JISC DATA DISSEMINATION COMMITTEE
May 31, 2013
1:00 - 4:30 p.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 Jeanette Dalton
Judge James R. Heller
Mr. William Holmes
Judge J. Robert Leach
Ms. Barbara Miner
Judge Steven Rosen

Guests Present
Ms. Kim Ambrose, UW
Ms. Vanessa Hernandez, ACLU
Mr. Mike Katell, Access to Justice Tech Committee (Present via phone)
Ms. Marna Miller, WSIPP
Mr. Rowland Thompson, Seattle Times

AOC Staff Present
John Bell, AOC Interim Data Dissemination Administrator
Stephanie Happold, AOC Data Dissemination Administrator
Kate Kruller, AOC IT Project Manager, ISD
Vicky Marin, AOC Business Liaison, ISD
Mellani McAleenan, Associate Director, Board of Judicial Administration

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

1. **Introductions**
   Stephanie Happold, the new Data Dissemination Administrator, was introduced to the Committee.

2. **GR 15 Draft**
   A draft copy of GR 15 that included the latest edits from Judge Leach and Judge Wynne was presented to the Committee. Members provided edits and comments for each section and unanimously approved a working copy of the GR 15 draft. The Committee then directed staff to send out the draft to interested parties for review and comments.

3. **WSIPP Request**
   The Committee moved the May 22, 2013, Washington State Institute for Public Policy (WSIPP) Request for Information to the next agenda item as Ms. Miller was present. WSIPP requested access to SCOMIS type 7 child dependency and termination records for research. WSIPP is interested in updating its estimate of the taxpayer costs for interventions that reduce the occurrence of child abuse and neglect and the monetary value of changes in out-of-home placement in the child welfare system. In preparation for this study, WSIPP also filed an application with the Washington State Institutional Review Board

describing the plan for using DSHS information matched with SCOMIS records for dependency and termination cases.

Staff informed the Committee that a contract shall be entered into between WSIPP and AOC for this data as it is confidential. Ms. Miller stated that WSIPP fully understood the security issues and does not object to a research agreement.

Barbara Miner asked Ms. Miller about the issue of names and hearing cause numbers not always matching. Ms. Miller responded that information on parents and the children would be sought to resolve that issue. Barbara Miner also asked about hearings that involve multiple children in the family and how WSIPP would work with that data. Ms. Miller responded that WSIPP would find a way to link up the hearing numbers with all the children so that if there is one hearing for one family with four children, time would be divided and recorded for each child.

Chair Wynne then asked for a vote. The WSIPP request was passed unanimously.

4. Juvenile Offender Records in JIS

The Committee considered this agenda item next as members of the public were in attendance to participate in the discussion. Mellani McAleenan provided background information about proposed legislative bills making juvenile offender records not available to the public. Chair Wynne presented the proposed new section of the Data Dissemination Policy that would make juvenile offender court records maintained in JIS not available on the AOC publically accessible website and in the public indexes AOC provides subscribers. The juvenile offender records would still be available via JIS-Link subscription and at the court clerk's office. Kim Ambrose from University of Washington, Mike Katell of Access to Justice Tech Committee, and Ms. Hernandez from the ACLU voiced comments that this amendment was a step in the right direction. Rowland Thompson stated that people would get around this limitation by going to clerks' offices and taking up court clerk time by looking up all the individual cases.

Judge Leach asked how much money the new amendment would cost to implement and what unforeseen consequences would result, such as increased use of the JIS-Link crashing the system. The Committee asked that the AOC Information Services Division be contacted to provide information on possible issues with enacting this amendment.

Barbara Miner raised the issue about third parties still having the information from the public indexes that would no longer be updated, thereby possibly providing incorrect data based on old information from prior public indexes' data. Even if AOC no longer updated the data in the indexes, this would not stop third parties from providing the old data.

The Committee provided edits to the proposed amendment and requested that staff send the amendment draft out to interested parties for comment.

5. ITG 41 Discussion

Kate Kruller presented the ITG 41 project and updated the Committee on its progress. Ms. Kruller and Vicky Marin answered Committee member questions about the project and status. The Committee then reviewed and provided edits to the proposed amendment to the

Data Dissemination Policy regarding retention of court records by Courts of Limited Jurisdiction. The Committee then unanimously approved the proposed amendment and approved adding the ITG 41 retention schedule as an appendix to the policy. Staff was requested to send out finalized copies of the proposed amendment to interested parties for comments. The proposed amendment will go before the JISC for final approval.

6. Review of GR 31 and Proposed Amendment GR 31(l)

The Committee reviewed the proposed amendment to GR 31 that was submitted by the DMCJA. Chair Wynne expressed his concern with the amendment as it may not be constitutional or legal under current case law that was provided to the Committee prior to the meeting. The Committee agreed to table the conversation for a later date.

7. Request for Information – Data Driven Safety

This Request for Information is a discussion topic that was continued from prior DDC meetings and stems from the original December 3, 2012 DDS request. The Committee attempted to call Mr. Jason Murphy from Data Driven Safety (DDS), but he did not answer his phone as the time was later than previously agreed upon between staff and Mr. Murphy.

Prior to the meeting, Committee members read former Data Dissemination Administrator Lynne Alfasso's memo on previously raised questions regarding the DDS request. The memo addressed whether the release of the traffic infraction case information from cases disposed of within the last three years violated any state or federal law and if the terms and conditions in the standard agreement approved by the JISC pursuant to GR 31 for the bulk distribution of court record information should adequately provide for the security and allowable use of the data with modifications reflecting that this was a one-time distribution of information and not an ongoing subscription to the data. Ms. Alfasso's memo provided legal analysis as to why the release of information would not violate state or federal law and also provided a draft mark-up of the agreement that could be used for this one-time distribution to DDS.

It was explained to the Committee members that prior to the meeting, Chair Wynne had withdrawn his request for an informal AAG opinion on the matter based on Ms. Alfasso's thorough legal analysis and the AAG's agreement with her conclusions. Therefore, the AAG did not provide an informal opinion or more detailed attorney-client advice on the matter.

The Committee members agreed with Ms. Alfasso's legal analysis and unanimously approved the DDS request for information pursuant to an agreement being entered into between DDS and AOC. Staff was directed to call Mr. Murphy to let him know the decision.

There being no other business to come before the Committee, the meeting was adjourned.