



TESTIMONY

OF

**JONATHAN S. WILLIAMS
COURT ADMINISTRATOR**

ON THE

**TRIAL COURT
FISCAL YEAR 2020 BUDGET REQUEST**

**PRESENTED TO THE
JOINT COMMITTEE ON WAYS AND MEANS**

MARCH 15, 2019

Court Administrator Jonathan S. Williams

Joint Committee on Ways & Means

Good morning Senator Rodrigues, Representative Michlewitz and members of the Joint Ways and Means Committee. We appreciate the strong partnership of the branches demonstrated in our current year's budget, and have successfully expanded Housing Court throughout the Commonwealth, put specialty courts within reach of all people, expanded Alternative Dispute Resolution, and addressed the crisis in Probate and Family Courts, as well as implementing major elements of criminal justice reform through the courts. Thank you for the opportunity to speak with you today about the Trial Court, its budget, and its needs for the coming year.

Fiscal Year 2020 Request

The Trial Court's budget request for Fiscal Year 2020 consists of two major components – maintenance funding of \$737.9 million, and two expansion modules that total \$1.6 million.

Prior to providing details on the Trial Court's Fiscal Year 2020 budget request, we would like to report on our Fiscal Year 2019 performance. This includes improving access to justice in our courthouses and through technological innovation, increasing the diversity and cultural competence of our workforce, improving operating efficiencies within our current appropriations, and implementing criminal justice reform.

Fiscal Year 2019 Update

The Trial Court's original Strategic Plan in 2013 made a commitment to continuous improvement in our operations and in our service to the public. This means we find ways to operate more efficiently, while at the same time providing fair and equal access to justice.

- In 2013 we committed to create Court Service Centers to help people navigate the court system, find forms, and so on. Our six **Court Service Centers** last year served more than 60,000 people who are not represented by lawyers and demand continues to grow. Appleseed has been working on a new proposal for us to offer resources online as **Virtual Court Service**

Centers that may include support such as online chat or telephone services to enable more people in more places to benefit from these centers. Already staff in our 15 law libraries answer more than 5,000 questions each year by call or text, and receive more than 35,000 visits in person per year. We think this is a very promising direction to further increase access to justice.

- A couple of years ago we were being overwhelmed by interpreter needs, with far too many proceedings delayed or postponed. We have continued to strengthen our interpreter services, adding 15 new staff interpreters, in addition to more contract interpreters. In a given year we now provide interpreters for 150,000 court events in over 100 languages. While we once struggled to reliably fulfill all the requests, we now routinely meet 99% of scheduled requests and more than 90% of last minute add-ons.

In Fiscal Year 2016 we launched the Trial Court's second strategic plan, **Strategic Plan 2.0** building on achievements in the first plan. As we presented last year, this includes a number of goals for modernizing the Massachusetts Probation Service.

- The Probation Strategic Plan identified as one of its highest priorities case management software to replace the paper-based probation files. We are now configuring a case management system that will support work at the individual case level and enable more effective management of the entire enterprise. We will begin statewide implementation this fall.
- Probation's Strategic Plan also highlighted utilizing Associate Probation Officers to perform many in-court functions and other administrative responsibilities, to allow the more highly skilled and trained Probation Officers to spend more time supervising probationers. I am happy to report that this **administrative reengineering** has proven successful and is now being rolled out state wide. The most recent change is the creation of an Administrative Probation Unit that is taking on the thousands of cases that only require payment of restitution or other obligations, or completion of a course where Probation is only looking for the final certificate. All that paperwork and data entry was being done by Probation Officers keeping them from face to face duties with probationers. Now it is being done by APOs at a central location.

- And as a result of the major initiatives and legislation around criminal justice reform, Probation has been working all year to implement DNA collection, including fingerprinting, the development of pretrial services, and the creation of new residential reentry programs to serve the Commonwealth. Setting up the reentry grant program has been a time consuming effort to design and structure the procurement process and identify the right service delivery partner, but those funds now can begin flowing.
- This commitment to implementing criminal justice reform is being leveraged by Probation increasing the amount and types of services offered through **Community Corrections Centers**. For example over the past five quarters there has been an increase of over 50% in Supervision Support Services, including Motherhood and Fatherhood programming, DNA collection, and drug and alcohol screening, from 9,000 users per quarter to 14,000 per quarter.

One important area in Strategic Plan 2.0 was leveraging **next generation technology** to enhance our ability to better serve the public. I am pleased to report that we are well underway.

- Last summer we quietly put on the web an online Small Claims application called **Guide and File**. The user answers a series of questions on screen and at the end has a finished small claims complaint in the right format ready for filing. We are just about to start promoting this widely and yet we are already seeing more than 400 of these complaints done every month.
- We are also **expanding civil e-filing** throughout multiple departments and more than 11,000 attorneys and their staffs have registered and more than 10,000 cases have been e-filed. You can now electronically file most common case types at all District Court and Boston Municipal Court divisions, as well as most estate and guardianship matters and divorce complaints filed under G.L 208 § 1B at all Probate and Family Court locations. The Housing Court is also accepting small claims filings in four divisions and the Superior Court initiated pilots in Middlesex and Barnstable Counties accepting electronically filed tort actions.
- Law enforcement use of our **Electronic Application for Criminal Complaint (EACC)** has increased to 37 divisions in the District Court and BMC, with

over 80 police departments participating. This automates significant steps in the creation of criminal files and saves officer time driving in paper applications every morning. In time, this will allow these courts to minimize the printing of any paper for court participants.

- Traditionally, decisions made in court were entered into electronic dockets after court was over, and important orders were issued in writing later. Now, **real time docketing** is running in some of our departments and in others we are planning roll out. Our goal is to strive toward 100% of all case work documented in real time. This requires greater staffing and equipment inside the courtroom, but is a net savings in total labor to complete the court's business, and it serves the public better by providing final orders often within a few minutes.

Before I move on to the Trial Court's operating budget, I want this committee to know that while we have proven the incredible opportunities that technology brings for improving access to justice, and for increasing efficiency of our operations, we are not where we need to be to implement this technology at full scale. The truth is that across our 99 courthouses, 429 courtrooms and five million square feet of facilities, we are often on 1990's telephone systems that routinely fail, we lack the funds to install wifi in work areas or for the public, and we face increasing risks to our data as we transition from a paper to a digital world among other needs.

Technology has been a major area of underinvestment, representing less than 3% of our appropriation. By comparison federal courts put about 10% of their budget into technology. We need to catch up fast. That's why we are bringing forward a **technology bond bill** this session to rapidly modernize and secure our digital infrastructure. This bill will seek approximately \$160 million over a projected five-year investment timeframe, with transformational projects aimed at operational excellence, a modern and secure judiciary, and equipping the digital courthouses and courtrooms we need to deliver on the promise of technology.

This will yield huge benefits to a public that increasingly demands and deserves electronic options from their government, and will increase our ability to partner with more effective data exchanges with law enforcement, RMV, the Department of Revenue, DCF and others.

Trial Court's Fiscal Year 2020 Maintenance Budget Request

To maintain current operations for Fiscal Year 2020, the Trial Court is requesting \$737.9M, which funds 6,557 positions. The spending increases required to maintain operations above Fiscal Year 2019 spending are as follows:

- \$7,628,124 to annualize Cost of Living increases for Union and Management staff for Fiscal Year 2020
- \$5,082,022 to annualize salaries to provide sick and vacation buyback for judges who retire during the year
- \$5,673,192 for Fiscal Year 2020 step rate increases and annualization of Fiscal Year 2019 step increases due employees in accordance with collective bargaining agreements and personnel policies
- \$7,032,377 to annualize new hires being completed in Fiscal Year 2019 and the salaries of employees on a leave of absence or workers compensation for a portion of Fiscal Year 2019
- \$4,064,440 for personnel related costs for promotions, reclassifications, stipends, differential pay and collective bargained salary increase for Assistant Chief Court Officer's and Court Officer II's and increases in sick and vacation buyback for retiring employees
- \$ 330,906 for increases of private and county space leases
- \$5,987,450 annualization and inflation for law library collections, utilities, case related expenses for interpreters, guardians ad litem and dental/optical trust agreements

The above increases are offset by one-time costs and negative annualization totaling \$864,444. The one-time costs relate to sick and vacation buyback, costs for terminated employees and employees who were on the payroll for only a portion of Fiscal Year 2019 and one-time non-personnel costs.

In addition to our maintenance budget request, we also request funding for the four individual budget modules for initiatives that are important to maintain our forward momentum.

Expansion Module Detail

Differentiated Case Management (DCM) Study **\$80,000**

DCM provides a mechanism to tailor the case management process to the requirements of individual cases; thus, improving the organization of court events to ensure each scheduled event occurs timely and in a manner that promotes case disposition. Funding will support technical assistance to assess caseloads and judicial resources to improve the quality of the judicial process and promote more efficient use of resources.

Critical Court Security Hardware Improvements **\$1,523,000**

a. Suffolk and Worcester County Video Management System Video Management Systems in each courthouse assist court officers in detecting potential security breaches and critical incidents. Funding will support replacing 144 cameras at the Suffolk and Worcester County Courthouses that are well past their service life.
\$243,000

b. Walk-Through Metal Detection Systems

There are ten walk through metal detection systems located in the courthouses across the state whose age has met or exceeded the manufacturer's recommended life cycle. Funding will support the replacement of these ten metal detection systems.
\$ 50,000

c. Secure Pocket System Pilot

The Trial Court has reviewed its policy on cell phones in courthouses; thereby, recognizing the need to balance security and public safety concerns with access to justice. Funding will support piloting a security pouch system in two locations. Court users would be required to place their cell phones in a specially designed pouch that locks magnetically. They would be able to carry the pouches with them and have them unlocked at a central unlocking station, if needed for court business or when leaving court for the day.
\$ 30,000

d. Entry Security Screening Systems

Many of the Trial Court's x-ray units at courthouse entries have reached the "end of life" status as suggested by manufacturer's life cycle guidelines or industry standard. Funding will support replacement of 40 x-ray units.
\$1,200,000

In addition to the Differentiated Case Management and Critical Security Hardware, the Trial Court also supports the following two initiatives whose funding could be administered through the courts.

MassHealth Behavioral Health Pilot **\$2,000,000**

This pilot program in Middlesex County targets 200-225 criminal justice cases for individuals leaving the Department of Correction system. These individuals have a probation and parole status of both supervised and unsupervised. Vendors procured through MassHealth will identify high risk, high need individuals in this cohort and target them for intensive case coordination to ensure that they continue to receive the treatment and services they required. Funding will support expansion of this pilot to Worcester County, targeting approximately 400-450 criminal justice involved persons.

United Teen Equality Center (UTEC) **\$562,500**

Transitional Youth Early Intervention Pilot Program

The funding awarded to UTEC for this program currently supports anti-recidivism programming for fifty, 18-24 years old probationers, who have been determined to be high risk/high need. UTEC subsidizes the total Fiscal Year 2019 cost needed to support programming efforts through an additional \$437,500 in private funding that will expire at the end of the fiscal year. This programming includes free child care for enrolled young parents as well as other ancillary services not covered by the current contract with Probation. Following a bid process, funding will support the expansion of this program to eighty young adults as well as other ancillary costs.

Governor's Fiscal Year 2020
House 1 Budget Recommendation

The Governor's Fiscal Year 2020 House Bill 1 recommendation for the Trial Court totals \$726.7M. The recommendation funds Fiscal Year 2019 existing accounts, as well as funding the continued initiatives for Criminal Justice Reform. Additionally, \$7.8M was added to the Trial Court operating budget to fund existing leases for Middlesex Superior (\$6,292,016) and Cambridge District (\$1,555,392) Courts which were previously funded through the capital budget. These were not included in our original Fiscal Year 2020 Maintenance request.

In addition, House Bill 1 spends \$2.6M on the new services for young adults through UTEC and the pilot program through Mass Behavioral Health. As Chief Justice Carey mentioned, House Bill 1 also fails to continue funding from earmarks and expansion modules in the FY19 budget totaling \$2.2M. These include cuts to Alternative Dispute Resolution, the Probate and Family Court, increased hourly compensation for Juvenile Court Investigators, and funds for Probation to conduct DNA testing and to pay for increased electronic monitoring capacity. Finally, after appropriating \$5M last year as a pass through to establish new residential reentry services managed through Probation, House Bill 1 cuts the funding in half. This instability in funding levels will make it difficult to plan on what range of services and support can be offered going forward.

The House 1 recommendation without capital lease costs or these earmarks or expansion is \$21.4M below our maintenance budget. This represents an increase of \$15.7M or 2.2% over our Fiscal Year 2019 total appropriation of \$703.1M.

The net result of placing the new requirements into the Trial Court budget, and removing funding established in FY19, will require the Trial Court to make difficult choices on maintaining core services that predate this Fiscal Year, or to cut new initiatives that were funded for the first time during this year but are unfunded in House Bill 1.

We look forward to continuing to work with the committee during this process to reach resolution on these issues and to continue providing a high quality of justice daily to the people of the Commonwealth.