

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

Initial agency responses to LJIC questions

Information received as of April 28, 2022

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

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April 11, 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 provide feedback on HJ 31-1, 31-2 and 31-3. The bill drafts have significant impact on the District Court clerks, the courts of limited jurisdiction, and Judicial Branch information technology resources. The Judicial Branch Commission on Technology reviewed the bill drafts at their March meeting. This document is based on feedback from the Commission.

The Commission agreed widespread access to criminal justice data would be helpful to policy makers. They are very supportive these efforts. Unfortunately, the Judicial Branch has limited ability to assist with such an effort given the current state of internal information technology projects, and the availability of the requested data. Local governments (county and city) would need an influx of resources to collect and enter data, and the state would need increased information technology resources to create data exchanges from the FullCourt system.

HJ 31-1 creates expectations the court system cannot meet within current resources. Attached is a spreadsheet with each data element and whether it is currently collected, reported, and available in District Court cases. As you can see, clerks often do not receive the data elements and are not able to enter the

information. The issue is further exacerbated at the limited court level where often only basic information is contained in the ticket used to create the case. County and city clerks would need additional staff to focus solely on finding and inputting missing data.

The Judicial Branch is deploying the upgraded version of FullCourt (the case management system) but until all 185 courts are complete, new data exchanges are limited. Unfortunately, both our case management vendor and the Branch are experiencing workforce challenges, which have caused some delays in the deployment. Even with an influx of resources, we would likely not be able to find enough qualified employees to comply with the requirements of HJ 31-1.

The Commission had lengthy discussion about the MANS number as a necessary single-identifier and the need to focus on the use of the number to shore up criminal justice data.

The Commission didn't have comment on HJ 31-3 other than those comments noted in HJ 31-1. Also, formal juvenile data referenced in Section 4, (g) is within the District Court case types. Informal records (meaning a juvenile whose case is not filed in District Court) is subject to strict confidentiality requirements including a requirement to destroy identifying information when a juvenile reaches age 18 (41-5-215 and 41-5-216, MCA).

The Commission is very supportive of HJ 31-2 as a vehicle for moving information sharing forward. Years ago, there were informal groups, convened by the Department of Justice, charged with prioritizing data exchanges and data collection among the various entities. During that time, the state entities made good progress on several fronts. Including the local government partners would make this an even more valuable group. We would very much like to see this move forward in the 2023 session and look forward to assisting with the work.

I am linking to the Judicial Branch IT Strategic plan in case there are specific questions about IT priorities. [it-strategic-plan.pdf \(mt.gov\)](#) If you need more information, please let me know.

Sincerely,  
/s/

Beth McLaughlin  
Court Administrator

<b>Data Element</b>	<b>Data Provided to Clerk?</b>	<b>How Provided</b>	<b>Data Field in FCE?</b>	<b>Location in FCE</b>	<b>Comments</b>
(1) case number;	n/a	n/a	Yes	Main Screen	FCE creates case number
(2) unique identifier as described in [section 1];	??	??	??	??	
(3) offense date;	Yes	Information	Yes	Charge Detail Violation Date	
(4) county in which the offense was committed; and	Yes	Information	Maybe	Charges Officer?	
(5) arrest date;	Yes	MANS	No	n/a	MANS Indicates Month/Year Some clerks never receive MANS
(6) filing date;	n/a	n/a	Yes	Main	
(7) arraignment date or initial appearance;	Yes	Order	Yes	Hearings	Could be continued multiple times
(8) attorney assignment date;	Yes	Information	Yes	Attorneys	
(9) attorney withdrawal date;	Yes	Order Minute Entry NOA	Yes	Attorneys	
(10) case status;	n/a	n/a	Yes	Main Screen	Sometimes requires manual entry from clerk
(11) for each defendant:					
(a) full name and known aliases;	Maybe	Information	Yes	Party SPA	Sometimes only receive first and last name; rarely receive alias; Alias might be on MANS
(b) year of birth;	Yes	MANS	Yes	Party SPA	Full DOB Some clerks never receive MANS
(c) age at arrest;	No	n/a	No	n/a	Not specifically provided. DOB on MANS and date of arrest so can calculate
(d) zip code of primary residence;	Maybe	MANS	Yes	Party SPA	Sometimes provided by County Attorney
(e) primary language;	No	n/a	Yes	Party SPA	
(f) race and ethnicity;	Yes	MANS	Yes	Party SPA	Some clerks never receive MANS
(g) gender;	Yes	MANS	Yes	Party SPA	Some clerks never receive MANS
(h) citizenship;	No	n/a	No	n/a	

<b>Data Element</b>	<b>Data Provided to Clerk?</b>	<b>How Provided</b>	<b>Data Field in FCE?</b>	<b>Location in FCE</b>	<b>Comments</b>
(i) indigency status;	No	n/a	No	n/a	
(j) any habitual offender, persistent felony offender, sexual offender, or domestic violence designation; and	Yes	Judgment	No	n/a	No data fields that I am aware of
(k) any diagnosis of mental health disorder or developmental disorder;	Maybe	Report to Court or possibly at hearing??	No	n/a	No data fields that I am aware of
<b>(12) for each formal charge filed against a defendant:</b>					
(a) charge number;	Yes	Information	Yes	Charge Detail	
(b) charge description;	Yes	Information	Yes	Charge Detail	
(d) charge type;	??	??	??	??	Does this mean felony/misd designation?
(e) charge class severity;	??	??	??	??	Could be continued multiple times
(f) the method of disposition, including pretrial diversion, plea agreement, or trial;	Yes	Judgment	Yes	Charge Disposition Finding	
(g) charge disposition date; and	Yes	Judgment	Yes	Charge Disposition Disposition Date	
(h) drug type or types for charge, if known;					Question for Lisa
<b>(13) for each pretrial decision to release, detain, or impose monetary bail:</b>					
(a) the pretrial release decision;	Yes	Minute Entry Order	No	n/a	No data fields that I am aware of
(b) whether the court relied on a validated pretrial risk assessment tool;	No	n/a	No	n/a	No data fields that I am aware of
(c) if the court relied on a validated pretrial risk assessment tool, identification of the tool and risk score;	No	n/a	No	n/a	No data fields that I am aware of
(d) nonmonetary conditions of release;	Maybe	Order granting leave to file Court Hearing	No	n/a	No data fields that I am aware of

<b>Data Element</b>	<b>Data Provided to Clerk?</b>	<b>How Provided</b>	<b>Data Field in FCE?</b>	<b>Location in FCE</b>	<b>Comments</b>
(e) cash bail or bond amount;	Yes	Initial Appearance in Justice Court Order granting leave to file Court Hearing	Unsure		Bond Set At field in Charge Detail prepopulates with bond amount. Should we be changing this? And what if there are multiple counts?
(f) booking date and reason;	Yes	MANS	No	n/a	
(g) date defendant is released on bail, bond, or pretrial release; and	Yes	Order Bond Filing	Yes	Bonds	Only bond; we don't record OR releases. Should we?
(h) whether pretrial release was revoked due to a new offense, a failure to appear, or a violation of the terms of bail or bond;	Yes	Order Minute Entry	no	n/a	No data fields that I am aware of
(14) any court dates and dates of motions and appearances;					This is much too broad
(15) defense attorney type, include public defender, private counsel, contract attorney, or self-representation; and	Yes	NOA Court Hearing	Yes	Attorneys	We need to be more specific in entering this data?
(16) the following information relating to sentencing:					
(a) sentence date;	Yes	Judgment Minute Entry	Yes	Charge Disposition Sentencing Date	
b) charge sentenced to, charge number, charge description, statute, type, and charge class severity;	Yes	Judgment	Yes	Charge Disposition	
(c) sentence type;	Yes	Judgment Minute Entry	Yes	Confinement Confinement Type Facility	Does this mean confinement, DOC commit, MSP?
(d) sentence length;	Yes	Judgment Minute Entry	Yes	Confinement Minimum	
(e) sentence conditions;	Yes	Judgment	Yes		We don't enter
(f) any time served credit and length;	Yes	Judgment Minute Entry	Yes	Confinement Suspend Credited	
(g) amount of court fees;	Yes	Judgment	Yes	Fines/Fees	

Data Element	Data Provided to Clerk?	How Provided	Data Field in FCE?	Location in FCE	Comments
(h) court fees payment to date;	n/a	n/a	Yes	Case Ledger	Case Ledger reflects assessment on each charge and balance owing on each as well as total balance
(i) fine amount;	Yes	Judgment	Yes	Fines/Fees	Case Ledger reflects balance owing on each charge as well as total balance
(j) fine amount balance or payment to date; and					Case Ledger reflects fine assessment on each charge and fine balance owing on each
(k) restitution amount ordered, amount collected, and amount paid to victim.	Yes	Judgment	Yes		We do not enter restitution because it must be paid to DOC Collections

## HJ 31 Study of Criminal Justice Data

### **Department of Justice Responses to LJIC Questions**

1. 1. Snowflake: DOJ is not currently using or involved in any projects using the Snowflake system. We are in the process of conducting a security risk analysis for CJIS compliance on the Snowflake system. DOJ received an initial sales type demonstration of the Snowflake system and have requested a more detailed technical presentation on the system in anticipation of other state agencies using it as their data lake.
2. DOJ is currently working with DOC to pull records out of the CJIS data for final verification and assignment of remaining unique identifier numbers.
3. In progress
4. In progress