

**COCLJ AUTOMATION & ACCOUNTING ADVISORY
COMMITTEE MEETING – January 10th, 2013
HELENA, MONTANA**

MEMBERS PRESENT

Chairperson Judge Larry Carver
Judge Linda Budeski
Judge Gregory P. Mohr
Lisa Mader, Montana Supreme Court Administrator's Office
Claudia Anderson, Montana Supreme Court Administrator's Office
Barbara Pepos, Richland Co. Justice Court-Sidney City Court
Tina Schmaus, Missoula Municipal Court
Jackie Schara, President of Montana Justice, City and Municipal Court Clerk's Assoc.

MEMBERS PRESENT BY VISION NET OR PHONE:

Sharon Skaggs, Yellowstone County Justice Court
Thelma Keys-Nicol, Kalispell Municipal Court
Judge Audrey Barger

PUBLIC COMMENT:

No one was present for public comment.

APPROVAL OF MINUTES:

Judge Mohr made a motion to approve the minutes as distributed, seconded by Judge Budeski. Committee voted and approved the minutes of October 26th, 2012.

CARVER UPDATE:

Judge Carver commented on the State IT committee, which is chaired by Justice Morris and Judge Mohr is also a member of that committee. The Strategic IT Plan for 2013 was presented with some small amendments and it was approved by the committee. Lisa said the plan was posted on the web site and a link to it was provided on List Servs. Judge Carver added there have been some problems on List Serv with participants being removed unknowingly. Judge Barger was one of those removed, but she called Lisa and was immediately back on. Lisa believes the problem came from the server. Claudia said she has not seen any recent e-mails on the Judge's List Serv, but the clerk's List Serv is working correctly. The District Court clerks List Serv is also working correctly. Claudia said the issue happened in December, but everyone has been put back on the List Serv. To make sure everything is working correctly, Judge Carver wants to send out e-mail to everyone. Lisa will check with Jennifer also to make sure the List Serv is working properly.

Judge Carver and Lisa were contacted by people representing the Public Defenders and they want to know what fees are collected, what amount in fees is outstanding and they want a monthly report. They are discussing presenting legislation which would require the courts to submit that report. They would like the monies sent to them directly, rather than through the Dept. of Revenue and they do not want it to come from the Treasurer's

office. Judge Carver let them know we would oppose the legislation, as the goal is to submit one check to the local Treasurer's office as check and balance. They told Judge Carver they needed this information because they must develop quarterly reports. He went on to tell them the Dept. of Revenue is collecting the monies and providing the office of the Public Defender with those funds. Further, he would ask this same question in front of the legislature and, this could require a FullCourt program change with a cost of \$12,000. Lisa was advised the PD office is statutorily required to track this money. She felt if this needs to be done, then there needs to be a change in the statutes. Lisa met with them at least 3 times and attempted to develop a data extract in order to obtain the financial information for them.

Lisa believes the 3 reports they can get from the courts isn't working. Instructions on how to supply these reports to the PD office was sent out on List Serv to all the courts. Because the courts are not required to provide this information, some courts followed those instructions and some courts do not report. Judge Carver said they are required to put in the judgment whether the PD fees were assessed or not. Judge Miller and Judge Mohr have experienced asking the PD representative in court if they are requiring reimbursement and in almost all cases the PD says no, they are not requesting fees.

Thelma inquired if no one else is sending checks to the Public Defender office in Butte. Judge Carver answered that procedure changed and Claudia can make the change to the financials. The monies are collected and then transmitted to the Treasurer offices in the end of the month reports. Thelma also said she sends them the reports. Judge Carver said the fund #7458 is used on the report for the Treasurer. The money collected from the courts ends up with the Dept. of Revenue and is distributed from them to the Public Defender's funds.

Lisa distributed copies of proposed legislation regarding the distribution of the public Defender fees. This bill does not have a bill # yet and is subject to change. It stated: "A bill for an act entitled: *"An act suspending payment of public defender fees during periods of incarceration; requiring District Courts to provide information regarding Public Defender fee assessments to the office of the State Public Defender; requiring payment of fees to be made to the Clerk of the Sentencing Court; and amending sections 46-8-113 and 46-8-114 MCA"*

Tina Schmaus commented they turn all funds over to the Treasurer, but did provide a report to the PD office in Butte. The PD office required a more in depth report of collections as applied in every case. She said they did that one time and the PD office then wanted more research done based on that information. After some back and forth phone calls, it was decided Missoula Municipal court will send a report, but the PD office will not question the amounts. More collection has been coming through since their court has worked on the back log of cases. Her sense is they are trying to update a database, based on what is in the court's FullCourt database. Judge Mohr wants to know why we need to provide this information, when the PD offices have copies of the judgment showing whether PD fees were requested or not.

Judge Carver said the problem is they may see Judith Basin County is not collecting any PD fees. The PD office in his county has stood up in Court and stated the Defendant cannot pay these fees and they are not requiring the reimbursement. He sees the real danger in not what we collect, but what we do not collect. There is no provision regarding inability to pay. Lisa has advised the PD office their database can show what the courts have assessed, and what has been paid, but not when fees have been waived.

LISA MADER UPDATE:

Lisa updated the committee on staffing. They did hire one new technician, but there are two positions open as Peter has left, as well as Julie from the Help Desk. Interviews were done yesterday, so Lisa is hoping to fill those positions, which would mean they would be fully staffed for networking. They are still down in developers. They still have a Business Analyst position open, which is being converted to an e-filing portal coordinator.

Regarding Highway Patrol imports, Fergus and Culbertson are now up and running. Garfield County is also up and running, which leaves Prairie County as the only one in the East not using HP imports.

E-Filing project:

Contract negotiations are not going as well as hoped at this point. Lisa has been working with the State Procurement office in November and December along with Karen and Becky from their office. Basically what happened is the vendor had to agree to the standard State Vendor contract, which LT Court Tech did agree to in the RFP. There was also a question and answer period where the vendor could come back and ask questions and none were brought up about the State Vendor contract. However, when they submitted a contract it was different than the State Vendor contract. They have been working with LT Court Tech to work out these differences and are getting closer on an agreed upon contract, which Lisa hopes can be wrapped up by the end of next week.

Lisa will plan a kick-off meeting between her staff, LT Court Tech and possibly JSI. The new position created for e-filing will basically be a program manager. She has received 4 applications from within their IT Department and they will do interviews on Monday. She added any one of the 4 would make a great program manager; therefore, this will be a very difficult decision. She has put together a good interview team which will help her make that decision.

IT Strategic Plan:

The IT Strategic Plan was unanimously approved by the Commission on Technology and she did send out notifications of where to find it on the web site. Very minor changes were made and she was glad to see that.

CitePay at Jail:

Claudia sent out the e-mail earlier with the questions and comments from JSI regarding this project.

Motor Vehicle Reporting:

The Dept. of Justice has completed their coding, they are ready to test, but this has not been done yet. Claudia and Lisa will be meeting with Greg, one of their developers, to get a database ready for testing electronic reporting on the municipal infractions. Once that part is done, Claudia will work on the project with her Business Analysts to implement the program.

Lisa has been working on yearly statistics and has completed the District Courts. Limited Jurisdiction courts are next for statistics. She will post these on the web site when completed.

Beth has discovered a number of bills that may be introduced to fund different projects. Judge Carver added there have been two so far. One is a new surcharge for suicide prevention in jail and the other \$10.00 would attach to the State IT surcharge for crime prevention. Taylor Brown is introducing this as he believes there is a nexus between court automation and crime prevention. He believes convicted criminals should pay for these services. Judge Carver commented he has never considered stop sign violators and MIPs convicted criminals. That is where the majority of these funds come from, not from rapists and murderers. Judge Carver let him know the judges would oppose this. Right now the bill on crime prevention has not been killed; it is on hold to find alternate funding. Marty did say they recognized the fact right now of an \$85 fine, \$35 is surcharges. Judge Mohr replied the only alternate funding he can think of is an appropriation.

CLAUDIA UPDATE:

The latest 8157 update is done, along with the new coding on CitePay. Tammy helped with this project and Claudia wanted to thank her. In October they got the Best Practices guide out for the "*restricted driver's license*" form. This is a new DCD form. They also got the new form out for "*license plate surrender, request to suspend*" DCD form. They have been distributed out to all the courts. A credit card provider named NCourt sent fliers out to all the courts and Claudia is advising they toss the information.

Roadside Payments:

Roadside payment project is going along very well. All courts in the Eastern districts, 15th, 16th and 17th, have been added on Roadside payments. So far, only Dawson County and Daniels have seen roadside payments come in. At the end of January, 21 more counties will be added. After the Eastern and Central portion are done they will have a good part of the State up and running on roadside payments.

The trainers have also been working on projects for District Courts. Lisa added they will be working on the motor vehicle reporting project as well.

Judge Carver wanted a discussion on Highway Patrol imports and roadside payments. There are a few courts who do not want to add these programs. Butte cannot do Highway Patrol imports in the same manner, but Lisa said they deliver the citations, but they do not

import because they have two separate judges. What they do is print the citations out and then divide them up between the two courts. Prairie County does not want the import and the Judge from Roundup does not want Roadside Payments. This committee earlier discussed if the court took the Citation import, then they should also handle Roadside Payments. Judge Carver said there is a difference between should and “have to”. In the statutes, it is the judge’s discretion on how they want to accept bail. They can even direct the law enforcement officer to not collect bail on their behalf. The judge has that discretion, as well as the officer having discretion on whether to collect bail for the court. For instance, Judge Carver has had roadside payments, but no transactions in the last year. He wants the committee to revisit this, as they should, but does the Judge have to. Teton County does not have FullCourt and cannot be forced to use it, according to the statutes.

Lisa believed from our discussions if a court has Highway Patrol import, then they must do roadside payments. Therefore, she concluded if a Judge said no, she advised them they have to use roadside payments if they use the import feature. Judge Carver wants the committee to clarify this issue. His personal opinion is they cannot be forced to use the programs if they do not want them. A scenario Judge Carver stated would be if he is told to have roadside payments, he would say take the HP import out of his program. Then, the patrolman must drive the 90 miles every day to file tickets.

Claudia said she should probably talk to Judge Marsh, because she had an issue with credit card payments in the past and perhaps she is thinking this is another big headache. Claudia said if she had more knowledge about the program perhaps that would make a difference in her decision. The previous problem with the financials and credit cards was there were fees from her bank and everything got complicated. Roadside payments, however, does not have those fees for the court.

Sharon commented the committee needs to clarify this, as new judges are always coming on board. A good policy in place may prevent problems in the future, especially with these new judges. Sharon believes the courts must do this and consistency across the state is one of the main reasons. Judge Mohr recommended possibly a better explanation of these programs at the Spring Conference for the judges. Claudia said she does send out e-mail in advance explaining what these programs are and how they work. They can call her if they have any questions and some of the judges did call, so they could have further discussion.

Judge Carver looks at this as an attack on the judge’s discretion and he is offended by that. He is really adamant the judge has discretion on how they accept bail, how they run their office and so on. The problem Claudia sees if this happens every time a new judge comes along, are they required to keep changing the procedures already adopted. It would be nice if all courts followed the Bond schedule which was developed, because it is certainly easier for law enforcement if it is consistent across the State. But, unfortunately, the law states the judge can set bail at whatever he wants. Claudia said how is cash different from the acceptance of a credit card. Lisa said from an IT

viewpoint, standardization is the key. They do not want to install and then remove a program when a new judge comes on board.

Judge Mohr commented the statutes are the law, but if these courts look at the benefits, they may change their minds. Is the communication getting out there regarding these programs. Judge Carver agrees we should sell the program, but not say if you want roadside payments, you have to take Montana Interactive. Lisa believes it is more a matter that if you opted to do Highway Patrol imports, which is an automated feature, then you should also include Roadside Payments. Judge Carver said the recommendation is great, but not to demand the court do it.

Claudia added one example of a court not wanting to do imports has more to do with a struggle in that particular court of getting paid for more hours, when the import should actually save them some time. It may be more of an internal struggle, not necessarily the court not wanting to add the import feature to FullCourt. Lisa said the officers would have an issue if roadside payments are in only half of the counties in the State, because he/she would have to try and remember which county accepts roadside payments and which county does not.

Judge Mohr made a motion there is a clarification that you cannot force anyone to take roadside payments, because the statutes are quite clear. In addition, the Limited Court judges have this issue addressed where anyone can voice their concerns and be given explanations. Judge Budeski wanted to add to the motion this committee's recommendation is to accept the programs, as they are Best Practices. Sharon agreed with Linda that in this motion there must be a strong recommendation from this committee that these guidelines be followed.

Judge Budeski agreed the judges need training on this as soon as possible. Judge Barger believes this is an education issue that should be addressed to both clerks and judges. It's not complicated and it does save time, but does not save enough time for the commissioners to cut court hours. Judge Barger said in addressing the entire group they can find out what the issues are and discuss them. Because there are only 2 Judges involved, does this warrant having training for the entire group. Sharon believes it must be addressed at the conference and there must be something in writing for the new judges to see. Judge Budeski also noted these programs eliminate human error when entering information by keystroke. Claudia said what happens when the other agencies, such as Dept. of Transportation and Fish, Wildlife & Parks start importing their tickets. Barb asked if it might be a good idea to have a Smart Cop demonstration to the entire group. Judge Carver agreed this might be the way to go, in other words, show the group how the law enforcement officers use Smart Cop to swipe the DL and the credit cards at the scene of the stop.

Judge Mohr restated his Motion this is adopted as a Best Practice issue and recommendation to have all Judges addressed at a conference, as well as address the clerks, that you are not forced to use the import and roadside payments, but this is the reasoning behind it. It will make things simple, more efficient and reduce the

use of human hands. Also, to have a Smart Cop presentation and move right into Roadside Payments. Judge Carver stated motion has been made, is there a second. Judge Budeski seconded the motion. The motion was voted on by the committee and passed.

Lisa said at the presentation it will be necessary to show how these two programs go hand in hand and increase efficiencies for the patrolman and the courts. Discussion took place on how the program is working right now. Jackie commented the import creates a new party every time and does not match up. Lisa was surprised to hear this, as other courts are not reporting the problem. They will take a look at the matching criteria. Claudia asked Jackie for some specific cases where there was no match, and she will take a look at them. Lisa suggested putting this issue out on List Serv to see if it was a problem. Judge Barger has not experienced any problems with the import not matching up with a party already in FullCourt. Tina inquired about the address issue of the DL swipe going in as the current address, when in fact it is an old address. Judge Barger said this has not created much of an issue, because so many defendants are transient nowadays. They always try and confirm the current mailing address with the defendants and add it to FullCourt.

Order of Protection forms:

Judge Carver got an e-mail from a Judge who stated their County Attorney is refusing to enforce a violation of an Order of Protection because this court's Order of Protection does not have the language in them regarding what other actions are pending, either civil or criminal actions. Judge Carver provided a copy of the statute and under 40-15-204. *Written Orders of Protection (6) An Order of protection must include a section that indicates whether there are any other civil or criminal actions pending involving the parties, a brief description of the action, and the court in which the action is filed.* The Petitions included in our forms have that language, but the actual OOP does not. Judge Carver actually understood Judge Odlin made a ruling in Court the Order of Protection was invalid due to this language not on the form. Judge Carver contacted Joan and gave her the language to add to the forms, and they should be fixed now and available on the internet. The change has not been made on the Hotdocs, but Lisa advised Sue Jameson had originally worked on those forms and is now back with their Department, therefore, she will make the change as soon as they receive the software.

Judge Mohr made a motion the change to the forms be approved. Judge Budeski seconded the motion. Sharon inquired if the courts must go through all the orders currently in effect and add this information. Judge Carver said no, because the information should have been included in the Petition when it was filed, as the language was in there. Judge Mohr believes Joan must get in touch with all the offices dealing with domestic violence and Orders of Protection and instruct them to be sure the information is on the forms. There was no further discussion, so Judge Carver asked for a vote from the committee on the motion. **Motion was passed by the committee.**

Public Defender meeting:

Karlene Green, Agency Accountant for the Office of the Public Defender, Becky Downing, the accounts receivable technician with the PD and Attorney Bill Hook, Chief of the Public Defender's Office were in attendance. Becky Buske was contacted and would attend by phone. Karlene stated this meeting is how the Office of the PD can get the information they need to report on their books. This includes the total # of assessments from the courts. Since July 1st, the money collected by the courts goes to the Treasurers, who then send it to the Dept. of Revenue. This money hits their books, but they have no idea where the money came from. They know what county the money came from, but if they do not receive a document from the court as to what was assessed and then collected, they cannot reconcile their books. They were trying to keep track of the public defender fees by client, but that became very difficult. Some of the courts still send their collections to the Office of Public Defender which were assessed on cases prior to July 1st, 2011. They receive money from the Dept. of Revenue, Dept. of Corrections clients and from the courts, and even from some of the defendants directly. Sometimes the courts send the check directly to the PD office and not through the treasurer process. They have even received a few checks from clients before the inception of the Office of the Public Defender.

Karlene stated the biggest problem is trying to figure out what the public defender assessments are and what has been collected. Judge Carver inquired why there needed to be an accounting per client of this information. Karlene stated this was started prior to her coming to the office of Public Defender. But, they have talked to Paul Christoffersen, who was a chief accountant with the State before he retired and they now believe all they need is a summary of what is assessed and what is collected. An idea is to get a monthly or quarterly assessment from the court, the number of clients and the total amount collected. This information is what is reported to the legislature. Then, they can do away with the paperwork of tracking each individual client. Right now if a probation officer calls and wants to know if a defendant has been paying, their office has no idea.

The problem Judge Carver sees since talking to a few other judges, is their collection for the Public Defender has been -0-. What happens in his court is during the sentencing, he asks the Public Defender if he has done an assessment of the defendant's ability to pay public defender fees. In almost all cases, the Public Defender has done that assessment and does not recommend the assessment of PD fees. Judge Carver has spoken to 3 other judges who have the exact same experience. If there needs to be a program change, there must be a way to show fees were waived – due to inability to pay. If Judge Carver sends a report showing -0-, it looks like he is refusing to collect it. Karlene commented they have seen some of these reports with -0- assessed and -0- collected.

Karlene then introduced the Chairman of the Public Defender Commission, Fritz Gillespie, who joined the meeting. Judge Carver has seen the legislation which he believes will create more work for the courts in that they will have to go through and do a manual search. Judge Carver explained how the FullCourt program works in that the program automatically puts the money collected to the proper funds as per 46-18-251.

He would have to go into each case to find out exactly what was paid and what is left to pay.

Claudia commented the program can do an Assessment report by date. There is another report that can be run on receipts by date. Judge Carver asked if he has 20 defendants and 4 of them received public defenders, is there a way to print out the PD fees assessed and collections in a specific month. Claudia said there is a report that prints out the transactions from the dates that you enter, therefore, if \$50.00 is shown at the end of the month for PD fees, the transactions report would list what made up that \$50.00 amount.

Lisa said in July of last year, her office sent out on List Serv to all the courts, two different report options they could run and send to the office of the PD. In October of 2011 Becky sent a message to Lisa asking for another report. In reply to that, her office sent information out on List Serv to print the first set of reports as instructed and then gave instructions on how to send the other report requested. Karlene said the problem is they are unable to reconcile the court reports with what they are receiving from the Dept. of Revenue. She said the Treasurers do not know which courts in their county submitted what amounts.

Fritz Gillespie commented two years ago when they were discussing this issue, it appeared to be a simple matter. There are priorities under 46-18-251. His belief is when money is collected ½ of that money goes to restitution until it is paid and the other ½ goes to pay the surcharge priorities. After that payment goes to fines. This goes on down the list until the monies finally reach the Public Defender fund. His question is doesn't the clerk need to know what has been paid, so they know when it is time to put the money toward the Public Defender fund. Judge Carver commented this procedure is automated through FullCourt. The clerk enters the fine and PD fees which have been ordered. After that, the clerk knows what the total outstanding amount due is. Tina commented she can open another window and go through each item and see what has been paid and what is remaining on each of the funds, but it is additional work. Judge Carver said the only item the court needs to worry about is collecting the money, not at which point certain items have been paid in the distribution list.

The Public Defender's office does accept these reports through e-mail as well. The reports are the receipt by fee and assessment by fee report. Fritz Gillespie stated it is acceptable at the State level if someone is accounting for these fees at some level, then it would be acceptable to the office of the Public Defender if they receive a summary report. They do not need to know the name of the person who paid. All they need to know is someone is accounting for this money. Therefore, all they have to do is prepare a summary. Judge Carver commented many courts have "overdue processing". If a defendant is late on a payment, his program automatically generates a letter stating you owe the court a certain sum of money. If you do not pay this or come to court, your driver's license will be suspended and a Warrant of arrest will be issued. If he doesn't pay or come to court within 20 days, then the program automatically generates a Warrant with amount due plus \$100.00 and a suspension of the defendant's DL.

Judge Carver said if the court makes the decision to waive a fee, it takes a manual entry into FullCourt to waive whichever fee is picked and there must be a reason why, such as “inability to pay”. We are all audited and held accountable that we have assessed this money and are taking these steps to collect it. Fritz Gillespie commented this would be acceptable at the state level. Further, the key word is it is audited. Judge Carver said not only is the court audited, but so is the Treasurer. A report with all accounts listed out, such as the surcharges and public defender fees is sent with that check to the Treasurer. Fritz commented everyone receiving these funds is audited, to assure the legislature and taxpayers the money is going where it is supposed to go.

Fritz Gillespie presented a scenario where a defendant comes to court and is assessed a fine only, no jail time, and he pays his fine out in several payments. If they do not pay, Mr. Gillespie asked if what he heard was correct, a note is generated. Judge Carver said in overdue processing he gets an automatically generated piece of paper to the Defendant stating he owes the court a sum of money and if he does not appear in 20 days then his DL will be suspended, plus the Warrant. Some of the courts do not have overdue processing, they must do this manually. Lisa commented in that case, courts can use a “reminder” feature in FullCourt, or print amount due report, or print amounts due by a certain day. Judge Carver suggested we show this on the FullCourt screen. Claudia pulled up a report explaining the amount assessed for the PD office. She brought this report up by going to Accounting, then financials under accounts receivable and then assessment by fee. The courts have to do this report twice, to get fees from July 1st, 2011 on and then prior to July 1st, 2011.

To get a report of what has actually been paid, you go to Accounting, reports and then we can get a transaction list of whatever happened in that particular fee category. This amount should match the end of the month report that goes to the Treasurer. Judge Carver asked if this report would be all that the PD office needs. Karlene said yes, they do not need the names, but they do want to reconcile with what the DOR has deposited into their account. They receive information from the DOR as far as what county remitted the funds, but not what specific court. Some of the courts are not sending in the reports to the PD offices. Karlene commented Becky called a couple Treasurers and they were unable to tell them which courts remitted what amounts.

Judge Carver inquired if there is a way to report the defendants who appeared in court with their public defender and the public defender has stated in court the defendant is unable to pay PD fees, therefore, they were never assessed by the court. Lisa said the only way to do that would be to assess the fees and then adjust those fees the same day. Then the adjustments by date report would show this. This would take a change in business practice. Judge Mohr said the judgment will state the PD fees are assessed, or they are not assessed. Therefore, Judge Carver said the adjustment report is not accurate, as no fees are assessed to begin with. Sharon said her public defenders get the judgments on every defendant and the local office should be able to track who was assessed a PD fee and who was not. Karlene said they are not required to report on waiver of PD fees, but they have received some of those orders.

Lisa commented their office sent out the request for reports from FullCourt should be sent to the PD office, but they cannot force the courts to run these reports. Judge Carver said the proposed legislation would force the court to do it. Fritz Gillespie said the local PD offices get this information and could track it, but that is a duplication of what the courts are doing already. So, let's get rid of one step in this process. Since it has been handed down from administration that we can do a summary and not duplicate the process of keeping track of every defendant in the public defender system, we need a solution that does not put more work on the clerks.

Judge Carver added the reason for the meeting is to avoid going the legislative route, as his peers may tell him to fight the legislation, because it adds more work to the courts. Jackie stated they have not had a public defender fee for some time, so doing this duplication of what is sent to the Treasurer is a burden. Karlene said the PD office needs to have a copy of the assessment report from the courts. Sharon said if it is simply a matter of printing off the assessment report and mailing it to the PD office, it should not be a heavy burden on her court. She, however, has personnel to cover this, but she is not sure about the smaller courts. Thelma was already sending the necessary reports to the PD office.

Lisa said the process they are discussing right now could potentially be something they could handle from their IT department. There should be an area in the database where they can run a collection report on a certain time frame and the assessment report on a certain time frame, lump it together and report it. Lisa, however, is down on staff and, therefore, cannot give a date and time to have this done. Fritz agreed since the breakthrough regarding not tracking each individual defendant, this would be terrific. Judge Barger stated she does her best for her public defender office and that is assessing the fees and doing her best to collect them. But, honestly, she has not had time to run the PD reports as requested. She advised her clerk it was optional at the time and when it becomes statutory they will run them. Both she and her clerk work well over the hours they are required, so no optional job would be considered. If Lisa and her department have a way to report this for all the courts, that would be awesome.

Tina said it takes her about 5 minutes to run the necessary report, but she has never sent an assessment report, but now knows it is needed. Judge Budeski said it is a time issue, they have one scanner, therefore, would need to stick the report in the mail. Lisa now believes they have options since the breakthrough they no longer have to track each individual. Lisa foresees this being a monthly report, on an excel spreadsheet, with assessments and collections from every court, Limited Jurisdiction Courts and District Courts. Lisa further looked at the committee and said this will take development and there are other priority projects already being worked on. Judge Carver believes this will be the most efficient method as well.

Fritz Gillespie stated they have to advise the Audit Committee what progress they are making to correct this problem. The fact that it takes training, the clerks are working with us and we are trying to do this without increasing their work load, should keep the Audit Committee happy. We can tell them we are not going to get this done before the

session is over, it may even take till the next fiscal year, but at least we will get it done. They may have some work on the collections from prior to July 1st, 2011, but that is something they will deal with. Judge Carver commented all the PD fees go to the Treasurer, but Claudia said the report shows which fees were assessed prior to July 1st, 2011 and which ones were assessed after July 1st, 2011 on the report. Judge Carver's point is some of the money collected on fees assessed prior to July 1st, 2011 now are going through the DOR also. Fritz Gillespie understands that and they will figure it out. As of now, they are still trying to account for these fees by individual, but what they know now will change that. Tina was inquiring if their office still needed to assist the PD office when they came in with their list of Defendants. She will now discuss this issue with them.

Lisa said her proposal is the best way to do it, provided everyone understands their time constraints. A developer will need to look at the financials closely and determine if this can be done without a program change. If there is a program change, that is another matter.

Judge Carver explained the FullCourt program has been around for many years and the vendor has developed a new web based FullCourt program which the courts will have to upgrade to at some point. Unfortunately, any changes to the current FullCourt program will not automatically be made to any new web based program. This would mean a duplicate cost for the State to make these changes. Lisa, however, believes her current plan to provide this information should not have a huge cost tied to it when moving to an updated program. Lisa said she would do her best by the end of next week to advise the Public Defender office if the project is a yes. She then hopes to get a developer working on the reports right away. Fritz Gillespie told Lisa to be generous with her time, but if they could receive some type of projection, it would assist them greatly.

Fritz Gillespie asked if a Judge does not assess jail time, if they still have the power of Contempt. You can bring them in on criminal contempt because it was done outside the presence of the court, as they failed to pay. And you can assess jail time on criminal contempt if you want. Judge Carver agreed and explained there are two types of contempt, one is civil and one is criminal. Judge Carver said for him to give someone jail because they have not paid their fine, it takes a motion from the prosecutor's office. Jail is not always a good option, due to the \$75.00 a day credit and in Sidney's situation, the jail is full already. Judge Carver estimated somewhere between 65-75% of the time on a DUI case, he must have another hearing to find out why the defendant has not complied with his sentence. Judge Barger added the warrants for failure to pay come out under the civil contempt statute.

CITEPAY AT JAIL:

Ernie, Bill and Tessa from Justice Systems were contacted by conference call for this part of the meeting.

1. Bill explained the first point is they will be writing a secure application so that jail personnel in Montana will be able to logon to the application in CitePay,

locate outstanding warrants that are available for posting a bail on line and mark those warrants in the CitePay database, so they are available for payment. The reason for that is we do not want the warrants available on CitePay just because someone looks them up and pays them without being under arrest. It will be necessary to go into the secure application to enable those warrants for posting bond. If it is a secure application, we are contemplating some logon and audit functionality in the code, therefore, we believe the logon to this application should be by individual. In order to do that we will be creating security levels for people at Montana to create and authorize the users at the jail.

Lisa did not believe the management of the jail personnel can be done at the Court Administrator's level, it would have to be done locally, with an administrator adding those people on as users. The committee discussed a court person could do this, or a jail administrator. Judge Carver said the jails would have to get on board and handle this part. Therefore, either a Jail Administrator or Court Administrator will maintain the list of users for this application.

2. The Warrant lookup in the application on CitePay could be case number or citation number and an optional DOB match. The DOB match could be optional because this is a secure application. Once the correct Warrant was found, the authorized user in this application would mark that warrant available for payment. The payment itself would be taken over the regular CitePay location, so that we do not have to go through the PCI process because credit cards are being taken. Once the Warrant is marked as eligible there will be a direct link in the secure application to the CitePay application where they would not have to do any additional lookup. The link would take them right where they need to go to post bond on that warrant.

Judge Carver inquired about the name as part of the lookup, since the defendant may be arrested on the CJIN printout and they may not have the citation or case number available. They just receive a printout that says a warrant has been issued out of Judith Basin County on so and so and the amount of bond required. Lisa said they need to include name in the search criteria.

Ernie asked in relationship to this that a warrant can only be made available for payment on CitePay if an authorized jail person has made it available. Judge Carver said it is possible that jail personnel would not know the case number either. Tessa asked what paperwork they have when the warrant is served. Judge Carver said they get a printout with two lines on it. For example, it would say Rosebud County, Montana has an outstanding warrant for the above named individual. Date the warrant was issued would be on there, bond amount this much and if they will extradite. There may be a warrant number on this document, but that warrant number might be different from the case #. Jackie said this is an automatic number that CJIN fills in.

Tessa asked what information is given back to the Court showing the Warrant was served. Judge Carver advised Tessa sometimes they will call the court and ask for a copy of the Warrant, but if it is the middle of the night they cannot do this until the next day. They arrest off the CJIN printout. The agency holding that warrant can FAX a copy to that jail. At the bottom of the Judith Basin warrant printout, however, it notes there is no 24 hour dispatch - contact office during business hours. Tina said in Missoula Municipal court, they enter the warrants into the 911 database themselves and keep the warrant in their office. Tessa said the instructions were no outstanding warrant is available on CitePay until somebody updates FullCourt making that warrant available for posting bond.

Ernie said they can make a payment without a case, as in picked up and arrested, which would make payment available on the unapplied receipt feature of CitePay. The other case is when a warrant was served and there is a case which needs to be updated on FullCourt to make it available for the posting of bond. Bill's understanding when they talked to Lisa about this was if it is in the middle of the night and they bring a person in, the jail personnel will be able to mark this warrant available through the secure application. Lisa said jail personnel cannot mark the warrant available if they do not have the information needed for the search.

Judge Carver said oftentimes the defendant is arrested 300 miles away from the court. When he sees the defendant with the CJIN printout, Judge Carver calls the court and gets the copy of the warrant, so he can proceed. The defendant and officer may never have a copy of the warrant in their hand. Bill said if they are instructed to allow a name lookup on the secure application for jail personnel, then they will add this option as well. Bill was instructed to make it name and date of birth. Ernie said with that information they will only be able to see warrant information for that name and date of birth. If there are multiple warrants for that defendant they will see all the warrants. Bill said the application as envisioned now will only pull up the warrant information; it will not pull up anything else on CitePay, such as amount owing on other tickets.

Judge Carver asked when jail personnel opens up the secure application, he has a duty to mark the warrant as served. Lisa said this is correct, once it is marked CitePay is notified that it is available for bond posting. Ernie said when it is marked, the case will show the warrant has been served. Lisa said it will change to "*e-served*", therefore, the court will know this was done by a jailer.

Tessa said the jailer goes to the secure application and does a search by name and date of birth, this brings up one outstanding warrant with a bond amount. CitePay is going to allow bond to be posted at that point and when the money is receipted in CitePay, it is also going to mark the warrant as "*e-served*". How does the court know which jail served the Warrant? Once the warrant is marked e-served, then the service by agency must be filled in. Tessa said in table set-up, the jails in Montana must all be listed, along with the Law Enforcement Agencies. Judge Barger asked if once the warrant is marked, can anyone go on CitePay and post the bond. Bill said in the secure application, they will mark the warrant as available for payment. If the person who wants to post the bond is at

the jail, the officer can follow the link from the secure application to CitePay and everything can be paid there. The idea was we would allow the Warrant to be on CitePay, and available for payment by someone at another location, or even in another state. The reason is we did not want jail personnel to be relaying credit card information over the phone, as this could create PCI issues. On the secure application, the warrant can be made available for payment, thus allowing someone to search for it on CitePay. Tessa stated the warrant will not be marked as “*e-served*” until someone posts a payment. As far as the Citation Number or Case Number, after jail personnel have found the warrant that information is also available. Tessa asked the committee what if the bond does not get posted, how does the court know the warrant was served. Lisa replied the court would receive notice from the jail that a defendant is in jail. The court personnel will then go in and mark the Warrant as served. Tessa wondered if this will make it ineligible on CitePay and Bill said probably not since the jail already marked it available.

Judge Carver asked if the officer receives a receipt once the bond is posted. Tessa said the jail would receipt a copy of a receipt via e-mail. Barb inquired if the receipt can be sent by FAX, but Ernie said, no, it can only be done by e-mail. Lisa noted as discussed in the past, this procedure is only going to work if e-mail is kept up to date at the jail and court. Jackie asked what if the jail has 15 jailers, do they each need a separate e-mail address. Lisa believed one main e-mail address would work best. Ernie said there are exceptions with boundaries. Occasionally, they receive a call from a jail stating the defendant made a payment, know the payment went through, witnessed all of this, but have not received an e-mail back from the Court stating they have it. Typically it could be a problem with a data communication connection at the jail, and they ask JSI to verify the payment went through. Or, they will ask the court if FullCourt was updated. We have been asked to e-mail the jail, or send them a FAX of the Credit Card transaction.

Judge Mohr asked which state has the ability now to accept credit card payments at the jail. Ernie said the State of Idaho does this. Bill said Idaho uses the unapplied receipt function, but the e-mail receipts are the same procedure.

3. The CitePay screen will capture full contact information from the poster and this information will go into FullCourt. The defendant’s name and case number will be available on that screen. This is the 3rd party posting information. Sharon inquired if this conflicted with #6 in their e-mail, where it stated this information would go into the comment field. But, Lisa commented they had this discussion in December and Tessa said no, it should not go to the comment window, but to the 3rd party poster. Bill agreed that did change #6 on their e-mail.
4. Bond receipt will contain language for the poster to authorize the bond to be applied to fines and fees, upon the case being resolved. Bill said this language will also be made available in FullCourt, allowing the court to see on the bond record that the person posting the bond has agreed to these optional conditions.
5. Bill referred to the person posting the bond not being located at the jail, or not even in the State of Montana, lookup will be available on CitePay where they

enter the Case Number or name and date of birth and are able to post bond on that Warrant.

6. Bill said this explains what will happen in FullCourt. A bond record will be created in FullCourt and the status of the Warrant will be changed to “*e-served*”. As discussed earlier the Served by field will be populated to list the jail facility. An “*e-bond*” ROA will be created for each of these bonds and the ROA will contain the optional bond condition if they agreed to allow it to pay fines and fees. The language for that is configurable in CitePay, but will be preserved in the ROA.
7. E-mail notification will be sent to the jail for each bond, as it occurs. The bond poster contact information will be added to that e-mail.
8. Bill discussed the procedure for posting of bond when there is no outstanding warrant, but an arrest based on a new case or new citation. The posting of bond here will use the unapplied receipt process. This bond payment at the jail can be linked to any court in the State of Montana.

Judge Barger thanked JSI for their getting this worked out. Judge Carver repeated to JSI they did an awesome job in figuring out this warrant procedure in Montana. Ernie said this may be a first in the whole country. Ernie asked Judge Carver if this was approved to proceed with their coding on the project. Judge Carver said the committee would go through the formal discussion phase and hope to notify them today. Ernie would like an e-mail confirming this. They will start work on it, but it will take some time and they must continue to work on the e-filing project as well. Ernie suggested they pick one court and one jail for the testing of the project. Lisa said they will definitely install their committee member courts first, before they roll out to the State.

The committee ended their phone conference with JSI. It was decided training with the jails and courts will be critical. Lisa said their IT division does not have the resources to train and support jail personnel on this procedure. Judge Mohr stated both our Sidney jail and the regional jail are over full. Our jail administrator will do whatever it takes to move people in and out of jail. Judge Carver said developing a guide that jail personnel can follow may be the way to go, especially with the turnover in the staff at the Fergus County jail. Lisa said her staff can develop the training videos and training manuals. It would then be up to court personnel to get the jail personnel interested.

Judge Barger discussed why the 24 hour dispatch location may be where this takes place. She felt it may work out better than an actual jailer doing this. In fact she did not know if the jail has any access to a computer. Sharon was not sure how much Yellowstone County Detention Center will use this, because they have their own credit card provider and have added their own fee. Lisa said the unfortunate part of this is the case in FullCourt is updated with JSI and not with another provider. Lisa added this CitePay addition does not cost anything to the State. JSI agreed to take care of any CitePay enhancements.

Judge Mohr made a motion to accept the proposal from JSI. Judge Barger seconded the motion. There was no further discussion. Committee unanimously approved this motion.

Municipal Infractions policy:

The committee has not heard from Kalispell, Ennis or Whitefish in regards to their municipal infractions. Judge Carver said it became apparent there needed to be a policy or letter court automation could send to the court when they were contacted about a municipal infractions database.

Claudia presented a MI project requirements list that was developed from the work that was done with Billings Municipal Infractions project. Claudia said Court Action items are listed, including a list of their statutes. The penalty schedule for each infraction must be provided to include a clarification on the surcharges. Also, on the form are the action items that the Office of Court Automation will complete. Judge Carver liked everything on the form, but he would put Electronic Reporting and Coordination with Motor Vehicle to the top portion. Judge Carver believed meeting with Greg Noose and making the decision on what infractions are reportable and which are not is an action item for the court.

Judge Carver said in talking to Kelly Addy from Billings, reporting municipal infractions to the DMV is still not taking place. Lisa replied she addressed in her update this was ready for testing and, therefore, soon reporting would take place. Judge Carver said this needs to be done before the Office of the Court Administrator begins the work to the databases. It would be better for the courts and their staff as well, because right now they believe municipal infractions are not reportable to the DMV. Judge Carver asked at which point in the process does the court come to the committee with their proposal. Claudia said the courts do not know the procedure, nor the documents needed to make this work. When Billings Municipal started this, Judge Mohr trained the judge and the staff in small claims procedure. Judge Mohr said it is up to the courts to provide the necessary documents and staff training on the procedures.

Judge Mohr said the entity must provide a complete list of Municipal Infractions. Provide which infractions are reportable to the DMV and which are not. This must be approved by Greg Noose and the Dept. of Motor Vehicles. Add staff training to must provide the necessary documents. Judge Mohr said the city attorney should go through the municipal infractions list and agree to what is being approved by Resolution by the city entity. Lisa said then the first item is they need to get their statutes outlined as approved by their city attorney. Judge Mohr said the city council and the city attorney are the ones that need to get together and make sure their resolution is enforceable. Lisa asked if the committee could put down in writing all the things that need to be done before they approach them. Judge Mohr said Billings Municipal sold their municipal infractions by stating there are no points on your record for these traffic violations, but they kept the serious offenses, such as DUI the same. Judge Carver said Greg Noose will know what is reportable regarding municipal infractions and having this as part of the

court action items will resolve problems later on down the line. Claudia commented that surcharges still need to be collected with municipal infractions. Lisa said having this project requirement will give them the guideline they need when a court calls saying they are now doing municipal infractions.

First, they need to provide the City Ordinance or Resolution document. Next, their city attorney must supply the complete list of municipal infractions, and then with approval from Greg Noose, supply the list of reportable and non-reportable infractions. Judge Carver also said at the end of the Court Action list is the court present their project to the Automation Committee for approval. Lisa said every one of these projects is going to be a drive-by project for them, taking them away from other priority projects. Unfortunately, the Kalispell project is not done yet, as they have not found the time to work on it. Billings Municipal is the only court that has had the changes made to FullCourt to handle these municipal infractions.

The committee wrote down their suggestions for the document on Court Actions:
Copy of Resolution providing for these Municipal Infractions
Must provide a complete list of the municipal infractions:
Provide list of what municipal infractions are reportable to the DMV and a list of those that are not reportable, as approved by Greg Noose. (Include the point values on the reportable municipal infractions)
Must provide penalty schedule to include surcharges
Must provide financial account for direction of municipal infraction monies
Add to the form after provide necessary documents, the Court provide procedural training to the staff
After listing out the necessary documents, then add the court will present all of these to the automation committee for their approval.

Lisa stated the OCA Action items are standard and will not be changed on a court by court basis. Their code will remain MI for municipal infractions.

Judge Mohr read the court action items as listed above and commented the Court Action items be put on the 1st page and a 2nd page list the Office of the Court Administrator action. Judge Mohr made a motion to adopt this policy, seconded by Judge Budeski. Motion was passed by the committee.

ROA STANDARDS:

A copy of ROA standards was provided to the committee members. Lisa added the ROA standard list should be standardized and then work on the Events, which should not take as long as it took to do the ROA standard list. Then, she will need to get with a developer as to how to map these ROA codes to the codes already in the databases. Lisa would like to discuss this at the next meeting, because it is a big discussion. Her development people will need to come up with a conversion plan. Then the business analysts will need to do this on a court by court basis. They will train court staff on the new ROA codes and events and the conversion of the old ROA codes. The courts have since been locked out of the ROA codes; therefore, no more new ones are being created by the courts. Sharon

noted some of the civil ROA codes were missing on the list handed out: CVNEW; ANSWER; ANSCON; and RPLYCNTR. Sharon will e-mail a list to Claudia with any more missing ROA codes. Events will be worked on at the next meeting. Lisa will try to provide the committee with an idea of how the conversion will work. Sharon would like us to move forward on this project so conversion will be less of a problem. Just to update new members of the committee, Judge Carver gave a brief history of this project. Lisa said the committee went through over 3,000 ROA codes, in order to make a standard list.

At the next meeting, the committee will have an update of the Public Defender project as well.

NEXT MEETING DATE:

March 14th, 2013 at 9:00 AM