WASHINGTON COURTS	**JISC DATA DISSEMINATION COMMITTEE** **Friday December 4, 2015 (8:15 a.m. – 9:45 a.m.)** **Administrative Office of the Courts** **SeaTac Office Building** **18000 International Blvd. Suite 1106, Conf Rm #2** **SeaTac, WA 98188** **Call-in Number: 1-877-820-7831, Passcode 797974**

DRAFT - MEETING MINUTES

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

AOC Staff Present
Stephanie Happold, Data Dissemination Administrator
Kathy Bowman, MSD Office Assistant
Marcea Basham, Senior System Integrator
Eric Kruger, IT Applications, Enterprise Architecture
Lori Murphy, SC-CMS Business Analyst

Guests Present
Dr. Liz Cook, Westat
Mr. Hickory Gateless, Center for Children and Youth Justice
Ms. Melissa Sickmund, National Center for Juvenile Justice
Mr. Eric Stahl, Davis Wright, Tremaine
Dr. Suzanne Strong, Bureau of Justice Statistics
Ms. Paula Thompson, Westat

Judge Wynne called the meeting to order at 8:15 a.m.

1. Minutes of October 23, 2015

There were no additions or corrections to the October 23, 2015 meeting minutes. The minutes were approved by the Committee.

2. Update on WSP Access to Juvenile Sealed Cases

DDA Happold provided an update on WSP's request for increased access to individual juvenile sealed court files in order to satisfy its obligations under RCW 13.50.260(8)(d). A proposed AOC solution was to provide the WSP Identification and Criminal History Section (approximately 10-12 staff members) with JIS LINK Level 25 (Prosecutor) access that provides the existence of a sealed juvenile case. AOC will also give them access to the BOXI universe to run reports on the cases they find in JIS. A sample of the BOXI report was provided to WSP, who approved it.

DDA Happold gave the sample report to Committee members and asked if this would be a satisfactory answer to WSP's request. The Committee approved the solution and thanked the AOC ISD staff who proposed it. Ms. Miner will notify the County Clerks that the WSP Identification and Criminal History Section will have this access.

3. Center for Children & Youth Justice Request for Additional JIS LINK Access

The Center for Children & Youth Justice (CCYJ) currently has JIS LINK Level 1 Public access to JIS screens. Mr. Hickory Gateless, managing attorney for Lawyers Fostering Independence, presented CCYJ's request for access to the JIS Defendant Case History screen and alias information not available to Level 1 users. AOC's recommendation was to grant CCYJ access to the DCH screen and alias information with a Level 20 JIS LINK account because it could be considered a "public purpose agency." Ms. Miner expressed concern that the Data Dissemination Policy criteria allowing access for "non-profit" groups were too broad. Judge Wynne asked if anyone had a suggestion for narrowing the criteria. Ms. Miner felt the definition and even the policy may need to change before making this accommodation, as granting this request would open the door to all registered non-profit organizations who may not have a legitimate court-related need for the DCH access.

Judge Wynne reminded the Committee that the Data Dissemination Policy (DD Policy) was in need of review and Ms. Miner suggested putting the CCYJ request on hold until the policy is updated. Mr. Gateless asked if there wasn't a possible interim solution. Judge Dalton also expressed interest in an interim solution. Ms. Miner stated that the request needs more thought before it is granted. Ms. Powell noted that all cases tied to a particular person may not be linked, and that the DCH may not even be the best solution. Judge Leach suggested deferring CCYJ's request until the DDC has determined whether there will be any changes to the DD Policy.

Judge Leach made a motion, seconded by Judge Svaren, to defer the CCYJ's request until mid-next year when any changes to the DD Policy could be considered by the JISC. The motion passed unanimously.

4. National Center for Juvenile Justice, Westat, Bureau of Justice Statistics Contract Language Request

DDA Happold presented the draft datashare agreement between the AOC and the National Center for Juvenile Justice (NCJJ), Westat, and Bureau of Justice Statistics (BJS) for a large quantity of court data contained in the JIS system. Negotiations had stalled as the parties affiliated with the federal government had rejected certain provisions in the AOC contract without providing alternative language. Therefore, because it is for court data, the AOC took the contract to the DDC and if the Committee agreed to remove the opposed provisions, the AOC would remove them and provide the data.

Dr. Strong with BJS stated there were several sections of the agreement the BJS could not agree to at this time. Dr. Strong cited Section 19.5 on Governing Law, noting the BJS could not be bound by the laws of Washington State. DDA Happold offered to send BJS draft language to address the conflict of law issue; however, she thought the BJS would provide it when they initially rejected the section. Judge Leach asked Dr. Strong if the section would be acceptable to BJS if the language included the condition "to the extent it does not conflict with Federal law." Dr. Strong still objected to the venue listed in the section. Judge Leach asked Dr. Strong why

BJS could not agree to the clause and cited 28 U.S.C.A. §1404 and *Atlantic Marine Const. Co., Inc. v U.S. Dist. Court for the Western Dist. of Texas*, 134 S.Ct. 568 (2013), to support that the federal government could accept the venue proposed by the AOC. Judge Leach stated that the BJS request was unreasonable and that it was more a request than a legal question. Dr. Strong responded that she would ask the BJS Office of General Council if they would agree to that modification.

The Committee then discussed Section 6 of the agreement that was also rejected by the BJS which allows the AOC the right to audit the Researchers. DDA Happold offered language similar to what was agreed to with the ACLU when they also expressed a similar objection. Dr. Strong agreed that the new language may resolve the issue and DDA Happold told the Committee she would send it to BJS to review.

Dr. Strong next stated BJS could not agree to Section 14 as written as it allowed the AOC to review reports prior to publication. She asserted that the BJS must remain independent of political influence. She also said that the AOC would have the opportunity to review any data that is collected from Washington State. DDA Happold asked if the AOC would be given the opportunity to object if the data appeared to be incorrect. Dr. Sickmund, with the NCJJ replied that the data collected in Washington State would be shared with the AOC before it is provided to BJS with a chance to object then. DDA Happold acknowledged gestures of agreement among the Committee members to this compromise and offered to provide an amended Section 14 language to the BJS.

In conclusion, Judge Wynne noted the apparent resolution to each of the sections under discussion except for Section 19.5 which needed BJS general council approval. Judge Wynne also requested the inclusion of this question as an agenda item at the next DDC meeting for follow up. Ms. Thompson from Westat inquired when the next DDC meeting was scheduled. DDA Happold replied the next DDC meeting was scheduled to be held by teleconference in February, or possibly the end of January. Dr. Strong then asked the Committee if the BJS general council agreed to the language changes, if the parties could finalize the agreement prior to the next scheduled meeting. DDA Happold suggested any objections could be relayed via email. Judge Wynne agreed ratification by email would be acceptable by the Committee, otherwise this request will be held over to the next meeting for additional discussion.

5. Odyssey Portal Access Questions

DDA Happold presented various issues and questions regarding Odyssey Portal access for non-court users that were raised during meetings between her and AOC's IT Applications Enterprise Architect Eric Kruger as they set-up access roles. She informed the Committee that the AOC was currently treating the anonymous Portal user the same as a user on the AOC public case search website and only providing data access that mirrored that website. The AOC sought confirmation from the DDC that they should continue with that access. One of the examples given was that juvenile offender records were not available to the anonymous Portal user just as they were not on the AOC's public website. Judge Leach asked if this information is available to the public at the courthouse. Ms. Miner replied that juvenile offense decisions are available by name at the courthouse counter, unless the decision has been sealed. It was asked why this question was being raised, if an anonymous user can access this information by visiting the court house. The Committee was reminded that removing juvenile records from the AOC public website was a DDC policy decision.

Mr. Kruger recommended that both systems provide the same access to information, otherwise the Portal could potentially be flooded with public requests. Judge Leach asked for clarification that if the two systems were not consistent, it would create a systems availability issue. Mr. Kruger answered no, but that information available should be consistent for the various levels and for the public. DDA Happold reiterated that the goal is to maintain a consistency between the applications.

A motion was made and seconded to adopt the recommendation that information available via the Odyssey anonymous Portal user mirrors the AOC case search website. All were in favor. Ms. Miner abstained. The motion was passed.

DDA Happold than raised the question about pre-filing adult and juvenile cases in Odyssey and if they should be available to the public. Part of the issue was that courts used the code for non-charge cases similar to what was done in SCOMIS. Judge Wynne noted that every county dealt with non-charge cases differently. It was suggested that probable cause hearings be filed separately. Ms. Lori Murphy stated that entry of pre-file case type was not required, it could be probable cause or preliminary, but the goal is consistency in Odyssey.

It was remarked that how data is entered into Odyssey is more a question for the Court User Work Group and the Steering Committee rather than for the DDC. However, the Committee agreed that if a court used a pre-filing adult code, it should be available to the public. The juvenile pre-filing case types would also be available as allowed by chapter 13.50 RCW.

DDA Happold then provided other questions about Odyssey portal access, but the Committee asked she provide examples for each question so the Members could understand what was being reviewed. She will bring these at the next available meeting.

The Committee also discussed financial and various contact information. Mr. Kruger assured that contact and financial information would be on a tab not available to the public. Ms. Miner asked that if the information is not available “over the counter” she would like to see that assurance in writing.

6. Update on Will Repository/Sealed Cases

DDA Happold provided background and history on the development of the AOC public case search website and that it was originally built to provide the public a source for the “Find My Court Date” information. Ultimately, the reason all cases do not appear on the website is because it was never set up to perform as a case index. Based on prior DDC and JISC decisions, such as removal of juvenile offender records, not all case types are listed on the website. Also, sealed cases are not contained in the AOC public datamart that feeds the website. The Committee discussed that RCW 11.12.267 required a will to be sealed prior to death and become unsealed once the individual has died, but there was no automated system to do this action. Judge Wynne suggested that perhaps there should be a change in the law regarding sealed wills. Judge Leach offered to put that question on his calendar to address when he filed his report of issues with current statutes. DDA Happold will send Judge Leach a reminder.

7. Other Business

The Committee agreed that JABS Pros/PD confidentiality agreements should be signed annually. There was discussion how this will be audited and how courts will be held accountable.

Judge Wynne adjourned the meeting at 9:40 a.m.