**JISC DATA DISSEMINATION COMMITTEE**
**Thursday, September 10, 2015 (12:00 p.m. – 1:00 p.m.)**
**Teleconference**

**DRAFT - MEETING MINUTES**

**Members Present**
Judge Thomas J. Wynne, Chair
Judge G. Scott Marinella
Judge David A. Svaren
Ms. Barbara Miner
Ms. Brooke Powell
Ms. Aimee Vance

**Members Not Present**
Judge Jeannette Dalton
Judge J. Robert Leach

**AOC Staff Present**
Stephanie Happold, Data Dissemination Administrator
Angie Autry, Business Process Engineer, CLJ-CMS

**Guests Present**
Ms. Deborah Collinsworth – Washington State Patrol
Ms. Cynthia Marr – Pierce County District Court
Ms. Kim McFarlane – Washington State Patrol
Ms. Becky Miner – Washington State Patrol

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

1. **WSP – Identification and Criminal History Section**
   **Request for Access to Sealed Juvenile Records with JIS-LINK Account**
   Washington State Patrol (WSP) presented its request for access to sealed juvenile criminal case information using their JIS-LINK account. The need is based on Engrossed Second Substitute Senate Bill 5564 requiring the WSP to provide criminal justice agencies access to sealed juvenile records information through the Washington State Identification System (WASIS). E2SSB 5564, Chapter 265, Laws of 2015, Section 3, RCW 13.50.260(8)(d), July 24, 2015. WSP discovered there are issues in implementing this requirement. Courts are usually dismissing and sealing cases at the same proceeding and the data comes to WSP via the AOC data feed seven days after the event. This interval is based on the WSP built-in delay to ensure the fingerprint arrest information is in the WASIS prior to the disposition. Because of this delay, WSP is getting sealing information from the courts before the disposition transfer report and it is unknown which event to seal in WASIS. WSP is asking for access to sealed juvenile cases with their JIS-LINK account so they look up the cases and appropriately update the information in their files.

   Ms. Barb Miner supported giving WSP the JIS-LINK access as the language in RCW 13.50.260(8)(d) was part of E2SSB 5564 negotiations. Judge Wynne expressed concern that RCW 13.50.260(7) prevented such access as it states that inspection of sealed juvenile cases can only be done by court order, and the provisions in RCW 13.50.010 or RCW 13.50.050 did not allow for any circumvention for WSP. Ms. Becky Miner raised RCW 43.43.743, .700 and RCW 10.97.045 and the duty of the courts to provide disposition data to

WSP. Judge Wynne did not think that chapter 43.43. RCW could supersede RCW 13.50.260(7). DDA Happold stated that AOC was giving WSP the disposition data pursuant to those statutes via the data feed that also included sealed juvenile case information. Judge Marinella asked how WSP was currently receiving the information and if access could be provided via the local courts and prosecutors. Ms. Becky Miner responded that currently, WSP is working with local court staff and prosecuting attorney's offices as a workaround to obtain the information. However, this is cumbersome and a drain on local resources. Ms. Barb Miner agreed that staffing was an issue to use this method for obtaining the information.

DDA Happold asked Ms. Barb Miner if there was any legislative history or intent that would reflect the negotiations supporting the WSP having this access. Mr. Barb Miner responded that she was not sure. Judge Wynne stated that there needed to be statutory intent before the Committee could approve anything or have the capability to do it. Judge Marinella stated that there needed to be a reconciliation of the statutes and there may need to be a legislative fix to reconcile it. Judge Wynne and Judge Svaren agreed that there needed to be legal analysis to see if RCW 13.50.260(8)(d) trumped RCW 13.50.260(7). Judge Marinella suggested pursuing an Attorney General opinion. DDA Happold was tasked with the legal analysis for AOC and the Committee suggested that WSP ask their AAG Shelly Williams for advice as well. DDA Happold stated that even if the DDC approves this request, the AOC does not know yet how to implement it because none of the JIS-LINK level profiles allow access to sealed juvenile case information.

**2. CLJ-CMS Court User Work Group Questions**

<u>Can Probable Cause (PC) charges no longer be displayed to the public once they are disposed</u>?

Ms. Angie Autry updated the DDC on the present actions of the CLJ-CMS CUWG and that it is currently sorting through requirements for a new case management system. In doing this, the CUWG had two questions for the DDC, one being if probable cause charges could no longer be displayed to the public once they were disposed. The CUWG's wish is to absorb the PC charges into the main case to avoid a listing of duplicative charges that could be held against the individual if they were displayed to the public. Ms. Aimee Vance stated that the court user would see them but they would not show to the public. Judge Wynne asked if the Committee had any issues with this approach. Ms. Barb Miner stated that she did not see any issues and it sounded better than the current process. Judge Svaren stated that the criminal charge absorbing the PC charge was a good idea, but did not agree with filtering a PC finding because the public had a right to know the outcome, and Committee members agreed.

The Committee ruled that if a PC case remains only with PC charges, the case would follow the new rules for destruction (ITG 41 Phase 2) for PC matters. However, if charges are filed following a finding on the PC charges, the PC charges do not need to appear on a person's case history but will be absorbed into the case. The PC charges would still be within the case itself (i.e. in the charge history and findings, as well as in the docket) but only the current charges would be displayed in case searches (online, link, etc.).

<u>Can civil cases no longer be displayed if they are abandoned and/or not paid</u>?

This question applies to civil cases that are filed but no filing fee is submitted. If the future COTS requires both parties to be entered, they would show in case searches and it could be

used against a respondent for employment, housing, etc. Because of this, the CUWG did not want a civil case to be displayed if it is abandoned. Judge Svaren seconded the recommendation as he has found so many filers walk away from these cases. He also suggested that it should just be the petitioners' names on these cases instead of the respondents. Judge Marinella agreed that just the petitioner of the case should show if they abandon the case. Judge Wynne stated that there needed to be a record without the respondent. Ms. Aimee Vance stated that if the future COTS cannot allow this then the entering of 'unknown' for respondent will be applied. Judge Svaren agreed that that is okay and Ms. Brooke Powell stated that that was more user friendly.