

Minutes
Municipal Courts Task Force
Tompkins County Legislature Chambers
January 27, 2016

Present: Ray Schlather, Jason Leifer, Betty Poole, Elizabeth Thomas, Scott Miller
Excused: Gwen Wilkinson, Mark Solomon, Glenn Galbreath
Staff: Joe Mareane, Marcia Lynch
Speakers: John Petito, Newfield Court Clerk, Maureen Reynolds, Tompkins County Clerk, Alanna Congdon, Deputy County Clerk

Mr. Schlather called the meeting to order at 4:35 p.m.

He announced the next meeting will be February 10th and will include a one hour video conference with officials of the Nassau District Court system. The February 27th meeting will include recommendations from the Magistrates. A portion of the March 9th meeting will be focused on a proposal to create a mental health court and a discussion of youth courts.

The minutes of the January 13th meeting were unanimously approved.

Mr. Schlather introduced members of the task force.

There was no public comment.

In his Chair's report, Mr. Schlather said that we now have access to one Cornell Law student and hopes to meet with him soon to discuss research needs of the task force.

Mr. Mareane did not have a staff report.

Maureen Reynolds, the Tompkins County Clerk, and Alanna Congdon, the Deputy County Clerk were introduced.

Ms. Reynolds said her office recently received a \$150,000 shared services grant by the State to scan older court records of the town and village courts (at no cost to the courts). With digitized records, the courts can minimize the risk of records being lost in a disaster or other sources of degradation of records. The process will only address past records, but the office is skilled at business process analysis and expects to assist the courts to develop strategies for digitizing future records. She said the Office works closely with State archives and OCA, both of which are very supportive of the digitization efforts.

Ms. Reynolds began a PowerPoint presentation (link:

<http://www.tompkinscountyny.gov/files/cclerk/pdfs/NYSACC%201-2016.pdf>) that explained the Office's history of digitizing local government records, and the processes they follow. The office began to scan records in 2000, and have now scanned all of the County's past records. The Office has a web

portal that attorneys and banks use to access information. There is redundant storage of electronic records.

In 2012, the Office began scanning records of the towns, with the County essentially serving as the “cloud” for town minutes and building permits records. With the current grant, the County will cover all towns and villages courts, meaning the County now covers every municipality and function.

With the court records digitized, judges can review records from any computer-accessible site.

The search function of the records system also makes it much easier to find records.

The Laserfische software used by the County is supported by the County, and allows the County to store all of the records that are scanned.

The County has received significant national recognition and award for the electronic records initiative.

She said the County would like to avoid future large-scale scanning by teaching users how to avoid creating paper documents in the first instance. In the DA’s office, the Clerk has scanned 2,000 boxes of documents. Today, with most of the law enforcement information created on the County’s Spillman system, documents arrive electronically and can remain in the digital format, thereby avoiding the creation of paper.

She said the County tries to mimic the user’s file structure to make sure the end-user is comfortable with the way the documents are organized. She noted that easily accessed records is important to succession planning, and that the electronic systems also promote security of records by having password and other security measures in place, plus creating a record of who has accessed a record. Additionally, the electronic system can flag when a document is scheduled to be destroyed.

Challenge Industries does the actual scanning, with records transported to Challenge, scanned, and then returned. The organization has an understanding of the sensitivity of records, and systems in place to protect the confidentiality of those records.

After the documents are scanned, the Clerk’s Office works with each user to build a repository of the records. When the user is comfortable with the way the documents are organized, the Clerk’s Office backs away and returns when assistance is needed. The town clerks attest to the good relationship that exists with the Clerk’s Office to set up the system well, and provide continuing assistance.

Ms. Reynolds said the system is based on Optical Character Recognition, which returns the document to text, with about 98% accuracy. This enables records to be easily searched. There are modules for automating workflows (for example, the County’s FOIL process has been automated by directing documents to various departments and staff as steps are undertaken). They can do electronic forms so that constituents at home can fill out the form, with data captured so that re-indexing is not needed. There are public portals so that the public can search public documents. Also, retention codes are assigned to documents to trigger queries regarding whether the user wants the record destroyed. There

is an audit trail on records so that only those with rights can get to certain areas and usage is documents. She said the system is easy to use by all users.

Ms. Reynolds said the users need and records management officers needs may be different, so that if a user needs a record for only one year, but the law requires the record to be retained for 5 years, the system recognizes that and stores the record accordingly.

The user group for the system is called TESSER. Users receive the software free, do not pay for storage, and have access to the County's IT experts for assistance.

Each government has complete control over content of its records, and can tailor the system to its own needs. Currently, all of the municipalities in the County, including the City, are participating, allowing common training and upgrades that extend to all. The entire project has been covered by State grant funds. A Cornell study estimated savings of the digital records project to date of more than \$300,000, with long-term savings estimated at \$2.8 million.

Ms. Reynolds explained the storage "bunker" at the Seneca Army Depot, which ensures the recovery of electronic records created by this process.

She said that OCA has advised her that e-filing is likely to come to the district courts before it comes to the smaller town and village courts. She said that e-filing exists in the County courts for civil cases, and will come to criminal cases shortly.

Ms. Reynolds and Ms. Congdon demonstrated the way court and other governmental documents are organized and accessed. She said audio (e.g., 911 calls), video, and photographic records can also be stored in the electronic repositories.

Ms. Poole asked how sealed records are handled. Ms. Reynolds said that court records are not accessible to the public—that users are strictly limited based on security rules set by the court and municipalities.

Ms. Reynolds demonstrated some of the e-filing capabilities of the system. She is alerted by email to a record that has come in, opens that document, verifies the indexing attached by the attorney, accepts the document (and collects a fee via credit card based on an OCA schedule.) Through this system, attorneys can see all documents that have been filed, documents that have been served, etc. There are automatic seals, e.g., matrimonials, and other items that can be sealed by the Clerk/court. The system allows partial payments of fines in felony cases (no credit cards allowed.) Docket sheets are prepared via the system through a user code and password arrangement.

Mr. Leifer asked whether the recordings of the justice court proceedings would be saved in the digital system. Ms. Reynolds said the recordings could be stored. Whether that information is available to the public would be up to the courts. In the case of an ACD, a seal order could be placed on the record (locked-down forever).

Currently Surrogate Court and the County Clerk are on the e-filing system and criminal courts are next. Subsequently, the system is expected to go to district courts and cities. Ms. Reynolds affirmed that the e-filing system is a significant time saver, and has allowed her office to do more work with a staff that has not increased. Mr. Miller said that even though the City Court is still under the old system, in City Court, he has asked for documents to be emailed to him—all the motions are emailed to him and decisions are emailed to attorneys.

Responding to a question from Mr. Schlather regarding the time savings associated with electronic records, Ms. Reynolds said the significant savings comes from e-filing (vs. simply scanning paper records), where processes that used to take 45 minutes are now taking just a few minutes. Mr. Mareane noted that the Cornell study of shared services that quantified the savings associated with the digital records project is on the County's web page.

Mr. Schlather asked Ms. Reynolds to imagine the existence of a single DWI courts that began with an electronically issued and filed ticket via Spillman system that could be routed to a variety of places, including the single DWI court. If the defendant wanted to resolve the situation short of a trial or motion, but was aware of policies in place regarding the assessment of sanctions and fines, the paperwork now associated with a DWI could be automatically filled-out, and the case could be resolved without appearing in court. Ms. Reynolds noted that while the suggestion is rhetorical, it is technically feasible.

Mr. Schlather asked about the justice court initiative. Ms. Reynolds noted that only past records will be digitized; that this is not an e-filing system. E-filing will next come to criminal courts, and then to city and district courts.

Ms. Thomas asked how much resistance the Clerk has encountered in transitioning to digital records. Ms. Reynolds said the reception has been good, although staff limitations have made it difficult to spend a great deal of time with the municipalities. Ms. Congdon is now spending additional time with the clerks. Ms. Thomas also asked about the timeline for disposing of records. Ms. Reynolds said the County Clerk provides guidance about how long the law requires records to be maintained.

Ms. Poole asked about the scope of the scanning project for the town and village courts. Ms. Reynolds confirmed that all paper records, including tickets, will be digitized. Once older records are scanned, the Office will show the courts how to continue digitizing future records. Ms. Poole also asked about the Spillman system, noting that the courts do not receive information about tickets from that system. Ms. Reynolds was not aware of that system. Ms. Poole asked about the disposal of court records, which now requires OCA approval. Ms. Reynolds said the office will either handle the disposition process for the courts, and that OCA has been very supportive of what the County is doing with respect to digitizing court records. Ms. Poole asked about the collection of fines and partial payments, and how that would work with the town and village courts. If the County collected the fines, how would the apportionment of fines work? Ms. Reynolds said the town would collect its own fines. Although the current scanning process would not address the generation of reports about fine collections, the Clerk would work with the town and village courts to develop a system that would document payment histories. Given that the

towns and villages have a different system that the City and County courts, the apportionment of fine revenue has to be looked at by the Clerk to see if a system could be put in place prior to an e-filing system.

Mr. Schlather summarized the benefits of the digitization of court records as: 1) retrieval time is improved; 2) disaster recovery; 3) physical space and computer capacity savings; 4) potentially, electronic fine processing; 5) software licensing savings. If OCA brings e-filing technology to town and village courts, significant savings will result.

Mr. Mareane asked Ms. Reynolds how close we are to seeing e-filing in the town and village courts, and whether her past success in securing state grants might result in Tompkins County serving as a test site for bringing the e-filing technology to the municipal court level. Ms. Reynolds indicated our chances would be good.

Mr. Petito said Newfield's court is in the process of going paperless now, with e-filing occurring at a small, local scale. The town uses the SEI program for its everyday records, and is scanning all of its documents now. Today, documents can be scanned in, allowing quick access by name, docket, or date. The records are a locked PDF. When a defense attorney files a motion, the paper is sent to the clerk, who scans the document. When a ticket comes in, it arrives in a batch file (one large PDF). Each ticket is cut out and pasted. A batch can vary greatly in size—in Newfield from just a few to 50. When tickets arrive, they come in with a docket number on them. Mr. Petito demonstrated how the system worked by setting up a case. He estimated that when the programming is complete, savings will be significant and the judge will be able to have remote access to court records. Further, notices can be sent to lawyers (and potentially, defendants) via email.

Judge Chernish said that Newfield is determined to be the prototype for electronic systems in Tompkins County. He said that Judge Davenport and the president of the State Magistrates Association met with Judge Cocomma about accelerating e-filing.

Mr. Schlather asked whether the work in Newfield will mesh with the work being done by the Clerk. Mr. Petito said that the Clerk is scanning past documents, and his focus is on current and future documents.

Mr. Schlather indicated that based on today's testimony, it appears that e-filing would have the most significant impact on the cost and efficiency of court processes. Ms. Reynolds agreed.

Mr. Schlather thanked Mr. Petito, Ms. Reynolds, and Ms. Congdon and praised the work they are doing in bringing technology to the system.

All agreed the meeting was useful.

Writing assignments for task force members will be discussed at the next meeting.

Mr. Schlather noted that the magistrates will return at the meeting of the 24th, and a discussion of mental health courts will occur in March. The meeting was adjourned at 6:30 p.m.