



**TESTIMONY OF  
PAULA M. CAREY**

TRIAL COURT CHIEF JUSTICE

&

**JOHN A. BELLO**

TRIAL COURT ADMINISTRATOR

**ON THE TRIAL COURT  
FISCAL YEAR 2022 BUDGET REQUEST**

**FOR THE JOINT COMMITTEE ON WAYS AND MEANS**

March 26, 2021

**Trial Court Chief Justice Paula M. Carey**  
**Trial Court Fiscal Year 2022 Budget Request**  
**Joint Ways and Means Committee Hearing Testimony**  
**March 26, 2021**

Good afternoon, Representative Williams and Senator Gobi, and members of the Joint Ways and Means Committee. Thank you for the opportunity to highlight what is happening in our courts and to outline our budget needs. We appreciate your continued support for the Trial Court and our operations. I have been the Chief Justice of the Trial Court since 2013, and I am grateful to have had the support of the Legislature since the very start of my tenure.

First, I want to introduce you to the Trial Court's new Court Administrator, John Bello. John began his new role on March 1, and I could not ask for a better partner in justice. His in-depth understanding of court operations will enable him to lead the Trial Court alongside me, with a collective steady hand, especially during such uncertain and unprecedented times.

Our current maintenance request is \$771,555,499 for ongoing Trial Court operations. This request supports 6,377 employees and 97 courthouses across the Commonwealth. The Governor's recommendations in H1 included \$762.9M for the Trial Court, a difference of \$8.6M.

### **Courts and Covid-19**

I will provide you with more detail about our budget request in a moment, but before I do, I would like to discuss how the Trial Court has pivoted its operations to meet the needs of those we serve in the face of a global pandemic. With very little notice or time to prepare, we had to transition to a remote platform in order to keep our employees and our court users safe, and more importantly, to make sure that we continued to uphold our mission to deliver justice with dignity and speed.

Despite the pandemic, the Trial Court remained open and operating, with the exception of two days in early March of 2020. We certainly experienced our share of challenges and obstacles, but we persevered, and we are now conducting day-to-day business both virtually and in-person. Jury trials are being held in some of our courthouses and will soon be conducted in safe, large off-site locations to assist with reducing our backlog. We have turned to off-site locations because many of our existing courthouses are not able to accommodate the number of people needed to conduct jury trials, in addition to our employees. We have engaged a vendor to assess all of our courthouses for environmental safety and have consistently consulted with an epidemiologist as we have made our decisions concerning in-person operations.

The last year has been extraordinarily difficult for our employees, your constituents. They have continued to serve the public, in-person and virtually, despite concerns about their own health and safety, as well as that of their families, friends, and colleagues. Our employees have persevered through this challenging time to ensure that all persons have access to justice, and I am so proud of their efforts.

### **Expansion Modules for Innovation**

In addition to our maintenance request, our FY22 budget contains five expansion modules. These requests supplement our maintenance request and will fund new initiatives.

Our first innovation request is to increase the number of court clinicians that we have available to our judges. Clinicians serve an important role conducting mental health screenings, substance use disorder screenings, and care referrals. We have seen a substantial increase in substance use disorder and co-occurring behavioral health issues in our court system. The pandemic has only increased the demand for court clinicians in our courts. Judges have consistently highlighted the need for further resources in the area of clinical help, so that they can make the best decisions possible, based upon the needs of each individual, and without this critical resource they are

flying blind as they attempt make decisions to best meet the needs of the person before them.

I can tell you from my own experience that mental health needs have increased. I recently completed a week on judicial response, and I had an unprecedented amount of mental health calls. For those of you unfamiliar with judicial response, every judge across the state is required to serve on call at night and on weekends for a week at a time, to assist the police and the public when emergency judicial action is required outside of normal court hours. During my recent time on judicial response, many of my calls related to mental health issues. The Commonwealth has never experienced this level of need.

Our request of \$1.1M would add 10 court clinicians to the court system to provide trial courts with the clinicians who have the expertise to help with individuals who appear in our courts every day who are not already involved in our specialty courts. In our specialty courts, we are fortunate to have clinical support, which is a direct result of your assistance.

Clinical assessment would enable a judge to place a person in the appropriate level of supervision and care that is necessary for them individually. This module is imperative. It is not, however, direct funding to the Trial Court nor does it increase our headcount. We contract with the Department of Mental Health (DMH) through an ISA. DMH provides us with the necessary clinicians. The funding is essential for us to do the job we need to do, which is to help direct and divert people to services, where appropriate.

We could accomplish this objective if we could provide a clinician to perform initial screens and, if warranted, assessments. A clinician could also help to identify community resources. Substance misuse and mental illness could be treated more holistically using this approach. Funding this request would also mean:

- ❖ More timely action on G.L. c. 123, § 35 petitions.

- ❖ More timely action on G.L. c. 123, § 12 petitions.
- ❖ The ability to assess and determine competency and criminal responsibility in the community without the necessity of a commitment to Bridgewater or Worcester Recovery Center.
- ❖ The ability to provide referral resources for those with mental health needs.
- ❖ The ability to refer petitioners, victims, and witnesses in all matters to a clinician for assistance, and
- ❖ The ability to perform G.L. c. 123, § 15(e) aid in sentencing evaluations, for the court both on an inpatient and outpatient basis.

We have great knowledge of the law, but we do not always know the resources or what is appropriate for a particular person without guidance from clinicians, who are the experts in this field. We hope that you support this important expansion request.

Our second innovation request is funding for recall judges to help us address the backlog stemming from the pandemic. Our judges and staff have changed course and adjusted in ways I never imagined. We have continued to operate both in person and virtually, but our system is not functioning as it once was. Virtual hearings keep people safe and are, for some, more convenient, but the bottom line is that virtual hearings take more time, and we can only process a limited amount of cases per day virtually. As a result, we have a backlog and we need to address it. This module is intended to provide us with funding to support the return of some of our retired judges and employees to help us handle our backlog of cases. We are requesting \$1.3M for recall judges so that we can normalize the case load and fulfill our constitutional obligations.

Our third module request is support for online dispute resolution. Online dispute resolution will move us to the next level to ensure that court users have multiple options to resolve their case, including options to avoid a court appearance. We are requesting \$250,000 to implement Access to Justice Commission recommendations to implement ODR in the non-debt-collection realm of small claims. We hope implementing ODR in this area will provide the foundation for further expansion going forward. This request is

related to our IT Bond Bill request which you will hear about in detail from Court Administrator Bello.

Our fourth innovation request is \$1M to fund the expansion the MassHealth Behavioral Health Justice Initiative Pilot, a partnership among the Executive Office of Health and Human Services, MassHealth, the Department of Correction (DOC), Parole, the Worcester and Middlesex County Sheriffs, the Massachusetts Probation Service, and two specifically-contracted Accountable Care Organizations (ACOs) – Open Sky and Advocates. This program grew out of the work of the Council for State Governments (CSG) Justice Reinvestment legislation.

The pilot provides dedicated re-entry navigators and coordinated care managers for people involved in the criminal justice system who need access to behavioral health treatment services, which includes substance use and mental health treatment. Probationers, parolees, and people transitioning from the Department of Correction, including the Worcester and Middlesex Houses of Correction, back into the community are all eligible.

Thanks to the appropriation you have provided through the Probation CSG line item, we are working with MassHealth on services that include behind the walls in-reach and intake not allowable under MassHealth federal reimbursement regulations. It makes the efficient and immediate connection of the re-entering individual to medical and behavioral health services during the high-risk reentry period. High risk/high care citizens returning to society from incarceration receive support referrals, and people under community supervision by Probation and Parole receive these services. In FY2020, \$3M in funding generated some \$15M in federal reimbursement for individuals in this joint EOHHS-criminal justice system partnership program.

Our requested expansion, in addition to the \$1M expansion successfully secured in FY2021, will support the annualized full statewide implementation of this program. Total behavioral health slots dedicated to those in the criminal justice system would rise

from 900 served annually in Worcester and Middlesex counties to 3,800 served annually. As of March 15, 2021, 1,315 referrals were made for behavioral health services, and approximately 40% are from Probation.

Our fifth innovation request is \$1.5M to expand Transitional Residential Services. This program addresses the critical re-entry housing needs of pre-release, Parole, and Probation sentenced individuals. Thanks to your support over the past two fiscal years, we were able to expand our transitional housing program to serve Southcoast residents. We were also able to increase our housing slots from 122 to 152 beds, which are already filled and for which there is a waiting list. There are also major geographic areas of the state without access to beds. This expansion request would expand these services to support more scattered site housing options and additional transitional housing sites in Worcester, Essex, Norfolk, and Plymouth Counties. This additional funding will support up to 50 additional transitional residential beds in either a fixed facility or scattered site configuration as best suits the needs of the re-entry population and the requirements of geography.

### **Virtual Court Services**

I mentioned at the beginning of my testimony that, at the onset of the pandemic and subsequent quarantine, the court system quickly moved to remote operations. I want to tell you more about some of the ways we found to meet the needs of the public in a virtual setting.

#### *Probate and Family Court Virtual Registries*

The Probate & Family Court quickly found a way to provide court users with “face-to-face” virtual help from court staff by creating virtual registries. There are currently 10 virtual registries in Barnstable, Bristol, Essex, Hampden, Hampshire, Middlesex, Norfolk, Plymouth, Suffolk, and Worcester Counties. These registries use Zoom to operate by video conference so that court users can connect and conduct business directly with registry personnel. Each county has its own unique link.

### *Housing Court Virtual Front Counter*

Housing Court also serves court users with a virtual front counter for each Housing Court Clerk's Office and Housing Specialist Department. Housing Court staff are able to answer questions, help court users virtually, and provide information on available court resources. Court users can receive "face-to-face" help from court staff without being physically present at a courthouse.

### *Land Court Virtual Recorder's Office*

The Land Court established a virtual recorder's office to serve its court users who can get virtual "face-to-face" front counter help from Land Court Recorder's Office staff, while staying safe in their own homes or offices. Using Zoom, court users statewide can connect and conduct business directly with Recorder's Office staff online.

### *Trial Court Zoom Rooms*

We know that some court users do not have access to the technology necessary to participate in a virtual court hearing. To make sure that the lack of access to technology does not prevent access to justice, the Trial Court has established computer stations in the Brockton, Chelsea, Springfield, and Worcester courthouses for users to participate in Zoom videoconferencing. Each Zoom Room contains two computer stations, telephones, COVID-19 signage, gloves, disinfecting wipes, hand sanitizer, and a partition separating the stations. Stations are cleaned and disinfected regularly by the Facilities department to ensure safety. Court Administrator Bello will talk to you about the expansion of Zoom Rooms in connection with the IT Bond Bill and as an Access to Justice initiative.

### *Virtual Court Service Centers*

While our physical Court Service Centers are closed until we can safely operate them again, Court Service Centers are providing virtual assistance by Zoom or by phone every day of the week. Court users can seek assistance with:

- ❖ abuse and harassment prevention orders



- ❖ section 12 or 35 mental health commitments
- ❖ emergency guardianships
- ❖ emergency custody, child support, or parenting time filings
- ❖ some emergency child support modifications
- ❖ answer and discovery forms for all eviction complaints
- ❖ housing temporary restraining orders
- ❖ housing motions to vacate or motions to vacate a dismissal for failure to appear entered since March 1, 2020, and
- ❖ housing motions to stay an execution for an eviction.

### **Specialty Courts**

I stated earlier that we are seeing a substantial increase in substance use disorder and co-occurring mental health issues. Thanks to the funding provided by the Legislature, we continue to meet the needs of high-risk, high-need defendants through 54 Specialty Courts in the Commonwealth so that every community in the Commonwealth is served by at least one specialty court. We currently have:

- ❖ 9 Mental Health Courts
- ❖ 6 Veterans Treatment Courts
- ❖ Probate & Family Court:
  - 1 Family Resolutions Court
  - 1 Family Drug Court
- ❖ 2 Homelessness Courts and
- ❖ 35 Drug Courts.

Anyone who needs and qualifies for the services of a drug court, has access to one. Our Specialty Courts have not missed a beat. They have continued sessions virtually, or in person, as necessary, and they have continued to support and graduate those individuals who meet the graduation standards. We are so proud of our graduates.

## **Project NORTH**

We continue to be good stewards of the funding that we receive and continue to seek grant funding for initiatives to allow us to better serve the community. At the end of 2020, the Trial Court received its largest grant ever – a \$6M grant from the Department of Justice to expand court-based connections for individuals at risk of overdose in 12 local courts that serve 62 communities.

Project NORTH, which stands for Navigation Outreach Recovery Treatment and Hope, will offer enhanced services in courthouses located in 12 communities highly impacted by overdose deaths: Boston, Brockton, Fall River, Lawrence, Lowell, Lynn, New Bedford, Pittsfield, Quincy, Springfield, Taunton and Worcester. This funding will allow us to hire 19 Navigators who will link court users to treatment and recovery support services, transportation to treatment and court-mandated programming, and up to six months of sober housing for 300 probationers over two years.

## **e-Reminder System**

In 2018, the legislature passed landmark criminal justice reform legislation to develop a more equitable system, reduce recidivism, increase judicial discretion, and enhance public safety. One of the initiatives established in this legislation was an electronic reminder system for court users to minimize unnecessary pretrial detention and provide defendants with court date reminders to reduce the risk of accidental defaults. In October 2019, the Trial Court launched an e-Reminder system in four pilot courts.

I am happy to report that last November, we launched the Interactive Text Message (ITR) system in the District Court, the Boston Municipal Court, and the Superior Court Departments. Any pretrial defendant with a case or cases pending before any adult criminal court in the Commonwealth can now opt in to receive a text message of any and all future court dates. Defendants and probationers can now receive a court date notification text message four days before, and twelve (12) hours before their next court date. Individuals can opt out of the program by simply notifying the Clerk Magistrate's office they no longer wish to receive text reminders.

On March 22, 2021, Phase II of the e-Reminder service were launched in the Housing Court, the Probate & Family Court, and in the Juvenile Court Departments. Tests will be conducted in the selected court locations of Essex Probate & Family, Middlesex Juvenile Court, and the Western and Central Divisions of the Housing Court. A full statewide rollout to each department will occur on May 3, 2021.

More than 25,000 text messages have been sent out in the criminal courts since the inception of the system on November 10, 2020. As court activity resumes statewide and as the pandemic subsides, we are expecting the system can and will deliver more than a million text messages across all court departments.

## **Diversity**

Diversity, Equity, and Inclusion is a critical initiative for the Trial Court. Our Office of Diversity, Equity, Inclusion and Experience has been operational for three years. We are proud of their efforts. The office has facilitated internal experiential sessions, as well as community outreach sessions, where race, bias, and concerns about contact with the courts have been addressed. We embrace and welcome these sessions because they enable us to build the capacity of judges and court employees to address race and bias in the courts and to be more comfortable with being uncomfortable.

This has been a year for the books. Between the pandemic and racial reckoning on all fronts, it is a year that we will all remember. We are a system that believes in equality and justice for all, but we know that have work to do. As a court system, we know if we are going to make lasting change to create a system that is just and equitable for every person regardless of the color of their skin or any other difference, we must turn towards the hard truths and face them.

We have many forces that inform our work, including the Harvard Law School study commissioned by Chief Justice Gants, that showed Black and Latinx people are overrepresented in the Massachusetts caseload and receive longer sentences. The SJC Standing Committee on Lawyer Well-being Summary of Affinity Bar Town Hall

Meetings contains reports by attorneys of color and other populations that they face increased scrutiny and are treated differently in our court buildings.

As a court system, we have taken this as a call to action, as a call to confront racism in the courts. While our efforts began years ago, we know we must do more. Internally, we are increasing the number of employees of color in the court system and increasing the number of people of color in leadership roles. We are working to establish a system where we mentor our diverse employees and create pathways for promotion. We have implemented a new training program, Beyond Intent: Understanding the Impact of Your Words and Actions, and we are piloting Cultural Awareness and Racial Empathy Training.

Outside of our courthouses, we are conducting town halls, going out into the communities who are affected most deeply, so that community members can engage directly with court leaders in dialogues about issues of race and achieving justice for communities and individuals who historically have experienced disparate treatment in the justice system. We will continue these efforts, as we take a hard look at ourselves and our system, while remaining true to our constitutional principles. The many recent events seem to test our beliefs, but we need to remain true, strong, and committed to our system of justice – all individuals are entitled to equal justice under the law.

The Trial Court continues to pursue innovation and change and enhance access to justice in all we do each and every day. I invite all of you and your staff members to reach out at any time to learn more about our work in the Trial Court. We greatly appreciate and thank you for your past and ongoing interest in and support of the court system. I will now turn this over to Court Administrator John Bello to tell you more about our budget and our IT initiatives.

**Trial Court Administrator John A. Bello**  
**Trial Court Fiscal Year 2022 Budget Request**  
**Joint Ways and Means Committee Hearing Testimony**  
**March 26, 2021**

Good afternoon, Representative Williams and Senator Gobi and members of the Joint Ways and Means Committee. Thank you for the opportunity to provide testimony today regarding the court system and its needs.

While I am new to the role of Court Administrator, I am no stranger to the Trial Court or to public service. I served as the Associate Court Administrator before my predecessor's departure, and before that as the Director of Facilities and Capital Planning. I have a deep understanding of the operations and functioning of the court system.

As Chief Justice Carey told you, our FY22 maintenance request is \$771,555,499 to fund 6,377 position. This does not include salary increases for new collective bargaining agreements. This request represents a .72% change from our FY21 funding level, the result of items such salary annualization and step rate increases. I have included a complete breakdown of this increase at the conclusion of my written testimony. The Governor's budget recommendations in H1 included \$762.9M for the Trial Court, a difference of about \$8.6M. We are hopeful that the Legislature will recognize the court system's needs and provide our maintenance request.

**Covid-19 and the Courts**

The pandemic tested all of corners of government in Massachusetts and it certainly tested the Trial Court. But I am proud to report to you that we, as a court system, rose to meet the challenges presented to us and actually found opportunity in a crisis to accelerate progress on some of our long-term initiatives.

The Trial Court is a system in which our employees are our greatest asset. In fact, salaries, and employee-related expenses account for 74% of the Trial Court budget. During this past year, every one of those employees has demonstrated resiliency and

shown how innovative they could be going above and beyond. I am proud of the system we lead.

In April 2020, it became clear that the pandemic was going to force us to look at a new way of doing business in the long term. We established a Trial Court COVID Operations Committee to coordinate multiple efforts across all departments for the gradual reopening of physical courthouses to the public, while ensuring the safety of court staff and the public. This committee is divided into five subcommittees to develop recommendations regarding security screening protocols, jury trial protocols, enhanced information technology needs, external stakeholder outreach and internal communications. Thanks to the work of this committee, as we near the reopening of the Commonwealth, the court system is ready to safely welcome back more of the public.

When the pandemic shut down much of the Commonwealth and it became evident that the health of the state budget would be uncertain, we immediately formed a Budget Advisory Committee to scrutinize the court's FY20 and FY21 budgets and identify potential areas of savings and efficiencies. And the Trial Court acted:

- ❖ We put a hiring freeze in place from July 1 through October 31 accounting for 116 positions.
- ❖ We implemented a voluntary separation incentive of which 149 employees took advantage.
- ❖ We offered a voluntary reduction in hours and voluntary personal leave.
- ❖ We suspended use of recall judges from July 1 through September 30; and
- ❖ We suspended use of per diem staff from July 1 through September 30.

These measures generated approximately \$17.5M in savings. But while generating savings, we also incurred costs related to Covid-19.

Shifting to a virtual world of court hearings and a remote workforce meant incurring approximately \$4.6M in information technology costs. To date, we have deployed 2,300 laptops to employees, and we expect to deploy another 1,500 laptops . Enabling communication systems for employees to continue the work of the courts and

Probation meant \$2.3M in telecommunications costs. For those court matters that had to be heard in person, we retrofitted our courthouses with plexiglass barriers and provided personal protective equipment to our employees with a cost of \$4.5M. An employee or court visitor testing positive for Covid meant deep cleaning courthouses (\$490K) and our facilities staff working overtime (app. \$668K) which totaled \$1.1M. The Trial Court also has contracted with Tighe & Bond, a mechanical engineering firm, to perform a system-wide HVAC Evaluation project on every site.

As Chief Justice Carey told you, we have a backlog of cases that need to be heard. Some of those cases are jury trials which, given the number of individuals who must be summonsed for jury empanelment, our courthouses cannot safely accommodate due to social distancing and ventilation requirements. Consequently, we have signed leases in Berkshire County, Hampden County, Hampshire County, and Norfolk County for large off-site locations with enough space for 12-person jury trials at a cost of approximately \$5M.

### **IT Bond Bill**

Shifting an entire system to a virtual world meant that we were forced to kickstart some of our information technology initiatives to provide court users with access to the courts. We actually find ourselves in a better place technologically than a year ago, which has greatly expanded our options for serving the public.

We continue to expand our eCourts initiative through our eCourts Program Office. We have expanded eFiling for the electronic filing of all documents to all Trial Court departments. We have implemented ePay to allow people to pay criminal court fees and fines online and we are working towards a paperless system. But we have much more work to do.

To that end, the Judiciary's IT Bond Bill, HD1516 An Act to improve and modernize the information technology systems and capacities of the judiciary, has been filed on the court system's behalf. I want to thank Judiciary House Chair Representative Mike Day and Representative Sheila Harrington for their support on this bill and for

agreeing to refile it this session. This bill was filed last year but the global crisis intervened.

## **The Needs of Court Users**

The pandemic has demonstrated, like nothing else has, the significance of technology to an individual's ability to access the justice system - physically, virtually, and psychologically. When we looked at the IT needs of the court system, we looked at it from that perspective: what do court users need to access justice?

Before coming to court, court users need the ability to file forms, pay filing fees, find information, and access guidance on the court process from their home. For many court users, coming to court means taking a day off from work or paying for childcare. Not being able to miss work or get childcare could mean a default judgment or even a default warrant.

What if a court user does not have access to the technology to participate in a virtual hearing? They need a viable alternative that would permit them to have their virtual hearing and not have to be in court all day.

When a courthouse visit is necessary, court users need to know where they are going once inside a courthouse. They need to know they are safe in a secure building and that the confidential information they have provided in their case is secure.

If litigants or witnesses speak a language other than English, they need to know their language needs will be met, so they can fully participate in the court process. Once someone has had their court hearing, whether virtual or in person, we also know they need access to information as soon as it is available.

Our IT Bond Bill, which requests \$164M, responds to all of these needs. If enacted, this bill will provide:

- ❖ A way to virtually access the court system that eliminates the need to physically travel to a courthouse unless absolutely necessary, so a litigant isn't forced to make the choice between coming to court and taking care of their child.



- ❖ An Access to Justice (A2J) portal to provide the necessary information and process flows to enable self-represented litigants to find the information they need, file the appropriate case material, and have access to online dispute resolution (ORD) and mediation services.
- ❖ Increased bandwidth ensuring that virtual hearings take place in a secure virtual space without a stop or stutter.
- ❖ A content management system to manage e-filed documents, forms, and evidence so they are immediately available to judges and clerks during court hearings without having to hunt down paper and prolong court processes.
- ❖ Real time docketing will ensure that critical information about court events, such as judges' decisions, is immediately accessible to everyone who needs it.
- ❖ Wayfinding and digital signage so court users can look at a map of the courthouse, see their case on the docket, and find the right courtroom.
- ❖ Video remote interpreting will ensure that no matter what language a court user speaks, interpreter services will be available without requiring a continuance to find the right interpreter.
- ❖ Updated security systems with additional cameras, centralized security monitoring, duress systems, in-building communication and improved communication with law enforcement, creating safer and more secure courthouses.
- ❖ A modern Voice over Internet Protocol (VoIP) Phone System which will improve a litigant's experience when they contact the courts and improve operational efficiency.

The court's IT infrastructure is an access to justice issue, and I look forward to working with you on this important and critical initiative.

### **Diversity Initiatives**

As Chief Justice Carey told you, we are working on initiatives to make the court system fair and equitable. I have read the SJC Lawyer Well-being Committee Report

Summarizing Affinity Bar Town Hall Meetings. I know the challenges we must overcome to overcome systemic racism. This is a personal issue for me. I came to the United States from the Dominican Republic over 30 years ago with my family. I did not speak English and I experienced bias and discrimination as I navigated the system. I know what it feels like to be marginalized. With those personal experiences informing how I approach my new role, I am committed, as is Chief Justice Carey, to create systemic change. We know it will take time and we are committed to see this through.

Our Office of Diversity, Equity, Inclusion and Experience is taking the lead on training *all* of our employees on how to have hard conversations about race and implicit bias and build our capacity around these issues. We are going out into the communities to listen to our court users about their experience of our system. We have created a new Office of Workplace Rights & Compliance that works with judges, elected and appointed officials, managers, supervisors, employees, non-court employees who work in or have business with the court, members of the public who use court facilities, as well as vendors and contractors to create a work environment where everyone feels welcomed, safe, and supported. We are working to increase the diversity of our own workforce and our Annual Diversity Report ensures that our efforts are public and transparent. The Office of Workplace Rights and Compliance is working with Human Resources to develop a Strategic Recruitment Plan. Additionally, the Executive Office of the Trial Court is invested to ensure that all Trial Court job postings reach a broader, more diverse audience. All positions are now automatically posted to 20 affinity sites.

We are becoming a more inclusive, diverse and supportive organization, so that we can better address the needs of colleagues and the public we serve. I look forward to meeting with all of you so that we can tell you more about our efforts and update you on our successes.

Thank you again for your time and your attention. I am happy to answer any questions you may have.

## FINANCIAL BREAKDOWN OF TRIAL COURT BUDGET REQUEST

- ❖ The maintenance portion of the budget request funds 6,377 positions. It represents a .72 percent increase over Fiscal Year 2021's budget. The increase consists of the following:
- ❖ \$ 1,720,494 to annualize salaries for judges and to provide sick and vacation buyback for judges who retire during the year.
- ❖ \$6,100,417 Fiscal Year 2022 step rate increases and annualization of 2021 step increases due employees in accordance with collective bargaining agreements and personnel policies.
- ❖ \$5,958,320 to annualize new hires completed in Fiscal Year 2021 and annualize the salaries of employees on a leave of absence or workers compensation for a portion of Fiscal Year 2021.
- ❖ \$4,097,056 for personnel-related costs for promotions, reclassifications, stipends, differential pay and collective bargained salary increases for ACCO's and CO II's.
- ❖ \$9,814,050 provides annualization and inflation for law library collections, utilities, case related expenses for interpreters, guardians ad litem, employee travel and dental/optical trust agreements.

## **FISCAL YEAR 2022 TRIAL COURT BUDGET EXPANSION MODULES**

### **Establish Online Dispute Resolution (ODR) \$250,000**

The Trial Court seeks to implement the recommendations of the Access to Justice Commission Committee on Online Dispute Resolution (ODR). The Committee has been holding regular meetings since September 2020 and has focused its work on the access to justice opportunities and implications of court based online dispute resolution as it impacts self-represented litigants, as well as implementing ODR in the non-debt collection realm of small claims and possibly civil motor vehicle infractions. The Committee is examining this narrow implementation and uses this example to consider access to justice issues in connection with possible expansion of ODR.

### **Increase Court Clinicians for Mental Health, SUD Screening & Care Referrals \$1,130,000**

Substance use disorder and co-occurring mental illness are among the most significant problems addressed each day in Trial Courts across the Commonwealth. In the District Court alone, over 13,000 civil petitions for substance use disorder or mental health commitments were filed in FY2019. It has been estimated that 80-90% of criminal defendants coming before the courts suffer from substance use disorder and co-occurring mental illness. Given the complex nature of the individuals who come before the courts of the Commonwealth, funding is necessary for the Trial Court to hire 10 additional clinicians to provide mental health and substance use disorder (SUD) screening and to make appropriate referrals for treatment. The clinicians would primarily be assigned to courts in the District Court Department but would be available to other co-located court departments when needed.

Hiring additional mental health clinicians will permit the expansion of responsibilities and provide Trial Court with the tools to deal with the non-specialty court individuals who appear in courts daily. This population is largely comprised of people suffering from co-occurring disorders, as well as issues of criminogenic thinking. Not all, however, present with the same amount of risk and need. For some people, their first court appearance will be their last; these people should be diverted from the system.

For the remainder of the defendants, an evidence-based assessment by a professional should dictate the level of care and level of supervision required. This could be accomplished by the availability of a clinician to perform initial screens and, if warranted, assessments. The ability of a clinician in a particular location to identify community resources as needed is also of value. If necessary, an intensive probation supervision for those with certain needs could be reserved for defendants with the highest need and greatest risk. Substance use disorder and mental illness could be treated holistically with an individual treatment plan and intensive supervision without trying to pigeonhole a probationer into an appropriate specialty court.

Some of the immediate and specific benefits of this plan are as follows:

- ❖ More timely action on G.L. c. 123, § 35 petitions.
- ❖ More timely action on G.L. c. 123, § 12 petitions.
- ❖ The ability to assess and determine competency and criminal responsibility in the community without the necessity of a commitment to Bridgewater or Worcester Recovery Center.
- ❖ The ability to provide referral resources for those with mental health needs.
- ❖ The ability to refer petitioners, victims and witnesses in all matters to a clinician for assistance; and
- ❖ The ability to perform G.L. c. 123, § 15(e) aid in sentencing evaluations, for the court both on an inpatient and outpatient basis.

The new mental health clinician positions would be in the nature of either a designated forensic psychologist, psychiatrist, or licensed social worker. The range of costs for the positions would be from \$106,000 (for a licensed social worker) to \$120,000 for a Designated Forensic Professional (DFP), resulting in an average cost for each new position of \$113,000 per position, with a total of 10 positions. The new clinicians will be hired through existing mechanisms using Interagency Service Agreements and the Department of Mental Health's existing contracts with area mental health providers across the Commonwealth.

## **Recall Judges \$1,326,978**

In an effort to support the established and recently developed backlog of court cases across the various court departments, the Trial Court is requesting funds be appropriated to normalize the case load and fulfill the state constitutional obligations.

## **MassHealth Reentry Services (BH-JI Initiative) \$1,000,000**

The MassHealth reentry funding (also known as the Behavioral Health for Justice Involved Individuals) grew out of the work of the CSG Reinvestment Legislation. The funding supports in-reach by accountable care organizations into correctional facilities to provide intake and assessment for high risk/high care returning citizens, as well as support referrals for people under community supervision by Probation and Parole. It makes the efficient and immediate connection of the re-entering individual to medical and behavioral health services during the high-risk reentry period. In FY2020, \$3M in funding generated some \$15M in federal reimbursement for individuals in this joint EOHHS-criminal justice system partnership program.

The Trial Court requests \$1,000,000 in expansion funding for this line item in FY2022. These funds will be added to the \$4,065,000 secured in FY2021 to maintain the Worcester and Middlesex County full-service pilots, support the statewide tele-health efforts implemented during the pandemic, and to support the procurement and startup costs for full services in each county. This \$1M, in addition with the \$1M expansion successfully secured in FY2021, will support the annualized full statewide implementation of this program. With procurement and ramp up costs supported in FY2021; this figure represents a full year of actual expenditures. Total behavioral health slots dedicated to those in the criminal justice system would rise from 900 served annually in Worcester and Middlesex counties to 3,800 served annually. In the first calendar year of operation (September 2019- September 2020), 791 referrals were made to the program.

## **Transitional Residential Services \$1,500,000**

The request would allow expansion of services to two additional geographic areas of the Commonwealth. Current funding allows for transitional reentry housing options for males, females and older returning citizens subject to homelessness. These residential slots are available for pre-release, Parole, and Probation sentenced individuals. The current complement of 140 slots are filled and have a waiting list and there are major geographic areas of the state without access to beds. This additional funding will support up to 50 additional transitional residential beds in either a fixed facility or scattered site configuration as best suits the needs of the reentry population and the requirements of geography.