

# **HJ 31 Study of Criminal Justice Data**

## Stakeholder responses to LJIC's May meeting questions

Information received as of June 30, 2022

- Montana Magistrates' Association letter
- Board of Crime Control responses
- Records management systems vendors – provided by the Board of Crime Control
- Department of Corrections responses
- Office of Court Administrator responses
- Office of State Public Defender responses
- Department of Justice responses
- Sheriffs and Peace Officers Association and County Attorneys Association responses
- Yellowstone County Sheriff's Office responses



Senator Lynch  
Representative Usher

June 13, 2022

Thank you for allowing the Montana Magistrates' Association for the Courts of Limited Jurisdiction to provide informational input on HJ-31. Some of your questions are technical and I want to make sure you receive the correct information. I have asked the Chair of the Automation Committee for the Courts of Limited Jurisdiction to assist and provide a joint response.

### **VENDOR AND SOFTWARE PROGRAM/COSTS**

All Courts in the State of Montana use case management software provided and paid for by the Office of Court Administrator. This software is purchased by the Office of Court Administrator from vendors and modified specifically for Montana Courts. The awarding of contracts to software companies, State Limited Jurisdiction Automation Committee (comprised of Judges and Clerks of those Courts) and the District Court Automation Committee (comprised by District Court Clerks). There is also a Commission on Technology (comprised of a myriad of professionals throughout the legal community as well as a sitting legislator) to update and approve the judicial branch information technology strategic plan.

All three Committees are working groups who meet frequently to discuss standardization, best practices, IT security issues, and cost of any modification imposed by the original vendor of any potential changes to the software with existing OCA IT resources. These groups assure compliance with the legislative directives provided by statute as well as protections granted by the US and Montana Constitutions. Currently, the Office of Court Administrator is in the process of converting and updating all Montana Courts from the Full Court V5 software to Full Court Enterprise software. The current software vendor for both Full Court V5 and Full Court Enterprise is Justice Systems, Inc.

The responsibility for the installation, data conversions, personnel training, changes as approved by the Committees, software updates, and information exchanges with other agencies, and (pursuant to statute) reporting Court statistics in the OCA's possession to the legislature upon request, is vested with the OCA IT division.

Consequently, Beth McLaughlin would be the best resource as far as the cost to ask Justice Systems, Inc., for any additions or modifications to the software regarding the Courts' data fields or for creating additional reports. Requests for bids must be submitted by her office. She would also be the best person to address the cost of increasing her staff to integrate the additional data collection fields you are seeking, testing the updates, pushing the updates out to the Courts, and supporting the Courts through the process. Managing the case management system for the Courts is only a small part of what the OCA does. They also provide Court technology (including supplying all the computer equipment on a 5-year replacement plan to every Court in Montana), managing and upgrading the Statewide e-filing program, technical

assistance to every Court in Montana on both hardware and software, working with the Courts to convert and implement FCE, providing ports, e-mail addresses and system ID's, IT security, and training to Courts, just to name a few.

#### **OFFENDER INFORMATION/MHP, FWP, and MCS CITATIONS:**

All data regarding an alleged offender that is populated into the Court's computer systems comes from an outside source. This ranges from an out of jurisdiction warrant or an originating Complaint from the prosecutor, where the only data provided to the Court is the Defendant's name, to the more expansive fields populated about the alleged offender through the imports used by the Montana Highway Patrol, Department of Fish Wildlife and Parks, and Motor Carrier Division. Full Court Enterprise was formatted with fields consistent with the Smart Cop software currently used by these agencies.

The OCA already has in place information exchanges with the Department of Justice – Highway Patrol Division, Department of Fish, Wildlife and Parks, and the Motor Carrier Service so that those citations, which are generated with data input by each officer, provides a data exchange every evening and imports into the Full Court V5 and Full Court Enterprise case management system of the correct Court.

In the middle, and most common by far, are the citations generated by local law enforcement (county and city) as well as the Department of Livestock. Offender data in this instance is provided to the Courts on a handwritten citation. These handwritten citations are not in a standardized format and vary from one law enforcement agency to the next. All individual fields are not always completed by the law enforcement officer. Provided that the statutory information is contained on the charging document (citation) the Court is required to accept it. The current statute on the requirement for the information regarding the alleged offender contained on a citation or complaint is merely the person's name. See 46-11-401(1) MCA:

**46-11-401. Form of charge.** (1) The charge must be in writing and in the name of the state or the appropriate county or municipality and must specify the court in which the charge is filed. The charge must be a plain, concise, and definite statement of the offense charged, including the name of the offense, whether the offense is a misdemeanor or felony, **the name of the person charged**, and the time and place of the offense as definitely as can be determined. The charge must state for each count the official or customary citation of the statute, rule, regulation, or other provision of law that the defendant is alleged to have violated. Emphasis Added.

#### **CHARGE/SENTENCING/DISPOSITIONAL DATA:**

Full Court V5 and Enterprise are programs specific to Court operations and tracks the happenings of every case filed, and every action taken in the Court regarding that case. This allows the Courts to collect some reliable and relevant information regarding the charges, progress, sentencing and disposition as to each individual offender's case. With few changes,

and minimal exceptions, the case management systems used by the Courts should be able to provide you with any charge, sentencing, or dispositional data you are seeking. When you ask about low hanging fruit, this is the type of information the Courts excel at keeping pursuant to our best practices standards. Again, the OCA IT Division would be in the best position to advise you on the type of reports that currently exist and are available to be generated by them on a Statewide basis to provide you with this type of data.

#### **DATA ENTRY AND STAFFING:**

Some Courts have Clerks. In small jurisdictions the Judge acts as the Clerk. Some large jurisdictions divide duties amongst their Clerk staff so each only performs certain tasks. However, whatever size the Court, Clerks (and Judges who have no Clerks) do data entry into the V5 or FCE software program most of their day, but not necessarily just on criminal cases. In addition to criminal cases, there are civil filings which have increased due to a recent statutory jurisdictional increase from \$12,000.00 to \$15,000.00: Civil Disputes, Credit Agency Collections, Landlord Tenant, Forcible Entry, Small Claims and Temporary Orders of Protection are two more civil filing types that require data entry. In addition, Clerks also handle the myriad of questions that come from the public for each case type and handle money to pay filing fees, fines, restitution, fees, surcharges, criminal appearance bonds and civil bonds on appeal. Those funds need to be accounted for and disbursed by Clerks each month to the various agencies the legislature has set by statute as well as issuing checks to victims. They track bond and make sure offenders appear and bond is either forfeited or remitted. They manage the yearly jury pool and pull juries. They do compliance to collect fines and assure completion of Court ordered programs. They handle a constant barrage of phone calls and requests for information from the public and other criminal justice agencies. They file documents in the Court file and image them into the Court's V5 or FCE program. They are responsible for filing and sending out Court Orders. They coordinate Court appearances with the jail for inmates. They take the time to assure access to justice and assist the public with Small Claims actions as required by statute. We simply do not have time to do more.

The legislature continues to work at cutting funding to cities and counties from the State level, while mandating additional statutory requirements from them. The collection and handling of additional data puts the burden on the local counties and cities to hire additional staff for data collection and entry due to a State mandated piece of legislation. Not only does it cost these local government agencies to hire more staff and Court Clerks, but many Courts are also having serious issues in recruiting and retaining Clerks. Daily, our Clerks deal with people in person and on the phone who are neither happy nor polite. Public sector pay for these types of positions is not competitive with that offered by the private sector and as more duties are added and less money is available to add staff, public sector employees are asked to work twice as hard for less benefit. There is an employee shortage Statewide for these types of jobs.

Taxpayers do not want to pay more taxes, but a common-sense approach indicates that the local services and infrastructures are failing and in dire need of repair. Please spend our money

wisely when considering new projects. There is much data entered by the Clerks already available in the case management system which certainly can be put to good use. However, increased cost for additional data collection by local governments needs to be carefully considered. One should ask, "What is the question we are attempting to answer?"

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## Montana Board of Crime Control

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June 16, 2022

Senator John Esp, Chairman  
c/o Rachel Weiss  
Law and Justice Interim Committee

Dear Senator Esp,

The Montana Board of Crime Control appreciates the questions posed by the Committee to the stakeholders and the opportunity to provide input to move the Criminal Justice Data Study forward. Please see below our response for each question.

**Question: What are the top 3 data pieces or projects—the low hanging fruit—that you feel could be a start of an initial data project?**

1. Complete a needs assessment of data that should be collected or use the results from another state who has already done this work.
2. Determine what system should be used to consolidate the data.
3. Hire a project manager to lead the effort in-between LJIC meetings.

**Question: Where, or what agency, should lodge a data system/unit?**

SITSD seems like the appropriate agency with IT resources available to implement and manage the integrations, programming, and data management. SITSD houses all the necessary technology expertise to build and implement the system. We understand that different IT resources would be required during the scope of implementation and future management. The agency that is tasked with this project should have ample resources available in which one person leaving or being replaced could easily be supported by others in the agency, without being a detriment to the system or the project. MBCC does not have security features in place to handle PII as the data we currently receive is deidentified. Through building and sustaining the system the implementation agency will have determined what resources would be needed to keep the system functional. Once established, ongoing maintenance and support could be shifted to another agency.

**Question: Do you have suggestions of how the state could create a unique ID?**

MBCC does not have specific suggestions but does believe that a central system would be necessary to generate the number at the time of initial contact.

**Question: How much are you spending on technology? What are the numbers of FTEs involved especially with data entry and analysis?**

MBCC's statewide data repository that collects law enforcement data is currently \$18,000 per year in maintenance.

The Statistical Analysis Center has 3 FTE that manage deidentified data from 107 law enforcement agencies.

**Question: Who are your current vendors for case management or data management systems?**

Optimum is our current vendor for our central repository used to receive deidentified law enforcement data to report to the FBI.

Respectfully,

Natalia Bowser  
Director  
Montana Board of Crime Control

# Submitted by Board of Crime Control

## 2022 Records Management Systems Customers by Vendor

### Agencies Currently Seeking Vendor

Conrad Police Department	Reviewing vendors - Central Square/Zuercher
Daniels County Sheriff's Office	Reviewing vendors
Dawson County Sheriff's Office	Dawson/Glendive reviewing vendors to replace Swift
East Helena Police Department	L&C/Helena/E Helena seeking vendor
Fairview Police Department	Reviewing vendors
Glendive Police Department	Reviewing vendors to replace Swift
Helena Police Department	L&C/Helena/E Helena seeking vendor
Lewis and Clark County Sheriff's Office	L&C/Helena/E Helena seeking vendor
McCone County Sheriff's Office	Reviewing vendors
Rosebud County Sheriff's Office	Reviewing vendors to replace Swift
Treasure County Sheriff's Office	Reviewing vendors to replace Swift

### End2End Inc. - ARMS

Montana State University Billings Police  
University Of Montana Police Department

### CRIMESTAR USA, LLC - CRIMESTAR

Cut Bank Police Department  
Eureka Police Department  
Liberty County Sheriff's Office  
Teton County Sheriff's Office  
West Yellowstone Police Department

### Application Data Systems (ADS), Inc - DataForce

Anaconda-Deer Lodge Law Enforcement  
Baker Police Department  
Carter County Sheriff's Office  
Fallon County Sheriff's Office  
Glacier County Sheriff's Office  
Hot Springs Police Department  
Lake County Sheriff's Office  
Mineral County Sheriff's Office  
Polson Police Department  
Ronan Police Department  
Sanders County Sheriff's Office  
St. Ignatius Police Department  
Thompson Falls Police Department  
Wibaux County Sheriff's Office

### Motorola Solutions - Flex

Beaverhead County Sheriff's Office  
Butte-Silver Bow Law Enforcement Age  
Dillon Police Department  
Libby Police Department  
Lincoln County Sheriff's Office  
Pondera County Sheriff's Office  
Powder River County Sheriff's Office  
Troy Police Department

### Central Square Technologies - IMC

Fort Benton Police Department  
Havre Police Department  
Hill County Sheriff's Office  
Plains Police Department

**Tyler Technologies - New World**

Billings Police Department  
Columbia Falls Police Department  
Flathead County Sheriff's Office  
Kalispell Police Department  
Missoula County Sheriff's Office  
Missoula Police Department  
Whitefish Police Department  
Yellowstone County Sheriff's Office

**Central Square Technologies - Pro Suite**

Belgrade Police Department  
Blaine County Sheriff's Office  
Bozeman Police Department  
Bridger Police Department  
Broadwater County Sheriff's Office  
Carbon County Sheriff's Office  
Cascade County Sheriff's Office  
Chinook Police Department  
Chouteau County Sheriff's Office  
Columbus Police Department  
Custer County Sheriff's Office  
Custer County Sheriff's Office  
Darby Police Department  
Deer Lodge Police Department  
Ennis Police Department  
Fergus County Sheriff's Office  
Gallatin County Sheriff's Office  
Garfield County Sheriff's Office  
Glasgow Police Department  
Golden Valley County Sheriff's  
Granite County Sheriff's Office  
Great Falls Police Department  
Hamilton Police Department  
Jefferson County Sheriff's Office  
Judith Basin County Sheriff's Office  
Laurel Police Department  
Lewistown Police Department  
Madison County Sheriff's Office  
Manhattan Police Department  
Meagher County Sheriff's Office  
Miles City Police Department  
Montana State University Police Depart  
Musselshell County Sheriff's Office  
Petroleum County Sheriff's Office  
Phillips County Sheriff's Office  
Powell County Sheriff's Office  
Prairie County Sheriff's Office  
Ravalli County Sheriff's Office  
Red Lodge Police Department  
Richland County Sheriff's Office  
Roosevelt County Sheriff's Office  
Sidney Police Department  
Stevensville Police Department  
Stillwater County County Sheriff's Office  
Sweet Grass County Sheriff's Office  
Toole County Sheriff's Office  
Valley County Sheriff's Office  
Wheatland County Sheriff's Office  
Wolf Point Police Department

**Sun Ridge Systems, Inc. - RIMS**

Hardin Police Department  
Sheridan County Sheriff's Office

**CTS America - Smart Cop**

Park County Sheriff's Office



**Greg Gianforte, Governor | Brian M. Gootkin, Director**

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June 14, 2022.

To Members of the Law and Justice Interim Committee,

Please find the following responses to your questions related to the HJ 31 study.

For All Stakeholders

**• What are the top 3 data pieces or projects--the low hanging fruit--that you feel could be a start of an initial data project? (May 9: 11:14:45 – Lynch)**

A feasible initial data project would be to develop a data store that contains name, date of birth, common identifiers, and demographics of criminal justice-involved individuals that can be accessed by the CJ community. A potential use case would be when an individual is sentenced to the DOC. The DOC or other CJ partners could search the database for this person, and if a match is found, that data could be used when creating the new record. This would eliminate additional data entry and potential data quality issues caused by typographical errors.

Data exchange projects within criminal justice and/or non-criminal justice agencies require a unique MOU for each project. The MOUs seem to take more time than would executing the data exchange. It would be nice to have an Enterprise Template for these exchanges with fill-in-the-blank language to speed up this process.

The priority project for the DOC would be a data exchange with the courts for orders from the courts (PSI requests, sentencing information, judgements etc.). This should be bidirectional with DOC supplying PSIs and any other information the court would like as part of the exchange.

**• Where or what agency should lodge a data system/unit? (May 9: 11:36 – Esp and May 10: 10:46 – Bishop)**

The DOC suggests the Montana Department of Administration would be the appropriate party for this function. DOA would be a neutral party and should have the capability to store, secure, control access, and protect the data to be compliant with the US DOJ Criminal Justice Information Security (CJIS) Security Policy 5.9, a noncriminal justice agency holding the data. The noncriminal justice requirements would need to be researched and reviewed in depth to verify this would be acceptable.

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## APPENDIX J NONCRIMINAL JUSTICE AGENCY SUPPLEMENTAL GUIDANCE

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This appendix is not intended to be used in lieu of the CJIS Security Policy (CSP) but rather should be used as supplemental guidance specifically for those Noncriminal Justice Agencies (NCJA) with access to Criminal Justice Information (CJI) as authorized by legislative enactment or federal executive order to request civil fingerprint-based background checks for licensing, employment, or other noncriminal justice purposes, via their State Identification Bureau (SIB) and/or Channeling agency. Examples of the target audience for the Appendix J supplemental guidance include school boards, banks, medical boards, gaming commissions, alcohol and tobacco control boards, social services agencies, pharmacy boards, etc.

The CSP is the minimum standard policy used by both criminal and noncriminal justice agencies requiring access to CJI maintained by the FBI CJIS Division. The essential premise of the CSP is to provide appropriate controls to protect the full lifecycle of CJI, whether at rest or in transit. The CSP provides guidance for the creation, viewing, modification, transmission, dissemination, storage, and destruction of CJI. This Policy applies to every individual—contractor, private entity, noncriminal justice agency representative, or member of a criminal justice entity—with access to, or who operate in support of, criminal justice services and information.

### • Do you have suggestions of how the state could create a unique ID? (May 9: 11:29 – Lynch)

At an earlier LJIC meeting there was a suggestion to consider the MANS numbers as a unique identifier. MANS is the Montana Arrest Numbering System. (ARM 23.12.103) However, the MANS number does not flow to all criminal justice agencies. For example, the sentencing information DOC receives from the court does not contain the MANS number. Another consideration is that MANS numbers are unique identifiers associated with a felony arrest, so an individual can have multiple MANS numbers. Thus, if the DOC was to receive the MANS number with sentencing documents, the department could record it, but would have no way of recording MANS numbers for felony arrests that do not result in an individual being sentenced to the DOC. If an entity was to search for a DOC offender based on a MANS number that did not result in a sentence to the DOC, no result would be returned even if the department had that individual in its database.

The DOC suggests consideration of using the State Identification (SID) number that is associated with an individual's fingerprints. In previous CJ discussions on this subject, it was determined that this number was not readily accessible for all CJ users because of the reliance on the fingerprint record. At that point, the length of time for a return on fingerprints was of concern because numerous agencies were still using paper fingerprint cards. (The DOC is not aware of the extent of Live Scan implementation across the state.) The acquisition costs of the machines were higher then, than they are now. In late 2020, the DOC purchased a new machine for one its facilities for \$5,498. The department has these at its prisons, but does not have them at its probation and parole offices. There are annual support and maintenance costs that DOJ will pass through to the agencies. The DOC is not aware of the details of those costs.

The Council of State Governments published a 50-State Report on Public Safety that included the topic of a unique identifier in state criminal justice information sharing. A snippet and charts from this document are below. <https://50statespublicsafety.us/part-1>

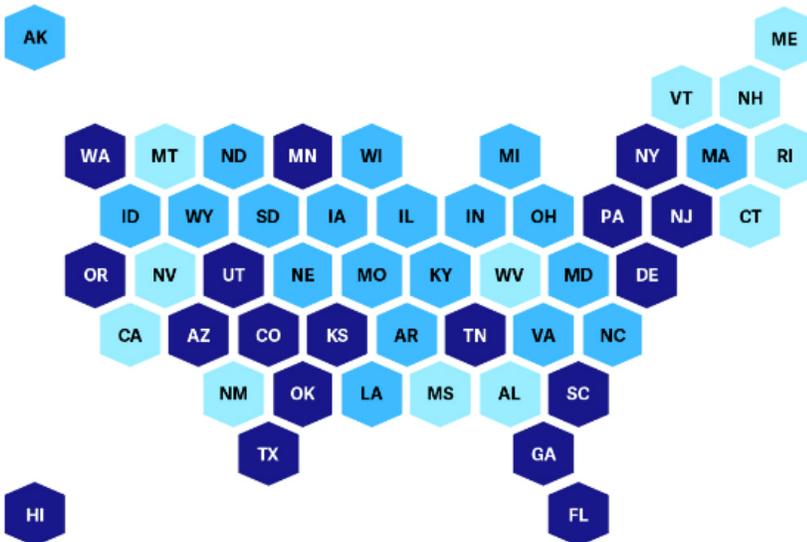
To improve data sharing, criminal justice agencies should use a unique state identification (SID) number across all systems to track a person’s movement through the entirety of the criminal justice system and determine whether a person returns. Using SID numbers can help ensure the most accurate matching across criminal justice data systems.

In addition to using a SID number, criminal justice agencies need to acquire technology that has the capacity to easily share information and establish processes to share data between agencies. With these components in place, all criminal justice agencies can access information that can help them improve how they respond to people in the criminal justice system, as well as analyze crime, arrest, and victimization trends over time to strengthen policies and practices that reduce recidivism, repair harm, prevent offenses, and build trust in communities.

In this report, CSG also illustrated that most states were not using a common ID across criminal justice agencies, but 18 states were using the SID across all criminal justice agencies. Note that they identified Montana as a state where an SID does not exist, which was not accurate.

**Most states report not using a common ID number across criminal justice data systems, compromising a state’s ability to conduct key analyses.**

Reported Use of SID Number in Data Systems by State, 2017



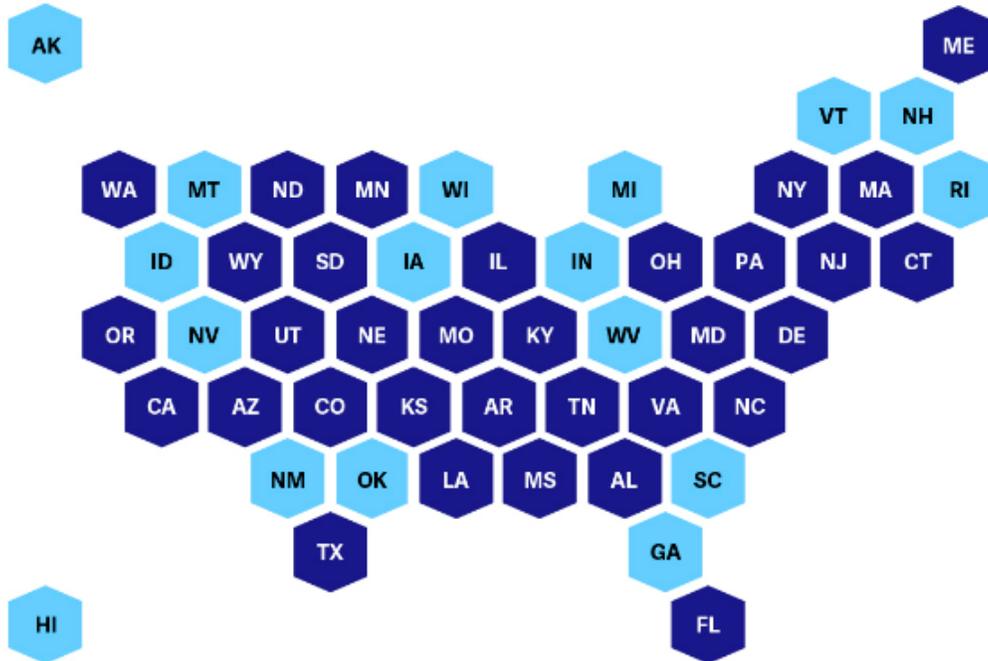
<p><b>18 states</b> report that a SID number is <b>used</b> across all criminal justice data systems</p>	<p><b>20 states</b> report that a SID number exists, but is <b>not used</b> across all criminal justice data systems</p>	<p><b>12 states</b> report that a SID number <b>does not exist</b></p>
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**By not having a unique state identification (SID) number for each person in the criminal justice system that exists across data systems, matching data for key analyses such as recidivism is difficult and accuracy is compromised.**

Source: The Council of State Governments Justice Center 50-State structured interviews, August 2017.

More than half of states report having systems that give supervision officers the ability to determine when people on their caseloads are arrested, but this is not necessarily done automatically.

States That Report Having a System for Sharing Information Between Law Enforcement and Supervision Agencies When People on Supervision Are Arrested, 2017



**33 states**

report **having** a system that gives supervision officers the ability to determine when people on their caseloads are arrested

**17 states**

report **not having** a system that gives supervision officers the ability to determine when people on their caseloads are arrested or did not know

Source: The Council of State Governments Justice Center 50-State structured interviews, August 2017.



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For State Stakeholders

**How much are you spending on technology? (May 9: 11:12 to 11:17 generally – Lynch)**

- Costs related to the DOC's Offender Management Information System (OMIS).
- Budgeted costs for SITSD-related costs and ancillary costs such as licensing is \$60,500 annually.

**What are the numbers of FTEs involved especially with data entry and analysis? (Don't need specific figures but trying to get a reasonable estimate of the costs.)**

We don't have any staff that are designated as data entry staff only.

Staff that are specifically associated with system development and analysis include:

- IT Bureau - application development section supervisor (1), software developers (5), dev-ops (1), and data quality (2). Two of the software developers and the dev-ops position are vacant. None of these staff perform data entry in OMIS.
- Project Management Bureau - business analyst (75% of time working on OMIS-related requests, but no data entry in OMIS).
- Research Analytics and Planning Bureau - bureau chief (1) is responsible for developing program evaluation criteria; data staff responsible for responding to data requests, creating dashboards and other data analytics (2); and part-time position responsible for working on program evaluation (1). One data staff and the part-time program evaluation position are vacant. None of these staff perform data entry in OMIS.

Staff with data entry responsibilities for OMIS include:

- Probation and Parole Bureau – Bureau chief, Probation and Parole officers, Probation and Parole supervisors, institutional probation and parole officers, administrative support staff, Interstate Compact staff, and various support staff.
- Secure facilities — all staff in the security chain of command including correctional officers, case managers, unit managers, records staff, classification staff, program staff, mailroom staff, etc. Certain contracted facility staff have data entry responsibilities as determined by prison management.
- Financial Services Bureau — all restitution collection technicians.
- Programs and Facilities Bureau — all bureau staff and some contract facility staff.
- Montana Correctional Enterprises — various staff throughout the bureau.
- Health Services Bureau — various staff throughout the bureau.

About 800 staff members in the above categories have data entry responsibility in OMIS.



**Who are your current vendors for case management or data management systems? (May 9: 11:13:30 – Lynch and 11:34:30 – Essmann)**

The DOC has never owned a vendor-supported system. The department's original system, OBCIS, was built by DOA in the 1970s. The next system, ACIS, went live in 1985 and the current system, OMIS, went live in 2008. The DOC attempted to get funding from the legislature in 2005 to procure a system and was unsuccessful, which led to the development of OMIS internally.

The DOC has submitted an EPP request to OBPP to procure a new commercial OMS.

Please let us know if you have any additional questions.

Respectfully Submitted,

Brian M. Gootkin, Director

**The Supreme Court of Montana**  
**Office of the Court Administrator**

**Beth McLaughlin**  
**Court Administrator**



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June 16, 2022

Senator John Esp, Chairman  
c/o Rachel Weiss  
Law and Justice Interim Committee  
Montana State Capitol  
Helena, MT 59620

Dear Senator Esp:

Thank you for the invitation to further respond to the data study. As a reminder, the state Judicial Branch provides a court case management system to all trial courts in Montana but the responsibility for data entry rests on the local government clerks in district and limited courts. We are currently deploying an upgraded version of the system to our almost 200 courts. The upgrade is the Judicial Branch's highest priority and will result in easier builds for data exchanges and improved cyber security.

**Top three data projects and unique id number:**

This is a difficult question to answer without knowing what the committee is trying to achieve. If the committee is trying to build a large dataset that can be used in the future, it makes the most sense to focus on establishing a unique id number for offenders (like the MANS number). The unique id number needs to start at the first interaction and be reported to the court with a case filing. We would defer to law enforcement and county attorneys on how to make that happen.

If the committee is trying to identify costs specific to certain types of offenders, it might make sense to employ a model used in healthcare and other social services and look at a subset of offenders. Specifically, identify the most-costly offenders (i.e., people sentenced to DOC for more than 20 years or people who have cycled through multiple DOC programs over a set time). Given a reasonably sized subset, the Judicial Branch could provide court data about these individuals. Again, depending on the committee's goals, working with a discrete subset of offenders could provide an immediate study focus.

## **Where or what agency should house a data system:**

The Judicial Branch doesn't have a position on this question but would have several issues for the committee. While a great deal of the information identified is public information (name, charges, etc.), there is information the local courts are required to protect such as social security number, date of birth, the pre-sentence investigation, etc.

Presumably, the committee would want this data to flow from the local clerks of court, through the Judicial Branch provided case management system, and to a state data system. Aside from the significant technology challenges, it is critical to identify protected information and provide statutory authority or guidance for courts to release the information to whatever entity is responsible for the state system. We do not want to be placed in a position where clerks or the Branch are expected to share information, which is sealed by a court or confidential in statute.

The committee also needs to contemplate a timeline for any data system. When Full Court was deployed in 2006 in the district courts, data from the previous case management system was migrated to Full Court. There are decades of court cases contained in Full Court, but those older cases may pose more technical difficulty for future data exchanges with limited research value. Limited court data was not converted following their deployment, which started in 2001.

I have attached the requested overview of the Judicial Branch case management systems, information technology staffing, and funding. If you need more information, please let me know.

Sincerely,  
/s/

Beth McLaughlin  
Court Administrator

# Judicial Branch Information Technology Overview

## Users Supported:

- 490 state users
- 710 local government users (district court clerks and courts of limited jurisdiction judges and clerks)
- *Please note: the Judicial Branch provides the case management systems to trial courts, but county and city court clerks are responsible for data entry and are the official “keepers of the records”*

## Services Supported:

- Network, server, and hardware services including computers and printers throughout Montana
- Courtroom audio, visual, teleconferencing, and court reporting equipment in 75 plus courtrooms throughout Montana
- Four major case management systems and several smaller systems for specific functions
- Statistical and performance reporting and electronic services (website, etc.)

## Case Management Systems Supported:

- Full Court Case Management Version 5 (Justice Systems Inc.)
  - The system was originally deployed starting in 2001 in the limited courts and 2006 in the district courts. It is a court case management system allowing clerks and judges to manage individual cases within each court. It is not a criminal justice specific system because criminal cases are only one case type of many. The system contains a robust general ledger component, which allows each court to manage finances including fines and fees. Jury management is also provided by the system. This older version of Full Court was deployed using 200 plus separate servers making data exchanges more time-consuming.
- Full Court Enterprise (Justice Systems Inc) <sup>1</sup>
  - The new version of Full Court runs on an updated Oracle platform, which will allow the Judicial Branch to phase out the 200 plus individual servers. The system has similar functionality to Version 5 although with user upgrades. Once the system is fully deployed, data exchanges will be easier because of the upgraded architecture.
  - The Water Court and Asbestos Court also use FCE
  - A central public access portal is also part of the FCE deployment.

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<sup>1</sup> FCE is in deployment, which is the Branch's top priority

- Electronic Filing (Thompson Reuters)<sup>2</sup>
  - The electronic filing system is active in the Supreme Court, Asbestos Court, and some trial courts (district and limited). E-filing eliminates paper filings in the courts and allows users to file from any location. Deployment to all courts is ongoing with the FCE deployment.
- C-Trak (Thompson Reuters)
  - The Supreme Court's case management system for appellate cases. It is fully connected to the e-filing system and has a generally robust public access component.
- JCATS (Noble Systems)
  - This is the youth court system used for managing youth referred to juvenile probation. The stand-alone system has strict controls governing access because of the confidentiality afforded to "informal" youth offenders. If the county attorney files a formal case, it is managed via the Full Court system. JCATS has a robust system for demographic reporting about youth referred to the criminal justice system.
- DIMS and Automon
  - Purchased systems used by drug courts (DIMS) and pretrial services (Automon) to track and manage individual offenders and participants. Both are off-the-shelf products that do not require intensive IT services and are not connected to Branch case management systems.

**FTE Distribution (22.75):**

- Chief Information Officer (1.0 FTE)
  - Overall leadership of Judicial Branch IT
- Applications Developer/Programmer (1.0 FTE)
  - Branch's sole programmer; provides limited data analysis
- Electronic Services Coordinator (1.0 FTE)
  - Branch's sole web coordinator; also responsible for C-Trak and DIMS support as well as audio and video in the Supreme Court
- FCE Business Analysts (5.0 FTE)
  - Support all aspects of Full Court including the current FCE deployment; troubleshoot all problems within the system and provide training to new users

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<sup>2</sup> Electronic filing is in deployment in the trial courts and Water Court; follows behind FCE

- Network/Hardware/Server Staff (8.0 FTE)
  - Network, hardware, and server support as well as inventory and Help Desk functions; staff within this section deploy and troubleshoot equipment to courts throughout Montana
  
- Courtroom Technology Staff (1.75 FTE )
  - Support all aspects of courtroom audio throughout Montana’s District Courts including sounds systems, video (Zoom) systems, and court reporting technology
  
- E-filing Analysts (3.0 FTE)
  - Support all aspects of electronic filing including the current deployment; troubleshoot problems and provide training to new and existing users; the nature of e-filing requires extensive external assistance to attorneys and legal assistants
  
- Cyber Security Analysts (2.0 FTE)
  - Oversees all aspects of cyber security for all components and systems within the Judicial Branch

IT Costs:

	FY21	FY22 (Projected)
SITSD Services	\$1,943,233	\$2,670,556
Personal Services	\$1,103,187	\$1,557,379
Maintenance Contracts	\$ 924,024	\$ 921,110
Hardware Costs	\$ 268,071	\$ 608,789
Other	\$ 110,159	\$ 92,236
<b>Total</b>	<b>\$4,384,674</b>	<b>\$5,850,070</b>

## HJ 31: Office of State Public Defender Responses to LJIC Questions

June 2022 – Provided by Brett Schandelson, Acting Director/Development and Operations Bureau Chief

### For All Stakeholders

• What are the top 3 data pieces or projects--the low hanging fruit--that you feel could be a start of an initial data project? (May 9: 11:14:45 – Lynch)

- OPD believes a logical first step on the path of least resistance towards a larger, fleshed out integrated data structure is to support the Courts in rolling out Full Court Enterprise statewide. Once the Courts are on Enterprise stakeholder databases could be connected either directly to the Court's database, or through a middle data structure, allowing stakeholder agencies to pull information from the Court's "single source of truth" database greatly easing the data entry burden and reducing the data entry errors of stakeholder agencies. Similarly, stakeholder agencies could push certain information to the Court's database as appropriate by their role.
- OPD believes a centralized unit should be established or tasked with setting data standards, data process, and permissions for accessing, reading, writing, and use of data from any integrated justice system data set.
- Creation of a unique individual identifier for the integrated justice system set

• Where or what agency should lodge a data system/unit? (May 9: 11:36 – Esp and May 10: 10:46 – Bishop)

- OPD believes a centralized unit must be empowered, supported, and properly resourced to get the data structure off the ground
- At this time OPD believes DOA/ITSD is the most appropriate entity to task with setting up the initial structure and data controls
- Once established, OPD believes the responsibility for managing/maintaining/improving the data structure could be housed in a newly created entity, like a board or unit, or put into an existing statewide stakeholder's duties. Regardless of location, the entity responsible for these duties must be properly supported and resourced, including with appropriate FTEs and funding for such a project.

• Do you have suggestions of how the state could create a unique ID? (May 9: 11:29 – Lynch)

- OPD acknowledges that its knowledge of best practices in this area are limited, but conceptually, OPD believes the following approach may work:
  - o Creation of a new unique identifier for individuals assigned by the centrally managed data structure entity as part of its business process that allows each stakeholder entity to provide their own systems unique ID so that a single row per individual would contain the global unique ID for the integrated justice system and any values provided for that individual by stakeholders. This would allow each stakeholder entity to match up individuals in their own database to other stakeholders' databases and/or to an integrated dataset.

### **For State Stakeholders**

- How much are you spending on technology? (May 9: 11:12 to 11:17 generally – Lynch)
  - OPD is spending roughly \$200,000 a year on case management and related solutions
  
- What are the numbers of FTEs involved especially with data entry and analysis? (Don't need specific figures but trying to get a reasonable estimate of the costs.)
  - Nearly all OPD employees are involved in entering relevant data into the case management system, so roughly 300
  - OPD Staff, roughly 120 employees, enter the vast majority of initial information related to a case, including setting up the matter in our system, associating all the relevant parties, entering the charges, and calendaring all court events. Nearly 100% of this information already exists in the Court's database.
  - Nearly all OPD employees interact with basic data reporting and basic analysis, though those efforts are largely limited to their own programs (like assignment metrics, accounting, eligibility, etc.)
  - All managers utilize additional sets of data, reports, and tools, for operational decision making, roughly 25 individuals
  - Three OPD employees (myself included) regularly analyze data at a higher level for agency/system wide reporting and agency wide operational reporting
  
- Who are your current vendors for case management or data management systems? (May 9: 11:13:30 – Lynch and 11:34:30 – Essmann)
  - OPD's primary partner for case management is AdvoLogix, LLC, which provides a Salesforce Platform based set of tools for matter management

Chairman Esp and distinguished members of the committee,

On behalf of the Department of Justice please find the following answers to the questions posed at the HJ31 committee meeting.

For All Stakeholders •

**What are the top 3 data pieces or projects--the low hanging fruit--that you feel could be a start of an initial data project? (May 9: 11:14:45 – Lynch)**

1. Establish a technical advisory body to oversee the modernization of Criminal Justice Information systems between state, local, and federal governments.
2. Contract with an external consultant experienced in implementing Criminal Justice Information systems to complete a feasibility study identifying the alternatives available for modernization of CJI systems and estimated costs for each option.
3. Identify standards and requirements for CJI from various agencies to ensure that data is made available in a software agnostic and vendor-neutral format.

**Where or what agency should lodge a data system/unit? (May 9: 11:36 – Esp and May 10: 10:46 – Bishop)**

- If the data is standardized in a software agnostic and vendor-neutral format, then a central "data warehouse" may not be required. Each agency or vendor will have its own data warehouse; the goal is to pull that data from each agency by moving the data and not having to pay for custom software integrations built by a specific RMS vendor to collect data. Centralizing all the data into a "warehouse" at DOA or DOJ will make it more difficult and costly for vendors to interface with at numerous levels of government.
- Potentially a single agency wouldn't have to lodge the data system. The technical advisory body would establish standards, what version of those standards are adopted, and guide the implementation of those systems, including working with the legislature on the long-term costs of development and maintenance of the system.

**Do you have suggestions of how the state could create a unique ID? (May 9: 11:29 – Lynch)**

- We (DOJ) already assign a State Identification Number (SID) upon 1st arrest, which sticks with the individual. Recognizing that the SID used by DOJ may not meet all the requirements or expectations of the "unique ID," this is something we would recommend a feasibility study looking at the success or failure of similar endeavors in other states. The study would include the logistics and cost of implementation.

**For State Stakeholders • How much are you spending on technology? (May 9: 11:12 to 11:17 generally – Lynch) What are the numbers of FTEs involved especially with data entry and analysis? (Don't need specific figures but trying to get a reasonable estimate of the costs.) • Who are your current vendors for case management or data management systems? (May 9: 11:13:30 – Lynch and 11:34:30 – Essmann)**

- The following are estimates for technology expenses for supporting the Criminal Justice Information Systems. We limited the scope of these costs and FTE to Law Enforcement specific IT needs and operations.
  - *It does not include the infrastructure costs for IT Security, hardware infrastructure, Network Administration, Storage, Project Management, or administration.*
- The "FTE IT SUPPORT" reports only those modified FTE positions within JITSD to support those specific systems. We did not include any of the MERLIN support, which collects and processes CJI but is not directly related to the data HJ31 is seeking.
- Board of Crime Control IT submitted a separate stand-alone response. This response attempts not to duplicate any related expenses they would report.
- The "CURRENT VENDOR \$" represents the maintenance cost and licensing for software only paid to vendors.

VENDOR/SYSTEM	CURRENT \$ VENDOR	ARE \$ SUFFICIENT FOR LONG TERM	FTE PROGRAM	FTE IT SUPPORT
EQUIVANT (IJIS BROKER)	336,000 vendor	yes		
*CRIMINAL RECORDS IDENTIFICATION SERVICES (CRISS)	870,000 vendor	Yes	10	
*CRIMINAL JUSTICE INFORMATION NETWORK (CJIN)	828,500 vendor	YES	5	
SMARTCOP RMS (MHP)	55,956 vendor	yes	1	1
SMARTCOP RMS (MDT/FWP)	40,372 vendor	yes		1
SAKI RAPE KIT	25,000 vendor	NO	1	

\*DCI Criminal Records and Identification Services Section has a total of 10 FTE that use ABIS, Equivant, Livescans totaling \$870,000.

\*Criminal Justice Information Network has a total of 5 FTE that use Datamaxx, Code Red, and NLETS totaling \$825,000.

**Specific to the Department of Justice: How do MHP and FWP citations get placed into the DOJ systems? (May 10: 10:45:34 – Lynch**

- Our understanding is that the question asked how MDT and FWP get their citations into DOJ systems. MDT and FWP use the same Smartcop RMS system that MHP uses. They pay for their licenses directly to Smartcop, and an MOU with MDT and FWP funds a modified position for Smartcop support.

June 27, 2022

TO: Law and Justice Interim Committee  
FR: MT Sheriffs and Peace Officers Association and  
MT County Attorneys Association  
Nanette Gilbertson  
RE: HJ 31 – Study of Criminal Justice Data

Please accept this memo as the Montana Sheriffs and Peace Officers Association's (MSPOA) and the Montana County Attorneys Association's (MCAA) response to the LJIC's request on specific questions regarding HJ 31 – Study of Criminal Justice Data.

**Top three data pieces – low hanging fruit.**

- MSPOA and MCAA consider the following information to be attainably trackable in the near future:
  - All charges filed in the original information or any amended information.
  - All charges for which a sentence or supervision resulted by either a plea or trial.
  - Time spent incarcerated with DOC and time spent under supervision with DOC resulting from the above data points.
- This list of items is suggested by the MSPOA and MCAA for the following reasons:
  - This list of items is inclusive of the factors that create the largest fiscal impact on the state; that being incarceration, supervision, and treatment. Further, these items would be the most impacted by legislative changes to criminal statutes, sentences, treatment, and sentence administration.
  - All information from the clerks of court is currently available in each county clerk of court's office and is generally publicly available. Information held by the DOC is already recorded and can be input into the data matrix.
  - None of the information suggested by MSPOA and MCAA is confidential in nature or subject to current laws regarding confidential criminal justice information ("CCJI").
  - Clerks of court and DOC are the natural office to extract this information. The clerk of court is already tasked with managing and dispersing information in the court system and their existing duties satisfactorily align with this data collection effort. DOC already records all incarceration and supervision information and could input the data into the data matrix.
  - That being said, it would take a significant amount of effort and investment to gather all of this information. Clerks of court do not currently track this information and do not currently have a way to do so.
- Discussion of the data collection process.
  - Upon final disposition of a criminal court matter, clerks of court would examine the criminal file and enter the following information into a data matrix:
    - All charges that were filed in an original information or an amended information.
    - All charges to which a defendant plead guilty to or to which a defendant was found guilty after trial.

- If the defendant continues to an MSP or DOC sentence, the DOC would be required to periodically update the data matrix per individual criminal court matter to record how long the defendant remained incarcerated and how long the individual was under supervision.
- With this set of information, legislators and the public will be able to see, in the aggregate, what the actual sentence is per each criminal charge to which the defendant was deemed guilty.
- This system is scalable. MSPOA and MCAA see the suggestions provided herein as a start to the data collection system. If more information is needed from more agencies in the future, that information could be added at a later date.
- Discussion of costs and effort.
  - This program would need significant investment from the state. This data collection will require bespoke software program accessible by every clerk of court in the state as well as the DOC. It will also take a significant number of new FTEs assignable to county clerks of court and the DOC for data management and data entry. In most counties, it is likely that existing staff will not be capable of accomplishing these new tasks. It is also likely that current software would need integrations in order to be compatible with the statewide data system.

#### **Which agency should manage and house the data collection**

- As discussed above, the information should be mined and input from the clerks of district court and the DOC. To an extent, these agencies already have all of the information suggested and track them to some degree.
- As far as who should administer, track, and aggregate this information, MSPOA and MCAA suggest that a new bureau within DOC would be the most appropriate entity. DOC is the final data entry point under this proposal and is the state agency most familiar with maintaining incarceration and supervision records. Alternatively, it is possible the MT Board of Crime Control would be an appropriate entity; however, they would need a significant increase in FTEs and funding in order to accomplish this goal.

#### **Unique IDs**

- Information should be tracked through existing identifiers; namely, court case numbers, MANS (Montana Arrest Numbering System) numbers, and DOC Inmate ID Numbers.

#### **County spend on technology (information management systems)**

- This varies widely by county sheriff's office and county attorney's office. Some sheriff's offices pay for criminal justice information management systems while other rely on hard paper. Likewise, some county attorney's offices have a prosecutor case management system and some still use hard copy. The specific software systems and costs vary by county.

#### **Case management or jail management software**

- This varies widely by county sheriff's office. Some sheriff's offices pay for jail information management systems while others rely on hard paper.

**Data entry clerks**

- Again, this varies widely by county. For instance, Yellowstone County Sheriff's Office employs record information management clerks as does the Yellowstone County Attorney's Office. However, not all local agencies currently employ data entry clerks.

## Yellowstone County Sheriff's Office responses

### 2. Respond to Questions

We also need to answer the following questions. Can you please answer these for your county.

1. What are the top 3 data pieces or projects - the low hanging fruit - that you feel could be a start of an initial data project? **For the S.O. records: Case types investigated, arrest charges, and arrests made vs no suspect?**
2. Where or what agency should lodge a data system/unit? **Board of Crime Control? They already receive every agencies records monthly.**
3. Do you have suggestions of how the state could create a unique ID? **SS numbers. These are always unique and should not have duplicates like names/dobs. If we can't get SS number for an individual, this could be a problem. No other ideas.**
4. How much are the counties spending on technology (ie. Jail management system, law enforcement records management system, systems in law enforcement vehicles, prosecutor case management system, court system)? **New World annual maintenance for YCSO & YCDF records management systems = approx. \$50,651. Also, YCSO pays City of Billings \$152,316 annually to support data processing.**
5. Do you have a case management or jail management system? If so, who is the vendor and approximately how much do you spend on it (installation, licenses, training, etc)? **Tyler Technologies, New World. New World annual maintenance for YCSO & YCDF records management systems = approx. \$50,651.**
6. Do you have data entry clerks or staff? If so, how many and is there an approximate cost to provide for those? If not, who handles data entry in your office. **Sheriff Clerks, 10 total that enter information in different divisions and different stages of the cases. Annual salaries plus benefits for 10 data entry personnel = \$570,961**