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Chief Justice of the Trial Court

Ways and Means Testimony
February 23, 2016

Good morning Senator Timilty, Representative Cantwell and members of the Joint Ways and Means Committee. Thank you for the opportunity to speak with you today about the Trial Court and its needs.

I would like to echo the gratitude expressed by Chief Justice Gants to the Legislature for providing the Trial Court with a stable budget over the last two years. Next, I would like to highlight the unparalleled collaboration by the judiciary with both the legislative and executive branches in ways that are new, innovative and provide the public with the best possible of state government. I believe that we have entered a time of unprecedented communication, cooperation, support, and shared ideas and initiatives.

One of the most prominent aspects of our joint vision is the expansion of Specialty Courts and the use of courts as a problem solving, strategic approach to reduce recidivism. We have only been able to do this through the engagement, funding and support of our partners in government. We expect our funding request this year will conclude a three-year plan for expansion that ensures that every justice-involved person who is appropriate for a Specialty Court can access one.

As each of you knows, the Commonwealth currently faces the most serious drug addiction problem we have seen in a lifetime. Day after day our courts deal with individuals who face addiction and behavioral health issues that cause them to be a danger to themselves or others, or their addiction or behavioral health is largely the cause of their criminal behavior.

In an effort to find a way to help those individuals who are addicted or suffer from mental health issues, and are justice involved, we embarked upon a plan to double the

number of specialty courts in the state by FY17 – this includes drug courts, mental health courts and veterans' courts. This expansion has not been possible without budgetary support. Our request to continue the positive momentum into the next fiscal year is $ 2.8 million.

To ensure that our drug and other specialty courts are following evidence-based practices, we will initiate drug court certification this year with assistance from the Center of Excellence at UMass Medical School. For high-risk defendants on probation, we have participated in a national pilot for a new model of intensive probation supervision – the HOPE/MORR model.

The pilot sites in Essex and Worcester Counties have seen very positive results with this immediate response model, and we expect to receive detailed research analysis in the coming months. We have begun a five-year effort to further expand HOPE/MORR across the commonwealth. These initiatives allow us to help individuals one at a time, as they try to curb their addiction and become healthy, productive members of society.

We do this work in collaboration with our executive branch partners – DMH, DPH and Veterans' Services. As you see from our budget request for Specialty Courts, we seek resources not only for the courts, but also for the DMH, DPH and Veterans' Services' programs that are integral to the success of the specialty court model.

In addition, we have begun to develop a Sequential Intercept Model across the state beginning with each community that has a Specialty Court. This mapping process gathers community leaders, including police, District Attorneys, Sheriffs and others, with Court leaders, DMH and DPH to identify resources and intercept points where we can divert individuals out of the criminal justice system and into treatment. Thanks to special legislative funding this year, we just hired a SIM coordinator who will shepherd this statewide cross collaboration.

Today, data is increasingly informing decision making in the Judicial Branch, with Quarterly Data Reviews and data-driven process improvement. Each department of the Trial Court is developing best practices for evidence-based sentencing through working groups comprised of judges, probation officers, prosecutors, defense attorneys, and police chiefs.

The goal is to ensure that judges have the information needed to set a fair, individualized sentence that will appropriately punish an individual for the crime and also diminish the risk of recidivism. The sentencing data includes information about the defendant, the crime, sentencing alternatives, and appropriate social science to inform sentencing.

The Probation Department will play an integral role in providing the judge with this information.
Probation is partnering with the District, Superior and Boston Municipal Courts to standardize pretrial practice, with a pretrial risk assessment tool. Probation has adopted a national risk/need assessment, to ensure that appropriate resources are applied to the appropriate level of risk. In addition, Probation has begun to provide a monthly data dashboard on probation activities to each court with criminal jurisdiction. Court departments use this data to inform decisions.

We are proud of our work and embrace our obligation to provide access to justice to all. In order to properly fulfill our obligation, we request support to expand Housing Court jurisdiction to the one-third of the state's population currently without access to a Housing Court. We believe that the need for this expansion is well documented and will send a powerful message to the public of our commitment to broader access. The Governor has included enabling legislation and funding in his budget.

You have heard Chief Justice Gants's compelling words and in a few minutes you will hear detail about the fiscal circumstances of the Trial Court from Court Administrator Spence. I offer just a few additional thoughts.

From my perspective, today's judiciary is dramatically leaner than even a few years ago. An increased focus on new applications of technology has helped significantly. Digital filings for civil and criminal cases are being piloted, digital preservation of court documents has begun, attorneys have electronic access to court records across the state; and we have developed guidelines for the online publication of vast amounts of data.

To ease staffing constraints, we have expanded training from a judicial administration certificate program for clerks and senior managers, to case flow management training for judges and clerks, and three days of annual training for union employees.

Our interest in continuous improvement remains ceaseless and energetic. As we conclude successful implementation of the first phase of an ambitious strategic plan issued in 2013, we already have begun the process to plan for the next three years. Strategic Plan 1.0 mainly focused on court administration and now Strategic Plan 2.0 will more deeply examine judicial policy.

In summary, this is a new Massachusetts Judiciary, with the same outstanding quality of judicial decision-making that has always characterized the Commonwealth's judiciary, but with modernized, streamlined and highly professional operational support.

We look forward to continuing our partnership with you and your colleagues to provide the public with the best in state government and to do our part by continuing to move Massachusetts' judicial practices and its criminal justice system into the twenty-first century – leaner, more effective, more accessible and committed to a demonstrated reduction in recidivism.