

# **1. December 6, 2013 Meeting Minutes**



**JISC DATA DISSEMINATION COMMITTEE**  
**December 6, 2013**  
**8:30 - 10:00 a.m.**  
**Teleconference**

**DRAFT - MEETING MINUTES**

**Members Present**

Judge Thomas J. Wynne, Chair  
Judge Jeannette Dalton  
Judge James R. Heller  
Judge Steven Rosen  
Ms. Aimee Vance

**Guests Present**

Ms. Cindy Brown, Health Care  
Authority Restitution  
Coordinator  
Ron Cunningham, Spokane County  
Detention Services  
Mr. Tom McBride  
Mr. Rowland Thompson – Allied  
Daily Newspapers

**Members Not Present**

Mr. William Holmes  
Judge J. Robert Leach  
Ms. Barbara Miner

**AOC Staff Present**

John Bell, AOC Contracts Manager

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

**1. Meeting Minutes for October 8, 2013**

Committee approved the meeting minutes.

**2. Health Care Authority (HCA) Request for Access to the Defendant Case History (DCH) Screen**

HCA representative, Cindy Brown, referred to her October 31, 2013, letter requesting access to the DCH screen. While the DDC had no objection to her request, Judge Rosen stated the DCH screen may not assist her in getting what she truly needs. Amy Vance stated that she may also need access to the case financial histories. The Committee unanimously approved the HCA's request with the added clarification that the HCA, Restitution Coordinator may also be given access to the Financial Case History Screen. Ms. Brown stated she would call the Data Dissemination Administrator, Stephanie Happold, next week and arrange access to these two screens.

**3. Spokane County Detention Services Request for Access to the Washington State Adult Static Risk (ASRA) Tool**

Ron Cunningham, Case Management Coordinator for the Spokane County Detention Services, referred to his letter dated November 4, 2013 requesting access to ASRA. Judge Wynne pointed out that Spokane County Pretrial Services had access to ASRA and asked if Detention Services was affiliated with Pretrial Services. Mr. Cunningham explained that

Detention Services was a separate department that determined placement of an offender once they entered to jail population, while Pretrial Services primarily addressed release during the defendant's first appearance in court. Judge Wynne indicated that Ms. Happold had indicated her support of this request and asked if there was any discussion. No one replied and the request was put to vote and unanimously approved.

**4. Other Issues**

Judge Rosen indicated he was recently asked at a meeting of treatment providers if treatment providers could be given access to the DCH screen. Judge Rosen asked about the policy surrounding access to the DCH screen. Judge Wynne said he believed that treatment providers had requested such access before and that their request had been denied. Judge Heller also remembered the denial, but neither Judge Wynne nor Heller could remember the reasoning behind the denial. It was requested that previous meeting minutes be researched to determine why the request was denied. Judge Wynne also suggested speaking with the previous Data Dissemination Administrator to determine if she had any recollection of the denial.

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

## **2. WSLCB Licensing Division JIS Access Request**

**From:** [O'Dell, Frank \(LCB\)](#)  
**To:** [Stephanie.Happold@courts.wa.gov](mailto:Stephanie.Happold@courts.wa.gov)  
**Cc:** [Smith, Rebecca \(LCB\)](#); [Rathbun, Alan E \(LCB\)](#); [Johnson, Steven D \(LCB\)](#)  
**Subject:** Justification request letter for level 22 access  
**Date:** Friday, December 06, 2013 9:21:38 AM  
**Attachments:** [image001.png](#)  
[CHRI request for access to JIS.doc](#)

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Stephanie,

Attached is a request letter to increase our level of access in the JIS system for background inquiries of MJ applicants and true parties of interest affiliated with the MJ application.

Thank you for your time and consideration.



**Frank L. O'Dell**

**Program Specialist 5 - Supervisor**

**Licensing & Regulations/Marijuana unit**

**3000 Pacific Ave.**

**Olympia, WA. 98504**

**Office # 360-664-1646**

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Dec. 06, 2013

Stephanie,

I'm a supervisor in the Licensing and Regulation Division Marijuana Unit, for the Liquor Control Board. I'm writing you to request access to Level 22 in the Washington State Justice Information System (JIS).

We currently have a contract for access to JIS, Invoice # JS02164807 (Fed ID# 91-6013419) but it is not at the level needed to conduct criminal history background checks as charged to do so by law passed in Initiative 502 in November of 2012, regarding Washington state applicants applying for a Recreational Marijuana License. We are not a certified Criminal Justice Agency, but we are charged by legislation to conduct criminal history background checks on all applicants, true party members, financiers, gifters and their spouses for public safety concerns when they are affiliated with an application for a Marijuana License.

We need to have the highest level of access to all Washington State criminal history in order to ensure to the best of our ability that this is being done and assessing the character of those involved in the application process. We have been questioned by legislators in many meetings, hearings and updates if we are licensing those who are appropriate and responsible. To do so, we need the highest level of access. We will not disseminate the information available nor disclose it to any party that does not have authorization to have such access.

Your consideration in granting this exception request would be greatly appreciated.



**February 24, 2014**

**TO:** JISC Data Dissemination Committee

**FROM:** Stephanie Happold, AOC Data Dissemination Administrator

**RE:** Washington State Liquor Control Board Licensing Division Request for Law Enforcement Level 22 JIS-Link Access

The Washington State Liquor Control Board Licensing Division (WSLCB Licensing) is requesting Level 22 JIS access allocated to law enforcement agencies, DOC, probation departments, and WSP certified criminal justice agencies. A customer's access level determines which JIS screens are available to that subscriber. WSLCB Licensing is making this request in order to access the DCH screen during the review of marijuana license applications. The DCH screen displays the Defendant Case History and lists all the criminal cases in which the subject was a party.

### **AOC Concerns with this Request**

The DCH is a compiled JIS report that contains information from more than one case and/or court. Because it is a compiled record, it is not available to Level 1 JIS 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.<sup>1</sup> A public purpose agency is a governmental agency included in the definition of agency in RCW 42.17.020.<sup>2</sup>

The JIS Committee (JISC) authorized the Data Dissemination Committee (DDC) to act on its behalf in reviewing and acting on requests for access to JIS by non-court uses.<sup>3</sup> The DD Policy sets forth criteria which this Committee may use in deciding the WSLCB Licensing 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.<sup>4</sup>

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<sup>1</sup> DD Policy, Sec. IX.B.

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

<sup>3</sup> JISC Bylaws, Article 7, Secs. 1 and 2.

<sup>4</sup> DD Policy, Sec. IX.C.

In the current matter, WSLCB Licensing qualifies as a “public purpose agency” as it falls under the statutory definition of “agency.” Unlike the WSLCB Enforcement Division, WSLCB Licensing is not a WSP Certified Criminal Justice Agency and does not have Level 22 JIS access in order to check criminal history. However, Initiative 502, later codified in RCW 69.50.331(1), states that WSLCB Licensing may consider prior criminal conduct of an applicant for a license to produce, process or sell marijuana. RCW 69.50.331(1), states in pertinent part:

“For the purpose of reviewing any application for a license [to produce, process, or sell marijuana] and for considering the denial, suspension, revocation, or renewal or denial thereof, of any license, the state liquor control board may consider any prior criminal conduct of the applicant including an administrative violation history record with the state liquor control board and a criminal history record information check. The state liquor control board may submit the criminal history record information check to the Washington state patrol and to the identification division of the federal bureau of investigation in order that these agencies may search their records for prior arrests and convictions of the individual or individuals who filled out the forms. The state liquor control board shall require fingerprinting of any applicant whose criminal history record information check is submitted to the federal bureau of investigation. The provisions of RCW 9.95.240 and of chapter 9.96A RCW shall not apply to these cases. Subject to the provisions of this section, the state liquor control board may, in its discretion, grant or deny the renewal or license applied for.”

RCW 69.50.331(1) provides a mechanism for WSLCB Licensing to obtain criminal history record information by directing it to the Washington State Patrol and to the FBI for prior arrests and convictions of the applicants. Because WSLCB Licensing is not a WSP Certified Criminal Justice Agency and RCW 69.50.331(1) gives it a specific path for obtaining criminal history record information, AOC does not believe Level 22 JIS access should be provided. WSLCB Licensing needs to explain to the DDC why the process provided in RCW 69.50.331(1) is not enough for its application reviews.



### **3. DMCJA Case Flagging Criteria Guidelines**

November 7, 2013

Honorable David A. Svaren  
District and Municipal Court Judges' Association  
Skagit County District Court  
600 S 3<sup>rd</sup> 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.

Judge Svaren  
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- 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  
Pierce County District Court

Judge Steven Rosen  
Seattle Municipal Court

Aimee Vance, Administrator  
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.



## **4. Non-Court IT Personnel Access to JIS**



**February 24, 2014**

**TO:** JISC Data Dissemination Committee  
**FROM:** Stephanie Happold, AOC Data Dissemination Administrator  
**RE:** Non-Court IT Personnel Access to JIS

The AOC seeks direction from the Data Dissemination Committee (DDC) in granting JIS access to local government non-court IT personnel.

### **Issue**

AOC has seen an increase in court requests for court RACFIDs to be issued to non-court IT employees. Reasons for the access range from detailed explanations of particular projects in which IT personnel are working on court-related computer systems, to needing constant access for the IT personnel who assist in the local government network communicating with the court system, to simply stating that the IT personnel need access to assist in computer systems. AOC is finding it increasingly difficult sort and review these requests and decide which ones are based on court-needs and which requests are for convenience sake only. Furthermore, AOC has concerns about how the courts are setting up these profiles.

The JIS Committee (JISC) authorized the Data Dissemination Committee (DDC) to act on its behalf in reviewing and acting on requests for access to JIS by non-court uses.<sup>1</sup> The DD Policy sets forth criteria which this Committee may use in deciding access:

- 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.<sup>2</sup>

AOC is requesting guidance from the DDC on how to handle these court requests and such issues as: should these requests be granted, and if so, what specifics must be included in the request and what limitations should be placed on the access.

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<sup>1</sup> JISC Bylaws, Article 7, Secs. 1 and 2.

<sup>2</sup> DD Policy, Sec. IX.C.