

Alaska Court System

FY 2014 Operating Budget Request

FY 2013 Final Budget (756 PFTs, 46 PPTs & 16 NPPs)	\$109,293,300
Less: Mental Health Trust Authority Funding	(717,800)
Less: JRS Decrease from 40.3% to 40.1%	(26,600)
Add: Health Benefit Cost Increase	528,500
FY 2013 Adjusted Base Budget (756 PFTs, 46 PPTs & 16 NPPs)	\$109,077,400
Operating Increments - General Fund	2,988,000
Operating Increments - Therapeutic Courts GF/MH	1,165,000
Operating Increments - Mental Health Trust Authorized Receipts	605,200
Total FY 2014 Court System Operating Budget Increments	4,758,200
FY 2014 Budget Request (771 PFTs, 51 PPTs & 16 NPPs)	\$113,835,600

(The total change from the FY 2013 Final Budget to the FY 2014 Budget Request is \$4,542,300 which represents a 4.2% increase over the FY 2013 Final Budget. The total change from the FY 2013 Adjusted Base Budget to the FY 2014 Budget Request is \$4,758,200, which represents a 4.4% increase over the FY 2013 Adjusted Base Budget. Funding requested for therapeutic courts (GF/MH), wide area network expansion, and Bethel Americans with Disabilities Act accommodation costs total \$2,313,500 or 48.6% of the requested FY 2014 Operating Increments.)

Increments Summary (organized by budget request unit)

Appellate Courts

Criminal Court of Appeals Staff Attorney - from PPT to PFT **\$25,700**

The court of appeals' caseload is becoming more complex, requiring more assistance from experienced central staff attorneys, who are permanent employees. Several years ago, by eliminating an administrative assistant position, the court of appeals was able to hire a part-time central staff attorney to help self-represented defendants, assist with law clerk training, and supervise the review of incoming briefs for compliance with the appellate rules. The appellate courts are seeking additional funding to increase the hours of this part-time position.

Closed Captioning for Oral Arguments **\$7,000**

The supreme court began a pilot project in August 2012 to provide closed captions on oral arguments broadcast on Gavel to Gavel Alaska. Making the oral arguments available to persons with hearing loss allows these individuals more complete access to the justice system. Oral arguments before the supreme court are aired the week after the argument and are archived on the Gavel Alaska website. In addition to the closed-caption broadcasted, this process also produces a transcript of each argument, which benefits parties as well as the court. There are an estimated 70 supreme court oral arguments annually at an approximate cost of \$100 per argument.

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Appellate Courts (continued)

Furnishings for Criminal Court of Appeals - One-Time Funding

\$49,500

The fourth floor of the Boney Courthouse is scheduled for renovation in FY13. The capital funding approved through FY13 for the remodel is insufficient to replace outdated furnishings. Funding is needed for an improved file storage system to make efficient use of the space allocated for case files. Conference room tables, chairs, and shelving are outdated and lack ergonomic features that are standard in modern furnishings.

Administration

New positions

\$516,000

Programmer/Analyst, 18A, permanent, full-time

\$104,300

The court system has started a project to move to a total "paper-on-demand" environment in the trial courts. Parties will submit their filings electronically, either in the form of electronic documents or data. The court system will manage these filings electronically (i.e., without creating paper case files), and the court will issue electronic orders and notices. The official record of a case will be the electronic record rather than a paper record. The court system plans to create data exchanges with agencies that regularly do business with the court, so that information submitted by an agency will automatically populate the court system's case management system and vice versa. In order to support the new electronic systems, a programmer analyst is required. This position will assist in translating business needs to technology requirements and program systems for data exchanges.

Security Analyst, 18A, permanent, full-time

\$114,300

The court system requires a security analyst to organize and manage security projects and processes at court facilities throughout the state. The security needs of the court system are great and require a single point of contact to ensure issues are being addressed systematically. This position will coordinate and oversee the installation of security systems, including access control, video surveillance, emergency communications, and badging systems; coordinate with the Bureau of Judicial Services within the Department of Public Safety, local court management, and vendors and contractors to implement security controls and systems; work with contractors to address statewide physical security policies and procedures as they relate to construction projects; and be responsible for security management and public relations, building security, information technology security, and emergency preparedness and planning.

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Administration (continued)

New positions (continued)

Senior Accounting Clerk, 12A, permanent, full-time

\$78,600

Fiscal operations requires an additional accounting position to handle the increased demands for management of accounting records associated with grants, reimbursable services agreements, contracts, and general audit requirements. The fiscal operations department is minimally staffed within the accounting area. Efforts to improve efficiencies or save money in other areas of court system operations have resulted in increased administrative work for the accounting staff. Examples of the increased work include efforts by the travel clerk to ensure travelers are securing good fares for their travel as well as assisting travelers with finding inexpensive accommodations. Additionally, as the court receives federal pass-through funding from executive branch agencies, increased work is generated because reporting requirements for sub-recipients are extensive. Finally, the court system requires additional resources to assist with audit functions within the trial court accounting operations.

Records Technician, 10A, permanent, full-time

\$72,600

The records management division of fiscal operations needs an additional records technician to maintain continuous case file document scanning and to ensure timely responses to public record requests for documents that are available only on microfilm, which is cumbersome to access. This position will also assist with the court system's imaging project, which is an effort to scan and digitize court records for improved access by court staff, other entities such as the Child Support Services Division, and the public. With additional staffing, the records management division will be able to expedite the scanning and digitizing of court documents for more efficient and timely access.

Contracts and Leasing Manager, 18L, permanent, full-time

\$146,200

The court system operates 44 court facilities, most of which are leased from private landlords or other government entities. The court system has never received funding for a permanent, full-time contracts and leasing manager, relying instead on project-funded employees to perform this work. The contracts and leasing manager will: (1) work with court staff to identify space needs and technical requirements for new leases and service contracts; (2) negotiate and manage leases and contracts for building services, such as janitorial, snow removal, and landscaping; (3) monitor contract compliance and address occupant concerns; and (4) manage small construction projects related to tenant improvements and maintenance work.

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Administration (continued)

National Conference of Commissioners on Uniform State Laws

\$10,000

The National Conference of Commissioners on Uniform State Laws (NCCUSL) is a confederation of state interests. Its purpose is to discuss and debate areas of law where uniformity among the states is both desired and practical and to draft uniform laws as appropriate. Alaska has adopted over two dozen uniform acts, including the Uniform Arbitration Act, the Uniform Child Custody Jurisdiction and Enforcement Act, the Uniform Interstate Family Support Act, the Uniform Securities Act and many others. Each year, Alaska, along with all other states, sends commissioners to the annual eight-day NCCUSL meeting. Alaska's commissioners attend the annual meeting and work on related matters throughout the year, including serving on drafting and research committees, assisting the Alaska Legislature and the executive branch by providing information, analysis, testimony, bill drafting services, and various other forms of assistance in maintaining and improving Alaska statutes.

Alaska's commissioners are comprised of the Director of Legislative Legal Services, three public commissioners appointed by the governor and one commissioner appointed by the Chief Justice. There are two additional life commissioners. Life Commissioners are former public commissioners who served as commissioners for at least 20 years. The life commissioners are private citizens who receive no salary or hourly fee for their many hours donated throughout the year.

Although the life members provide invaluable expertise and long hours of volunteer work, there is currently no funding source to reimburse them for their travel costs to the annual NCCUSL meeting. To address this problem, the court system requests funding sufficient to reimburse these volunteers for their travel expenses associated with the 2013 NCCUSL meeting.

Trial Courts

New positions

\$135,100

Magistrate Performance Analyst, Anchorage-Based, 23A, permanent, full-time

\$135,100

There are 44 magistrates statewide serving as judicial officers. In addition, 26 individuals have deputy magistrate appointments to perform limited judicial functions. The range of duties performed by the magistrates and deputy magistrates, combined with the disparity in their training and experience, creates a high demand for a wide range of training services. At present, only one individual is assigned to coordinate and assist in providing judicial educational services to this group. An additional position to assist in the delivery of these services is essential to meet this demand and ensure better delivery of training services. This position will also play a significant role in the new statewide magistrate evaluation process. Under the new process, a statewide panel of experienced training judges will evaluate the performance of all magistrates and determine whether each magistrate should be retained. The panel will rely on information collected from attorneys, peace officers, and others who have appeared before the magistrate or observed the magistrate's work. The magistrate performance analyst will assist in assembling and analyzing the information needed by the panel and in developing training and corrective action plans for individual magistrates.

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Trial Courts (continued)

Bethel Americans with Disabilities Act Accommodation

\$456,800

The Americans with Disabilities Act (ADA) requires employers such as the State of Alaska to provide a qualified individual with a reasonable accommodation to enable him or her to perform the essential functions of an employment position. A reasonable accommodation may include acquisition of equipment or devices and provision of qualified readers or interpreters. In determining whether an accommodation would impose an undue hardship, factors to be considered include the cost of the accommodation needed, and the overall financial resources of the covered entity (in other words, the overall financial resources of the State of Alaska).

The Alaska Court System is required to provide a reasonable accommodation to assist a deaf judge who was appointed to the superior court bench in Bethel in July 2012. After consultation with the appointee and with disability experts, the court system determined that a reasonable accommodation includes: full-time realtime or CART (Communication Access Realtime Translation) transcriptionists capable of immediately translating spoken language into text in the courtroom and in chambers so the judge can understand what is happening in the courtroom and to enable him to communicate with his staff; upgrades to all courtrooms in Bethel to accommodate the transcriptionists' equipment; workstations for the realtime transcriptionists; and a variety of portable assistive communication devices to enhance communication between the judge, his judicial assistant, and his law clerk.

There is one certified CART provider in Alaska. There are only two certified CART providers in the state of Washington, and only one in Oregon. There are only 228 certified CART providers in the country. CART providers charge as much as or more than realtime reporters. In addition to capturing the spoken words, CART providers are trained to convey the "spirit of the speaker" and to add interpretive information to the translation to allow the deaf person to understand what is happening in the courtroom, such as telling the judge there is laughter in the room or feedback from the microphone. CART providers charge up to \$140/hour. The court system has negotiated a daily rate of \$675 for the contracted work taking place during the regular workday. Because of night and weekend judicial coverage requirements, CART providers also need to be available and work when the judge is on call for night and weekend duty. This extra duty results in additional compensation over the daily rate. The majority of the expense for the ADA accommodation is for the contractual services and related travel expenses to have the certified contractors onsite in Bethel.

Ultimately, it is the court system's desire to directly hire staff to fulfill the ADA accommodation requirements of this judge. The court system has been recruiting for these positions for some time, but recruitment efforts have not proven successful. The court system is also exploring the possibility of providing training to employees to develop the necessary skillset (not the least of which is the ability to type 225+ words a minute.) A training program is estimated to take in excess of two years, so in the near-term, the court system needs to continue to hire contractors with the necessary CART certifications or realtime transcription experience.

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Facility operations, maintenance, and leasehold improvements **\$566,000**

Leased Facilities Cost Increases **\$91,600**

The court system leases court facilities from several private landlords throughout the state. For FY14, \$47,300 is required to fund lease increases for existing long-term leases and \$10,800 is needed to fund the Nome lease, which was authorized in FY13.

The Alaska Court System occupies space in the Dimond Courthouse and the Palmer State Office Building. The Department of Administration has advised the court system that the increased funding needed in FY14 to pay the cost of the court system's share of this space is \$25,700 for the Dimond Courthouse and \$7,800 for the Palmer State Office Building.

New Facility Leases for Craig, Sand Point, and Unalakleet **\$177,500**

Facility leases in Sand Point and Unalakleet have expired and are on a month-to-month lease basis. The lease in Craig will expire during FY14. Current facilities in these locations are not ADA compliant, and these courts therefore need to relocate and enter new leases. In addition, the current facilities in Sand Point and Craig are in disrepair and have not been maintained. The net amount of increased funds needed for Sand Point total \$19,000 based upon 600SF @ \$4/sq ft; \$54,200 for Unalakleet based on 1200SF @ \$4.50/sq ft; and \$104,300 for Craig based on 3500SF @ \$4.50/sq ft.

Utilities and Contractual Services Increases **\$296,900**

The court system is requesting \$192,200 for utility expenses associated with new courts opening during FY13 and for cost increases projected in other court locations. The annual average utility cost for new facilities opening in Chevak, Craig, Emmonak, and Unalakleet will be \$17,500 per location. Additionally, the Fairbanks court is projected to require an additional \$53,600 for increased utility costs, much of which is associated with the cost to heat the facility. The cost for utilities in other locations is expected to increase by approximately \$68,600.

Snow removal, janitorial services and other services contracts are projected to increase. The amount needed to cover the increase in FY14 is estimated to be \$104,700. Without increased funding, the additional utility and service contracts costs must be absorbed within the maintenance budget. Diverting funds from on-going preventive maintenance activities to cover the cost of increased utilities and service contracts will cause these critical maintenance activities to be deferred.

Court-Wide Budget Requests

Risk Management/Insurance Costs for Public Buildings **\$125,300**

The Department of Administration advised the court system that the cost of insuring facilities occupied by the court system will be increasing by \$125,300 for FY14.

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Court-Wide Budget Requests (continued)

Life-Cycle Replacement of Computer Systems

\$175,000

Automation of its case management system requires the court system to regularly update its operating systems to be compatible with updated software versions and licensing requirements. Rapid advancements in computer technology require the court system to continually evaluate and improve its base of technological equipment. In the past, the court system has received sporadic grant and capital funding to replace equipment and operating systems. To ensure a planned, life-cycle approach to replacement of these systems, a sustained source of funding must be incorporated into the court system's base operating budget. Experts recommend replacement cycles of three years for personal computers (PCs) and servers, and four years for printers. The court plans to keep its equipment in place for an additional year beyond the recommended guidelines, but requires a sustained funding source to facilitate this cycled approach. In its funding base, the court system has received \$425,000. An appropriation of \$175,000 will secure a base funding of \$600,000 to facilitate a planned life-cycle approach to replacement of these critical systems.

Wide Area Network (WAN) Bandwidth Expansion

\$691,700

The court system has been experiencing network congestion, especially at many of its rural locations. For improved transmission of data, the court system is in need of increased bandwidth to allow electronic information to efficiently traverse the court system's network. As database and web application use increases for court business, the amount of information that travels the network slows and congests, leading to delays during court proceedings and other court processes. The court system is also pursuing videoconferencing as a way to assist with accommodating proceedings (particularly in the Bethel service area). Video conferencing consumes increased bandwidth over the amount needed for transmitting data. Increased bandwidth is generally required to maintain court business for existing and new bandwidth-intensive applications such as e-filing, case management, video arraignment, video conferencing, electronic document management, disaster recovery, and public access terminals for statewide electronic communications, among others. Once the court system implements its eCourts (e-filing, document management, fully electronic case file), higher network bandwidth will be integral to this project's success.

Software Support Costs

\$114,900

Vendors for the court's case management software and operating systems software assess charges for recurring licensing fees and maintenance expense. As with utilities, service contracts, supplies and other expenses of the court system, the costs for the maintenance and support for software has increased. Failure to pay the software support costs will render the court unable to receive software upgrades and software patches that are needed to repair "bugs" detected after software applications are released. The migration over to a new case management system, a new digital imaging system, and a new recording system has required extensive investment in new software and upgraded Microsoft software applications to address the court's functional requirements. It is imperative that this investment be protected by purchasing licensing and maintenance agreements. The increased funding for FY14 is for the support costs for the implementation of the final phase of the digital recording system and for the increased costs associated with the case management system software.

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Court-Wide Budget Requests (continued)

Special Projects Targeted at Alcohol Abuse

\$90,000

Anchorage OWL (Operators Without License) Court - A very high percentage of all misdemeanor case filings in the Anchorage District Court are for the charge of driving while license suspended, cancelled, or revoked pursuant to laws of either the State of Alaska or the Municipality of Anchorage. In response to this trend, in December of 2007 the Alaska Court System began a special project to expedite the case processing calendar for cases involving defendants without licenses. This special case processing calendar is entitled the Anchorage OWL Court. This court was funded by a federal grant through the Office of Highway Safety. Grant funding for this court is not available in FY14.

For reinstatement of drivers' licenses, some OWL court participants are required to seek substance abuse treatment services; however, many cannot afford to pay for these services even though some services are provided on a sliding fee basis. The inability to obtain a driver's license often results in the individual being unable to obtain or maintain employment, which can lead to other significant socio-economic problems. The court system is seeking funding to continue the work of the OWL court. The majority of the \$50,000 requested will be used to assist participants with enrollment into appropriate treatment programs.

Fairbanks 24/7 Sobriety Program - The Fairbanks court has requested funding to pilot a project to monitor alcohol usage by defendants who are required to abstain from drinking as a condition of bail or probation. Working with a local provider, the Fairbanks court will require defendants to be screened for alcohol usage twice daily. If a defendant fails to appear for a scheduled test, or testing demonstrates that a defendant has consumed alcohol, then probation or bail may be instantly revoked and the defendant may be immediately jailed. Participants will pay a small fee (usually \$1 - \$2) per test. Similar programs in other states are funded entirely by participant fees. The Fairbanks court estimates that greater than 60% of its criminal caseload involves some sort of alcohol consumption and projects that 100-125 defendants will participate in the program at any point in time. If the program proves successful, it may be expanded to provide sobriety monitoring for alcohol-dependent parents in child-in-need-of-aid cases. The program may also be used by the Fairbanks Wellness Court for alcohol testing on weekends.

Similar 24/7 sobriety programs in other states have shown promising results. An evaluation of South Dakota's 24/7 sobriety program showed a general pattern of lower recidivism rates by participants compared to control groups, and that the program has a sustained effect on recidivism after program completion. The fourth judicial district requests \$40,000 to develop and implement a pilot 24/7 sobriety project in Fairbanks.

Interpreter and Translation Services

\$25,000

In August 2010, the Department of Justice notified chief justices and state court administrators that courts receiving federal financial assistance must provide free language assistance to all parties and non-parties whose presence or participation in a court matter is necessary or appropriate. This funding will be used to procure additional interpreter services through the Language Interpreter Center and various language lines, to translate court materials, and to provide interpreter training to bilingual court employees. In FY11 and in FY12, the court system received an appropriation of \$25,000 and another \$25,000 is requested for FY14 to address the increased need for language interpreters.

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Therapeutic Courts

Trust-Recommended Projects (MHTAAR 'non-GF')

\$605,200

The Mental Health Trust Authority recommended funding for the following projects: Fairbanks Juvenile Therapeutic Court \$245,900; Juneau Mental Health Court \$204,400; Barrow Alcohol Safety Action Program (ASAP) Case Management and Monitoring \$139,900; and Training for therapeutic court clinical staff \$15,000.

Trust-Recommended Projects (GF/MH Funded) for Therapeutic Courts

\$1,165,000

The Mental Health Trust Authority has recommended continuation funding to sustain the therapeutic courts' Wellness Courts currently funded by federal grants passed-through to the court system from the Alaska Highway Safety Offices (AHSO). The Driving Under the Influence (DUI) courts, administered by the court system, are designed to reduce the recidivism rate of DUI offenders and target repeat offenders who are addicted to alcohol. Alaska's DUI courts currently operate in Anchorage, Bethel, Fairbanks, Juneau, and Ketchikan with plans to expand these courts during FY13 to serve the Mat-Su Valley and the Kenai Peninsula. Repeat offenders addicted to alcohol benefit from a combination of incentives, sanctions, treatment, and long-term monitoring. The programs focus primarily on people charged with multiple DUI offenses and the most dangerous DUI offenders. Under the court model, a designated judge(s) works closely with a team consisting of prosecutors, public defenders, defense lawyers, case coordinators, probation officers, and treatment providers.

The majority of the case coordinator and support positions for the DUI courts has been funded by federal grants through the Alaska Highway Safety Offices (AHSO). For the last seven years, the court system has received federal grant money to support these courts, but this federal funding is diminishing and may be in jeopardy. To ensure the sustainability of these courts, transitioning these positions and related expenses from grant funding to state funding is imperative.

In an agreement made with the Legislature, a separate appropriation was established within the court system's budget to track the statewide expenses associated with these courts. As funding for positions hired by other agencies is obtained, the court system passes this funding through to the agency serving these courts.

For FY14, funding is requested to pay the direct expenses for the retention of three DUI court project coordinators in Anchorage, Fairbanks, and Juneau. Additionally, funding is required for the expenses associated with a part-time clerical position in Ketchikan and full-time clerical positions in Anchorage and Palmer. The case coordinators (probation officers) serving the DUI courts are hired by the Department of Health and Social Services (DHSS) in the Division of Behavioral Health (DBH). These positions, which are currently funded by the AHSO grants, are located in Anchorage, Fairbanks, Ketchikan, Palmer, and Kenai. In addition to the probation officers in Anchorage, a UA (urine analysis) technician is also needed to manage the volume of offenders who must all be tested during each visit to their probation officers. In accordance with the agreement with the Legislature, the court system requests the funding for the DBH positions and will transfer these funds to DHSS via interagency agreements. Finally, in conjunction with the expansion of the therapeutic courts into the Kenai Peninsula and Palmer, the Department of Law and the Public Defender Agency each require a half-time attorney to manage this increased caseload. As with DHSS, the funding secured for this purpose by the court system will be transferred to servicing agencies.

Total FY 2014 Operating Budget Increments	<u><u>\$4,758,200</u></u>
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