



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.

2. HCA REQUEST



**STATE OF WASHINGTON
HEALTH CARE AUTHORITY**

626 8th Avenue SE • P.O. Box 45561 • Olympia, Washington 98504-5561

October 31, 2013

JISC Data Dissemination Committee

RE: HCA's expanded access to JIS Records

Dear Sir or Madam,

The Health Care Authority is directed by State Plan 42 USC 1396a (a) (5), RCW 41.05A.070(1), and RCW 41.05A.070(2) to recover Medicaid expenses from liable third parties.

I am seeking access to the DCH screen found in JIS.

I am the Restitution Coordinator for Health Care Authority. When a defendant causes bodily injury to a Medicaid client, restitution is ordered to Health Care Authority (formally DSHS). As the Restitution Coordinator I need the tools to determine the Legal Financial Obligation (LFO) owed to date including interest. I contact the defendants to pay their restitution obligations to the Department when restitution is awarded to Health Care Authority. I also need to determine if other entities are awarded restitution to determine if monies are being awarded to others prior to the Department and if the defendant has been paying their LFO. This information is located in the DCH screen which I do not have access to.

I understand that the JIS Data Dissemination Committee has the authority to grant access of the screens needed for office to collect debts owed to the Department.

Thank you for your consideration. I would like to appear by telephone at the next scheduled meeting.

Sincerely,

Cindy Brown
Restitution Coordinator
Direct: (360) 725-1208
Toll Free: (800) 562-6188 ext 51208
E-mail: browncj@hca.wa.gov



November 27, 2013

TO: JISC Data Dissemination Committee
FROM: Stephanie Happold, AOC Data Dissemination Administrator
RE: HCA Request for Access to JIS DCH Screen - Recommendation

The State of Washington Health Care Authority (HCA) currently has Level 1 Public access to Judicial Information System (JIS) screens. A customer's access level determines which JIS screens are available to that subscriber. The HCA is requesting access to the JIS DCH screen that is not available to Level 1 users. The DCH screen displays the Defendant Case History and lists all the criminal cases in which the subject has been a party.

The AOC recommendation is to grant HCA access to the DCH screen

The DCH is a compiled JIS report, meaning it contains information from more than one case and/or court. Because it is a compiled record, it is not available to JIS Level 1 users. Most governmental agencies that are not public defenders, prosecutors, city attorneys, juvenile agencies, probation departments, law enforcement agencies, DOC, and WSP certified criminal justice agencies, are given level 1 public access. However, the [Data Dissemination Policy](#) (DD Policy) permits "public purpose agencies" to be granted additional access to JIS records beyond that which is permitted the public.¹ A public purpose agency is a governmental agency included in the definition of agency in RCW 42.17.020² and other non-profit organizations whose principal function is to provide services to the public.³

The JIS Committee (JISC) bestowed the Data Dissemination Committee the responsibility to act on behalf of the JISC in reviewing and acting on requests for access to JIS by non-court uses.⁴ The DD Policy sets forth criteria which this Committee may use in deciding the HCA request:

The extent to which access will result in efficiencies in the operation of a court or courts.

The extent to which access will enable the fulfillment of a legislative mandate.

The extent to which access will result in efficiencies in other parts of the criminal justice system.

The risks created by permitting such access.⁵

¹ DD Policy, Sec. IX.B.

² Definition of "agency" in RCW 42.17.020 was later recodified in RCW 42.17A.005(2).

³ DD Policy, Sec. IX.A.

⁴ JISC Bylaws, Article 7, Secs. 1 and 2.

⁵ DD Policy, Sec. IX.C.

In reviewing the HCA request, the HCA qualifies as a “public purpose agency” as it falls under the statutory definition of “agency.” The HCA is required to recover Medicaid expenses from liable third parties as per 42 USC 1396a (a)(5) and RCW 41.058A.070(1)-(2). As presented in the request, the DCH screen would assist the HCA in fulfilling its statutory obligations by aiding in the determination of whether or not the party’s monies are being allocated to other agencies before this financial obligation, and if the party is current with payments.

To ensure the HCA will use the DCH screen for the reasons set forth in the request, a written agreement between the HCA and AOC would be entered that limits the use of the information solely to the regulatory function described above. If the Committee grants HCA access to the DCH screen, the HCA current agreement for JIS access should be amended to specify the data to which access is granted, specify the uses the HCA may make of the data, and require that the HCA agree that its employees will access the data only for the uses specified.⁶

⁶ DD Policy, Sec.IX.D.

3. SPOKANE COUNTY DETENTION SERVICES REQUEST



DETENTION SERVICES

DIRECTOR JOHN C. McGRATH

DATE: November 4, 2013

TO: Ms. Stephanie Happold, AOC

From : Ron Cunningham, Case Management Coordinator

RE: Access to Adult Static Risk Assessment

Ms. Happold,

We have been working with Regina McDougall in your office, via Mr. Gary Berg, Chief Deputy of the Spokane County Clerk's Office, to obtain access to the Washington State Adult Static Risk Assessment tool, (ASRA.) Ms. McDougal has requested we send you a formal application as our request now needs to go before the Data Dissemination Committee for consideration.

As you may know, in an effort to reduce recidivism, many of the nation's Corrections agencies are moving towards Evidence Based Practices to determine who is to receive attention in our financially strapped, overcrowded systems. All of the latest evidence shows that to have an impact on recidivism, efforts need to be steered toward the high risk offender, the ones most likely to commit subsequent crimes, and that those who are low risk should be diverted in other directions. Principle in these EBP programs is the use of a Risk Assessment tool to determine not only who remains in custody or moved to custody alternatives but which offenders need to be assessed further for the intensive programming that may keep them out of the system down the road.

Spokane County has been involved in a comprehensive evaluation of our Criminal Justice system for some time in an effort to increase efficiencies, reduce overcrowding and better utilize limited funding. One of the outcomes from this process was to separate the Detention Services Division from the Law Enforcement side of the house and make it an independent operation. As a result, Spokane County Detention Services is no longer a part of the Sheriff's Department and is now a separate county department reporting directly to the Board of County Commissioners. Additionally, the need to utilize a Risk Assessment instrument became apparent early on in the evaluation process. With the help of consultants hired by the county, various tools were reviewed and it was decided that the ASRA would be the best choice. It is validated for our population (an important factor when selecting a tool,) is automated and is currently in use and accepted by the local courts and our other partners in the system.

We will be screening virtually everyone who remains in the system following first appearance, both felonies and misdemeanors, to further determine who needs to remain in custody or be released to other custody alternatives like EHM, partial confinement work crew, etc.) and, for those who remain in custody, who will receive a subsequent needs assessment to determine treatment/programming options. By using this accepted and validated tool, we hope to have an impact on our population numbers and focus our attention and limited resources where they are likely to have the greatest effect. Please rest assured we will treat this information with the same high level of confidentiality we already give the DISCUS, SCOMIS and ACCESS databases we use daily.

We respectfully request access to and use of the ASRA tool. We would be grateful with a timely response to our request as we are in the final stages of putting together our new screening and custody alternative programs and they all hinge on the use of the risk assessment. Our hope would be to have the ASRA in place by the end of this month so we can start the screening process in December. We plan to implement our changes at the first of the year.

Thank you for your consideration, if I can provide any further information or clarification, please contact me.