MNCIS Statewide Sentencing Order
Fact Sheet

Background and History:

In **October 2003**, the Supreme Court issued an order eliminating the mandatory production of transcripts for felony and gross misdemeanor guilty plea and sentencing hearings. As part of this order, the Court also directed that a statewide sentencing order be developed, to be produced through the court's case management system (MNCIS). This led to the formation of a Sentencing Forms Subcommittee in late 2003. The subcommittee was comprised of court representatives and other criminal justice agency partner representatives (corrections, public defenders, prosecutors, etc.), and was chaired by Judge Thomas McCarthy. With the various stakeholder perspectives represented, the subcommittee defined the specific data elements considered to be essential in a statewide sentencing order. The Sentencing Forms Subcommittee issued its final report in November 2004.

Using the subcommittee report as a guide to define the business requirements, State Court Administration staff began working with the case management system vendor to develop an automated sentencing order in MNCIS. In **July, 2008** the MNCIS Sentencing Order Workgroup, made up of judges and court administrators, was formed. Their charge was to advise State Court Administration, inform Judicial Council discussions, and provide reaction and feedback on the usability, applicability and flexibility of the MNCIS sentencing order. Development of the sentencing order was completed in **November of 2008.**

The MNCIS Sentencing Order was piloted by 54 volunteer courts from **January – July 2009**. This allowed the order to be exercised in live courtroom settings on a wide variety of cases. Following the pilot, the sites were surveyed and the results were reviewed by the MNCIS Sentencing Order Workgroup. This resulted in some changes to the order. The workgroup reported to the Judicial Council in November, 2009 that that pilot results were favorable and that the MNICS Sentencing Order is a workable, effective tool.

In **January 2010**, the Supreme Court reviewed its 2003 order, the final reports of both the Sentencing Forms Subcommittee and MNCIS Sentencing Order Workgroup and issued an order making use of the Sentencing Order mandatory effective **July 1, 2010.**

Benefits and Efficiencies:

Benefits to Defendants
- Only items actually ordered appear on the order (no extraneous check boxes or text).
- If Order is generated in the courtroom:
  - May receive a copy of the sentencing order before leaving the courthouse
  - May have an opportunity to ask attorney for clarification/explanation of the court's order before leaving the courthouse

Staff Efficiencies (with or without in-court updating)
- Reduced handoffs and streamlined processing
- Cases updated (including financial obligations) and sentencing order created in a single process
- Eliminated keystrokes when defaults and system macros and/or programmable keyboards (which can be programmed to complete a set of updates in a single key stroke) are used
- Reduced phone calls from partner agencies and members of the media or other interested persons inquiring about case/sentencing information
- Warrant of Commitment incorporated into order, as appropriate, eliminating need to produce a separate document for this purpose

Data Quality & Integrity
- The case management system and the printed order will always match, eliminating time previously taken to correct discrepancies between an order and the system
- If created in the courtroom, the clerk in the courtroom can focus on data entry and ask the judge for any clarification as needed
- Person in the courtroom is also simultaneously performing case updates reducing opportunity for error inherent in a multi-step process
- Once created, the sentencing order cannot be updated to safeguard against changes not actually ordered and/ or multiple versions of the order being printed and distributed (date and time printed appears in footer).

Frequently Asked Questions about the MNCIS Sentencing Order:

Q: How do I generate the order?
A: Once the sentencing information is entered into MNCIS, a 'print order' hyperlink is enabled on the Disposition tab and in the hearing minutes. Simply click on the hyperlink to generate the order.

Q: Does the Sentencing Order have to be produced in the courtroom? What if we are not ready for in-court updating or are not able to implement it by the time use of the Sentencing Order is required?
A: No, the MNCIS Sentencing Order does not have to be produced in real time in the courtroom. While this method provides the most benefits in terms of immediate transmission of electronic data to other agencies and having an order available to the defendant before leaving the hearing, it can be issued later, outside of the courtroom based on the minutes taken at the sentencing hearing. Court Administration staff makes MNCIS case updates in the same manner. The data entered into the system then informs the sentencing order. In-Court Updating has its advantages as well as its challenges. Your court should decide what works best in light of staffing levels, courtroom logistics and other factors. More information on in-court updating can be found on CourtNet at: In-Court Updating Final Report 9.07.

Q: Is this a checkbox order where the judge can bring the order up on a screen and check items that apply?
A: No. The MNCIS Sentencing Order is a template in terms of its design format and certain standard language it contains. Case specific detail is derived from updates made in MNCIS, which populates the template resulting in the order. Only information actually ordered by the judge appears on the sentencing order. It is created and stored as a PDF document in MNCIS so it cannot be altered. This design approach was taken for two important reasons; to ensure that the information in the case management system and the printed order always match exactly, as well as to eliminate key strokes by using information already required to be entered in MNCIS.

Q***: How can the MNCIS Sentencing Order provide the necessary flexibility to meet individual judge needs?***
A: While the order utilizes a template design, there are some limited opportunities for customization. For example, the system components can be arranged to accommodate the order in which a judge prefers to sentence (e.g. jail, probation, fine, conditions). This allows the judge to sentence as he or she prefers while allowing the court clerk to have items presented in a predictable sequence, resulting in more efficient updating. Sentence conditions can also be added to the system by location if locally specific programs or instructions are consistently used, and customizable "default" comment or instruction can also be locally added as desired. Sentencing conditions macros can be created based on judge sentencing practices and type of offense.

Q: What training will be offered to prepare for the July 1st implementation?
A: Training and refreshers will be offered to court staff in the upcoming months. Court staff who update criminal cases will be provided with training on the purpose of the Sentencing Order in MNCIS and how to use it as well as receive refresher training on hot keys and shortcuts. Those individuals with system rights to create sentencing macros will receive a refresher training on the use of sentencing macros and local conditions. Business Systems Coordinators will be able to answer questions in the districts. Written communication to judges and court staff will also be sent in the coming months.

Q: Can my court make its own version of the Order in Word?
A: No. The Supreme Court's Order revised Minn. R. Crim. P. 27.03, subd. 7 to state that "the court must record the sentence using an order generated from the court's case management system." This means the court must use the MNCIS-generated Sentencing Order.

Q: The requirement to use the MNCIS Sentencing Order seems rather sudden. Why haven't I heard about the Order before now?
A: You probably have, but it has been a number of years since then. Before the Sentencing Forms Subcommittee filed its final report with the Supreme Court in 2004, the Chair – Judge McCarthy – and other members of the committee sent a draft of the report out for comment, and visited every district bench meeting as well as various stakeholder organizations to discuss its content. The subcommittee received extensive feedback, and incorporated much of the feedback into its final report and recommendations. The development of the MNCIS sentencing order has been a long and extremely complicated process. The requirements established by the Sentencing Forms Subcommittee required very complex system logic to get the content and look and feel of the order up to standard. As a result, it has taken nearly 6 years to move the statewide sentencing order from concept to reality.