

MEETING MINUTES
JISC DATA DISSEMINATION COMMITTEE
May 30, 2012
Teleconference

Members Present

Judge Thomas J. Wynne, Chair
Judge Jeanette Dalton
Judge James R. Heller
Mr. William Holmes
Judge J. Robert Leach
Ms. Barbara Miner
Judge Steven Rosen

Guests Present

Ms. Becky Denny, DSHS/SCC
Ms. Beth Fraser, Snohomish County Office of Public Defense

AOC Staff Present

Lynne Alfasso, AOC Data Dissemination Administrator

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

1. Minutes of January 12, 2012

Action: It was moved, seconded, and passed to approve the Minutes of January 12, 2012.

2. Request by the Washington Department of Social and Health Services Special Commitment Center (DSHS/SCC) for Fee-Waived JIS-Link Access

The Committee considered the request of the DSHS/SCC for fee-waived JIS-Link access. The DSHS/SCC houses persons who are civilly committed as sexually violent predators. The DSHS/SCC is a WSP- certified criminal justice agency under RCW 10.97. Ms. Denny stated that the residents of the DSHS/SCC often have ongoing criminal proceedings and JIS-Link access would help staff to track those proceedings, to know what the residents' court obligations are and to help keep track of the residents. The Committee discussed whether they had the authority to grant a fee waiver. It was noted that this Committee has the authority to decide questions of access to JIS-Link and that historically that has included whether the fees should be waived. The Committee also discussed the appropriate security level for the requestor. Level 22 access would provide the DSHS/SCC the same access as law enforcement agencies and the state Department of Corrections.

Action: It was moved, seconded, and passed to approve the request of the DSHS/SCC for fee- waived access to the JIS-Link at security level 22. Staff will prepare an agreement for signature by the DSHS/SCC providing the terms and conditions of the access.

Ms. Denny left the teleconference at this time.

3. Request of Snohomish County Office of Public Defense for Access to the Judicial Access Browser System (JABS)

The Committee considered the request of the Snohomish County Office of Public Defense (OPD) for access to JABS. OPD, which is part of the county executive branch, provides pretrial services to the superior and district courts and also manages the appointment of assigned defense counsel. OPD does not directly serve as defense counsel for any individual clients. OPD will be using the new Adult Static Risk Assessment (ASRA) to provide information to the courts on bail/release decisions. Because JABS is easier to use than JIS-Link, and because JABS provides compiled warrant information, which JIS-Link does not, the OPD would like access to JABS.

It was noted that JABS was originally created for use solely by the courts. However, several years ago, access to JABS was extended by this Committee to prosecutors and public defenders that use electronic citations in their courts because electronic citations are not displayed in JIS-Link but are displayed in JABS.

Action: It was moved, seconded, and passed to allow the Snohomish County Office of Public Defense to have access to JABS for the purpose of using the information to prepare assessments for the courts using the ASRA. The level of access will be level 22, which is the same level provided to the Spokane Office of Pretrial Services in January 2012 for this purpose.

4. Adult Static Risk Assessment (ASRA) and JABS Access

At the January, 2012, JISC Data Dissemination Committee meeting, staff was asked to prepare a draft policy which would give agencies access to JABS for purpose of preparing assessments for the court using the ASRA. The Committee members reviewed the draft policy prepared by staff and discussed the ASRA. Committee members decided they would like a demonstration of ASRA and information on why JABS access is being requested for use with the ASRA.

Action: Staff will request that a demonstration of the ASRA tool be provided at the next Data Dissemination Committee meeting.

5. The Defendant Case History (DCH) Screen and the Display of Sealed Juvenile Case Information

At its September 30, 2011 meeting, the JISC Data Dissemination Committee formed a workgroup to consider the issue of the display of the existence of sealed juvenile offense cases on the JIS defendant case history (DCH) screen. Ms. Miner, Mr. Holmes, and Judge Heller served on this workgroup (the DCH Workgroup.)

Although the DCH is not publicly disseminated under the JIS [Data Dissemination Policy](#) (DD Policy), the Policy provides that a copy of the DCH may be given to the subject of the record or their designee upon written request accompanied by a signed waiver of privacy.¹

When an individual or the individual's designee is given a copy of the DCH by the court, the DCH includes information on the existence of sealed juvenile cases because the individual or designee is given a copy of the DCH screen display which is available to the court. However,

RCW 13.50.050 (14) provides the following restrictions on access to information about sealed juvenile cases:

(14)(a) If the court grants the motion to seal made pursuant to subsection (11) of this section, it shall, subject to subsection (23) of this section, order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. **Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.** (Emphasis added.)

The issue considered by the Workgroup was whether the copy of the DCH screen given by the court to the subject of the record or his/her designee should not include information about the existence of a sealed juvenile case.

Committee members considered the following two recommendations of the DCH Workgroup:

1) Recommend that the court be able to print out a "view" of the DCH screen for the defendant and/or the defendant's designee that does not include information about the existence of sealed juvenile cases. This would satisfy the statutory requirement in RCW 13.50.050 (14) that an agency may not give out information about the existence or nonexistence of a sealed juvenile case.

2) Recommend that RCW 13.50.050 (14) be amended to allow court probation departments and state-certified substance abuse evaluation and treatment agencies be able to view information on the existence of sealed juvenile cases, since that information might be relevant to the subject's current cases before the court. The DMCJA and/or the DMCMA may be the logical stakeholders to propose such an amendment.

Action: It was moved and seconded that the Committee adopt both recommendations. After discussion, it was moved to amend the motion to only recommend approval of recommendation number one, to allow the court to print out a "view" of the DCH screen for the defendant and/or the defendant's designee that does not include information about the existence of sealed juvenile cases. There motion to amend was seconded, and the amended motion passed.

Staff will prepare a draft Information Technology Governance (ITG) request for the Committee's review setting forth the Committee's recommendation. Judge Wynne offered to send a letter to the DMCJA explaining the Committee's action. If sealed juvenile case information is removed from the DCH screen "view" which is given to the defendant, certain entities which rely on receiving a copy of the DCH screen from the defendant, such as substance abuse evaluation and treatment agencies, will no longer know that the defendant had a sealed juvenile case. If they would like such entities to have that information, the DMCJA may want to consider amending RCW 13.50.050 (14) to allow certain entities, such as substance abuse evaluation and treatment agencies, to have access to information that the defendant has a sealed juvenile case. Judge Wynne will send a draft copy of the letter to Committee members for comment.

6. ITG 41 – Retention and Destruction of CLJ Records in the Judicial Information System

The AOC project manager for ITG 41, Kate Kruller, asked that two representatives from this Committee be appointed to the project steering committee. The steering committee will provide court business expertise and project monitoring to the AOC staff working on this project. Judge Wynne appointed Judge Heller and Judge Rosen to the project steering committee. The Data Dissemination Committee agreed that Judge Heller and Judge Rosen can also represent the DMCJA on the project steering committee, if the DMCJA asks them to serve.

7. Other Business

- a. Judge Rosen suggested that the Committee develop a policy on JIS-Link fee-waiver requests. Staff was asked to provide information on which JIS-Link customers are fee- waived and the statutes and policies relating to JIS-Link fees.
- b. Judge Rosen suggested that the Committee review the rationale for the section of the Data Dissemination Policy that prohibits the dissemination to the public of a compiled report on an individual, and discuss whether this section of the Policy should be revised. It was noted that some of the reasons for this policy are:

Accuracy of the court information on an individual—the official criminal history record information (CHRI) maintained by the Washington State Patrol (WSP) under RCW 10.97 is fingerprint-based. Court records are not fingerprint-based; therefore, the public should not be able to obtain a DCH to use as a “background report” on a person.

Under RCW 10.97, there are numerous restrictions on the information that the WSP can include in a person’s CHRI (for example, arrests without dispositions can only be included for one year, and dispositions favorable to the defendant, as defined by statute, are not included.)

Having a JIS screen that compiled a person’s case history was for the court’s convenience and was never meant to be used by the public.

Further Action: These two issues will be placed on a future Committee agenda and staff will provide additional information, as requested.

¹ DD Policy III.B.4.