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COURT EXECUTIVES ADVISORY COMMITTEE

**JUDICIAL BRANCH STATISTICAL INFORMATION SYSTEM
SUBCOMMITTEE**

MATERIALS FOR NOVEMBER 18, 2019

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COURT EXECUTIVES ADVISORY COMMITTEE JUDICIAL BRANCH STATISTICAL INFORMATION SYSTEM SUBCOMMITTEE

NOTICE AND AGENDA OF OPEN MEETING

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1) and (e)(1))
THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS
THIS MEETING IS BEING RECORDED

Date: November 18, 2019
Time: 10:00 a.m. - 11:00 a.m.
Public Call-in Number: 1-877-820-7831; passcode 279-7635 (Listen Only)

Meeting materials will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Members of the public seeking to make an audio recording of the meeting must submit a written request at least two business days before the meeting. Requests can be e-mailed to ceac@jud.ca.gov.

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

Call to Order and Roll Call

Approval of Minutes

Approve minutes of the September 16, 2019, of the Judicial Branch Statistical Information System Subcommittee of the Court Executives Advisory Committee meeting.

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(1))

This meeting will be conducted by electronic means with a listen only conference line available for the public. As such, the public may submit comments for this meeting only in writing. In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to ceac@jud.ca.gov or mailed or delivered to Judicial Council of California, 455 Golden Gate Avenue, San Francisco, California 94102, attention: Emily Chirk. Only written comments received by 9:00 a.m., November 15, 2019, will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-3)

Item 1

JBSIS Felony Report Case Aging and Time to Disposition Correction (Action Required)

Revise and confirm changes to the JBSIS Felony report that will clarify the publication of data in the Court Statistics Report.

Presenter(s)/Facilitator(s): Ms. Leah Rose-Goodwin, Manager, Office of Court Research

Item 2

Proposed Project Timeline for Revisions to JBSIS

Review proposed project timeline for JBSIS revisions.

Presenter(s)/Facilitator(s): Ms. Emily Chirk, Senior Analyst, Office of Court Research

Item 3

Audit Advisory

Discuss Audit Advisory #2019-2 from Audit Services.

Presenter(s)/Facilitator(s): Mr. Jake Chatters, Chair, JBSIS Subcommittee

IV. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Info 1

JBSIS v3.0 Certifications

Update the subcommittee on the progress of certifying courts on JBSIS v3.0.

Presenter(s)/Facilitator(s): Ms. Leah Rose-Goodwin, Manager, Office of Court Research

Info 2

Questions from Courts on JBSIS Definitions (September 2019)

Inform the subcommittee about questions received from the courts from May 2019 to September 2019.

Presenter(s)/Facilitator(s): Ms. Emily Chirk, Senior Analyst, Office of Court Research

Info 3

Questions from Courts on JBSIS Definitions (November 2019)

Inform the subcommittee about questions received from the courts from September 2019 to November 2019.

Presenter(s)/Facilitator(s): Ms. Emily Chirk, Senior Analyst, Office of Court Research

V. ADJOURNMENT

Adjourn



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COURT EXECUTIVES ADVISORY COMMITTEE JUDICIAL BRANCH STATISTICAL INFORMATION SYSTEM SUBCOMMITTEE

MINUTES OF OPEN MEETING

September 16, 2019
2:00 p.m. – 3:00 p.m.
Teleconference

Advisory Body Members Present: Mr. Jake Chatters, Chair; Mr. Chad Finke; Ms. Rebecca Fleming; Mr. Kevin Harrigan; Mr. Michael D. Planet; Mr. Michael M. Roddy; Ms. Kim Turner

Advisory Body Members Absent: Ms. Sherri R. Charter

Others Present: Ms. Leah Rose-Goodwin; Ms. Emily Chirk; Mr. David Kukesh; Mr. Jonathan Sibayan; M. Donna Ignacio; Mr. Bryan Borys; Ms. Liane Herbst

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 2:01 p.m., and took roll call.

Approval of Minutes

The advisory body reviewed and approved the minutes of the May 20, 2019, Judicial Branch Statistical Information System Subcommittee of the Court Executives Advisory Committee meeting. Chad Finke abstained as he did not attend the May 20th meeting.

DISCUSSION AND ACTION ITEMS (ITEM 1-5)

Item 1

Annual Agenda 2020

Action:

The subcommittee discussed language to provide additional detail on the ongoing review and revision of JBSIS standards, efforts to be made in the upcoming year on data governance, and continued work with Audit Services on case reporting.

Item 2

Time to Disposition Standards Review

Action:

Staff provided information and possible solutions regarding a gap in data collection for case aging and time to disposition in the JBSIS felony report. The subcommittee discussed timeframes for making revisions to JBSIS reports and contemplated the possibility of discontinuing publication of the data element until an update was implemented. The subcommittee determined that an in-person working session would be needed to move forward in reviewing the current data elements in the JBSIS reports.

Item 3

Case Numbers and Data Quality

Action: The chair reiterated that the subcommittee would continue to work with Audit Services on case reporting.

Item 4

Questions from Courts on JBSIS Definitions

Action: This item was not heard and will be deferred to the next meeting.

Item 5

JBSIS v3.0 Certifications

Action: This item was not heard and will be deferred to the next meeting.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 3:03 p.m..

Approved by the advisory body on enter date.

Proposed Case Aging Change- JBSIS 7C Felony

Felony 07c – Data Matrix				5	10	20	30	40	50	60	70	80	90	95	100	105	110	115	120
				Felony	Homicide	Forcible Rape	Kidnap	Assault	Robbery	Sexual Offense	Property Offense	Drug Offense	Other Felony	Miscellaneous Criminal Petition	Reduced to Misdemeanor		Habeas Corpus		
P JBSIS Web Portal Case Type				P										P		P		P	
3150	Age of disposed preinformation cases from complaint arraignment to final or interim disposition																		
3155	0–30 days																		
3160	31–45 days																		
3165	46–90 days																		
3170	GE 91 days 91- 365 days																		
3175	GE 366 days																		
3200	Age of disposed cases from date of arraignment on the complaint																		
3300	0–30 days																		
3400	31–60 days																		
3500	61–120 days																		
3600	121–180 days																		
3700	181–365 days																		
3800	GE 366 days																		
3900	Age of disposed cases from date of arraignment on the information or indictment																		
4000	0–30 days																		
4100	31–60 days																		
4200	61–120 days																		
4300	121–180 days																		
4400	181–365 days																		
4500	GE 366 days																		
4550	Age of cases pending arraignment on the information																		
4555	0–30 days																		
4560	31–45 days																		
4565	46–90 days																		
4570	GE 91 days 91- 365 days																		
4575	GE 366 days																		
4600	Age of pending cases from date of arraignment on the information																		
4700	0–30 days																		
4800	31–60 days																		
4900	61–120 days																		
5000	121–180 days																		
5100	181–365 days																		
5200	GE 366 days																		

The proposed change would:

- Re-designate row 3170 to 91-365 days
- Create a new row 3175 to report greater than 366 days
- Re-designate row 4570 as 91-365 days
- Create a new row 4575 to report greater than 366 days

Proposed Project Timeline for Revisions to JBSIS

	7C Case Aging	Phase I Revisions to 5A, 5B, and 13A	Phase II: 2020-2021 Phase III: 2021-2022 Phase IV: 2022-2023 Phase V: 2023-2024
Nov-2019	▪Subcommittee meeting- Finalize changes to 7C Case Aging		
Dec-2019			
Jan-2020			
Feb-2020	▪CEAC Statewide Meeting: Propose changes to 7C Case Aging that will correct time to disposition table in CSR	▪Subcommittee in-person meeting to make revisions to reports 5A, 5B, and 13A. Staff will provide materials on data elements used in CSR, requested through public information requests, and courts that provide the data. ▪Solicate feedback from courts	
Mar-2020	▪Draft report due	▪Solicate feedback from courts ▪Subcommittee meeting- finalize revisions	
Apr-2020	▪Final report due	▪Final materials due to CEAC meeting ▪CEAC Executive meeting: propose revisions to 5A, 5B, 13A	
May-2020	▪Judicial Council meeting: Recommend that the Judicial Council adopt the changes to case aging in the 7C	▪Draft report due	
Jun-2020			
Jul-2020		▪Final report due ▪Judicial Council meeting: Recommend that the Judicial Council adopt the changes	
August			▪Subcommittee in-person meeting to make revisions
September			▪Solicate feedback from courts
October			
November			
December			
January			
February			
March			▪Final materials due to CEAC meeting
April			▪CEAC Executive meeting: propose revisions
May			▪Draft report due
June			
July	Effective date- July 2021	Effective date-July 2022	▪Final report due ▪Judicial Council meeting: Recommend that the Judicial Council adopt the changes



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AUDIT ADVISORY

Date	Action Requested
October 18, 2019	Consider Recommendations
To	Deadline
Presiding Judges of the Superior Courts Executive Officers of the Superior Courts	N/A
From	Contact
Grant Parks Principal Manager, Audit Services	Grant Parks Audit Services 916-263-1321 phone Grant.Parks@jud.ca.gov
Subject	
Audit Advisory #2019-2, Data Quality Practices Relative to the Judicial Branch Statistical Information System (JBSIS)	

The Judicial Council's Audit Services office periodically communicates audit guidance and best practices via memorandum to the superior courts for their consideration. In doing so, Audit Services or the Advisory Committee on Audits and Financial Accountability (Audit Committee) seeks to:

1. Highlight common areas of risk or best practices;
2. Explain the Judicial Council's criteria on the issues, if applicable; and
3. Provide courts the opportunity to review local practices, prior to an audit, to improve or strengthen their processes and/or internal controls.

The sections that follow provide further background, a description of the issues(s), and recommendations for consideration by each court's executive management team with respect to data quality practices and the Judicial Branch Statistical Information System.

Background

Issue Area: JBSIS Reporting

Sub-Area: Data Quality and Review Practices

Applicable Criteria: As referenced below

Accurate JBSIS Data Is Necessary for Reliable and Fair Decisionmaking Affecting the Superior Courts

The courts report case filings data as well as other important workload and performance information through JBSIS. The data contained in JBSIS enables the Judicial Council and its Trial Court Budget Advisory Committee to exercise many of its most important functions, while also providing data on judicial branch workload and case disposition rates. Rule 10.400 of the California Rules of Court references the Judicial Council's establishment of JBSIS, noting the system is intended to:

...provide accurate, consistent, and timely information for the judicial branch, the Legislature, and other state agencies that require information from the courts to fulfill their mandates.

Collecting and analyzing JBSIS data allows the Judicial Council to meet its constitutional requirement to survey judicial business and to adopt rules—and make recommendations to the Legislature and Governor—that will improve the administration of justice.¹ Several of the Judicial Council's most significant decisions and actions affecting the superior courts are informed by, and thus rely upon, the accuracy of JBSIS data. Examples of these significant decisions and actions include:

- *Trial Court Budget Allocations* – which fundamentally rely upon case filings data (specifically counts of filings by weighted case type) when determining funding allocations among the 58 trial courts.
- *Judicial Needs Assessments* – which also rely upon case filings data to determine the need for additional judgeships at each superior court. The Judicial Council must submit an updated report evaluating judicial need to the Legislature every two years.
- *Annual Court Statistics Report* – submitted to the Legislature each year, this report provides the public with court-specific performance data relative to case processing, workload, and case disposition rates at each court.

¹ See article VI, section 6 of the California Constitution.

All three of these important activities align with the judicial branch's strategic plan, specifically goal #3 (Modernization of Management and Administration), which recommends the judicial branch create policies to:

Ensure that data collected by the judicial branch are complete, accurate, and current and provide a sound basis for policy decisions, resource allocations, and reports to other branches of government, law and justice system partners, and the public.

In 2017, as part of its revised audit approach, Audit Services began reviewing JBSIS case filings data and the underlying case files to evaluate compliance with the Judicial Council's policies on JBSIS. In April 2018, the Audit Committee encouraged the Court Executives Advisory Committee (CEAC) to develop JBSIS data quality standards that the Judicial Council later approved in May 2019.² The relatively new JBSIS standards developed by CEAC represent significant and meaningful progress towards establishing clear expectations over JBSIS data quality, consistent with the branch's strategic plan. For example, the new JBSIS standards define a 2% tolerable error threshold. Data errors that exceed this limit for any data element—either within a single case type or cumulatively across all case types—require the reporting court to submit revised data within 60 days of error discovery. It is with this recent progress in mind that the following issues are being shared with courts to further facilitate improved practices.

Description of the Issues

Amended Case Filings Data Can Affect Trial Court Funding Allocations, and Thus Should Be Traceable to Specific Cases

Allocating trial court funding in a fair and transparent manner is among the Judicial Council's primary responsibilities. Doing so requires both the courts and the Judicial Council to have confidence in the underlying case filings data that drives annual budget allocations. However, efforts to validate case filings data can be negatively impacted in instances where courts significantly amend their data without the corresponding detail identifying the specific cases added to or removed from previous JBSIS reports. Absent this detail, it is not possible to conclusively review and validate a court's amended JBSIS data.

If not subject to audit or detailed review, a court's amended filings data can affect the trial court budget allocation process, which takes a three-year average of case filings from each court to determine the court's funding need. Thus, a court's case filings data for a single fiscal year will be used three times as an input to the funding formula, and once in each successive budget year's

² See agenda item #19-069 from the May 17, 2019 meeting of the Judicial Council.

calculation of average filings as shown in the table below. For example, the Judicial Council will use a court’s case filings from fiscal year (FY) 2015–16 when calculating the three-year average of filings in budget years 2017–18 through 2019–20. Other than the annual cutoff period for calculating the three-year average, courts are permitted to continually amend their JBSIS data, and the same year’s case filings can significantly increase by the second or third time they are used in the funding formula.

Budget Year Calculation (3-yr. Avg Filings)						
		2016-17	2017-18	2018-19	2019-20	2020-21
Case Filings (by fiscal year)	2012-13	X				
	2013-14	X	X			
	2014-15	X	X	X		
	2015-16		X	X	X	
	2016-17			X	X	X
	2017-18				X	X
	2018-19					X

Note: The Judicial Council uses each court's case filings data three times during the calculation of the three-year average of filings (as shown with the "X" in the table).

During Audit Services’ reviews of JBSIS reporting, we observed some courts with significant increases in a given year’s reported case filings by the second or third time that same year’s data was used for budget allocation purposes. Some examples include:

- One large court amended its total case filings for FY 2015–16 by an additional 92,778 filings (or an increase of 27.8%) between the time the Judicial Council first used this data for determining budget allocations (i.e., for budget year 2017–18), and the second time this now updated case filings data was used (i.e., for budget year 2018–19).
- One small court amended its FY 2014–15 total case filings by 5,478 filings (+15%) between the time the Judicial Council first used it for allocating trial court funding for budget year 2016–17, and the second time this now updated filings data was used for budget year 2017–18.
- One medium-sized court amended its FY 2013–14 case filings by 10,973 filings (+7.3%) between the time the Judicial Council first used this data for allocating trial court funding for budget year 2015–16, and the last time this now updated data was used for budget year 2017–18.

Ultimately, these increases may or may not have been appropriate; however, neither the courts reporting this data, nor the Judicial Council, are consistently able to validate the amended filings data. Case numbers (or other case-specific identifiers) corresponding to the amended counts of filings are not always available at the courts, thus limiting the opportunity for Audit Services—or more importantly the courts themselves—to validate significant changes through reviews of the underlying case files. JBSIS data only retains aggregated counts of case filings and—as discussed later in this audit advisory—courts are not required under current JBSIS policy to maintain a record of which specific cases support reported filings.

For additional context, Audit Services evaluated how often trial courts significantly amended their case filings data by reviewing each court’s data for fiscal years 2014–15 and 2015–16, noting how those totals changed for each court over time. For a clear majority of trial courts, their case filings data did not change significantly (i.e., total filings for the same year changed by 1% or less). However, for a handful of courts where a given year’s case filings data did increase dramatically, having case numbers (or other case-specific identifiers) that correspond to these increases would have improved the auditability of, and confidence in, the reported data.

Superior Courts Would Have Greater Confidence in JBSIS Case Filings Data If It Were Consistently Auditable for Accuracy

The challenges associated with auditing amended filings data equally apply to auditing the courts’ original reporting of case filings. Ultimately, auditing or validating JBSIS data depends on knowing the specific cases that sum to the aggregated filings data. However, neither the JBSIS Manual nor the recently adopted data quality standards require courts to keep contemporaneous records of the specific filings they report. If courts lack this information, then their ability to validate the filings data—and Audit Service’s ability to independently review it—is weakened.

For audit purposes, many courts attempt to reconstruct the detail behind their JBSIS data by having their case management systems (CMS) generate ad hoc reports for the period covered by the audit. For example, an audit taking place in FY 2019–20 would likely review a court’s reported case filings from two years earlier in 2017–18, since the 2017–18 data is the most recent filings data used for trial court funding allocations in the 2019–20 budget year (per the table shown earlier in this advisory). Thus, a court that reported 20,000 case filings in 2017–18 would be asked to generate a listing of 20,000 unique case numbers (by applicable case type) that corresponds to the court’s filings data in JBSIS. Obtaining this listing is useful for audit purposes because it allows the audit team to evaluate whether (1) the court’s records of filings materially agree with the data in JBSIS; and (2) a sample of 60 cases selected from the CMS-generated list were—based on file review—valid case filings in 2017–18 and were categorized correctly according to the definitions contained in the JBSIS Manual. Unfortunately, an unavoidable

limitation of this audit approach is that it relies upon the court's generated listing of cases, which is often not contemporaneous to its original reporting of JBSIS data. As a result, the court-generated case listing (for audit purposes) is essentially the court's "best guess" of which filings were received two years earlier and there is no corroborative data. A better approach to clarify and improve the quality of JBSIS reporting would be for courts to keep records of which cases support the filings they report each month, at the actual time of reporting.

Notwithstanding these limitations, four of the 12 courts audited over the last two years could not provide a listing of specific cases corresponding to either all or some of the case filings reported to JBSIS. For example:

- One large court with over 200,000 case filings in FY 2016–17 was unable to list the specific cases corresponding to its felony and mental health filings, which represented roughly 10% of all case filings reported that year. The court cited technical limitations with its CMS and highlighted that the Judicial Council does not require it to maintain such detail to support its JBSIS data.
- One small court with less than 10,000 total case filings in FY 2016–17 was unable to list the specific cases supporting any of the case filings. The court suggested the Judicial Council require this type of record retention if deemed a necessary component of the validation process.
- One medium and one large-sized court were unable to generate a list of cases to support the mental health case filings reported in FY 2015–16 or 2016–17, respectively. While mental health case filings at each court represented only a small component of total filings, the lack of detail linking reported case filings to actual cases made it impossible to review case files to determine whether (1) adequate documentation existed to justify reporting the case filings, and (2) the filings were classified correctly based on a review of the case file records and the definitions contained in the JBSIS Manual.

Having clarity over which cases have been reported to JBSIS has benefits beyond solely enabling courts to determine whether the JBSIS Manual definitions have been followed: it also allows a court to identify unintentional double-counting of cases (or other errors) in their reports and, if errors are found, to identify which of its monthly JBSIS reports require correction. For example:

- One small court double counted 42 of 47 juvenile dependency cases between February and June 2016. The court explained that its staff had generated a listing of cases (by case type) when preparing to enter data through the JBSIS portal but did not cross-check the different CMS-generated reports for duplicates of the same case number.

- One small court was unable to provide underlying case files associated with a single case filing reported to JBSIS. (Audit Services requested to review the case's files as part of a larger sample of 60 cases.) The court found that it had erroneously created the case within its CMS without the required petition to properly initiate the case. After further review, the court concluded it had reported over 500 cases to JBSIS over a two-year period that had since been deleted from its CMS because those cases had also been created in error. A process to reconcile the cases deleted from its CMS with those previously reported to JBSIS would have prevented this problem for the court.

Recommendations

To improve the trial courts and Judicial Council's ability to validate and audit court filings data in JBSIS—and to provide all courts with greater confidence in filings data for branchwide decisionmaking—Audit Services recommends that each court's management team develop and implement the following JBSIS data quality practices:

1. ***Maintain case-specific listings that support the court's aggregated counts of case filings in JBSIS.*** These case listings should be contemporaneous with and correspond to the court's submission of its monthly JBSIS report, by case type. Case listings should include case-specific identifiers (such as a case number) and should be stored in an electronic and searchable format; for example, using CMS to generate a data extract of case filings—which is then stored in Excel—at the time of JBSIS reporting.
2. ***Retain case-specific listings in support of the monthly JBSIS reports for a period of five years following report submission.*** This record retention practice is consistent with comparable policies in the *Trial Court Financial Policies and Procedures Manual* (FIN Manual). Specifically, FIN 12.01, Section 6.1 requires a five-year (current year plus four) retention period for the court's other financial business records. Maintaining case number listings of the cases reported to JBSIS for a given period, as well as the listings for any subsequent amendments to the data, better ensures the auditability of the data and any significant increases to case filings data.
3. ***Develop local JBSIS data quality assurance plans defining specific steps the court will take to reasonably ensure the quality of its case filings data.*** These local data quality assurance plans would be analogous to each court's local contracting manual, which further specifies the court's unique procurement activities and policies. A comparable court *JBSIS Data Quality Assurance Plan* should describe the methods the court will specifically take to both (1) prevent errors before they are reported to JBSIS, and (2) detect errors once reporting has already occurred. For example, a court's JBSIS data

quality plan might specify who at the court is responsible for performing the following activities (and how often):

- a. Ensuring the court's listing of case numbers agrees with the comparable counts of filings contained in JBSIS;
 - b. Reviewing underlying case numbers to ensure the same number is not used to support more than one new filing (either within the same month or from previous and counted monthly JBSIS reports);
 - c. Using the court's listing of case numbers to periodically review samples of case files to ensure the JBSIS Manual's definitions have been followed and CMS-mapping issues, if any, are promptly identified and resolved; and
 - d. Identifying significant changes or amendments to a prior year's reported case filings (such as an increase of 2% or more) and reviewing the reasons and specific cases that correspond to the change.
4. ***Submit the court's JBSIS data quality assurance plan to the Judicial Council.*** Submitting the court's local JBSIS data quality assurance plan to the Office of Court Research and Budget Services will permit the Judicial Council to understand the court's data quality processes. Further, the Judicial Council's posting of these data quality assurance plans for review by all trial courts—such as on Judicial Resources Network—can help facilitate the exchange of best practices across courts, particularly among those with similar staffing, financial resources, and CMS systems.
5. ***Disclose CMS limitations that hinder the court's ability to know the specific cases that support its case filings data.*** If a court has a CMS system that is outdated—or has other technological limitations that otherwise prevent it from knowing the underlying data for its reported case filings—the court should disclose this limitation in its JBSIS data quality assurance plan and indicate how and when it anticipates resolving these technological limitations. Finally, courts that transition to a newer CMS should develop plans to test the accuracy and completeness of the data transferred from their legacy systems.



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MEMORANDUM

Date September 10, 2019	Action Requested Information Only
To CEAC JBSIS Subcommittee	Deadline N/A
From Emily Chirk Senior Research Analyst Office of Court Research	Contact Emily Chirk Senior Research Analyst Office of Court Research (415) 865-7453 phone emily.chirk@jud.ca.gov
Subject JBSIS Questions	

Below are a sample of questions and answers that the Office of Court Research as received over the last four months regarding JBSIS.

Question #1: Please confirm whether or not we should be counting all criminal Writs of Habeas Corpus as a new felony filing or only in instances when we do not have the underlying criminal case in our county? The definition for “petitions” in row 700 make it seem as though that we shouldn’t count all of them, but it is not explicitly stated in the definition for the Writ of Habeas Corpus case type (unlike in Misc. Criminal Petitions, which explicitly states when to count or not count).

Answer: Writ of Habeas Corpus should only be counted as a new filing in instances where there is no existing criminal case in which the petition can be filed and in which a new case must be opened. For example, a prisoner sentenced to prison by County X, and serving time in a prison in County Y, files a habeas petition in County Y. Lacking a criminal case in which to file the habeas petition, County Y gets new filing credit. Another example: A prisoner sentenced to prison by County X files a habeas petition in County X. The petition concerns conditions of confinement, and has nothing to do with

the original criminal case that sent the prison to prison. County X does NOT get new filing credit for that petition.

Question #2: I have a case where the Notice Regarding Payment of Support was filed in 2017 and again just this month, June 2019. Because our court did not get the first credit for it being filed in 2017 since this just updated in 3.0, do we get the credit for it for June 2019?

Answer: Yes, you can count the 2019 filing even though there was a 2017 filing. Our anticipation is that as time passes, the number of cases with this scenario will decrease and eventually we will only have cases that count at the “true” initial filing of the 632.

Question #3: If multiple parties in a single case file form FW-001 Request to Waive Court Fees, does that mean the Court should only report the request from the party who is first to file the form in this row? Also, is “Subsequent fee waiver requested” defined as a request to waive additional court fees using form FW-002, or is it any request(s) to waive court fees (even using FW-001) that follows the first instance that FW-001 is filed in a case?

Answer: California Rules of Court 3.50 defines initial fee waiver as the “initial waiver of court fees and costs that may be granted at any stage of the proceedings and includes both the fees and costs specified in rule 3.55 and any additional fees and costs specified in rule 3.56.” Rule 3.55 is for FW-001 and Rule 3.56 is for FW-002. This would indicate that FW-002 are part of the initial filing definition. So FW-002 would not be counted in Row 4550. Row 4550 should be the 2nd, 3rd, etc FW-001 filed by either party. Row 5300 would only count FW-001 filed the first time in a case, regardless of whether the party is the initial petitioner or not.

Question #4: I have a question regarding the “Reopen” row for JBSIS. If a new filing for a Petition 601 Original is disposed by an entry of judgement and an order for a dismissal and sealing of records is granted under W&I 786, would I reopen the petition and enter the dismissal? Would this be considered double counting?

Answer: Reopened is used whenever the disposition changes. This is not a double count because reopened cases do not count in filing. The reason we have the reopened row is to allow a one to one relationship in the inventory section between “opening” of cases and “closing” of cases. For every opening of a case, there should be a closing and vice versa.

Question #5: How are PRCS and Parole Petitions counted in JBSIS if at all?

Answer: Post disposition workload for renovation hearings and mandatory supervision violation can be counted in rows 7300 (resentencing/modification hearing) or 7500 (other hearing).

Question #6: I have a question in regards to JBSIS 3.0 as relating to Row 225 Reopened: “A case that was previously reported as disposed but is resubmitted to a court.” With respect to Probate cases, there can be a case within a case which means at more than one point within a case a disposition can occur. Certain petitions can be disposed and reopened. Does the reopen category apply in those instances? Or, does the reopen row only apply to a case that has reached final disposition? Such as, there is a final discharge of a Probate and the case is closed, then years later, more property is found and the Probate has to be reopened. Please advise.

Answer: Reopened is in the inventory (initial petition) section, I’m inclined to say that reopened is only used after the initial petition has been disposed. Row 500 defines dispositions as “the manner in which an initial petition is disposed.” Subsequent petitions are disposed on rows 4200-4400 and cases under supervision are disposed in rows 2350-2900.

Question #7: I have a request for clarification for the Family Law 6a report. The first page of the data elements definitions for family law states that the case is the unit of count for family law, regardless of the number of respondents or causes of action listed in the complaint/petition. Pages 6 states that we should get filing and disposition counts for domestic violence cases, even if they are processed as part of an existing case. If we have a request for a DVRO and we add it to an existing dissolution case, do we count the events and other workload counts for the DV in the dissolution column or the DV column? It reads to me that the DV workload should be added to the dissolution column and we would only get additional filing and disposition counts for the DVRO filing in the DV column. The same question applies to workload for DCSS, as we also get filing/disposition counts even if processed as part of an existing case (pages 7-8).

Answer: The events and other workload counts for the DV should be captured in the DV column. Same with the DCSS workload.

Question #8: If one of the case types under Provisionally Complex Civil Litigation is filed, but the civil case cover sheet reflects that the case is not complex, (#2 on the civil case cover sheet is marked “is not complex”) then does the case continue to be reported as provisionally complex?

Answer: CRC 3.403 (a) states: “Except as provided in rule 3.402, if a Civil Case Cover Sheet (form CM-010) that has been filed and served designates an action as a complex case **or checks a case type described as provisionally complex civil litigation**, the

court must decide as soon as reasonably practicable, with or without a hearing, whether the action is a complex case” (emphasis added).

CRC 3.403 (a) indicates that a case is provisionally complex in two scenarios: if section one indicates that a case is provisionally complex or section two indicates that a case is complex. There is no requirement that both sections indicate that the case is *provisionally* complex, creating an “or” scenario instead of an “and.” Additionally, it is the role of the court to make the final determination of whether a case is complex or not. JBSIS captures provisionally complex casetypes which CRC 3.400 specifically designates as casetypes under section one.



JUDICIAL COUNCIL OF CALIFORNIA

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MEMORANDUM

Date November 12, 2019	Action Requested Information Only
To CEAC JBSIS Subcommittee	Deadline N/A
From Emily Chirk Senior Research Analyst Office of Court Research	Contact Emily Chirk Senior Research Analyst Office of Court Research (415) 865-7453 phone emily.chirk@jud.ca.gov
Subject JBSIS Questions	

Below are a sample of questions and answers that the Office of Court Research as received over the last two months regarding JBSIS.

Question #1: Bullet four in the “What/How not to report filings” section of the 13A report states that other filed documents such as motions as part of an existing small claims case are not reported as filings. Does a claim by a plaintiff from outside of the county/state for an order to produce or order for examination against a defendant count as a new filing? These would have an existing small claims case in the plaintiff jurisdiction.

Answer: An order to produce or order for examination would not count as a new filing because it is post-disposition activity. These would fall under the items described in bullet four as a document a part of an existing small claims case.

Question #2: Is a case considered closed when a judgement is made or when the judgement has been satisfied?

Answer: For dispositions, entry of judgment is when the judgment is made. See for example row 1800 which states “entry of the final determination of the rights of the parties in an action or a proceeding after court hearing”.

Question #3: Where are Sister State Judgments counted?

Answer: Per the Civil Case Coversheet, Sister State Judgments are on the 5A/5B under Enforcement of Judgment

Question #4: Does JBSIS count a plea withdrawn as a reopen? Typically, we have pleas withdrawn and case dismissed so we would have already reported the first disposition.

Answer: I would agree that a plea withdrawn would result in a reopen because the disposition changes. In the traditional scenario, a defendant enters a plea and then changes their mind and wants to proceed to trial so they make a Motion to Withdraw a Plea. If the motion is granted, then the case would be considered reopened. For collaborative court cases that require a plea to enter into the program and allows withdrawal of plea after completion of the program, this would also count as a reopen.

Question #5: What casetype should PCRS and Parole Petitions report under? Are we supposed to report this data to the AB109 Statistics Report or the JBSIS 7C Report?

Answer: You would report this data to the AB109 Report overseen by the JCC- Criminal Justice Services and can report it to 7C JBSIS. Per JBSIS definitions, these would not count as new filings and would only be captured in workload in the JBSIS report. They would fall under the underlying cases. No double counting occurs as JCC-Office of Court Research does not oversee the data collected by JCC-Criminal Justice Services and we do not have access to it.

Question #6: Could you please explain the difference between Row 7600 and 8500 in the 11A report?

Answer: If the defendant is a juvenile at the time the offense is committed, it should report to row 7600 until disposition even if defendant turns 18 during the process. A count for row 8500 should occur for the month of disposition even if the defendant has since turned 18. Row 8500 should only get one count per case at disposition whereas Row 7600 would receive a count each month until the month of disposition when no count is received for Row 7600, but Row 8500 receives one. Case characteristics should not be counted for post disposition activity.