, Legislative Analyst's Office
Gabriel Petek, Legislative Analyst, Legislative Analyst's Office
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Margie Estrada, Chief Counsel, Senate Judiciary Committee
Mary Kennedy, Chief Counsel, Senate Public Safety Committee
Nora Brackbill, Consultant, Senate Budget and Fiscal Review Committee
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Report title: *Online Infraction Adjudication and Ability-to-Pay Determinations: Annual Legislative Report (February 2022)*

Statutory citation: Assembly Bill 143 (Stats. 2021, ch. 79)

Code section: Government Code section 68645.5

Date of report: February 2022

The Judicial Council has submitted a report to the Legislature in accordance with Assembly Bill 143 (Stats. 2021, ch. 79).

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

Through the passage of AB 143 (Stats. 2021, ch. 79), article 7 was added to chapter 2 of title 8 of the Government Code. This chapter directed the Judicial Council to administer the statewide implementation of online adjudication of infraction violations by June 30, 2024, and report on the multiyear phased implementation annually. The first report is due on or before February 1, 2022, and the final report is due by February 1, 2025.

The current report is the first report required by the above-mentioned legislation. This report:

- Documents previous pilot program activities and first-year implementation activities of the Judicial Council and the new courts;
- Provides data about usage of the *MyCitations* software; and
- Describes the next steps of on-boarding additional courts.

The full report can be accessed 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 Infraction Adjudication and Ability-to-Pay Determinations

ANNUAL LEGISLATIVE REPORT

FEBRUARY 2022

JUDICIAL COUNCIL OF CALIFORNIA
OPERATIONS AND PROGRAMS DIVISION
CRIMINAL JUSTICE SERVICES

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Executive Summary

This legislative report describes early planning activities completed in preparation for the statewide expansion of online ability-to-pay determinations as authorized by Assembly Bill 143 (Stats. 2021, ch. 79). It also provides data from the courts that have adopted the *MyCitations* tool to adjudicate eligible infractions as required by Government Code 68645.5 (art. 7 added by Stats. 2021, ch. 79, § 8). As of the writing of this report, seven courts have adopted *MyCitations* including the Superior Courts of Fresno, Monterey, San Francisco, Santa Clara, Shasta, Tulare, and Ventura Counties. Several additional courts in the planning and implementation stage but not yet live are not included in this report.

Since the launch of *MyCitations* through the end of the pilot project on June 30, 2021, over 25,000 ability-to-pay requests were submitted online by over 16,000 litigants across seven pilot courts. Nearly 50 percent of litigants reported that they receive public benefits, and just over 90 percent reported incomes at or below the poverty line.[1]

Of the 25,246 requests submitted, the total amount of fines and fees initially owed by litigants was $17,485,898, averaging $693 per request. After review by the courts, the total amount of fines and fees ordered through the tool was $9,154,800[2] and averaged $362 per request. These approvals account for a total of $8,331,098 in reduced fines and fees.

Preliminary analysis of requests adjudicated during the pilot program shows that during the period studied, 42 percent of court ordered debt was collected when a request was approved. By contrast, only 22 percent was collected when denied.

Background

Historically, individuals faced two options for addressing infractions: an individual could pay in full or appear in court. Although courts provide paper forms to allow litigants to request a reduction, including the plain language *Can't Afford to Pay Fine: Traffic and Other Infractions* (form TR-320) or petitions to vacate a civil assessment, those forms must be filed in court with a clerk and usually heard by a judge. Appearing in court poses a barrier to many because it may require taking time off work, securing childcare, or finding transportation.

During fiscal year (FY) 2019–20, 3,243,819 infraction cases (both traffic and nontraffic) cases were filed in California superior courts. Eighty percent of all criminal filings in California superior courts were infraction cases, and 93.7 percent of all infractions were traffic matters.[3]

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[1] Includes all *MyCitations* users at or below 250% of federal poverty line.

[2] The $9,154,800 amount includes approved and rejected requests. When data is limited to only those requests that were approved by the court for at least one of the request options (n=21,514), the total amount initially owed was $15,022,680 and the total new amount owed after reduction is $6,691,582, for an average of $311 per approved request.

[3] Judicial Council of Cal., *2021 Court Statistics Report: Statewide Caseload Trends, 2010–11 Through 2019–20,* p. 122, *https://www.courts.ca.gov/documents/2021-Court-Statistics-Report.pdf*.

The fines and fees imposed in these cases each year can reach total amounts that many Californians are unable to pay.

The Judicial Council began studying the impact of high fines and fees on low-income court users and options to minimize these impacts 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 five 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 various court case management systems (CMS). The resulting prototype provided users with the ability to search for their citation and make online requests for reductions in traffic fines and fees based on their ability to pay.

Building off these early achievements, the Budget Act of 2018 (Sen. Bill 847; Stats. 2018, ch. 29) included funding to the Judicial Council to officially designate a pilot program and expand the work to two additional courts in Fresno and Monterey.

This report reviews Judicial Council efforts from the beginning of the program through the end of FY 2020–21 when Assembly Bill 143 (Stats. 2021, ch. 79) was enacted. It provides data as required by Government Code section 68645.5, which includes infraction filings, demographic information about defendants using the online system, ability-to-pay requests made, and fines and fees reduced and collected. This report also includes a discussion of the early planning efforts made by the Judicial Council for statewide expansion by June 30, 2024.

MyCitations System Usage Summary

Data reported here comes from the online requests processed through the *MyCitations* tool in the Superior Courts of Fresno, Monterey, San Francisco, Santa Clara, Shasta, Tulare, and Ventura Counties. These pilot courts have remained invaluable partners in the development of the system from its initial prototype through the current release, and their work has laid the foundation for a successful statewide implementation

Prior to July 1, 2021, only traffic infractions were eligible for online adjudication, so the data reported includes only those case types. Moreover, prior to July 1, 2021, there was no requirement or mechanism to separately collect and report ability-to-pay determinations made in-person or on a paper form. Future reports will address both of those requirements.

Litigant Demographics

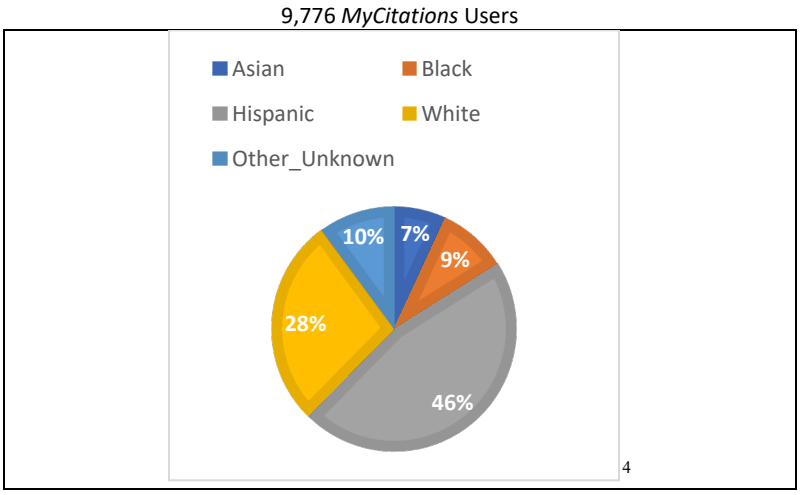
Many litigants with infraction debt have multiple citations. Also, litigants can submit multiple subsequent requests to the court for one citation anytime their financial circumstances change. The 25,246 requests received through the *MyCitations* tool include approximately 16,593 unique litigants (see table 1). At the time of their requests, 48 percent of those litigants reported receiving some type of public benefit and 91 percent reported incomes at or below 250 percent of the federal poverty level.

Table 1. *MyCitations* Users
Cumulative Data from April 2019–June 30, 2021

Number of requests	25,246
Number of litigants	16,593
Percentage of total litigants on public benefits	48%
Percentage of litigants at or below 250% of federal poverty line	91%

The *MyCitations* tool currently collects data on litigants' race and/or ethnicity from the information recorded by the officer issuing the citation. Not all citations include data in the race field, and some indicate "other" or "unknown." Also, the *MyCitations* system interface for Tulare and Shasta does not currently include race and/or ethnicity. As a result, racial demographics can be reported for 9,776 of the 16,593 litigants using the system. Figure 1 summarizes the results. In a software release scheduled for early 2022, the *MyCitations* tool will include an optional survey question that provides litigants the opportunity to self-report their race and/or ethnicity. This data will be included in future analysis and reporting.

Figure 1. *MyCitations* Users
Race Data as Reported on Citation



Additional demographic information about system users includes a citation holder's residential zip code. Currently, zip code information is also unavailable for the Shasta and Tulare courts. The top five most common residential zip codes for *MyCitations* users in the counties where the

[4] Asian includes: Asian, Asian or Pacific Islander, Cambodian, Chinese, Filipino, Indian, Japanese, Korean, Other Asian, Pacific Islander, Guamanian, Samoan, Vietnamese, Native Hawaiian or Other Pacific Islander, Hawaiian, or Asian Indian. Black includes: Black. Hispanic includes: Hispanic, Hispanic/Latin/Mexican. Other_Unknown includes: American Indian, Other, Multiracial, Unavailable, or Unknown. White includes: White.

courts are reporting are found in table 2 below. As expected, given that the *MyCitations* system's ability-to-pay request option is targeted to litigants with a financial hardship, the zip codes generally show higher than county-wide poverty rates identified in table 2.

Table 2. Top Five Most Common *MyCitations* User Zip Codes by County Cumulative Data from April 2019–June 30, 2021

Court	Zip Code	County Level Percentage of *MyCitations* Users	Zip Code Poverty Rate at 200% FPL[5]	County-Wide Poverty Rate at 200% FPL
Fresno	93722	8.1%	41.9%	45%
	93727	6.9%	40.7%	
	93702	5%	74.1%	
	93706	4.3%	69.0%	
	93657	3.7%	42.7%	
Monterey	93906	16.1%	34.2%	37%
	93955	8.1%	34.2%	
	93905	6.8%	54.2%	
	93901	5%	36.1%	
	93933	3.7%	36.1%	
San Francisco	94124	5.7%	36%	17%
	94112	4.2%	22%	
	94110	2.9%	21.1%	
	94134	2.8%	27.5%	
	94122	2.7%	15.5%	
Santa Clara	95020	4.9%	24%	22%
	95127	4.1%	25.1%	
	95122	3.6%	32%	
	95111	3.3%	32.4%	
	95123	3.3%	13.3%	
Ventura	93033	10.3%	47.7%	24%
	93030	8.4%	38.2%	
	93003	5.3%	23.5%	
	93036	4.8%	31.7%	
	93065	3.8%	15.7%	

[5] United States Census Bureau, American Community Survey–S1701, *Poverty Status in the Past 12 Months* (2019: ACS 5-Year Estimates Subject Tables), https://data.census.gov/cedsci/table?t=Poverty&g=0400000US06%248600000&tid=ACSST5Y2019.S1701.

Requests and Reductions

Data from the *MyCitations* system provides insight into the requests being made and how the tool is working to adjust fines and fees owed by litigants (see table 3). As of June 30, 2021, a total of 25,246 requests had been submitted to the *MyCitations* system by 16,593 litigants across seven counties. Of the 25,246 requests submitted, the total amount of fines and fees initially owed by litigants was $17,485,898, averaging $693 per request. After review by the courts, the total amount of fines and fees ordered through the tool was $9,154,800 and averaged $362 per request. These approvals account for a total of $8,331,098 in reduced fines and fees.

Courts can adjust the administrative settings in the *MyCitations* tool to recommend reductions of 50% or greater. The average reduction recommended by the tool across all participating courts is 61 percent and the average reduction ordered is 59 percent.[6] While the *MyCitations* system's calculator offers an initial recommendation for all requests based on the administrative settings selected by each court, judicial officers retain the discretion to accept or adjust the recommendation based on the facts of the case. Overall, 84 percent of the 25,246 requests were approved by the courts for a reduction. When approving a request for a reduction, judicial officers accepted the tool recommendation, within a $10 difference, 96 percent of the time.[7]

Litigants using *MyCitations* are by default requesting a reduction in the fines and fees owed. Those also interested in a payment plan, more time to pay, or community service can select that option when using the tool. Eighty-five percent of the requests were approved for at least one of these four judgements; 15 percent were rejected.

When a litigant is eligible for a reduction and requests a payment plan, the *MyCitations* tool recommends a $25 monthly payment. Of 13,948 approved requests where the litigant asked for a payment plan, data indicates that 10,735 payment plans were ordered. Payment plans are not always approved using the payment plan function of the *MyCitations* tool. In a number of cases that do not show as "approved" in the data, instructions for requesting a payment plan appear on the order as a comment provided by the court.

[6] Calculations based on data captured between July 1, 2020, and June 30, 2021, where there is a recommendation recorded, and the court has approved the request for a reduction.

Table 3. *MyCitations* Requests
Cumulative Data from April 2019–June 30, 2021

Fines and Fees Owed and Reduced	
Number of requests	25,246
Total amount of fines and fees initially owed	$17,485,898
Total amount of fines and fees ordered by the court through the *MyCitations* tool[8]	$9,154,800
Number of approved requests [9]	21,514
Number of requests where reduction was approved	21,171
Percentage of total requests where reduction was approved	84%
Total amount of adjusted fines and fees recommended by *MyCitations* tool[10]	$4,505,913
Rate of court acceptance (within a $10 difference) of the amount recommended by *MyCitations*	96%
Number of approved requests where litigant asked for a payment plan	13,948
Number of approved requests where court ordered a payment plan through the *MyCitations* tool[11]	10,735

Amounts Collected After Ability-to-Pay Determination

As an effort to better understand payment after an ability-to-pay determination, the data reported by the *MyCitations* tool was analyzed alongside court collections records from each pilot court. Collections records are not included in the data collected by the *MyCitations* program and were provided by the participating courts for all *MyCitations*/ability-to-pay cases adjudicated during the pilot period. In combination, these records allow the Judicial Council to compare the amount ordered through the *MyCitations* tool to the amount collected after an ability-to-pay determination is completed.

[8] Total amount ordered is from all approved and denied requests; this is the final order amount after a request has been considered by the court.

[9] Request may be approved for multiple changes to the original order. All *MyCitations* users are using the tool to request a reduction; however, each user may be approved for any one or combination of the following: reduction, payment plan, more time to pay and/or community service. This number reflects that at least one of those options was approved by the court.

[10] Adjusted fines and fees recommended by the tool are reported for only those requests submitted between July 1, 2020, and June 30, 2021, where a recommendation is captured in the system, and the court has approved the request for reduction. While the *MyCitations* system has always presented the clerk and judicial officer with the correct recommendation for reduction, that recommendation was not being stored in the database until a fix was completed on July 1, 2020.

[11] While reviewing requests, courts may not be approving payment plans through the tool, but still explaining how to sign up for a payment plan in the final order.

To produce an accurate assessment of amounts collected, records provided by courts and collections partners were matched with *MyCitations* data by case number. The cases analyzed were limited to those for which a judgement was made by June 30, 2021. Courts submitted collections data to the Judicial Council between August and October 2021. Collections data reflects the balance and amount paid at the time repayment reports were received from the court. Many litigants are still paying off their debt and have made additional payments since this data was collected. Cases with multiple requests were consolidated to reflect the original amount due and the most recent reduction ordered by a court. Further, cases approved for community service were excluded from this analysis as "payments" since these cases are tracked in hours, not dollars. Upon consolidation and cleaning, a total of 21,724 cases were analyzed for amounts collected. Tables 4 and 5 summarize the findings.

Table 4. Amounts Collected from Approved Cases

Total Cases	19,245
Total Original Amount Due	$13,371,583.40
Total Reduced Amount	$6,135,515.30
Total Collected After Order	$2,591,898.00
Percent Collected After Order	42%

Table 5. Amounts Collected from Rejected Cases

Total Cases	2,479
Total Original Amount Due	$1,693,001.60
Total Collected After Order	$374,239.10
Percent Collected After Order	22%

This preliminary analysis of *MyCitations* requests adjudicated during the pilot program shows that during the period studied, 42 percent of court-ordered debt was collected when a request was approved. By contrast, only 22 percent was collected when denied. The Judicial Council will continue efforts to analyze this data to better understand the efficacy of the *MyCitations* program and identify opportunities to improve outcomes. Future analysis will include demographic, county-level, and time-series analyses to measure the different factors that affect amounts collected.

Next Steps

Assembly Bill 143 (Stats. 2021, ch. 79) requires full statewide expansion of the *MyCitations* tool so that litigants statewide can request an ability-to-pay determination online by June 30, 2024, regardless of which county issued their citation. While planning system adoption in a series of courts, the Judicial Council will also be working to continually enhance the tool's ease of use.

System Enhancements

Originally designed in partnership with an outside vendor, the Judicial Council migrated all *MyCitations* code inherited to new code in a Judicial Council–hosted environment in 2021. This migration allows the council to improve the performance and scalability of the *MyCitations* system through enhancements made by Judicial Council developers as necessary.

The Judicial Council and courts meet monthly to provide regular feedback and recommend specific improvements to the *MyCitations* tool. Fixes and enhancements are discussed, logged, presented, and then scheduled for the appropriate software release when approved. Key product enhancements completed by Judicial Council developers so far include new options for sorting the courts' queue of requests, and a final review screen for litigants to verify their information before submission.

Additional improvements were made to confirm submission for the litigant and minimize duplicate requests to the court. When courts reported instances of multiple requests from litigants on the same day, developers enhanced the system to provide litigants a confirmation email upon submission and a new on-screen message if they attempt another submission in the same day. Judicial Council developers also added the option for litigants to enter a cell phone number if they wish to receive text reminders about payments due. As courts and data analysts identify issues, the council will continue to develop solutions.

Future MyCitations Features

In partnership with the California Department of Social Services (CDSS), the Judicial Council is developing a new interface to the *CalFresh Confirm* tool that will allow a litigant to confirm their benefit status directly with CDSS. The *MyCitations* system currently asks the litigant if they receive any public benefits; it includes an option to upload proof of benefits for court consideration. Those litigants that do not have documents handy may appreciate the convenience of confirming their CalFresh benefits status by sharing results from a CDSS database check. This option will allow the litigant using the *MyCitations* tool to access a CalFresh beneficiary database to search by name. The results of the search will provide the litigant with a "confirmed" or "cannot confirm at this time" verification. The litigant can then decide if they want to share the result with the court. As with any proof of benefits, the check is not required but offered as an option litigants can provide the court to consider their financial hardship.

The Judicial Council will expand the traffic court functions available under the *MyCitations* platform to provide litigants with more options to do business with the courts remotely. Development is completed on "online trial by declaration," which allows the litigant to submit a written statement and upload evidence on an eligible infraction case through *MyCitations*. The online trial by declaration portal is currently being deployed in Santa Clara, and is set to begin next in Fresno and San Francisco.

Statewide Expansion

System expansion plans began in the fall of 2021 with (1) hiring four new limited-term project managers, (2) refining the ability-to-pay Onboarding Guide for the courts (including training guides and other relevant documentation), (3) developing Statewide Expansion Rollout SharePoint sites, and (4) assigning courts to cohorts for implementation beginning in January 2022. The Judicial Council is currently working with CMS vendors, including Journal Technology and Tyler Technologies, along with the pilot courts and finance staff to plan funding backfill reporting methodologies as provided for in the 2021–22 Budget Bill.

The Judicial Council is planning a staggered statewide rollout based on court size and case management system. Roughly 10 courts will go-live with the tool every six months. As of the writing of this report, four courts are beginning implementation activities including the Superior Courts of Humboldt, Imperial, Modoc, and Placer Counties. Santa Cruz is slated for go-live on January 18, 2022. It is expected that by June 30, 2024, all 58 California superior courts will have the *MyCitations* tool accessible online.