

Legislative Briefing

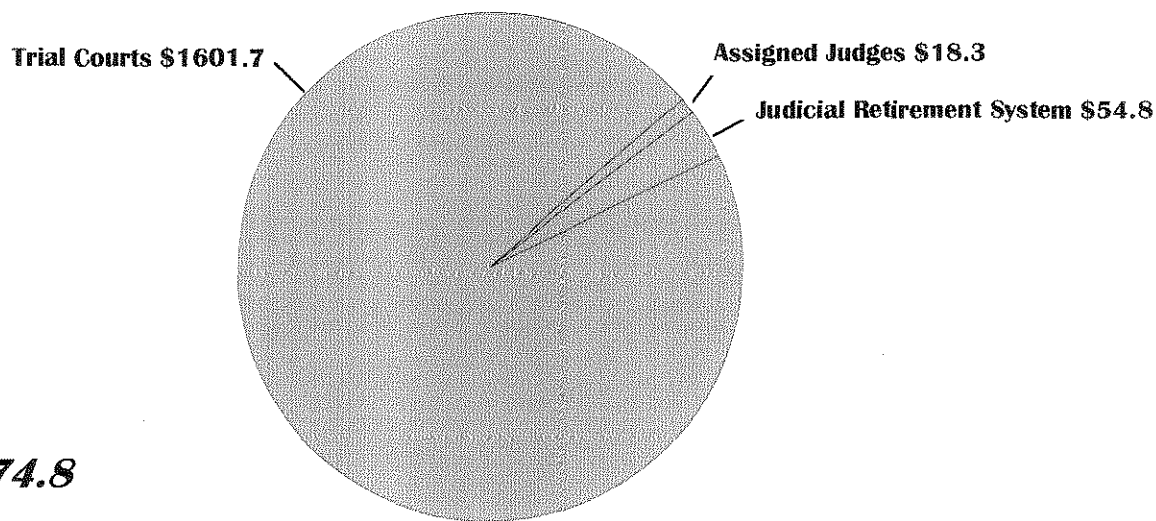
**TRIAL COURT
FUNDING**



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TOTAL TRIAL COURT BUDGET FY 1996-97

Funding in Millions



Total \$1,674.8



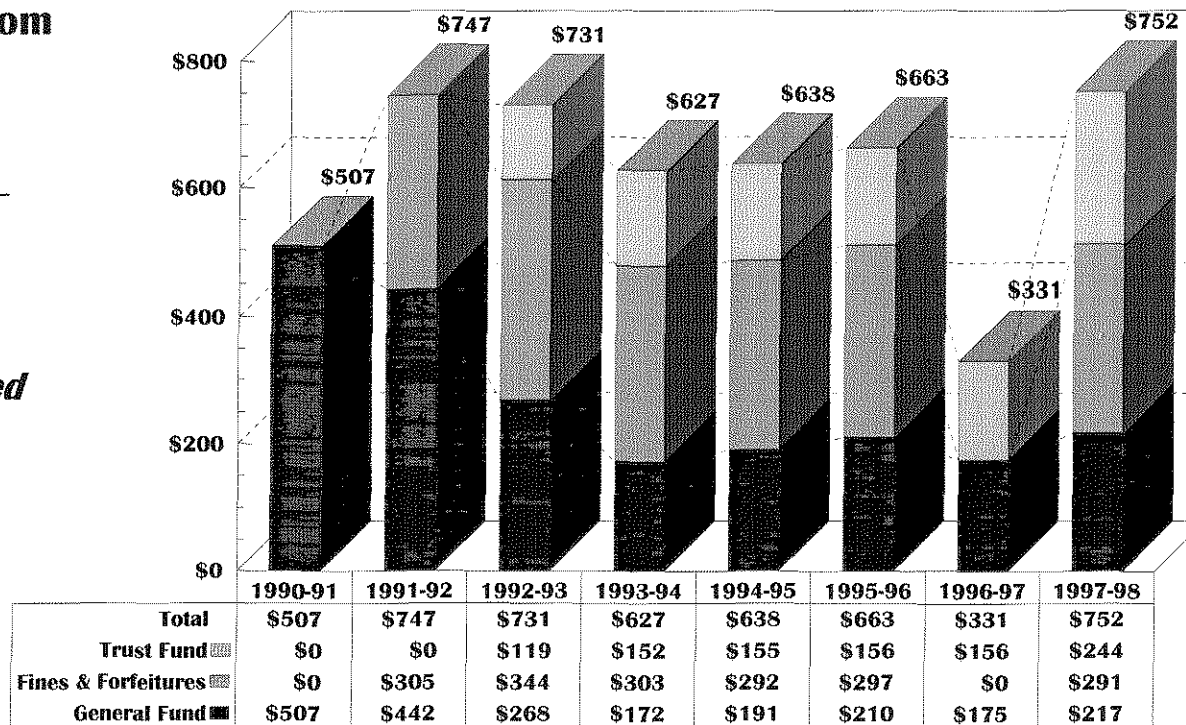
GENERAL FUND CONTRIBUTIONS TO THE TRIAL COURTS

(Excludes Assigned Judges)

Funding in Millions

Decreases 57.2% from
\$507 Million to
\$217 Million

*1996-97 excludes
\$292 million
expected to be funded
from fines and
forfeitures.*

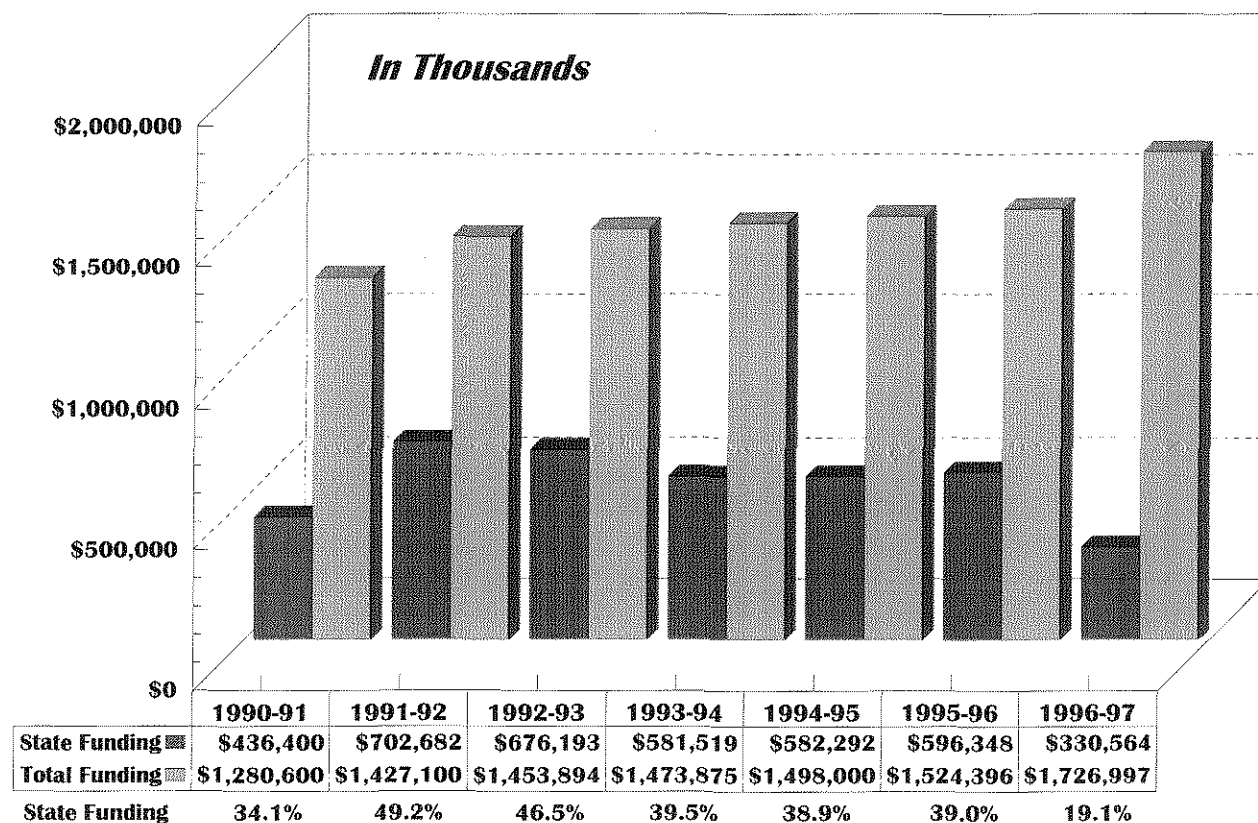




STATE FUNDING FOR THE TRIAL COURTS

◆ Fiscal Year 1996-97
total funding equals
TCBC budget request.

◆ Other years' total
funding equals actual
court expenditures.

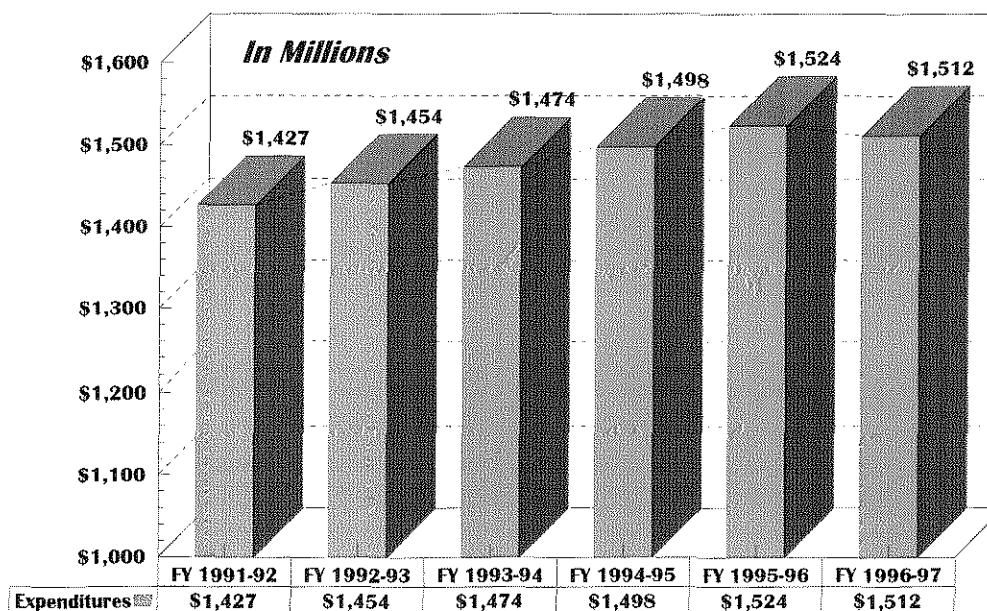




ACTUAL EXPENDITURES IN SUPPORT OF THE TRIAL COURTS REMAIN LOW

TRIAL COURT EXPENDITURES

- ◆ Actual expenditures over the past five years have not kept pace with inflation:
 - Trial Court Expenditures FY 1991-92 to FY 1996-97 are anticipated to rise 6%
 - Consumer price index over the same period is anticipated to rise 12.8%
 - Caseload has grown in quantity and complexity of filings



*Reported actuals for FY 1991-92 through FY 1994-95.
FY 1995-96 based on reported actuals plus estimate of
3 small unreported counties.
FY 1996-97 based on estimated available funding.*



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HISTORY OF TRIAL COURT FUNDING

What is the history behind state funding of the trial courts?

- ◆ **Prior to 1988.** The state funded salaries and health benefits for superior court judges, judges' retirement benefits, rural county subsidies, and other reimbursements for selected mandated programs.
- ◆ **Brown-Presley Trial Court Funding Act of 1988.** The State made explicit commitments to provide increased funding of the trial courts in the form of block grants, based on the number of judicial positions in each county.
- ◆ **1988 through 1990.** The state's general fund contribution to trial court funding increased from approximately \$300 million to \$506 million (68 percent increase).
- ◆ **Trial Court Realignment and Efficiency Act of 1991.** Enacted with the intent of increasing state funding of trial court operations by five percent each year until the state reached a 70 percent funding level.
- ◆ **1992 AB 1344.** Legislature reaffirmed its intent to increase the state's share of trial court funding. However, since 1991, state support for the trial courts has declined in two ways.
 - The absolute amount of funding has declined.
 - After taking into account the transfer of local trial court revenue to the state, the net amount of the state general fund contribution has dramatically declined.
- ◆ **1992.** The Trial Court Budget Commission (TCBC) was established to oversee the trial court budget development process and to propose a statewide trial court budget annually.
- ◆ **1994-95.** Functional budgeting process launched.
- ◆ **1995-96.** AB 2553 introduced with Governor's full state funding plan. Minimum Standards for Trial Court Operations and Staffing adopted.



HISTORY OF TRIAL COURT FUNDING

TRIAL COURT FUNDING ISSUES

RESPONSIBILITY

- ◆ No government entity is clearly responsible for adequately funding the trial court.
- ◆ The budget process has become a year-round activity, wasting valuable resources and resulting in friction among levels and branches of government.

DISPARITY IN SERVICE

- ◆ Disparity in the quality of and access to justice has increased between counties annually due to funding vagaries.

PLANNING, ACCOUNTABILITY, AND FLEXIBILITY

- ◆ Statewide planning is stymied, resulting in piecemeal development.
- ◆ There is no accountability in the judicial branch's stewardship of the administration of justice statewide.
- ◆ There is no flexibility in the trial court budget process to address urgent needs in a timely manner.



TRIAL COURT FUNDING

CONSEQUENCES OF STATIC TRIAL COURT FUNDING

- ◆ **County based funding for the trial courts maximized resources for the courts in counties that set judicial services as a high priority, and minimized resources in counties with other priorities.**
- ◆ **Historic bifurcated system of funding the trial courts through a combination of county and state funding has led to an increased disparity in comparable court services among the counties.**
- ◆ **Through coordination efforts, master calendar management systems and other innovative measures, trial courts have maximized their ability to provide service.**
- ◆ **The disparity of judicial services among the counties continues to grow, resulting in some courts being unable to fulfill their basic mandates.**



WHAT HAPPENED LAST YEAR

- ◆ **After an inclusive process and thorough review, consensus was reached and broad support was voiced by the courts, both houses of the Legislature, counties, the bar, and other elements of the justice system on:**
 - **the need for state funding of the trial courts and**
 - **the precise mechanism for achieving this goal.**
- ◆ **Disagreement on the issue of collective bargaining.**

POSITIVE

- ◆ **Consensus on AB 2553**

NEGATIVE

- ◆ **Bill failed, therefore:**
 - **inadequate funding for fiscal year**
 - **short money (\$292 million and loss of increased fee revenue)**

CONSEQUENCES

- **turmoil within and between county and courts regarding funding**
- **uncertainty as to funding structure and levels**



\$3.8 MILLION EMERGENCY FUNDING

In October 1996, and January 1997, the Judicial Council took action to provide emergency funding for trial courts most reliant on state funding as a percentage of their budgets. The January action was in response to reports from courts that they would begin to send layoff notices to employees, reduce services to the public and even close courthouses as early as mid-January.

The Judicial Council's emergency action in January was based on an assumption that legislation to restore trial court funding could not be passed in time to avoid closures in counties that are unwilling or unable to continue funding their courts.

The emergency funds were borrowed from the \$4.6 million reserve for automation studies and are to be repaid from trial court trust fund revenue in the fourth quarter.

Alpine County is a dramatic example of the 23 counties that received emergency trial court funding in October or January. The county would have been unable to meet payroll in mid-January. Following Trial Court Budget Commission and Judicial Council approval of emergency funding by circulating orders, staff from the Administrative Office of the Courts (AOC) drove from San Francisco to Sacramento with documentation authorizing the State Controller's Office to pay Alpine County \$39,000. AOC staff waited for a manual check, then deposited the check in a Sacramento branch of Alpine County's bank in time to meet payroll. When the check was deposited, the balance in Alpine County's account was 88 cents.



MAJOR PROVISIONS OF GOVERNOR'S BUDGET PROPOSAL FOR FY 1997-98

FUNDING STRUCTURE

- ◆ **State assumes full responsibility for funding trial courts in Fiscal Year 1997-98.**
- ◆ **Caps county payments at 1994-95 level; state responsible for all future growth.**
- ◆ **Requires counties to continue funding nonrule 810 costs (including indigent defense and California Youth Authority (CYA) costs).**
- ◆ **Provides funding relief to small counties.**
- ◆ **Establishes a reserve fund in the Trial Court Trust Fund (at least one percent of the total appropriation).**
- ◆ **Judicial Council retains authority to allocate Trial Court Trust Fund appropriation.**

NEW REVENUE

- ◆ **Increases various civil filing fees to raise additional \$89 million to be deposited in the Trust Fund (agreed to by the major plaintiff and defense attorney organizations).**
- ◆ **Provides that growth in fine revenue over the 1994-95 level be split between counties and state.**



FY 1997-98 GOVERNOR'S BUDGET

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FY 1996-97 Governor's Trial Court Budget*	\$ 1,607,664,000
FY 1997-98 Governor's Trial Court Budget*	1,641,528,000
Increase Over FY 1996-97	\$ 33,864,000
<i>(excluding \$1.298 million increase in Assigned Judges Program)</i>	

Increase Includes:

40 New Judgeships	\$ 4,000,000
Jury System Improvements	14,000,000
Court Security Improvements	8,000,000
Small County Reimbursements	10,720,000
Other Adjustments	(2,856,000)
<i>(reflected in Function 11, Overhead)</i>	

* *Excluding Assigned Judges Program and Judges Retirement System for both years and including \$6 million in 1996-97 to annualize the cost of 21 new judgeships.*

The Governor's Budget for the trial courts totaling \$1.641 billion is 96 percent of the Judicial Council/TCBC budget request totaling \$1.705 billion (*adjusted for a \$32 million reduction for Function 5, Collections, which becomes a court/county responsibility, and for a \$50 million reduction in court staffing costs, based on estimated actual salary costs instead of top step/zero vacancy*).

If the Judicial Council/TCBC request of \$1.787 billion is adjusted only for Function 5, Collections, the Governor's Budget totaling \$1.641 billion is 93.5 percent of the adjusted Judicial Council/TCBC budget request totaling \$1.755 billion.

The Judicial Council/TCBC budget request is detailed on the following three pages.



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FY 1997-98 JUDICIAL COUNCIL/ TCBC BUDGET REQUEST

Judicial Council FY 1997-98 Trial Court Budget Request **\$ 1,787,062,000**
(excluding Assigned Judges Program, Judges Retirement System and two statewide projects -- new judgeships and jury improvement)

Department of Finance Recommended Adjustments

Function 5 (Collections) as New County Responsibility **<32,000,000>**

Court Staffing Cost Estimate **<50,000,000>**
(Shift from top step/zero vacancy)

FY 1997-98 Trial Court Request Net of Adjustments **\$ 1,705,062,000**

Governor's FY 1996-97 Trial Court Budget **\$ 1,607,664,000**
(excluding Assigned Judges Program and Judges Retirement System and including \$6 million to annualize cost of 21 new judgeships)

Net Increase in FY 1997-98 Request Over FY 1996-97 Governor's Budget **\$ 97,398,000**
(This increase is six percent over last year's Governor's Budget.)



FY 1997-98 JUDICIAL COUNCIL/ TCBC BUDGET REQUEST

NET INCREASE IN FY 1997-98 REQUEST OVER FY 1996-97 GOVERNOR'S BUDGET *(continued)*

◆ Contractual Obligation for Cost-of-Living (Adjustments) Under Labor Agreements	\$	7,124,000
◆ Increases essential to meet legal requirements:		
Pay jurors per current statutes <i>(CCP 215)</i>	\$	1,914,000
Provide certified interpreters per current rules and statutes <i>(G.C. 68562)</i>	\$	1,253,000
Pay arbitrators at \$150 per day <i>(CCP 1141.18)</i>	\$	700,000
Provide additional staffing for family mediation programs <i>(marked growth in caseload since 1992, improves child support payment rate and reduces number of court hearings)</i>	\$	3,700,000
Pay appointed counsel in increased number of juvenile dependency and child custody cases <i>(W & I Code 317 and Family Code 3150)</i>	\$	869,000
◆ Increases essential to maintain public access to justice:		
Improve management of increased jury workload <i>(staffing, communications and office expenses)</i>	\$	3,700,000
Provide for increase in verbatim reporting	\$	6,594,000



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FY 1997-98 JUDICIAL COUNCIL/ TCBC BUDGET REQUEST

NET INCREASE IN FY 1997-98 REQUEST OVER FY 1996-97 GOVERNOR'S BUDGET (*continued*)

Provide minimum adequate courthouse security <i>(reduce level of violence in increasingly confrontational courtroom environment/enable secure use of civil courtrooms for cross assignment to criminal cases)</i>	\$ 23,556,000
Provide automation for more efficient, effective administration of justice <i>(case management, jury management, document imaging, accounting and collections systems, field citations, equipment replacement, systems staffing, hardware upgrades, maintenance contracts, networking and records management)</i>	\$ 37,759,000
Provide increased staffing for the following program areas:	
▲ Criminal and traffic	\$ 7,000,000
▲ Family Law	\$ 1,675,000
▲ Juvenile Justice	\$ 1,554,000
	\$ 97,398,000



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TRIAL COURT FUNDING NEW JUDGESHIPS

JUDGESHIP NEEDS

The Judicial Council, applying a thorough process, determined in 1995 that there was a critical need for 61 new judgeships. In 1996, the passage of AB 1818 created 21 new judgeships, the first since 1987. The Council now seeks authorization for 40 new judgeships in counties that will agree to provide the necessary facilities.

Statewide statistics for the trial courts indicate the continued need for additional judgeships. While comparing total filings statistical information among the last three years shows the demand is leveling off, over the last ten years (Fiscal Year 1986-87 to Fiscal Year 1995-96) court activity has grown dramatically.

The attached list of 44 judgeships was approved by the Judicial Council in January 1997, based on revised assessments to ensure proper consideration of recent court consolidation efforts. The 40 requested judgeships are included in the list of 44.



TRIAL COURT FUNDING NEW JUDGESHIPS

JUDGESHIP NEEDS (*continued*)

	FY 1986-87	FY 1995-96	PERCENT CHANGE
SUPERIOR COURTS			
Total Filings	910,314	1,191,869	31%
Felony Filings	104,929	153,399	46%
Jury Trials	7,787	9,530	22%
MUNICIPAL COURTS			
Total Felony Filings	198,182	245,172	24%

Total filings and number of jury trials have decreased in Municipal Court.

In addition to the *quantitative* growth in demand for trial court services, three strikes law, increased prosecution of felonies, increased caseloads in juvenile and family law, and ever-greater complexity in civil cases, including those involving high technology issues, have caused a significant *qualitative* growth in demand for court services.



TRIAL COURT FUNDING NEW JUDGESHIPS

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JUDGESHIP NEEDS (*continued*)

COMPARING COURTS

With superior and municipal or unified courts in 58 counties varying in size and demographics from Alpine to Los Angeles counties, it is evident that there is no "average" or "typical" court.

In some courts, the caseload has grown tremendously:

Riverside Superior Court	Total filings up 74%	Felony filings up 107%
Riverside Municipal Court	Total filings up 5%	Felony filings up 89%
San Bernardino Superior Court	Total filings up 68%	Felony filings up 179%
San Bernardino Municipal Court	Total filings up 6%	Felony filings up 96%
Orange Superior Court	Total filings up 13%	Felony filings up 120%
Orange Municipal Court	Total filings down 10%	Felony filings up 99%

COMPARING CASES

One court case might be completely different than another.

- ◆ In the Superior Courts, the rate of filings is 131 percent of what it was ten years ago, while in the Municipal Courts, total filings are down 18 percent over the same period.
- ◆ In both types of courts, felony filings are up dramatically (see above).
- ◆ Previous studies conducted by the Judicial Council indicated that a Superior Court felony filing takes (on average) more judicial time than a Municipal Court filing, by a factor of 20.



TRIAL COURT FUNDING NEW JUDGESHIPS

JUDGESHIP NEEDS (*continued*)

THE CHANGING NATURE OF COURT CASELOADS

The mix of cases has changed significantly. The days of judicial involvement in parking and minor traffic violations has passed. The disparity in workload between courts in different counties has increased due to the impact of new laws.

THREE STRIKES IMPACT

- ◆ 9 Superior Courts report <10% increase in workload (*which accounts for 52% of workload*)
- ◆ 12 Superior Courts reported no impact (*2% of workload*)

FAMILY AND JUVENILE LAW

- ◆ 179% increase in family relations filings (*child custody, domestic violence, support*)
- ◆ 20% increase in juvenile case filings

COMPLEX CIVIL CASES

- ◆ Asbestos cases
- ◆ High technology business litigation

INCREASED TRIAL RATES

- ◆ 4% non-strike
- ◆ 9% second strike
- ◆ 41% third strike

JAIL POPULATION

- ◆ Prejudication population up by a third in some jurisdictions

VIOLENT OFFENDERS

- ◆ Increased felony filings
- ◆ Increased security needs
 - > Conversion of civil courtrooms
 - > Shootings in and around courthouses

The Judicial Council and the trial courts have moved pro-actively in reaction to these changes.



TRIAL COURT FUNDING NEW JUDGESHIPS

JUDGESHIP NEEDS DETERMINATION PROCESS

The Judicial Council asks that the Legislature support legislation creating 40 new judgeships effective January 1, 1998, including funding for the judgeships for the final quarter of the fiscal year.

The Judicial Council, working through the Court Profiles Advisory Committee, identified the courts with the highest priority need for new judgeships (see list on following page).

The evaluation of the list will be updated and refined based on combination of new and previously applied criteria, including:

- ◆ **Qualitative reports considering and comparing**
 - Workload indicators
 - Judicial position equivalents
 - The extent and status of coordination
 - Use of pro tem judges and pro tem commissioners
 - Availability of facilities to accommodate a new judgeship

- ◆ **Working Principles**
 - No new judgeships where increased workload insufficient to justify a full-time judge
 - No new judgeship recommendations based upon mere *anticipation* of increased workload
 - Coordinated courts set at higher priority than those that are not coordinated
 - Increased caseload reviewed in multi-year comparison to determine whether growth is short term or part of a pattern of steady growth
 - Considered best practices regarding case management



TRIAL COURT FUNDING NEW JUDGESHIPS

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JUDGESHIP NEEDS PROJECT

RANKING BY SEVERITY OF NEED

RANK	COURT NAME	RANK	COURT NAME
(a)	(b)	(a)	(b)
1	East Kern Municipal	23	Sacramento
2	South Orange Municipal	24	Riverside
3	Butte	25	Los Angeles Superior
4	San Bernardino	26	San Bernardino
4	North County Municipal	27	Los Angeles Superior
4	San Joaquin Superior	28	Alameda Superior
7	Sacramento	28	San Francisco Superior
8	San Diego Superior	28	Orange Superior
9	San Bernardino	31	San Diego Superior
10	Sonoma	32	Fresno
11	Orange Superior	33	Los Angeles Superior
11	Alameda Superior	34	Los Angeles Superior
13	San Diego Superior	35	Los Angeles Superior
14	Sacramento	36	Sacramento
15	Contra Costa Superior	37	Riverside
15	Fresno	38	San Bernardino
17	Riverside	39	Los Angeles Superior
18	San Bernardino	40	Orange Superior
19	Orange Superior	41	San Diego Superior
20	San Diego Superior	42	Los Angeles Superior
21	Ventura	43	Los Angeles Superior
22	Los Angeles Superior	44	Los Angeles Superior



TRIAL COURT FUNDING JURY SYSTEM IMPROVEMENT

STATEMENT OF THE PROBLEM

In its review of the California jury system, the Blue Ribbon Commission on Jury System Improvement identified low juror compensation and lack of reimbursement for other juror-related expenses, including parking, child care, and meals, among impediments to increasing citizen participation in the jury process. As the commission's report states, the overall response rate of jurors reporting for service ranges from a low of five percent in Los Angeles County to over 60 percent in many rural counties. More than 1.6 million citizens report for jury service every year.

In addition, the commission took note that private sector employers and, to a lesser extent, public employers are becoming less inclined to voluntarily continue paying usual compensation and benefits to employees who are absent from work on account of jury service, or are reducing the number of days of paid compensation and benefits.

The Governor's Office was represented on the commission by the Legal Affairs Secretary, and the Legislature was represented by the chairs of the Senate and Assembly Judiciary Committees, the Senate Committee on Criminal Procedure, and the Assembly Committee on Public Safety.



TRIAL COURT FUNDING JURY SYSTEM IMPROVEMENT

The Governor's budget proposal provides support and funding for the following items identified by the Blue Ribbon Commission on Jury System Improvements:

- 1. Increase juror mileage rate to \$.28 per mile.**
- 2. Reimburse juror parking expenses.**
- 3. Reimburse juror child and dependent care expenses.**
- 4. Reimburse juror meal expenses.**

These items directly relate to reimbursing jurors for actual expenses incurred while serving on a jury. The Judicial Council recommends support for the remaining six items identified by the Blue Ribbon Commission on Jury System Improvements:

- 5. Increase juror compensation to \$40 per day of service.**
- 6. Encourage free public transportation for jurors.**
- 7. Adopt reasonable tax credits for employers and/or jurors.**
- 8. Encourage employers to continue paying for juror salaries.**
- 9. Adopt rules of court reducing the term of juror service.**
- 10. Utilize implementation task force to increase citizen participation in the jury process.**

JUDICIAL COUNCIL RECOMMENDATIONS

The Judicial Council recommends supporting the remaining six items identified by the Blue Ribbon Commission on Jury System Improvements. All ten items were viewed as the most critical of more than 60 commission recommendations for reforming the state's jury system.



TRIAL COURT FUNDING JURY SYSTEM IMPROVEMENT

1. INCREASE JUROR MILEAGE RATE

Increase juror mileage rate to \$.28 per mile *one way* for those jurors traveling more than 50 miles one way, at a net cost increase of \$500,000 over 1996-97 budgeted amounts, for the final six months of fiscal year 1997-98.

2. REIMBURSE JUROR PARKING EXPENSES

Support legislation authorizing the Judicial Council to establish guidelines for direct reimbursement of juror parking expenses at a cost of \$3.5 million for the final six months of fiscal year 1997-98.

3. REIMBURSE JUROR CHILD AND DEPENDENT CARE EXPENSES

Support legislation authorizing the Judicial Council to establish guidelines for direct reimbursement of juror child and/or dependent care expenses at a cost of \$3 million for the final six months of fiscal year 1997-98.

The guidelines will provide that the reimbursement is available to those jurors who must make special child care arrangements as a result of jury service, and is available to those prospective jurors who wish to serve but presently are precluded from serving for financial reasons. The guidelines may also provide for actual versus maximum expenses, with maximum expenses based on the number of minor children in the family.



TRIAL COURT FUNDING JURY SYSTEM IMPROVEMENT

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4. REIMBURSE JUROR MEAL EXPENSES

Support legislation authorizing the Judicial Council to establish guidelines for direct reimbursement of juror meal expenses, or court provided voucher, beginning with the second day of service, at a cost of \$7 million for the final six months of fiscal year 1997-98. The maximum reimbursement shall not exceed the state Board of Control approved per diem allowance for lunch.

5. INCREASE JUROR COMPENSATION

- A. Increase compensation to \$40 per day of service, beginning with the second day, at a net cost increase of \$25 million over 1996-97 budgeted amounts, for the final six months of fiscal year 1997-98. Proposal assumes a one day/one trial term of service in all counties.
- B. As an alternative, increase compensation to \$40 per day of service, beginning with the second day, by phasing-in the increase over three fiscal years. As proposed, juror compensation would increase to \$17 in 1997-98 (final six months of fiscal year); to \$29 in 1998-99; and to \$40 in 1999-2000. Proposal assumes a one day/one trial term of service in all counties.

Estimated 1997-98 Cost to <i>Increase to \$17 per day</i>	\$24.7 million
Estimated 1998-99 Cost to <i>Increase to \$29 per day</i>	\$49.4 million
Estimated 1999-2000 Cost <i>to Increase to \$40 per day</i>	\$66.2 million



TRIAL COURT FUNDING JURY SYSTEM IMPROVEMENT

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6. ENCOURAGE FREE PUBLIC TRANSPORTATION FOR JURORS

Encourage local officials to negotiate with local transportation providers to provide free public transportation for jurors.

7. ADOPT REASONABLE TAX CREDITS FOR EMPLOYERS AND/ OR JURORS

- A. Support legislation providing reasonable tax credits for those employers who voluntarily continue to pay usual compensation and benefits to employees who are absent from work on account of jury service.**
- B. Support legislation providing a refundable tax credit for jurors for each day of jury service. The Legislative Analyst's Office estimates the statewide loss of state and local revenues at about \$80 million annually.**
- C. The adoption of this option may result in an increased number of employers who may reduce or eliminate the number of days in which employees receive usual compensation and benefits while absent from work on account of jury service.**

8. ENCOURAGE EMPLOYERS TO CONTINUE PAYING JUROR SALARIES

As a matter of fairness to those private employers who continue to pay usual compensation and benefits to employees while serving as jurors, the Judicial Council will encourage all units of state and local government to continue to pay their employees while serving as jurors and to seek resolutions to that effect from elected government officials.



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TRIAL COURT FUNDING JURY SYSTEM IMPROVEMENT

9. ADOPT RULES OF COURT REDUCING TERM OF JUROR SERVICE

Support legislation authorizing the Judicial Council to adopt rules of court specifying that the term of service for jurors shall not exceed five days or one trial by July 1, 1998; three days or one trial by July 1, 1999; and one day or one trial by July 1, 2000.

10. UTILIZE IMPLEMENTATION TASK FORCE TO INCREASE CITIZEN PARTICIPATION

Authorize the Judicial Council through its Implementation Task Force on Jury System Improvement to meet with all appropriate individuals, organizations, and state and local government entities to further refine any or all of the proposals discussed above as a means of increasing citizen participation in the jury process.



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TRIAL COURT FUNDING COURT SECURITY IMPROVEMENT

To reduce the level of violence in an increasingly confrontational courtroom environment and to ensure the secure use of civil courtrooms for cross assignment to criminal cases, the Governor's Budget recommends \$8,000,000 to fund perimeter security for the trial courts. Perimeter security includes the use of video cameras inside and outside of the courtroom, weapons and metal detection systems at the entrance to the courthouse and in individual courtrooms, and the sheriff's or marshal's deputies and/or private security needed to staff these systems.

Due to the increase in the number of criminal cases, civil courtrooms are being used to hear criminal cases. Many civil courtrooms do not have architecture specific to criminal courtrooms. For example, many modern criminal courtrooms have a non-public secured entryway for defendants and a secured area in the courtroom where the defendant sits during trial. Sheriff's deputies often are required to escort defendants through public areas.

Many trial courts house their civil and criminal divisions in separate courthouses. The criminal courthouses have increased perimeter security provisions which might include weapons detection at the entrance to the courthouse and the individual courtrooms, a larger contingent of sheriff's deputies on the premises, and security cameras inside and outside of the courthouse. Many courtrooms are housed in historical buildings that are not fitted with the apparatus required to provide minimum service levels of court security required for criminal



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TRIAL COURT FUNDING COURT SECURITY IMPROVEMENT

cases. Many courthouses have no perimeter security. Their sole source of security is the bailiff in the courtroom. In a recent survey, 72 percent of California court facilities were found to have no weapons screening and 69 percent serve as multiple-use facilities used by organizations in addition to the courts.

Several incidents underscore the need for increased funding for court security. Several high profile cases have caused a proliferation of bomb threats and threats against judicial officers and staff. Several assaults have been committed against judicial staff and the public as criminal cases have been moved to civil courtrooms.

The trial courts submitted incremental requests for court security totaling \$33.7 million, the majority of which would fund perimeter security. The Trial Court Budget Commission (TCBC) evaluated the requests and approved incremental funding of \$23.5 million for court security. This \$8 million request represents about one-third of the amount required to fund the TCBC security request, in accordance with the Governor's recommendation. As the necessity for court security continues to increase, trial courts will be forced to reallocate money from other areas of court operations in order to operate a secure courthouse. The \$8 million recommended by the Governor will be allocated by the TCBC to the trial courts most in need of court security measures.



BUDGETING CRITERIA FOR THE TRIAL COURTS

◆ HISTORICAL COMPARISONS

- Prior Year TCBC-Approved Budget
- Prior Year Actual Expenditures

◆ MINIMUM SERVICE LEVELS (MSL)

- Initial Levels Adopted in 1995
- Additions or Revisions in 1996-97
- Best Practices

◆ ADOPTION OF TOTAL BUDGET

- Tracking of All Relevant Costs
- Tracking Revenues

◆ CIVIL DELAY REDUCTION RULES

◆ CROSS-COURT COMPARISONS

- Benchmarks (*Average for Similar Courts*)
- Actual Expenditures Per Judicial Position Equivalent
- Functional Budget Per Judicial Position Equivalent
- Staffing Per Judicial Position Equivalent

◆ TRIAL COURT PERFORMANCE STANDARDS

- Access to Justice
- Expedition and Timeliness
- Equality, Fairness and Integrity
- Independence and Accountability
- Public Trust and Confidence



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SUMMARY RECOMMENDATIONS

- ◆ **Support Trial Court Funding Improvement Act for 1997**
- ◆ **Immediately appropriate \$292 million in fine and forfeiture revenue to the Trial Court Trust Fund**
- ◆ **Support approval of fee increases in trial court legislation**
- ◆ **Approve judicial branch budget at the program funding level requested for Fiscal Year 1997-98**