November 7, 2013

Honorable David A. Svaren
District and Municipal Court Judges' Association
Skagit County District Court
600 S 3rd Street
PO Box 340
Mount Vernon, WA 98273-0340

Dear Judge Svaren:

Since July, the JISC CLJ workgroup has met regularly to analyze the remaining issues and to provide recommendations to the JISC on the retention of JIS court records for CLJs. At the October 25 JISC meeting, the CLJ workgroup informed the JISC that the workgroup members were unable to unanimously agree on a policy that would satisfy all concerns. The workgroup presented six options and asked the JISC to provide direction so the workgroup could bring back a proposed policy for the December 6 JISC meeting. Instead, the JISC discussed the options and voted on the policy at the October 25 meeting. The JISC decided that the records would be destroyed as originally proposed by the Data Dissemination Committee, with the following exceptions:

- Criminal cases with a Domestic Violence (DV) flag are retained for 15 years; and
- Case data is retained for five years until the Judicial Needs Estimate work is resolved and then the retention for the applicable cases will be three years; and
- Judges are allowed to flag individual cases for permanent retention subject to a set of criteria to be established by the DMCJA and then approved by the DDC and the JISC. The guidelines would be published by the AOC in its Data Destruction Policy.

During the JISC meeting, Judge Rosen and Judge Heller were directed to provide guidance to the DMCJA on the individual case flagging criteria. Therefore, with Court Administrator Aimee Vance, we now provide the following recommendations:

- In flagging individual cases for permanent retention, judges should consider these non–exclusive factors:
    - Defendant criminal history;
    - Nature of the current crime;
    - If the case involves any mental health issues;
    - If the case involves any substance abuse issues;
    - If the Defendant has a high risk of repetitive contact with the court system;
    - If the alleged crime was sexual in nature;
    - If the Defendant has a history of repetitive contact, or has the potential of repetitive contact, with the alleged victim; and
    - If domestic violence was involved.

- Judges should consider these factors with the knowledge that the dismissed record is not a record of conviction and therefore, if retained, it may have negative consequences for the Defendant in acquiring employment or housing.
- Flagging of individual cases, especially those that are dismissed, should be considered the exception and not the norm in judicial proceedings.
- If a judge decides that a case should be flagged, findings supporting the flag must be put on the record and docket entries must show the criteria used in making that decision.
- A flag may be removed from a case upon good cause shown. The record and docket entries must reflect the reasons as to why the case was un-flagged.

The CLJ Workgroup hopes it has provided a good starting point for the DMCJA in establishing the guidelines for judges to use when flagging individual cases. In order to meet all the schedule deadlines and properly vet the proposed criteria per JISC direction, it is requested that the DMCJA provide the individual case flagging guidelines to the Data Dissemination Committee by February 15, 2014. If you have any questions, Judge Heller and Judge Rosen are available to discuss the policy and the proposed criteria presented in this letter.

Sincerely,

Judge James R. Heller	Judge Steven Rosen	Aimee Vance, Administrator
Pierce County District Court	Seattle Municipal Court	Kirkland Municipal Court

DMCJA Board of Governors Meeting

Friday, December 13, 2013, 12:30 p.m. – 3:30 p.m.
AOC SeaTac Office

MEETING MINUTES

Members:
Chair, Judge Svaren
Judge Alicea-Galvan
Judge Allen
~~Judge Burrowes~~
~~Judge Derr~~
~~Judge Garrow (non-voting)~~
Judge Jahns
Judge Jasprica (non-voting)
Judge Lambo (non-voting)
Judge Logan
Judge Marinella
Judge Meyer
Judge Olwell
Judge Ringus (non-voting)
Judge Robertson
~~Commissioner Smiley~~
Judge Smith
Judge Steiner

Guests:
Judge Kim Walden
Judge Donna Tucker
Judge James Heller
Judge Jeffrey Ramsdell, SCJA
Candice Bock, AWC
Doug Levy
Ms. Aimee Vance, DMCMA
Brian Kelly, WSBA
Deena Kaeling, MCA

AOC Staff:
Ms. J Krebs
Ms. Vicky Cullinane
Ms. Michelle Pardee
Mr. Dirk Marler
Ms. Callie Dietz
Ms. Vonnie Diseth

President Svaren called the meeting to order at 12:30 p.m. and noted there was a quorum present.

ASSOCIATION BUSINESS

Minutes
Judge Jahns proposed amended language under the Legislative Committee Report, 1. Removal of Municipal Court Judges. M/S/P to approve November, 2013 minutes with that amendment.

Treasurer's Report
Judge Marinella included a written account statement in the materials. An audit will take place at the close of the 2014 books. *M/S/P to approve the Treasurer's Report.*

Special Fund Report
M/S/P to approve the Special Fund Report.

CLJ Case Management System Update

Ms. Dietz, Mr. Marler and Ms. Diseth gave a presentation on the history, timeline, events, and discussions regarding a CLJ Case Management System (CMS). They presented a history of the

current Information Technology Governance projects and how these are/were prioritized, and also discussed why a statewide approach/CMS is critical. They then presented AOC's high-level timeline for gathering the CLJ business requirements and recent events and discussions with CLJ courts who are anxious to get moving on this project or are planning on moving forward with their own CMS. The current plan is to start the Business Requirements process by second quarter 2014 and put out an RFP by second quarter 2016. A meeting is scheduled for January 24, 2014 to specifically discuss in detail how AOC and courts can move forward with a CLJ CMS.

ACTION

Policy for payment of dues when a vacant position is filled (full or pro-rata)
No action taken
Judge Marinella submitted a policy with language that clarified the expectations for payment when a judge pays the dues versus when a jurisdiction pays the dues. The Board discussed whether, if a judge pays the dues and then leaves office, would that judge receive a refund on pro-rated dues. The refund question was also raised at the November 2013 Board meeting. Judge Marinella and Judge Steiner will continue work adding language covering refund of dues and bring back to the Board.

Legislative Committee

1. Imposing Misdemeanor Jury Fees

No action taken.
In November, the Board sent this back to the Legislative Committee for further review. The Legislative Committee decided not to change the original proposal.

2. Therapeutic Courts (SB 5797) Workgroup

M/S/P to support but not sponsor bill.

3. Other Business

Judge Meyer reported that the DMCJA proposal regarding municipal court termination had been submitted to the BJA; the Legislative Executive Committee had been formed to address legislation throughout the legislative session; and the Impaired Driving Workgroup Report is available for review.

DISCUSSION

A. JISC CLJ Workgroup Request for Guidelines for Flagging Cases for Permanent Retention

Judge Svaren did not receive any further comments or suggestions for guidelines.
M/S/P to make this an Action item.
M/S/P to approve the recommended guidelines for judges to follow when flagging a case for permanent retention, which diverts from the standard retention schedule set out in the November 7, 2013, letter to DMCJA from the JISC CLJ Workgroup.

B. Office of the Trial Courts

There was a meeting on December 6, 2013, and the following was decided: The purpose is to be an advocacy group for issues of the courts of limited jurisdiction; the group does

not yet have a title – two names were proposed to be chosen at the next meeting; the group intends to meet quarterly; the chair will be a one year term and will be filled by one of the past presidents of the associations (to rotate between the associations); court administrators may send liaisons to the meetings but not vote; court security issues will be a focus, as well as creating a protocol for referring projects to the WA State Center for Court Research. SCJA currently has a legislative contact list that they will share/blend with DMCJA to increase contact with legislators to advocate on CLJ issues; and each association will ask their boards to provide funding so members may attend meetings.

Judge Steiner said that Judge Svaren's document regarding how the group should be formed set the ground work and helped progress the formation of this group.

C. Long Range Planning Recommendations to the Board
Judge Steiner reported that the Long Range Planning Committee met on October 18, 2013, and reviewed the items listed in the report submitted to the Board.

D. System Improvement Committee
Judge Steiner reported that the Committee met by telephone on December 4 and discussed the five items on the charge document. The Committee divided up into separate subcommittees to further review the items on the charge document and will meet in person on January 24, 2014, to go over the work the subcommittees have done.

E. Court Security Workgroup Status Update
Judge Svaren spoke with Judge Charles Snyder, SCJA, and both associations are interested in working together with DMCMA to form a joint committee to address trial court security issues. More information will be given at future meetings.

LIAISON REPORTS

DMCMA- Next week DOL should be returning tickets with errors through email and no longer mailing the returns.

MCA – They are planning their spring conference. Due to a resignation, Ms. Kaelin will be attending DMCJA Board meetings until a successor is chosen.

SCJA – Met with DMCJA for Office of Trial Courts and will be picking a new name and working on the protocol of AOC staff use. SC-CMS is still working through County Clerks' concerns over retaining local custody and control over court documents. Discussion on family law issues such as having separate courts for only family law cases and attorneys for all kids in termination and dependency hearings.

WSBA – Mr. Kelly reported that 2015 bar dues will remain the same and is the third year in a row that they have remained the same. WSBA is reviewing the impact this may have on WSBA programs and if any will have to cut any programs. There has been work on LLLT- Limited License Legal Technician requirements, which include educational and experience components.

WSAJ – No liaison present.

AOC – Ms. Dietz reported on the AOC reorganization and is working on filling vacancies. Positions have been filled for Supreme Court Commissions Coordinator, Language Interpreter Commission, and there is a new Security IT officer. Applications were received for the DMCJA staff position and interviews will be taking place.

BJA - Judge Lambo gave a re-cap of the December 13th BJA meeting. AOC reported on updates to its security system since the security breach and that they are working with another state agency, Military Department, to test AOC's security by trying to breach AOC security and work to fix weak parts of the system. Court Security resources were discussed and having education programs at conferences. Mellani McAleenan stressed the importance of contacting local legislators about the importance of the JISC account as when money is removed from that account it hurts the judicial branch and courts. Interpreter bill position remains at opposed because it is an unfunded mandate. There may be a workgroup that will keep the bill alive for the future possible funding.

STANDING COMMITTEE REPORTS

A. Rules Committee – Judge Garrow included the committee's minutes in the materials.
B. Long Range Planning Committee – Judge Steiner included the committee's minutes in the materials.

INFORMATION

The 2013 DMCJA Annual Report to the Chief Justice was included in the materials by Judge Svaren.

Leadership meeting DOL/DMCJA/DMCMA/AOC letter from Judge Svaren to Pat Kohler, Director of DOL, was included in the materials by Judge Svaren.

Judge Meyer reported that the Impaired Driving Work Group Report was published and to contact him for copies. It is a large document.

OTHER BUSINESS

Legislative Efforts to Increase Criminal Conviction Filing Fees

Ms. Candice Bock, Association of Washington Cities, and Mr. Doug Levy presented to the Board proposed legislation to increase the criminal conviction filing fees in an effort to help cover some of the costs for the January 2015 implementation of public defense standards and caseload limits. In 2004, a Court Funding Alternatives work group had recommended the fee be set at $55, rather than the current $43. However that did not occur. The increase of the fee would benefit both local and state governments as more money would be collected. Mr. Levy and Ms. Bock would like the Board's support for the legislation and any other feedback.
The Board asked what percentage of the fees were actually collected. Mr. Levy responded about 60% of the imposed criminal conviction filing fees were collected. Judge Lambo understood the crunch that municipalities are under but also is concerned that fees pile up on people and increase their financial burden. Also, often the fees are converted to community service and so the increase in revenue would not be what is expected. Ms. Vance asked if the request was to increase the fee regardless of whether the person was represented by a private attorney or public defender. Mr. Levy said fee increase is without distinction between private or

public attorney. Judge Jahns discussed proposing a change so that all fees collected stay local, instead of increasing the fee amount. Judge Tucker suggested creating a new fee for the sole purpose of funding public defense mandates. Ms. Bock has seen historically that the legislature would rather increase an existing fee rather than create a new fee. Judge Alicea-Galvan suggested that the cities also work with their prosecutors to determine what violations would be part of the caseloads and what violations they wanted to move forward on prosecuting. Judge Meyer noted that historically DMCJA has opposed user fees to fund programs, including increase of fees. Ms. Bock and Mr. Levy thanked the Board for their time, they hope the Board would recognize the need to fund the January 2015 implementation of public defense standards and caseload limits, and appreciate the Board's feedback.

Meeting Adjourned at 3:43 p.m.

JISC DATA DISSEMINATION COMMITTEE
February 28, 2014
8:30 - 10:00 a.m.
Administrative Office of the Courts
SeaTac Office Building
18000 International Blvd. Suite 1106
SeaTac, WA 98188

DRAFT - MEETING MINUTES

Members Present
Judge Thomas J. Wynne, Chair
Judge James R. Heller
Mr. William Holmes
Judge J. Robert Leach
Ms. Barbara Miner
Judge Steven Rosen
Ms. Aimee Vance

Guests Present
Seren Kopetski, Washington State Liquor Control Board
Frank O'Dell, Washington State Liquor Control Board

Members Present Telephonically
Judge Jeannette Dalton

AOC Staff Present
Stephanie Happold, Data Dissemination Administrator

Judge Wynne called the meeting to order and the following items of business were discussed:

1. **Meeting Minutes for December 6, 2013**
   Committee approved the meeting minutes.

2. **DMCJA Feedback on CLJ Individual Case Flagging Criteria Guidelines**
   The Committee reviewed the DMCJA-approved guidelines for flagging individual cases for permanent retention as provided for in the Courts of Limited Jurisdiction JIS retention schedule. Judge Leach moved to approve the guidelines from the DMCJA and send them to the JISC. Judge Heller seconded the motion and the decision was passed unanimously.

   The Committee discussed how the retention schedule with the case flagging criteria would be disseminated to the courts. Staff stated that the charts and criteria would be incorporated into an AOC policy per JISCR 8 and posted on the AOC website, as well as on all the listservs. The Committee recommended education about the Iteration 2 retention schedules and case flagging ability be done at the next spring conferences in order to train the court staff before implementation. Committee also directed staff to contact WAPA and WADCL to notify them of the policy prior to its effective date.

3. **Washington State Liquor Control Board Licensing Division Request**
   Frank O'Dell of the Washington State Liquor Control Board (LCB) presented the LCB Licensing Division request for Level 22 JIS-Link access and referred to his letter that was

Iteration 1

The following policy/rules are scheduled for iteration 1. If possible, changes will be made to retain all cases 5 years instead of 3

Retention of Records Summary

Casetype = CV, SC, or PR The system will determine retention based on overall casetype & cause code

Casetype	Cause Code	Retention
CV-Civil	DVP, HAR, SXP, STK	Never Purge
CV-Civil	Any other	10 years & 4 months
SC-Small Claims PR - Parking (Will inc. electronic Parking - VRV)	Any	5 years

Notes:

- > All retention periods begin after case is closed
- > Case is retained based on the longest retention period for any violation on the case
- > Retention not based on a finding of Amended (AM) It is based solely on issues with findings other than AM
- > See Plea / Sentencing codes at Inside Courts website for code descriptions

Casetype = IT, IN, CT, CN, PC, CF The system will determine retention based on casetype and disposition of each charge as well as looking for DV flag and Retain Case flag

Finding / Judgment Types	Casetype of Charge (will include all eTickets)			Finding / Judgment Codes Included
	CT, CN	PC, CF	IT, IN	
Guilty / Committed	Never purged	Never purged	5 yrs	AS, BF, C, P, G, GO, GS, GV, GR, PI, RP, GY, GZ
Not Guilty / Not Committed	Phase 1 - Not purged Future - TBD	Phase 1 - Not purged Future - TBD	5 yrs	NG, NC
46.63.070 Deferred Finding (IT only)	NA	NA	7 yrs	CD, DD
Dismissed - Incompetency, or Not Guilty - Insanity	Never purged	Never purged	5 yrs	D, DO, DW with reason code of IC; or NS
10.05 Deferred Prosecution	Never purged	Never purged	5 yrs	GO, GD; or D, DO, DW with dismissal reason code of DP
Dismissed for all other reasons	Phase 1 - Not purged Future - TBD	Phase 1 - Not purged Future - TBD	5 yrs	D, DO, DW, DS, or OD, with a dismissal reason code of blank or anything other than IC, DP, or FD
Vacated	Never purged	Never purged	N/A	V
Domestic Violence Flag	Phase 1 - Not purged Future - TBD	Phase 1 - Not purged Future - TBD	5 -7 yrs	Applies to cases where a violation has a DV flag = yes, and the retention of the case without the DV flag was less than 15 years..
Retain Case Flag	Not Available in this iteration	Not Available in this iteration	Not Available in this iteration	A new flag is planned, that will designate a case should be retained regardless of any other rule. Case will be retained as long as flag = Yes.
Case Transferred	Phase 1 - Not purged Future - TBD	Phase 1 - Not purged Future - TBD	5 yrs	BO, CV; or D with a reason of FD

Iteration 2

These were the original rules/policy with notes added regarding the "DV" & "Permanently retain" flags and retain all cases at least 5 years.

Retention of Records Summary

Casetype = CV, SC, or PR
The system will determine retention based on overall casetype & cause code

Casetype	Cause Code	Retention
CV-Civil	DVP, HAR, SXP, STK	Never Purge
CV-Civil	Any other	10 years & 4 months
SC-Small Claims PR - Parking (VRV)	Any	5 years

Notes:

- All retention periods begin after case is closed
- Case is retained based on the longest retention period for any violation on the case
- Retention not based on a finding of Amended (AM) It is based solely on issues with findings other than AM
- See Plea / Sentencing codes at Inside Courts website for code descriptions

Casetype = IT, IN, CT, CN, PC, CF
The system will determine retention based on casetype and disposition of each charge as well as looking for DV flag and Retain Case flag

Finding / Judgment Types	Casetype of Charge			Finding / Judgment Codes Included
	CT, CN	PC, CF	IT, IN	
Guilty / Committed	Never purged	Never purged	5 yrs	AS, BF, C, P, G, GO, GS, GV, GR, PI, RP, GY, GZ
Not Guilty / Not Committed	10 yrs	10 yrs	5 yrs	NG, NC
46.63.070 Deferred Finding (IT only)	NA	NA	7 yrs	CD, DD
Dismissed - Incompetency, or Not Guilty - Insanity	Never purged	Never purged	5 yrs	D, DO, DW with reason code of IC; or NS
10.05 Deferred Prosecution	Never purged	Never purged	5 yrs	GO, GD; or D, DO, DW with dismissal reason code of DP
Dismissed for all other reasons	10 yrs	5 yrs	5 yrs	D, DO, DS, DW, or OD, with a dismissal reason code of blank or anything other than IC, DP, or FD
Vacated	Never purged	Never purged	N/A	V
*Domestic Violence Flag	15 yrs	15 yrs	15 yrs	Applies to cases where a violation has a DV flag = yes, and the retention of the case without the DV flag was less than 15 years.
*Retain Case Flag	Never purged	Never purged	Never Purged	A new flag will be available in JIS to designate that a case should be retained regardless of any other rule. Case will be retained as long as flag = Yes.
Case Transferred	5 yrs	5 yrs	5 yrs	BO, CV; or D with a reason of FD