

# SJI NEWSLETTER

Volume 26, No. 5

## CCJ/COSCA National Task Force on Fines, Fees, and Bail Practices

### Upcoming Grant Deadlines

Deadlines for new grant applications for FY 2016:

- May 1, 2016;
- August 1, 2016

Please review the [SJI Grant Guideline](#) for more details.

### In this Issue

Task Force on Fines, Fees, and Bail Practices	1
Body Worn Cameras and the Courts	2
Illinois Probation Data Repository	2
Arizona Probate Courts Deliver Statewide Education	3
SJI Board Appoints Acting Chairman	4

With support from SJI, the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) have formed a National Task Force on Fines, Fees and Bail Practices to address the ongoing impact that court fines and fees and bail practices have on communities. One of the aims of the nationally-led initiative is to understand and address how fines, fees, and bail disproportionately impact the economically disadvantaged across the United States.

The Task Force is comprised of national judicial and legal leaders, legal advocates, policy makers from state, county and municipal government, academics, and the public interest community. Several CCJ and COSCA members attended a two-day White House hearing in December led by DOJ that outlined the severity of this issue and the critical need to find solutions.

The Task Force co-chairs have formed three working groups:

1. Access to Justice and Fairness
2. Transparency, Governance & Structural Reform
3. Accountability, Judicial Performance and Qualifications, and Oversight

Among other responsibilities, the Task Force will:

- Draft model statutes, court rules, written policies, processes and procedures for setting, collecting and waiving court-imposed payments;
- Compile and create suggested best practices for setting, processing and codifying the collection of fines and fees and bail/bonds;



- Review and revise suggested guidelines for qualifications and oversight of judges in courts created by local governments or traffic courts, including reviewing and updating state codes of judicial conduct and the jurisdiction of judicial conduct commissions to ensure their applicability to all judges;
- Sponsor a court “hackathon” designed to develop innovative technological solutions that ensure courts are providing 21st century customer service through mobile applications and software platforms; and
- Develop an online clearinghouse of information containing resources and best practices.

The project draws on how court functions ensure that the judiciary can fulfill its obligation of upholding the Constitution and protecting the individual rights of all citizens.

## Body-Worn Cameras and the Courts

With assistance from SJI, the National Center for State Courts (NCSC) completed a comprehensive review of issues relating to body-worn cameras (BWC), and the collection, publication, testing, and use of video evidence generated during state court proceedings.

Following the April of 2015 release of the [Body-Worn Cameras for Law Enforcement Assessment Report](#) by U.S. Department of Homeland Security, which detailed a number of different BWC devices and capacities of the technology, questions began to surface related to recorded material, particularly as it is used in criminal and civil cases. The NCSC report titled, [Body-Worn Cameras and the Courts](#), addresses a series of considerations state courts may want to explore in anticipation of more widespread adoption by law enforcement of BWCs and their continued presence in legal proceedings, such as:

- Video and Lost or Destroyed Evidence;
- Law Enforcement and BWC Policies;
- Authentication and Publication of Video Evidence;
- Relevant Case Law, including: *Arizona v. Youngblood*, *Asherman, Merriman, and Durnwald* Cases;
- Statutory Issues;
- Negative-Inference Instructions to the Jury; and,
- Freedom-of-Information/Open-Records Statutes.

The appendices include comprehensive information regarding states

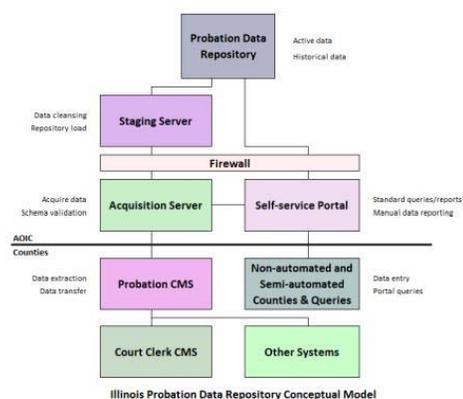
that follow and do not follow the *Youngblood* standard, as well as a re-



source list for additional reports and collections related to current and pending BWC issues. The conclusion acknowledges BWCs for their ability to improve public trust, but also suggests that state courts need to implement practices and judicial education programs that account for the impacts on criminal cases during pretrial proceedings where video is lost.

## Illinois Finalizes Data Repository Design Project

With support from SJI, the Administrative Office of the Illinois Courts (AOIC) received technical assistance from the National Center for State Courts (NCSC) and



achieved a fully designed data repository for probation functions performed throughout Illinois (SJI-15-T-043).

The initial request for assistance was to identify the framework needed to replace the current aggregate statistical collection and reporting system with one that would enable the Judiciary to conduct more statistical analysis. The AOIC's Judicial Management Information System team

(JMIS), which led the project's implementation, sought to better support the effective delivery of adult probation, juvenile probation, and pretrial services across the state as a means to improve efficient systems and effectiveness. NCSC consultants recommended starting with the information already collected and expanding it in a significant way that would lead to measurable improvements.

The [final report](#), which details the way queries would be composed, parties involved or with access, and reports the system could generate, had four major deliverables, including:

- Definition of system outputs;
- Reporting specification (three tiers);
- Architecture document; and,
- Cost estimates.

While some estimates from the AOIC's vendor handling infrastructure are still outstanding, the project aims to move from implementation to pilot stages over the next 18 months.

# Strengthening the Operation of Arizona Probate Courts Through Statewide Education

The Arizona Supreme Court's Probate Court division was the recipient of an SJI grant to create and deliver online video-based probate court training programs for non-licensed fiduciaries, attorneys, and superior court investigators (SJI-11-E-088).



Protection of vulnerable and incapacitated individuals has been a strategic goal of the Arizona judicial department since the early 1990's. Recognizing the need to provide for judicial oversight of probate cases, the Arizona judicial branch led a multi-year effort during the 1990's to provide training and regulation of "professional fiduciaries" - non-family members serving as a guardian, conservator or personal representative. Statutory and court rule amendments resulted in Arizona becoming, the first state in the nation to regulate professional fiduciaries in 1999. In 2000, the Arizona Supreme Court appointed the Fiduciary Advisory Committee. The Committee's June 2001 final report resulted in a number of statutory, court rule, and procedural changes, including the development and adoption of Arizona's first statewide Rules of Probate Procedure, effective January 1, 2009.

On April 30, 2010, the Supreme Court established the Committee on Improving Judicial Oversight and Processing of Probate Court Matters ("Probate Committee"). The Probate Committee's responsibilities included reviewing and making recommendations regarding effective court oversight and monitoring of probate cases. The June 2011 final report contained a comprehensive list of recommendations—areas addressed included training for judicial officers, court appointed attorneys and guardians ad litem, court investigators and non-licensed fiduciaries. The Probate Committee also recommended expansion of the Arizona judicial department's Seniors/Probate Law website to include additional information and resources for interested members of the public. A number of the Probate Committee's recommendations resulted in statutory changes, amendments to the Arizona Rules of Probate Procedure and adoption of statewide probate forms.

The [final report](#) of the Probate Committee is available on the Court's website.

In response to these recommendations, the Arizona Supreme Court Administrative Office of the Courts was awarded an SJI grant to begin the process of strengthening the operation of Arizona probate courts through statewide education.

The grant provided judicial education on Probate Bench, Court-Appointed Counsel, Guardian Ad Litem, Court-Appointed Investigators, and Non-Licensed Fiduciaries; the development of the Seniors/Probate Law Website; the Probate Judicial Benchbook; and a two-day Probate ADR Conference for judges and attorneys who practice in probate court. All [materials and resources](#) generated through this grant are available online.

## Arizona Supreme Court

### Committee on Improving Judicial Oversight and Processing of Probate Court Matters

#### Final Report to the Arizona Judicial Council

June 2011



## SJI Board Appoints Acting Chairman

The Board of Directors has appointed Vice Chairman Daniel Becker to serve as Acting Chairman until June 2016.

Mr. Becker has served as State Court Administrator at the Administrative Office of the Courts for the State of Utah since 1995. In that capacity, he is responsible to the Utah Supreme Court and Utah Judicial Council for the administration of the state court system. From 1984 to 1995, Mr. Becker worked for the North Carolina Administrative Office of the Courts serving in the positions of: Deputy Director (1993-1995); Court Services Administrator (1986-1993); and Assistant to the Director (1984-1986). He also held the position of Trial Court Administrator for the Fourteenth Judicial District of North Carolina, and Assistant Director of Operations for the Georgia Administrative Office of the Courts. From 2004 to 2005, he served as President of the Conference of State Court Administrators and Vice Chair of the Board of Directors of the National Center for State Courts. Mr. Becker was the recipient of the 2006 Warren E. Burger Award for Excellence in Judicial Administration. He was initially appointed to the SJI Board of Directors in 2010.

He holds a B.A. and M.P.A. from Florida Atlantic University, and attended the Executive Session for State Court Leaders in the 21st



Century at the John F. Kennedy School of Government, Harvard University.

## SJI Board of Directors

### Acting Chairman

Daniel J. Becker  
State Court Administrator  
Utah AOC  
Salt Lake City, UT

### Secretary

Gayle A. Nachtigal  
Senior Circuit Court Judge  
Washington County Circuit Court  
Hillsboro, OR

### Treasurer

Hernan D. Vera  
Principal  
Bird Marella P.C.  
Los Angeles, CA

Chase T. Rogers  
Chief Justice  
Supreme Court of Connecticut  
Hartford, CT

Jonathan Lippman  
Chief Judge (ret.)  
State of New York  
New York Court of Appeals  
New York, NY

David V. Brewer  
Justice  
Oregon Supreme Court  
Salem, OR

Wilfredo Martinez  
County Judge  
9th Judicial Circuit of Florida  
Orlando, FL

Marsha J. Rabiteau  
Executive Director  
Legal Policy Strategies Group  
Bloomfield, CT

John B. Nalbandian  
Partner  
Taft Stettinius & Hollister LLP  
Cincinnati, OH

Isabel Frammer  
President  
Language Access Consultants, LLC  
Copley, OH

Jonathan D. Mattiello  
Executive Director

The State Justice Institute is a federally-funded, non-profit corporation established by federal law in 1984 to improve the quality of justice in the state courts.

