
TESTIMONY

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ON THE

TRIAL COURT

FISCAL YEAR 2016 BUDGET REQUEST

PRESENTED TO THE

JOINT COMMITTEE ON WAYS AND MEANS

MARCH 25, 2015

TESTIMONY
FOR THE
JOINT WAYS AND MEANS COMMITTEE HEARING
TRIAL COURT FISCAL YEAR 2016 BUDGET REQUEST

Senator Moore, Representative Dykema, members of the Joint Committee, thank you for giving us this opportunity to appear before you today on behalf of the Trial Court.

FISCAL YEAR 2016 REQUEST

The Trial Court's budget request for Fiscal Year 2016 consists of two major components – maintenance funding of \$642.7 million, as well as 16 proposed public safety and efficiency initiatives that you may consider funding in Fiscal Year 2016. Prior to providing details on the Trial Court's Fiscal Year 2016 budget request, we want to update you on where we are in Fiscal Year 2015 and provide you with information on some of the critical initiatives that are underway.

FISCAL YEAR 2015 UPDATE

In Fiscal Year 2015 we implemented a number of exciting new initiatives and continued strategic efforts that began in Fiscal Year 2014. We continue to use the Trial Court's strategic plan as a blueprint to ensure our progress in addressing the needs of everyone served by the courts.

A Strategic Leadership Team of judges, clerks, probation and court managers oversees progress on the many action items identified in the Trial Court's Strategic Plan, *One Mission: Justice with Dignity and Speed*. We are focused on initiatives in Technology, Process Improvement, Innovative Practices, Workforce Development, Governance & Communications, and Facilities Improvement.

In Fiscal Year 2015 our efforts to continue system advancement included:

- Expansion of specialty courts to reduce recidivism and improve public safety. Funding provided by the Legislature allowed us to add eight court sessions for those struggling with drug and mental health issues, and for veterans, bringing our total to 35 specialty courts this fiscal year. This effort represents unprecedented collaboration with the Department of Mental Health, the Department of Public Health's Bureau of Substance Abuse Services and the Department of Veterans Services. This is critical work in light of the statewide opioid crisis.
- Selection of UMass Medical School as our academic and research partner to form a Center of Excellence for Specialty Courts that provides a wide range of experience and expertise to this expansion effort.
- Successful expansion of the HOPE/MORR recidivism reduction model to Worcester. This nationally-recognized initiative uses swift and certain sanctions for high-risk probationers. Preliminary data collection in Worcester and in Salem where the pilot program was launched in 2012 indicate positive impact in reducing recidivism.
- Conclusion of the implementation of MassCourts, our uniform case management system, across all court departments by the end of 2015 will end a complex, multi-year undertaking that has enabled substantial electronic data-sharing with external entities, such as the Registry of Motor Vehicles. This capability of the web-based system has allowed the Trial Court to withstand a staff reduction of 20.6% since 2001.
- Introduction of an Electronic Application for Criminal Complaint was piloted in 2014 and now is used in four courts from Boston to Dudley. Police departments have responded positively as we partner to rapidly expand this enhancement in court operations.
- Court Service Centers opened at the Brooke Courthouse and in Greenfield in June to a rousing response and already have provided much-needed services to more than 5,000 court users. Four additional centers are set to open in Brockton, Lawrence, Springfield and Worcester. These service centers more efficiently use staff resources to guide

burgeoning numbers of self-represented court users on court processes, form completion, and a range of other questions.

- The Judicial Branch unveiled a new information-rich website on the Mass.gov platform in March. This provides another key vehicle to provide the public with resources and guidance on how to most effectively access the courts.
- In Fiscal Year 2015, stable funding allowed us to focus on staffing in key areas, particularly in probation and security. Our staffing target was 6,500 and we have been taking a systematic approach to utilize the processes outlined in the Court Reform statute. We are now at 6,348, challenged by the volume of applicants, as well as attrition. We still are experiencing significant shortages in some areas, primarily probation and clerical.

**GOVERNOR'S
FISCAL YEAR 2016
HOUSE 1 BUDGET RECOMMENDATION**

The Governor's Fiscal Year 2016 recommendation (House 1) for the Trial Court totals \$603.3M. The recommendation funds 16 line items – the 15 line items in the Fiscal Year 2015 budget, as well the Veterans Court Program Director funded in Chapter 62 of the Acts of 2014.

The House 1 recommendation of \$603.3M is \$3.7M less than the \$607M available to the Trial Court after reductions based on Chapter 2 of the Acts of 2015. (\$612.5M plus \$.6 PAC plus \$5M Collective Bargaining Reserve, less \$11.2M through the 1.79% reduction.) The recommended funding is \$39.4M less than the Trial Court FY16 Maintenance Estimate of \$642.7M. House 1 did not fund any of the requested budget modules that outline potential court innovations and improvements.

House 1 would fund approximately 6,000 positions in the Trial Court. The FY16 Maintenance Estimate requests funding for the 6,537 positions projected to be filled by June 30, 2015. A reduction of more than 500 positions will severely impact Trial Court's ability to administer justice for the citizens of the Commonwealth.

We must put the loss of 500 positions in perspective for the Committee. Since 2008 the Trial Court has seen a reduction of over 1,200 positions or 16.5%, while the rest of the Commonwealth has seen an increase of 3,680 positions or 4.9%. We certainly are committed to operating a system that continually seeks efficiency, however we should not be penalized for that efficiency.

Staffing reductions required by H1 would:

- Challenge the Trial Court's Ability to Keep Courthouses Open
- Jeopardize Public Safety, including justice reinvestment and specialty court expansion
- Delay Case Processing, Threatening Gains in Efficiency
- Curtail Access to Justice Initiatives
- Delay Technology Deployment

FISCAL YEAR 2016
TRIAL COURT BUDGET REQUEST

As noted above, the maintenance portion of the budget request totals \$642,657,123, which funds 6,537 positions. The spending increases above Fiscal Year 2015 spending are listed below and were part of the maintenance request submitted in October:

- \$1,752,177 covers the cost of payroll for one additional day in Fiscal Year 2016.
- \$3,617,596 annualizes union collective bargaining increases received in Fiscal Year 2015.
- \$ 777,826 annualizes salaries for 379 judges and provides sick and vacation buyback for judges who retire during the year.
- \$ 334,400 annualizes salary adjustments for management employees to ensure a consistent differential with union employees.
- \$3,834,927 covers Fiscal Year 2016 step rate increases and annualizes 2015 step increases due employees in accordance with collective bargaining agreements and personnel policies.
- \$7,156,526 covers Fiscal Year 2016 salary increases for union employees pursuant to collective bargaining agreements.
- \$ 846,150 covers Fiscal Year 2016 salary increase for management employees.
- \$4,667,495 annualizes new hires being completed in Fiscal Year 2015.
- \$1,308,814 annualizes the salaries of employees on a leave of absence or workers compensation for a portion of Fiscal Year 2015.

- \$ 815,723 for increases of private and county space leases.
- \$ 876,734 for personnel related costs for promotions, reclassifications, stipends and differential pay and increases in sick and vacation buyback for retiring employees.
- \$ 449,688 annualizes increases related to the GPS tracking system in the Office of the Commissioner of Probation.
- \$ 810,141 provides annualization and inflation for law library collections, utilities, case related expenses for interpreters, guardians ad litem and dental/optical trust agreement.

The above increases are offset by one-time costs and negative annualization totaling \$3,340,631. The one-time costs relate to sick and vacation buyback, costs for terminated employees on the payroll for only a portion of Fiscal Year 2015 and one-time non-personnel costs.

FISCAL YEAR 2016 BUDGET MODULES

Specialty Courts

In Fiscal Year 2015, the Legislature and the Governor approved \$3,000,000 to operate eight Specialty Courts. The Specialty Courts are a cooperative effort by the Trial Court, Department of Public Health, Department of Mental Health and Department of Veterans Services using a coordinated model for the Commonwealth. The Specialty Courts provide a proactive structure for the judicial branch as it seeks to assist defendants with substance abuse, mental health and trauma issues in a more effective manner. For Fiscal Year 2016, we request \$2,031,525 to fund eight additional specialty court sessions. The funding request for the new specialty courts is lower than last year, based upon our experience this fiscal year with start-up time required for each session. The funding will provide for Probation Officers, Court Clinicians, certification and training, residential treatment and drug testing equipment.

Statewide Expansion of the Housing Court Department

The Housing Court Department provides landlords and tenants a forum to resolve their disputes with judges and staff who are experienced in housing issues. Currently, one third of the population of the state has no access to the Housing Court. Legislation has been proposed to provide statewide jurisdiction for the Housing Court Department to expand the benefits of specialization in these matters to the entire state. Statewide jurisdiction will require the creation of a sixth Housing Court Division. The annual cost for new personnel, including five additional judges, is \$2,378,050. In Fiscal Year 2016, we request funding to support six months of operation for the new division. The six-month cost is \$1,189,025.

Implementation of Domestic Violence Statute

In August, the Governor signed Chapter 260 of the Acts of 2014 requiring the Trial Court to provide training on domestic violence issues, create a Domestic Violence Registry, evaluate batterers' programs, and create a risk assessment tool for those offenders charged with domestic violence related offenses. We request \$2,245,565 for the costs associated with implementing the requirements of C. 260. Costs associated with development of training materials and the delivery of training for judges, clerks, probation officers, security personnel and clerical staff total \$162,000. The funding needed to review and monitor existing batterers' programs is \$300,000. The development, implementation and assessment of a risk assessment tool for probation officers to use in domestic violence cases will cost \$585,000. Funding in the amount of \$1,198,565 is requested for the development of an integrated and accessible Domestic Violence Registry and the equipment needed to access it via mobile technology.

Alternative Dispute Resolution Programs

Prior to the budget crisis of 2008, the Trial Court had numerous Alternative Dispute Resolution (ADR) programs operating in several court departments. As part of the dramatic spending reductions necessitated by reduced appropriations, funding for these programs was eliminated. Although these programs were casualties of budget cuts, ADR does provide an important case management tool to reduce the volume of pending cases. In addition, ADR provides litigants with an alternative that can be quicker and less expensive

and gives them the ability to manage their own case resolution. We request \$2,193,357 to fund a core infrastructure for ADR in the Trial Court, educational training and programs in the Boston Municipal Court, District Court, Housing Court, Juvenile Court, Superior Court and Probate and Family Court Departments.

HOPE/MORR Expansion

The Trial Court has two high-intensity probation supervision programs currently operating in Salem and Worcester. The HOPE/MORR model utilizes swift, certain, measured sanctions with high-risk probationers to increase their commitment to probation conditions and to reduce recidivism. Ensuring adherence to probation conditions requires increased supervision. The Worcester and Salem programs use research standards to randomize probation assignment to HOPE/MORR, which will enable valid assessment of program results. Pursuant to this year's General Appropriation Act, two additional locations will begin operations in Fiscal Year 2015. We request funding of \$1,228,500 to staff 10 additional locations in Fiscal Year 2016 with 20 Probation Officers, a HOPE/MORR Coordinator and five Assistant Probation Officers, as the first step in a multi-year approach to implementing HOPE/MORR across the state.

Access to Justice / Self-Represented Litigants

Self-represented litigants make up an increasingly large portion of the people served by the Trial Court. As such, the Trial Court must provide information and assistance to these individuals so that justice can be delivered in a fair and efficient manner. We request \$620,000 to greatly expand the forms and self-help videos available in multiple languages, as well as to provide electronic signage for four court complexes to assist visitors with navigating the courthouse. This request also includes funding for a data analyst position to focus on metrics related to the evaluation of access to justice initiatives.

In-Service Training for Clerical Staff

The recently approved collective bargaining agreement between the Trial Court and the Office and Professional Employees International Union-Local 6 requires 22.5 hours of in-service training for each employee in Year 2 (FY2016) of the contract. The clerical employees form the foundation of the Trial Court's operations. Investments in training result

in a well-trained staff, which will provide better service to the public and enable expanded implementation of technology, thus increasing efficiency. The funding necessary to provide both in-person and online training sessions to meet the contract requirements is \$460,855.

Pre-Trial Probation Pilot

The Probation Department is now developing and introducing a validated risk assessment tool to guide effective pre-trial decision making, while also designing pre-trial services to reduce reliance on pre-trial incarceration. We request funding of \$125,188 to hire three Probation Officers to staff the pilot program. The Trial Court also hopes to partner with the Arnold Foundation in these efforts to focus on appropriate and consistent pre-trial decision-making.

Separate and Secure Waiting Areas

Chapter 258B, Section 3(i) of the Massachusetts General Laws requires the Trial Court to provide a separate area in each courthouse with criminal jurisdiction to protect victims and witnesses from threats, intimidation and assaults from defendants and/or their family members and friends. The legislation created a task force that was led by the Trial Court and the Massachusetts Office for Victim Assistance. The task force has completed its work and the Trial Court has designated 81 separate and secure areas. The ten remaining sites required feasibility studies. Those studies have been completed and the Trial Court requests \$576,576 to enable design and construction for these remaining secure areas.

Security Systems Enhancements

Adequate security in our courthouses continues as a significant concern. We are now hiring and preparing to train additional security personnel which are desperately needed. However, security staff is only one element of the overall security strategy for our courthouses. Many court screening stations and closed circuit television systems (CCTV) are outdated and require frequent repairs. We request \$626,750 to hire a security systems technician and begin the strategic replacement of CCTV systems in courthouses across the Trial Court.

Security Department Training & Certification

The Trial Court Security Department is currently engaged in attaining national certification. To effectively complete the ongoing certification process and to create a culture of increased professionalism, the Security Department must have full-time trainers. We request \$472,500 to hire four Regional Training Coordinators and two Training Compliance personnel. These positions and the duties that go with them will ensure a professional, well-trained staff able to deal with all security-related issues and situations.

Sentencing Commission

As part of an overall strategy regarding the criminal justice system, Governor Patrick recently appointed a new Massachusetts Sentencing Commission. The Commission had been dormant for several years but can play an important role in expanding the use of evidence-based practices in the criminal justice system. We request \$112,549 to hire a Law Clerk and a Research Analyst and provide necessary equipment for the Commission.

Telecommunications Enhancements

We request \$1,142,000 for phone system upgrades throughout the Trial Court that will enable us to complete the move of all courts onto a Trial Court network, eliminating long distance charges, and to create a central messaging platform rather than maintaining separate, out-dated voice mail systems. The upgrade will also allow the Trial Court to establish a central call center, reducing the number of calls to individual courts.

Electronic Document Storage

Current record retention rules require the Trial Court to maintain extensive paper records. The Supreme Judicial Court convened a committee to review record retention rules and is poised to recommend that the Trial Court transition to electronic case files. Most courts struggle with the requirements of records management and the extensive, expensive space and equipment necessary to maintain case files. This initiative will require a significant investment in information technology for scanners, network storage and software licensing. We request \$1,542,548 to allow the hiring of two Business Analysts and the first phase of equipment purchases required to implement electronic case files

Enhanced Drug Testing

Currently, Probation Officers conduct drug testing using drug testing cups that test for a limited number of substances. The Massachusetts Probation Service will be issuing a Request for Proposal (RFP) for lab-based testing beginning in Fiscal Year 2016. In addition, Probation will also use oral toxicology tests, as well as new urine tests that test for additional substances. We request \$185,000 for the proposed system that also will insure the randomness of tests and provide probation officers with a dashboard to track testing.

Court Service Centers

The Trial Court has experienced a major increase in self-represented litigants using the court system. In response, the Trial Court opened two Court Service Centers – one in the Brooke Courthouse and one in the Franklin County Courthouse in Greenfield. The centers have been an overwhelming success in helping litigants navigate the legal system and improve the Trial Court’s ability to deliver effective access to court users. We expect to open four more centers in Fiscal Year 2015 in Brockton, Springfield, Lawrence and Worcester. In Fiscal Year 2016 we will be opening four additional centers. The model for staffing the centers will be to co-locate them where there are existing Law Libraries. This will allow us to utilize library staff, reducing the need for additional staff. There are costs for furniture and equipment for the Court Service Centers and we request \$50,000 for the four centers to be opened in Fiscal Year 2016.

We have provided both Senate and House Ways and Means staff with line-item backup for the Trial Court’s Fiscal Year 2016 budget request. The Trial Court’s Fiscal Department is available to explain calculations and to provide additional information, as needed.

We would like to express our sincere appreciation to the Chairs of the Joint Committee on Ways and Means, Senator Karen E. Spilka and Representative Brian S. Dempsey, and particularly to Senator Moore and Representative Dykema, as well as to the Committee members for this opportunity to present the Trial Court funding request for Fiscal Year 2016.