



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

455 Golden Gate Avenue • San Francisco, California 94102-3688
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

MEMORANDUM

Date	Action Requested
December 7, 2007	For Your Information
To	Deadline
Members of the Judicial Council	N/A
From	Contact
William C. Vickrey	William C. Vickrey
Administrative Director of the Courts	415-865-4235 phone
	415-865-4244 fax
Subject	william.vickrey@jud.ca.gov
Report from the	
Administrative Director of the Courts	

The following information highlights some of the many activities that have taken place since the last Judicial Council meeting at the end of October to further the council's goals and agenda for the judicial branch.

SUMMARY

(Please Note: Page numbers next to summary items reference more detailed information.)

National

Justice System Partner Meetings: Judicial Council and AOC representatives participated in a series of meetings with representatives of the New York Courts, the National Center for State Courts, the U.S. Administrative Office of the Courts, and the U.S. Marshals Service (pages 11 and 12).

U.S. AOC Delegation Visit to California: Hon. Charles Breyer, (U. S. District Court, Northern District of California), Long-Range Planning Coordinator for the U.S. Judicial Conference Executive Committee, and senior U.S. AOC staff visited the AOC in San Francisco to discuss California's long-range judicial branch planning process, Judicial Council governance and decision making processes, and judicial branch outreach efforts. The federal council is considering best practices for engaging in a long-range planning effort for the U.S. court system.

Conference of State Court Administrators Midyear Meeting: Executive administrators from around the country convened to discuss the common agenda for state courts. Major attention was given to the risks associated with probate issues, an area of high priority. Funding procedures for the states also were discussed.

Best Practices in Self-Represented Litigant Cases: Eight representatives from California including Justice Laurie Zelon, Judges Charles McCoy, Mark Juhas, Jerilyn Borack, and Steve Austin participated in the National Judicial Conference on Leadership, Education, and Courtroom Best Practices in Self-Represented Litigant Cases held at Harvard University (page 12).

Think Tank on Child Protection Decision Making: California delegates from the Superior Court of Alameda and the AOC's Center for Families, Children and the Courts joined juvenile judges and professionals from around the country for a two-day summit in Columbus, Ohio, on child protection mediation (page 12).

Legislation

Meeting with Governor Schwarzenegger: The Chief Justice, Chief Deputy Director Ron Overholt, AOC Office of Governmental Affairs Director Curt Child, and I met with the

Governor on legislative priorities for the next year, as discussed with the council at its October meeting. The Chief Justice will comment on the meeting in his report to the council, and I am also happy to address any questions.

Court Facilities: Ron Overholt and I participated in a meeting initiated by Senator Perata with the Chief Justice. The express purpose for the meeting was to discuss how some type of bond funding could be moved forward in the next year to provide financial support to address immediate and critical needs projects identified by the council (89 of 169 projects in the overall facilities plan). Assembly Judiciary Committee Chair Dave Jones will carry the court facilities bill in January.

Senators Meeting on Court Interpreters: Senators Ellen Corbett and Gloria Romero met with the Chief Justice and AOC representatives as a follow up to the joint legislative hearing held in Los Angeles on access to justice and the impact of the LA interpreters strike. The two Senators indicated their desire to work with the courts to ensure adequate interpreters for the growing number of Californians who need them in the courts. The Chief expressed his commitment to access in language issues.

Dual-Status Children: Protocols for Implementing Assembly Bill 129 (2004): The AOC completed an evaluation of the implementation of AB 129, which allows courts to develop local protocols to designate a child as both a dependent and a ward of the juvenile court (page 12).

Nonviolent Offender Rehabilitation Act of 2008: Cost Analysis of Initiative Proposal: A cost analysis was prepared for submission to the Legislative Analyst's Office. The initiative concerns a proposal for diversion of drug offenders into a multi-track court monitored program that includes current offenders in PC1000, Proposition 36, and drug courts. The analysis detailed cost impacts to the courts if such a policy change were enacted.

Regional New Laws Workshops Conducted: The Office of Governmental Affairs, in collaboration with the Coalition of Trial Court Clerks Association held three workshops throughout the state to inform court staff about newly-enacted legislation that will affect court operations (page 13).

Budget

Initial Review of 2008–2009 Judicial Branch Budget: AOC representatives met with state Department of Finance (DOF) staff to receive initial recommendations and decisions on the branch's budget change proposals; a number of issues were provisionally approved and others are being appealed to DOF leadership, in addition to being discussed with the Governor.

Judicial Council Activities

Advisory Committee, Task Force, and Working Group Meetings (beginning on page 13).
The following committees met since the Judicial Council's last meeting:

- Access and Fairness Advisory Committee
- Blue Ribbon Commission on Children in Foster Care
- Commission for Impartial Courts
 - Steering Committee
 - Task Force on Judicial Campaign Finance
 - Task Force on Judicial Selection and Retention
 - Task Force on Public Information and Education
- Court Executives Advisory Committee (CEAC) (and Conference of Court Executives)
 - Court Administration Ethics Working Group
- Trial Court Presiding Judges Advisory Committee (TCPJAC)
 - TCPJAC/CEAC Joint Working Group on Jury Administration
- Court Interpreters Advisory Panel
- Judicial Pay and Benefits Working Group
- Probate and Mental Health Advisory Committee
- Task Force on Self-Represented Litigants
- Trial Court Benefits Working Group

Infrastructure Initiatives

Facilities (page 15)

Transfers: Chief Deputy Director Ron Overholt and staff of the AOC's Office of Governmental Affairs, and Court Construction and Management are continuing to meet with county and court representatives on global legislative issues and individual facility transactions. Legislation to extend the transfer deadline will be pursued when the Legislature reconvenes in January.

Bonds: The Chief Justice, Administrative Director, and others continue discussions with legislative leadership on approaches to secure bond funding for the first phase of court facilities projects.

Public-Private Partnership (P3) for New Long Beach Court Building: The AOC P3 steering committee met this week with financial and legal advisors on the process and schedule for moving the project forward, with the goal of selecting a developer by December

2008 and commencing activity in early 2009. A project advisory group of Los Angeles court representatives has been established and will meet later this month.

Chief Deputy Director Ron Overholt and I met with the County Administrative Officer of Los Angeles and made good progress in discussions regarding the transfer of courthouses, as well as completing County Facilities Payments agreements by June 2008. Discussions also focused on ensuring that the Long Beach project remains on schedule including the transfer of title to the building and land, as well as agreement on the purchase of the county's equity in the existing building. Los Angeles County Supervisor Don Knabe also expressed his support for building effective partnerships on the courthouse project.

New Buildings and New Acquisitions: The Public Works Board authorized the sale of revenue bonds on the fifth appellate district courthouse, which is already completed and occupied by the court. The Board also approved another three judicial branch facilities for title transfers: Hayward Hall of Justice, Fremont Hall of Justice, and Wiley Manual Courthouse, all in Alameda County.

Technology (page 16)

New Service Provider for California Courts Technology Center (CCTC): In response to the Request for Proposal, two finalists have been identified as possible future service providers for the CCTC. The final vendor will be selected in January to commence services toward the end of 2008 following a transition with Siemens.

Phoenix System Upgrade: The AOC has prepared a Request for Proposal for the next phase of the Phoenix Project involving a system upgrade to be deployed to all 58 courts, with a twelve-month preparation and testing period prior to implementation.

California Case Management System-Version 4: Work has begun on the development of data exchange specifications for all case types in preparation for CCMS-V4. Joint application development sessions have started to identify content requirements and high-level business rules for each exchange.

Protective Order Registry: The initial phase of an effort to develop the California Courts Protective Order Registry, a centralized system for viewing protective and restraining orders and related information for the judicial branch, law enforcement, and other justice partners, is near completion. Grant funding opportunities are being pursued.

Telecommunications Upgrades: Six courts completed telecommunications infrastructure equipment "refreshes" in 2007. An additional 22 upgrades are ongoing.

Administrative Office of the Courts

New Director joins AOC Office of Governmental Affairs (OGA): Curt Child assumed his new leadership role on December 1. We are fortunate to have been able to recruit someone of his caliber to lead OGA's great team of advocates. Curt is highly-respected in the Capitol and has well-established relationships with key legislators involved in judicial branch legislation. His extensive experience and leadership roles in the executive and legislative branches will be invaluable in working with the courts and our sister branches.

State and Judicial Branch Audits: The Bureau of State Audits published its report examining the assessment, distribution, and collection of penalty assessments established under Government Code sections 76104.6 and 76104.7 (aka the DNA Initiative penalty assessments). A summary of the report and our filed response is attached (page 29). Additionally, the AOC is wrapping up final audits on financial reviews for transfers to the statewide Phoenix financial system. Following this, procedures will be established for ongoing judicial branch audits. The proposed procedures will be discussed by the council later in 2008.

New Judges Regional Meetings: At the invitation of the AOC, and with the support of their presiding judges, 24 recent graduates of the B.E. Witkin Judicial College met again at the AOC Southern and Bay Area Northern/Coastal Regional Offices to discuss their court experience, legislative "hot topics," and the latest challenges facing the judicial branch. Judicial Council members Judge Espinoza, Justice Huffman, Judge Jacobs-May, and Judge Welch joined Chief Deputy Director Ron Overholt and I for the discussions.

Riverside Criminal Backlog Reduction Initiative: Justice Richard D. Huffman, Chair of the Riverside Criminal Backlog Reduction Task Force, appointed a working group chaired by Sheila Calabro that includes Presiding Judge Richard T. Fields and the principals or chief deputy of each criminal justice agency, along with conflict defense panel attorneys, to design a sustainable process for the management of felony cases. Under the strong leadership of Justice Huffman and Sheila, the working group has agreed on the principles on which the plan for the case management program will be based. Justice partner planning meetings will begin in January with implementation of the case management program scheduled for March 2008. During the transition, a strike team of six judges will continue to hear backlogged felony cases.

Revised Uniform Model Classification Plan Provides Greater Flexibility: The revised Trial Court Uniform Model Classification Plan was sent to all courts. This first major revision to the plan since 2000 provides greater flexibility in matching classifications for budget reporting. The document is the result of a collaborative effort between the AOC and trial court representatives (page 19).

Labor Relations Forum: This annual forum, attended by 29 trial courts, served as a platform for problem solving, information sharing, and education. Discussions focused on changes to health care plans; strategies employed by unions representing court employees; PERB charges; tips on preparing for bargaining; total compensation statements; new and innovative ways for recruiting; preventing and responding to workplace violence; and AOC educational opportunities.

Benefits Options for the Trial Courts: A working group was formed to explore and recommend options for the benefits program. Court representatives are from Riverside, Shasta, Placer, and Tulare. The group met with representatives from Mercer Consultants to discuss potential plan design changes and the effect on rates for calendar year 2009.

Continuity of Operations Planning: The new Web-based planning tool was introduced earlier this year as a custom built program for the California court system. Training in the use of the tool has been ongoing around the state since the summer and will have been completed by 31 courts by year end.

Contractor Background Checks: The AOC's Emergency Response and Security Unit has initiated a system of background checks for AOC contractors working in the trial courts.

Statewide Closed-Circuit Television and Access System Contract: The AOC has contracted with Siemens Building Technologies, Inc., for a statewide Closed-Circuit Television and Access Control System contract. The AOC or individual courts may purchase systems and maintenance at the state-negotiated cost.

Access to Visitation Grant Program Survey for 2006–2007: Federal grants are made for the establishment of programs to support and facilitate non-custodial parents' access to and visitation with their children. In California, grant funding is limited by state statute to: supervised visitation and exchange services; parent education; and group counseling services. Each state receiving a grant is required to submit an annual report. For fiscal year 2006–2007, California's Access to Visitation Grant Program provided services to approximately 5,100 participants (page 19).

Court Appointed Special Advocates (CASA): The AOC conducted program evaluation site visits for CASA programs of Los Angeles, San Bernardino, and Lassen counties to ensure compliance with rule 5.655 of the California Rules of Court and National CASA standards (page 19).

New Family Law Facilitator Electronic Database: A simplified version of the Family Law Facilitator Electronic Database was launched statewide (page 20).

Child Support Directors' Association: The AOC hosted a meeting of the Association's Legal Practices Committee, comprised of representatives from the Department of Child Support Services and the Chief Counsel of each of the local child support agencies (page 20).

Mental Health Services Act Annual Progress Report: The AOC submitted a report to the California Department of Mental Health detailing accomplishments in the initial year of funding for implementation of the Mental Health Services Act. The first full-time mental health court services analyst was hired and two additional positions have been requested (page 20).

Effective Court Practice for Abused Elders: The AOC has completed a two-year research project, funded by the Archstone Foundation, to document innovative practices in handling cases of elder abuse, as well as to assess the needs of abused elders and the barriers they face in coming to court to obtain protection from their abusers. This research forms the foundation for training and technical assistance resources (page 20).

Pilot Study Final Report, Implementing Performance Management in the California Courts: The National Center for State Courts presented the findings of a study testing ten performance measures in two Superior Courts: San Joaquin and San Mateo (page 21).

Class Action Data Collection Project, Interim Report: The AOC presented preliminary findings from a study of class-action litigation in California to a meeting of Complex Litigation judges (page 21).

Batterer Intervention System Evaluation, Interim Report: The AOC presented preliminary findings of its Batterer Intervention System study to the Inland Empire Domestic Violence Conference (page 21).

Developing Effective Practices in Criminal Caseflow Management: Trial court executives identified criminal caseflow management as a priority area of operations for which they would like assistance from the AOC in implementing measures to streamline processes and utilize resources more efficiently. The AOC has now provided direct technical assistance to more than 22 trial courts, including, most recently, the Superior Courts of Amador, Yolo, and Yuba.

Enhanced Collections: The AOC assisted five courts with their collections programs. Presentations on collections were made to the California Probation Managers Association and the California Revenue Officers Association. Assistance also was provided to the State Bar of California on the selection of a private collection vendor.

Judicial Appointments and Vacancies: Currently, the Courts of Appeal have 4 judicial vacancies and the trial courts have 42 judicial vacancies (page 26).

Education Programs (page 22).

Beyond the Bench XVIII: Access and Fairness: This annual multidisciplinary conference focusing on juvenile courts will be held in San Diego from December 12–14. More than 1,100 participants are registered to attend. Preconference sessions will be held on juvenile justice, immigration, and dependency training for new attorneys, with plenary sessions on the History of Child Welfare, and The Adolescent Brain.

Education programs held during the reporting period included:

- Appellate Judicial Attorney Institute
- Trial Judicial Attorney Institute
- New Judge Orientation
- Orientation Courses in Family, Juvenile Dependency, Juvenile Delinquency, and Criminal law for new judicial officers or judicial officers changing assignments
- Presiding Judge and Court Executive Officer Management Program
- Supervising Judges Institute
- Qualifying Judicial Ethics
- 11th Annual AB 1058 Child Support Training Conference: 413 individuals, including 51 child support commissioners, 73 family law facilitators, and 85 child support court clerks, attended this annual training in Los Angeles.
- Family Dispute Resolution Regional Trainings: The AOC sponsored annual day-long regional trainings for superior court-connected child custody mediators and evaluators and juvenile dependency mediators across the state.
- 15th Annual International Community Corrections Association Research Conference: The AOC co-sponsored the San Diego conference and provided scholarship assistance for 12 representatives from trial courts, advisory committees, and AOC staff to attend.
- Court Improvement Program: Two new training programs were implemented for juvenile dependency courts and their collaborating partners. As part of federal grants, the AOC is offering multi-county and local training programs to enhance existing training and technical assistance.
- Permanency Planning for Foster Care Youth: County-specific collaborative workshops were offered in San Joaquin, Madera, and El Dorado Counties for probation officers and other professionals working with youth in foster care placements or at risk of entering foster care.

Educational Satellite Broadcasts to Courts Statewide: Education programs broadcast to courts during this reporting period, included:

- Orientation to the Judicial Branch (New Edition)
- Independence and Impartiality - Assessing Credibility: Non-verbal Communication
- Making Life Easier for Court Staff: Better Understanding the Variations in Non-verbal Communication
- Sexual Harassment Prevention for Supervisors and Managers and for Judges
- California Courts News (CCN)

(Selected broadcasts continue to be made available via streaming media.)

Publications: The latest publications are the *After Trial* Benchbook (2007 supplement), and the *Domestic Violence Cases in Criminal Courts* Benchbook (Fourth Edition).

Additional Detail on Summary Items

National

Justice System Partner Meetings

New York: Meetings were held with Chief Judge Judith Kaye and former state court administrator and newly-appointed Justice of the Court of Appeal, Jonathan Lippman. (Chief Judge Kaye will retire next year when she reaches the mandatory retirement age of 70). Discussions focused on challenges for securing judicial pay raises. A superior court judge in New York is paid approximately \$135,000 per year. Lobbying efforts for an increase for the state's 1,300 state judges have proven unsuccessful to date. A small group of judges has independently filed a lawsuit against the state to compel an increase in judicial salaries.

The California delegation also visited a public-private-partnership (P3) court building in Brooklyn. The court has approximately 40 family law and criminal law judges. The top six floors of the building are given over to private office space. The P3 concept has worked well, although rental of office space has been slow. The courthouse has the latest technology including a security unit from where courtrooms across the state are monitored.

National Center for State Courts (NCSC): The Judicial Council/AOC delegation met with NCSC staff for a series of meetings on the major areas of court administration being addressed by the center. The agenda included a briefing on the work of the Government Relations Office in Washington, efforts to monitor and combat threats to judicial independence in state court systems, data collection, and Courtroom 21: the courtroom of the future. The NCSC is very attuned to what is happening in the California courts and views our state court system as a national leader in innovation and reform.

U.S. Marshals Service: Judicial Council representatives met with the U.S. Marshals Service to discuss issues related to court security and to be briefed on efforts to establish a center for court security in the Service to share expertise across the court system. The U.S. Administrative Office of the Courts contracts with the Marshals Service for most of the federal courts' security. The Marshals Service in turn contracts out security. The Marshals supervise the contractors who must have a minimum of three years of experience in law enforcement. Contractors account for almost 4,000 full-time equivalent employee positions. Each court district has rotating schedule where security contracts come up for review every two years. A California judge and Malcolm Franklin, Senior Manager of the AOC's Emergency Response and Security and will be appointed to the National Committee on Court Security.

U.S. AOC: The agenda for the meeting with the U.S. Administrative Director of the Courts and staff focused on court facilities, security, the budget process, and securing a pay raise for the federal judiciary. Current federal judicial salaries are approximately \$160,000.

National Judicial Conference on Leadership, Education, and Courtroom Best Practices in Self-Represented Litigant Cases: The California *Benchguide for Handling Cases Involving Self-Represented Litigants* (2007) was the basis for the conference curriculum. The Benchguide has been adapted for use nationally, and the AOC has already approved requests by Alaska, Kansas, Mississippi, New Hampshire, New Jersey, Oregon, and Utah to use the guide in their jurisdictions.

Think Tank on Child Protection Decision Making: 30 juvenile judges and professionals connected with child protection mediation programs met for two days in Columbus, Ohio. A nationwide survey was conducted of 124 professionals connected with child protection mediation programs prior to the meeting. Results showed that most mediations result in full or partial agreement, with full agreement being the most common result. Among the greatest challenges confronting the mediation programs are sustainable funding and treatment resources. Distinguishing features of successful programs are strong judicial leadership, stakeholder input, and skillful program administration. Evaluative procedures are needed to describe, strengthen, and promote the quality and effectiveness of these programs. The meeting concluded with the formation of working groups. Future meetings will include community stakeholders, particularly representatives from the child welfare system.

Legislation

Dual-Status Children: Protocols for Implementing Assembly Bill 129 (2004): Effective January 1, 2005, AB 129 allows each county's probation department and child welfare department, in consultation with the presiding judge of its juvenile court, to develop a written protocol permitting a child who meets specified criteria to be designated as both a dependent child and a ward of the juvenile court. AB 129 requires the Judicial Council to prepare an evaluation of the implementation of the dual-status protocols within two years of the date the participating counties first deem a child to be a dual-status child.

To date, seven counties have formally adopted a dual-status protocol: Colusa, Inyo, Placer, Riverside, San Joaquin, Sonoma, and Stanislaus. Statewide, as of June 2007, 560 youth were candidates for dual status, and 95 were designated dual status.

Participating counties report that having a dual-status protocol has allowed the combined strengths of the dependency and delinquency systems to treat family issues more holistically.

With the involvement of probation and child welfare, the court receives more complete information about the youth and family and can therefore make better decisions. Dual status has also expanded the ranges of services and placements available to probation officers and social workers to address the needs of youth and families.

The challenges of implementing dual-status protocols center around a few major themes: a lack of clarity about the respective responsibilities of and procedures to be followed by agency workers, judicial officers, attorneys, and other key stakeholders; a need for participants in each system (dependency and delinquency) to learn more about how the other system functions; a need for guidance at the state level about how dual status should be implemented.

Regional New Laws Workshops Conducted: New Laws Workshops were conducted in Sacramento, San Francisco, and Burbank to provide courts with information and an opportunity for brainstorming about newly enacted legislation that will impact the operation of the courts. Over 300 court staff participated in these workshops, where they learned about newly-enacted legislation in criminal, and traffic, probate, family, and juvenile law, and civil and small claims. These annual workshops are conducted in collaboration with the Coalition of Trial Court Clerks Association.

Judicial Council Activities

Blue Ribbon Commission on Children in Foster Care: The Commission is finalizing draft recommendations for its December meetings. These recommendations will be sent out for public comment in February. The commission will meet in June 2008 to discuss the public comments and proposed revisions. Final recommendations will be submitted to the Judicial Council in August 2008.

Commission for Impartial Courts Steering Committee: Chaired by Associate Justice Ming Chin, the committee convened in Burbank on December 3. Chief Justice George addressed the committee, which also included a public comments period and progress reports from each of the four task forces on their initial meetings. The committee focused on approaches for communicating with the public about what and why these issues are being studied, communicating with judicial branch members statewide, and also establishing a process to coordinate how to proceed with public hearings. Each task force will be examining not only what is happening around the country regarding threats to the system, but also the various approaches being used by other states that may be applicable and beneficial in California. Many issues of interest or concern, and also perhaps controversial to some, will be discussed during the course of the commission's work. And, while only a small number of recommendations will come forward to the council, there will be ample opportunity for communication on the issues.

Enterprise-Wide Infrastructure Governance Committee: The committee of AOC and trial and appellate court representatives convened to discuss and provide input on proposed approaches for managing the statewide information technology initiatives from a cost perspective. The committee also discussed options for a human resources personnel system for the courts, and was briefed on a comprehensive redesign of the California Courts, Serranus, and other branch-related Web sites to improve usability.

Judicial Pay and Benefits Working Group: Discussion topics included the AOC's advocacy role with CalPERS/Judges Retirement System, pre-retirement designations (SB 608); judicial compensation (Gov. Code 68023); legislative proposals; and other judicial benefits. An invitation was extended to the Chief Executive Officer of CalPERS to periodically meet with the working group as a way to foster open dialogue between the AOC and CalPERS.

Task Force on Self-Represented Litigants: The task force worked on the Guidelines for Self-Help Centers, which are required by new California Rule of Court 10.960. Developed in consultation with court executive officers, presiding judges, self-help personnel and others, the guidelines become effective March 1, 2008. A review of research on self-help programs and interviews with programs throughout the state also informed the process. The Task Force also discussed the new national curriculum on leadership and courtroom best practices in cases involving self-represented litigants and will work with CJER and other Judicial Council committees to determine effective venues for this curriculum.

Court Executives Advisory Committee (CEAC)/Conference of Court Executives: The committee discussed policy issues on statewide judicial branch infrastructure initiatives; recommendations from the Audit Program Working Group for improvements to the services and policies of the Internal Audit Services unit at the AOC; phase 1 report from the Alternatives for Document Management working group; and discussion with the AOC Office of General Counsel on the disclosure of employment-related information under the California Public Records Act.

Trial Court Presiding Judges Advisory Committee (TCPJAC) Executive Committee: The committee discussed final comments in support of the Domestic Violence Practice and Procedure Task Force report; discussed policy issues on statewide judicial branch infrastructure initiatives; provided input to the Judicial Council's Probate and Mental Health Advisory Committee on proposed rules of court concerning judicial officer probate education and qualifications and legal counsel appointed in probate, conservatorship, and guardianship matters; and provided input on electronic recording and reporting efforts pursuant to judicial continuing education requirements contained in CRC 10.462.

TCPJAC/CEAC Joint Working Group on Jury Administration: This was the kick-off meeting of the newly-constituted working group formed to pursue innovative strategies for improving the administration of the state's jury system. Comprised of members from the original jury working group, as well as members from the Steering Committee for Jury Rule Proposals, the Model Juror Summons Implementation Working Group, and the council's Blue Ribbon Commission, the group met to discuss state and national trends, and current statewide jury reforms and initiatives, and to review and begin to prioritize their work plan into a strategic framework that incorporates relevant council goals and policy directions.

CEAC Court Administration Ethics Working Group Kick-Off Meeting: The working group was formed in response to requests from the trial courts that court executive officers and other court employees understand and adhere to the highest standards of professional integrity and ethical conduct in all court operations. The group is charged with reviewing existing guidelines for compliance with the Code of Ethics for the Court Employees of California, and identifying and reviewing existing and possible future ethics training opportunities for non-judicial court employees.

Infrastructure Initiatives

Facilities

Facilities Transfers: To date, 119 superior court facilities have had transfer agreements executed, with the requirements of SB 1732 completed for all superior court facilities in 11 counties. Responsibility for all appellate court facilities now rests with the Judicial Council. Meetings with the counties on the transfer of all remaining trial court facilities are continuing in anticipation of new legislation to authorize extension of the SB 1732 transfer deadline.

Public-Private Partnerships and new Long Beach Court Building: Key milestones in the near term:

- Definition of the structure and terms of a public-private partnership for the new Long Beach Court building (December 2007).
- Department of Finance review and approval of P3 criteria under terms of government code §70391.5 (February 2008).
- Transfer of title and purchase of county equity must be completed before release of a request for proposal for P3 developers (March 2008).
- Request for Proposals issued to a short-list of public private partnership developers that will result in detailed financial, architectural, and operational proposals for the new Long Beach court building (late spring 2008).

Technology

California Courts Technology Center (CCTC): The CCTC provides 24/7 application and Internet infrastructure management to the superior and appellate courts for a range of management systems and applications. This includes:

- 49 courts on the Phoenix SAP statewide financial system
- 6 courts on the Phoenix SAP human resources system
- The AOC Computer-Aided Facilities Management system, supporting the transition of trial court facilities to the AOC Office of Court Construction and Management
- 5 courts on the Microsoft Exchange and Active Directory email applications
- 8 courts on interim case management systems
- 3 courts on the California Court Case Management System (CCMS).
- All six appellate districts on a new appellate court case management system

Service Upgrade: These applications are migrating to the new Layered Security Architecture model for the CCTC, which protects judicial branch data. The model shifts responsibility for security from the courts to the CCTC, as it provides the highest level of security and increases access to the CCTC by the courts and justice partners.

New CCTC Service Provider: In August 2007, the AOC issued a Request for Proposal for the managed services currently provided at the CCTC by Siemens Business Services. The initial term of the contract with Siemens was for three years, with the option for two, two-year renewals. The AOC exercised the first of the two-year renewals, which expires in October 2008. Two different service providers, SAIC and Unisys, Inc., were selected as the vendor finalists. Due diligence site visits were conducted in November. The Best and Final Offer activities are expected to occur in December, followed by selection of the new vendor in mid-January 2008. Siemens will continue to provide ongoing support and services and complete all scheduled projects.

California Court Case Management System (CCMS): CCMS lead courts, the AOC, and Deloitte Consulting continue to work on the design and development of CCMS-V4. The project is on schedule and will be ready for production in the courts by summer of 2010. The CCMS-V3 team is working on the next release which will contain functionality for Alternative Dispute Resolution (ADR) cases in addition to software upgrades for the application. In November, Sacramento began using CCMS to manage civil cases. Over 419,000 existing cases were converted into CCMS the weekend prior to implementation. The AOC has retained Stradling Global Sourcing to develop and issue a Request for Proposal for deployment of CCMS-V4 to all 58 counties. Deployment planning activities will begin in 2008 and initially will involve identifying and preparing several courts to be early adopters of CCMS-V4.

Court Telecommunications "Refresh" Program: This project, scheduled for completion in the first quarter of 2008, is to replace network equipment that has reached end of life and augment information security architecture designed for the branch. Six trial courts have completed the telecommunications infrastructure technology refresh project so far this year. Implementation is under way in 22 courts, and design discussions are ongoing with the 11 remaining courts.

The new platforms support the evolving network and communication needs of the courts. As court upgrades are completed, third-party network security monitoring is implemented to help secure court data.

Statewide Court Management Systems

Phoenix Project: Hosted in the CCTC, the Phoenix SAP System is a single-application solution to support two major initiatives for the trial courts.

The Phoenix Financial System is a statewide system that enables courts to maintain control over expenditures, providing timely information about fiscal needs, while complying with policies, procedures, regulations, and other standardized processes. Statewide, 49 courts are using the Phoenix Financial Services System. With only nine courts remaining, project completion is projected by July 2008.

The AOC has prepared a Request for Proposal (RFP) for the project's next phase – a system upgrade to be deployed to all 58 courts beginning in July 2008, with a twelve-month preparation and testing period prior to implementation. The upgrade will provide added system functionality such as enhanced statewide reporting, faster information downloads, and added features.

The current financial system configuration includes:

- General Ledger
- Cost Accounting
- Materials Management
- Accounts Payable
- Accounts Receivable
- Project Accounting
- Trust Accounting

Phoenix Human Resources Management System: Program objectives are to: leverage technology for human resource administration and in-house payroll processing, develop a customer service call center, standardize processes and procedures, collect data at the source, provide central administrative processing, and provide manager self-service and employee self-service functions to the employees of the courts. In 2006, Sacramento was the first court to implement the HR

modules. Five additional courts (Lake, Riverside, Santa Cruz, Siskiyou, and Stanislaus), went live on the system in January 2007. Rollout will continue after a planned upgrade to the SAP system. The projected completion is in fiscal year 2011–2012.

Computer-Aided Facilities Management (CAFM): Preparations are under way to upgrade this Web-based program that allows court personnel, AOC staff, and third-party contractors to access real-time data on building design, construction, operations, and maintenance. Other improvements include implementation of a layered security model, and archiving of closed and old records. The courts' own facilities management staffs will be able to help plan annual repairs and renovations, report maintenance problems, and track project progress through CAFM.

Data Integration

Data Exchange Standards: As part of the CCMS-V4 project, up to 125 interfaces servicing all case types will be developed to support courts as they transition to CCMS. These interfaces will be based on data exchange standards compliant with national information exchange models. Joint Application Development sessions have begun to identify content requirements and high-level business rules for each exchange.

California Courts Protective Order Registry: At the direction of the Judicial Council on recommendation from the Domestic Violence Task Force, the AOC initiated an effort to develop a centralized system for viewing protective and restraining orders and related information for the judicial branch, law enforcement, and other justice partners. The initial phase is nearing completion. MTG Consultants have developed and presented drafts of both the findings and evaluation report, and the recommended business model and deployment strategy. The registry will utilize the Integration Services Backbone. Grant opportunities are being pursued for the design and development of a proof-of-concept for the Registry.

E-Filing: Ventura is the proof-of-concept court for CCMS e-filing, with a proposed go-live date in early 2008, followed by the Sacramento, Orange, San Diego, and San Joaquin courts.

California Law Enforcement Telecommunications System (CLETS): This statewide network provides criminal justice agencies throughout California access to various state and national databases. The CCTC now provides this service to four courts: Madera, Plumas, Tulare, and Yolo. The AOC recently completed a process improvement project for a more structured deployment of CLETS access to the superior courts.

Web Development: New sections added to the CourtInfo Web site include the: "Commission for Impartial Courts" under "Court Administration," and "Procedural Fairness in the California Courts" under "Programs."

Administrative Office of the Courts

Revised Uniform Model Classification Plan: The revised Trial Court Uniform Model Classification Plan provides greater flexibility in matching classifications for budget reporting. It will be used in preparing schedule 7A for fiscal year 2008–2009.

Key changes:

- Some administrative and operations management classes were collapsed to allow greater flexibility in matching and to accommodate more management-level classifications.
- Some classifications were broadened to include more levels, including senior and supervisory levels, which are used by the courts.
- A General Services series was created to allow matching for facilities-related classes such as purchasing, maintenance, materials, custodial, fleet, trades, planning, printing/production, and graphic artistry.

The manual includes instructions on how courts should build and maintain a classification system, a revised grid and updated classification specifications for each class, and a chart that cross-references the old and new plans and their numbering systems.

The entire manual will be placed on Serranus and the Intranet for future reference. Additionally, the updated grid and links to classification specifications will be posted to those locations for quick reference.

Access to Visitation Grant Program: Submission of Program Survey for 2006–2007: The Judicial Council is charged with administering and distributing federal Child Access and Visitation Grant Program funds from the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement. The purpose of the grant is to establish programs to support non-custodial parents' access to and visitation with their children. In California, grant funding is limited by state statute to three types of program services: Supervised visitation and exchange services; parent education; and group counseling services.

Each state receiving a grant is required to submit an annual report on the program's goals, service areas, activities, referral processes; and number of program participants. For fiscal year 2006-2007, California's Access to Visitation Grant Program provided services to approximately 5,100 participants, including parents, grandparents, legal guardians, and children.

Court Appointed Special Advocates Program Review: The AOC conducted program evaluations for CASA programs for Los Angeles, Child Advocates of San Bernardino County,

and Lassen County to ensure compliance with rule 5.655 of the California Rules of Court and National CASA standards. Site visits include interviews and focus groups with program staff, board members, and volunteers, as well as judicial officers who hear dependency cases, minors' attorneys, and Child Protective Services' supervisors, and social workers.

Effective Court Practice for Abused Elders: The AOC has completed a two-year research project, funded by the Archstone Foundation, to document innovative practices in handling cases of elder abuse, as well as to assess the needs of abused elders and the barriers they face in coming to court to obtain protection from their abusers.

The study includes a statewide survey of whether courts have adopted practices to address elder issues generally or elder abuse specifically, as well as more in-depth analysis with four study courts (Alameda, Orange, San Francisco, and Ventura). The principal outcomes of the project will be training and technical assistance materials for California courts to help them both understand the needs of abused elders and replicate effective practices in serving this population. The final report will be disseminated in early 2008.

Implementation of the New Family Law Facilitator Electronic Database: A simplified version of the Family Law Facilitator Electronic Database was launched statewide. To promote uniform data collection, the new system was designed to capture family law facilitator program and self-help center customer and services data. Data can be used to support ongoing funding and justify increases in future funding; improve the scope and quality of services provided; measure program progress; help policymakers and local courts make informed decisions affecting the program; and keep local counties informed about the activity of local litigants. Over 100 people including family law facilitators, court clerks, legal assistants, paralegals, and other court staff were trained on how to use the new program during the recent 11th Annual AB 1058 Child Support Training Conference in Los Angeles.

Child Support Directors' Association Meeting: The AOC hosted the association's Legal Practices Committee, comprised of representatives from the Department of Child Support Services and the Chief Counsel of all local child support agencies. The committee seeks to promote uniformity of legal practices throughout the local child support agencies and the courts, resolve issues in the local child support agency legal community, and provide legal support for state automation efforts.

Mental Health Services Act, Annual Progress Report: The AOC submitted a report to the California Department of Mental Health, detailing accomplishments in the initial year of funding for implementation of the Mental Health Services Act. During fiscal year 2006–2007, the AOC hired its first full time mental health court services analyst. Based on performance in this initial year, the department has submitted a budget change proposal for fiscal year 2008–2009 for two

additional positions. The project is identifying and categorizing local initiatives, establishing inter- and intra-agency relationships, as well as developing and supporting educational programs.

Class Action Data Collection Project, Interim Report: Working with the University of California, Hastings College of the Law and researchers from the Federal Judicial Center, the AOC has collected detailed data on over 2,000 class-action lawsuits in California. Preliminary findings from the study show that:

- Class action filings in a sample of California courts more than doubled between 2000 and 2004.
- The number of class action filings in these courts declined slightly in 2005, which may be a result of the passage of the Federal Class Action Fairness Act in 2005.
- Much of the growth in class-action litigation appears to be driven by a growth in filings of cases identified as "Employment" on the Civil Case Cover Sheet.

Batterer Intervention System Evaluation, Interim Report: Under a grant from the National Institute of Justice, the AOC is studying the effectiveness of Batterer Intervention Systems in five California counties. The largest study of its kind ever conducted, the presentation to the Inland Empire Domestic Violence Conference reported that:

- Men enrolled in batterer intervention programs tend to be lower-income, non-white, with criminal records, and frequently have substance abuse problems;
- Men reporting more serious drug-alcohol problems are more likely to be reported absent early in the program;
- Early absence appears to predict subsequent drop-out from the program suggesting that court monitoring early in a probation term might have the greatest value.

CourTools Pilot Study Final Report, *Implementing Performance Management in the California Courts*: The report found that:

- The measures generate useful information to manage cases in a controlled, efficient manner and to contribute toward enhancing procedural fairness;
- The measures identify where current operations are successful in meeting desired goals as well as opportunities for improvement; and
- The application of the measures using the California Case Management System will require an ongoing commitment to ensuring data availability and quality.

Education Programs:

Beyond the Bench XVIII: Access and Fairness: The conference will be held in San Diego, from December 12-14. This annual multidisciplinary event covers all areas of the juvenile court. This year's program includes a Fred Friendly Seminar on *40 years after In re Gault*, the seminal case which extended due process rights to children in the delinquency system, and a one-woman play, *Someone's Somebody*, about life as a foster child. Preconference sessions will be held on juvenile justice, immigration, dependency training for new attorneys, with plenary sessions on the History of Child Welfare, and the Adolescent Brain, and a special judicial training session for judges only. The conference will include 40 workshops. Approximately 1,100 judges, attorneys, social workers, CASAs, probation officers, mental health professionals, and others attend the two-day conference.

Supervising Judges Institute: The inaugural institute was attended by 50 judges representing 15 courts, and featured sessions on leadership perspective and interpersonal relations, managing difficult conversations, and caseload management.

Presiding Judge and Court Executive Officer Management Program: This annual training program for over 100 participants included presiding judges, assistant presiding judges, court executive officers, and assistant court executive officers from 34 courts. The program focused on the duties and responsibilities of these top court leaders. It included plenary sessions on Leadership in the Branch, techniques on how to handle difficult conversations, the role of the Commission on Judicial Performance, group discussions on leadership responsibilities in the courts, and solutions to challenges relevant to the responsibilities of a presiding judge. The program included a presentation on the Administrative Office of the Courts' structure and services.

Orientation Courses: Orientation courses in family, juvenile dependency, juvenile delinquency, and criminal law for new judicial officers or judicial officers changing assignments (to meet the requirements of California Rules of Court, rule 10.462).

Trial Judicial Attorney Institute: The two-day institute was attended by 180 trial court attorneys. The program provided updates on substantive law and procedure, with roundtables on topics ranging from developing good work relationships to probate court issues. Among other courses offered were ethics, the Internet and emerging jurisdictional issues, constitutional law update, and online legal research.

Appellate Judicial Attorney Institute: This program provided updates on substantive law and procedure, including DNA evidence, logic and legal reasoning, and constitutional law.

11th Annual AB 1058 Child Support Training Conference: 413 individuals, including 51 child support commissioners, 73 family law facilitators, and 85 child support court clerks, attended this annual training in Los Angeles. The training is legislatively mandated and meets the training criteria for court employees. The conference included a presentation by a consular officer for the Consulate of Mexico in Calexico, California, and the first family law judge of Mexicali, Baja California, Mexico, concerning jurisdictional, legal, and cultural issues that impact establishment and enforcement of child support surrounding cross-jurisdictional cases. The conference also included a presentation by Justice Maura D. Corrigan of the Michigan Supreme Court, who is a member of a national task force on child support issues. Justice Corrigan discussed the mission, guiding principles, strategies, successes, and challenges of the task force, as a model for child support issues in California.

Family Dispute Resolution Regional Trainings: Each year, the AOC sponsors day-long regional trainings for superior court-connected child custody mediators and evaluators and juvenile dependency mediators. Three regional sessions for a total of 110 court staff included sessions on risk assessment and stalking behaviors, passive violence management, interviewing children, stalking and dangerousness, passive violence management, and gang culture: impact and implications for family court intervention. AOC staff also reported on past mediation/evaluation Snapshot Studies and encouraged the gathered mediators and evaluators to fully participate in the upcoming 2008 Snapshot Study.

15th Annual International Community Corrections Association Research Conference: Hon. Leonard P. Edwards (Ret.), AOC Judge-in-Residence, received the association's 2007 Judicial Award for his work in promoting and furthering the cause of community corrections through active support and leadership in community correctional programming. The AOC co-sponsored this conference and provided scholarship assistance for 12 representatives from trial courts, Judicial Council advisory committees, and the AOC to attend. The SB 618 San Diego Community Prison to Reentry Program was one of the programs highlighted in workshops emphasizing state/county collaborations. Hon. Stephen V. Manley of the Collaborative Justice Courts Advisory Committee was a featured plenary session presenter, focusing on the need to address the vocational, social support, housing, and mental health treatment needs of many former prisoners released back into their home communities.

Court Improvement Program: Two new training programs were implemented for juvenile dependency courts and their collaborating partners. As part of the federal program grants, the AOC is offering multi-county and local training programs to enhance existing training and technical assistance offerings.

- In San Francisco and Sacramento, multi-county juvenile dependency trainings were offered with more than 160 individuals, (17 courts), participating (Contra Costa, Napa,

San Mateo, Solano, Sonoma, San Francisco, Alpine, Amador, Calaveras, Colusa, El Dorado, Lake, Nevada, Placer, Sutter, Yolo, and Yuba counties). Permanency training topics were presented, including permanency for and family finding. Additional topics included a presentation on dependency practice and the Courts of Appeal and a training on children's rights, covering highlights of the publication *Every Child, Every Hearing: How to Ensure the Daily Well-being of Children in Foster Care by Enforcing Their Rights*. Additional multi-county trainings are currently being planned, with the next two expected to be offered in Redding and Fresno in early 2008.

- The self-assessment and local training program was implemented in Alameda County, with presentations on Title IV-E requirements, children's rights, and permanency planning. Thirty participants, including the presiding juvenile court judge, two commissioners, court personnel, mediators, children's counsel, parents' counsel, child welfare workers, county counsel, and juvenile probation staff were in attendance. Children's Rights training also was offered at the Los Angeles Partnership Conference: A New Beginning, with more than 175 multi-disciplinary attendees.

Permanency Planning for Foster Care Youth: County specific collaborative workshops were held in San Joaquin, Madera, and El Dorado Counties for probation officers and other professionals working with youth in foster care placements or at risk of entering foster care. Content included Federal Title IV-E requirements, family finding, engaging youth and family and independent living skills. Attendees included judicial officers, attorneys, probation officers, CASAs, and social workers.

Satellite Broadcasts:

The first programs of two new series focusing on cultural competency aired: *Making Life Easier for Court Staff*, and *Independence and Impartiality*, for judicial officers.

Panelists for the first programs focusing on understanding variations in non-verbal communication included Judge Zeke Zeidler, Professor Angela Nonaka, a linguistic anthropologist from the University of Texas, Professor Kenneth Monteiro, Dean of the College of Ethnic Studies of San Francisco State and a psychologist, and Professor Miguel Gallardo of Pepperdine University, current president of the California Psychological Association, and founder of the California Latino Psychological Association. The program was moderated by AOC Senior Fairness Education Specialist Kimberly Papillon.

For the court staff discussion, the panel addressed ways in which staff can insure accurate and efficient communication with court users by understanding cross-cultural, non-verbal communication. They also discussed examples of how non-verbal behavior in certain cultures

can be misunderstood and how that miscommunication can unnecessarily impede the delivery of justice. The program emphasized the importance staff interaction with court users to increase public trust and confidence in the courts.

For judicial officers, the program addressed: *Assessing Credibility: Non-verbal Communication*. Judge David Rothman joined the panel for this discussion. Each professor discussed numerous types of cross-cultural miscommunication and addressed how litigants and witnesses from certain cultural groups may demonstrate credibility (or lack thereof) through non-verbal behavior. The judicial officers analyzed the impact of cross-cultural miscommunication in the courtroom setting, and the importance of understanding different communication methods among different cultures both under the California Evidence Code and the Code of Judicial Ethics.

Sexual Harassment Prevention for Judges: Two two-hour, live interactive broadcasts met the mandate of *Government Code Section 12950.1* for training required for all court personnel who serve in a management or supervisory role.

JUDICIAL VACANCY REPORT**Number of Judgeships Authorized, Filled and Vacant as of December 4, 2007**

TYPE OF COURT	NUMBER OF COURTS	NUMBER OF JUDGESHIPS				
		Authorized	Filled	Vacant	<i>Filled(Last Month)</i>	<i>Vacant(Last Month)</i>
Supreme Court	1	7	7	0	7	0
Courts of Appeal	6	105	101	4	101	4
Superior Courts	58	1548	1506	42	1509	39
All Courts	65	1660	1614	46	1617	43

JUDICIAL VACANCIES: APPELLATE COURTS

Appellate District	Vacancies	Reason for Vacancy	Justice to be Replaced	Last Day In Office
First Appellate District, Division Three	1	Retirement	Hon. Joanne C. Parrilli	07/31/07
Second Appellate District, Division One	3	Retirement	Hon. Vaino H. Spencer	08/31/07
Second Appellate District, Division Seven		Retirement	Hon. Earl Johnson, Jr.	10/17/07
Second Appellate District, Division Eight		Deceased	Hon. Paul Boland	09/04/07
TOTAL VACANCIES	4			

JUDICIAL VACANCIES: SUPERIOR COURTS

County	Vacancies	Reason for Vacancy	Judge to be Replaced	Last Day In Office
Butte	1	Newly created position	Vacancy	06/01/07
El Dorado	1	Retirement	Hon. Eddie T. Keller	07/27/07
Fresno	2	Retirement	Hon. Gary S. Austin	10/11/07

Fresno		Newly created position	Vacancy	06/01/07
Kern	1	Retirement	Hon. Charles P. McNutt	09/09/07
Los Angeles	2	Retirement	Hon. Haley J. Fromholz	11/30/07
Los Angeles		Resigned	Hon. Andria K. Richey	09/28/07
Madera	1	Newly created position	Vacancy	06/01/07
Merced	1	Newly created position	Vacancy	06/01/07
Monterey	1	Removed	Hon. Jose A. Velasquez	10/10/07
Orange	3	Retirement	Hon. Hugh Michael Brenner	10/07/07
Orange		Retirement	Hon. Jonathan H. Cannon	07/16/07
Orange		Newly created position	Vacancy	06/01/07
Riverside	5	Retirement	Hon. Dallas S. Holmes	12/03/07
Riverside		Retirement	Hon. Harry Morgan Dougherty	11/04/07
Riverside		Retirement	Hon. Lawrence W. Fry	08/08/07
Riverside		Newly created position	Vacancy	06/01/07
Riverside		Newly created position	Vacancy	06/01/07
Sacramento	1	Retirement	Hon. Talmadge R. Jones	10/16/07
San Diego	5	Retirement	Hon. Larrie R. Brainard	10/01/07
San Diego		To Fed Court	Hon. Janis Sammartino	09/20/07
San Diego		Retirement	Hon. Lillian Y. Lim	08/01/07
San Diego		Retirement	Hon. Janet I. Kintner	03/20/07
San Diego		Retirement	Hon. Thomas C. Hendrix	03/15/07
San Francisco	1	Retirement	Hon. John J. Conway	11/02/07
Santa Barbara	2	Retirement	Hon. Rodney S. Melville	10/12/07
Santa Barbara		Removed	Hon. Diana R. Hall	12/14/06
Santa Clara	2	Retirement	Hon. Ronald T. Lisk	01/31/07
Santa Clara		Retirement	Hon. Charles J. Cory	01/31/07

Santa Cruz	1	Retirement	Hon. Robert B. Yonts, Jr.	01/24/07
Solano	2	Retirement	Hon. R. Michael Smith	06/04/07
Solano		Retirement	Hon. Michael E. Nail	06/01/07
Sonoma	1	Newly created position	Vacancy	06/01/07
Stanislaus	3	Newly created position	Vacancy	06/01/07
Stanislaus		Newly created position	Vacancy	06/01/07
Stanislaus		Newly created position	Vacancy	06/01/07
Sutter	1	Term Ended	Hon. Robert H. Damron	10/23/07
Tulare	1	Retirement	Hon. Ronald M. Couillard	07/02/07
Ventura	3	Retirement	Hon. Herbert Curtis III	10/17/07
Ventura		Retirement	Hon. Thomas J. Hutchins	08/30/07
Ventura		Newly created position	Vacancy	06/01/07
Yolo	1	Retirement	Hon. Donna M. Petre	05/14/07
TOTAL VACANCIES	42			



CALIFORNIA STATE AUDITOR

Elaine M. Howle, State Auditor

FACT SHEET

Date: November 29, 2007

Report: 2007-109

The California State Auditor released the following report today:

DNA Identification Fund

Improvements Are Needed in Reporting Fund Revenues and Assessing and Distributing DNA Penalties, but Counties and Courts We Reviewed Have Properly Collected Penalties and Transferred Revenues to the State

BACKGROUND

The voter-approved DNA act of 2004 expanded the existing statewide program that created a database and data bank of DNA samples for certain qualifying offenses. State, county, and municipal law enforcement agencies identify persons qualifying for entry into the state DNA database and data bank, collect DNA samples, and send the samples to the Department of Justice (Justice) to process and store the information. To offset the cost of increased DNA testing, the DNA act also levies a penalty on all fines, penalties, or forfeitures imposed and collected by the courts for all criminal offenses and traffic violations. Counties collect the revenue and deposit the payments into a DNA Identification Fund (DNA fund) and quarterly transfer the appropriate percentage, plus interest earned, to the state DNA fund.

KEY FINDINGS

Our review of the DNA fund revealed that the counties we visited appropriately used their DNA funds. Our audit did identify several issues including:

- Reporting data on county DNA funds needs to be improved.
 - Counties are not required to include all DNA fund revenues in their annual report; thus, the State cannot be fully assured that counties are assessing and collecting all required DNA penalties.
 - Many counties (22 and 24) failed to submit annual reports in 2005 and 2006, yet Justice did not follow up with those nonreporting counties.
- Justice's Web site is incorrect—it indicates that nonreporting counties did not collect and transfer DNA fund money to the State when, in fact, the counties transferred \$1.6 million and \$3.8 million, respectively, in those years.
- Judicial discretion and state laws can affect the amount and timing of DNA penalties assessed and collected.
 - The State does not receive DNA fund money for every criminal and traffic violation—courts can waive the penalties under certain circumstances, and in others the penalty does not apply.
 - Court decisions and state law can allow several months to lapse before fines must be paid and transferred to the State—it took between 114 to 250 days from the date of the citation to the date the county transferred the funds to the State in our sample of 48 items.
- Some weaknesses exist in some courts' automated case management systems and internal controls.

KEY RECOMMENDATIONS

We recommended that the Legislature consider revising state law to require counties to report on all DNA penalties as part of their annual report. Additionally, we made numerous recommendations to Justice to ensure data on county DNA fund activities are accurate. We also made other recommendations to the Administrative Office of the Courts, which is developing a statewide case management system for all counties.

