

**ANNUAL REPORT
OF THE
AUTOMATION AND TECHNOLOGY COMMITTEE
TO THE ILLINOIS JUDICIAL CONFERENCE**

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I. STATEMENT ON COMMITTEE CONTINUATION

The Automation and Technology Committee (“Committee”) of the Illinois Judicial Conference shall provide consultation, guidance, and recommendations regarding standards, policies, and procedures relating to the use of technology and automation within the judicial branch.

The Committee's charge includes the development of general guidelines which promote the effective and efficient use of technology and automation in the trial courts, including recommendations for statewide standards, protocols, or procedures. The Committee shall analyze and develop recommendations related to rules and statutory changes that will manage the use of technology within the courts. The Committee's work also includes the review and evaluation of technology applications and their impact on the operation and workflow of the court. The Committee also will research and recommend response protocols to resolve security issues, which may affect the use of technology.

The Automation and Technology Committee requests that it be continued in the 2010 Conference Year.

II. SUMMARY OF COMMITTEE ACTIVITIES

The Automation and Technology Committee was assigned two projects for the 2009 Conference year. The Committee was assigned with reviewing the Disaster Recovery Guide regarding the alternatives to continue critical court functions and the time sensitive aspects of criminal proceedings, along with analyzing the security-related issues to a court during a disaster. The Committee also was to conduct a conceptual analysis that identified the potential uses of a secure website and how such technology might be used within the trial courts.

The Automation and Technology Committee completed the review of the Disaster Recovery Guide with regard to critical court functions, drafting language to be added to the section titled 'Defining Critical Services and Functions' of the Disaster Recovery Guide of 2006. The Committee's analysis focused on the need for an interdependent relationship between the Criminal Court and the Sheriff during a disaster.

The Committee also analyzed the potential features of a secure website for use throughout the judiciary, documenting benefits, potential uses, and recommends such a technology as an efficient and effective alternative to list serv and e-mail.

A description of the Committee's activities is summarized below.

A. Critical Court Services - Criminal Courts - Disaster Recovery Guide

The Automation and Technology Committee completed its analysis of critical court functions specific to criminal courts during a disaster. The Committee has developed language highlighting special considerations for the criminal courts and for domestic violence cases during a disaster.

The relationship between the criminal court and the sheriff should be considered when planning for a disaster. As the level of the disaster increases (as defined in the Disaster Recovery Guide), this dependency increases as does that with county officials and emergency management personnel, who all make key decisions regarding the well-being of those incarcerated. After considering the life and health of prisoners, the focus should be turned upon the Constitution and statutory rights of those previously incarcerated as well as those arrested during a disaster. Plans should include the ability to contact court staff, including the State's Attorney, Public Defender, circuit clerk, court reporters, and possibly interpreters, as arrangements are made for hearings. In addition to contacting court staff, a temporary facility needs to be identified to conduct hearings. Consideration should be given to its security capabilities, the transportation of prisoners, and the ability to access court records. Consideration also should be given to the criminal justice system when the populace acts in a violent, criminal manner during a disaster. Finally, speedy trial considerations may need to be addressed for Category 3 and 4 disasters, where it may be impossible to seat a jury during a regional disaster.

B. Conceptual Analysis / Use of a Secure Website

The Automation and Technology Committee has completed its conceptual analysis of the potential uses of a secure website in the trial courts. As a result of the Committee's work and member's informal polling of judges at Court-sponsored seminars, the potential uses and benefits of a secure web forum were grouped into four general categories.

1. Time Sensitive Information - Legislation

Frequently, the General Assembly adopts legislation that has an effective date before the default date of January 1, or in the area of criminal law, is often effective immediately upon signing. Without timely notifications of new legislation or rules, trial court reversible errors are likely. Similarly, a secure website could provide an alternative to post judicial announcements and time sensitive notices throughout the judiciary.

2. Education

Over the years, judges have created forms, spreadsheets, templates and many organizational tools to assist them with their research, organization and analysis of court-related information. As well, access to recordings of educational seminars and presentations can be of great value to assist judges (new and existing) in their education. Video recordings of seminars and digital reference material can be secured and available for a judge's access at convenient times.

3. Collaboration and Exchanging Ideas

Collaboration and the ability to post questions, comments, and share ideas with colleagues using a bulletin board or blogging function would be a benefit within a secure website. The posted comments or blogs could be available to all judges or isolated to a specific group of judges, *i.e.*, within a circuit or district. Online discussions and posting comments provide a mechanism to read and participate in past and ongoing discussions as each person is available.

4. Efficiency and Economy in Distribution of Information

A secure website would provide an alternative to distributing voluminous reference manuals, training and presentation material and general mailings, reducing postage and storage costs. As well, a standard Internet connection and a secure website provides a common location where mobile judges can access secured information when traveling to multiple courthouses or away from their primary office.

III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR

For the 2010 Conference Year, the Automation and Technology Committee proposes the following projects be assigned.

- ◆ An analysis of security related issues and potential threats to computer systems and information technology systems. The analysis will identify current security risks, common threats, and recommendations to trial court users to preventing and protecting computing systems from viruses, "phishing" threats, spyware, and unauthorized access.
- ◆ Continue the analysis and review of the Disaster Recovery Guide for potential changes in planning, technology, and the collaboration of local entities relative to maintaining a functioning judicial system. In addition, the Committee

requests to further identify security-related problems to the court system during a disaster.

- ◆ Continue identifying uses and benefits to a secure website for the trial court. Although the Committee has identified benefits of a secure website and recommends its development, new features and capabilities may be identified that expand the utility of a secure website.

- ◆ The Committee is receptive to any other assignments from the Court.

IV. RECOMMENDATIONS

A. The Automation and Technology Committee recommends that the section titled 'Defining Critical Services and Functions' of the Disaster Recovery Guide of 2006, be modified with the following language.

Defining Critical Services and Functions.

Identify the most critical services and functions and the priorities that need to be addressed immediately.

c. Special Consideration for the Criminal Courts During a Disaster.

Any disaster highlights the symbiotic relationship of the Criminal Court and the Sheriff. As the level of the disaster increases from Category 1 to Category 4 the relationship also increases based upon the needs and the requirements placed on the criminal justice system. During disaster planning, this relationship should be at the forefront of consideration because it is this relationship, in consultation with county officials and emergency management personnel, that will make critical decisions regarding the health and well-being of incarcerated individuals. Aside from Constitutional and statutory requirements, the very lives of prisoners may be put in jeopardy as a result of a disaster.

The following matters should be considered initially for incarcerated prisoners and secondarily for individuals coming into the facility for incarceration after the disaster. Planning should include:

- facilities - this would include all facilities other than the actual cell blocks;
- housing - this refers to the actual cell blocks;
- lighting;
- heating and air conditioning;
- water;
- food;
- medical care; and,
- psychological needs.

After the life, health and welfare of prisoners has been considered, focus should turn to consideration of the Constitutional and statutory rights of those previously incarcerated and those arrested during the disaster. The first step in this planning concerns personnel. Plans should be developed for contacting and arranging for the presence of court staff, the Circuit Clerk, court reporters and perhaps interpreters. The State's Attorney will need to be present for all proceedings and the Public Defender may need to be present for some proceedings.

The second step concerns locating facilities for conducting hearings. Plans should be made for alternate locations. A Category 1 disaster would not likely pose a significant difficulty due to the minimal amount of time of disruption to the Criminal Court. The primary consideration would be to locate a facility for conducting initial Court appearances (bond hearings) and emergency orders of protection. Categories 2, 3 and 4 disasters pose increasingly more difficult scenarios due to the length of time the disaster continues. When considering alternate facilities, the following factors may be applicable:

- transport of prisoners;
- security of the temporary location;
- availability of records; and,
- nature of the proceedings - bond hearings, preliminary hearings, trials.

Planners should consider the difference between a disaster when the populace responds in an orderly, lawful manner and a disaster when a segment of the population acts in a violent, criminal manner. The difference in the reaction of the public will place widely varied demands and stresses on the criminal justice system and the facilities used by that system.

Speedy trial considerations may need to be addressed for Category 3 disasters and will need to be addressed for Category 4 disasters. Such a disaster has the potential of overwhelming the capacity of the Court to meet the deadlines in a severely stricken county. Even if the facilities of the Court are able to be relocated, it may be impossible to seat a jury from the severely stricken county due to the situation of the individual residents (the prime example is Orleans Parish after Katrina).

d. Special Consideration for Domestic Violence Cases During a Disaster.

Cases involving domestic violence require special consideration when planning for a disaster. Petitions for orders of protection have statutory priority especially with respect to emergency petitions. The priority status makes planning for hearings concerning emergency orders of protection immediate even for a Category 1 disaster. Facilities, files and security are the primary considerations for disaster planning for domestic violence cases.

Trial courts should keep in mind that there are likely to be outstanding emergency orders of protection and civil no contact orders, which have an expiration date that may coincide with a disruption of service to the courthouse. Contingencies for handling these orders should be included in a comprehensive emergency response plan, where clear and timely notification of alternative arrangements should be provided so that all parties have notice of the time and place of hearings. In addition, provisions should be made for providing a proper record of the proceedings.

B. The Automation and Technology Committee recommends the development of a secure website for use in the trial courts. A secure website would provide a common forum to collaborate and exchange ideas and information with judges using disparate computing systems throughout the state.