WASHINGTON
COURTS

June 26, 2015

TO: JISC Data Dissemination Committee

FROM: Stephanie Happold, AOC Data Dissemination Administrator

RE: Measures for Justice request for financial data for CLJ and Superior Courts.

Issue

Can the Washington State Administrative Office of the Courts (AOC) release financial information to Measures for Justice?

Background and AOC Staff Comments

In March 2014, Measures for Justice (MFJ), in conjunction with Loyola University, submitted a data request to the AOC for Courts of Limited Jurisdiction and Superior Court data regarding criminal non-traffic cases. The request was extensive and included the following data elements:
case number, county, filing date, case status, case type, defendant information, charge number, charge sequence number, charge description, charge statute, offense date, charge degree, charge modifiers, charge dismissal, plea date, pretrial release information, any attorney information, disposition and sentence information and court fees.

In providing the requested data, the AOC notified MFJ, that it could not provide:

- Financial Information: The AOC is not authorized to release financial information without DDC permission.
- Indigent status: The AOC does not have that information in the AOC Data Warehouse.
- Attorney Type: There is no code AOC captures that distinguishes whether the attorney is a public defender or retained attorney.
- Pretrial Release Information: Pretrial release is noted on the court order if there are conditions imposed, but typically they are docketed in the free form field in the CLJ system and not noted in the system for Superior Court. Docket information for CLJ cases is not captured by AOC Data Warehouse and cannot be provided.
- Sentence Data: There are differences between CLJ and Superior Court sentence data. The CLJ system notes jail time imposed by charge and includes cases conditions; whereas, the Superior Court simply notes incarceration time with a Y/N flag at the case level. The amount of time may be in the freeform docket section, but the AOC Data Warehouse does not capture that information.

MFJ then asked where it could go to find the data AOC could not provide. The AOC staff suggested contacting the courts and the clerks' offices as they may have more information.

However, after receiving mixed results in contacting the courts, AOC suggested MFJ sign up for JIS LINK level 1 public access and also take their request for financial data to the Data Dissemination Committee (DDC). Therefore, the request is now before the DDC to review.

The JIS Committee (JISC) authorized the DDC to act on its behalf in reviewing and acting on requests for JIS access by non-court users.[1] The DD Policy sets forth criteria which this Committee may use in deciding these requests:

- 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.[2]

During the past year, the Committee granted other requests for financial data, such as the ACLU and Oregon Public Broadcasting. AOC staff recommends approval of MFJ request; however, with conditions similar to those imposed on the others. MFJ shall have a telephonic meeting with AOC staff for clarifications of the request and to ensure MFJ understands what can be reliably provided by the AOC Data Warehouse. If data cannot be reliably compiled from the Data Warehouse, MFJ will be notified and the dataset will not be disseminated from the AOC. Also, the reports should be reviewed by a person delegated by this Committee; preferably someone to review the Superior Court data and a different person for the Courts of Limited Jurisdiction data. Last, the cost recovery fees should be applied and include the time spent meeting with the AOC staff to understand the desired data, including follow up questions and additional explanations that are requested from MFJ after receiving the data reports.

[1] JISC Bylaws, Article 7, Secs. 1 and 2.
[2] DD Policy, Sec. IX.C.