



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688
www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on: September 21, 2018

Title	Agenda Item Type
Traffic: Expansion of Online Traffic Adjudication Pilot Project	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
N/A	September 21, 2018
Recommended by	Date of Report
Judicial Council staff	August 30, 2018
Robert Oyung Chief Operating Officer	Contact Martha Wright, 415-865-7649 martha.wright@jud.ca.gov
Shelley Curran Director, Criminal Justice Services	

Executive Summary

The Budget Act of 2018 appropriated \$3.4 million in new operational funding and \$1.3 million in ongoing funds to support and expand on the Judicial Council's partnership with five superior courts initially funded by a U.S. Department of Justice grant to enhance processes for ability-to-pay determinations for traffic infraction fines and fees and adjudicating cases online. The act authorizes the Judicial Council to select at least eight courts to expand the Online Traffic Adjudication Pilot Project and further test and develop ability-to-pay and other online adjudication functions. Judicial Council staff request the council's approval of the proposed court selection timeline and selection criteria for adding three to four additional courts to join the five already involved in the pilot.

Recommendation

Judicial Council staff recommend that the council, effective September 21, 2018:

1. Approve the proposed pilot court selection timeline; and
2. Approve the recommendation establishing a process to select three to four courts to add to the existing five currently partnering with the Judicial Council.

The expanded pilot spans July 1, 2018, through June 30, 2022.

Relevant Previous Council Action

No previous Judicial Council action.

Analysis/Rationale

The 2018–19 state budget establishes a pilot program to expand on a Judicial Council partnership with five superior courts initially funded by a U.S. Department of Justice “Price of Justice” grant.¹ The original grant-funded project seeks to enhance processes for ability-to-pay determinations for traffic infraction fines and fees in partnership with five pilot courts (the Superior Courts of San Francisco, Santa Clara, Shasta, Tulare, and Ventura Counties).

Senate Bill 847 (Stats. 2018, ch. 45) added chapter 1.5, Pilot Program for Online Adjudication of Infraction Violations, to division 17 of the Vehicle Code effective June 27, 2018. The statute states that “[t]he Judicial Council shall seek to select at least eight courts that are willing to participate in the program.”²

Pilot court selection process

SB 847 provides guidance on achieving a diverse sample when selecting pilot courts, and states that “the Judicial Council shall consider geography and court size when making the selection. At least one county shall have a population of between 500,000 people and 1 million people, and at least one county shall have a population of more than 1 million people.”³ The five courts in the first phase of the pilot already achieve this geographical and court size representation.

The Superior Courts of San Francisco and Ventura Counties have populations between 500,000 and 1 million people, the Superior Court of Santa Clara County has a population of more than 1 million people, and the Superior Courts of Shasta and Tulare Counties have populations under 500,000 people.

In the selection process for additional pilot courts, Judicial Council staff will consider several additional factors to retain diversity and provide for the greatest impact in California. As a pilot

¹ “The Price of Justice: Rethinking the Consequences of Justice Fines and Fees,” a grant program of the Department of Justice, Bureau of Justice Assistance.

² Veh. Code, § 40280.

³ Veh. Code, § 40281.

project intended to inform policy decisions after completion of the pilot, a variety of details related to court technology are also relevant to court selection.

Factors that Judicial Council staff will evaluate include:

- **Case management systems.** Courts selected for the expansion phase of the pilot should utilize one of the case management systems in place in the initial five courts. This will allow project staff to fully leverage the software interface developed in the early phase of the project and test expansion to courts with similar systems.
- **Traffic infractions filed.** Judicial Council staff will review the number of traffic infractions filed in proportion to the overall county size to determine specific areas within the state with a higher concentration of traffic cases.
- **Percentage of low-income individuals.** A key component of the pilot is the online ability-to-pay determination function, and the pilot seeks to include courts with a high concentration of individuals who might be eligible for assistance.
- **Existing infrastructure for data collection and reporting.** Courts must have the ability to provide access to data on traffic infraction case details, ability-to-pay determinations, and associated fines and fees before online implementation and throughout the project. To assess the impact of the tool as a new online option, Judicial Council staff will need to compare online ability-to-pay determinations and traffic case processing against existing paper and courtroom versions, as well as have access to a court’s collections agency contact to track system users’ adherence to payment plans.

Selection timeline

June 27, 2018	General solicitation sent to all presiding judges and court executive officers
July 11, 2018	Responses due from courts by July 11, 2018. (A total of seven courts expressed interest.)
July–August 2018	Judicial Council staff gather information on interested courts
September 20–21, 2018	Judicial Council reviews and approves process
October–November 2018	Judicial Council staff continue to evaluate courts to recommend to the council.
November 29–30, 2018	Judicial Council reviews and approves selected pilot courts
December 2018	Selected pilot courts notified

Policy implications

Lessons learned from the traffic pilot may be used to inform future policy decisions related to expanding this program. Dependent on the outcomes of the pilot program, the use of ability-to-pay determinations for traffic infraction fines and/or adjudicating traffic cases online may be pursued on a statewide level.

Comments

This proposal was not circulated for public comment.

Alternatives considered

SB 847 allows for Judicial Council staff to select 8 or more pilot courts. Judicial Council staff could approve the participation of all 7 interested court volunteers for a total of 12 participating courts, but declined to do so because resources to support the project would be limited.

Fiscal and Operational Impacts

The Budget Act of 2018 appropriated \$3.4 million in new operational funding and \$1.3 million in ongoing funds to support the Online Traffic Adjudication Project. Judicial Council staff estimate this funding will fully cover project costs for the Judicial Council and courts involved. Specifically, the funding includes allocations for Judicial Council staff positions responsible for all aspects of software hosting, maintenance, enhancements, updates, and deployment to interested courts; contracting with software developers to design and build new system functions and features; and for the courts to hire technical staff or pay case management system vendors to interface with the new software to directly update court records.

Because the Judicial Council will host and maintain the software, the courts will be provided the software for free. Other than the court staff time of designated system administrators accessing the system to approve users, adjust settings, and monitor case management system interfaces, there should be no additional local resources required.

While courts may experience an initial workload impact as they learn to use the new system and adjust traditional traffic infraction workflow to shift to an online process, ultimately the new system is intended to save time. By providing a means to handle some traffic cases online without requiring an appearance, courtroom hearing case volume could decrease.

Attachments and Links

1. Link A: Senate Bill 847 (Stats. 2018, ch. 45),
http://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB847