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FINAL REPORT OF THE SENATE UNIFIED COURTS TECHNOLOGY STUDY COMMITTEE

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Senator Vincent Fort
District 39

Senator William T. Ligon, Jr.
District 3

Senator Jesse Stone
District 23

Senator Curt Thompson
District 5

The Honorable David Emerson
Superior Court Judge, Douglas Judicial Circuit

The Honorable Stephen Kelley
Superior Court Judge, Brunswick Judicial Circuit

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INTRODUCTION

The Senate Unified Courts Technology Study Committee (the “Committee”) was created by Senate Resolution 986 during the 2014 Legislative Session of the Georgia General Assembly. The Committee was charged with undertaking a study of the conditions, needs, issues, and problems associated with data sharing between justice system agencies, including data relating to civil, criminal, and domestic relations matters. Senate Resolution 986 expressed the sense of the Senate that efficient sharing of data would be based on upgrades to existing technology systems based on mandatory statewide standards. The resolution further expressed the Senate’s sense that the efficient function of the judiciary system is of utmost importance to the State of Georgia and that the key to such efficiency is the real-time sharing of information between the court agencies.

Senator Josh McKoon of the 29th chaired the Committee, which held five public hearings at the State Capitol in Atlanta. Committee hearings¹ were held on the following dates:

- August 8, 2014;
- September 5, 2014;
- October 3, 2014;
- October 24, 2014; and
- November 7, 2014.

The other Senators who served as members of the Committee were Senator Vincent Fort of the 39th, Senator William T. Ligon, Jr. of the 3rd, Senator Jesse Stone of the 23rd, and Senator Curt Thompson of the 5th. The Senators were joined by two members of the state judiciary, The Honorable David Emerson, Superior Court Judge, Douglas Judicial Circuit, and The Honorable Stephen Kelley, Superior Court Judge, Brunswick Judicial Circuit.

BACKGROUND

In its final report dated December 31, 2013, the Senate Expungement Reform Study Committee (the “Expungement Committee”), as part of its study of ways to improve the process for expunging and restricting access to certain types of criminal history records, recommended that the state undertake to study the cost and feasibility of a significant investment in state and local information technology systems, the cost of training state and local employees on new systems,

¹ A list of witnesses who testified at each of the public hearings and a brief summary of their testimony is set forth in Appendix A to this Report.

and the feasibility of using add-on fees to fund systems upgrades. This recommendation was based on findings made by the Expungement Committee that:

- Omissions and inconsistencies are prevalent throughout the criminal history records maintained by key stakeholders in the state's criminal justice system, including those maintained by sheriffs' departments, court clerks, prosecuting authorities, and the Georgia Bureau of Investigation ("GBI"); and
- Information technology systems utilized by key stakeholders in the state's criminal justice system, particularly at the local level, are inadequate to properly process, correct, and update criminal history information.

Because of these findings and the recommendations of the Expungement Committee and the willingness expressed by key stakeholders to continue working to address these issues,² the Committee undertook further study of this issue, focusing on specific technology and data-sharing needs at all levels and classifications of the state's judicial system and within the law enforcement community, as well as an examination of current efforts aimed at improving data sharing between stakeholders. The Committee also examined programs, data-sharing platforms and systems, and governance models utilized by other states to improve data collection, entry, and dissemination within their criminal justice systems.

In addition to this specific focus on sharing of criminal justice data, the Committee received testimony regarding other current technology needs in the judicial and law enforcement communities, recognizing that technology integration, broadly speaking, remains a key issue throughout the state's justice system. The Committee took special note of efforts to expand public access to court records, ease the "customer" experience of interacting with the judicial system, and to promote the availability of electronic filing and case management in civil court proceedings as a way to both reduce the cost and burden of filing documents in civil matters and to provide greater access to the judicial system for pro se litigants.

FINDINGS

Based on the testimony presented, the Committee makes the following findings:

1. Georgia's disparate court and law enforcement structures present significant—but not unique—challenges in managing the timely and accurate collection, entry, and dissemination of judicial and law enforcement data and records among key stakeholders in the state's civil and criminal justice systems. Georgia does not have a "unified" court system as some states do, and the large number of courts³ and other agencies that are stakeholders in the state's justice system make collection and sharing of data across agencies and jurisdictions a difficult task.

² For instance, Senator Josh McKoon received a letter dated February 3, 2014 from Chief Justice Hugh Thompson of the Georgia Supreme Court expressing "strong support for the findings and recommendations of the [Expungement Committee] to study (1) the cost and feasibility of a significant investment in state and local information technology systems, (2) the cost of training state and local employees on new systems, and (3) the feasibility of using add-on fees to fund system upgrades." The Chief Justice's letter went on to note that "[c]ourts and their stakeholders and customers experience daily limitations resulting from incomplete information and records . . . [A]bsent statewide standards, funding, and legislative support, progress will be marginal."

³ According to data provided by the Administrative Office of the Courts of Georgia (AOC), the Judicial Council and the AOC currently serve 1,087 courts (including 381 Municipal Courts) comprised of 1,625 judges.

2. Numerous justice system agencies (broadly defined to include courts⁴ and court systems, including the clerks of each court; sheriffs' and police offices; prosecutors and solicitors; public defenders; the Georgia Department of Corrections (DOC); the Georgia Department of Juvenile Justice (DJJ); and GBI are currently engaged in data-sharing projects, including exchanges between and among local agencies, between local agencies and state-level entities, and between various state-level entities.⁵

The Committee heard testimony from the Council of Superior Court Clerks of Georgia regarding a series of local projects under the banner of "Georgia JDX." Work on Georgia JDX local justice system integration projects began in 2005 as an effort to improve data-sharing between various stakeholders in the justice system. The Georgia JDX projects involved specific efforts to align business processes in various agencies, harmonize data standards that would be used between agencies, and to align the state's data-sharing efforts with those being undertaken by the U.S. Department of Justice and the U.S. Department of Homeland Security to improve criminal justice data-sharing following the September 11, 2001 terrorist attacks. Georgia JDX's key goals were to improve data quality and accuracy for all users; improve record-keeping for purposes of budgetary and legislative analysis and action; and to create costs savings throughout the criminal justice system by reducing the need for multiple entries of the same information, with the ultimate goal of placing accurate and timely information about criminal offenders and their case dispositions into the Georgia Crime Information Center ("GCIC") database and records and reports used by policymakers. The basic approach of Georgia JDX was not to require the purchase of specific software or hardware by stakeholders, but instead to connect existing technology platforms maintained by various agencies. As Mike Holiman of the Council of Superior Court Clerks of Georgia indicated to the Committee, "there is no other practical way to coordinate [data sharing] across so many agencies and offices." Mr. Holiman indicated his view that the state needed a more formalized governance structure with high-level buy-in in order to successfully coordinate and fund statewide data-sharing initiatives.

Georgia JDX-based projects were on the cusp of being realized until the economic downturn from 2008 to 2010 forced the state to end funding for the projects. However, despite those cutbacks, a number of projects based on the Georgia JDX model continued based on local efforts and funding. One such project is ongoing in the Griffin Judicial Circuit. Sheila Studdard, the Clerk of Superior, State, and Magistrate Courts in Fayette County testified before the Committee regarding a data exchange she helped to coordinate in her county between the various criminal justice stakeholders there. After initial success, that model was scaled up to include the additional counties in the Griffin Circuit (Upson, Pike, and Spaulding). Ms. Studdard indicated that the project was funded by an initial grant of \$375,000 for the Circuit with annual maintenance costs being picked up initially through the Circuit's budget and eventually by funding from the county governments. Ms. Studdard attributed the success of the Griffin project to the independence that each agency was able to maintain, though they each agreed to certain standards through a memorandum of understanding that governed their exchange of data.

⁴ Here, the term "courts" refers not only to specific courts, but also to the Judicial Council of Georgia and the Administrative Office of the Courts of Georgia, which provide management, technological, and administrative support to courts in Georgia. For the specific statutory authorities governing these entities, see O.C.G.A. § 15-5-20 et seq. (Judicial Council of Georgia) and O.C.G.A. § 15-5-22 et seq. (Administrative Office of the Courts of Georgia).

⁵ As an example of the latter, the Prosecuting Attorneys' Council of Georgia indicated to the Committee that it currently receives arrest data from GBI, traffic citation data from the Georgia State Patrol, and parole notifications from the State Board of Pardons and Paroles.

3. Despite statutory mandates that certain criminal justice data be reported by justice system agencies to the Georgia Crime Information Center (GCIC) and the Administrative Office of the Courts, and despite the success of various local data-sharing projects between justice system agencies, buy-in to local data-sharing projects across the justice community has been sporadic, and significant gaps remain with respect to the accuracy and quality of data exchanged between local justice system agencies.

This finding is consistent with earlier findings of the Expungement Committee, which examined this issue specifically with respect to a former offender's ability to receive accurate information about his criminal history and to remove any information from that record that is not correct. Key factors driving this problem are the inconsistency with which data is initially entered into the various databases used by justice system stakeholders and the potential for mistakes that arises when multiple agencies input data regarding the same offender.

4. The lack of proper incentives (including consistent funding and the availability of state technical assistance and support) and the desire to retain ownership and control over data generated by a particular agency have been cited as key reasons why some justice system agencies have been unwilling or unable to pursue data-exchange projects. County commissions and cities currently foot the bill for court case management systems and other technologies utilized at the trial court level. The Committee received testimony indicating that additional investment from the state can supplement the investment being made by local governments and better enable local stakeholders to engage in data-sharing projects.

5. There is currently no formal state-level governance structure in place for coordination of information sharing between stakeholders in the justice system. Such a governance structure is not without precedent, however. In 1990, the General Assembly created the Georgia Courts Automation Commission ("GCAC").⁶ The GCAC's membership is comprised of the Chief Justice of the Supreme Court of Georgia and consists of ten other members, appointed by the Chief Justice. Such members include a judge of the Georgia Court of Appeals, three superior court judges, one superior court clerk, one state court judge, one juvenile court judge, one probate court judge, one magistrate court judge, and one municipal court judge.⁷ GCAC is assigned to the Judicial Branch for administrative purposes and was designed to address technology and automation needs specific to the judicial system.

In addition to its members, the GCAC is served by an advisory council consisting of the following individuals or their designees:

- Director of GBI;
- Commissioner of corrections;
- Commissioner of public safety;
- Chairman of the State Board of Pardons and Paroles;
- Director of the Administrative Office of the Courts;
- Director of the Criminal Justice Coordinating Council;
- Director of the Governor's Office of Children and Families; and
- Executive Director of the Georgia Technology Authority.⁸

⁶ See O.C.G.A. § 15-5-80 et seq.

⁷ O.C.G.A. § 15-5-80.1(b).

⁸ O.C.G.A. § 15-5-81(a).

Under current statute, members of the GCAC's advisory council are entitled to attend all GCAC meetings and to review and comment on all proposed official actions of the GCAC but are not voting members of GCAC.⁹

GCAC has the following duties under Title 15:

- "Define, implement, and administer a statewide courts automation system including data collection, networking, data storage, retrieval, processing, and distribution;
- Coordinate and cooperate with the state's chief information officer with regard to planning, implementation, and administration of a statewide courts automation system to take advantage of existing state resources where possible;
- Receive electronic data from the civil case filing and disposition forms that are required to be filed in civil cases pursuant to subsection (b) of Code Section 9-11-3 and subsection (b) of Code Section 9-11-58 and that are transmitted to the commission by the Georgia Superior Court Clerks' Cooperative Authority in a format and media agreed to by the commission and the authority;
- Compile the civil filings and dispositions data, and provide such data to the Administrative Office of the Courts;
- Participate in agreements, contracts, and networks necessary or convenient for the performance of the duties specified [above] and for the release of the information from civil case filing and disposition forms;
- Administer federal, state, local, and other public or private funds made available to it for implementation of the courts automation system;
- Coordinate statewide strategies and plans for incorporating county and local governments into the courts automation system, including review of requirements of the several state agencies for documents, reports, and forms and the consolidation, elimination, or conversion of such documents, reports, and forms to formats compatible with electronic transmittal media;
- Establish policies and procedures, rules and regulations, and technical and performance standards for county and local government access to the courts automation system network; and
- Offer advisory services to county and local governments to assist in guiding their efforts toward automating their court procedures and operations."¹⁰

While the GCAC has been a formal entity for more than 20 years, it has not been in operation since budget cuts in the 2010 budget cycle defunded its work.¹¹ In addition, according to

⁹ O.C.G.A. § 15-5-81(b).

¹⁰ O.C.G.A. § 15-5-82.

¹¹ According to the Administrative Office of the Courts, a number of GCAC's responsibilities have since been fulfilled by the Judicial Council and the Administrative Office of the Courts with respect to certain technology needs of the courts, including providing technology systems to roughly 30 percent of the courts in Georgia.

testimony provided by Judge David Emerson, a member of the Committee, the GCAC in its current form lacks formal statutory authority to coordinate IT implementation and has little practical ability to aid local jurisdictions in addressing technology needs or implementing data-exchange projects between justice system agencies.¹² Even when funded, the GCAC did not formally address the technology and information-sharing needs of the courts in conjunction with other agencies in the justice system, and such agencies were not formally represented within GCAC, serving in an advisory capacity only.¹³

The Committee received significant testimony indicating that efforts to address data-sharing and coordination between justice-system entities must address some limitations imposed on GCAC by statute and by the significant budget cutbacks that ultimately resulted in the loss of state-level funding for most data-sharing projects.

6. A state-level governance structure and a consistent flow of state appropriations are necessary to shape and adequately incentivize data-sharing programs between justice system agencies across the state. In addition to enhancing the quality and accuracy of the criminal justice data that ultimately resides in state-level databases such as GCIC, state partnerships with local justice system agencies and between state-level agencies will enable such agencies to leverage state resources, including funds, intellectual property, and technical know-how, in creating sustainable data-sharing partnerships between agencies and with key technology vendors.

Based on the experience of successful data-exchange projects in Georgia, including the ongoing effort in the Griffin Judicial Circuit described above, the Committee has received significant evidence that such partnerships can yield benefits both to local law enforcement efforts and the state at-large. First, partnerships envisioned by the Committee would preserve the ability of justice system agencies to select and work with the vendor(s) of their choice, so long as such vendor(s) can commit to compliance with state-established standards. Second, such partnerships should maintain the ability of local justice system agencies to own and control the data they create and input into their own systems, even though such data is ultimately shared with other agencies. Third, these partnerships will enhance the ability of judges, prosecutors, and law enforcement to receive timely and accurate information about offenders and will equip law enforcement and the courts to make more informed judgments with respect to suspects and defendants in setting bail and sentencing. Fourth, enhanced data-sharing should improve the quality and accuracy of justice system data that flows to state-level databases such as GCIC by reducing the presence of outdated or inaccurate data about offenders. This can support improved state-level decision-making with regard to funding and operating the justice system. Finally, improving the accuracy of criminal justice data (including eliminating data that is extraneous, inaccurate, or outdated) supports ongoing criminal justice reform efforts in Georgia aimed at reintegrating former offenders into the community.

¹² It should be noted that the Judicial Council of Georgia, the policy-making body for the Judicial Branch, is a stakeholder in various criminal justice communities that surround each of the courts it serves. However, according to testimony offered by representatives of the Administrative Office of the Courts, the Judicial Council does not have a mandate to establish consensus or policy among stakeholders outside the Judicial Branch or the mechanisms or finances to foster agreement and participation among and between the courts, the executive branch agencies that are part of the justice system, or other elected officials.

¹³ Testimony from the Administrative Office of the Courts also indicated that disagreement and differing priorities among justice system stakeholders have limited, but not stopped, progress with respect to data exchange initiatives.

In addition to the successful experience in the Griffin Circuit and other implementing counties, the Georgia Department of Education's experience in creating a statewide longitudinal data system for students should inform the process of creating such a system in our criminal justice system and the role that GCAC can play in that process. According to testimony provided to the Committee by Bob Swiggum, Chief Information and Technology Officer of the Georgia Department of Education (DOE), his department was successful in implementing a data system across the state's 185 school districts in a relatively short period of time.

According to his testimony, the rollout of the longitudinal system was based on several key elements of success.

First, DOE allowed each local school district to contract with its own database vendor. This allowed the local school system to maintain existing software and hardware so long as such systems can comply with basic, DOE-established data standards and to establish relationships with vendors that could best meet their individual needs. According to Mr. Swiggum, this was a key element in gaining buy-in from local school systems.

Second, the DOE (not the local school districts) stores all data uploaded into the system in servers controlled by the state. This shifts considerable costs and risks away from the local systems and allows the state to take advantage of economies of scale in purchasing storage space.

Third, DOE paid for the creation of application program interfaces (APIs) between the localities' database systems. APIs are technological bridges which allow unique systems to interact with each other and specify how such systems will share information. APIs allow each individual database to communicate the data it contains into the larger longitudinal system and to, in turn, receive information back from the system, all in a common format and language. In DOE's case, such data was accessed by each system from a "dashboard" that was managed and designed by each local database vendor. The APIs provided by the state allowed data concerning an individual student, once input, to be immediately accessible by all users who were permitted to access such student's account. This has allowed administrators and teachers to have instant access to a student's records (including test scores, discipline history, attendance, etc.) simply by logging into the local database and searching a particular student's name. The state provided the APIs to the districts free of charge, and use of the APIs was voluntary. In addition, the API never became a visible, branded portion of the local database. It simply became a feature of each database.

Fourth, DOE funds and provides training to each school district on the use of the longitudinal data system. According to Mr. Swiggum, in addition to training new hires, DOE's training efforts are used to update users on changes to the system as it evolves and improves.

Mr. Swiggum indicated that the rollout of the system has had numerous benefits. First, teachers are given instant access to records and information regarding new students. This is particularly useful for students who are new to a school or district, as, in the past, a teacher would have needed to wait a significant amount of time to receive paper-based records on the student. That process has been greatly simplified. In addition, Mr. Swiggum indicated to the Committee that the use of the longitudinal data system has provided significant data-mining capacity for both local school districts and DOE. Such capacity is expected to yield considerable benefits to the state's educational system, both in terms of budgeting and in delivering coursework that best meets the needs of students.

Mr. Swiggum indicated to the Committee that the longitudinal data system cost roughly \$8.9 million over four years to construct and rollout. This process was funded through federal grants received by DOE. In addition, Mr. Swiggum indicates that DOE spends roughly \$1 million per year in supporting, maintaining, and updating the longitudinal data system.

7. Courts at all levels in Georgia continue to integrate technology into their day-to-day operations as funding and resources allow. Proper implementation of such technology, including digitized procedures for applying for and issuing criminal warrants, holding certain meetings and proceedings via video and teleconference, and providing public access to records, citations, and online payment processes, promotes the efficient use of judicial resources and has the potential to greatly enhance the public's convenience in interacting with the judicial system.

8. The Judicial Council has adopted E-filing standards, and a uniform Superior Court rule on E-filing has been tentatively approved. However, the State of Georgia does not currently provide support for a statewide electronic filing system for civil cases ("E-filing"), and E-filing in civil cases is currently available only in the Georgia counties that have independently adopted E-filing software, rules, and standards and in the 108 counties that have adopted E-filing in child-support matters. The Committee finds that this places Georgia behind numerous states which have adopted statewide E-filing programs and places attorneys and litigants (including pro se litigants) at a considerable disadvantage with respect to their ability to remotely file documents in civil court proceedings, review the current docket for a civil matter, and receive notice of orders or filings electronically rather than by use of costly in-person filing or the mail. The Committee finds that the experiences related to the Committee regarding the implementation of civil E-filing in the State of Texas, as discussed in several presentations made to the Committee in its public meetings, are instructive given the similarity between the justice systems in Georgia and Texas.

RECOMMENDATIONS

Based on the findings listed above, the Committee makes the following recommendations:

1. Dedicated Funding for Justice System Technology Projects.

The State of Georgia, by statute,¹⁴ currently charges the filing party in each civil matter filed in superior court a \$125.00 filing fee, which is collected by the clerk of court (state agencies are specifically exempted from paying this fee) (the "Judicial Operations Fee"). The Judicial Operations Fee applies broadly to all civil filings and "any matter which is docketed upon the official dockets of the superior court and to which a number is assigned [is] subject to such fee, whether such matter is contested or not."¹⁵ All sums generated by the Judicial Operations Fee are paid over monthly by the clerks of superior court to the Georgia Superior Court Clerks' Cooperative Authority (GSCCCA), which then deposits all such sums into the state's general fund. These funds become part of the state's general appropriations each year.

According to the Senate Budget and Evaluation Office, quarterly reports filed by the GSCCCA, indicate that the Judicial Operations Fee generated the following revenues in recent fiscal years:

¹⁴ See O.C.G.A. § 15-21A-6.1 (establishing judicial operations fee and providing for the collection and disbursement of such fee).

¹⁵ O.C.G.A. § 15-21A-6.1(a).

<u>Fiscal Year</u>	<u>Revenue</u>
2011	\$31,024,485.35
2012	\$24,842,001.34
2013	\$21,622,836.77
2014	\$19,128,853.07

The Committee recommends that a portion of the revenue generated by the Judicial Operations Fee should be moved from the state's general fund and dedicated to use by justice system to meet specific technology and data-sharing needs. The mechanism for ensuring that the revenue generated through the Judicial Operations Fee is used for these purposes is the enactment of an amendment to the Georgia Constitution which authorizes the General Assembly to create a trust fund to which a portion of the revenues generated by collection of the Judicial Operations Fee will be dedicated.

Such an amendment should resemble the designated appropriations provisions currently set forth in Article III, Section X, Paragraph VI of the Georgia Constitution,¹⁶ which grants the General Assembly the authority to create specific trust funds and dedicate specific sources of revenue to such funds or to specified programs or purposes. Such amendment should also clarify that the fund is authorized to receive additional state appropriations in addition to funds generated by the dedicated portion of the Judicial Operations Fee. Finally, like several of the funds and designated appropriations authorized by Paragraph VI, the trust fund authorized by such amendment should be exempt from the general rule¹⁷ that annual appropriations to a specific agency, fund, or department lapse if unused by the end of the state's fiscal year.¹⁸

¹⁶ See, e.g., Dedication of motor fuel tax revenue to providing and maintaining roads and bridges (Para. VI(b)); trust fund for use in the reimbursement of a portion of an employer's workers' compensation expenses resulting to an employee from the combination of a previous disability with subsequent injury incurred in employment (Para. VI(c)); training of law enforcement officials and prosecuting officials with funds from additional penalties and fines assessed in criminal and traffic matters (Para. VI(d)); allocation of tax proceeds from sale of alcoholic beverages to programs for prevention, education, and treatment relating to alcohol and drug abuse (Para. VI(e)); State Children's Trust Fund for child abuse and neglect prevention programs (Para. VI(f)); creation of Seed-Capital Fund for investment in small firms engaged in technology, manufacturing, or agriculture (Para. VI(g)); funding of construction, operation, and staffing of jails with funds from additional penalties and fines assessed in criminal and traffic matters (Para. VI(h)); creation of Indigent Care Trust Fund for care of medically indigent citizens and children, expansion of Medicaid eligibility and services, and programs that serve the medically indigent (Para. VI(i)); creation of emerging crops fund enabling farmers to produce certain crops (Para. VI(j)); allocation of enhanced penalties for DUI offenders to Brain and Spinal Injury Trust Fund (Para. VI(k)); creation of roadside and beautification fund to be funded by revenue generated by tree removal permits, related assessments, and wildflower motor vehicle license plate fees (Para. VI(l)); creation of Department of Agriculture dog and cat reproductive sterilization program, funded by issuance of specially designated license plate (Para. VI(m)); and general authority to issue and renew special motor vehicle license plates and dedicate all or portion of revenue from sale of such plates to various programs.

¹⁷ See Ga. Const. Art. III, Sec. IX, Para. IV(c) (providing that "All appropriated state funds, except for the mandatory appropriations required by this Constitution, remaining unexpended and not contractually obligated at the expiration of such general appropriations Act shall lapse.")

¹⁸ Such funds and purposes designated under Paragraph VI include the State Children's Trust Fund, the Seed-Capital Fund, the Indigent Care Trust Fund, the emerging crops fund, the Brain and Spinal Injury Trust Fund, the roadside enhancement and beautification fund, the Department of Agriculture dog and cat reproductive sterilization support program, and, if provided by statute, any fund to support an agency, fund, or nonprofit corporation to implement or support special programs.

Dedication of a portion of the Judicial Operations Fee to these purposes will allow the state to establish a large and stable source of revenue to fund long-term technology planning and procurement, upgrades, and data-sharing projects throughout the state's justice system.

The Committee recognizes that the process of amending the Georgia Constitution will require both legislative action during the approaching biennium as well as approval by Georgia voters during the 2016 election. Based on that recognition, the Committee recommends that the General Assembly provide direct funding for justice system technology and data-sharing projects during the FY2016 and FY2017 budget cycles in anticipation of dedicated funding for such purposes, should the people of Georgia approve such a change to the Georgia Constitution.

2. Establishing the Georgia Justice System Technology Authority with Stakeholders Representing All Branches of Government to Coordinate Judicial and Justice System Technology Investment and Data-Sharing.

The Committee recommends the creation of a new entity to be known as the Georgia Justice System Technology Authority (the "JSTA"). The JSTA can and should play a critical role in enhancing the technological and data-sharing abilities of the agencies comprising the state's justice system. We believe that giving JSTA a mandate that is broader than that of GCAC—namely to include voting members from outside the judicial branch and to explicitly work with stakeholders represented by such members—will give the JSTA the authority and mandate it needs to bring these stakeholders together.

The Committee recommends that the membership of the JSTA be comprised of the following members or their designees:

- One member to be appointed by the Governor;
- One member to be appointed by the Lieutenant Governor;
- One member to be appointed by the Speaker of the House;
- One member to be appointed by the Judicial Council of Georgia;
- One member to be appointed by the Council of Superior Court Clerks of Georgia;
- Director of the GBI, or his or her designee;
- Commissioner of corrections, or his or her designee;
- Commissioner of public safety, or his or her designee;
- Commissioner of juvenile justice, or his or her designee;
- Commissioner of behavioral health and developmental disabilities, or his or her designee;
- Chairman of the State Board of Pardons and Paroles, or his or her designee;
- Director of the Criminal Justice Coordinating Council, or his or her designee;
- Director of the Governor's Office of Children and Families, or his or her designee;
- Executive Director of the Georgia Technology Authority, or his or her designee;
- Executive Director of the Prosecuting Attorneys' Council of the State of Georgia, or his or her designee;
- A Georgia sheriff, to be appointed by the Governor; and
- One member to be appointed by the Public Defender Standards Council.

In addition, the role and authority of the JSTA must be established in line with a broader perspective than that which inspired earlier technology coordination and data-sharing efforts, including those run by GCAC. First, the JSTA is the proper entity to receive and administer the

dedicated funds generated by the Judicial Operations Fee (see Recommendation 1, above). The perspective of representatives from various portions of the justice system in addition to members representing the Judicial Branch will place JSTA in a logical position to identify technology and data-sharing needs and to establish standards for meeting such needs.

In line with this approach, JSTA should be given the following duties and powers:

- In addition to funds generated by the dedicated portion of the Judicial Operations Fee, seeking annual state appropriations and other funds, including third-party grants, to be used for technology projects, including specific justice system data-exchange projects;
- Hiring dedicated staff with information technology, enterprise governance, and project planning and management experience;
- Establishing common data standards with which all data exchanged through a state-funded data exchange must comply;
- Establishing standard practices for entering into data-exchange contracts with technology vendors by local justice system agencies, including requiring that such contracts contain provisions (1) requiring compliance with state-mandated data standards and (2) granting ownership of intellectual property created by the locally selected vendor in building the exchange to the state;
- Communicating all mandated standards and contract requirements to local justice system agencies and potential vendors;
- Assisting local justice system agencies in identifying areas of need with respect to technology and data-sharing and potential solutions to such needs, including identifying potential partners, products, and vendors;
- Supporting local-level governance of data-exchange projects, including assisting in the development and execution of Memoranda of Understanding (MOUs) or similar governance documents between justice system entities;
- Receiving and reviewing applications from local justice system agencies for funding for specific, identifiable technology projects and/or data-exchange projects governed by an approved MOU or other agreement;
- Allocating funding to local state-approved technology or data exchange projects; and
- Evaluating the performance of such projects and reporting annually to the General Assembly and the Governor as to the use of all funds distributed by the JSTA and the outcomes of projects utilizing funds provided by JSTA.

The Committee believes that in order to best provide for the technology and data needs of the state's justice system as a whole, the formal participation of the officers and entities listed above in the decision-making process of the JSTA is necessary and desirable. In addition, a JSTA comprised of such members and vested with the powers and duties set forth above can move quickly to adopt high-priority data-sharing projects, including, for instance, the creation of a statewide misdemeanor database and statewide jail list, as recommended to the Committee by several witnesses.

3. Creation of Longitudinal System for Criminal Justice Data-Sharing.

As one of its key initial projects, the state, through the JSTA, should support the creation of a longitudinal data system that allows real-time updating of criminal record information regarding individual offenders. The absence of a unified data system regarding specific offenders that is created by and between various actors in Georgia's criminal justice system creates a critical blind spot in the state's ability to adequately and appropriately fund our justice system. In

addition, real-time data about specific offenders would better empower our law enforcement community in its handling of potential suspects and would give judges a better and more complete understanding of a defendant's history when making bail and sentencing decisions. Finally, creation of a longitudinal system that tracks specific offenders would reduce the need for repeated data entry on specific criminal suspects and offenders, as stakeholders at each stage of a prosecution would be responsible only for entering data generated by their specific actions. This solution specifically addresses findings made by the Expungement Committee in regard to problems caused by data-entry errors.

The Committee heard testimony from numerous vendors and technology consultants regarding the feasibility of launching such a system. The speakers highlighted the ability of such a system—much like the longitudinal data system employed by DOE—to include individualized access portals that have specific permission settings tailored to the needs of a specific agency. In addition, speakers highlighted the near-instant searchability of a unified longitudinal data system as one of its key strengths, as it would allow stakeholders to quickly access a wide range of information about a particular offender, based on data compiled from all participants in the data system.

In addition to the specific technical approaches taken by DOE in launching its statewide longitudinal data system (see Findings, above), the Committee believes DOE's experience highlights the critical role that a state-level entity can play in coordinating and financing the development of a multi-agency data system that tracks data on individual subjects. The recommendations above regarding the role of the proposed JSTA have been informed by DOE's experience, and we believe DOE can serve as a model for JSTA to follow in establishing a statewide longitudinal data system for the state's criminal justice system.

4. Civil E-filing and Court Access.

The state should support the implementation of a statewide E-filing system for all civil matters. Civil E-filing has a proven record of success and buy-in from courts and litigants at the federal level and in numerous state-court systems around the country, including in states such as Alabama and Texas. Specifically, the Committee supports the recommendations made by the Supreme Court Committee on Civil E-filing that the state's court systems should adopt a competitive market for local E-filing vendors centered on a single state-run portal. In addition to testimony offered by Justice Harold Melton regarding the Georgia Supreme Court's recommendations, the Committee also heard testimony from a number of vendors and consultants who indicated that the competitive model described in the Supreme Court's recommendation would best serve the needs of Georgia's courts and civil litigants in eventually establishing universal access to E-filing in Georgia.

In addition, the State, through the proposed JSTA, should support local efforts to expand public access to court records, automate citation processes, and enable online payment of fines, fees, and other amounts due as part of court proceedings, as local court systems move to adopt and expand access to these technologies. Additional investment by courts in these technologies has the potential to greatly enhance the "customer" experience, reduce wait times, and produce cost savings, and the state should actively support these efforts.

Appendix A

Summary of Witnesses and Testimony

Committee Meeting on August 8, 2014

Mike Holiman Council of Superior Court Judges of Georgia

Mr. Holiman provided extensive background information to the Committee regarding data-sharing efforts, including local data-sharing projects under the banner of "Georgia JDX." Mr. Holiman also highlighted the ways in which local and state data-sharing efforts are part of larger data-sharing and data-quality programs that have been implemented by the federal government since the September 11, 2001 terrorist attacks as a way to improve data gathering and sharing, particularly with respect to criminal justice data. Mr. Holiman also related the experience of his organization in participating in and managing technology and information-sharing projects, highlighting the key role that appropriate governance structures play in the success of such projects.

The Honorable David Emerson, Superior Court Judge Douglas Judicial Circuit

Judge Emerson, a member of the Committee, described his longstanding support for local data-sharing efforts and highlighted his previous work with the Georgia Courts Automation Commission to integrate technology and data-sharing specifically in the Judicial Branch. Judge Emerson noted the leading role that local governments play in funding courts and court technology and highlighted the key drivers of cost with respect to courts' current case management systems: personnel, hardware, and maintenance of storage and bandwidth capacity. He also highlighted current technology and data-sharing efforts underway that are supported by the Administrative Office of the Courts, including an E-filing program for child support cases, a citation delivery service in conjunction with the Georgia State Patrol, and an online access program for access to documents in death penalty cases. Judge Emerson emphasized his view that state funding paired with sustainable local funding for upkeep and maintenance of existing systems is the key to promoting technology use and data-sharing in the Judicial Branch.

Sheila Studdard, Clerk of Superior, State, and Magistrate Court Fayette County, Georgia

Ms. Studdard provided the Committee with an overview of her experience in launching and managing local data exchange projects in her circuit, the Griffin Judicial Circuit. She noted that a data exchange in the Griffin Circuit was launched with an initial grant of \$375,000 with annual maintenance costs paid by the circuit. She indicated that the counties comprising her circuit picked up the costs of the exchange in the outlying years. She also summarized her experience in developing sound memoranda of understanding (MOUs) that establish a workable governance model, data standards and formats, and agreed-upon financing.

Committee Meeting on September 5, 2014

The Honorable Harold Melton, Justice Supreme Court of Georgia

Justice Melton offered testimony regarding the Supreme Court Committee on Civil E-filing as well as the role of technology in improving the efficiency and accessibility of the Georgia court systems. According to Justice Melton, civil E-filing was deemed to be the first and highest court technology issue by the statewide committee. He indicated that the Supreme Court has focused on a model that creates a single statewide portal that is then compatible with the self-selected case management systems of each court, noting that this is the model that has been followed by the National Center for State Courts and the states of Texas and Michigan in bringing their civil E-filing systems online. He indicated his view that the success of the statewide E-filing project will require consistent, sustained funding at both the state and local levels.

The Honorable Leslie Spornberger Jones Chief Municipal Court Judge and Administrative Hearing Officer Athens-Clarke County Municipal Court

Judge Jones testified regarding technology needs and goals of the state's municipal courts. Specifically, she highlighted the ongoing need for instant data exchange between the municipal courts and issuers of citations, the Department of Driver Services, and GCIC. Due to the high volume of Georgians who interact with municipal courts, she also indicated the need for expanded "customer service" technologies, including online payment portals, interactive payment kiosks, video conferencing, electronic service of process, and E-filing. She also stressed the need for local technology procurement processes to attract smaller vendors that can readily serve the needs of local courts. Judge Jones also noted the key role that regular training plays in ensuring that court personnel are making the best use of available technology.

Judge W. Allen Wigington, Chief Magistrate Judge of Pickens County Judge Robert E. Turner, Chief Magistrate Judge of Houston County

Judge Wigington and Judge Turner testified on behalf of the Council of Magistrate Court Judges in regard to technology needs of Georgia's magistrate courts. The judges noted the high volume of cases that begin in magistrate court, noting specifically that numerous parties are pro se or are minimally represented in their interactions with the magistrate. Because of this, they indicated that the Council of Magistrate Court Judges has identified as a key priority the implementation of a statewide E-filing system for self-represented litigants in magistrate court.

Mike Cuccaro, Government and Trial Court Liaison Wendy Hosch, Research and Statistical Analyst Administrative Office of the Courts of Georgia

Mr. Cuccaro and Ms. Hosch provided testimony regarding data needs and solutions throughout the Georgia court system, noting that "courts and their stakeholders and customers experience daily limitations resulting from incomplete information and records." They reiterated views expressed by Chief Justice Hugh Thompson in previous correspondence to Senator McKoon that any upgrades to information systems should focus on real-time data exchanges based on mandatory, statewide standards that link justice system agencies together. Mr. Cuccaro and Ms. Hosch highlighted the role of local agencies in investing in their own technology, guided by statewide standards and data rules. They noted that the continued lack of funding, lack of state-

level enforcement standards, and lack of agreement between justice system agencies regarding data-exchange projects create risks for the state and its justice system.

Committee Meeting on October 3, 2014

Debra Nesbit

**Associate Legislative Director, Health and Human Services, Public Safety, and the Courts
Association of County Commissioners of Georgia**

Ms. Nesbit discussed the role of Georgia's counties in implementing, operating, and funding justice system technology projects. She noted that, in most cases, although counties are responsible for paying for technology systems and products, the decision about what technology is purchased (particularly by constitutional officers) is not made by the county. She also noted that, besides day-to-day users, the state is the largest user of data from the systems the counties purchase. Ms. Nesbit suggested that a portion of the \$125 judicial operations fee paid for civil filings in superior court be dedicated to funding state funding of court technology projects in conjunction with local funding.

Mike Kraft, Director of Probation Operations, Department of Corrections

Jay Sanders, Spec. Asst. to Director of Probation Operations, Department of Corrections

Phil Sellers, Chief Information Officer, Georgia State Board of Pardons and Paroles

Messrs. Kraft, Sanders, and Sellers presented testimony regarding technology initiatives currently being undertaken by the Department of Corrections. Their testimony focused specifically on electronic sharing of sentencing packets and a pilot E-sentencing project underway in the Cherokee Judicial Circuit. They also discussed new programs regarding risk and needs assessments, the Department's probation reporting contact center, and the use of mobile technology to assist field officers. Mr. Sellers also specifically highlighted the implementation of mobile technology programs for field officers employed by the State Board of Pardons and Paroles and the use of an agency portal and teleconferencing technology to review case files and interview witnesses and prisoners.

John T. Smith, Director of Legislative Affairs

Georgia Department of Juvenile Justice

Mr. Smith discussed the Department's Juvenile Tracking System (JTS), which allows the Department and some courts to maintain case records on all youth that have come through the juvenile justice system. JTS is a web-based database that can be accessed and searched only by authorized personnel. In addition to showing juvenile criminal records, JTS is also equipped with software that generates risk assessments and recommendations for case disposition, based on algorithms developed by DJJ and its vendors.

Terri Fisher, GBI Deputy Director

Georgia Crime Information Center

Ms. Fisher updated the Committee on the state's computerized criminal history system, the Georgia Crime Information Center (GCIC) and provided a summary of the aggregate data held by the system. She also discussed the impact of several provisions of the state's criminal justice reform efforts on the work of GBI and the GCIC and GBI's pilot disposition recovery project, a

pilot underway in three Georgia counties to better match arrest and charging information in GCIC with the final dispositions in open cases.

Chuck Spahos, Executive Director

Prosecuting Attorneys' Council of Georgia (PAC)

Mr. Spahos discussed ongoing efforts to implement the use of TRACKER, the case management system used by the State's prosecutors. TRACKER is a centralized system operated by PAC and customized to the specific needs of each prosecutorial office. TRACKER is owned by PAC and funded through the annual budget it receives from the General Assembly. Mr. Spahos noted that one of TRACKER's key strengths is its ability to communicate with other systems at the local and state levels. TRACKER is currently a component of several data exchanges, including with GBI, the Georgia State Patrol, the State Board of Pardons and Parole, and with the clerks of court. Mr. Spahos indicated that a number of other data exchange projects are currently contemplated.

**J. Terry Norris, Executive Director
Georgia Sheriffs' Association**

Mr. Norris discussed the investment made by sheriffs across Georgia in information sharing and collection. He noted the sheriffs' association's willingness and desire to implement a statewide jail database and the creation of a misdemeanor/probation database.

Committee Meeting on October 24, 2014

**Bob Swiggum, Chief Information and Technology Officer
Georgia Department of Education (DOE)**

Mr. Swiggum offered testimony regarding DOE's experience in creating a statewide longitudinal data system incorporating data from each of the state's 185 school districts. Key portions of Mr. Swiggum's testimony have been summarized in the body of this Report.

**George Lawson, Chief Technology Officer
Marla Kosier, Project Manager
FivePoint Solutions**

Mr. Lawson and Ms. Kosier testified regarding their company's experience with data integration projects and the creation of data "dashboards" and federated search programs that access data on individuals from numerous sources. FivePoint Solutions is currently active in Georgia on a number of data exchange and search dashboard projects, including projects in 25 counties and municipalities and have worked with numerous state-level agencies on data-sharing projects, as well. Mr. Lawson and Ms. Kosier highlighted the capabilities of systems their company has designed and implemented, including the ability to have live, automatic updates of data as entered into various systems that feed into a searchable database, web-based and mobile access, and segregated access for various justice system stakeholders. They also demonstrated the use of a federated search program that is currently being tested live in Florida, pulling data from each of Florida's counties.

**Tammy Carter, Vice President of Government and Legal Services
File & ServeXPress**

Ms. Carter discussed implementation of statewide E-filing systems, specifically highlighting statewide mandates, funding, and support as key elements of success. She specifically discussed the implementation of E-filing in the State of Texas and recommended a "competitive" model for Georgia, noting that localities should be free to select their own E-filing service providers. She also discussed various funding models that have been utilized by states in implementing E-filing programs.

**M. Boyd Patterson, Subject Matter Leader for Connected Justice
Martin Zaworski, Solution Director for Public Safety and Justice
Jeff Corn, Architect, Public Safety and Justice
Cisco Systems**

Messrs. Patterson, Zaworski, and Corn related their company's experience and competency in developing information-sharing platforms between criminal justice agencies, focusing specifically on the need for sound statewide governance structures, sustained investment, and local flexibility. They specifically highlighted the desirability of having a state-level advisory and rule-making committee that can establish rules and standards and work with local agencies and governments to coordinate and develop data-sharing projects.

Committee Meeting on November 7, 2014

**Jeff McCord, Director of Intergovernmental Relations
Calvin Rhodes, State CIO and Executive Director
Tom Fruman, Senior Officer, Enterprise Governance and Planning
Georgia Technology Authority (GTA)**

Messrs. McCord, Rhodes, and Fruman discussed the role and competencies of GTA, including its role as a consultant to the Judicial Branch, as needed. The GTA representatives spoke at length about GTA's experience in large-scale enterprise technology projects, including planning, project management, and vendor relations.

**Jorge Basto, Chief Information Officer
Marla S. Moore, Executive Director
Administrative Office of the Courts, Judicial Council of Georgia**

Mr. Basto and Ms. Moore offered the Committee recommendations from the Judicial Council/AOC, including with regard to the stakeholders that should be involved in justice-system data exchange issues, the role of the Judicial Council as a standards-setting body, funding, incentives, and local involvement.

**Chris George, Managing Director
CDG Consulting**

Mr. George offered testimony regarding his experience in implementing large data governance projects in the private sector and how that experience can translate with respect to projects conducted by governmental entities.

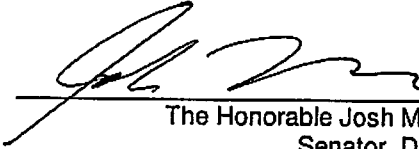
Open Discussion on Recommendations

Following the conclusion of Mr. George's testimony, the Committee discussed potential findings and recommendations. This discussion included concluding testimony from Mike Holiman (Council of Superior Court Clerks of Georgia), Mike Cuccaro (Administrative Office of the Courts), Jorge Basto (Administrative Office of the Courts), and Lee Hampton (Prosecuting Attorneys' Council of Georgia).

Members' signature pages to follow

Signatures on file in Senate Research Office

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The Honorable Vincent Fort
Senator, District 39

The Honorable William T. Ligon, Jr.
Senator, District 3

The Honorable Jesse Stone
Senator, District 23

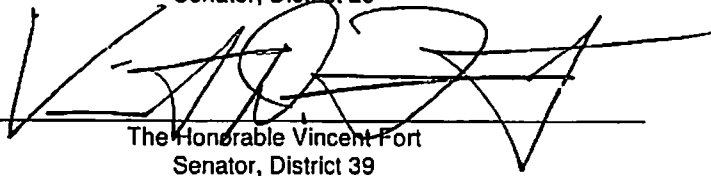
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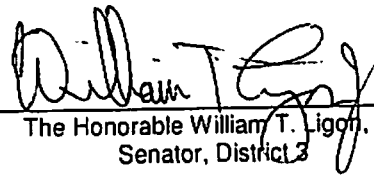
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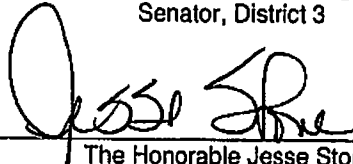
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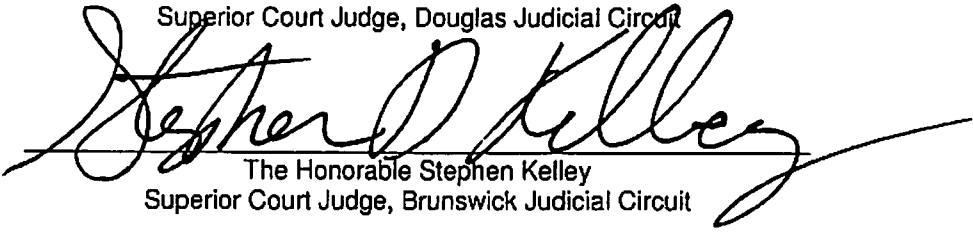
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