



LAW AND JUSTICE INTERIM COMMITTEE

67th Montana Legislature

SENATE MEMBERS

John Esp
Jen Gross
Ryan Lynch
Tom McGillvray
Keith Regier
Susan Webber

HOUSE MEMBERS

Laurie Bishop
Sherry Essmann
Donavon Hawk
Emma Kerr-Carpenter
Amy Regier
Barry Usher

COMMITTEE STAFF

Julianne Burkhardt - Attorney
Bethany McDowell - Secretary
Rachel Weiss - Research Analyst

MINUTES LOG

March 22, 2022
Rm 137
Helena, Montana

Please note: This document is a Minutes Log and provides annotation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video recording of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of the meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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MEMBERS PRESENT:

Sen. John Esp, Acting Presiding Officer (R)
Rep. Laurie Bishop (D)
Rep. Sherry Essmann (R)
Rep. Emma Kerr-Carpenter (D)
Sen. Ryan Lynch (D)
Sen. Tom McGillvray (R)
Sen. Keith Regier (R)
Rep. Amy Regier (R)
Rep. Barry Usher (R)
Sen. Susan Webber (D)

MEMBERS EXCUSED:

Sen. Jen Gross (D)
Rep. Donavon Hawk (D)

MEMBERS ABSENT:

STAFF PRESENT:

Julianne Burkhardt, Attorney
Bethany McDowell, Secretary

Rachel Weiss, Research Analyst

AGENDA [\(Attachment 1\)](#)

VISITORS' LIST [\(Attachment 2\)](#)

COMMITTEE ACTION

CALL TO ORDER/ROLL CALL

08:01:10 Sen. John Esp-R called the meeting to order at 8:01 AM. The committee secretary took roll. Sen. Gross and Rep. Hawk were excused and left their proxies with Rep. Bishop. [\(Attachment 3\)](#)

AGENCY OVERSIGHT

Update from the Office of State Public Defender

08:03:10 Rhonda Lindquist, Director at the Office of State Public Defender (OPD), gave an update on the events and work at the OPD.

08:07:47 Brett Shandelson, Bureau Chief of Development and Operations at the OPD, gave a presentation on case filings, goals of the OPD, and employee recruitment and retention. [\(Exhibit 1\)](#)

Committee Questions

08:23:55 Rep. Usher asked Mr. Shandelson about the numbers for Musselshell and Treasure Counties.

08:24:42 Rep. Usher said that Mr. Shandelson could get the information to the committee at a later date.

08:25:01 Sen. Regier asked if ARPA funds are distributed only once.

08:25:19 Sen. McGillvray asked Mr. Shandelson about a chart for Billings.

08:26:30 Rep. Essmann asked Mr. Shandelson for clarification on the charts and if he would explain the numbers shown. (See exhibit 1)

08:28:49 Rep. Essmann asked Mr. Shandelson about the number of cases that are open in the state.

08:30:39 Mr. Shandelson offered to get additional materials to Rep. Essmann at a later date.

08:32:56 Rep. Usher asked Mr. Shandelson about a hypothetical case classifying separate versus consolidated matters of clients.

08:34:53 Rep. Usher asked Mr. Shandelson a follow-up question about separate versus consolidated matters. Rep. Usher also asked about standardizing criminal justice data and what his department is doing to unify definitions of criminal justice matters.

08:38:56 Mr. Shandelson described the Office of State Public Defender's efforts to standardize agency definitions and data. He also offered to get the percentage rate for repeat offenders to Rep. Usher at a later date.

08:40:18 Rep. Usher asked Mr. Shandelson if his office has had a meeting with other agencies or departments regarding standardization.

08:42:22 Sen. Lynch asked Mr. Shandelson to break down the numbers in his charts to show misdemeanors versus felonies. Sen. Lynch followed by asking if Mr. Shandelson could calculate the average number of charges filed per defendant.

08:44:48 Sen. Lynch asked Mr. Shandelson about the ARPA funding that went to Billings and if the money solved any problems.

Public Comment on the update from the Office of State Public Defender

08:46:29 May Simmons, Lake County

HJ 31 STUDY OF CRIMINAL JUSTICE SYSTEM DATA

08:47:42 Rachel Weiss, Research Analyst, presented information about the HJ 31 Criminal Justice System Data Study to the committee. ([Exhibit 2](#), [Exhibit 3](#), [Exhibit 4](#), [Exhibit 5](#))

Committee Questions/Discussion

09:01:19 Rep. Essmann asked Ms. Weiss about the data study and the goals for implementing it as a new bill.

09:03:16 Rep. Essmann asked Ms. Weiss about data integration and standardizing information across the state. Rep. Essmann followed by asking if there is software already available for data standardization or if there is a state that is using an integration software already that could be purchased.

09:05:03 Ms. Weiss suggested that Rep. Essmann ask the State CIO and Chief Data Officer that will be presenting later to the committee.

09:05:17 Rep. Kerr-Carpenter asked Ms. Weiss if the 2/3 vote in HJ 31-3 appeared in the Idaho legislation. (See exhibit 5)

09:06:21 Rep. Kerr-Carpenter asked Ms. Weiss if it would invalidate the legislation to remove section 4 from HJ 31-3. (See exhibit 5)

09:06:52 Ms. Weiss responded to Rep. Kerr-Carpenter by suggesting that the committee talk to the Idaho people about the topic in May.

09:07:08 Sen. Lynch asked Ms. Weiss if the committee got any feedback from the letter that she sent to the committee. (See exhibit 2)

09:08:27 Ms. Weiss passed out written public comments to the committee that relate to the letter mentioned. ([Exhibit 6](#))

09:08:32 Sen. Lynch asked Ms. Weiss if she could request a mock-up fiscal note, from the Office of Budget and Program Planning (OBPP) regarding the process of integrating and standardizing data.

09:09:04 Rep. Usher responded to Rep. Essmann by stating that, to his knowledge, there is no available software out there that tackles the type of data integration that is the focus of the committee. Rep. Usher followed by stating that Amy Carlson, LFD, planned to talk with different agencies to get fiscal data on the data integration process.

09:10:31 Sen. Regier asked Ms. Weiss how collected data is going to be used. Sen. Regier suggested that Ms. Weiss get feedback from agencies on how they suggest using the data.

Arizona Criminal Justice Data Study

09:11:31 Andrew LeFevre, Executive Director for the Arizona Criminal Justice Commission, gave a presentation on data reporting in Arizona. ([Exhibit 7](#))

Committee Questions

09:30:36 Rep. Kerr-Carpenter asked Mr. LeFevre if there are any agencies or departments within Arizona that were not using standardized databases to collect data and how they were able to work with those who were using standardized databases.

09:33:38 Rep. Bishop asked Mr. LeFevre about the staffing needed to implement the new data systems.

09:36:24 Rep. Bishop followed by asking Mr. LeFevre about additional staffing that is required as the systems grow throughout the state.

09:39:25 Rep. Bishop asked Mr. LeFevre about how standardized databases are used in tribal governments and how his agency works with tribal courts in Arizona.

BREAK

09:44:01 Reconvene at 10:14:15.

COMMITTEE WORK SESSION

10:15:08 Ms. Weiss presented a committee meeting chart to the committee. ([Exhibit 8](#))

Committee Discussion on the Work Plan

10:20:56 Sen. McGillvray asked Ms. Weiss about HJ 40 and the Judicial Standards Commission's definition of a complaint.

10:22:08 Sen. McGillvray responded by describing what he understands a complaint to be.

10:23:08 Rep. Usher asked Ms. Weiss if the Montana Wrongful Convictions chart was up to date. ([Exhibit 9](#)) Rep. Usher asked if Ms. Weiss could get an update regarding the new bills that the committee worked on.

10:24:26 Rep. Usher asked Ms. Weiss if she could get an update from the new director at the POST Council and any other agency with new directors.

10:25:21 Ms. Weiss responded by clarifying the claims she mentioned, then continued by suggesting a meet-and-greet at the next meeting with the new director.

10:25:44 Sen. Webber asked Ms. Weiss about the criminal justice data study and if Idaho stakeholders would be included in that data presentation.

10:26:37 Ms. Weiss responded by stating the stakeholders will be coming to the May 2022 meeting.

HJ 31 STUDY OF CRIMINAL JUSTICE SYSTEM DATA Continued

Discussion with State CIO and Chief Data Officer

10:28:12 Kevin Gilbertson, Montana's Chief Information Officer, introduced the role of his agency in Montana.

10:30:25 Adam Carpenter, Montana's Chief Data Officer, gave a presentation on the data systems that are being used throughout the state and the benefits of using a centralized data processing unit. ([Exhibit 10](#))

10:51:15 Mr. Gilbertson began discussing digitizing data.

Committee Questions

10:53:48 Sen. Lynch asked the panel about municipalities using the data processing system.

10:55:24 Mr. Carpenter answered Sen. Lynch by stating that it is possible for municipalities to use the data processing system, but his agency is in the process of integrating an easier data sharing process from municipalities to the state.

10:56:28 Sen. Lynch asked Mr. Carpenter if the counties must carry their own licenses or if they could piggy-back off the state license. He continued by asking what the costs would be if counties had to carry their own licenses.

10:58:13 Sen. Lynch asked Mr. Gilbertson about Service Now and if there are any current case management systems using Service Now.

11:00:58 Sen. Lynch asked the panel if Service Now works with people as well as processing systems working with case management.

11:02:19 Sen. Regier asked the panel to summarize Snowflake and how it used. He asked Mr. Carpenter if Snowflake is a viable tool for state data processing.

11:04:31 Sen. Regier asked Mr. Carpenter how long he has worked with Snowflake. He followed by asking the panel about the security of Snowflake.

11:06:40 Mr. Carpenter and Mr. Gilbertson described the flexibility and security of the cloud and servers behind Snowflake.

11:07:37 Sen. Esp asked about servers located in the basement of a building near the capitol and if the servers were still there.

11:08:55 Rep. Bishop asked Mr. Carpenter to explain how breaking down the process of data integration could apply to the committee's goal for the project.

11:11:34 Rep. Bishop followed by asking Mr. Carpenter if he had a plan for a data integration project that included overlapping goals from the committee and the state. Rep. Bishop asked if Mr. Carpenter could present that plan to the committee.

11:13:08 Rep. Bishop asked Mr. Carpenter about a timeline for getting existing information into Snowflake.

11:16:20 Sen. Webber asked Mr. Carpenter to clarify how the information gets integrated and the incentive for local municipalities to share their information.

11:20:25 Sen. Lynch asked Mr. Carpenter if there are any limitations on the type of data that is integrated into their system. Sen. Lynch followed by commenting on the difficulty in starting the process of implementing a standardized data processing system and suggested that the committee begin working on it.

11:23:10 Sen. Lynch asked Mr. Carpenter about how Snowflake might affect the workforce.

11:29:50 Rep. Essmann asked the panel why other states aren't using Snowflake. Rep. Essmann continued by asking if there is a way to consolidate information from one individual going through various government agencies.

11:33:20 Mr. Carpenter answered Rep. Essmann by stating that there are multiple states who use Snowflake, including Colorado. Mr. Carpenter and Mr. Gilbertson stated that Snowflake is able to integrate information from multiple agencies into one system, but it is the agency's decision whether they participate in sharing their information.

11:33:57 Rep. Essmann asked Mr. Carpenter if each county can be simply integrated into one system.

11:35:23 Rep. Usher stated his concerns with the system and state login credentials. Rep. Usher asked if there is a way for users to login to Snowflake without a state IP address.

11:37:17 Rep. Usher asked Mr. Carpenter about integrating the two email systems between the executive and legislative branches.

11:39:00 Rep. Usher stated his concerns behind the citizen experience of being tracked by the government with the use of Snowflake.

11:40:05 Rep. Kerr-Carpenter asked the panel what kind of resources they would need from the legislature to begin integrating the system.

11:41:51 Rep. Kerr-Carpenter asked Mr. Carpenter if a project manager would be helpful. She followed by asking the panel about the best way to include the first stages of implementation into legislation while keeping Montana citizens' privacy protection at the forefront of the process.

- 11:43:30 Mr. Gilbertson responded by saying a chief privacy officer would be worth considering establishing in legislation. Mr. Carpenter stated that privacy protection is a default setting of the system and they have already implemented the first agency.
- 11:44:24 Sen. Lynch asked Mr. Carpenter how the funding of the new system works.
- 11:48:01 Sen. Esp suggested revisiting with Mr. Carpenter and Mr. Gilbertson towards the end of the interim to receive further updates on more agencies being implemented into the system and to discuss the status of the project for the committee.

Public Comment on Criminal Justice System Data

- 11:48:58 Brian Thompson, Montana County Attorneys Association and Montana Sheriffs and Peace Officers Association
- 11:51:27 Mark Murphy, Helena ([Exhibit 11](#))
- 11:55:26 Henry Kriegel, Americans for Prosperity

Public Comment on any topic within the committee's jurisdiction

- 11:59:15 Dr. Gary Mihelish, Helena
- 12:03:31 May Simmons, Polson
- 12:05:56 Bart Crabtree, Montana Citizens Council on Judicial Accountability ([Exhibit 12](#))
- 12:06:59 Clemente Arciga, Gold Creek

Committee Questions/Discussion

- 12:09:53 Rep. Usher says he believes that the committee has stayed committed to their goal and has not diverted off track.

WORK SESSION Continued

- 12:11:08 Ms. Weiss introduced the work session and future work plans for the committee. (See exhibit 8)
- 12:12:45 Sen. Esp suggested that new legislation on standardized data should request aggregate data rather than personal data.
- 12:13:47 Sen. Esp brought up a public comment that mentioned HJ 40.
- 12:13:50 Ms. Weiss restated Mr. Crabtree's suggestion to have his organization come in and speak to the committee about HJ 40. (see exhibit 12)

Committee Requests/Discussion

- 12:14:20 Sen. Esp requested that the committee review Mr. Crabtree's document and to bring forth any opinion to be discussed at the next meeting.
- 12:14:39 Sen. Regier stated that it would be beneficial to receive a report from the Highway Patrol and their move to Boulder.
- 12:15:11 Sen. Lynch requested that the agencies involved with Snowflake present an update on their own projects to the committee as well as any unique identifying numbers so that the committee can better understand where to begin in their own implementation process.
- 12:16:33 Rep. Kerr-Carpenter requested that Ms. Weiss get information from the agencies on any IT or other discussions regarding privacy and hiring privacy officers in the state to ensure data protection.

12:17:24 Sen. Webber requested a matrix model that compared opinions and differences on the HJ 47 from Florida, Idaho, and Arizona.

12:19:13 Sen. Esp mentioned Mr. Crabtree's public comment. (See exhibit 12)

12:19:32 Rep. Usher asked Ms. Weiss or Ms. Burkhardt to get legal opinion on Mr. Murphy's document and the process of retrieving aggregate data versus individual data, and if getting any of that information crosses any legal lines.

12:20:32 Ms. Burkhardt stated that there are several things to keep in mind when considering what can be public data. Ms. Burkhardt followed by describing different cases that have personal data in them that are available to the public.

12:22:45 Rep. Usher stated that the information the state received from aggregate data was received involuntarily as the individual was incarcerated.

12:23:02 Sen. McGillvray asked to receive direction on case law from Ms. Burkhardt.

12:23:27 Sen. Lynch requested that Ms. Weiss ask data collection agencies to check off which data listed in HJ 31-1 that they collect from individuals and present it to the committee.

12:25:39 Ms. Weiss offered to draft study findings if the committee wanted to consider making findings.

12:26:45 Rep. Bishop stated that the committee still needs a technical analysis of the collected information, which includes staffing and resourcing data.

12:28:46 Rep. Essmann stated her concern regarding the overall goal of retrieving and integrating the data.

12:30:01 Rep. Usher explained the goal behind gathering criminal justice information. Rep. Usher followed by stating that there are specific pieces from each bill that he believes should be taken out and added together to create a separate bill.

12:32:19 Sen. Lynch described funding decisions that went to different agencies without a determined final goal.

HB 587 FROM 17TH LEG. SESSION

12:35:34 Sen. Esp introduced discussion regarding HB 587. ([Exhibit 13](#))

Committee Questions/Discussion

12:36:43 Rep. Kerr-Carpenter stated that she would be interested in examining section 13 only, pulling that piece out, and making that a standalone bill.

12:37:19 Sen. Webber stated that she would also like to see section 13 of HB 587 as a standalone bill. (See exhibit 13)

12:37:53 Ms. Weiss stated that she and Ms. Burkhardt will coordinate to move forward with a draft.

ADJOURNED

12:38:36 Sen. Esp adjourned the meeting at 12:38 p.m.

[List](#) of follow-up information provided after the March 2022 meeting.