



September 2022

Law and Justice Interim Committee

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**STUDY SUMMARY FOR THE 68TH MONTANA
LEGISLATURE**

**HOUSE JOINT RESOLUTION 31
STUDY SUMMARY, 2021-2022**



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This summary of the work of the Law and Justice Interim Committee on the 2021-2022 House Joint Resolution No. 31 (HJ 31) study, requested by the 2021 Legislature, is an effort to highlight key information and public testimony received by the committee and the processes it followed in reaching any conclusions. To review additional information, including audio minutes and meeting exhibits, visit the 2021-2022 Law and Justice Interim Committee website: <https://leg.mt.gov/committees/interim/past-interim-committees/2021-2022/2021ljic/>

BACKGROUND

Although most state, tribal, and local criminal justice agencies collect data, Montana does not have a central criminal justice database or clearinghouse to unite or integrate the diverse datasets. This absence limits policymakers' ability to track the effectiveness of improvements to criminal justice system processes and interventions. The 2017 Legislature enacted multiple bills to restructure parts of the state's criminal justice system, and the lack of accurate, complete data from arrest to release from prison or supervision makes it difficult for stakeholders to understand how changes are implemented and their impact on the system.

Local criminal justice system data, including charging decisions, can be difficult to obtain but is crucial to understanding the statewide system and comparing outcomes in different jurisdictions. Criminal justice data, its quality, and its use to measure criminal justice system outcomes are often discussed in legislative hearings. Prior to 2021, an interim committee had not focused on improving data collection and integration, making it a topic of interest for many legislators.

House Joint Resolution No. 31 (HJ 31), sponsored by Rep. Frank Fleming, asked an interim committee to:

- inventory existing statutory requirements to collect data related to the criminal justice system;
- identify what criminal justice system data elements are currently collected and maintained by state and local governments;
- review how all data elements are being collected, maintained, or reported, including but not limited to the software programs or technologies used in the collection, maintenance, or reporting of the data;
- review national best practices related to the collection and accessibility of criminal justice system data and other states' use of data portals to provide public access to criminal justice system data;
- assess if the data collected or recommended to be collected on offenders and programs will provide criminal justice agencies, the Legislature, and the public adequate information to determine whether state resources are being used efficiently and effectively to achieve the state's correctional and sentencing policy;
- identify any gaps in the data or accessibility to the data for research purposes and for use by system stakeholders and policymakers; and
- recommend solutions to improve and fund the comprehensive and consistent collection, maintenance, analysis, and accessibility of criminal justice system data at the state and local levels.

The 2021-2022 Legislative Council assigned HJ 31 to the Law and Justice Interim Committee (LJIC) along with four other interim study resolutions and a study bill.

STUDY PROCESS

When selecting priorities for its interim work, the LJIC prioritized the HJ 31 study along with another study that was required by a bill. The committee requested staff review existing Montana statutes requiring data collection and model legislation on criminal justice data collection, draft a bill based on the model legislation, and organize several panel discussions on a variety of data collection topics. The committee assigned additional time to the study to encourage coordination with existing data collection and improvement efforts by the Executive Branch and the Legislative Fiscal Division (LFD).

"For years, the lack of complete, consistent, and integrated data about the criminal justice system has stymied our efforts to allocate financial resources and to enact policy changes that would improve outcomes for offenders and crime victims. The LJIC wants to solve this problem."

Source: May 2022 letter to stakeholders from LJIC members

In October, the committee devoted an entire day to learning about criminal justice data, first from national experts and then from state and local criminal justice system stakeholders. Recognizing the overlap in policy and budget committees' interest in data, the LJIC invited members of the Section D Interim Budget Subcommittee to join for the discussion. The topics discussed by the national experts included:

- a current effort by criminal justice system entities around the nation to encourage states to standardize and improve data collection to assist with analysis and comparison purposes; and
- efforts in other states, specifically Alabama and Florida, to encourage or require certain data elements to be collected.

The state and local roundtable panelists ranging from the Department of Corrections to community corrections providers, and local prosecutors reviewed their work on the data issue and engaged in conversation with the committee members. A similar discussion occurred in January 2022 with staff from the court system.

After learning about previous efforts by Montana stakeholders to improve data collection and sharing, the LJIC invited speakers from two states that were undertaking similar data improvement projects to share their expertise. In March and April 2022, the LJIC learned about Arizona and Idaho's experiences with similar goals and challenges related to criminal justice system data. The committee also invited the Montana state Chief Information Officer and Chief Data Officer to share their expertise in data and IT systems.

Other data topics involved in the HJ 31 study process were data privacy and research questions that could be answered with better criminal justice data collection and integration.

While learning from from Montana and out-of-state stakeholders, committee members posed several sets of questions to Montana stakeholders about their existing data structures, staff needs, and ideas for

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improvements. They also defined the problem they were hoping to solve with legislation: "For years, the lack of complete, consistent, and integrated data about the criminal justice system has stymied our efforts to allocate financial resources and to enact policy changes that would improve outcomes for offenders and crime victims. The Law and Justice Interim Committee (LJIC) wants to solve this problem." [[May 2022 letter](#) from Sen. Ryan Lynch and Rep. Barry Usher on behalf of the LJIC]

During these conversations, the LJIC considered several draft bills to gather public reaction to potential solutions. The proposals ranged from requiring data collection by state and local criminal justice agencies and the court system to a study approach similar to that underway in Arizona. A third bill would start a data repository modeled on the Idaho approach. After considering input, the LJIC designated two committee members to work with staff on a fourth draft, which would reflect Montana's unique needs and resources, which it considered in June and again in August 2022.

STUDY OUTCOMES

After months of study and engagement with national experts and state and local criminal justice system stakeholders, the LJIC chose to forward to the 2023 Legislature a bill that would implement the fourth approach. [LC 357](#) as approved as a committee bill in August 2022 would create to a data warehouse and an oversight body to provide specific guidance to help create and maintain the warehouse. Rep. Barry Usher, who would serve in the Senate during the 2023 Legislature, was chosen to sponsor the bill.

The LJIC also requested a joint resolution on behalf of the committee that would encourage Montana's criminal justice entities to participate in the Justice Counts Initiative. Assigned [LC 359](#) for the 2023 session, the joint resolution was sponsored by Sen. Ryan Lynch. In addition, the LJIC sent [a letter to criminal justice system stakeholders](#) encouraging them to participate in the initiative and to sign a letter of their own to commit to implementing the Justice Counts metrics.

Copies of the legislation and the letter are all available online at the webpage for the HJ 31 study.

STUDY MATERIALS

- HJ 31 study web page: <https://leg.mt.gov/committees/interim/ljic/studies-topics/hj31-criminal-justice-system-data/>
- HJ 31 text: <https://leg.mt.gov/bills/2021/billhtml/HJ0031.htm>
- LC 357 (data warehouse) status page for the 2023 Legislature:
[http://laws.leg.mt.gov/legprd/LAW0203W\\$BSRV.ActionQuery?P_SESS=20231&P_BLTP_BILL_TYP_CD=&P_BILL_NO=&P_BILL_DFT_NO=357&P_CHPT_NO=&Z_ACTION=Find&P_ENTY_ID_SEQ2=&P_SBJT_SBJ_CD=&P_ENTY_ID_SEQ=](http://laws.leg.mt.gov/legprd/LAW0203W$BSRV.ActionQuery?P_SESS=20231&P_BLTP_BILL_TYP_CD=&P_BILL_NO=&P_BILL_DFT_NO=357&P_CHPT_NO=&Z_ACTION=Find&P_ENTY_ID_SEQ2=&P_SBJT_SBJ_CD=&P_ENTY_ID_SEQ=)
- LC 359 (joint resolution related to Justice Counts) status page for the 2023 Legislature:
[http://laws.leg.mt.gov/legprd/LAW0210w\\$BSIV.ActionQuery?P_BILL_DFT_NO5=LC0359&Z_ACTION=Find&P_SESS=20231](http://laws.leg.mt.gov/legprd/LAW0210w$BSIV.ActionQuery?P_BILL_DFT_NO5=LC0359&Z_ACTION=Find&P_SESS=20231)

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APPENDIX A:

LAW AND JUSTICE INTERIM COMMITTEE MEMBERS

Before the close of each legislative session, the House and Senate leadership appoint lawmakers to interim committees. The members of the Law and Justice Interim Committee, like most other interim committees, serve one 20-month term. Members who are reelected to the Legislature, subject to overall term limits and if appointed, may serve again on an interim committee. This information is included in order to comply with 2-15-155, MCA.

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