



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on November 30, 2018

Title

Traffic: Selection of Online Traffic
Adjudication Pilot Project Expansion Courts

Rules, Forms, Standards, or Statutes Affected

None

Recommended by

Judicial Council staff

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Agenda Item Type

Action Required

Effective Date

November 30, 2018

Date of Report

October 26, 2018

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Executive Summary

The Budget Act of 2018–19 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 to adjudicate these 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, adding three additional courts to join the five already involved in the pilot.

Recommendation

Judicial Council staff recommend that the Judicial Council, effective November 30, 2018:

1. Approve the proposed pilot court additions of the Superior Courts of Fresno, El Dorado, and Monterey Counties, establishing the selection of these courts as pilot courts, along with the existing five pilot courts currently partnering with the Judicial Council.

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

Relevant Previous Council Action

The Judicial Council approved the expanded pilot court selection criteria at the September 21, 2018 meeting.

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 The Senate bill also outlines expansion of an online system from an ability-to-pay determination process focused software tool to one that also handles additional functions including requesting a hearing date or an online trial by written declaration.

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.

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.

In the selection process for additional pilot courts, Judicial Council staff considered several additional factors to retain diversity and provide for the greatest impact in California. Because the project will 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 evaluated include:

- **Case management systems.** Courts selected for the expansion phase of the pilot utilize one of the case management systems in place in the initial five sites. This allows 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 reviewed 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 may 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.

In total, seven courts (the Superior Courts of El Dorado, Fresno, Imperial, Merced, Monterey, San Joaquin, and Santa Barbara Counties) expressed interest in participating as a pilot court in the expanded phase of the project. These courts were assessed based on the above-stated criteria. This included reviewing the current number of ability-to-pay determinations that courts are already conducting, as well as the court's ability to track the number of cases that go through collections.

Of the seven applicant pilot courts, four courts—Fresno, Monterey, El Dorado, and Santa Barbara—were able to provide Judicial Council staff with all information requested about current ability-to-pay processes, including the number and frequency of in-court, ability-to-pay determinations and the number of cases gone to collections, and were thus further considered. (See Table A.)

Table A: Expanded Pilot Courts Considered

| <i>Court</i> | <i>Population</i> | <i>Traffic Infraction Filings</i> | <i>Poverty Rate</i> | <i>Ability-to-Pay Determinations</i> | <i>Cases to Collections</i> | <i>CMS Vendor</i> |
|---------------|-------------------|-----------------------------------|---------------------|--------------------------------------|-----------------------------|-------------------|
| Fresno | 964,040 | 77,689 | 25.5% | 683 | 8,594 | Tyler Odyssey |
| El Dorado | 182,404 | 11,468 | 8.7% | 59 | 553 | Thomson-Reuters |
| Monterey | 425,756 | 34,714 | 12.9% | 242 | 4,938 | Tyler Odyssey |
| Santa Barbara | 433,398 | 52,005 | 13.9% | 251 | 8,520 | Tyler Odyssey |
| San Joaquin | 710,731 | 63,691 | 14.6% | * | 5,188 | JSI FullCourt |
| Merced | 264,922 | 24,842 | 20.3% | * | * | Tyler Odyssey |
| Imperial | 180,672 | 53,201 | 23.6% | * | * | eCourt |

* Information not provided by the court

Considering both demographic information (population, poverty rate), given information from pilot courts (traffic infraction filings, ability-to-pay determinations, and cases to collection), and taking into account communications with court staff, as well as communication with Judicial Council staff that work closely with these jurisdictions in data collection efforts, the following courts are recommended to the Judicial Council for selection as pilot courts in the expansion phase of the project:

- 1. Fresno.** Fresno County has a large population and one of the highest poverty rates in the state. Fresno County courts reported a relatively high number of traffic infraction filings per capita (roughly 12% of the population), as well as a large number of existing ability-to-pay determinations and a large number of cases gone to collections (8,594).
- 2. El Dorado.** Though El Dorado County is small in population with a relatively low poverty rate, the county has a relatively high proportion of traffic infraction filings for the population size (roughly 16% of the population) and tracks ability-to-pay determinations and collections processes closely. In addition to a well-developed infrastructure for data collection and reporting, El Dorado courts utilize Thomson-Reuters for case management, allowing the project to build on its existing work with San Francisco.
- 3. Monterey.** Monterey County courts possess a clear ability to provide access to data on traffic infraction case details, ability-to-pay determinations, and associated fines and fees, and has been partnering with Los Angeles County courts on their promising data access

portal. The Superior Court of Monterey County has the technical and development resourcing to effectively implement the pilot project.

Selection timeline

| | |
|-----------------------|---|
| June 27, 2018 | General solicitation sent to all presiding judges and court executive officers. |
| July 11, 2018 | Responses due from courts by June 27, 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. Depending 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

Public comment was not solicited for selecting pilot participants.

Alternatives considered

SB 847 allows for Judicial Council staff to select eight or more pilot courts. Judicial Council staff could approve the addition of more than three interested courts. However, with additional participants, resources to support the project would be limited and successful implementation potentially jeopardized.

Fiscal and Operational Impacts

The Budget Act of 2018–19 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.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB847