

1. Meeting Minutes



JISC DATA DISSEMINATION COMMITTEE
Friday August 26, 2016 (8:15 a.m. – 9:45 a.m.)
Administrative Office of the Courts
SeaTac Office Building
18000 International Blvd. Suite 1106, Conf Rm #2
SeaTac, WA 98188
Call-in Number: 1-877-820-7831, Passcode 797974

DRAFT - MEETING MINUTES

Members Present

Judge Thomas J. Wynne, Chair
Judge Jeannette Dalton
Judge J. Robert Leach
Judge G. Scott Marinella
Ms. Barbara Miner
Ms. Brooke Powell
Ms. Aimee Vance

Guests Present (telephonically)

Ms. Sonya Kraski, Snohomish Co. County Clerk
Mr. Mark Allen, Snohomish Co. Clerk's Office
Mr. Kevin Hurtado AIRS
Ms. Luu Nguyen, U of Cal, Berkeley
Ms. Gillian Slee, Harvard University

Members Not Present

Judge David A. Svaren

Staff Present

Stephanie Happold, Data Dissemination Administrator
Kathy Bowman, MSD Administrative Secretary
Keli Beck, Senior System Support Analyst
Charlotte Jensen, Court Business Information Coordinator
Michael Keeling, ISD Operations Manager
Lisa Lind, Business Process Engineer
Trina Wendel, Business Process Engineer
Paul Farrow, Tyler Technologies

1. Call to Order, Approval of Minutes

The August 26, 2016, JISC Data Dissemination Committee Meeting was called to order at 8:20 am by Judge Wynne. Judge Marinella moved to approve the Minutes of June 24, 2016, and Judge Dalton seconded. The minutes were unanimously approved as written.

Due to AOC Staff schedules, Judge Wynne called the review of the Data Dissemination Policy Draft next.

2. Review of Data Dissemination Policy Draft

Judge Wynne presented his proposed changes to Section III.G. Ms. Vance, Ms. Miner, Ms. Kraski and Mr. Allen all raised questions about how these changes would impact staff work and customer interaction within their offices, and about how confidential addresses could be protected. The Committee discussed various technical restraints between the case management systems and what can/should be driven by policy. Ms. Vance voiced concerns about prohibiting release of party addresses as it would hinder the courts' ability to disseminate

reports that are needed to efficiently conduct court business. This prohibition would exponentially increase staff counter time. She asked if exceptions could be made in the policy to allow address dissemination related to court work.

The Committee then discussed how addresses are entered into the case management systems. Questions were raised about the case source for addresses, and how a confidential address would display in JIS if the party was a defendant in a later criminal case. Committee members asked how addresses could be filtered between the case management systems and if they could be protected by case type. Mr. Farrow was asked to demonstrate how addresses are entered into the Odyssey case management system and then displayed. Mr. Farrow explained the Odyssey address screen and showed how addresses can be flagged as confidential. He also stated that if an Odyssey or Odyssey Portal user does not have certain access rights, the confidential address will not be seen.

Ms. Vance asked if there was a system-wide way to flag addresses by case type. Ms. Kraski responded that the cases of particular concern are not just confidential cases, but also those public cases with a confidential information form filled out. The document itself is confidential, but the information contained on it may possibly be entered into database to create the PER record. Committee members discussed how prior to Odyssey, documents were maintained in a separate database from the person case records. Now, documents and case management data are combined, creating difficulty. Also, once the address is added into the case management system, whether it is JIS or Odyssey, the source of the address (a confidential information form, DOL, etc.) is not linked to the information. Odyssey does provide the ability to add a source for the address, but there was confusion if source was case/court source or a code similar to the status code in the JIS ADH screen. Judge Leach asked what additional problems were created because of data transfers and/or new case data entries. Ms. Vance responded that because of not knowing the source of the address, problems would occur in both.

The Committee also discussed the relationship of the address of the person (defendant, victim, protected party) to the case type itself and that not all addresses are protected addresses.

Judge Leach asked how the systems handled data requests if multiple courts added different addresses for a party for various cases and if it could be controlled where those addresses came from, be displayed, or be disseminated. He asked if it was possible to display addresses only from non-confidential case types. Ms. Jensen explained that when running BOXI reports from JIS, the system pulls all records for the date, attaches names to it, and then the current address. The addresses would be used regardless of where it came from. The user could try to limit the addresses from confidential case types by filtering out by case types (removing adoption or juvenile dependency cases for instance.). However, if there is a protection order case and petitioner is a parent in a dependency case, the system would not report parents' name and address on dependency case, but the information would be in JIS for the protection order. Because the same party/person record is used, the report would have the name and address.

Ms. Kraski presented her concerns about allowing addresses to be displayed. Because of confidential addresses from public cases being displayed in Odyssey Portal during the Snohomish County Odyssey implementation, she had the AOC SC-CMS staff immediately shut down that access for Portal roles.

The Committee discussed splitting the policy to what can be viewed in the case management systems and what the courts could provide directly for a data dissemination request.

The Committee was concerned about making any decisions on the policy today, as not enough was known about the case management technology, how the systems interact with one another, and how addresses are entered into the systems. The Committee agreed that they should schedule an additional meeting specifically for this topic. DDA Happold will set up a meeting late September, early October for the Committee to discuss these issues further.

3. American Information Research Financial Data Request

Mr. Kevin Hurtado from American Information Research (AIRS) presented the request for an unlawful detainer report that would include financial data in judgement cases. However, after hearing the discussion about the draft data dissemination policy, Mr. Hurtado was concerned that the addresses would not be available in the system. DDA Happold reported earlier to Mr. Hurtado that if there were any addresses associated with the case, they would belong to the parties and not the address where the unlawful detainer took place. However, it was now known that respondent addresses would also not be available because the parties to unlawful detainers are not well identified parties with addresses in the system. There is a possibility that the address for a pro se would be available, but that was not assured either. DDA Happold advised that AIRS would need to research the address information by going to the individual county clerk's offices. Mr. Hurtado said without the address information, AIRS did not want the data. DDA Happold asked if it was beneficial to AIRS if AOC provide a list of unlawful detainer cases that AIRS could use to research the address information with the county clerk's offices. Mr. Hurtado responded that it was possible. DDA Happold suggested that Mr. Hurtado go through with requesting the financial data with the DDC just in case the list of unlawful detainer cases is helpful so he does not have to come back to the Committee. Mr. Hurtado agreed. DDA Happold asked the Committee for a motion to approve AIRS request for financial data, minus addresses. The motion was unanimously passed with the usual financial data request requirements that included the county clerk's office representative reviewing the reports for accuracy.

4. University of California – Berkeley Financial Data Request

Ms. Luu Nguyen presented University of California – Berkeley's request for debt collection cases including financial data. Ms. Miner asked if the request was for Superior Court and CLJ Court data; Ms. Nguyen confirmed it was for both.

It was discussed that causes of action are not always clear in the case management system and that there is no case type/specific cause code for debt collection. Debt collection could occur in numerous other causes of action and the docket coding would need to be used to draw out the information. It was asked and Ms. Nguyen confirmed that they are not looking for child support or maintenance. Judge Wynne called for a motion; Judge Svaren moved to approve the request, subject to usual requirements for financial data requests. Ms. Miner seconded and it was passed unanimously.

5. Harvard Financial Data Request

Ms. Slee presented the Harvard request for unlawful detainer case information, including financial data. Although they are looking at where evictions occur, they are prepared to do the additional research for address information as they understand it will not be available through AOC. Judge Leach made the motion to approve the request with the same requirements as previous financial data requests and Ms. Powell seconded it. The motion passed unanimously.

6. DCH Screen Recommendation Vote

DDA Happold updated the Committee on its July 22, 2016, decision to revise the DDC recommendation from removing the DCH screen from JIS to adding warning messages agreed upon by EDE Governance Committee as soon as possible. The Committee Members had held off voting on the recommendation change during the July meeting until more members were present. Ms. Vance moved and Judge Svaren seconded that the DDC revise its recommendation to AOC and the EDE Governance Committee from removing the DCH screen to instead adding warning messages, both temporary and permanent, to multiple JIS case compilation screens and reports as soon as possible. The motion passed unanimously.

7. Other Business

Dates of birth and addresses are still shut off for every Odyssey Portal Role. DDC will table this discussion for now.

Meeting adjourned 9:30 am.



JISC DATA DISSEMINATION COMMITTEE
Data Dissemination Policy Work Session
Thursday, October 6, 2016 (1:00 p.m. – 3:00 p.m.)
Administrative Office of the Courts
SeaTac Office Building
18000 International Blvd. Suite 1106, Conf Rm #2
SeaTac, WA 98188
Call-in Number: 1-877-820-7831, Passcode 797974

DRAFT - MEETING MINUTES

Members Present	AOC Staff Present
Judge Thomas J. Wynne, Chair	Stephanie Happold, Data Dissemination Administrator
Judge J. Robert Leach	Keli Beck, Senior System Support Analyst
Judge G. Scott Marinella (telephonically)	Charlotte Jensen, Court Business Information Coordinator (telephonically)
Judge David A. Svaren (telephonically)	Michael Keeling, Operations Manager
Ms. Barbara Miner	Elaine McLaughlin, Court Records Access Coordinator
Ms. Brooke Powell	Dexter Mejia, Court Business Office Manager
Ms. Cynthia Marr, Pierce County District Court, appearing on behalf of Ms. Aimee Vance	Maribeth Sapinoso, SC-CMS Project Manager
	Trina Wendel, Business Process Engineer
Members Not Present	
Judge Jeannette Dalton	Guests Present
Ms. Aimee Vance	Ms. Sonya Kraski, Snohomish County Clerk
	Mr. Mark Allen, Snohomish County Clerk's Office
	Mr. Paul Farrow, Senior Project Manager Tyler Technologies
	Ms. Dena Marley, Snohomish County Clerk's Office

1. Call to Order, Purpose of Work Session:

The October 6, 2016, Data Dissemination Committee (DDC) work session was called to order at 1:00 pm by Committee Chair Judge Wynne.

Judge Wynne informed attendees the purpose of the work session was to come to a consensus regarding the following issues so the Data Dissemination Policy (DD Policy) could be completed:

- Understand how party addresses are entered and displayed in the case management systems; and
- How confidential address information is used in the JIS and Odyssey systems.

Ms. Miner inquired if the Confidential Information Form (CIF) would be discussed during the meeting as well. DDA Happold indicated the Law Enforcement Information (LEI) was one of the forms Judge Wynne asked her to provide for the meeting and that she also had an answer to Judge Wynne's question he posed to her before the meeting as to why there were two different CIF forms being used. She suggested she provide a summary of the documentation contained

in the work session binders prior to discussing individual documents so the Committee members knew what they had before them

2. Background from DDA Happold

Prior to the work session, Judge Wynne requested DDA Happold collect specific documentation and case screen shot examples from the different case management systems for the Committee members to review. He also requested that certain subject matter experts attend the meeting to answer any questions necessary to finalize proposed amendments to the current DD Policy.

DDA Happold commented that the decisions today needed to include not only JIS and Odyssey and how the data is displayed between the two systems, but also how the data is transferred into the AOC data warehouse and in BOXI reports that are also used by the courts.

3. Review of Binders

DDA Happold reviewed the contents of each binder tab, explaining why Judge Wynne asked for each item.

Tab 1. Draft DD Policy Amendments, with tracked changes.

Tab 2. Draft DD Policy Amendments, clean version.

Tab 3. JIS Person Business Rules for entry of addresses.

Tab 4. Examples of how addresses are entered into JIS. Includes PER and ADH screen shots.

Tab 5. Examples of how addresses are entered into Odyssey.

Tab 6. Examples of addresses used in case type 7s and tied to a PER record. Example is an individual with case types 7 and 8.

Tab 7. Example of Case Type 3 with WIP Minors.

Tab 8 Example of Sexual Assault Protection Order Case with Minor.

Tab 9 Example of Case with Offender and Victim are both Minors.

Tab 10 Law Enforcement Information form.

Tab 11 JIS Security for JIS LINK users.

Tab 12 Statutes and Court Rules.

4. Discussion

Ms. Miner inquired about Tab 10, Law Enforcement Information (LEI) form and its similarities to the Confidential Information Form (CIF) that was not included in the binder. Ms. Miner expressed concerns about courts using these forms interchangeably and asked why there were

no examples of the CIFs included. DDA Happold explained that Judge Wynne did not request for a copy of the CIF to be included, but instead asked her to answer the question of why there were two different CIFs being used by the courts. DDA Happold contacted Merrie Gough, the staff attorney for the Pattern Forms Committee, prior to the work session and asked about the two different CIFs. Ms. Gough stated that there was no reason for two different versions, that she would make the recommendation to the Pattern Forms Committee to use just one, and she thanked the DDC for bringing it to her attention.

The DDC discussed how the LEA and CIF are filled out by parties during case initiation. The LEI form includes two fields for Protected Parties to enter their address information: one for confidential address information and a separate box for non-confidential address information. The members agreed that the LEI form should be a pass-through form and not kept in the court file. Court and County Clerk representatives explained how the forms are used in their offices, including how information from those forms may be entered into JIS. Judge Leach noted both forms imply to the petitioner that the information will be confidential, therefore information from the forms should not be entered into any system where it might be publicly viewable.

DDA Happold reminded the group that as information passes between JIS and Odyssey and goes to the AOC data warehouse, there is no indicator or flag in place to differentiate whether addresses are marked public or confidential.

Ms. Kraski explained to the Committee that during her county's Odyssey implementation she was notified that confidential names, addresses, and birthdates that were in a public case type were being displayed in Odyssey Portal. After learning of this, Ms. Kraski told the AOC SC-CMS team to immediately turn off all addresses and birthdates in Odyssey Portal to prevent the information being displayed.

DDA Happold then reviewed *Tab 3, the JIS Person Business Rules for Entry of Addresses (PBR)*, which provides additional detail regarding the Secretary of State's Confidential Program for Victims of Crimes. She highlighted a PBR requirement that:

'At no time should the word CONFIDENTIAL be added to the Name or Address Fields of the person record.'

DDA Happold then reviewed *Tab 4, Examples of how addresses are entered into JIS - Includes PER and ADH screen shots*. The screens provided were training screens. She explained the status codes contained in the ADH screen, how they related to the addresses entered into the system, and that the status code CA stands for Confidential Address when the Secretary of State (SOS) confidential address program is being used by the party. DDA Happold noted that JIS Link level 1 users do not have access to the ADH and the PER screens, and that Public Defenders have access to the ADH screen but not the PER screen. DDA Happold was not sure if the CA address is flagged at the data warehouse and suggested they ask Ms. Jensen when she called into the meeting.

Ms. Marr stated Tab 4 was not an accurate example of the SOS Confidential Address as the screen shot showed a residential address and the SOS address is a Post Office Box. DDA Happold agreed that the training data was not the most accurate example and that it should be a PO Box.

DDA Happold then presented tab 5 and how addresses are entered into Odyssey. Judge Leach asked that if a box on the CIF is checked then how did the information become confidential.

DDA Happold responded that the check box is not conveyed in JIS/Odyssey as those parties are well identified parties/persons and an address is needed to complete the person's case management information. Judge Leach expressed concern over the implied privacy in the current version of the CIF language.

DDA Happold then explained that the Status Code in JIS and the Source Code in Odyssey have the same function and illustrated the differences of how address information is inputted into the two systems. She also pointed out that the Odyssey confidential address check box is only for the SOS address program per the PBRs and not for any other purpose. Ms. Kraski commented that this is not known by the clerks using Odyssey. Numerous people stated that Odyssey makes it easy to make this mistake. Ms. Sapinoso informed the room that AOC educators are now aware of these issues and will update training materials and online manuals about how to use this screen.

DDA Happold also described how Odyssey address entries require another source code when the confidential address is checked, whereas JIS considers the CA a source code on its own. Mr. Keeling asked Mr. Farrow if there is a way the Odyssey field can be updated. Mr. Farrow said yes, but that it would cost the project in development hours.

DDA Happold stated that the AOC Person Maintenance Team reviews replication errors and then updates records to ensure JIS information is accurate, including address issues between the two systems. During this process JIS and Odyssey status and source codes are mirrored.

Judge Leach asked Mr. Farrow if the Odyssey DMS has the capability to differentiate whether an address originated from a specific case type, giving criminal or domestic violence cases as examples. Mr. Farrow said Odyssey can be configured that way, but Odyssey Portal cannot.

Judge Leach asked what is possible as far as specifying information as confidential. DDA Happold stated that JIS limits access internally by protecting some screens, but the data warehouse has no way to interpret or differentiate these confidential settings so information in the data warehouse can include confidential addresses.

Judge Leach asked DDA Happold how the expansion of JABS access to Law Enforcement Agencies might affect access to confidential information. DDA Happold indicated she would follow up and report back. Judge Leach also inquired who at the courts are granting access to JABS and questioned if anyone really knew who had this access. Ms. Miner asserted that AOC should be administering the access, not court staff which is the current process. Mr. Keeling indicated that AOC has the ability to run reports to show who currently has JABS access.

Ms. Jensen then joined the meeting telephonically. DDA Happold asked Ms. Jensen to describe how the SOS address gets into the data warehouse. Ms. Jensen explained that the address follows the person record. The information displays the SOS PO Box address but does not flag it as confidential. The same SOS PO Box information displays for each person in the program.

It was stated that if the SOS address shows in the PER screen, but the ADH includes all other addresses, how much protection does the SOS PO Box offer if all the other addresses are still listed.

The Committee Members asked what JIS LINK users had access to the ADH screen. DDA Happold responded that it was level 20 Public Defenders, Level 22 Law Enforcement, Level 25 Prosecutors, and Level 30 Non-JIS Courts. Committee members discussed whether or not

public defenders should have access to the ADH screen if it lists all addresses as there is a possibility that public defenders may share this confidential information with their clients.

Ms. Miner asked why the PER history screen is confidential; DDA Happold answered that the screen displays personal identifiers.

The DDC members continued to discuss whether or not public defenders should have access to confidential information screens. Ms. Powell asked if it is realistic to find a way to filter the information with the current system(s) constraints.

The concern was raised again that prohibiting all addresses from being disseminated would affect the county clerks and the court staff in completing their work. It was suggested that the addresses would be prohibited from dissemination unless a court order allowed for it. Ms. Miner responded that this did not satisfy the county clerks' needs and suggested changing the policy to state that exemptions are allowed for conducting court and county clerk business. Judge Leach also mentioned that the DDC would continue to allow address dissemination for research purposes.

The Committee then asked DDA Happold to go through the examples provided in Tabs 6-9. The tabs illustrated that even if an address is marked confidential in one scenario, if an individual is tied to other cases as a WIP it is not hard to piece together the individual's address from other cases or applications. Also the data warehouse has no way to limit the information.

Judge Wynne asked Mr. Keeling if it is possible to remove all addresses from the data warehouse. DDA Happold indicated that addresses are currently not disseminated in public bulk data requests and they provide at most the county. Judge Leach asked if the zip code could be provided instead and DDA Happold stated it could.

Judge Leach asked if the data warehouse can be structured to allow courts to have information, but block the information for everyone else. Mr. Keeling indicated AOC will be moving away from the data warehouse management structure and using the EDR in its place. Mr. Keeling went onto explain that JABS can be controlled by rules and that should not be a huge impact on the data warehouse. The courts would be responsible for adopting address dissemination practices after AOC makes system changes for all of this to be successful.

The Committee then discussed if the CIF could be sealed in Odyssey via a docket code so it would not display in Odyssey Portal. Tyler Technologies is working to use guidance from GR 22 as a driver for how information is displayed in Portal. DDA Happold asked if the term 'sealed' would be confusing to future users as the document is not sealed under GR 15. Some DDC members thought the term 'restricted' was better. Mr. Mejia volunteered to take the verbiage discussion to the SC-CMS CUWG to discuss and settle upon a mutually agreeable term. Mr. Allen suggested using the CNRC code.

The Committee then discussed if a comment was needed in the proposed DD policy to mention that addresses are not disseminated due to technical limitations and cost.

The Committee also discussed what participants/parties should be added to the list in Section III.G.1. The Odyssey/JIS WIP is different than a civil person because of the three required personal identifiers that includes an address; therefore any person that was considered a WIP would need to be added to the list. It was suggested that DDA Happold add a definition of a WIP in the DD policy to also cover any participant that was not mentioned in Section III.G.1. Ms.

Miner and Ms. Kraski also mentioned victims eligible for restitution and asked that either the WIP definition be written to include them or they are added specifically to Section III.G.1.

The Committee also agreed on language for Sections III.G.4-6 that would allow for courts and county clerks to continue to dissemination addresses for their work without impediment.

Next, the Committee agreed that the ADH screen needs to be removed for the JIS-LINK level 20 Public Defender access. This will be voted on at the next DDC meeting.

DDA Happold asked if addresses and dates of birth can be turned back on in the Odyssey Portal for law enforcement and prosecutor roles. The Committee agreed that they should and would officially vote on it at the next meeting. Ms. Beck asked if that included confidential SOS addresses and the Committee confirmed that it did.

Judge Wynne asked DDA Happold to set up a meeting with Ms. Gough and the Chair of the Pattern Forms Committee to discuss the CIF confidential address check box.

Ms. Powell expressed concern over how the Confidential Address Box in Odyssey Client is being misused. Ms. Sapinosa indicated she would work with BPEs and trainers to make sure the Odyssey training materials clearly explain the purpose of the box. Ms. Powell asked if it would be possible to include a prompt or warning screen when the box is selected by the user. Mr. Farrow indicated that was a sizable request.

5. Conclusion

Judge Wynne indicated he would reach out to Ms. Vance to make sure her previous concerns about Section III.G.6 were properly addressed.

DDA Happold will notify the SC-CMS CUWG about the DDC decision to allow prosecutors and law enforcement agencies the ability to view addresses and dates of birth in the Odyssey Portal.

The DDC will vote to finalize the amended DD policy on October 28, 2016, and then bring the recommendation to the JISC. No changes, such as those proposed for the public defender access, will be made until the DD policy is implemented.

6. Meeting Adjourned

There is no other business, Judge Wynne adjourned this working meeting.



JISC DATA DISSEMINATION COMMITTEE
Friday October 28, 2016 (8:00 a.m. – 9:00 a.m.)
Administrative Office of the Courts
Teleconference
Call-in Number: 1-877-820-7831, Passcode 797974

DRAFT - MEETING MINUTES

Members Present

Judge Thomas J. Wynne, Chair
Judge J. Robert Leach
Judge G. Scott Marinella
Judge David A. Svaren
Ms. Barbara Miner
Ms. Brooke Powell
Ms. Aimee Vance

Staff Present

Ms. Stephanie Happold, Data Dissemination Administrator
Mr. John Bell, Contracts Manager
Ms. Kathy Bowman, Administrative Secretary
Mr. Mike Keeling, IT Applications, Enterprise Architecture
Mr. Ramsey Radwan, Director Management Services Division

Members Not Present

Judge Jeannette Dalton

Guests

Mr. Mark Allen, Snohomish Co. Clerk's Office
Mr. Farshad Talebi, Washington State Attorney General's Office

0. Call to Order

Judge Wynne called the meeting to order at 8:05 a.m.

1. Minutes of August 26, 2016 and Minutes of October 6, 2016

Judge Wynne asked for additions or corrections to the minutes. Ms. Miner had edits and will meet with DDA Happold to make any necessary corrections. Approval of the August 28 and October 6 minutes will be deferred until the December meeting.

2. Washington State Attorney General's Office Financial Data Request

Assistant Attorney General Farshad Talebi with the Washington State Attorney General's Office (AGO) presented a data request that included financial data related to chapter 9.68A RCW, the Child Rescue Fund. The information will be used by the AGO to determine what administrative hurdles exist between the assessment of fines and collection of fees. Committee members commented that many were unaware of the fine, of imposing it, and that the fee must be modified upon a showing of indigence.

Ms. Miner's office is also working with the AGO on collecting the information, but they are finding it very difficult, and she cautioned the AOC in providing this information. Ms. Miner noted that there is also a difference between arrest charges and filed charges, so one must rely on the prosecutor's office to ensure that information is included. DDA Happold noted that the AOC Data Reporting group has some ideas about how AOC can provide the responsive data as the AGO request is based on convictions for each count.

The AGO understands the information will be difficult to collect, but needs a starting point to better gauge what amount of funds should exist. They will then go to individual courts for comparison and perhaps use King County as a model. Ms. Miner said she supports this request, but is concerned about the time and difficulty of furnishing the data. AAG Talebi stated the AGO would be happy to receive the information piecemeal, if that would be any easier. DDA Happold will first discuss the project with the data warehouse and then contact AAG Talebi. Judge Wynne asked whether, subject to the ability to obtain the data, there were any objections to approving this request. There were no objections. The request passed unanimously.

3. Office of Spokane Regional Criminal Justice Administrator Request

DDA Happold presented the request from the Office of the Spokane Regional Criminal Justice Administrator (RCJA) on behalf of Dr. Jacqueline van Wormer, who was not present. The newly created office is partnering with the Washington State University to develop a local RNR tool. The RCJA contacted AOC to request criminal history and warrant data. The hope is to have the data auto-populate their system; however, this is a time consuming task for AOC to undertake. While AOC meets with RCJA on how the data can be provided and when, RCJA was instructed to seek DDC approval because the Office is not law enforcement, a certified criminal justice agency or similar, and therefore is not automatically granted access to criminal histories and other compiled JIS data.

DDA Happold mentioned that this type of request may become common as more jurisdictions create these offices. It was asked if the request would include CLJ and Superior Court data, which DDA Happold confirmed. She also mentioned that because they need compiled history information that also auto-populates, a JIS LINK account would not suffice.

Committee members stated that while they had no objection to approving the data request, they were concerned about the AOC time required to provide it. It was asked if there was a sizing estimate for this project. AOC Leadership already discussed the necessary mechanics and scheduling, and AOC Solution Architects were working on how the data can be provided. Judge Wynne asked if Mr. Keeling or Mr. Radwan had any concerns. Mr. Keeling stated that the requestor's timeline is aggressive and difficult, so a custom extract will not work. Mr. Radwan reported that Dr. van Wormer was told AOC could not meet their requested timeline. This project will not be given priority over the work on EDE, CLJ-CMS, etc., but it will need to be done. The bulk of the work/burden must fall on the requestor, not the AOC. The timeline has been moved to be more realistic. Judge Wynne asked about the actual timeline, Mr. Radwan will review his notes and get back to the Judge. It was discussed if this project should go before the JISC to be reviewed for ITG process. The DD Committee unanimously approved the data request with the recommendation that it goes to the JISC for ITG sizing.

4. Review of Data Dissemination Policy Draft

The Committee reviewed the latest Data Dissemination Policy draft. Ms. Vance questioned if Section III.D was broad enough to encompass all the reports that the courts currently provide, giving an example of law enforcement reports that go beyond just one court's jurisdiction. DDA Happold stated that current policy only allows the courts to disseminate cases in their own jurisdiction. Committee members discussed that the policy is not necessarily the working practice and that the section should be broadened. It was suggested that exemption language

be added to allow courts to provide judicial partners information beyond their own jurisdiction. Also the policy must allow court staff to provide a requested case history that includes outside jurisdiction cases, and that all staff can provide it, not just the data dissemination administrator. Changes to the Section III.D. that passed unanimously were:

Court and county clerk data dissemination administrators will restrict the public dissemination of JIS reports to data related to the administrator's particular court, or court operations subject to the supervision of that court. A court or county clerk may disseminate a report or data summarizing an individual's case history.

Judge Wynne then presented the newly-added comment under Subsection III.G.1., and summarized his meeting with Judge Middaugh, the Chair of the Pattern Forms Committee regarding the Confidential Information Form address confidentiality check-box. Based on the meeting, the Comment section now cites to RCW 26.27.281(5) that states:

“If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be jeopardized by disclosure of identifying information, the information must be sealed and may not be disclosed to the other party or the public unless the court orders the disclosure to be made after a hearing in which the court takes into consideration the health, safety, or liberty of the party or child and determines that the disclosure is in the interest of justice.”

The Committee had no objections to the newly-added Comment section.

Judge Wynne asked if there were other amendments to proposed policy. Language was streamlined in Section IV.B. Clarification was requested in reading Section IV.A and Section IV.C and how researchers were given access to the data. DDA Happold suggested changing the last sentence in Section IV.A. to include research requests provided in Section IV.C. Judge Marinella moved to send the draft Data Dissemination Policy to JISC for approval with the new changes. Ms. Powell seconded the motion. The motion passed unanimously. DDA Happold was instructed to send the draft out to all judicial partner, court user, judge, and county clerk associations for review and comment. Received comments will be provided to the JISC along with the draft. Judge Wynne stated that once the policy is approved by the JISC, it then will go to the Supreme Court. Unless rejected, it will be adopted.

5. PCN View-Only Screen Access

DDA Happold presented this issue. The AOC has received requests by law enforcement agencies for access to the PCN screen in JIS. However, that access cannot be granted because the screen is a data-entry screen used by court and county clerks. After another recent request, AOC staff discussed if they could create a view-only PCN screen. AOC Business Analysts and the Legacy Maintenance group met and were able to build the view-only screen in a timely manner. DDA Happold presented the new screen to the Committee and pointed out the differences between the view-only and data-entry screens. Judge Wynne asked what the screen provided. DDA Happold responded that when an individual is fingerprinted, that fingerprinting is assigned a PCN number. The screen provides all the PCN numbers associated with the case. She then asked the DDC to approve which JIS LINK levels will have access to the view-only PCN screen. The recommendation from AOC was to give the screen to JIS LINK levels 20-30. Level 1 public was not included because of personal identifiers listed on the screen. DDA

Happold also asked that the DDC approve cross-court access to the screen as well. Motion was made to give JIS LINK levels 20, 22, 25, 30, and courts cross-court access to the view-only PCN screen. Motion was passed unanimously.

6. JABS Access Issues for Public Defenders and Prosecutors

Ms. Miner presented this topic to the Committee. In past years, prosecutors and public defenders were granted access to JABS by the DDC. This access is now very important for these groups as it provides a more complete DCH than JIS LINK. The login/credentials is currently provided by the courts; and when AOC is contacted about obtaining access, the agency refers the requestor to the local jurisdiction. Court-maintained access was established when JABS was needed for e-ticketing and the CLJ court administrators would provide JABS to the prosecutor/public defender. However, as seen in King County where 500+ public defenders and 500+ prosecutors need access, managing those credentials seems to be incorrectly assigned to the court administrators. It is complicated work, which AOC can manage better than the local jurisdictions. Ms. Vance also noted that it will go further than just prosecutors and public defenders, but also to other judicial partners.

Mr. Radwan asked Ms. Miner why she thought it should be an AOC function as policy currently states it is a court process. Some members responded that the issue is that the policy was created for a small project like e-ticketing and did not encompass what is now a necessary statewide need. Mr. Radwan stated that AOC is willing to transition the work to itself, but it is not a simple transfer, and the start of the process is about 30-45 days out. It is a huge workload state-wide, and with limited AOC staff and no additional resources it will take time. Further, the AOC is concerned in JABS breaking without proper testing. Judge Wynne stated the access should be administered at the AOC level rather than at individual court level, and law enforcement should also be allowed access, but noted things can only move so fast. AOC is starting with a pilot location: King County Public Defenders. It will begin with 10 names and work to include more. Mr. Radwan stated that AOC is taking as quick action as possible. Judge Wynne will put this back on agenda for December meeting.

7. Other Business

Judge Wynne excused himself to return to the bench. He directed DDA Happold to finish the meeting as there was still a quorum.

DDA Happold informed the Committee that she needed an official vote to confirm its October 6 decision to allow prosecutor and law enforcement agency roles the ability to view addresses, confidential addresses, and dates of birth in the Odyssey Portal. Judge Svaren so moved and Judge Leach seconded. Motion passed unanimously.

DDA Happold then stated she needed an official vote to confirm the October 6 decision to remove access to address and address history information for JIS LINK level 20 (public defender) users once the JIS Data Dissemination Policy became active. Ms. Vance asked for clarification of this decision as she was not able to attend the earlier meeting. DDA Happold reviewed the Committee's October 6 discussion during which several members voiced concerns about public defenders possibly sharing confidential addresses with clients. Ms. Vance expressed concern about taking away this access when the prosecutors could still have the

information. It was also mentioned that any user could potentially share confidential information gained by JIS use.

Ms. Powell asked if access to addresses would also be removed in JABS. DDA Happold confirmed it would be, but may be more difficult than JIS LINK because the address information is imbedded in different tabs. Once the policy became active, AOC would research and work on how to filter the information.

The Committee tabled this topic to discuss at the next meeting. DDA Happold was directed to notify the public defenders, the level 20 users, and the defense associations that the address information may be removed. She will provide the received comments to the Committee at the December 28 meeting.

Meeting was adjourned 9:08 am.

**2. ACLU
Financial Data
Request**

EMILY CHIANG
LEGAL DIRECTOR

NANCY TALNER
SENIOR STAFF ATTORNEY

LA ROND BAKER
PRACHI DAVE
STAFF ATTORNEYS

MARGARET CHEN
FLOYD AND DELORES JONES
FAMILY STAFF ATTORNEY

BREANNE SCHUSTER
VOTING RIGHTS RESEARCHER



November 23, 2016

Ms. Stephanie Happold
Washington State Administrative Office of the Courts
P.O. Box 41170
Olympia, WA 98504-1170
Stephanie.Happold@courts.wa.gov

Re: Modified Request for Information Related to the Collection of Legal Financial Obligations

Dear Ms. Happold,

I am writing to request public records concerning the collection of legal financial obligations in Washington. This information will not be used for commercial purposes. We are also asking that this request be fulfilled in a machine-readable format, or a format that can be easily uploaded to an SQL database.

For the purposes of this request “legal financial obligations” or “LFOs” means fines, fees, penalties, assessments, recoupment, and costs imposed as a result of conviction for a crime in Washington state. LFOs include, but are not limited to: restitution, the victim penalty assessment, the DNA collection fee, court costs, criminal filing fees, the costs of public defense, jury fees, witness fees, costs of jail or prison, time-payment fees, clerk’s collection fees, and interest.

We therefore request the following regarding district and municipal courts for the time period of 1994-2016:

- 1) Names of collection agencies assigned and/ or contracted to collect LFOs for all district and municipal courts.

Please contact me if you have any questions. I look forward to your estimate of the time to fulfill this request and the cost associated with it.

Sincerely,

Prachi Dave, Staff Attorney
American Civil Liberties Union of Washington

**AMERICAN CIVIL
LIBERTIES UNION
OF WASHINGTON
FOUNDATION**
901 FIFTH AVENUE #630
SEATTLE, WA 98164
T/206.624.2184
F/206.624.2190
WWW.ACLU-WA.ORG

JEAN ROBINSON
BOARD PRESIDENT

KATHLEEN TAYLOR
EXECUTIVE DIRECTOR

**3. Seattle University
Financial Data
Request**



November 17, 2016

Attention: Stephanie Happold
Data Dissemination Committee
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-11

Dear Data Dissemination Committee Members,

The Subprime Mortgage Crisis and resultant foreclosures fomented the ongoing Great Recession. While the impact of these foreclosures has come in the form of decreasing tax revenues for municipal, state, and federal coffers and spurred the current economic crisis, few have examined the impact of the foreclosure crisis on the criminal justice system beyond crime rates and agency budget cuts. One potential impact of the housing crisis on the criminal justice system may involve access to surety bonds to secure release from jail after an arrest. An arrestee without access to sufficient collateral may not qualify for bond. This study seeks to examine the relationship between foreclosure rates and access to surety bonds in Orange County, Florida and King County, Washington, from 2005 to 2011. The information will be used in an academic research study. The data will not be disseminated and will be only used to provide an answer to the above research question. We will report aggregate findings only.

We ask that the Data Dissemination Committee Members approve our data request, which includes financial data (one variable: bond amount). Without this information, we will not be able to answer our research question.

Best Regards,

A handwritten signature in black ink, appearing to read "Peter A. Collins".

Peter A. Collins | Ph.D.
[CRIMINAL JUSTICE DEPARTMENT](#) | SEATTLE UNIVERSITY
901 12th Avenue, Seattle, WA 98122-1090
Office: (206) 296-5474 | Email: collinsp@seattleu.edu

CRIMINAL JUSTICE DEPARTMENT

901 12th Avenue, P.O. Box 222000, Seattle, WA 98122



ADMINISTRATIVE OFFICE OF THE COURTS REQUEST FOR INFORMATION

The following information is necessary for us to process your request for data from the Judicial Information System (JIS). Please complete this form and return it to:

Data Dissemination Administrator
Office of the Administrator for the Courts
PO Box 41170
Olympia, WA 98504-1170
fax: 360-956-5700
e-mail: dda@courts.wa.gov

Your request is subject to approval under the provisions of JISCR 15, the JIS Data Dissemination Policy, and the local Data Dissemination Policy and Procedures. Upon approval, the request will be forwarded to a programmer who will examine it, estimate the cost, and then contact you to provide the estimated cost and confirm the request. There is a charge for such reports as governed by JIS Committee Policy.

Name:

Agency or Company:

E-Mail Address:

Address:

City: State: Postal Code:

Day or Work Phone (with area code): Fax No. (with area code):

Information Requested (please describe in detail and attach additional pages as necessary):

Please See Attached Doc

What will the information be used for?

See Attached

To whom will the data be disseminated?

See Attached

If this information concerns a named individual, please give necessary identifying information (i.e. date of birth, driver's license number, most current address etc.):

N/A - no personal IDs requested

Date information is needed: December 1, 2016

The following fees are applied to information requests that require generation of a report from JIS. Fees do not include printed copies of electronic documents such as dockets or screen prints.

Administrative Fee	\$25.00 / report
Evaluation/Research/Programming	\$40.00 / hour
JIS System Run Time (two-minute minimum)	\$10.00 / minute or portion thereof
Materials:	\$ 1.00 / page
	\$12.00 / compact disc

Medium Requested: Paper (\$1.00/page, computer generated)
 CD (\$12.00/each)
 E-mail - electronic file sent as an attachment

I, the undersigned:

- Agree to use and distribute the information only as provided in the above referenced statement of intended use;
- Agree not to use for commercial purposes (Data Dissemination Policy IIIA(5));
- Agree to take reasonable precautions to prevent disclosure of information beyond the above referenced statement of intended use;
- Agree to pay, unless payment is waived, the cost upon fulfillment of the request and receipt of an invoice from the Office of the Administrator for the Courts;
- Understand that the Office of the Administrator for the Courts makes no representation as to the accuracy and completeness of the data except for court purposes and agree to indemnify and hold harmless the Office of the Administrator for the Courts from any claims for damages arising from applicant's use and distribution of the information; and
- Certify, under penalty of law, that all the information supplied above is true and a complete description.

 _____

10/24/2016

Signature of Requestor

Date

Typed name will be accepted as signature when document is submitted electronically.

Please use this page for more detailed responses or comments.

A large, empty rectangular box with a thin black border, occupying most of the page. It is intended for providing detailed responses or comments as indicated by the text above it.

Administrative Office of the Courts: Request for Information

Information Requested:

Overview: The Subprime Mortgage Crisis and resultant foreclosures fomented the ongoing Great Recession. While the impact of these foreclosures has come in the form of decreasing tax revenues for municipal, state, and federal coffers and spurred the current economic crisis, few have examined the impact of the foreclosure crisis on the criminal justice system beyond crime rates and agency budget cuts. One potential impact of the housing crisis on the criminal justice system may involve access to surety bonds to secure release from jail after an arrest. An arrestee without access to sufficient collateral will not qualify for bond. This study seeks to examine the relationship between foreclosure rates and access to surety bonds in Orange County, Florida and King County, Washington, from 2005 to 2009.

We request the following data for each year starting at 2005 and ending at 2011:

Variable	Domain
Age at Admission	18+
DOB - If age is unavailable	Date of Birth if above age at admission is not available.
Sex	Male/Female
Race/Ethnicity	White, Black, Hispanic, Other
Charge Date	Charge date
Charge Category	Offense
Charge Code	State Law
Charge Description	If available
Degree of Felony/Misdemeanor	Degree level if applicable
Misdemeanor/Felony	Misdemeanor/Felony
Bond Amount	\$ amount
Offender ID	Just for duplicate checks, does not need to be an official identifier. In fact, we do not want any real identifiers.
Release Date	Date of Release
Release Type	ROR/Surety Bond/Cash Bond/PTR/Other

What will the information be used for?

The information will be used in an academic research study (described above).

To whom will the data be disseminated?

The data will not be disseminated and will be only used to provide an answer to the above research question. We will report aggregate findings only.

**COMMENTS FROM JIS LINK LEVEL 20
USERS ABOUT PROPOSED REMOVAL
OF JIS ADDRESS INFORMATION
FROM THAT SECURITY LEVEL**



Internet Email: opd@opd.wa.gov

**WASHINGTON STATE
OFFICE OF PUBLIC DEFENSE**

(360) 586-3164
FAX (360) 586-8165

November 28, 2016

Stephanie Happold
Data Dissemination Administrator
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170

Dear Ms. Happold:

Thank you for seeking comments from the public defense community regarding the JIS Data Dissemination Committee's proposed amendments to JIS data dissemination policy. The Washington State Office of Public Defense (OPD) strongly disagrees with the proposal to remove address history data from JIS LINK level 20 public defender access. Not only do OPD managing attorneys and contracted public defense attorneys have a critical business need for this information, but the proposal also would create an arbitrary and unjustifiable disparity in access granted to prosecutors and public defenders.

Since your announcement of the Committee's proposal, OPD has reached out to its contract public defense attorneys for information on whether they use JIS address history information. Multiple attorneys have let me know that they regularly use this information to locate clients for whom they do not otherwise have valid contact information. This is a common occurrence in public defense work because many indigent clients lack stable housing. Removing public defender level access to JIS address history would deprive public defense attorneys of a tool that is vital to providing effective representation to their clients.

Moreover, the concern that public defenders could be obligated to share confidential address information is misplaced. Public defense attorneys, just like prosecutors and court staff, can be expected and entrusted to respect legal prohibitions on the release of confidential information.

In sum, removing address history data from JIS LINK level 20 public defender access would deprive public defense attorneys of a necessary client contact tool, and would create an unjustifiable disparity between public defenders and prosecutors. For these reasons I request that the proposed amendment be rejected. My staff and I would be happy to work with the Committee to update the JIS data dissemination policy to ensure the protection of confidential information without limiting defense attorney access.

Sincerely,

Joanne Moore
Director
Washington State Office of Public Defense



Washington Defender Association
110 Prefontaine Place S., Suite 610
Seattle, Washington 98104

Christie Hedman, *Executive Director*
Daryl Rodrigues, *President*

Telephone: (206)623-4321
Web: www.defensenet.org

November 28, 2016

Stephanie Happold
Data Dissemination Administrator
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170

Re: Proposal to Limit Public Defender Access through the JIS LINK and Odyssey Portal

Dear Ms. Happold,

Thank you for inviting input from the Washington Defender Association (WDA) on the JIS Data Dissemination proposal that would limit access for public defenders through the JIS LINK and Odyssey Portal. We strongly oppose these proposed changes as unnecessary and counterproductive to the fair and efficient working of the justice system.

Public defenders take their responsibilities for handling confidential information extremely seriously. The attorneys and support staff that provide public defense services have fought hard for recognition of the vital role we play in the adversarial justice system after years of systematic exclusion from justice system workgroups and decision-making processes. It is especially disturbing to see a recommendation that appears to reinforce stereotypes that public defense attorneys are not equal partners in the justice system and cannot be trusted to follow the Rules of Professional Conduct and the confidentiality agreements they have signed.

Equal access to JIS data is crucial to public defenders' ability to provide effective representation and to identify when conflicts in representation may arise. The *Standards for Public Defense Services* adopted by the Washington State Supreme Court require public defenders to meet requirements for representation relating to investigation and client communication. Timely access to JIS information helps make it possible for public defenders to certify that they meet these standards. Removal of address accessibility would be nothing short of devastating to defense investigations. It also will seriously interfere with the timely identification of conflicts and lead to unnecessary costs and case delays.

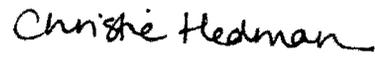
Finally, we are concerned that the proposed changes would expand prosecutorial access to JIS while restricting defenders'. This change would exacerbate an already large imbalance in power in the justice system and provide a huge advantage to prosecutors and AGs in locating witnesses to crimes, public defense clients, and in blocking defenders from directly contacting witnesses or alleged victims.

Thank you for your consideration. Please let us know if we can provide you with further information or if it would be helpful for us to meet with the committee to discuss our concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Daryl Rodrigues". The signature is stylized with a large, circular flourish on the left side.

Daryl Rodrigues
President

A handwritten signature in black ink, appearing to read "Christie Hedman". The signature is written in a cursive, flowing style.

Christie Hedman
Executive Director

Amy I. Muth
President

Teresa Mathis
Executive Director

November 28, 2016

TO: Stephanie Happold
Data Dissemination Administrator
Administrative Office of the Courts

FROM: Edwin Aralica, Co-Chair, WACDL Public Defense Committee
Amy Muth, President

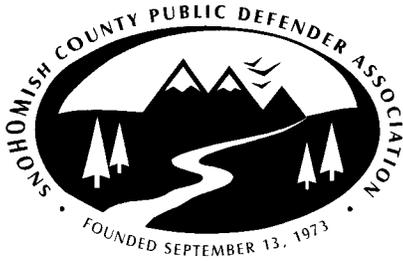
RE: JISC Data Dissemination Policy – Public Defender Access

We are writing in response to your request for comments on the drafted amendments to the JISC Data Dissemination Policy.

We feel strongly that public defenders should continue to have access to addresses on Odyssey Portal and JIS LINK. Public defenders benefit greatly from having access to addresses. First, our clients (current and former) often update their address without us knowing about it. We learn about the update through JIS. This is important because we often need to contact our clients after the case is complete. For example, we need to contact our clients about restitution and other review hearings. The courts (judges) sometimes require us to provide notice to our clients. Second, public defenders use JIS to find information about witnesses. Public defense investigators also use Odyssey Portal and JIS LINK to find and obtain information.

The belief that public defenders would be obligated to share information with our clients from Odyssey Portal and JIS LINK is inaccurate. We are obligated to share information that we receive from the prosecutor's office via the discovery rules, specifically Criminal Rule 4.7. Information that we obtain from Odyssey Portal and JIS LINK is not subject to the discovery rule obligation per Criminal Rule 4.7; hence, we have no obligation to release this information to our clients. On the flip side, any information, including addresses, that we receive from the prosecutor's office can and often is released to our clients because public defenders have an obligation to provide this information to our clients.

Finally, if public defenders do not have access to addresses on Odyssey Portal and JIS LINK, then they will need to ask prosecutors' offices for this information. By doing so, ironically, they may then be obligated to reveal the addresses to their clients. Hence, a rule prohibiting public defenders from accessing address information may have the opposite effect that it was intended to have in the first place.



Snohomish County Public Defender Association
2722 Colby Avenue, Suite 200 • Everett, WA 98201-3527
Phone: 425-339-6300 • Fax: 425-339-6363 • www.snocopda.org

November 28, 2016

JIS Data Dissemination Committee
c/o Stephanie Happold
Data Dissemination Administrator
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170

To the JIS Data Dissemination Committee:

I am writing this letter in support of preserving public defender access to address information contained in JIS. I am the Managing Director of the Snohomish County Public Defender Association and have worked as a public defender for nearly 18 years.

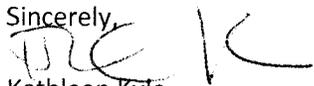
At the beginning of my career, I did not have access to JIS. I had to rely on information from other criminal justice stakeholders, such as the prosecutors, courts, and probation departments. This was information that was readily available to them as JIS users. This was information critical for my function as defense counsel. This system was highly inefficient, unnecessarily burdened other stakeholders, and reduced my effectiveness as defense counsel.

My understanding is the current change is being proposed based on a perception that public defenders may be obligated to share other party, witness or victim address information to their clients. This concern can be addressed without this drastic change. For example, discovery materials are protected by the court rules. User requirements can protect JIS address information. JIS address information is used to facilitate the defense function. Often times, the address information is used to locate our clients, who are at others times in their lives victims and witnesses, and are now criminal defendants. It is a tool we use on a daily basis.

To prohibit public defenders from accessing information that is available to the court, probation, prosecutors and law enforcement compounds issues related to fundamental fairness. There is a perception that public defenders are the stepchild of the criminal justice system. Defendants, even those living in abject poverty, spend money to hire private counsel to avoid their concerns that they will not get as good of representation by a public defender. Please do not create an inequity where one does not currently exist.

Thank you for your consideration.

Sincerely,



Kathleen Kyle

FEDERAL PUBLIC DEFENDER
Western District of Washington

Michael Filipovi
Federal Public Defender

November 29, 2016

Stephanie Happold
Data Dissemination Administrator
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170

Re: Proposed Changes to Data Dissemination Policy

Dear Ms. Happold,

Thank you for the opportunity to comment on the proposed changes to the JIS Data Dissemination Policy. Our office shares the same concerns as those expressed by our state, county and city colleagues regarding the negative impact that these proposed changes would have on public defender offices. Limiting public defender access to addresses in JIS would impede our clients' right to equal access to justice in federal court.

I write to express my strong opposition to these proposed changes. Our office relies on JIS to locate addresses for clients in our misdemeanor cases where clients have moved and not informed us of their whereabouts and, more importantly, JIS is an essential tool for locating witnesses in federal cases. Our clients do not have access to JIS and our staff do not share JIS results with our clients. We have no legal requirement or duty to provide these reports to them.

Limiting our access to client and witness addresses in JIS would deprive our clients of equal access to sources of information that are otherwise easily accessible to the prosecution. Our duty to thoroughly investigate client cases and to communicate with our clients in a timely manner would be seriously impaired.

Confidentiality is a key component of all of our jobs. We know how to protect privileged information we have received from the prosecution and other sources. If this change is being considered because of particular abuses of the JIS access by Public Defenders, those abuses should be handled on a case by case basis with the individual office.

Sincerely,



Michael Filipovic
Federal Public Defender

COMMENTS RECEIVED FROM JIS LINK LEVEL 20 USERS

1. My name is Edwin Aralica. I am writing to provide feedback about removing address accessibility for public defenders. The following opinions, impressions, and information reflect my views and not the views of my employer or anyone else.

I am a public defender in Washington state. I have been a public defender in Washington state since 2004. Public defenders should continue to have access to addresses on Odyssey Portal and JIS LINK. Public defenders benefit greatly from having access to addresses. First, our clients (current and former) often update their address without us knowing about it. We learn about the update through JIS. This is important because we often need to contact our clients after the case is finished. For example, we need to contact our clients about restitution hearings, review hearings, and other hearings. The courts (judges) sometimes require us to provide notice to our clients. If our clients fail to appear to court, a bench warrant could be issued. The address database helps us maintain contact with our clients, which in turns benefits the justice system. Second, public defenders use JIS to find information about witnesses. Public defenders acknowledge and understand that address information is sensitive and not subject to disclosure Public defenders only ethically use this information. I would argue that public defenders use this information the same way prosecutors use this information.

The belief that public defenders would be obligated to share address information with our clients from Odyssey Portal and JIS LINK is inaccurate. We are obligated to share information that we receive from the prosecutor's office via the discovery rules, specifically Criminal Rule 4.7. Information that we obtain from Odyssey Portal and JIS LINK is not subject to the discovery rule obligation per Criminal Rule 4.7 because we do not obtain it from the prosecutor's office. We have no obligation to provide this information to our clients. On the flip side, any information, including addresses, that we receive from the prosecutor's office could be released to our clients. If public defenders do not have access to addresses on Odyssey Portal and JIS LINK, then we will need to ask the prosecutor's office for this information. By doing so, ironically, public defenders may then be obligated to release address information to our clients. Hence, a rule prohibiting public defenders from access address information may have the opposite effect that it intended to have in the first place. Furthermore, if public defenders lost access to the addresses via Odyssey Portal and JIS LINK, there could be a resource impact. Public defenders would probably need to expend extra resources on private databases to find address information. This could have a fiscal impact on public defense offices.

The belief that public defenders have or will share address information with our clients from Odyssey Portal and JIS LINK is inaccurate. Based on my experience as a public defender, there is no reason to share this information with our clients. Hypothetically, if public defender clients wanted address information from

COMMENTS RECEIVED FROM JIS LINK LEVEL 20 USERS

Odyssey Portal and JIS LINK, public defenders can properly decline releasing it because there is no ethical obligation to provide this information, and Criminal Rule 4.7 does not mandate releasing this information. Finally, while keeping in mind my ethical obligation to not reveal information per RPC 1.6, generally speaking, I cannot recall an incident in the past twelve years in which this address information was shared.

Public defenders should continue to have access to addresses on Odyssey Portal and JIS LINK. Public defenders acknowledge and understand that address information obtained from Odyssey Portal and JIS LINK is sensitive and not subject to disclosure. This concept does not conflict with our obligation to review discovery with our clients per Criminal Rule 4.7.

Edwin Aralica

2. The Office of Financial Recovery (OFR) collects debts for DSHS, the Health Care Authority (HCA) and the Department of Early Learning (DEL). Attached is a comment from one of our staff who use the JIS.

OFR needs access to address info. The courts do not store an SSN in their system and most of the restitution checks we receive only reference a client's name. We have many clients with similar or identical names and sometimes the only way to verify which client is correct is to compare the address info.

Thank you for letting us have a chance to comment.
BRICE MONTGOMERY/ Office Chief/Division of Finance and Financial Recovery

3. I am an assistant for several attorneys who are currently public defenders in Benton County.
We've used the address information in the following ways for the indigent defendants that the attorneys here represent:
 - Initial address. We sometimes receive no contact information from the court and if the defendant fails to contact us, we can't contact them.
 - Updated Address. The defendant has moved, updated their address with the courts, hasn't filed a change of address with the post office, and failed to tell us. Calling some of the defendants by phone doesn't always work as some of the defendants have a new phone number every 2 weeks.
 - Updated address, part 2. No contact orders. Again, same as before with the updated address, especially when the protected party and defendant have the same address.
 - Updated address, part 3. We received a copy of the notice of case setting from the court with an address. We forwarded the notice, it came back as unable to deliver. Looked at their address with the courts, see that it was updated 2 days after the notice was printed, someone had mistyped

COMMENTS RECEIVED FROM JIS LINK LEVEL 20 USERS

the address (410 vs 401 if I remember). In that case, we resent to the notice to the new address and it did not come back.

Thank you for taking our comments on this matter.

Sincerely,

Vance Glasscock

Assistant for Benjamin J. Riley & Elisa V. Riley

SAXTON RILEY & RILEY, PLLC

4. Taking away Level 20 access to addresses is amputating an arm to trim your fingernails.

My access is granted as a public defender representing parenting dependency and termination cases as well as contracted conflict counsel on misdemeanors and gross misdemeanors in municipal court. I regularly use address history for both purposes.

The cited purpose of this restriction is “that public defenders may be obligated to share other party, witness or victim address information with their clients.” **We already get the information for victims and witnesses in police reports and we are already prevented from sharing that information without further consent or approval.** The relevant rules, CrRLJ 4.7(g)(3) and RCW 10.99.040(1)(c), regarding discovery is as follows:

“(3) Custody of Materials. Any materials furnished to a lawyer pursuant to these rules shall remain in the exclusive custody of the lawyer and be used only for the purposes of conducting the party's side of the case, unless otherwise agreed by the parties or ordered by the court, and shall be subject to such other terms and conditions as the parties may agree or the court may provide. Further, a defense lawyer shall be permitted to provide a copy of the materials to the defendant after making appropriate redactions which are approved by the prosecuting authority or order of the court.”

(c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: PROVIDED, That the court may order a criminal defense attorney not to disclose to his or her client the victim's location

These rules already allow for protections of victim addresses and presumably could apply to at-risk witnesses as well.

The existence of these rules begs some serious questions when it comes to restricting access to public defenders (who already struggle to get information that is accessible to the other party/parties):

COMMENTS RECEIVED FROM JIS LINK LEVEL 20 USERS

How many times has victim information obtained using the JIS/ADH database been wrongfully passed to a criminal defendant?

Of those times, how many had the same information contained in the police report accessible to the attorney?

And of all the incidents, how many times was a court order sought to preclude provision of the information to the defendant and denied?

My suspicion is that the answer to #2 is none, though I only have my educated guess to go on. If that is the case, then this isn't a problem that needs to be addressed. And even if it does need to be addressed, **the concern here is much better addressed by a rule instead of removing access to address data from JIS.**

The truth is that using JIS address data for me has generally **not** been about finding addresses for witnesses or victims. Typically, those addresses appear in reports or are otherwise discoverable. And witnesses not identified are mostly able to be tracked by my client. **I most commonly use JIS addresses to get updated information for my own MIA clients.** This is especially true in my work in dependency and termination cases. A client who has not been around for their kids case can occasionally be found using the updated address system. Criminal clients who have been on warrant status or have a FTC hearing set sometimes have updated addresses, too.

SO – before you take away my colleagues and my access to the database – please ask yourself the following: “Is this an issue that is real and has had real impact on witnesses or victims?” “Is JIS ADH the only way the defense attorney gets this information?” “Is there a less restrictive alternative, such as a rule, that can be implemented to protect this problem?”

I do not know the answer to the first two, but the answer to the third is **yes. There is a less restrictive alternative to denying all access to address history to protect information of victims and witnesses.**

Thank you for considering my opinion.

Sincerely,

Neil Weiss, Attorney | ABC Law Group LLP

5. Hello, I have used the JIS link for all of my career. It is invaluable. I have never had a client request anything connected to JIS access. The only question I have ever had from a client was about their own criminal history which is normally provided by the state anyway in the discovery. Limiting my access will force me to ask the state for JIS information which will reveal trial strategy and confidential attorney-client information. I often check criminal history on potential witnesses that may or may not be called for the defense. Asking the state will reveal the names of those individuals

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to the state in some instances and would hinder my ability to adequately represent my clients. If the state is allowed access to this information, it is only fair that the defense be allowed access without going through the state. In my opinion, limiting that access would be a violation of my client's constitutional rights. Again, I have never had a client ask for any information contained in JIS other than their own records. I have been in practice since 1998. Thank you. sg.

I need the ADH for my investigator to find these people. We don't have phone books or much else left anymore because of the internet and that information allows my investigator to contact potential witnesses and see if they have information that is helpful. Again, without that, my trial strategy could be revealed to the state if I have to request addresses from the state. sg.

6. My concerns would be less about needing victim/witness address information, as that information is usually contained within the police reports. My concerns would be regarding defendant address and contact information. Typically, all I receive from the courts for contact information for my clients is name/case #/court date. Accessing JIS allows me to get at least some contact information, even if it is not up-to-date so that I can reach out to my client, should I need to speak with them regarding their case. Unfortunately, not all clients are very good about being in contact with their attorney or about providing good contact information. Should access to address information for defendants be removed, I would personally be at a loss regarding how to contact my client in the future should I need to send a letter about the case. As far as victim/witness/other party addresses go. I have not had a time where I accessed their address information via JIS. I have gotten the information from either the police report or the prosecutor when it was missing. Also, I have not been in a position where I have given out that kind of information to another party outside of the court system (via witness lists, etc.).
--Laura Mapes—

7. I think there is no obligation to share that information with the client. How is assisting a client in violating court condition of release or potentially getting a witness tampering charge in the client's interest? On the other hand, our ability to find potential witnesses is an essential aspect to their defense.

Attorney James J. White
Directing Partner, Smith & White, PLLC

8. I believe it would impact my practice considerably to get rid of the address feature. We use it extensively to help locate clients and other witnesses we need to speak to on cases. With budgets already tight, having access to this information considerably helps defend clients to the best of our ability.
Karla K. Hudson

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9. I supervise 8 investigators in the SCRAP division for King County DPD. It is a sad misconception that we share ANY alleged victim information with clients. We are probably more sensitive in handling information than most because we know of the potential dangers for all citizens and are extra careful in sharing ANY information we develop. The addresses in JIS are often the only source of leads to find neutral, state or defense witnesses mentioned in discovery but the police had no time at the moment to track the people down and interview them. Once finished writing up the report, police interest usually ends and it falls on us to develop additional eye witness or circumstantial witness testimony, often exculpatory information the police didn't bother to develop because it didn't fit their 'probable cause' theory.

In the interest of justice, please consider this input in opposition of restricting our access.

Roger Dunn, investigator supervisor

King County Department of Public Defense, SCRAP division

10. I am a felony investigator in the KCDPD (Public Defender) office. It was brought to my attention that the Court Access administrators are considering denying us access to the addresses located on the JIS/SCOMIS website and this is highly concerning to me as someone who uses JIS/SCOMIS all the time! First of all, we need every avenue we can get to be able to locate and get in touch with witnesses on cases we're working. It's a routine part of our job. And we DO NOT disseminate that kind of info to our clients, especially if there is an NCO in place or other reason to be concerned about the privacy of an alleged victim, for example. It's just not something we do.

Please bear in mind that you will only be making all of us public defenders and public defender associates' difficult job even more so.

Thanks for your consideration.

Pandora Eyre

Defense Investigator

King County Dept. of Public Defense SCRAP Division

11. As an investigator I sometimes use the address history to locate witnesses and in the almost 18 years I've been doing this I've never ever had a client ask, approach me about a witness or an alleged victims address. For the most part my investigation of cases does not include contact with the client at all and my investigation is determined by the attorney. My contact with clients is minimal at best.

Regards,

James T. Black

Investigator, King County Department of Public Defense-SCRAP Div.

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12. I wanted to let you know how important it is to have access to the addresses in JIS. I use address information in JIS to help locate witnesses just about every day. I know other investigators in my office also use the address section of JIS much in the same way as I do. I have never and would never share the address information with our clients. Not having access to the address section in JIS will definitely impact our ability to defend our clients. If you have any questions, please contact me by email or at the number below. Thank you.
Chad Cameron
Defense Investigator
King County Department of Public Defense, SCRAP Division

13. I have a public defense contract with the City of Yakima. We have 7 attorney's working on the contract.

My response to your email query regarding Level 20 Access for public defenders is as follows:

In your email you stated "The concern is that public defenders may be obligated to share other party, witness or victim address information with their clients." Frankly speaking, anyone who has this concern doesn't know anything about attorneys' ethical obligations. There is no situation where a public defender would be "obligated" to provide that information to clients.

The reality is, this is a due process issue. In my opinion, due process rights are already being violated by giving prosecutors access to more information (ie driver's license status, etc.) than public defenders. This proposal would create an even larger due process violation. I'm confident the ACLU would not be too keen on this proposal.

Moreover, as a person who has worked as a prosecutor and as a defense attorney, I can say that JIS access is just as valuable, if not more valuable, to the defense than it is to prosecution. Giving the prosecution more resources than the defense gets is a constitutional violation and just plain unacceptable.

Thank you for your time,
Richard D. Gilliland

14. I only see RPC 1.4(a)(4) as directly on point. However, it only requires counsel respond to "reasonable" requests from clients. I can think of no circumstance in which it would be unreasonable for me to withhold such information from the client.

This position is only emboldened by RPC 1.4(b), which provides "A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make

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informed decisions regarding the representation.” Again, the client’s decision making cannot conceivably be improved by knowledge of specific contact information.

Of course, I am only in my third year and on a contract basis.

Thanks for asking,
Jackson Millikan, Attorney

- 15.** As a Public Defense Investigator and a JIS LINK user, the information obtained in JIS is very useful in our investigations in locating involved parties in our cases and in other cases. It becomes vital in also locating these uncooperative witnesses and/or victims. We are also aware of the sensitive nature of not sharing the information in JIMS with the unauthorized parties. I hope this is what you needed. Let me know if you need anything else.

Thanks,
Ricardo Fuentes
Defense Investigator
Department of Public Defense

- 16.** We would NOT go into JIS and look up that information for a client and we are under no obligation to give out victim or witness contact information to anyone.

Currently, we have such limited access to information in JIS that addresses are being used as a unique identifier so we do not add persons multiple times in our case management system. As I’m sure you’re aware, adding the same person multiple times in a database can become problematic.

We are required to add defendants and victims in our case management system as to avoid case assignment conflicts, and again addresses are used as a unique identifier in this situation. Without access to addresses, we run the risk of having persons entered multiple times and could potentially impact our ability to perform accurate conflict checks. Those inaccurate conflict checks would then result in loss of money and time for unnecessary case assignments.

Please feel free to contact me if you have any questions,

Susan Taylor
Office Manager
Kitsap County Public Defense

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17. Thank you for inviting comment on this subject. I hope that people are asking a fairly important question:

Why are we so concerned that defense attorneys will breach confidentiality of address information? It seems that an attorney on either side of the aisle may be guilty of indiscretion regarding the handling of private information. I just hope there isn't some concern that defense attorneys are more compromised from a character standpoint.

I don't see any rule which requires me to disclose personal information of third parties to my clients. CrR 4.7(h)(3) and CrRLJ 4.7(g)(3) both already contemplate a rule-driving limitation on an attorney's right to disclose material to his or her client.

I have no doubt that a confidentiality agreement as a prerequisite to access to material obtained through JIS would serve to prevent attorneys from being "compelled" to share third party's information with a client. We would be forced to tell the client, "In order to access this information to do my job, I cannot disclose it to anyone." If a client won't agree to that, then as an attorney I would simply not access JIS to conduct that client's case.

I implore the committee not to create a special "defense attorney" rule. It creates the perception that defense attorneys need special monitoring and may imply that we are less ethical or responsible.

Thanks
Bret Roberts
Attorney, Jefferson Associated Counsel

18. In response to your proposed amendments to the JISC Data Dissemination Policy (below), I would like to share with you, the value our misdemeanor legal assistants find with the NCC/Address screen:

1. We provide the defendants address and phone number to our conflict/panel attorneys when we give out new conflict cases for client/attorney communication.
2. For our mental health clients that are pending their first competency hearing, the NCC screen shows us the assigned courtroom, whereas it isn't always available on the CDK screen. This allows us to know which attorney to have present for that hearing and any subsequent hearings.
3. When we request certified records from DOL for our attorneys, we use the NCC screen to provide the Driver's license information, dob, etc. It's all there in one location for efficiency and ease.
4. The NCC screen provides us with the most current phone number and address that may not be available other places (i.e. LINX). This is valuable for attorney/client contact.

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Essentially, this information is used numerous times throughout the day, each day of the week. Other systems and programs aren't always as complete or updated for misdemeanor cases, thus making all areas of JIS an invaluable source.

Sincerely,

Char Davidson, Legal Assistant

On Behalf of: Jeanne Pardur

Misdemeanor Lead Legal Assistant, IV

19. This would be a horrible amendment to public defender access. We need access to address information in order to complete witness lists. We also need this information in order to be able to send notice of court dates to our clients. I don't know how we are going to provide notices about upcoming court dates if we don't have addresses. This would be a horrible change. Also, our clients never have access to JIS information. Our clients want copies of police reports. I've never had a client want to try to access JIS information.

Sincerely,

Lyliane S. Couture

20. As a Public Defender, I have a need for address information availability in JIS LINK and am hopeful that address accessibility will not be removed, particularly for a defendant's address and contact information. While there are occasions when address information regarding other party, witnesses or victims address information is useful, such as when that information is needed prior to the receipt of discovery from the prosecutor, the larger issue is my ability to quickly obtain defendant's current address.

Numerous times my office is directly appointed in open court to represent a defendant, months or even years after the alleged incident has occurred and the defendant is given my office contact information. Often however the defendants lose or misplace that information and fail to contact my office.

Even though I eventually receive discovery, in those cases the police report listed addresses and contact information are often outdated. Without access to the address history and obtaining a mailing address, my office has no way of quickly and directly communicating with the defendant if the defendant fails to make contact with my office.

Additionally, even if the police reports set forth the correct information, it can be weeks after the direct appointment before I receive that information. My practice has always been upon notification of a direct appointment within 24 hours to access the address history for the defendant and advise the defendant by letter of the direct appointment and how they contact my office and provide further

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instruction. I also include copies of my Notice of Appearance and Demand for Discovery and set forth the next pretrial court date that they must attend. Without access to the address history I will lose the ability to quickly communicate with my client which will affect my ability to represent the defendant and also affect compliance with the Washington State Bar Performance Guidelines and Standards for Indigent Defense Services. For that reason, it is imperative as a Public Defender I have access to address history for effective representation and ask that the access to that information not be removed.

Regards,

Gregory G. Schrag | Attorney at Law

- 21.** I received the below message about public defense access to addresses in the JIS LINK and Odyssey Portal. The King County Department of Public Defense must continue to have access, at a minimum, to all confidential client information. The databases are unlikely to know if a confidential address belongs to a DPD client, for example. DPD must have access to contact information connected to clients to confirm the court used the correct address in mailing notices to client and to see if the State provided the Court the correct address as required under CrRLJ 2.2(a) (3), which avoids a warrant. Failing to provide client or witness address information to defense is likely to cause many continuances. If the prosecutor seeks a warrant based on information contained in JIS to which defense does not have access, defense will be moving to continue the case until it has had the opportunity to review the full JIS record. In addition, eliminating address information would also interfere with DPDs ability to investigate cases on behalf of its clients. Investigators would be unable to locate and interview witnesses.

The AOC should not block DPD's access to addresses or any other pertinent contact information. If AOC has concerns about information being turned over to defendants, AOC can require that all those who access confidential information not share it with any party other than the case investigator, the prosecutor and/or the court. This is similar to what defense attorneys are required to do when they receive discovery from the prosecutor. Court rules require us to redact victim and witness addresses. Please let me know if you would like more information. I wanted to quickly respond before the deadline to provide feedback.

Thank you for seeking input.

Twyla Carter

Misdemeanor Practice Director

King County Department of Public Defense

- 22.** Good afternoon,

I am writing in response to your request for comments on removing public defender access to address information on JIS. I am requesting that the committee continue to allow access to addresses.

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First, the Snohomish County Office of Public Defense requires access to addresses in JIS. We are the county office in charge of screening for indigency and assigning counsel. Our office does not directly represent defendants, rather we assign cases to our main contractor, the Public Defender Association (PDA) and a panel of conflict attorneys. Our office currently uses JIS link addresses for our summons reminder program. We use the address and contact information in JIS Link to contact defendants to remind them of upcoming court dates. Without this access, our ability to successfully contact defendants to reduce failures to appear would be severely hindered at best, and at worst may cause us to have to shut down this program.

Second, both our main contractor (PDA) and our conflict panel attorneys regularly use the address information to contact defendants, particularly those who have missed appointments, or have never scheduled appointments. This will certainly result in additional delays and failures to appear at court dates, where public defender's lack the ability to research and locate contact information for clients.

Perhaps a way to manage this and still allow access would be a confidentiality agreement related to address information, signed by non-court users. This would address confidentiality issues, while still allowing access.

Removing access to address information in JIS LINK will be a barrier to necessary information that will inevitably result in court delays.

Thank you for the opportunity for comment on this decision.

Sara Bhagat

Director/Attorney Administrator

Snohomish County Office of Public Defense