

**COCLJ AUTOMATION ADVISORY COMMITTEE  
MEETING – JULY 23<sup>RD</sup>, 2010  
HELENA, MONTANA**

**MEMBERS PRESENT:**

Chairperson Judge Larry Carver  
Judge Johnny Seiffert  
Karen Nelson, Administrator's Office  
Lisa Mader, Court Administrator's Office  
Barbara Pepos, Richland Co. Justice Court-Sidney City Court  
Sheri Bishop, Gallatin County Justice Court  
Jennifer Boschee, President of MJC&MCCA

**MEMBERS PRESENT BY VISION NET:**

Judge Gregory P. Mohr  
Thelma Keys-Nicol, Kalispell Municipal Court

**MEMBERS NOT PRESENT:**

Judge David Ortleby, excused  
Sharon Skaggs – excused and on vacation

Meeting was called to Order by Chair Judge Larry Carver at 9:00 AM

**APPROVAL OF MAY 14<sup>TH</sup>, 2010 MINUTES:**

Motion made by Judge Seiffert to accept the minutes as submitted , seconded by Sheri Bishop with the full committee approving.

**PUBLIC COMMENT:**

Karen Nelson introduced Dick Clark, the CIO for the State of Montana. Mr. Clark has been with the State of Montana for a very long time and ran IT for the DOT before he decided to run IT for the entire Executive branch. Mr. Clark explained that once a month he visits with Lois and Karen in regards to court automation. Mr. Clark finds this helpful in supporting the court IT division, as he knows the courts have special needs. He stated the Executive Branch is on our side and he feels that court automation has been very successful so far.

**HIGHWAY PATROL IMPORT DISCUSSION WITH HP IT:**

Major Butler with the Montana Highway Patrol was on the phone as part of this discussion with the Patrol. Sgt. Scott Tenney and Greg (last name) were in attendance at the meeting. Karen noted that the Import project has been working very well for the past month. She did say that there have not been many payments coming in through the Patrol roadside payment program. Judge Carver noted that the committee did not approve payments being attached to the E-citation project, nor were they aware of the roadside payment going on in the Yellowstone Co. Justice Court for the past month. Karen said the payments are being accepted through Montana Interactive. The roadside payment pilot is only going on in the Yellowstone County Justice Court. Sgt. Tenney

said there was only one failure and that was an unusual situation, which was fixed in 10 minutes. Sgt. Tenney said the electronic citations are an automatic transmission which imports into the Full Court software. The roadside payment is the acceptance of a credit card as payment out in the field and eventually this is sent to the Court. They are not, however, dependent upon each other. He stated the credit card can either be swiped or the numbers entered, then transmitted through MI and eventually the dollars get to the court. The receipt is printed out immediately for the Defendant. Major Butler added they went through a special process in Yellowstone County as the money is actually sent to the Treasurer in that County. They had to make sure that the money was attached to a citation and eventually the court would receive that information.

Karen said they are discussing two different payment options. For the Highway Patrol, their agreement is with Montana Interactive and it is designed to allow HP Officers to accept bond on the roadside. There are more credit card payment options through some of the cities in Montana who have their own. The Court receives an electronic notification from MI through e-mail that bond has been received. Lisa subscribes to the Yellowstone County Justice Court notice from MI and Lisa said she has only received 2 since the last meeting. Scott added that originally they only had six troopers accepting the credit card payments, but in the last 10 days they have activated all the troopers in Yellowstone County. Sgt. Tenney believed there would be more payments coming in; however, he did not know specifics.

Lisa explained the process as the Officer swiping the credit card at the stop and issuing the defendant a receipt. The citation is imported to the court and the citation shows the collection of bond. Once the payment has gone through the approval process, it then goes to MI. MI takes that information and sends an e-mail to the Court that is involved. MI deposits the money into the court's account 3 days after they receive it. In Yellowstone County, the Treasurer receives the funds and writes an A101 receipt for all those transactions and sends it to the Court. Then the court matches up those payments with the citations. Then the Treasurer deposits the money into the court account.

Judge Carver questioned why the funds were first going to the County Treasurer and Lisa could not speak for Yellowstone County. Most of the time now, the courts collect their own money and then at the end of the month disperse it properly to the Treasurer. Lisa said that Yellowstone County has set this procedure up and has been operating it this way for quite some time, but the Court does get the money into their account. At the end of the month they are able to do their accounting disbursements. Major Butler believed the decision to have the funds deposited into the Treasurer account or the court's account was a decision by the County. If the Judge wants the money deposited directly into the Court account then it will be done that way.

Judge Carver said that part of the problem that has occurred from credit card payments deals with the End of the Month report. The computer may show that there may be \$20.00 more than what is in the account, because we are in that 3-day lag before the money reaches the account. Lisa said this procedure is like an outstanding check, in that when you get the notification from MI, you will put that money into Full Court, but it

actually won't hit your bank account until later. Lisa said that it is basically an outstanding deposit that has not cleared yet, so it will remain on your outstanding list of items until the next month when it washes out. Lisa wants to get with Sharon and document the end of the month procedure, but their process is going to be different than the majority of the courts. Most courts will want the money deposited into their account directly. Judge Carver noted that having the Treasurer in the mix is another spot which could create a delay in the court getting its money. Lisa stated that in Yellowstone County the transfer is happening in a very timely manner.

Lisa said they can come up with "Best Practices" when balancing out at the end of the month. Judge Carver suggested they may need to discuss this with an auditor. Karen believed that the electronic transfer of the citations is a key factor in the court knowing that bond was collected on the ticket. Judge Carver said that right now when a court enters a citation with bond entered in the box they must do a receipt. He wondered how the import process works with the citation showing bond was collected. Lisa said that the import process creates the case, puts the charge on the case and you get a separate spreadsheet and notification from MI of cases which have money attached to them. Then, the court takes the spreadsheet and manually enters the bond on the case. Lisa stated the courts will know the case number as this information is on the import. Lisa believes that the MI report will come to the court daily after all the money transactions for that day have hit. Also, the same day that you get the cases to import, you will also receive an Excel spreadsheet which will show all the money information.

Sheri asked what happens after the receipt is created. Lisa said the money goes in as a credit card transaction, so all those credit card transactions are entered as deposits at the end of the day. Lisa said they will recommend that the courts do the cash and checks as one deposit and then the credit card payments as a separate deposit. Therefore, when the court looks at the bank statement, it will be easy to see what the deposits are. In other words a court will not have to look at a \$2000 deposit and figure out how much of that was E-payments. Judge Carver stated the courts on the committee will begin the import process and E-payment process as test sites, and noted that it has been working well in the Yellowstone County Justice Court.

Karen noted that there will have to be another conversation when it comes to CitePay, which is a process that does interact with Full Court. MI and other credit card programs are a manual process, since they do not interact with Full Court programs. When a court gets the citation import functionality, the ticket is an attachment so you can see that bond was collected, as well as receiving the e-mail notice. Lisa said that Marty is verifying that the citation is created and the image is attached. If that is not done, then Marty is checking with the Court. Karen stated they haven't talked to Sharon Skaggs and lined out all the procedure on E-payments. She felt that the court needs to import the citations before bond is collected via the roadside payment project.

Judge Carver inquired if there were any fees to the court from Montana Interactive. Sgt. Tenney said that MI charges \$5.00 per transaction to the defendant, not per ticket, so if they get 4 tickets its \$5.00. CitePay charges 5% per transaction, which means a \$20 ticket

would cost \$1.00 in user fees. Judge Carver inquired about the courts that are only open one day a week, but Karen said they will still be able to handle all imports and E-payments when they are at work, however, if too much time goes by then Marty will contact the court. The Officers will know right away if the credit card is good or has been rejected.

Sgt. Tenney did advise that E-payments could be turned on by the Patrol at any time a court wants it. Judge Carver advised the courts will have CitePay available, which is an internet site available to defendants who want to make payments on-line. Sgt. Tenney said the information about the internet site could be put on the citations, if that is what is needed. In addition, the Patrol can have it print out for just the committee courts to begin with. Lisa suggested bright stickers could be used to stick on the citation as well.

The committee asked Major Butler about the printers that the Highway Patrol uses. They are currently testing a thermal printer right now, but the Highway Patrol is not sure where that will go. Sgt. Tenney said right now they have six troopers without printers, as they can't get them fixed fast enough. Karen advised she would be willing to do a "survey monkey" with the courts, to help the Highway Patrol know which courts want the 2<sup>nd</sup> copy of the citation printed. Having one copy printed for the court would save the Highway Patrol time and money. Sheri said the import process will take care of these problems.

Karen stated Marty needs about 2-3 weeks of programming time to make this a statewide application. The file they get from the Highway Patrol now is already statewide, and their programmer, Norma, has mentioned no technical delays. Karen said the Justice Courts that they will install will be: Gallatin, Richland, Judith Basin, Carbon, Flathead and Yellowstone County. Thelma and Jennifer work in courts that do not receive Highway Patrol tickets.

Lisa said the bond schedule has not been pushed out to the courts yet. Sgt. Tenney said that the statutes need to match exactly before the next 7 courts are turned on. Lisa advised the delay with that right now are the courts that electronically report to the DMV. Karen hopes that all the courts are up and running by Halloween. Karen said their office needs to document the E-payment component of the project and Lisa will discuss CitePay later on in the meeting. Because of all the projects being worked on, they are within a couple of months in getting the next courts on line.

Judge Carver inquired if the test courts could get going on citation import with the statute tables that are in use right now. Lisa said it is possible, but there are some statutes that do not match which means those tickets have to be entered manually. Judge Carver feels waiting 2 months for the new statute table and then bringing the committee courts on board as test sites for another 3 or 4 months delays the process too long.

Karen explained that there are 3 separate projects being worked on. They have the citation import process, Highway Patrol roadside payment and JSI CitePay project. All these projects are stand alone, but also compliment each other. Importing the citations

will make the accounting procedure for the courts much easier. These are new systems and there may be problems that are not foreseen at this point. Judge Carver stated he wants all three projects implemented at one time to the test courts. Jennifer added that the committee will have 2 courts that are only using CitePay, which will give everyone an idea of how CitePay works by itself.

Sgt. Tenney inquired as to what the Highway Patrol should do about VOID tickets. Lisa said once the tickets are electronically transmitted to the courts, VOID tickets will be included in that batch. This could be as simple as the wrong person being pasted on the ticket and the Officer not being able to change that until he gets back in his car. Judge Carver inquired if Full Court should have another option on the pull down disposition list which would say: **Voided by Officer**. Right now in Yellowstone County, voided tickets must go through the County Attorney's Office.

Judge Seiffert added that a ticket can be dismissed by a County Attorney, or by the Officer. **Once the citation is entered in the system, there is no VOIDED disposition**. Greg asked if this would be the same situation where a plea agreement was entered and the original ticket is dismissed, with the Officer issuing a new citation. The committee members answered that due to the fact there is the paperwork behind this kind of transaction, it does not create a problem for the court. Karen wanted to know if Full Court needed a new finding, which may be **Dismissed by Issuing Officer**. Judge Carver wanted to know if there could be a formal e-mail developed and sent to the Court to make this process easier. Sgt. Tenney asked if the committee could develop that form. Judge Carver added the e-mail can be sent to the court and the image attached to the case. Therefore, **the language for the e-mail will be established by this committee**, sent to the Colonel for approval and then made available to the Troopers when a citation on their side needs to be voided.

Judge Seiffert complimented the Patrol for their handling of citations and probable causes during the rally in Red Lodge. He was able to handle many citations for the last 4 days and had no problems whatsoever with probable cause. Sgt. Tenney can be contacted by e-mail at [stenney@mt.gov](mailto:stenney@mt.gov).

Karen reiterated that Marty needs between 2 to 3 weeks of programming time before the import process is ready to go. Judge Carver inquired if that was statewide or to the committee courts. Karen said it will be important to have the program done statewide as eventually courts will be added, not just the committee courts. Lisa said the process developed right now is just for Yellowstone County. But, Marty wants to get the process programmed for all the courts, and just turn on the committee courts to begin with.

Karen said the new statute table is being pushed out to the non-problematic courts. There are approximately 15 or so courts that do electronic reporting and these courts need some additional work done before the new statute table will work. Karen said the committee will be discussing some of these problematic courts. Lisa added that Judge Carver's court is one of them since he runs overdue processing. Karen stated that the CitePay

program is being tested and Lisa wants to do more testing with some of the committee members.

Judge Carver wanted to know how far off is Enterprise? He added that learning overdue processing at this point and then in six months possibly learning a completely different overdue processing method in Enterprise, would be difficult. Karen said they looked at Enterprise in November and December and the civil part was not completed. Lisa further advised the criminal element of Enterprise was still a bit rough. The staff has been working with JSI on reviewing the civil piece this week. Lisa said the civil side was looking pretty good, although, there are still some parts missing.

Karen explained that overdue processing has been worked over to meet the requirements of the last Legislative session. Claudia and Chad have created a model overdue setup based on the committee rules and they have tested it thoroughly. Providing all courts agree on the overdue processing rules, the process will go smoothly. However, if they end up in a situation where each court needs to change the process, then it would be almost impossible to get the project done. Right now, there is a 2006 revision of the statute table and it is being replaced by a 2010 statute table. Therefore, the transition for those courts on overdue processing right now would be that if the case was written under the 2006 revision, it would follow the old rules, if it was a new case it would follow the new rules. This got around the problem of making the transition from the old to the new.

Lisa said courts are instructed to run overdue processing in a timely fashion and in fact their office recommends every day. Then, the overdue processing which is taking place under the old rules will wash out in a 3 month period of time. The new cases will run under the new overdue processing rules. Judge Carver said the 1<sup>st</sup> day that overdue processing begins; the court is overwhelmed by the amount of paper coming out of the computer. Lisa added that in Yellowstone County, there are separate clerks that handle the Failure to Appear and the Failure to Pay and it is run faithfully every day. However, there are a few large courts that run it every two weeks and call their office with problems.

Karen said the critical item for her is the grandfathered courts that still send suspension notices on non-criminal and non-traffic offenses and the \$100 fine rule which was located on the previous statute. Right now, the grandfathered rules need to go standard, to represent the law changes. Judge Carver said there are 12 courts using overdue processing, even though, there are more courts with overdue installed. Lisa said their office needs backing from the committee that the new overdue processing rules need to be installed in the grandfathered courts. Karen said it is critical they be changed because the old rules are not in agreement with the laws. Also, Karen is willing to discuss this with the Judges in these courts.

Judge Seiffert made a motion that this committee adopts these rules and that the grandfathered courts must go standardized. Judge Carver asked Judge Seiffert if he wanted to reword his motion to adopt these overdue processing rules with the new statute table. Judge Seiffert reworded the motion to adopt these overdue processing rules with

the new statute table and the grandfathered courts must make these changes. Sheri Bishop seconded. Judge Mohr asked Judge Carver and Thelma if they had any problem with this motion and neither one of them did, as they wanted their overdue processing to be in agreement with the new rules and laws. Judge Carver said there may be some public comments because this will change the way courts do business.

Sheri Bishop advised the committee that her Judge told her they would be running overdue processing soon. Karen said that if a court wants overdue processing, that Judge should send a request to the committee and at least it would be on the table. Sheri said she did not want to wait for Enterprise.

Lisa mentioned that she had a request from Judge Snowberger of the Belgrade City Court who is aware that the standard has been adopted, but she has built into her overdue processing a collections process. She is asking to be allowed to go with the standard rules, but keep her individual collections process. Lisa did not have this written request with her.

Judge Carver stated the motion on the table would mandate the courts when they accept the new statute table to go to the new overdue processing rules as adopted by this committee. Question has been called. The committee members voted unanimously to accept this motion.

Karen felt that it may be September before we implement the citation import. Regarding the MI project, Karen is not totally comfortable with how it is working because she has not talked to Sharon Skaggs at the Yellowstone County Justice Court. Karen said their office has been focusing on the CitePay program. Karen did not know which project should go first. Lisa did discuss with Sharon the MI project, but they could not show her the end of day, or the end of month process. She said their court had 2 accounts and they are trying to get down to one account. Lisa can't do the "Best Practices" right now, until she gets all the information.

Karen asked if the committee wanted to test the entire project, which is the citation import, MI roadside payment project and CitePay. Judge Carver wanted to know if the courts could also get wired with electronic reporting. Karen said that electronic reporting would be another component with its own issues.

Lisa said that when CitePay has passed the test site, there is more work to be done with JSI, in getting all merchant accounts set up with each individual court. Judge Carver said he just wants to get 7 courts installed and up and running on CitePay. Lisa said there are steps that must be done to get the court ready for citation import, many steps to get a court set up to report electronically and as explained, the necessary steps needed before CitePay can be live. Karen added that most of the projects are near completion and she believed they would be ready to implement in the courts by Halloween. Judge Carver said his priority is CitePay, because he gets one call per day regarding credit cards, and the citation import project. Sheri Bishop brought up a concern in her court where Officers

don't turn in their citations in a timely manner; therefore, the priority would be the citation import project. They already have CitePay.

Judge Seiffert stated they take credit cards already, but they would like CitePay. He wants the citation import implemented, and then later on overdue processing and possibly the MI project. Jennifer said that CitePay would be a priority in her court. Thelma would like to see the citation import first and then CitePay. Judge Mohr said that his court needs CitePay up and running as soon as possible. Barb agreed that the Court needs CitePay and the citation import as well. Lisa advised she could train everyone on the committee in one day over the Web, with almost all of the committee courts being setup electronically. Judge Carver said that the project has been cut in half and he wanted to know if it would be sooner than Halloween. Karen said courts could probably be set up in September.

Lisa explained the documents that the court gets when citations are imported into Full Court. She showed the page which lists the cases imported and then had examples of cases that "error out". At the very top, we could see the invalid statute number, which means that the statute numbers in Smart Cop did not match exactly to the statutes in Full Court. She also said that a hard copy of the citation can be printed out. Most of the statute errors will be fixed by the time the committee courts get going on the citation import project. The program does not allow the citation to be imported if it already exists in Full Court.

#### **DRIVER LICENSE SUSPENSION FORM UPDATE:**

Greg Noose considered the Rescind issue, but instead put on an Official Use box at the bottom, which has a check box for **Misapplied by the Court – Remove w/o fee**. This Official Box is for Driver Improvement use only, although, Karen thought the courts could use the box. This would be clarified with Greg Noose. This new form would be introduced to the Judges at the Fall conference and after that would be put in the Full Court database.

#### **KAREN NELSON - UPDATE:**

Karen explained that the Citrix courts hook up to Full Court on the Web to the Helena database. This means they can do this hook up anywhere, not just at the Courthouse. There are about 30 courts which use Citrix. Karen did not know if court personnel are actually taking court business home and working on it. Thelma inquired if they also have access to the Central Repository and the Citrix courts do. Judge Seiffert did not believe it is an issue if the Judge works in his office, or in his office at home. Karen said the Citrix connections are very secure.

Karen discussed the fact that when courts move, their office incurs costs and these details have not been worked out as to who should pay for this. Lisa said they have even received the phone call for help on the day of the move, without any advance notice. Also, new employees can add to the work load unexpectedly. In Dillon, where the computer was not in a secure area, Karen wrote to the City and advised them that the computer needed to be in a secure area. So far, the state has done very well on a



voluntary system. Judge Carver said in Judith Basin County new Vision Net equipment was set up. The DUI task force put in the last Vision Net, but when the equipment installers started to leave, they were loading up the old Vision Net equipment, which belonged to the DUI task force and not the State. .

Judge Seiffert suggested they may need a Policy and Procedure Manual. Jennifer said she remembers Claudia stating that every month they had to balance out a Court. Lisa commented they had to draw the line in courts that do not take care of their accounts and deposit money in the court account that does not belong there. Lisa said she had to call a court recently and advise them they needed to hire an accountant, as their problem was outside the scope of their Full Court support. Judge Carver believes that the staff in Helena does a good job of knowing where to draw the line.

Karen said she would like to draft a Memorandum of Understanding of what State IT does and what the Court is responsible for. She is somewhat concerned over the economic forecast for the State of Montana and does not want to waste money.

Karen said there may be issues with e-mail accounts as well. Judge Carver said he does not even know the State e-mail policy. He feels this should be documented, so that everyone knows the guidelines. Karen is requesting the help from Judge Carver in getting the policy written up. Lisa said the courts need to understand that overdue processing must be run by the court in a timely fashion and wanted to see that as part of the policy. Judge Seiffert stated that if the clerk won't run overdue processing regularly, the Judge needs to be contacted.

#### **JUDGE CARVER – UPDATE:**

Judge Carver identified **the problem with sending the DL suspension form electronically is the electronic signature has not been worked out yet.**

Orders of Protection – Karen Nelson and Judge Carver will teach victim advocates in Helena on August 20<sup>th</sup>. Judge Carver said that CJIN training manuals have not been updated and this causes the problem with the entering of the Orders of Protection. CJIN operators will have training in September or October on the new Orders of Protection. Karen emphasized **the issue is do you set the Brady indicator to Yes or No**. Some of the CJIN operators are not comfortable in making that decision based on the relationship. Judge Carver said the CJIN auditor wrote up the dispatcher in his county for two errors. One of them was the dispatcher's mistake, but the other one Judge Carver disagreed with and wrote a letter to the auditor explaining the situation.

On that line, Karen said they have received \$22,000 from the VAWA group for a Spring Conference. Beth wanted a steering committee to plan the conference, who should be invited, the curriculum and other details. Judge Mohr inquired if this money would be used to just teach the new forms. Karen advised that education on how to enter the forms into Full Court is still necessary. Karen said this would be the Court's conference and needs to focus on domestic violence. **Judge Carver suggested this be run through the Commission on Courts of Ltd. Jurisdiction first, as they are in charge of the training of**

**Judges.** Tentatively, April 11<sup>th</sup> was mentioned as the week this may take place. The next COCLJ meeting is scheduled for August 5<sup>th</sup>.

Karen discussed that it is now time to sunset LJCMS. There are a few options out there, such as putting that data in a searchable database, or index some of the data in Full Court. Judge Carver still updates some information in the LJCMS database. Judge Carver stated Full Court was installed in his court in 2004, so when he is doing an older record search, he must go to LJCMS to find the old case. He also needs to look up old warrants in the LJCMS program. Some of the old LJCMS cases must be moved into Full Court when money is being received. Barb advised that records from 1995 to 2004 are on their LJCMS program, although, all warrants have been put on Full Court. Based on this discussion, **Karen said it is important to salvage the information from LJCMS. Tammy and Lisa are the only remaining staff that knows LJCMS. Judge Carver suggested that options be presented to this committee at the next meeting.**

**NEXT MEETING DATE:**

**FRIDAY, SEPTEMBER 10<sup>TH</sup>, 2010 AT 9:00 A.M., HELENA, MONTANA**

MEETING ADJOURNED AT 12:10

Minutes submitted by member, Barbara Pepos