

The Supreme Court of Montana
Office of Court Administrator

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TO: Pat Gervais, Senior Fiscal Analyst
FROM: Lois Menzies, Court Administrator
DATE: June 7, 2010
SUBJECT: Clarification of Court Data for Certain Offenses

Thank you for the opportunity to offer clarification on your follow-up report on the Office of Public Defender and on the comments received to date. Our comments are in reference to your table entitled "Office of Court Administrator Information For Office of Public Defender Report to the Legislative Finance Committee."

- We believe that it is important to clarify for readers that the Office of Court Administrator (OCA) did not compile the table referenced above and that the table was not part of the report we submitted in response to your request for information. We did supply the numbers for CY 2009 charges filed, convictions to date, jail time ordered as condition of sentence, and jail or portion of jail time suspended; however, we did not calculate the final column of the table, "Jail as % of charged."
- The Montana County Attorney Association expressed concerns about the accuracy of the OCA data. These concerns were triggered by comments submitted by Mark Westveer, Judith Basin County Attorney. We called Mr. Westveer to discuss the data and his concerns. We respectfully submit that the last column of your table – "Jail time as % of charged" – may be somewhat misleading because only partial conviction and sentencing data were available for charges filed in CY 2009. In other words, not all charges filed in CY 2009 were resolved at the time that the snapshot of the data was taken in March. We believe that it would be more accurate to calculate jail time as a percentage of convictions to date rather than as a percentage of charges filed.

Thank you for sharing these comments with the Legislative Finance Committee. Please let us know if you need additional information.