



Via Email and U.S. Mail

April 28, 2022

Hon. Colette Humphrey
Presiding Judge
Superior Court of Kern County
1215 Truxtun Avenue
Bakersfield, CA 93301

Tamarah Harber-Pickens
Court Executive Officer
Superior Court of Kern County
1415 Truxtun Avenue
Bakersfield, CA 93301
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Dear Presiding Judge Humphrey and CEO Harber-Pickens,

We—the Western Center on Law & Poverty, the American Civil Liberties Union of Southern California, Public Justice, and the Social Justice Legal Foundation—write on behalf of indigent and low-income drivers who have received a traffic ticket in Kern County to request that Kern County Superior Court stop imposing civil assessments under Penal Code § 1214.1. The Court's current practice of automatically imposing \$300 civil assessments without individualized evaluation and adequate notice violates California statutory law and the federal and state constitutions. It also exacerbates poverty and racial inequality by subjecting the people least able to pay their fines or appear in court, disproportionately overpoliced Black and Brown Californians, to inordinately harsh punishments. We therefore request an end to the Court's imposition of civil assessments. At a minimum, we request the Court initiate a temporary pause in imposing and collecting civil assessments until it can bring its civil assessment policies and practices into compliance with the law.

Our organizations have deep expertise in protecting the rights of low-income Californians. Collectively, we have logged thousands of hours representing people in California's court system, including traffic courts. These efforts have led to multiple systemic reforms, including

successful litigation against the DMV for unlawful license suspensions for failure to pay and appear¹ and changes to inadequate ability-to-pay procedures at superior courts around the State.²

Civil assessment fees have long contributed to California’s outsized system of fines and fees. For most traffic offenses, the legislature has imposed a \$50 or \$100 base fine as the just penalty. A \$300 civil assessment imposed for missing a payment deadline or the appearance date on an infraction ticket is exponentially more than the punishment for the underlying offense, and is vastly out of step with traffic courts around the county.³ And Kern County Superior Court further compounds the financial pain it inflicts by automatically imposing a separate failure to appear charge with its own \$296 fine in many cases, increasing the penalty for a single failure to appear in court for a traffic ticket to a jaw-dropping \$596, on top of the original traffic fine.⁴ The Court then refers these cases to the Franchise Tax Board, where drivers may be subject to involuntary collection, including bank levies and tax refund offsets.

Penal Code § 1214.1 provides that courts “*may* impose a civil assessment of *up to* three hundred dollars (\$300)” when someone fails to pay or appear. But our review of Kern County Superior Court’s forms and policies indicates that the full \$300 is added to each eligible case where a person misses a payment or response deadline, with no evaluation of the appropriateness of the amount given the offense, the person’s ability to pay the civil assessment, or whether there was good cause for the failure to appear or pay.⁵ The Court also fails to inform the public that civil assessments can be vacated for good cause, or that significant financial hardship would constitute a sufficient reason for vacating.⁶

The Court’s financial data confirms it is implementing a broken system that both saddles people with massive debt and fails to present them with a process they can use to seek relief. The Court reports that there are now outstanding civil assessments in more than 160,000 cases.⁷ The uncollected debt from those cases exceeds \$67 million.⁸ During the 30-year life of the Court’s

¹ Hernandez v. Dep’t of Motor Vehicles, 49 Cal. App. 5th 928 (2020).

² Settlement Requires L.A. Superior Court to Consider Drivers’ Inability to Pay Traffic Fines, ACLU–Southern California, Oct. 8, 2018 [available at: <https://www.aclusocal.org/en/press-releases/settlement-requires-la-superior-court-consider-drivers-inability-pay-traffic-fines>].

³ Civil Assessments: Hidden Court Fee that Penalizes Poverty, Debt Free Justice California, Mar. 2022, at 7 [available at: <https://lccrsf.org/wp-content/uploads/2022/03/Civil-Assessments-Report-FINAL.pdf>].

⁴ Kern County Superior Court’s October 27, 2021 Response to Records Request (“Court’s Oct. 27 Response”) at Tab 6 through Tab 11 (forms indicating that if the defendant’s plea is not received by the due date, both a \$296 penalty for failure to appear and a \$300 Civil Assessment fee will be added to the original bail amount); Kern County Superior Court’s April 26, 2022 Response to Records Request (“Court’s Apr. 26 Response”) at pdf pp. 3–15 (same).

⁵ See, e.g., Court’s Oct. 27 Response at Tab 6 through Tab 11.

⁶ Court’s Civil Assessment Petition and Order, Court’s Oct. 27 Response at Tab 2 (offering “hospitalized,” “overseas military duty,” “incarcerated,” “death,” and “other” as bases for nonpayment, with no indication that lack of financial means could qualify); Court’s Oct. 27 Response at Tab 6 through Tab 11 (notices threatening imposition of civil assessment); Court’s Apr. 26 Response at pdf pp. 3–15 (same); see also the Court’s Petition for Ability-to-Pay Determination, Court’s Oct. 27 Response at Tab 4 (independently suggesting that inability to pay is no basis for waiving a civil assessment by stating that “filling out this form will not take care of the extra charge” incurred through the imposition of “extra fees” following a missed court date or failure to pay a ticket on time).

⁷ Kern County Superior Court’s December 14, 2021 Response to Court Records Request (“Court’s Dec. 14 Response”) at 1.

⁸ Id.

case management system, it has assessed over \$132 million in civil assessments.⁹ Yet the Court lacks a publicized process for drivers to use to vacate a civil assessment for good cause. There is not even an event code in its case management system that can track that type of request.¹⁰ And even ability-to-pay requests, which seek to reduce the underlying fine and other fees, are extremely uncommon: The Court reports that since the beginning of 2018 only 238 have been received in traffic cases where a civil assessment was imposed.¹¹

As detailed below, the Court's policy and practice is unlawful. Specifically, the Court contravenes § 1214.1 by failing to exercise the discretion the statute requires when imposing a civil assessment. The Court also violates traffic infraction defendants' procedural due process rights under the California Constitution and § 1214.1(b)(1) by failing to provide individuals with written notice that tells them how they may timely challenge the imposition of the civil assessment and on what grounds they may do so. In addition, the civil assessment is an excessive fine under the State and US Constitutions. Furthermore, the Court's interest in receiving income from these fees creates an unconstitutional conflict of interest.

The Court's policy and practice of imposing \$300 civil assessments causes predictable harm to communities the court serves, especially since those fees are in addition to the separate \$296 charge punishing the same underlying conduct. By dramatically increasing court costs, civil assessments create a debt trap for many low-income people. In a recent survey, a significant majority of respondents reported that the imposition of a civil assessment would interfere with their ability to make rent, pay their utility bills, or purchase enough food.¹² We have seen this happen firsthand through our work serving clients. Civil assessments imposed on top of already expensive traffic fines often result in years of collection activities, income tax refund offsets, and suspended licenses. This in turn diminishes many clients' employment opportunities, further constraining their ability to pay their debt. Some of our clients are forced to choose between paying their court costs or their rent. Some must drive to care for children or elderly parents, and high fees mean greater risk of failure-to-appear suspensions. And some avoid the courthouse completely, even when they need crucial assistance for things like domestic violence, because they fear the consequences of being delinquent on their debts.

These consequences do not affect all populations equally. Because civil assessments punish those who face added barriers to payment or court appearance, they disproportionately target low-income people, people of color, people with unstable housing, and people with disabilities. Thus, the Court's policy widens inequality and punishes people for factors beyond their control.

⁹ Id.

¹⁰ E-mail from Carla Ortega, Managing Attorney, Kern County Superior Court to Rebecca Miller (Dec. 1, 2021) (on file with author).

¹¹ Court's Dec. 14 Response at 2.

¹² Civil Assessments: Hidden Court Fee that Penalizes Poverty, Debt Free Justice California, Mar. 2022, at 9 [available at: <https://lccrsf.org/wp-content/uploads/2022/03/Civil-Assessments-Report-FINAL.pdf>].

The Court’s policy of automatically imposing \$300 civil assessments in all eligible traffic infraction cases is an abuse of discretion that contravenes § 1214.1’s statutory language and denies fundamental procedural rights.

The Court’s automatic imposition of civil assessments represents an unlawful failure to practice the discretion vested in its judges by law. The Legislature’s use of the words “may” and “up to” in § 1214.1 shows its intent for courts to exercise discretion before imposing a civil assessment.¹³ Rather than allowing for exercise of this discretion, the Court automatically imposes the full \$300 civil assessment in every infraction case in which an individual fails to appear or misses a payment deadline. By use of this policy and practice, the Court unlawfully presumes, in every instance, that a civil assessment is appropriate, that \$300 is an appropriate amount for the offense, that the person can pay that amount, and that the person has no good cause to excuse the delayed response.

When the law requires courts to exercise judicial discretion, failure to do so effects “a denial of a fair hearing and a deprivation of fundamental procedural rights[.]”¹⁴ For a court to practice discretion, it must consider the particularities of the case before it.¹⁵ Court-wide policies that fail to differentiate between cases cannot serve as a substitute for discretion.¹⁶ Rather than addressing case-specific facts, such policies apply “a preconceived determination applicable to all cases[.]”¹⁷ By adopting a blanket civil assessment policy that operates wholly without the review § 1214.1 requires, the Court fails to exercise the discretion required by law and thereby violates defendants’ fundamental rights afforded by the statute.

The Court’s policy of directing clerks to impose civil assessments unlawfully delegates judicial authority.

In Kern County Superior Court, clerks routinely apply civil assessments with no review by any judicial officer.¹⁸ Article VI, § 22 of the California Constitution allows appointed officers such as commissioners to perform subordinate judicial duties, but it does not grant clerks that

¹³ See, e.g., Tarrant Bell Property, LLC v. Superior Court, 51 Cal. 4th 538, 542, 544 (2011) (reasoning courts “ordinarily” construe the word ‘may’ as permissive and the word ‘shall’ as mandatory, ‘particularly’ when a single statute uses both terms” and holding the Legislature’s use of “may” in Civ. Proc. Code § 638 means the described action—appointing a referee for the specified dispute—is discretionary as opposed to mandatory); Lopez v. Medical Board, 6 Cal. App. 4th 693, 696–97 (1992) (rejecting appellant’s “interpretation of [Bus. & Prof. Code] section 2084[, which] would convert the permissive word ‘may’ into a mandatory ‘shall’”); Peters v. Superior Court, 212 Cal. App. 3d 218, 223 (1989) (“The word ‘shall’ is ordinarily ‘used in laws, regulations, or directives to express what is mandatory.’ The word ‘may,’ by contrast, is usually permissive and denotes ‘to have power.’” (citations omitted)).

¹⁴ People v. Penoli, 46 Cal. App. 4th 298, 306 (1996).

¹⁵ See People v. Hernandez, 51 Cal. 4th 733, 744 (2011) (holding trial court abused its discretion by relying on a standard practice of stationing a deputy at the witness stand, including during the defendant’s testimony, “instead of on individualized facts showing that defendant posed a safety risk or flight risk, or a risk of otherwise disrupting the proceedings”).

¹⁶ Reifler v. Superior Ct., 39 Cal. App. 3d 479, 481 (1974).

¹⁷ Penoli, 46 Cal. App. 4th at 303.

¹⁸ Court’s Oct. 27 Response at 1 (acknowledging that civil assessments imposed for failure to pay can be imposed by the Clerk’s Office staff.)

authority. Clerks therefore cannot legally exercise the discretion required of judges when imposing a civil assessment under § 1214.1.

The Court’s policy of imposing civil assessments without providing meaningful notice and an opportunity to be heard violates individuals’ procedural due process rights under the California Constitution and violates the statutory notice requirements of § 1214.1.

The California Constitution prohibits the State from depriving any person of their property without due process of law.¹⁹ Adequate notice and an opportunity to be heard are the fundamentals of procedural due process. Thus, before the Superior Court imposes a civil assessment, it must mail a warning notice to the individual.²⁰ The notice is to inform the individual of their right to challenge the civil assessment and how to do so.²¹ An individual can do so by appearing in court and explaining the reason they missed their court appearance or payment deadline.²² No civil assessment can be effective until 20 days after the Court mails this notice and the individual has an opportunity to challenge their civil assessment.²³

The Court identified several relevant documents that it sends to traffic infraction defendants stating that it may impose a civil assessment.²⁴ But none of these documents informs people of their right to challenge the imposition of a civil assessment for good cause or provides the process for doing so.²⁵ Instead, they merely state that the \$300 civil assessment and accompanying \$296 failure-to-appear charge either have already been applied or will be applied imminently if the recipient does not pay or appear.²⁶

The Court’s notices therefore do not fairly apprise traffic defendants about what the civil assessment is, what grounds they may have to challenge the fee, or how to go about challenging it. As a result of these practices and policies, traffic defendants are unable to understand their opportunity to raise valid objections to the civil assessment or to have the Court exercise its discretion to reconsider the civil assessment.²⁷

The Court’s failure to determine an individual’s ability to pay violates the prohibition on excessive fines under the Eighth Amendment and the California Constitution.

Civil assessments imposed under § 1214.1 are subject to the Excessive Fines Clause. The excessive fines prohibition in the Eighth Amendment and under Article I, § 17 of the California

¹⁹ Cal. Const., Art. I § 7(a).

²⁰ Cal. Penal Code § 1214.1(b)(1).

²¹ Cal. Rule of Court 4.106(c)(1).

²² *See id.*

²³ Cal. Penal Code § 1214.1(b)(1).

²⁴ Court’s Oct. 27 Response at 4 (listing (1) Kern County’s Notice to Juvenile Litigant, (2) Notice re Partial Payment, (3) Notice re Balance Remaining, (4) Form to Enter Plea, (5) Form for Proof of Correction to Clear Citation, and (6) Citation for Camera-Enforced Red Light Violation); Court’s April 26 Response (including several additional notices).

²⁵ *Id.* at Tab 6 through Tab 11.

²⁶ *Id.*

²⁷ *See* Cal. Rule of Court 4.106(c)(6).

Constitution limits the imposition of civil and criminal penalties.²⁸ “[A] monetary sanction that cannot ‘fairly be said *solely* to serve a remedial purpose’ will be subject to scrutiny as an Eighth Amendment fine if it ‘can only be explained as serving in part to punish.’”²⁹ Here, § 1214.1(a)’s statutory language characterizing it as a “penalty” shows the legislature intended the civil assessment to be punishment.³⁰ It is therefore subject to the Excessive Fines Clause.

The Eighth Amendment and the California Constitution require, at a minimum, that defendants be able to demonstrate their inability to pay.³¹ Imposing a civil assessment without first giving “an opportunity to present evidence and argument why such monetary exactions exceed [] ability to pay” runs afoul of state and federal constitutional safeguards.³² The Court does not provide for such an opportunity in numerous forms discussing the imposition civil assessments. And the Court’s general form used to assert inability to pay—the Petition for Ability-to-Pay Determination—expressly excludes civil assessments, saying “if you missed a court date or failed to pay your ticket on time, the court may be charging you extra fees. Filling out this form will not take care of the extra charge.”³³

Under the current trial court funding scheme, the Court’s financial interest in automatically imposing the full \$300 civil assessment violates defendants’ due process right to an impartial decision-maker.

Due process entitles defendants to a hearing by an impartial decision-maker.³⁴ If a judicial procedure “offer[s] a possible temptation to the average man as a judge to forget the burden of proof required to convict the defendant,” or “might lead him not to hold the balance nice, clear and true between the State and the accused,” then it “denies the latter due process of law.”³⁵ “[T]hat ‘possible temptation’ may [] exist when the [government]’s executive responsibilities for village finances may make him partisan to maintain the high level of contribution from the [government]’s court.”³⁶

Here, the trial court funding scheme more than satisfies the “possible temptation” test. The Presiding Judge has the power to “control, authorize, and direct expenditures” for the Court.³⁷ Along with this authority comes a responsibility to steward the Court’s finances and an interest in accruing revenue. The primary source of available revenue is the Trial Court Trust Fund (“TCTF”), which funds “trial court operations, salaries and benefits of superior court judges,

²⁸ People v. Cowan, 47 Cal. App. 5th 32, 44 (2020) (citing Timbs v. Indiana, 139 S. Ct. 682, 686 (2019)); see also Austin v. United States 509 U.S. 602, 610 (1993).

²⁹ Cowan, 47 Cal. App. 5th at 44–45.

³⁰ See People v. Ruiz, 4 Cal. 5th 1100, 1100–18 (2018) (reasoning legislature’s use of word “penalty” was a “clear indicator[] of legislative intent”).

³¹ Cowan, 47 Cal. App. 5th at 48 (citing People v. Cota, 45 Cal. App. 5th 786, 799 (2020)).

³² Id.

³³ TR-358 – Kern County Superior Court Petition for Ability-to-Pay Determination and Order at 2 [available at: https://www.kern.courts.ca.gov/documents/petition_for_ability-to-pay_determination_crc_4-335-3b_and_order].

³⁴ Tumey v. State of Ohio, 273 U.S. 510, 535 (1927).

³⁵ Id. at 532.

³⁶ Ward v. Vill. of Monroeville, Ohio, 409 U.S. 57, 60 (1972).

³⁷ Cal. Govt. Code § 71601.

court interpreter services, assigned judge services, and local assistance grants[.]”³⁸ Since 2005, the TCTF has been funded in part by civil assessment payments.³⁹ The Court thus has a direct interest in imposing more and larger civil assessments because increased payments expand the TCTF monies available to trial courts. Even more directly, the Court has an interest in increasing civil assessment revenue because it receives more TCTF money, relative to other trial courts, if it exceeds its civil assessment buyout.⁴⁰ This funding structure rewards courts for imposing more civil assessments, first for meeting the buyout amount and then even more so for surpassing it by as much as possible, because the overage is retained by the court itself.

In the 2020-2021 financial year, Kern County Superior Court kept \$2,162,717 in civil assessments it imposed and collected in excess of its buyout, and it kept \$2,289,745 the preceding year.⁴¹ A direct revenue stream of over \$2 million per year is a powerful incentive for the Court to mechanically apply the statutory maximum \$300 civil assessment across the board rather than ensuring that each case is subject to the necessary judicial discretion, notice requirements, and ability-to-pay inquiry.

The Judicial Council Trial Court Budget Advisory Committee acknowledged the conflict-of-interest problem as recently as April 2020 when it proposed changes to the current funding system to reduce the “perceived conflict of interest” and to reduce reliance on this “[u]nstable funding” stream, which “makes it impossible to provide fair, equitable and timely justice to all litigants.”⁴² The state Department of Finance rejected the proposal.

The Court’s civil assessment policy, borne of this conflict of interest, violates defendants’ due process right to a determination by an impartial decision-maker.

The Court’s current policy exacerbates poverty and racial inequality.

The Court’s approach to civil assessments also makes for bad policy. The current practice results in exceptionally harsh punishments imposed on already-struggling Californians for conduct that

³⁸ Trial Court Trust Fund, Department of Finance Manual of State Funds (Revised Feb. 2013) [available at: <https://dof.ca.gov/wp-content/uploads/budget/manual-state-funds/0932.pdf>]; see also Cal. Gov. Code § 68085 (establishing the TCTF and explaining that it serves to fund trial court operations).

³⁹ Materials for the Trial Court Budget Advisory Committee, Judicial Council [available at: <http://www.courts.ca.gov/documents/tcbac-20180405-materials.pdf>].

⁴⁰ Civil Assessment Programs and Revenues, Judicial Council p. 2 (Aug. 21, 2007) [available at: <https://www.courts.ca.gov/documents/083107item9.pdf>]; Martin Hoshino, 2020–21 Allocations and Reimbursements to the Trial Courts (Sept. 20, 2021) Attachment B p.2 [available at: <https://www.courts.ca.gov/documents/lr-2021-JC-allocation-and-reimbursement-to-tc-2020-21-gov-77202.5a.pdf>.] (noting that the Civil Assessment court revenue column in the related spreadsheet is for “collected civil assessment revenues that exceeded the amount of the court’s county civil assessment buyout”).

⁴¹ Martin Hoshino, 2020–21 Allocations and Reimbursements to the Trial Courts (Sept. 20, 2021) Attachment A, Column O [available at: <https://www.courts.ca.gov/documents/lr-2021-JC-allocation-and-reimbursement-to-tc-2020-21-gov-77202.5a.pdf>]; Martin Hoshino, 2019-2020 Allocations and Reimbursements to the Trial Courts (Sept. 30, 2020) Attachment A, Column Q [available at: <https://www.courts.ca.gov/documents/lr-2020-JC-allocation-and-reimbursement-to-tc-2019-20-gov-77202.5a.pdf>].

⁴² Trial Court Budget Advisor Committee, Materials for April 30, 2020 Teleconference Meeting, Civil Assessment Revenue Fund Shift, at pdf p. 129 [available at: <https://www.courts.ca.gov/documents/tcbac-20200430-materials.pdf>].

typically results from poverty. This does not advance the purpose of the Court and has severe and harmful consequences for the communities it serves.

When the Court imposes civil assessments for failure to pay, it creates more debt for people who are likely already indigent.⁴³ It is irrational and cruel to penalize people for being poor, especially during a pandemic that has had catastrophic impacts for low-income Californians.⁴⁴ There can be no doubt that this practice principally targets poor people; though the court-wide practice “may appear to apply equally to both the rich offender and the poor one, actually the former has the opportunity to escape his [assessment] while the right of the latter to pay what he cannot, is a hollow one.”⁴⁵ Imposing a financial penalty on those without the means to pay increases economic inequality and fails to achieve the Court’s coercive policy goal.

Imposing civil assessments for failure to appear makes for similarly senseless policy. Our experience with low-income Californians suggests that failures to appear are often the result of poverty, including inability to pay a traffic ticket and lack of access to legal assistance in resolving a citation. In working with clients, we see first-hand how often failures to appear result from inadequate public transportation systems, lack of access to vehicles, insufficient childcare, inflexible work schedules, disability, and homelessness. These are largely conditions of poverty. As such, they should not be punished at all, and especially not through the imposition of further fees.⁴⁶

The Court’s policy also has the effect of disproportionately punishing people from marginalized populations. Black and Latinx people face over-policing and are thus more vulnerable to citations and the civil assessments that can result.⁴⁷ Additionally, because of the racial wealth gap,⁴⁸ these defendants are likely to face more barriers to paying for their citations and appearing in court. This means they are likely to be extremely overrepresented in the population receiving civil assessments. Houseless defendants are also at a heightened risk of receiving civil assessments, in their case because housing instability may prevent them from receiving notifications about court dates. Likewise, other people who face unstable housing environments, like juveniles in foster-care and domestic violence survivors, have added challenges to appearing in court and are thus more susceptible to civil assessments. The barriers to payment and

⁴³ Back on the Road Coalition, Stopped, Fined, Arrested: Racial Bias in Policing and Traffic Courts in California at 7 (April 2016) (providing data suggesting that FTPs occur at higher rates in lower-income zip codes).

⁴⁴ Times Editorial Board, Newsom is Right: Let’s Get More Money in Poor Californians’ Pockets Now, Los Angeles Times, Jan. 11, 2021 [available at: <https://www.latimes.com/opinion/story/2021-01-11/golden-state-stimulus>] (discussing long food-bank lines, rent paid with credit cards, and other evidence of the economic damage wrought on low-income Californians by the Covid-19 pandemic).

⁴⁵ In re Antazo, 3 Cal. 3d 100, 103–04 (1970).

⁴⁶ One Court notice threatening the imposition of the \$300 civil assessment and \$296 failure to appear charge also highlights the Court’s prohibition on bringing children to the courtroom, a policy that itself makes it more difficult for many parents experiencing poverty to appear. Citation for Camera-Enforced Red Light Violation, Court’s Oct. 27 Response at Tab 11.

⁴⁷ Back on the Road Coalition, Stopped, Fined, Arrested: Racial Bias in Policing and Traffic Courts in California at 21 (April 2016).

⁴⁸ Anne Helen Petersen, The Mirage of the Black Middle Class, Vox, Jan. 26, 2021 [available at: <https://www.vox.com/the-goods/22245223/black-middle-class-racism-reparations>] (discussing systematic, historically-rooted barriers preventing many Black Americans from entering and remaining in the middle class).

appearance that these communities face are largely born of social disadvantage. Civil assessments punish them for factors beyond their control and compound the disadvantages they already experience.

Because of the legal violations outlined above, the Court must cease imposing civil assessments until its policies are changed to comply with statutory and constitutional requirements.

The Court's current policy violates the requirements of § 1214.1 and constitutional protections. Accordingly, we request that the Court immediately cease imposing civil assessments and that the Court immediately stop collecting on all outstanding civil assessments that have been unlawfully imposed against traffic defendants. If the Court chooses to continue adding civil assessments on top of traffic fines, it must, at a minimum, temporarily pause imposing civil assessments until it can bring its policies and practices into compliance with the law.

The Court should also reconsider its use of civil assessments altogether, given that they are a blunt tool with harmful and inequitable impacts. Section 1214.1 expressly states that the Court "may" impose a civil assessment; there is no mandate to do so. The Court has other tools available for resolving cases in the event of non-appearance. It also has other methods of collecting outstanding debts.

Please respond to this letter in writing by May 12, 2022, to confirm the Court's plans to address the issues outlined above.

Sincerely,

Rebecca Carr Miller
Richard Rothschild
Western Center on Law & Poverty

Adrienna Wong
Michael Kaufman
Mayra Joachin
The ACLU of
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Cc: Tina Carroll, Executive Office Liaison for the Judicial Council (tina.carroll@jud.ca.gov)
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