



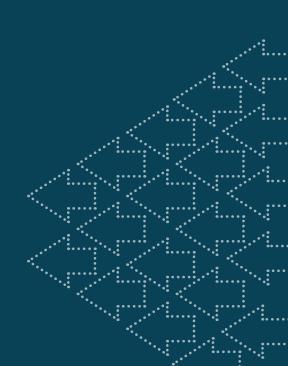
Reducing Fines and Fees for Low-Income Drivers

Improving California's Online Ability-to-Pay System

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The findings and views expressed in this brief are the authors' alone and do not necessarily reflect the views of the funder or other project partners.

About ideas42



We are a non-profit looking for deep insights into human behavior—why people do what they do—and using that knowledge in ways that help improve lives, build better systems, and drive social change. Working globally, we reinvent the practices of institutions, and create better products and policies that can be scaled for maximum impact.

We also teach others, ultimately striving to generate lasting social impact and create a future where the universal application of behavioral science powers a world with optimal health, equitable wealth, and environments and systems that are sustainable and just for all.

For more than a decade, we have been at the forefront of applying behavioral science in the real world. And as we've developed our expertise, we've helped to define an entire field. Our efforts have so far extended to 40 countries as we've partnered with governments, foundations, NGOs, private enterprises, and a wide array of public institutions—in short, anyone who wants to make a positive difference in people's lives.

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In California, as in other states, high levels of fines and fees imposed by traffic courts disproportionately penalize low-income drivers, saddling them with debt that they cannot afford to pay. To address this inequity, the Judicial Council of California is piloting MyCitations, an online system that allows drivers to request a reduced fine or alternative penalty without having to go to court. In anticipation of a potential statewide expansion, we conducted research to understand the barriers low-income drivers face when using the MyCitations system, and develop behaviorally-informed court materials and recommendations to ensure the system becomes a source of relief for low-income drivers throughout California.

Context and Challenge

Each year thousands of drivers are issued traffic tickets they cannot afford to pay. The situation in California has become especially dramatic as the fines and fees imposed with traffic citations have increased. The astronomical debt Californians owe-\$8.6 billion in delinquent court debt as of 20201-imposes disproportionate (and potentially disastrous) consequences on lowincome residents: they may face additional fees and lose out on their ability to drive because of a suspended driver license. Though California eliminated driver license suspension for failure to pay, licenses can still be suspended for failure to respond or "appear" for a traffic citation, limiting people's ability to meet work obligations and access basic needs like groceries, healthcare, and childcare.² In addition to the financial consequences, persistent court debt exacerbates stress and existing health issues experienced by those with low incomes, and strains ties with family and friends who become a source of financial or emotional support.³

These impacts are especially felt by drivers of color in the state, who are both more likely to be low-income and, due to racial profiling in policing, more likely to be given traffic citations than white drivers.4 Recent analysis in San Francisco found that Black Americans were overrepresented by 7.8 times among people arrested for driving on a suspended license, of which the most common reason is failure to appear in court for or failure to pay the fine on a traffic citation.⁵

¹ Judicial Council of California, (2020). Report on the Statewide Collection of Court-Ordered Debt for 2019–20. https://www.courts.ca.gov/documents/lr-2020-JC-statewide-court-ordered-debt-2019-20-pc1463_010c.pdf

² New York Law School Racial Justice Project. (2020) Driving while Black and Latinx: Stops, Fines and Fees, and Unjust Debts. https://digitalcommons.nyls.edu/racial_justice_project/8/

³ Alexes Harris, Beth Huebner, Karin Martin, Mary Pattillo, Becky Pettit, Sarah Shannon, Bryan Sykes, and Chris Uggen. (2107). United States Systems of Justice, Poverty and the Consequences of Non-Payment of Monetary Sanctions: Interviews from California, Georgia, Illinois, Minnesota, Missouri, Texas, New York, and Washington. Laura and John Arnold Foundation. http://www.monetarysanctions.org/ wp-content/uploads/2018/01/Monetary-Sanctions-2nd-Year-Report.pdf

⁴ East Bay Community Law Center. (2016). Stopped, Fined, Arrested: Racial Bias in Policing and Traffic Court in California. http://ebclc.org/wp-content/uploads/2016/04/Stopped_Fined_Arrested_BOTRCA.pdf

⁵ Ibid.

In addition to the harm caused to people, fines and fees are an ineffective way for jurisdictions to raise revenue, as the collections process is expensive and a large portion of imposed debt is never recovered.⁶

In an attempt to impose fines and fees more equitably and provide relief to low-income drivers, California is working to expand its ability-to-pay system for traffic court. Under the existing system, drivers who receive a traffic ticket can submit a petition to the court explaining their financial situation. The petition can either request that the court reduce their fine to a more affordable level or allow a payment alternative like community service. These petitions must be filed in person or by mail, requiring that someone physically show up in court or print the required form and mail it in. These steps can come with hidden costs, like losing time at work, securing childcare, finding transportation, or getting access to a printer, that behavioral science tells us can create significant barriers for people, even more so for those with low incomes.

To address excessive fines and fees and increase access to traffic court, the Judicial Council of California created the MyCitations system, which allows drivers to submit ability-to-pay petitions online. To use MyCitations, drivers visit the MyCitations website and provide the information needed to make a petition. A judge then makes a decision on the petition and the result, an adjusted court order showing an updated amount due or order for community service, is emailed back to the driver.

Since its implementation, MyCitations has made a significant dent in fines and fees owed by low-income drivers. Approved ability-to-pay petition requests have reduced the amount owed by over \$300 per infraction, saving low-income drivers over \$7 million to date.

While the response to MyCitations among users has been largely positive, barriers both to awareness and access remain. Crucially, the system has not shown the hoped-for impact on payment rates: in the pilot's first year, a preliminary survey in three courts showed approximately one-third of all applicants did not make any payment toward their reduced fines. Among the two-thirds who did make payments, roughly 50% or less did not complete full payment.

To strengthen the MyCitations system as a source of meaningful relief for Californians charged with excessive court debt, we partnered with the Judicial Council of California and the county traffic courts⁷ piloting the MyCitations system to understand and address the barriers that may prevent low-income Californians from accessing and using the system and resolving their infraction after an adjustment has been provided.

⁶ Matthew Menendez, Michael F. Crowley, Lauren-Brooke Eisen, Noah Atchison. (2019) The Steep Costs of Criminal Justice Fines and Fees: A Fiscal Analysis of Three States and Ten Counties. Brennan Center for Justice. https://www.brennancenter.org/sites/default/files/2019-11/2019_10_Fees&Fines_Final5.pdf

⁷ Currently, the county courts piloting MyCitations are Tulare, Shasta, Ventura, San Francisco, Santa Clara, Fresno, and Monterey.



Understanding Barriers to MyCitations Use

To identify ways to improve the MyCitations system, we mapped the journey drivers go through from the time they receive their citation through payment of the adjusted court order; evaluated data on MyCitations use to find drop-off points; and analyzed all the materials used to communicate with drivers throughout the process, including the MyCitations site itself. We interviewed drivers who had received citations and traffic court staff to understand what barriers low-income Californians face in resolving their traffic citations. We further interviewed traffic court staff to learn about challenges in implementing the MyCitations system. Individuals representing other key stakeholders in the effort to eliminate excessive fines and fees—such as the Fines and Fees Justice Center, San Francisco's Financial Justice Project, Legal Services of Northern California, and the Lawyers' Committee for Civil Rights of the San Francisco Bay Area—also provided important insights.

After system data showed that people were generally able to finish an ability-to-pay application in one sitting, and interviewees revealed that the system was easy to use, we focused on diagnosing barriers to two key actions: learning about the MyCitations system and resolving the citation after receiving an adjusted court order.



Barriers to Learning About the MyCitations System

Clear information about MyCitations is not easily available when the driver wants to take action on their ticket. Mailed notices from the court are easy to overlook or simply do not reach drivers without a current fixed address on file. MyCitations is sometimes mentioned in these notifications, but its benefits are often unclear or it's buried below other information, which can leave low-income drivers thinking that the



[The letter] had two options: pay the \$260, or if I wanted to I could pay a little more and go to traffic school if I didn't want a strike on my record."

court will not help them, or that they must go to court to find out about options.

Drivers' expectations about engaging with the court may steer them away from noticing or **using MyCitations.** Many drivers may believe they need to go to court for a solution to an unaffordable fine and do not look for other options in the notifications they receive. Additionally, based on



I thought I had to pay [the full fine] and go to a hearing to see if there was something I could do about it."

previous experiences they've had or heard about from others, drivers may not expect the court to help them and therefore may not look for options like MyCitations.

Drivers may put off acting or forget about their citation until they miss crucial deadlines. Drivers may procrastinate because they expect it will be arduous or unpleasant to resolve their fine. We also frequently heard that drivers delayed acting on their ticket because of cash flow challenges—they needed to pay an immediate debt and then wait until payday

I was waiting until the last minute because there are always other things that I need to pay. I knew I had to pay, but it wasn't a priority yet...delaying one bill to pay to another."

or a benefits payment to have the funds to make a payment on their fine, for instance. Needing to coordinate payment on multiple obligations puts drivers at greater risk for running out of time before their citation due date or not attending to their citation amid other urgent financial challenges.

Barriers to Resolving the Citation

These barriers depended on the kind of adjustment a person was given and were especially significant among those with greater financial hardship:

The adjusted fine may still cause financial hardship, especially when additional fees like fees to set up a payment plan—are added. "

Right now I have to decide between paying the citation or getting toilet paper."

Drivers may still need to prioritize providing necessities for themselves or their families over paying for their traffic citation. While many drivers interviewed felt that the adjustment they received was affordable, only one of eight drivers on a payment plan said that the traffic court debt wasn't causing additional financial hardship.

- If drivers do receive an adjustment they can't afford, there are barriers to them working out a solution with the court. Drivers may not try to pursue other options with the court because the way forward is ambiguous or hassle-filled. After asking the court for relief and receiving an unaffordable adjustment, drivers may also feel that the court has not shown empathy or flexibility. As a result, they may
- not pay their fines and fees. Finally, drivers who cannot afford to pay outright and
- find themselves on a payment plan that can stretch over many months or even years may lose the motivation to pay because the fine still seems impossible to afford or never-ending. Throughout the process, the cognitive burdens caused by the

They're getting people who can't afford it...I haven't contacted [the court] because I don't have the money to pay them. I don't think I should get to drive my car around unregistered...but I don't think that not being able to afford it should make me

"

"

punished more."

You can come up with payment for a couple of months, but you're not going to be able to keep doing it."

day-to-day stresses and challenges of living with financial hardship make it difficult to focus on making consistent payments, especially when drivers do not receive clear or actionable statements or reminders from the court.

Designing Solutions

To address these barriers and help users resolve their infraction using MyCitations, we redesigned the primary communications that courts send drivers with traffic tickets and introduced new materials to fill gaps.



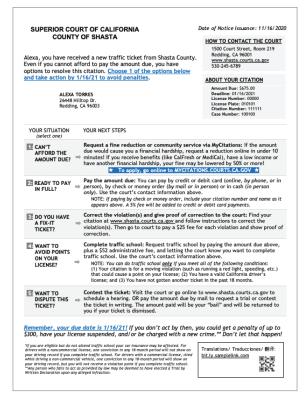
Helping Drivers Learn About MyCitations

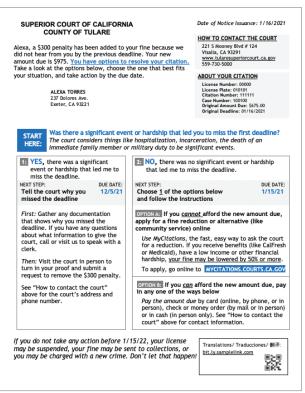
Redesigned Court Notices: To promote MyCitations as a beneficial option for low-income drivers, we redesigned two mailed communications:

- The courtesy notice (Figure 1) that courts mail to all drivers who have received a citation.
- The notice of civil assessment (Figure 1) that informs drivers who do not take action on their citation by the original deadline that a penalty fee has been added to their fine.

For each notice, we made MyCitations the most attention-grabbing option, highlighting its benefits for low-income drivers while making all options clearer and easier to navigate. We created a new envelope for both notices to grab attention and encourage recipients to open the mailing.

Figure 1: Redesigned Courtesy Notice & Notice of Civil Assessment





MyCitations Handout: To supplement the official notice, we designed a new handout promoting MyCitations (Figure 2) that could be given out by law enforcement at the time of the citation. The handout includes aspects of MyCitations that interviewees told us were most attractive—quick to complete, saves a trip to court, and makes payments more affordable—as well as a planning prompt to encourage recipients to use the system once their citation is filed.

Figure 2: Redesigned MyCitations Handout

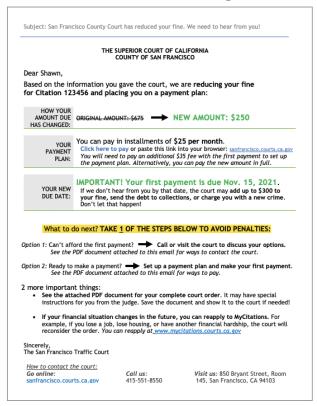




Encouraging Drivers to Follow Through on Their Adjusted Court Order

Redesigned Adjusted Court Order: We redesigned the adjusted court order (Figure 3) that informs drivers about the reduced amount they now owe. The updated order creates a positive contrast between the new amount owed and the original amount, and makes it easy for the recipient to find the next step that is appropriate for them.

Figure 3: Redesigned Adjusted Court Order

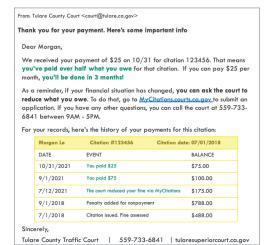




Text Message Reminder and Thank-You Email: We created a text message reminder notice to encourage drivers to make timely payments (Figure 4). We also created a "thank-you" email confirmation and statement that helps drivers on payment plans focus on the progress they have made in resolving their debt and maintain momentum to continue making payments.

Friendly reminder from Ventura Court.
Your \$25 payment for ticket 123456 is
due. Pay by 10/31 to avoid extra fees:
https://goo.gl/x3404jx. Call 805639-5010 for help. If your financial
situation has changed, you can reapply
at MyCitations.courts.ca.gov. Reply
STOP to opt out.

Figure 4: Text Message Reminder and Thank-You Email



For more detail on these solutions, please see the Design Appendix at the end of this brief.

Recommendations to Improve MyCitations

We recommended changes to the way the ability-to-pay system works to ensure that traffic fines and fees do not become an overwhelming or ongoing burden for those who are experiencing financial hardship. Many of these recommendations come from the Fines and Fees Justice Center (FFJC), which names concrete policy changes that jurisdictions in any state can adopt to ensure that fines and fees do not unfairly punish people experiencing financial hardship.

- Offer a small but meaningful automatic reduction just for using MyCitations by the citation due date. This would build drivers' trust that the court will work with them and incentivize the use of the system.
- Provide new forgiveness options, such as setting clear criteria under which individuals would have the entire amount owed waived—for example, if a person experienced homelessness within the past 12 months or earns less than 100% of HUD's "very low" individual income limit for public housing; forgiving remaining debt after a driver makes 12 payments in 15 months; and placing caps on the amount a driver is required to pay monthly (\$10 or 2% of monthly income, whichever is greater).
- Reduce or remove the fee to set up a payment plan.10

⁸ Department of Housing and Urban Development (HUD) income limits can be found here: https://www.huduser.gov/portal/datasets/il.html#2020_query

⁹ Fines and Fees Justice Center. (2020). First Steps Toward More Equitable Fines and Fees Practices: Policy Guidance on Ability-to-Pay Assessments, Payment Plans, and Community Service. https://finesandfeesjusticecenter.org/content/uploads/2020/11/FFJC_Policy_Guidance_Ability_to_Pay_Payment_Plan_Community_Service_Final_2.pdf

¹⁰ Fines and Fees Justice Center, 2020.

Integrating these changes into the system and incorporating behavioral design into key materials is an important step forward in making MyCitations an effective lever for fines and fees reform. But ongoing testing is needed to ensure that the process is accessible and useful for drivers representing the full diversity of California residents. Given the challenge of conducting remote interviews during the pandemic, we were only able to interview English-speaking drivers who had used the MyCitations system. More work needs to be done to ensure all drivers can apply for and benefit from an ability-to-pay determination, especially those who communicate in languages other than English or Spanish; who do not have a reliable mailing address; who face challenges to using an internet-based system; or who have other access barriers.



The Judicial Council and select county traffic courts plan to pilot the new and redesigned communications to increase the number of people using MyCitations and help more people resolve their citations. The Judicial Council will consider making the redesigned notices models for all traffic courts within the state. This process will move forward based on upcoming decisions by the California state legislature regarding aspects like which fees and penalties can be used, payment plan terms, and others.

Meanwhile, the Judicial Council has begun incorporating insights from our research into changes to improve the MyCitations website design, and new courts are continuing to sign on to pilot the MyCitations system.

Based on the strong potential of the system, California is considering a proposal to roll out MyCitations to every jurisdiction in the state and expand its use beyond traffic court to offer online adjudication of all types of infractions. An expanded online system will help more drivers faced with excessive traffic debt access the court to request an ability to pay determination.

Implications and Insights

Providing the opportunity for low-income drivers to request a reduced traffic fine through an ability-to-pay determination is just one component of much-needed fines and fees reform. Especially as the COVID-19 pandemic continues to destabilize people's livelihoods, optimizing the MyCitations system leverages the existing channel to deliver urgently needed relief to low-income individuals while larger reforms work their way through the legislature and state court system.

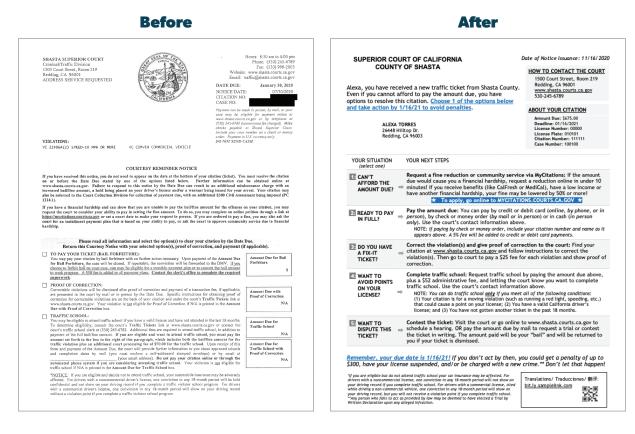
At scale across California, this system would serve the over half a million people each year who receive traffic violations, and even more across all infraction types. The potential to serve all low-income Californians who receive infractions is an important step forward for fines and fees reform and would be the first of its kind in the country. With demonstrated impact, the improved MyCitations system and related materials could serve as an important model that other states can adopt to reduce the outsized burden of unaffordable fines and fees.

>>> Design Appendix

This design appendix includes more detail on each model design we've created for the Judicial Council's MyCitations system and the various county courts using it.

Redesigned Courtesy Notice

This notice is mailed to all drivers after they receive a traffic citation. It is the first and often the only communication that drivers receive directly from the court informing them of their fine amount and telling them what action they need to take.



The redesign aimed to:

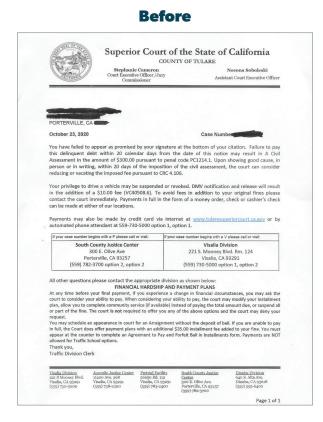
- ▶ Encourage eligible people to use MyCitations to request a fine reduction by the deadline.
- Make the most important information about how to respond to the citation salient for all recipients.
- Include all legally required information and work within formatting constraints (all information fitting on one page, black and white printing, formatted to work with windowed envelopes).

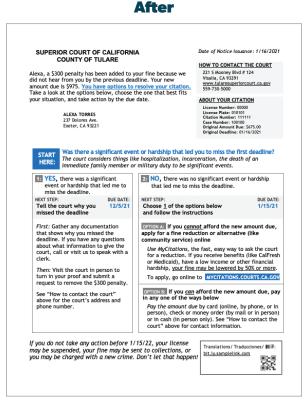
Key behavioral elements include:

- Explicitly framing the options for responding to the citation, as choices aim to promote agency among citation holders in selecting the option that works best for them.
- Accessible language throughout, which increases engagement.
- Naming MyCitations as the first option, leveraging primacy.
- Giving clear next steps for each option, reducing ambiguity and the feeling of choice overload.
- Moving specifics of the penalties to the bottom, after presenting MyCitations and other resolution options, to prevent ostriching.

Notice of Civil Assessment

This notice is mailed to drivers who have not taken action on their citation by the deadline, informing them that a penalty (up to \$300) has been added to their fine. This notice frequently gets recipients' attention because of the dramatic increase in the amount owed, but can also be very stress-inducing for those who do not see a way that they will be able to afford the fine.





The redesign aimed to:

- Leverage the penalty as a moment of action to drive people to MyCitations.
- Make the most important information about how to respond to the citation salient for all recipients.
- Meet all legal and court workflow requirements, similar to the requirements for the courtesy notice.

Key behavioral elements include:

- Emphasis on options, which prevents avoidance of the ticket at a stressful moment.
- Structure, which helps drivers quickly find their best option.
- A clear MyCitations description, including advantages most mentioned by drivers interviewed.
- Moving penalties to the bottom, after presenting MyCitations and other resolution options, to prevent ostriching.

Envelope for Courtesy Notice and Civil Assessment

Typically, court notices are sent in a plain business envelope, which interviewees told us was easy to overlook or set aside. We redesigned the envelope to help ensure more recipients would see the redesigned notices.

The redesign aimed to:

- Make the notice stand out among other mailings.
- Encourage recipients to open the notice immediately.
- Let those concerned about receiving a traffic fine know that MyCitations could be an option for them.

Key behavioral elements include:

- Messages on the envelope that stand out through placement and color (where available).
- ▶ Signaling urgency to prompt action.
- A friendly tone to reduce ostriching.
- ▶ Signaling the MyCitations option to increase hope and decrease fear.





Handout Promoting MyCitations

This handout ideally would be given to drivers along with their traffic citation, leveraging the moment when the citation is most salient in recipients' minds. This handout could also be adapted to be distributed by traffic courts, or by other social services or community organizations, like community health centers and homeless shelters, that serve individuals who could benefit from MyCitations.

The design aimed to:

- Build broad awareness about MyCitations.
- Associate MyCitations with popular benefits.
- Leverage the key moment of citation receipt to encourage eligible people to use MyCitations.

Key behavioral elements include:

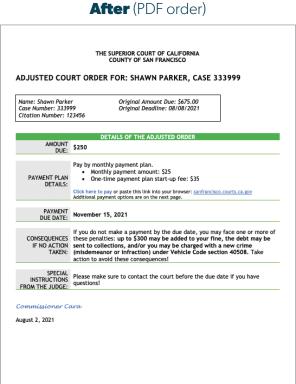
- A small, portable handout easy to keep with the citation.
- A list of top benefits of MyCitations named by drivers.
- A "save the date" to encourage planning.
- A friendly tone, framing the court as helpful and non-intimidating.
- Multiple ways to get help for drivers with different needs.



Redesigned Adjusted Court Order

MyCitations users receive their adjusted court order by email. Currently, the system sends a PDF order that contains the judge's decision, but that is not very easy to navigate and may not provide clear instructions for what the recipient needs to do next. There is no information in the email body itself. The redesigned adjusted court order includes an email along with an attached PDF.





The redesigned adjusted court order aimed to:

- Leverage the email body to deliver key information in an accessible, less intimidating way.
- Make the driver's new obligations clear.
- Make next steps clear and easy.
- ▶ Encourage recipients to work with the court if adjustment is/becomes unaffordable.

Behavioral elements are listed below.

In the PDF:

- Creating a sense of progress encourages action.
- A familiar and easy-to-navigate Q&A format helps drivers quickly find their best option.
- Naming multiple options for drivers with questions or concerns encourages follow through even if payment is difficult.

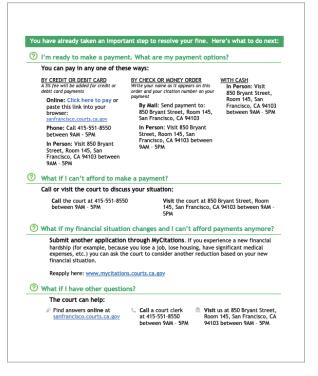
In the email:

- Results of the adjustment are clearly named at the top for easy visibility.
- Contrasting the old and new amount emphasizes the reduction.
- The due date is attention-grabbing and salient.
- Naming options emphasize the recipient's agency and reduces stress.

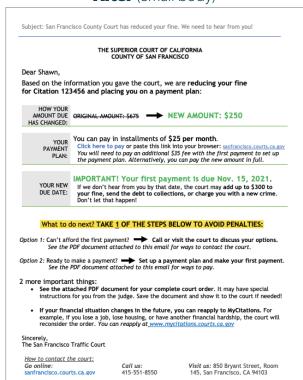
Overall:

- Key information simplified and organized by category makes reading easy and reduces ambiguity about what the order is saying.
- Payment links enable immediate action.
- Naming possible penalties after presenting options leverages loss aversion while preventing recipients from becoming overly fearful about penalties and ostriching.

After (2nd page of the order)



After (email body)



Text Message Payment Reminders

While none of the MyCitations pilot courts are currently using text messaging to remind drivers to make their monthly payments on time, some are exploring this relatively inexpensive and accessible way to help more drivers make steady payments and resolve their court debt. We designed a simple reminder message as an example of how courts could use text messaging for MyCitations users.

The design aimed to:

- Help people get on track with their first payment, and stay on track with subsequent payments.
- Encourage people to contact the court if they struggle.

Key behavioral elements include:

- Important details (date and amount due) that are salient.
- A payment link to remove hassles to paying.
- Timely, actionable reminders to help drivers remember payment dates.
- Information for help or reapplication, providing options for those who need more support.

Emailed Payment Thank-You Messages

Some pilot courts provide emailed or mailed statements to drivers periodically to confirm the status of the debt. But we heard in interviews that these statements could be confusing, and they did not seem to help drivers with court debt feel more in control of their debt or motivated to continue paying. We aimed to design a statement that could help drivers focus on the progress they had made toward resolving their debt, and encourage them to be in communication with the court if payments became unaffordable.

The design aimed to:

- Motivate people to continue paying their debt.
- Encourage people to contact the court if the adjustment becomes unaffordable.

Key behavioral elements include:

- Highlighting the accumulated payments made, celebrating progress and encouraging continuation.
- Listing out the citation history to help drivers feel informed and in control.
- We received your payment of \$25 on 10/31 for citation 123456. That means you've paid over half what you owe for that citation. If you can pay \$25 per month, you'll be done in 3 months! As a reminder, if your financial situation has changed, you can ask the court to reduce what you owe. To do that, go to MyCitations.courts.ca.gov_to submit an application. If you have any other questions, you can call the court at 559-733-6841 between 9AM - 5PM. For your records, here's the history of your payments for this citation: Citation #123456 Citation date: 07/01/2018 Morgan Le DATE EVENT 10/31/2021 You paid \$25 9/1/2021 You paid \$75 \$100.00 7/12/2021 The court reduced your fine via MyCitations \$175.00 Penalty added for nonpayment 7/1/2018 Citation issued. Fine assessed Tulare County Traffic Court | 559-733-6841 | tularesuperiorcourt.ca.gov

From: Tulare County Court <court@tulare.ca.gov>

Thank you for your payment. Here's some important info

- ▶ Emphasizing action the court has taken to reduce the fine, leveraging reciprocity.
- ▶ Prompts to contact the court if further support is needed to prevent ostriching.