

**Written Testimony of Judge Barbara M. Quinn
Chief Court Administrator
Appropriations Committee Public Hearing on Deficiencies
November 18, 2009**

Good afternoon, Senator Harp, Representative Geragosian, Senator Dibicella, Representative Miner and members of the Appropriations Committee. My name is Barbara M. Quinn, and I am the Chief Court Administrator. Let me begin by thanking you for this opportunity to address the Committee about the very serious financial deficiency faced by the Judicial Branch. I use the word deficiency with sadness, because as you know over the years it has been the Judicial Branch's firm policy to use every means at our disposal to avoid budget deficiencies, and until this year we have been very successful in doing so.

As I noted in my letter of October 27, 2009, a major deficiency in our Other Expenses (*OE*) account seems unavoidable because of extraordinary and unprecedented allotment reductions that have been imposed on the Branch's *OE* appropriation by the Executive Branch. Over the past two months we have forcefully and consistently emphasized that the majority of these *OE* reductions were unauthorized and in direct contravention of the Legislature's clear intent in crafting a budget for the FY 2010-2011 biennium. The allotment reductions, if allowed to stand, will have dramatic, negative and lasting effects on our courts and the citizens that they serve. I will outline a number of those consequences below.

Lack of funding is also a critical problem with respect to law libraries and electronic legal research tools, which are critically necessary for judges in their decision-making process. This essential area has received zero funding in either year of the biennium, despite the fact we spent nearly \$2.5 million in General Fund Equipment dollars last year to provide electronic access to legal research and keep publications current.

When the new budget went into effect, we believed the Branch's exemption from a legislatively required rollback to FY 2007 *OE* levels was clear and unequivocal. However, when we received our B-1 allotment forms from OPM, we were shocked to

find that \$12.9 million had been held back from our *OE* appropriation, including \$7.8 million associated with a rollback to FY 2007 *OE* levels.

We immediately reached out to OPM about the unauthorized reduction but received no relief. I apprised you of this problem in writing on October 1, 2009 in the hope that a Judicial Branch exemption from these *OE* cuts could be clarified in budget implementing bills. One of the implementers that passed did include the necessary language, but as you know the bill was vetoed by the Governor, and despite widespread Legislative support for the Branch's plight, no override was attempted. Nevertheless, we continue to pursue other legal means to restore the funds. However, at this point the *OE* allotment reductions are in force, and I have a duty as Chief Court Administrator to reduce *OE* expenses to the extent possible.

Make no mistake; the Judicial Branch is committed to full participation and partnership with the Executive and Legislative Branches in saving money wherever practical and possible. I know that you realize that we always do at least our fair share in budget saving efforts. In fact, the Judicial Branch sustained allotment reductions of more than \$17 million in FY 2009. Fully \$30 million (including the disputed \$7.8 million) has been removed from the Branch's *PS* and *OE* budgets in FY 2010 through allotment reductions.

In the area of *Personal Services (PS)*, we have had a hiring freeze in place for almost 18 months, and during that time we have lost more than 400 employees to attrition and the Early Retirement Program. We have not brought back any of these retirees under the 120-day rule and we are only now beginning to refill a fraction of the ERIP created vacancies, and are concentrating in essential areas such as Judicial Marshals, juvenile and adult probation officers, juvenile detention staff, and court monitors and interpreters. We are also moving forward to fill the limited number of positions that were newly authorized by the Legislature for initiatives such as "Raise the Age."

Other Expenses is the account from which virtually all of our operating expenses are paid. The vast majority of these expenses are fixed and contractually obligated. More than \$30 million of our *OE* budget will be spent to lease or maintain court buildings. An additional \$5 million is needed to provide food, clothing and medical care for children in Juvenile Detention Centers. More than \$3 million is spent to maintain telecommunications service to court facilities throughout the State.

The *OE* allotment reductions made to the Branch go well beyond what is practical, sustainable or possible. The Branch's *OE* appropriation for FY 2010 is approximately \$75 million. The total of the post-appropriation allotment reductions made to that account by the Executive Branch is more than \$12.9 million, leaving only \$62 million in *OE*. This is \$6.7 million less than we spent in *OE* last year and ***well below FY 2005 levels***. Based on the nature and size of our *OE* expenses, the allotment reductions that have been made to our *OE* account can only be described at best as uninformed.

We must remember that the Judicial Branch does not determine on its own the locations where court will be held or the scope and size of the programs and services that we will provide to the citizens of the State. Adequate funding is essential to carry out the will of the Legislature and provide the services expected of a statewide court system. It is disheartening and frustrating to see an ever-widening chasm between the programmatic responsibilities and mandates given to the Judicial Branch by the Legislature and the funds that are ultimately available to meet those critical and core duties. Responsibilities and mandates only seem to grow and expand while resources continue to shrink. This cannot continue. If adequate funding is unavailable and if unilateral budget reductions continue to be imposed by the Executive Branch, we have no choice but to curtail what we do and where we do it.

That is the unavoidable and unfortunate situation we find ourselves in, and in the absence of immediate budgetary relief, I must now take a series of actions, as I outlined to you in my October 1 letter, to narrow the gap as much as possible between available funding and expenses. None of the actions that I will outline are ones we would otherwise choose to do, but they are among the few areas of *OE* spending where some discretion can be exercised. I would caution you that this is a very fluid situation, and these actions represent merely first steps in what promises to be a long and painful process. Our initial actions include:

Closing Courthouses

The majority of our 47 courthouses are owned by the State, and most of those that are leased have continuing contractual obligations that cannot be breached without significant cost to the State. However, there are three leased court facilities for which the leases can be cancelled within the next year. It is our intent to close those facilities as soon as legally permissible. They include:

- The present *Willimantic Juvenile Matters* courthouse will close by November 1, 2010 and the business will be moved to a smaller Branch-owned building on Valley Street in Willimantic. This will eventually save \$500,000 in lease and operating costs.
- With the concurrence of the Legislature, the *Bristol Geographic Area (GA)* courthouse will close by March 1, 2011, and business will be moved to New Britain, saving \$150,000 in lease and operating costs.
- The *Norwalk Juvenile Matters* courthouse will be closed by July 1, 2010, saving \$225,000 in present lease and operating costs and avoiding \$2.3 million in future costs associated with the lease of a new larger juvenile facility. Additionally the Norwalk GA may close and move to Stamford. If this occurs, juvenile court business will move to the vacated GA location. If the Norwalk GA were to stay open, juvenile court business would move from Norwalk to Stamford.

While these closings will save little money in the present fiscal year, they must be undertaken as soon as possible in order to save the dollars noted above in the coming years.

Shifting certain expenses out of OE

Juvenile

More than \$5 million in costs associated with food, medical care and clothing for children in Juvenile Detention Centers will be shifted from *OE* to the Juvenile Alternative Incarceration and Youthful Offender *Other Current Expenses (OCE)* line item. This will be consistent with the accounting structure used by some Executive Branch agencies, such as DOC's budgeting for medical expenses for inmates. Ironically, these *OCE* accounts are not subject to the statewide *OE* cuts.

Adult

Up to \$2 million in *OE* expenses associated with adult offenders will be transferred from *OE* to Adult Alternative Incarceration *Other Current Expenses (OCE)* line item. The specific charges that will be transferred are still being determined.

Reducing new and existing programs

Juvenile initiatives

Shifting \$5 million in Juvenile Detention costs from *OE* to *OCE* accounts will have the unfortunate and unwanted consequence of resulting in less *OCE* funding for existing and new juvenile programs.

- New programs associated with "Raise the Age" and the expansion of Family Support Centers from 4 to 10 will not occur. This is tragic, as so many people have worked so long and so hard to implement this initiative. Nevertheless, with or without the new programming, 16-year-olds will be moved to the juvenile courts on January 1, 2010.

Adult initiatives

Shifting \$2 million in Adult offender costs from *OE* to *OCE* accounts will impact the following initiatives:

- 60 new treatment beds associated with the Jail Re-interviewing Program and substance abuse/mental health originally funded under PA 08-01 will not be implemented. These slots would have served 300-400 clients per year.
- 6 residential sex offender beds also funded under PA 08-01 will not be purchased. These beds would have served 30-50 offenders per year.

Funding for other organizations

A variety of funding for non-budgeted organizations is passed through our *OE* line item. Funds that will be substantially reduced from present levels or eliminated include:

- The *Connecticut Bar Foundation* is slated to receive \$1.5 million in FY 2010, which includes an additional \$500,000 appropriation, to provide legal services to the poor. It is likely that we will not be able to distribute the \$1.5 million in funding.
- *Children in Placement* was slated to receive \$350,000 in FY 2010. This has been reduced to the statutory minimum of \$150,000.
- Also, there remains \$270,000 in various Victim Services community-based contracts in *OE*, taking into account the most recent transfer by the Legislature of \$507,000 to the Criminal Injury Compensation Fund (CICF). None of the \$270,000 will be distributed. In FY 2011, the \$270,000 has been transferred to the CICF under the budget act.

Closing law libraries

As I noted above, legal research tools, in both electronic and printed form, are invaluable in order for judges to render rulings that are consistent with precedent. There are presently 16 law libraries throughout the State, and it cost \$2 million to maintain their collections in FY 2009. Additionally, providing electronic access for judges and legal research clerks costs almost \$500,000 per year. We believe that we can close 6 libraries in FY 2010, but operating the remaining 10 and providing necessary electronic tools will still result in the expenditure of \$1.5 million, none of which is budgeted this year.

I recognize that the above actions are neither desirable nor consistent with Legislative intent. And as painful and unwanted as the programmatic reductions will be, they are insufficient to close the gap created by this exorbitant *OE* allotment reduction. We are also concerned that additional allotment reductions may be forthcoming. We are therefore undertaking the regrettable task of identifying additional rounds of court closings and program cuts that will need to be considered not if, but when, additional budget cuts occur. Simply spoken, our obligations must be reduced to match our available funds.

I know you share the pain and concern we are expressing today, and I hope that you share our wish to resolve this situation. Towards that end, I would offer the following suggestions for action when you come back into session. These actions, if implemented, will eliminate or mitigate the cuts and program reductions I have outlined above. They include:

- *Restoring the unauthorized \$7.8 million cut to our OE account;*
- *Recognizing that even after the \$7.8 million is restored, a deficiency in OE of several million dollars is very likely;*

- *Recognizing that maintaining electronic access to legal research tools and the need for updated research publications results in the need for additional funding of up to \$1.5 million in our General Fund Equipment account; and*
- *Taking steps to equalize the balance of power, so that both the Legislature and the Executive Branch would have to agree to cuts to the Judicial Branch. This would eliminate the ability of the Executive Branch to unilaterally usurp the intent of the Legislative Branch as expressed in the enacted budget.*

I would end with one final appeal that you help us to solve our problem so that we can continue to provide the high quality of justice that Connecticut has been used to, as well as the services that help us to reduce crime, incarceration and create safer communities.