



NEW BEDFORD
BAR ASSOCIATION

April 6, 2016

Dear New Bedford Bar Area Attorney:

Yesterday afternoon, I attended a Bench Bar Meeting at the Supreme Judicial Court. The primary purpose of the meeting was to review the Fiscal Year 2017 Trial Court Budget Modules. I attach to this letter budget materials provided at the meeting.

The Trial Court very much needs our assistance to obtain funding from the House of Representatives. This issue will impact our bar significantly if the Trial Court does not obtain the funding requested because one contested issue is the Security System Enhancements desperately needed by courts across the Commonwealth.

I am sure many of you have observed that our New Bedford courts are in dire need of updates across the board – maintenance, repairs, etc. – but a major concern that has been a serious discussion at every New Bedford District Court Operations Meeting is the abysmal state of the security measures in place at the Court. Despite Chief John Frank's tireless efforts, the safety of all of those who visit or work in the Court is undermined by the lack of funding and attention from the Legislative Branch to the security in our Courts.

I spoke with Massachusetts Trial Court Administrator Harry Spence about these troublesome issues at our Courts and asked him what we can do to persuade to allocate funds to help correct these security failures. Mr. Spence suggested that advocacy from our local representatives at this crucial time is imperative.

Below is the contact information for our local representatives, whose advocacy is necessary for our region to receive attention and the Trial Court budget request be approved. I ask each of you to please, take the time to write our representatives and ask them to fight for us. Please keep in mind that time is of the essence. The House is to vote in a little over one week, with amendments due by April 13, 2016.

Very Truly Yours,

ADRIENNE CATHERINE H. BEAUREGARD-RHEAUME
President, New Bedford Bar Association



Greater New Bedford Area House Representatives Contact Information:

Representative Paul Schmid (Precincts D, E, and F of Ward 1 of New Bedford; Westport)
1434 Pleasant Street
Fall River, MA 02723

Representative Christopher Markey (Precincts D, E, and F of Ward 3 of New Bedford;
Dartmouth)
50 Homer's Wharf
New Bedford, MA 02740

Representative William M. Straus (Precincts D and E of Ward 4 of New Bedford;
Fairhaven)
15 Hamilton Street
New Bedford, MA 02740

Representative Robert Koczera (Precincts A, B, and C of Ward 1, Ward 2, and Precincts
B and C of Ward 3, New Bedford; Acushnet)
1911 Acushnet Avenue
New Bedford, MA 02745

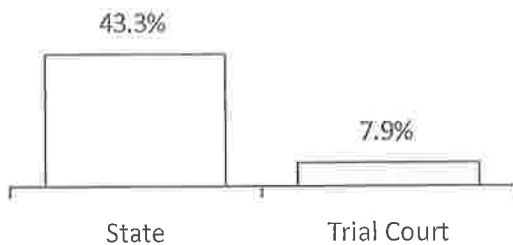
Representative Antonio Cabral (Precincts A, B, C and F of Ward 4, and Wards 5 and 6,
New Bedford)
Commonwealth of Massachusetts State House
Room 466
Boston, MA 02133

Massachusetts Trial Court: Creating Systemic Change for the 21st Century

Since 2013, the Trial Court has introduced major operational and management reforms to improve efficiency and accountability in the delivery of justice. The Trial Court is committed to evidence-based decision making in its efforts to address recidivism, respond to the opioid epidemic, and enhance public safety. Technology has enabled extensive process enhancements and broadened access to justice. Fiscal stability for the next three years will ensure successful digitization and enable the Trial Court to complete its transition to a 21st century court system. Our maintenance request of \$654.4 million will be critical to ensuring our ability to stay the course.

Fiscal Oversight: Managed Resource Allocation & Controlled Growth

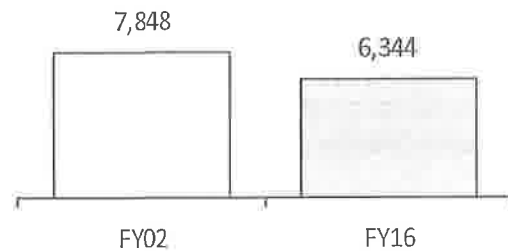
% Growth, State and Trial Court Budgets
FY08 to FY16



Total State Budget: Increased \$11.6 billion or 43.3%, from \$26.8 billion to \$38.4 billion.

Trial Court Budget: Increased \$46 million or 7.9%, from \$585.5 million to \$631.5 million.

Trial Court Staffing Levels
FY02 to FY16



Reduction of 1,504 positions or 19.2%.

Maintenance funding for 6,520 positions represents a 17% reduction.

Accomplishments of Strategic Plan 1.0 – One Mission: Justice with Dignity and Speed

Evidence-based Practices Improve Outcomes and Enhance Public Safety

- Transformation in Probation through workforce development and evidence-based case management practices for pretrial and sentenced offenders
- Expanded to 37 specialty court sessions to coordinate services and measure results to improve outcomes
 - 25 Drug Courts, 6 Mental Health Courts, 5 Veterans Treatment Courts, 1 Homeless Court
 - Center for Excellence partnership with UMass/Medical
- Developing comprehensive, validated, state-of-the-art risk assessment instruments
- Expanding Project HOPE/MORR model of supervision for high-risk offenders with swift, certain, measured consequences for violations; currently in Salem and Worcester, adding 10 locations in FY16
- Judicial departments collaborate to develop common practices using data-driven decision making

Security Training Focused on Public Safety of Court Users & Staff

- Security job structure revised to maximize efficiency
- Training expanded and improved to meet public safety standards and to seek national accreditation
- Introduced six-week training academy for 125 new Court Officers in FY15; training academy will expand to eight weeks in FY16
- Expanded training requirements for current officers
- Introduced routine drug testing of all security staff
- Trained all COs as Emergency First Responders & on active shooter protocol ALICE (Alert, Lockdown, Inform, Counter, Evacuate)

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Accomplishments of Strategic Plan 1.0 – One Mission: Justice with Dignity and Speed *continued*

Workforce Management and Training Improve Quality of Justice

- 20 percent fewer staff than 2001
- Established effective accountability systems
- Removal of 'for cause' standard has increased ability to address performance issues
- Decisions on hiring now made collaboratively to place staff where most needed
- Introduced on-line job application, screening and tracking system; behavior-based interviews
- Conducted competitive exams for Probation & Security hires / promotions; physical abilities test for Security in FY16
- Expanded in-house training – up 61% in FY15 over FY14 – and cross-training on responsibilities
- Implemented manager performance reviews in FY15; union performance reviews in FY16
- Michigan State Judicial Administration program introduced for leadership development

Access to Justice Expanded to All Court Users

- Created Court Service Centers in six court complexes; three additional sites planned
- Approved Language Access Plan and created language access portal on website
- Expanding use of interpreters beyond courtroom
- Signature Customer Service Experience training to improve skills and understanding

Technology Provides the Foundation for Change

MassCourts Establishes Common Case Management System

- Rollout of single, web-based case management system completed in 2015; replaced 14 legacy systems
- 1M transactions daily; contains 21.5 million cases; 18M CARL records converted to DCJIS interface
- Public internet access portal to many court records established at *masscourts.org*
- Attorney portal gives access to most dockets and schedules; 7,700 registered attorneys
- E-filing of new cases
 - criminal complaints: rollout underway; working with police departments
 - civil e-filing pilots: Worcester District Court, BMC-Brighton, Essex Probate/Family
- Electronic data exchanges with:
 - Registry of Motor Vehicles, Board of Bar Overseers, Committee for Public Counsel Services, Department of Revenue, Alcoholic Beverage Commission, EOHHS.

Mass.Gov/courts Improves Access to Information and Lessens Burden on Staff

- Single Judiciary external website launched in 2014 on mass.gov platform
- Fillable forms, translated forms, general instructions, court rules, self-help information
- On-line scheduling jury service
- On-line access to expansive law library resources; live chat/text capability with law librarians; e-books of court rules
- Language access portal provides translated resources and forms

Videoconferencing Reduces Costs and Delays and Enhances Safety

- Expanded videoconferencing use to arraignments, non-evidentiary matters, probation violation hearings, probable cause hearings, warrant removals; coordinated by clerks, probation, security, and sheriffs
- Expanded videoconferencing reduces custodial transportation costs, delays, and hearing time

Digital Audio Recording Speeds Process

- Rollout of "For the Record" digital recording system will expand functionality, improve oversight and speed transcript production

FISCAL YEAR 2017 TRIAL COURT BUDGET MODULES

Specialty Courts **\$2,798,353**

In the past two fiscal years, the Legislature and the Governor approved a total of \$6.2 million to expand Specialty Court sessions across the Trial Court. Specialty Courts are a collaborative effort by the Trial Court and the Departments of Public Health, Mental Health and Veterans' Services using a coordinated model for the Commonwealth. These court sessions 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.

Massachusetts is working with the Council of State Governments/Justice Reinvestment Initiative (CSG/JRI) to implement a cost-benefit analysis model that helps states invest in policies and programs that are proven to work. Drug courts are one example of a widely accepted evidence-based practice for adult offenders that has been shown to have a positive benefit-to-cost ratio. Using this approach, there is an estimated \$3 benefit for every dollar invested in drug courts.

For Fiscal Year 2017 we request \$2,798,353 to fund seven additional specialty court sessions. These additional sessions will be the culmination of a three-year expansion effort and will provide access to a specialty court session for anyone in the state whose case is appropriately handled in a specialty court session. The funding request for the new specialty courts is in addition to the funding provided in our maintenance request to sustain our existing specialty courts. The expansion funding will provide for DMH provided Court Clinicians, DPH provided residential treatment, Probation Officers, and certification and training.

Security Systems Enhancements **\$4,087,660**

Adequate security in our courthouses is becoming an increasingly serious concern. We recently administered a new entrance exam for security personnel and will select candidates for a new academy class to begin in the Spring. However, security staff is only one element of the overall security strategy for our courthouses. Many court screening stations (package x-ray machines and walk-through metal detectors) and closed circuit television systems (CCTV) are outdated and require frequent and costly repairs, exposing courthouses and their occupants to unacceptable security risk. I am

requesting \$4,087,660 to replace 4 CCTV systems, 78 walk-through metal detectors and 96 package x-ray scanners. The walk-through metal detectors and package x-ray machines will replace equipment that is in excess of 10 years old and not as effective in detecting contraband.

Statewide Expansion of the Housing Court Department \$1,194,614

The Housing Court Department provides landlords and tenants with a forum to resolve their disputes with judges and staff with expertise in housing issues. Currently, one third of the state's population has no access to a Housing Court. Legislation has been proposed to provide statewide jurisdiction for the Housing Court Department to expand the benefits of specialization in these matters across 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 \$2,389,227. For Fiscal Year 2017, we request funding to support six months of operation for the new division. The six-month cost is \$1,194,614.

Increased Probation Officer Staffing \$6,975,000

Research by the Council of State Governments/Justice Reinvestment Initiative (CSG/JRI) documents the cost, as well as public safety benefits, of effective pretrial services and diversion, as well as effective probation supervision that focuses resources on moderate and high risk offenders. We seek a 15 percent increase in Probation Officer staffing in Fiscal Year 2017. There are currently close to 800 Probation Officers. A 15 percent increase would add 120 Probation Officers at an annual cost of \$9,300,000. The Fiscal Year 2017 request funds the 120 positions for nine months.

Probation Officer staffing is woefully inadequate. The American Probation and Parole Association (APPA) has struggled with the question of the ideal caseload for probation officers. The APPA has established general guidelines, but instead of a "cookie-cutter" approach APPA recommends that "agencies adopt a weighted workload strategy informed by local factors." The Mass. Probation Service (MPS) has adopted and implemented the APPA approach and developed a Resource Allocation Guide. Consistent with APPA methodology and standards, the MPS has established target adult caseloads not to exceed 50 moderate-to-very-high risk cases and juvenile caseloads not exceed 30 cases of moderate-to-very-high risk individuals.

Current caseload rates in the Superior Court Department exceed 90 cases per Probation Officer, in the District Court Department 133 cases and in the Boston Municipal Court caseload is 101 per Probation Officer. The net average adult caseload per Probation Officer is 120, far exceeding the recommended level of 50. Juvenile caseloads are currently averaging 134 cases per Probation Officer, again exceeding the recommended level of 30 cases. The addition of 120 PO positions, along with the adoption of case management efficiencies for lower risk cases, would be a significant move toward sufficient staffing to support full fidelity to evidence-based supervision practices in both adult and juvenile courts.

While the funding request would not achieve the recommended caseload levels, it does move Probation in the right direction. Increased staffing combined with other administrative initiatives will allow more proper supervision of moderate and high risk individuals. The work underway with the CSG/JRI effort underscores the significant return on investment in both recidivism reduction and long term cost savings of investing in Probation programs.

Court Facilities Repairs and Maintenance **\$10,000,000**

The Trial Court Facilities Management Department and the Division of Capital Asset Management and Maintenance have identified \$85,610,700 in repairs and deferred maintenance projects that are necessary for courthouses across the state. Needs include cooling tower and chiller replacements, elevator modernization, prisoner lock-up upgrades, and exterior masonry/building envelope stabilization projects. Most courthouses do not meet today's standards for secure circulation and several locations have severe overcrowding. Although there are \$85,610,700 in identified projects, resource limitations would allow the Trial Court to complete only approximately \$10,000,000 in projects on an annual basis.

Alternative Dispute Resolution Programs **\$2,164,547**

Prior to the budget crisis of 2008, numerous Alternative Dispute Resolution (ADR) programs operated with several court departments. As part of the sharp spending reductions required 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, less expensive, and lets them manage their own case resolution. We request \$2,164,547 to fund a core

infrastructure for ADR in the Trial Court that would provide programs and needed training for the Boston Municipal Court, District Court, Housing Court, Juvenile Court, Superior Court and Probate and Family Court Departments.

HOPE/MORR Expansion **\$1,228,500**

The Trial Court has had high-intensity probation supervision programs operating in Salem and Worcester and we are adding ten locations by the end of Fiscal Year 2016. The HOPE/MORR model applies swift, certain, measured sanctions for high-risk probationers to increase their commitment to probation conditions and to reduce recidivism. Increased supervision is required to ensure the intensity of oversight and support to insure adherence and immediate response on any violations of probation conditions. The two currently operating HOPE/MORR sites have demonstrated dramatic results in terms of probation condition compliance.

The MPS is currently working with a third party evaluator to document long term recidivism reduction impacts of this approach in Massachusetts. Research conducted in an increasing number of states that have adopted the HOPE model of probation and, independently, conducted by the Department of Justice shows great promise for this approach in increasing supervision compliance and reduction in reoffending. We request funding of \$1,228,500 to staff ten additional locations in Fiscal Year 2017 with 20 Probation Officers, a HOPE/MORR Coordinator, and five Assistant Probation Officers, as we continue a multi-year approach to implementing HOPE/MORR across the state.

Access to Justice / Self-Represented Litigants **\$785,000**

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 \$785,000 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 legal technologist position to work at the intersection of the court's technological innovations and the needs of self-represented litigants.

Telecommunication Enhancements

\$4,568,000

We request \$4,568,000 to allow phone system upgrades that will enable us to complete the move of phone systems for all courts onto the Trial Court network, eliminating long distance charges, and to create a central messaging platform, rather than maintaining separate, outdated voice mail systems. The upgrades also will allow more efficient communication within the Trial Court.

COURT SECURITY TECHNOLOGY IMPROVEMENT INITIATIVE

Summary

Many courthouse security systems presently in use have severe technological limitations or have exceeded their industry recommended service lives, lessening their effectiveness to detect or mitigate court security threats in comparison to newer technologies while driving up system downtime and increasing maintenance costs. The ongoing courthouse security assessment process has also identified numerous security-related deficiencies and potential improvements. Fiscal resources, above what is normally allotted to the Trial Court Security Department, are required to correct these conditions. Approximately \$4mil in supplemental funding is requested.

Details

- Technological limitations and an inadequate system architecture cause frequent video management system (VMS) failures and a severely limited ability to retain and review video surveillance coverage at the Plymouth, Salem, and Taunton court complexes. Video monitoring is key to the deterrence and mitigation of security incidents. VMS used at those locations are no longer supported by the manufacturer preventing the ability to obtain the compatible replacement hardware and software needed to maintain full operating capability of these important security systems at those locations.
- The diminished effectiveness of entry screening equipment used for metal detection and to inspect incoming parcels to prevent the introduction of weapons into our courthouses is a state-wide concern.
 - 96 of 109 x-ray scanners presently in use are over 10-years old. Approximately 48 of these units are expected to be replaced in FY16.
 - 78 of 109 walk-through metal detectors presently in use are over 10-years old. All 78 of these units are expected to be replaced in FY16.
 - The U.S. Department of Justice's National Institute of Justice (NIJ) has identified the expected service life of an x-ray baggage scanner and walk-through metal detector as approximately 10-years. The U.S. Marshal Service, who provide security for federal courts, disclosed they replace entry screening equipment every 5-years. The Transportation Safety Administration (TSA) and the Federal Protection Service (FPS) replace entry screening technology every 5-7 years.
- The current Access Control System (ACS) in operation at the Edward W. Brooke Courthouse initially installed in 1998 is failing at an alarming rate and is no longer supported by the manufacturer. This failure inhibits the control of select doors as well as interferes with the functioning of duress alarms. Complete replacement of the system is required.

- Using criterion developed jointly by the Trial Court and the National Center for State Courts, courthouse security assessments have been conducted at 14 courthouses across the Commonwealth since 2014 and this process continues. Focusing on the Commonwealth's busiest courthouses but addressing critical security needs in others, the allocation of supplemental funding will allow improvements to access controls, physical security features, technical security systems, lighting, and emergency notifications systems increasing safety and security for court staff and users in courthouses across the state.

Cost Estimates

Edward W. Brooke Courthouse

ACS replacement cost estimate: \$500,000

Video Management System (VMS) Replacement Costs

Taunton Court Complex: \$159,050
Salem Ruane Judicial Center: \$165,790
Plymouth Court Complex: \$ 81,980
Edward W. Brooke Courthouse, Boston: \$107,840

Total VMS Replacement Cost: \$514,660

State-Wide Entry Security Screening Equipment Replacement Costs

Proposed FY17 replacement of remaining x-ray and walk-through metal detection equipment over 10-years old.

X-Ray Baggage Scanner Approximate Unit Cost: \$45k
51 X-Ray Baggage Scanners: \$2,295,000

Courthouse Security Assessment-Related Improvements

Improvements to access controls, physical security features, technical security systems, lighting, and emergency notifications systems: \$750,000

Total Proposal Cost: \$4,059,660