

31. FY 2020 Carryforward Spending Request – Fix Court’s Protective Order System

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2020 are normally to be spent between July 1, 2019 and June 30, 2020; however **the Legislature has approved the Judicial Branch carryforward approx. \$3.2M in unspent FY 2020 funds into FY 2021. The Legislature has also granted the Judicial Branch an additional \$560,500 in one-time funding bringing the total available to \$3,760,500. This is a request to the Budget and Finance Committee and the Judicial Council to allocate the use of some of these anticipated unspent funds for one-time or ongoing projects that will be delivered in FY 2021.**

Date: 9/1/2020

Department or District: AOC Domestic Violence Program Office

Requested by: Amy Hernandez

Request title: Fix Court’s Protective Order System

Amount requested: **One-time \$ 50,000** _____

Ongoing \$ 0 _____

Purpose of funding request:

The Court's protective order system (“CPOS”) is not in compliance with federal statutes, federal regulations, state statutes, and judicial rules. The current CPOS requires programming changes that must be performed by Court Services and IT to bring it back into compliance. We request funds to extend Dr. Daniel Levin's time-limited position as the Protective Order Program Coordinator from 01/01/2021 to 6/30/2021 so he can continue to identify the business requirements for those programming changes and coordinate efforts between the courts and outside agencies. Dr. Levin was hired to identify and fix issues within the CPOS (Court Services areas), train court staff about compliance requirements, and work with external agencies on improving data communication from the CPOS. He has been working with the CPOS since June of 2020 under the joint direction of Court Services (Clayson Quigley) and the Domestic Violence Program Office. This is currently a grant-funded position.

Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.

In 2019, Michael Drechsel and I were approached by prosecutors and victim advocates who reported that Utah's CPOS was not transmitting data to the National Instant Criminal Background Checks System Index (NICS Index) and Utah's Bureau of Criminal Identification (BCI) on some protective orders. This data would have prevented restricted individuals from purchasing firearms in other states from licensed firearm vendors. The Utah Department of Public Safety (DPS) and BCI voiced concerns that if the CPOS was not updated, a restricted individual could purchase a firearm and harm the public. After this discussion, the Court’s Office of General Counsel and I determined that the CPOS would require changes. I applied for a Violence Against Women Act (VAWA) grant funding to hire an individual to fix the issues within the protective order system, train court staff about compliance requirements, and work with external agencies on improving data communication from the system. I received \$46,228.78 to hire Dr. Daniel Levin in a time-limited position for this project. Those funds will be depleted by December 31, 2020.

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As Dr. Levin has worked on updating the CPOS, he has discovered the need for more changes than we originally anticipated in order to become compliant with federal statutes, federal regulations, state statutes, and judicial rules. Currently, the ownership of the CPOS is split between Court Services and Information Technology (IT). Dr. Levin is able to make changes in the areas of the CPOS owned by Court Services. However, programming changes are needed in both the Court Services' CPOS areas and IT's CPOS areas. Changes to CPOS will also result in changes required on DPS' side of the statewide protective order system (“statewide” is the combination of CPOS and DPS POS systems). With these impacts to the Courts and DPS, Court CIO Heidi Anderson expressed the need for a list of business requirements for programming changes in IT's CPOS areas and coordination efforts with DPS. The development of the business requirements, the coordination with DPS, and the update of the Court Services' CPOS areas will require many hours of labor beyond Dr. Levin's grant-funded hours. To address these issues, we request carryforward funds to extend Dr. Levin’s position through June 30, 2021.

If approved, Dr. Levin will:

- ensure consistency between both the CPOS development system and the production system as there are currently significant discrepancies between the systems;
- research and develop business requirements for the CPOS to ensure that the system becomes compliant with federal statutes, federal regulations, state statutes, and judicial rules;
- improve the formatting within the CPOS to match formatting requests where possible from the Forms Committee;
- continue to audit the CPOS for compliance with federal statutes, federal regulations, state statutes, and judicial rules and alert court staff and judicial officers when a protective order is found to be out of compliance;
- provide training to court staff and judicial officers (in conjunction with the Office of General Counsel) about system changes; and
- continue to work with external stakeholders such as DPS, prosecutors, defense attorneys, and NICS Index staff to improve the statewide CPOS.

These actions will lay the foundation for updating the CPOS and ensure that protective orders are entered into the system correctly by court staff. Ultimately, the CPOS will become a more efficient system that prohibits restricted individuals from purchasing firearms and advances justice under the law.

Alternative funding sources, if any:

None. Currently, Dr. Levin's position is paid for by VAWA grant funds. However, those funds will be depleted by December 31, 2020. VAWA has indicated they will not be able to continue this funding past December 31, 2020.

If this request is not funded at this time, what are the consequences or is there an alternative strategy?

If this request is not funded at this time, the Domestic Violence Program will continue to update the CPOS. However, the workload required to update the CPOS will be onerous in addition to my other

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duties. I am only funded for twenty hours a week for the Domestic Violence Program. Updates could only be completed in a piecemeal fashion which would reduce the efficiency of the system. The safety of Utah residents relies upon on the efficiency of this system to effectively transmit data. Without an efficient protective order system, an individual restricted from firearms may exploit the system vulnerabilities and purchase a firearm endangering many Utah residents.