

# **1. February 22, 2019 Meeting Minutes**



**JISC DATA DISSEMINATION COMMITTEE**  
**Friday February 22, 2019 (8:30 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 751738**

**DRAFT – MEETING MINUTES**

**Members Present**

Judge J. Robert Leach, Chair  
Judge Scott K. Ahlf  
Judge John H. Hart (telephonically)  
Ms. Barb Miner  
Ms. Brooke Powell  
Ms. Paulette Revoir  
Judge David A. Svaren

**Guests Present**

Ms. Jennifer Ortega, Access to Justice – Technology Committee  
Ms. Tammie Ownbey, Pend Oreille County Clerk  
Stephanie Lee, WSIPP (telephonically)  
Lauren Knoth, WSIPP (telephonically)  
Jamie Weimer, WASPC(telephonically)  
Steven Briggs, WASPC (telephonically)

**Members Absent**

Judge Jeannette Dalton

**Staff Present**

John Bell, Data Dissemination Administrator  
Kathy Bowman, MSD Administrative Secretary  
Mike Keeling, AOC IT Operations Manager

**0. Call to Order**

Judge Leach called the February 22, 2019, Data Dissemination Committee meeting to order at 8:36 am.

**1. October 28, 2018 Meeting Minutes**

No changes or additions were requested, and the October 28, 2018 meeting minutes were approved as written.

**2. Washington State Institute for Public Policy (WSIPP) Research Request for Access to Case Type 7 (TRU, ARY, and CHINS) cases**

Stephanie Lee and Lauren Knoth with WSIPP presented this agenda item. This request is to expand the data feeds already received quarterly to include Case Type 7s, at risk and truancy, but not dependency, and will require a one-time retrieval of all available data. This request is supported by the WAJCA. The Committee has requested that any reports generated be vetted with the WAJCA prior to publication. John Bell noted the right to review prior to publication is included in the standard agreement. Barbara Miner confirmed the data requested is referral and detention data – the same Case Type 7 data as provided previously, and not SCOMIS or Odyssey data. AOC has confirmed the data can be compiled. Judge Leach summarized that the DDC was satisfied with security and our ability to provide the data. This request includes sealed and expunged cases. AOC does not have capacity to provide expunged data, and that was made clear to the requestor. All Case Type 7 data are confidential and “sealed”. John Bell will amend the agreement to include a confidentiality agreement. Barbara Miner reminded the requestors that King County detention data is not included in JCS. Case Type 7

and 8 data would be included in a different system, and to contact Leah Ennis, King County JCA for King County data.

A motion was made and seconded to approve Washington State Institute for Public Policy (WSIPP) research request for access to Case Type 7 (TRU, ARY, and CHINS) cases. All were in favor and the motion passed. John Bell will be in touch with Stephanie Lee and Lauren Knoth next week to finalize the agreement.

**3. Washington Association of Sheriffs and Police Chiefs (WASPC) Request for Access to Judicial Access Browser System (JABS)**

Jamie Weimer with WASPC presented this agenda item. Access to JABS will allow WASPC staff to carry out requirements established by SHB1501, related to denied firearms transactions. Access would be allowed to Sheriffs and police chiefs (3 individuals). Barbara Miner was supportive of providing JABS Law Enforcement level access. AOC is supportive. Mike Keeling will need to speak with WASPC about specific network connectivity, as JABS access is limited to the state network and a port may need to be developed to allow access.

A motion was made and seconded to allow JABS Law Enforcement level access to WASPC. The motion passed unanimously. John Bell will be in contact with WASPC regarding the contract. WASPC's IT person will contact Mike Keeling regarding connectivity.

**4. Data Dissemination Manual Updates**

John Bell presented this agenda item for committee review and approval. Proposed changes to the manual were presented after having been tabled at the last meeting. Additional changes were suggested by the Committee. At Example 1, it was agreed to change "judgment cases" to "judgment records". At Example 5., it was agreed to strike the sentence "Child support records are confidential under RCW 26.23.120, and release of payment information is not allowed." A question was raised at Example 11. whether this is a conflict. John Bell will reword Example 11. The Committee agreed to strike the section "Waiver of Privacy Protection" at Part IV: of the "Request for and Limited Waiver for Release of Person-Specific Record Information" as this language is no longer used, and a Notary Public is no longer required on the DD Form. The additional changes were ratified at each change, and John Bell has made tracked changes to the document.

A motion was made and seconded to approve the Data Dissemination Manual with the proposed changes. The motion passed unanimously.

**5. Review of AOC Data Agreements per discussion at October 26, 2018 meeting.**

John Bell presented this agenda item for committee review and approval. Judge Leach suggested adding at section 8.7 "***Except to the extent prohibited by law,*** RESEARCHER shall destroy the AOC data provided to RESEARCHER under this Agreement at the termination or expiration of this Agreement." At section 11. Barbara Miner corrected the sentence "Official court records are maintained by the courts of record." to "Official court records are maintained by the county clerks and courts of limited jurisdiction."

A motion was made and seconded to approve the changes to the Research Data Agreement. The motion passed unanimously.

**6. Other Business**

- Brooke Powell reported an issue to the committee about sealed Juvenile records queried in BIT (data repository from JIS and JCS). Sealed Case Type 8 files (deferred disposition or diversion) are no longer included in BIT queries. This is replicated data that had been available in the past and a result is this is holding up reimbursements. Mike Keeling said he believes this is a different problem than the replication issue, and he will make this an Action Item and report back to the Committee. Barbara Miner and Tammy Ownby have already put this request in as an ASAP Action Item with the AOC. Judge Leach noted that if a “fix” requires committee action, an email or telephone conference can accommodate rather than waiting until the next DDC meeting in April.
- Judge Leach reported that researcher MDRC is negotiating changes to AOC’s contract language (DSA19146). It was felt this request was not timely received for discussion at this meeting and will be tabled until the April meeting for discussion and decision.
- John Bell reported the DDA position has been posted, and applicants are being interviewed. One candidate has been asked to come in a second time to meet with John Bell and Ramsey Radwan, AOC Director of Management Services, next week.

With no other business to discuss, Judge Leach adjourned the February 22, 2019 Data Dissemination Committee meeting at 9:32 am.

## **2. MDRC Request for Limitation Language in Data Dissemination Contract**



WASHINGTON  
COURTS

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June 18, 2019

TO: Judge Jay Leach and the Data Dissemination Committee Members  
FROM: John Bell, AOC *JEB*  
RE: Letter from MDRC

Attached please find a letter from Bret Barden of the MDRC<sup>1</sup>. Mr. Barden is requesting a language change to our section 14.1 of our data share agreement. The language currently reads:

**14. RESEARCHER must:**

- 14.1** Provide AOC with a copy of any report generated from this research project 60 days prior to publication with the opportunity for AOC to object to the use of its data in the report; however, any objection must be reasonable and rationally based. If such objection is made the data and any related findings shall be removed from the report.

This language allows us to review the final report and object to referring to Washington court data in a researcher's report if our objections are "reasonably and rationally based."

MRDC is asking us to limit our objections to confidentiality protections of the participants. See attached letter from MDRC. AOC opposes adding any limitations to this section of the contract. If we agreed to such limitations, AOC or the courts could not object to anything besides the confidentiality protections of participants in MDRC's report, even if our objection was reasonable or rationally based (i.e. misinterpretation or misuse of the provided data). The current language is necessary to protect AOC and the courts interests. It would be very difficult to list objective criteria for our objections as we cannot predict how the data will be used or interpreted by the requester.

AOC also disagrees with Mr. Barden's claim that the current language affects MDRC's independence. MRDC can always litigate/contest the reasonableness or rationale of our objection. Furthermore, making this change for MRDC would set a bad precedent for future requests of a similar nature. The current language in section 14.1 was reviewed and approved by this Committee and should not be changed or limited to objections regarding confidentiality.

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<sup>1</sup> Founded in 1974 as the Manpower Demonstration Research Corporation, "MDRC" became the official name of the organization in 2003.

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**Bret Barden**  
Research Associate, MDRC  
February 21, 2019

**Judge Jay Leach**  
Chair, Data Dissemination Committee  
c/o John Bell, Contracts Manager, Administrative Office of the Courts  
Olympia, WA

Dear Judge Leach,

I am writing to request a change to the standard language currently in a draft data sharing agreement between the Washington State Admirative Office of the Court (AOC) and MDRC. MDRC is an independent, non-partisan, not-for-profit research company that builds knowledge to improve social policy and the lives of low-income individuals, families, and children. We are currently working with Yakima County to assess the impacts of changes they have implemented to pretrial processes in their criminal courts. This research is funded by Arnold Ventures (formerly The Laura and John Arnold Foundation).

Of course, court data from the AOC is crucial for the analysis our work will require. To that end, we greatly appreciate the time and efforts of Mr. John Bell, others within the AOC, and the Data Dissemination Committee (DDC) in drafting the data sharing agreement to allow for MDRC's access to this data. We respectfully ask that the AOC consider and approve one additional change to the data sharing agreement (underlined and bolded):

“14.1 Provide AOC with a copy of any report generated from this research project 60 days prior to publication with the opportunity for AOC to object to the use of its data in the report; however, any objection must be reasonable and rationally based **on a concern about the confidentiality protections for participants as described in this Agreement.** If such objection is made the data and any related findings shall be removed from the report.”

We request this clarifying language be added to ensure the objectivity and independence of our research. Since MDRC's founding in 1974, independence and objectivity in our research have been the bedrock and hallmark of our organization. They are essential to building trust with the policymakers and practitioners who regularly rely on our research findings to improve public policy. Even the mere perception of bias or alteration of results could erode the confidence and trust that are so critical to our ability to deliver sound, unbiased research findings to inform the creation of social policy.

Without the additional language that we propose, the standard language states that “reasonable and rationally based” objections to the use of the data contained in a report will result in the findings being removed from the report. The broad language provides no guidance on the criteria for what constitutes a “reasonable and rationally based” objection. Accordingly, MDRC is concerned about the extent to which it could risk diminishing its research independence by entering the data sharing agreement, as it stands; any number of objections could be said to be “reasonable and rationally based” and thereby result in removal of research findings in MDRC’s report. This would undoubtedly raise doubts about MDRC’s objectivity and integrity.

The additional language we propose specifies that a “reasonable and rationally based” objection be defined as one that is grounded in a concern for the confidentiality of participants, that which constitutes an objective misuse of these data. Were the AOC to accept this proposed language, it would review MDRC’s report findings to ensure that the presentation of research results could not potentially lead to the identification of individuals in the study sample or a loss of confidentiality. These concerns are consistent with the confidentiality protections the data sharing agreement already contains.

We understand that the current data sharing agreement language likely stems from a concern about the misuse of the court data. But we want to assure you that MDRC has decades of experience processing and analyzing criminal justice data and established protocols to ensure the quality and accuracy of our analyses. On this Yakima project, in particular, our project director has two decades of experience working with criminal justice data, and the data management lead for regular data processing and analysis efforts has nearly a decade of experience with criminal justice data. We work very closely with data providers and jurisdictions in an interactive process to ensure that we understand the data with which we are working and that the creation of our analysis files and outcome measures are accurate and reliable. In addition, we have extensive fact-checking procedures as a final check on the quality of our measures and findings, wherein analyses are checked independently by staff who were not the author of the analysis.

Thank you for considering this proposed change. If you have any questions, please do not hesitate to reach me at either 212-340-8697 or [bret.barden@mdrc.org](mailto:bret.barden@mdrc.org).

Sincerely,

*Bret Barden*

Bret Barden