JISC DATA DISSEMINATION COMMITTEE
October 8, 2013
12:00 - 1:00 p.m.
Teleconference

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
Ms. Vanessa Hernandez, ACLU
Mr. Tom McBride
Mr. Rowland Thompson - Allied Daily Newspapers
Mr. James Whisman – King County Sr. Deputy Prosecuting Attorney
Mr. Kyle Woodring – Rental Housing Association

Members Not Present
Judge Jeannette Dalton

AOC Staff Present
Stephanie Happold, AOC Data Dissemination Administrator
Vicky Marin, AOC Business Liaison, ISD

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

1. **Meeting Minutes for July 29, 2013**
   Committee approved the meeting minutes.

2. **GR 15 Draft**
   Judge Wynne presented the latest version of the GR 15 draft and the new edits. Changes to GR 15(c)(2)(A)-(B), (c)(5), (c)(11), (e), and (f) were accepted by the Committee.

   The proposed changes to GR 15(i)(5) were discussed. James Whisman asked how this subsection would work with retrials that happen after 6 years and the exhibits are destroyed per RCW 36.23.070. Judge Leach stated that aggravated murder cases are a major issue and perhaps a stipulation for the court to hear separately would help. Barb Miner responded that the clerks have a different process for aggravated murder cases. James Whisman expressed a concern for preserving exhibits and asked if could there be some sort of categorization of the cases. Judge Wynne suggested a comment be added that ties the subsection to RCW 36.23.070 and Judge Leach seconded that idea.

   Barb Miner asked how the subsection would apply in individual cases and if there would be a stipulated order stating the exhibits will not be kept for six years. Judge Wynne asked if Barb wanted to change the proposed amendment and comment to provide more detail and Barb responded that she did not at that time.

James Whisman asked how parties would get notified. There was discussion about notifying the parties in groups and Judge Wynne suggested that the stipulated process could still be used.

James Whisman asked if the courts could sign the orders without knowing about some other pending action or without notifying the parties. Judge Leach stated that individual cases could present issues and that case-by-case issues could be resolved by court order. James Whisman stated that would be fine as long as his office got notice of the order. Judge Rosen asked if it should be put in the rule. Judge Leach agreed and added that notice would be sent to the last address on file. The following language to (i)(5)(B) was proposed:
Reasonable notice of the Motion to Destroy an Exhibit must be given to all parties in the case.
The language was accepted by the Committee.

Judge Leach suggested that stipulations could also be used to waive notice of presentation. James Whisman responded that his office would not waive if it did not agree.

Barb Miner stated that the current process for cases at the six year mark, and ready to be destroyed per RCW 36.23.070, is that an order is prepared for the presiding judge along with a list of the cases. She asked if Mr. Whisman was suggesting that the list be provided to all the parties involved in those cases and a hearing then held. James Whisman stated no and that he was asking for an opportunity for notification of a case about to be destroyed before it was ordered destroyed.

During this conversation, Judge Wynne emailed the proposed language to the Committee members for the Comment to GR 15(i)(5)(B):
Section (i)(5)(B), as amended, is intended to implement RCW 36.23.070.
The Committee approved the language.

Judge Wynne asked if there were any other issues.
James Whisman believed that language in various sections of the rule regarding juvenile records was different than the comment about juvenile records, but he did not have any other substantive issues.
Barb Miner stated concerns about the proposed exhibit language in GR 15(i)(5)(B) and was abstaining from voting.
Judge Rosen stated that there were currently too many issues to forward the GR 15 draft on to the JISC and to hold off. Judge Leach opposed waiting, stating that the rule process was very long and the Supreme Court would weigh in on the proposed amendments to the rule. Judge Wynne explained the rule making process after the draft leaves the DDC and that he will ask for an expedited process. Rowland Thompson stated that he wants a public hearing in front of the rules committee.

A motion was brought to approve the rule with the discussed amendments and send it to the JISC. Barb Miner asked for an amendment to the motion: approve the rule with the discussed amendments and send the draft to the JISC with the Clerks' position on the GR 15(i)(5)(B) exhibit language.

Vote:
Yes: Judge Wynne, Judge Leach, Judge Heller, Aimee Vance, William Holmes
No: Judge Rosen
Abstain: Barb Miner
Absent: Judge Dalton

Judge Wynne will review the memo to the JISC and send it out to the DDC members. He will also draft a letter responding to the AGO comments.

3. Data Dissemination Policy Amendment Regarding the Retention of CLJ Records in JIS and ITG41

Judge Wynne asked the CLJ Workgroup for a status update. The members did not think they would be ready with a recommendation for the October 25 JISC meeting. Judge Wynne asked if they would be able to provide a status update before Thanksgiving with a recommendation for the December 6 JISC meeting. Judge Heller agreed that those were good target dates for the group.

The Committee also discussed the August 23, 2013, memo submitted by Stephanie Happold to Justice Fairhurst regarding the DDC authority and placement of the CLJ retention schedules. The memo recommended that the schedules should not be in the Data Dissemination Policy, but established by the AOC as per JISCR 8. Judge Wynne expressed concern that if the schedules were not placed in the Data Dissemination Policy, the ball will be dropped again. He suggested that the DDC retract the retention schedules being in the Data Dissemination Policy as long as the AOC prominently displays the policy on the AOC website and disseminates it out to all the CLJ courts. Ms. Happold agreed to AOC doing these actions. The DDC approved taking the CLJ retention schedules out of the Data Dissemination Policy and the AOC displaying it on the AOC website and sending it to the courts.

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