The Florida Senate

Interim Project Summary 2004-104 *December 2003*

Committee on Appropriations James E. "Jim" King, Jr., President

IMPLEMENTATION OF AN INTEGRATED COMPUTER SYSTEM FOR THE STATE COURT SYSTEM

SUMMARY

Section 29.008, Florida Statutes (F.S.), requires counties to provide computer systems for court functions pursuant to Revision 7 to Article V of the Florida Constitution. The entities in the state courts system must be able to share and report information relating to revenues, performance accountability, case management, data collection, budgeting, and auditing functions. The integrated computer systems must also enable the electronic exchange of case information, sentencing guidelines and score sheets, and video evidence stored in integrated case-management systems over secure networks. Further, the law requires the integrated system to be operational by January 1, 2006.

Since enactment of these provisions in section 29.008, F.S., representatives from the various court system entities have questioned what would constitute an "integrated system" under the law, how such a system would be implemented, and what their obligations and responsibilities would be.

This project found that:

- Availability of information technology infrastructure in Florida's court system is widely diverse. Some entities or jurisdictions have up-to-date technology, but some are poorly equipped and not capable of participating in significant integration strategies without acquiring better hardware and software. There is currently no source of funding for such acquisitions.
- There are so many different applications and systems in use that integration strategies requiring replacement of systems or developing hundreds of complex interfaces may be impractical due to the high cost and disruption of the local court operations.
- State and local funding and control of IT systems are enmeshed and diverse to such a degree that broad statewide integration mandates that account for these differences will be difficult to craft. Different court system entities across the circuits and counties may need to be responsible for selected components of such mandates.
- Significant local efforts to share data and integrate systems have been recently achieved or are being implemented in many jurisdictions. Statewide integration strategies that ignore these efforts may generate unnecessary costs, operational disruptions, and political opposition.
- More progress has been made to integrate information relating to criminal cases than for civil and all other types of cases. State requirements that provide for integration of data for all types of court system cases will require more work than for only criminal cases.
- The state's requirements for IT integration found in section 29.008, F.S., need clarification. Clarification needs to include some mechanisms for establishing standards, procedures, and governance for statewide and intra-circuit IT integration.

The following is a summary of the recommendations made in this report:

1. Create a permanent statewide board comprised of appointed representatives of the counties, the clerks of the court, the courts, the state attorneys, the public defenders, the sheriffs and the State Technology Office to establish for the court system: principles and requirements for minimal horizontal integration within any given circuit, and minimal vertical integration across circuits and with state entities; standards and protocols needed for integration; and strategies for achieving the statewide vertical integration.

2. Clarify statutory integration definitions and requirements after the Legislature has received recommendations from the statewide board. Integration of court system IT should be addressed at two levels in the law: intra-circuit integration, and statewide integration
3. Create a permanent board in each judicial circuit comprised of representatives from each of the counties in that circuit, the court, the state attorney, the public defender, the sheriffs, and each of the clerks of the court in that circuit. The circuit board should be charged with developing and implementing the integration solutions to meet the minimum requirements established in law after recommendations by the state board and clarification by the legislature.

BACKGROUND

(PLEASE NOTE: THIS IS AN ABRIDGED VERSION OF THE REPORT.)

In order to implement Revision 7 to Article 5 of the Florida Constitution, the Legislature enacted Chapter 2000-237, Laws of Florida, to specify the elements of the state court system and the responsibilities of the state and counties in providing such elements. Section 29.008, F.S., further defines the responsibility of counties to fund communications services. Communications services include all computer systems and equipment, maintenance, support staff and services necessary for an integrated computer system to support the operations and management of the state court system, including the state attorneys, public defenders, and clerks of the court. The computer systems must enable the entities in the state courts system to share and report information relating to revenues, performance accountability, case management, data collection, budgeting, and auditing functions.

The 2003 legislature passed House Bill 113A (Chapter 2003-402, Laws of Florida) which further clarified the state and county responsibilities. HB 113A amended section 29.008, F.S., to require the integrated computer system to enable the electronic exchange of case information, sentencing guidelines and score sheets, and video evidence stored in integrated case-management systems over secure networks. Further, the bill required the integrated system to be operational by January 1, 2006.

Since enactment of the amendments to section 29.008, F.S., representatives from the various court system entities have questioned what would constitute an "integrated system" under the law, how such a system would be implemented, and what their obligations and responsibilities would be.

This interim project was undertaken to develop a general understanding and description of the current systems and equipment that provide information technology services for the state courts system, and to identify issues that may need to be addressed by the legislature to facilitate development and implementation of an integrated information system for the state courts system by January 1, 2006.

METHODOLOGY

Staff held several meetings with information technology representatives in the Office of the State Courts Administrator (OSCA), and with the Florida Association of Court Clerks and Comptrollers, Inc. (FACC) to obtain information on statewide systems and applications and to understand the initiatives developed by both those groups. Staff met with representatives of the clerk of the court, the court administrator, the state attorney, and the public defender in several judicial circuits to gain an understanding of their technology, the degree of integration currently existing, and their recommendations on integration. (See appendices attached to the unabridged version of this report for summaries of site visits.) Staff reviewed recent reports relating to the implementation of Revision 7 developed for the legislature by MGT America, Inc., and conducted internet searches for information on integrating court systems in other states. Also participating in this project were staff from the Office of the Auditor General, Information Technology Division, the Office of Program Policy Analysis and Government Accountability (OPPAGA), and the Senate Judiciary Committee.

FINDINGS

Diversity of IT Systems

It has been generally understood by judicial system participants, and confirmed in more detail by this project, that the information technology (IT) infrastructure and organization in Florida's judicial system is very diverse in several major ways. An understanding of this diversity is essential to formulating goals and strategies for integrating information technology.

The availability of efficient technological tools varies significantly from county to county and circuit to circuit. Many circuits manually process the same data that other circuits process with technology. Various specialized technologies are in use in some circuits, including video conferencing, digital court reporting and video evidence systems. In contrast, many jurisdictions have few or none of these technology tools.

The degree to which existing technology systems are outdated varies as well. Seventy two percent of the court environments use technology that is nearing obsolescence. The courts in a number of Florida counties are using personal computers (PC's) and servers considered by the OSCA to be below current standards. Observations from the site visits support the presumption that the same mix of current versus outdated technology exists in all the court system entities statewide.

Many circuits still use older mainframe programming technologies developed several decades ago. These applications have been extensively modified through the years and are no longer supported by vendors.

Those processes and data that are automated use a wide range of different hardware and software solutions across counties and circuits. Many applications have been developed in-house using county or court system entity programmers, and other applications have been purchased from various vendors as off-the-shelf solutions. Many of the off-the-shelf solutions have also been customized to varying extents.

From the clerk of courts point of view, court information technology systems can be grouped into a minimum of 6 major functions: criminal, civil, probate, juvenile, jury, and traffic. The FACC has developed a number of computer applications for use by the clerks of the court for each of these functions. Although these applications are uniformly available to all clerks of court, many other applications have been developed by clerks' in-house programmers or by private vendors for each of these major functions. In general, smaller county clerks are more likely to use the FACC applications, while larger circuits are more likely to develop their own systems either in-house or with the help of a private vendor.

With regard to the operations of the 20 circuit court administrators there are at least 139 different versions of court applications in the 20 circuits/67 counties. Court administrators use systems operated by other entities as well as many applications developed in-house or with the assistance of private vendors.

State attorneys and public defenders also use different proprietary or in-house applications to manage their work processes. Those that use the same applications have in some cases customized them to their business processes, through programming contracts with the private vendor, as other entities have done routinely with their applications. Hence, even though two state attorney offices may use the same proprietary application, their systems may still be somewhat different.

During the site visits conducted for this project, it was seen that each court system entity operates numerous unique computer applications, some shared with other entities, and many developed on an ad hoc basis and used only internally.

The source of funding, ownership and control of technology across jurisdictions are also diverse and complicated. Although counties have funded and maintained much of the technology infrastructure, one or more of the entities in various jurisdictions may also own and control some or all of their IT infrastructure independently. This is one of the more significant observations gained from the selected site visits. The complexity is much greater when viewed by type of court case. In most Florida jurisdictions, as stated earlier, court information technology systems can be grouped into a minimum of 6 major functions: criminal, civil, probate, juvenile, jury, and traffic. The diversity of ownership/control of hardware and software is such that two or more different funding/ownership scenarios may exist within one entity depending on which of the major type of court case/IT function is considered. In many instances the court system entities use a mix of IT infrastructure owned and controlled by other entities as well as equipment and numerous applications owned and developed in-house or purchased from private vendors, depending on which program or type of court case is considered. This diversity of ownership and control of data and systems may be one of the more difficult factors to accommodate in formulating integration strategies.

Funding for IT staff support is yet another significant difference within and across circuits. The court administrator's office may have in-house IT staff that program and maintain case management systems

owned by the court, but the county may provide the funds for those staff, while in other entities such staff are state funded. This variation in support staffing is significant both across the entities within one jurisdiction and across jurisdictions.

Another finding from the site visits is that the business processes upon which IT systems are based vary considerably across jurisdictions. This is to be expected when many of the stakeholders in the judicial system are constitutional officers who are elected by their respective communities and who set their own priorities. Chief judges also have wide latitude in organizing their respective court processes and procedures, and their IT systems reflect those different requirements. State attorneys and public defenders vary greatly in the procedures they have developed to review and process their cases, and their case management systems have also been structured around those unique processes. Clerks of court likewise operate as they deem best and structure their IT systems to suit their unique procedures.

Each entity in the judicial system may have developed or adapted IT systems not only to suit the unique ways they operate internally, but also to meet the different obligations they may have as part of the judicial enterprise in that jurisdiction. It is an important finding that some data elements that are common in all jurisdictions may not be the responsibility of the same court system entity across all jurisdictions, and hence may be managed by different court system entity IT systems.

Judicial Circuit Data Sharing and Integration

The degree of information sharing and level of IT integration varies significantly between judicial circuits. Generally, more progress has been made to integrate data and systems for criminal cases than civil cases. Throughout all of the site visits, almost every conceivable method of getting data from one system into another system was documented. Some entities use electronic file transfers between their systems, while others use less efficient methods such as "screen scraping." Some court administrators are populating their in-house case management applications by manually reentering all data from hard-copy case folders received from the clerk, while some are importing data electronically from the clerk's system to the courts case management system. Others are simply accessing the clerk's system directly for their judicial case management needs without transferring or reentering data into another system or application. This variety of manual and electronic data sharing also occurs with state attorneys and public defenders.

There are two broad models of IT integration exemplified by the 11th circuit/Miami-Dade and the 9th circuit/Orange County. In the 11th circuit/Miami-Dade, the court system entities share county-owned and maintained mainframe systems. All entities have shared ownership of an application but individual entities maintain control over certain data and operations of the application. The other broad model of integration, demonstrated by the proposed 9th circuit/Orange County Integrated Criminal Justice Information System (ICJIS), is currently in development and phased implementation. Begun in 2002, this project will link the automated data for all Orange County court system entities as well as state agency databases using a master information hub funded and maintained by Orange County. This approach allows all existing IT hardware and software systems to remain in place, and uses "middleware" programming to link the various systems through the central hub.

In the 17th circuit/Broward County, an interagency data exchange project is being implemented at this writing to integrate the data from systems used by the clerk of court, court administrator, state attorney, public defender, county offices and sheriff. Known as the BREX system, it will be used to provide File Transfer Protocol (FTP) data exchanges between the court system entities and a central database on a nightly basis. As in the 9 th circuit, the planned phase B of BREX incorporates middleware programming to link the various systems through a central Oracle database server. The middleware allows real-time bi-directional transfers of data between the entities and the BREX database server. Both phases allow all existing IT hardware and software systems to remain in place.

Both the 9th circuit/Orange County and the 17th circuit/Broward County illustrate the point that there are major efforts underway throughout the state to integrate court system IT, involving significant investments of planning and funding. In addition, many entities have been integrating their internal systems in various ways and to varying extents. These local initiatives should be recognized when formulating strategies to further integrate court systems statewide. Strategies that do not allow for current plans and investments to continue may prove not only costly but

extremely disruptive to court entity and system operations.

Communications network infrastructure in the circuits also varies. Court system entities often use a network provided and maintained by the county. Yet, in some circuits each entity provides and maintains its own network lines running throughout the same courthouse facility.

With regard to statewide communications infrastructure available for system entities, connections ranged from statewide high speed network connections in larger circuits to dial-up modems in some smaller circuits.

Obstacles to Integration

Besides the diversity of systems, funding, ownership/control and business processes, other cited obstacles to integration of court entity data include:

- Inadequate delineation of the goals and definition of the "integrated" system in section 29.008, F.S. Several of those interviewed indicated greater specificity is needed in law as to the data elements to be integrated, the court system participants that must be involved, and the functional requirements that must be achieved. There is uncertainty as to whether integration requires the use of a common computer system or application by all parties, or simply a mechanism for efficiently sharing data electronically. The term "integration" can mean different things to different people.
- Lack of standards and protocols for data element definitions, data transfer (e.g., via extensible markup language, XML), and security. A state standard for digital signature technology will be needed also.
- Lack of a common personal identifier to be used by all entities. Some interviewees suggested the use of a biometric identifier based on fingerprints or eye scans (although this would be impractical for civil and probate cases), while others felt that algorithms using person-specific data such as is used for a driver's license would suffice.
- Inadequate standard statute table for use in charging and recording dispositions. Many state attorney and public defender interviewees indicated that the FDLE statute table lacks the level of subsection/subparagraph detail necessary for accurate charging. Many state attorneys and public defenders maintain their own statute table.
- Lack of a governance mechanism that can facilitate the needed cooperation of all the constitutional officers, judicial officers, and counties.
- Insufficient data accuracy and timeliness. In some cases, entities are having to correct data submitted by another entity before it can be used, and in some cases data is simply not entered in an automated system soon enough after the event to make the automated data useful to other entities.
- Difficulty and cost of changing proprietary applications, whether off-the-shelf or customized programs. Many applications have been purchased and licensed from private vendors. In-house programs are more easily modified than applications restricted by licensing and changed only through cooperation of private vendor programmers.
- Inadequate security mechanisms to prevent unauthorized access to data shared in an integrated system.
- Lack of funding.

General Recommendations of Local IT Personnel

In general, the vast majority of court system entity representatives recommended that integration of court information should be approached in a manner that allows local jurisdictions to maintain their existing systems and independent processes, but provides technological linkages between data systems. Integration is perceived more as efficient data sharing than implementation of common systems statewide. Furthermore, several circuit interviewees indicated that proposals to segregate county versus state responsibilities for court system IT are not feasible because the current technology today does not allow for clear distinctions between communications services, for which counties are responsible for under Revision 7, and computer processing.[1]

Other Factors Affecting Integration

It should be recognized that integrating the court system entities' IT data and systems in Florida is more complicated than in other states due to two factors:

- Florida is unique compared to other states in the number of independent constitutional elected officers involved in the administration of the

[1] The definition of communication services in section 29.008, F.S., currently subsumes all computer processing and equipment.

court system. Many other states do not have elected clerks of court, state attorneys and public defenders. Elected officials have certain prerogatives for structuring their business processes and for setting the priorities of their office in light of their constituents' needs. Further, the clerks of the court in Florida have both a responsibility to serve the courts and a responsibility to provide for the needs of their local board of county commissioners and citizens in their community.

- Florida's constitutional provisions governing the operations and funding of the court system provide for both state and local requirements, among which is the requirement that counties fund the cost of communications services, existing radio systems, and existing multi-agency criminal justice information systems. Implementation of that provision in general law defines all computer related services and supports as county responsibilities. Developing practicable strategies and securing requisite funding of statewide systems is made more difficult when 67 different counties share the responsibility.

RECOMMENDATIONS

In light of the findings presented in this report, staff makes the following recommendations for legislative action:

1. Create a permanent statewide board comprised of appointed representatives of the counties, the clerks of the court, the courts, the state attorneys, the public defenders, the sheriffs and the State Technology Office serving in an ex-officio advisory capacity. The board should serve similar purposes for the Judicial Branch as the Criminal Justice Information Systems Council serves for the Executive Branch (see section 943.08, F.S.). This board should be responsible for establishing for the court system: principles and requirements for minimal horizontal integration within any given circuit, and for minimal vertical integration across circuits and with state entities; standards and protocols needed for integration; and strategies for achieving the statewide vertical integration. Standards should be established by major type of case processed by the court system (i.e., criminal, civil, juvenile, etc.). The data and operational needs of each of the court system entities represented on the board should be addressed. The board should consider technology solutions that link disparate systems using open standards, data warehouse and middleware connectivity strategies, as well as solutions that may require entities to use the same systems or applications. The board should make recommendations to the legislature for requirements and standards that need to be specified in law.
2. Clarify statutory integration definitions and requirements after the Legislature has received recommendations from the statewide board. Integration of court system IT should be addressed at two levels in the law: intra-circuit integration, and statewide integration. Minimum requirements for horizontal intra-circuit integration among the entities of a given jurisdiction should be established separately from minimum vertical integration requirements across circuits and with state level entities.
3. Create a permanent board in each judicial circuit comprised of representatives from each of the counties in that circuit, the court, the state attorney, the public defender, the sheriffs, and each of the clerks of the court in that circuit. The circuit board should be charged with developing and implementing the integration solutions to meet the minimum intra-circuit requirements established in law after recommendations by the state board and clarification by the legislature. Each circuit board should be granted the discretion to develop technology solutions and procedures which may be unique within that circuit or within each county in that circuit, but which meet legislatively established general integration principles and specific data exchange requirements.