

# Connecticut General Assembly

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2010OFA-0023

January 19, 2010

TO: Rep. Michael Lawlor  
Sen. Andrew McDonald

FROM: Michael Murphy

SUBJECT: Judicial Department budget issues; various topics

You asked for a brief description of the major budget issue within the Judicial Department this fiscal year (FY 10) and associated programmatic effects. In addition, you asked for various other discrete pieces of information that are provided in Part 2 of this report.

### **Part 1a: Major Budget Issue**

The amount of FY 10 funding available in the Judicial Department's Other Expenses line item, which is primarily used to cover relatively fixed costs such as utilities and leases, is \$6.7 million less than actual spending in FY 09 and approximately \$8.2 million less than the estimated current services level for FY 10. The FY 10 funding level was ultimately determined through the series of reductions indicated in the table below.

**FY 10 Reductions to the Judicial Department's Other Expenses Line Item****Reductions to Appropriations**

Achieve General Savings	\$1.7 million
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**Allotment Holdbacks of Appropriated Funds**

Outside Consultant Contracts	\$2.6 million
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Reduce OE to FY 07 Levels	\$7.8 million
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Shift Information Technology Funding to the Department of Information Technology	\$0.7 million
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	<u>\$11.1 million</u>
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Total	<u><u>\$12.8 million</u></u>
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In order to absorb these reductions, the Judicial Department intends to shift certain juvenile and adult service-related costs, in the approximate amount of \$7 million, from its Other Expenses line item to the adult and juvenile services line items. In conjunction with this shift, funding is reduced for the various programs listed below. The Judicial Department is also withholding \$1.5 million in grant funding to legal aid. These savings are partially offset by \$1.5 million in unbudgeted expenditures to purchase law library materials and maintain electronic subscriptions.

## **Part 1b: Related Programmatic Effects**

### **PA 08-1 Initiatives**

#### Automated victim notification system

This new system would provide automatic notice of relevant offender information and status reports to registered victims; the system is required to be implemented pursuant to PA 08-1 of the January Special Session (JSS). Fiscal Year 2010 projected state expenditures are \$22,000 out of \$250,000 budgeted. Note that federal funds, in the amount of \$190,000, have been made available to supplement development of this system.

#### Residential treatment slots (alternatives to incarceration)

Approximately \$1.6 million budgeted in FY 10 will not be spent in order to help offset the Judicial Department's projected shortfall in its Other Expenses line item. This amount equates to 60 treatment beds out of the 135 new beds provided under PA 08-1 of the JSS.

### Sex offender treatment slots

The FY 10 budget contains \$0.5 million to contract for 5-6 residential treatment beds. Due to delays, these funds will not be spent in the current fiscal year and are therefore available to help cover the Judicial Department's projected shortfall in its Other Expenses line item.

## **Juvenile Justice Initiatives / Services**

### "Raise the Age"

The FY 10 budget contains \$1.5 million to expand contracts for services to 16-year olds, who are designated as juveniles effective January 1, 2010. These new funds were to have been spent to expand in-patient and out-patient care, vocational and educational services.

### Family Support Centers

The FY 10 budget contains \$1.0 million in new funding to provide six additional family support centers, which are used primarily to divert status offenders from detention. This expansion could support 45 clients at any given time in FY 10.

### Other Services

The Judicial Department has reduced funding for intensive in-home child and adolescent psychiatric services (IICAPS) by \$1.5 million<sup>1</sup>; it has also eliminated a \$1.0 million new contract for 8 residential treatment beds for 16-year old males at the Connecticut Junior Republic.

## **Court Operations**

### Courtrooms

The Judicial Department is closing the Willimantic and Norwalk Juvenile

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<sup>1</sup> Intensive Home-Based Services are clinical services provided in the child's home and community. Services are provided to children and youth who have returned or are returning home from out-of-home care or psychiatric hospitalization and require intensive community based services, or are at imminent risk of placement due to mental health issues, emotional disturbance, or substance abuse. The FY 10 budget for IICAPS is \$1.6 million (less the \$1.5 million indicated above); the FY 10 budget is \$2.2 million less than actual spending in FY 09.

courts to obtain lease/utility savings estimated to be \$113,000 in FY 10 and \$570,000 in FY 11. The business of the Willimantic Juvenile Court will be moved to another facility in Willimantic; some of the Norwalk business will be moved to Stamford. In addition to these closures, the Judicial Department plans to move Geographical Area court business from Bristol to New Britain; anticipated lease/utility savings in FY 11 are \$37,000.

#### Law libraries

The FY 10 budget eliminates \$2.5 million to purchase new law library materials and maintain electronic subscriptions. In order to maintain access to electronic subscriptions and purchase some new law library materials, the Judicial Department has shifted the associated \$1.5 million cost to its Other Expenses line item. The effective reduction to the budget for operating the law libraries is therefore \$1.0 million.

The Judicial Department plans to reduce the number of law libraries from 16 to 10.2. The 22 librarians staffing these libraries are protected under the SEBAC agreement and thus will be reassigned.

### **Legal Services for the Indigent**

#### Pass-through for legal aid

The FY 10 budget contains a \$1.5 million General Fund appropriation as a pass-through to the Connecticut Bar Foundation to support civil legal aid. It is estimated that these funds would support representation in 1,200 cases. Case types usually involve housing, family, income maintenance and individual rights. In order to help cover the projected shortfall in the Judicial Department's Other Expenses line item, the \$1.5 million will not be provided to the Connecticut Bar Foundation.

In addition to the pass-through of \$1.5 million General Fund appropriation described above, the Connecticut Bar Foundation is to receive approximately \$7.7 million in new funding annually under PA 09-152, which raises various court fees and allocates the associated revenue to support legal aid. The Connecticut Bar Foundation also continues to generate revenue (projected to be

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<sup>2</sup> The schedule of closures is as follows: Norwich, Willimantic and Milford as of April 1, 2010; Bridgeport, Hartford and Litchfield as of July 1, 2010.

\$3.0 million in 2010) from the Interest on Attorneys' Trust Accounts (IOLTA) program.

Provided that the \$1.5 million in General Fund appropriations continues to be withheld, it is estimated that the Connecticut Bar Foundation will have approximately \$10.7 million in revenue in 2010; this amount is comparable to revenue for the program in 2005, but less than one-half the \$22.3 million in revenue during 2007.<sup>3</sup>

## **Part 2: Additional Information per Request**

### **Judicial Department savings from furlough days**

Furlough savings in each year of the 2010-2011 Biennium are attributed as follows: \$333,514 for Judges; and \$2,929,433 for the rest of the Judicial Department's staff. The biennial budget reflects that all state employees take 3 furlough days in each year.

### **Last pay raise for Judges**

The salary for Judges was increased on January, 1, 2007, which was a 6% increase over January 1, 2006.

### **Active Judge Trial Referees and Senior Judges**

Currently, there are 87 Judge Trial Referees and 16 Active Senior Judges (103 total). They each earn per diems of \$220.

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<sup>3</sup> The significant drop in revenues is primarily attributable to the decline in the housing market and lower interest rates, which determine revenue levels under the IOLTA program.

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**Cost Estimate to Fill Vacant Judgeships**

Current Superior Court Judge salaries	146,780
Potential vacant positions to be filled through appointment in FY 10	15
Annual salary cost to Judicial	<u>2,201,700</u>

**FY 10**

FY 10 salary cost presuming 3/1 appointment date	733,900
Associated fringe cost borne by Comptroller @ 25% *	183,475
FY 10 state cost	<u>917,375</u>

**Annual**

Salary cost	2,201,700
Associated fringe @ 61.28%	1,349,202
Annual state cost	<u>3,550,902</u>

\* First year costs exclude pension benefits

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**Potential Additional Use of Judge Trial Referees (JTRs) to Handle Cases**


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**Estimated unused capacity of JTRs**

Estimated annual cost for JTRs	\$3,130,056	FY 09 actual
Estimated # of court days handled by JTRs @ \$220 per diem	14,228	

Potential* court days @ 103 JTRs (current level)	23,690	Assumes 230 days per annum
Potential additional court days that could be handled by JTRs	9,462	

Judge equivalent	41
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**Estimated savings from using JTRs instead of filling judge vacancies**

Judge vacancies	15
Annual cost w/full-time Judges	2,201,700
Annual cost w/JTRs assuming they can provide full coverage *	759,000
Personal Services Savings to Judicial	<u>1,442,700</u>

\* At this point it is unknown to what extent the use of JTRs would be limited under CGS 51-47b, which provides that the retirement compensation plus per diems of any JTR may not exceed the highest annual salary during the fiscal year for the judicial office held by the retired judge at the time of retirement.

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**Changes in the # of Courtrooms**

Jan-08	269	
		2 Opening of new Bridgeport Juvenile Court
Jan-10	272	
		-1 Planned closing of Norwalk Juvenile Court
		-2 Planned closing of Willimantic Juvenile Court
		-2 Potential closing of Bristol Geographical Area Court *
	267	

\* Requires legislative approval

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**Judicial Department Positions (by functional area) vacated  
as a consequence of the 2009 Retirement Incentive  
Program**

Administrative Services	3
Court Adjudication	93
Court Security	29
CSSD - Juvenile Services	2
CSSD -Adult Services	63
CSSD-Detention	5
IT support	11
Maintenance	5
Support Enforcement	14
Supreme/Appellate	2
Victim Services	1
Total	228

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**Parole Officer Filled Positions**

	01/03/2008	12/31/2009
Parole Officer Managers	18	21
Parole Officers	151	142
Total	169	163

biweekly payroll per CORE-CT

**Adult Probation Officer Filled Positions**

	Jan 08	Jan 10
APO Trainee	117	38
APO I	95	144
APO II	274	298
CPO I	51	54
CPO II	21	23
	<u>558</u>	<u>557</u>

additional positions appropriated FY 09 and FY 10 offset by vacancies under the Retirement Incentive Program and hiring constraints / position reductions

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**Prosecutor Filled Positions (General Fund)**

	Feb-08	Dec-09
Statutory	16	16
Adult Prosecutors	198	192
Supervisory Adult Prosecutors	36	33
Juvenile Prosecutors	12	8
Supervisory Juvenile Prosecutors	5	5
	<u>267</u>	<u>254</u>

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Please let me know if you have any further questions in this regard.