WASHINGTON COURTS	**JISC DATA DISSEMINATION COMMITTEE** **Friday February 24, 2017 (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

Guests Present (telephonically)
Lisa Daugaard – Public Defender Association
Andrew Kashyap – Public Defender Association
Brandi Reddington – Umatilla District Attorney's Office

Guests Present (in person)
Corey Guilmette – Public Defender Association
Tomaso Johnson – Legal Voice
Brian Roe – NW Justice Project

Staff Present
Stephanie Happold, Data Dissemination Administrator
Kathy Bowman, MSD Administrative Secretary
Michael Keeling, ISD Operations Manager

1. Call to Order, Approval of Minutes

The February 24, 2017 JISC Data Dissemination Committee (DDC) meeting was called to order by Judge Wynne at 8:20 a.m. Judge Wynne asked for a motion to approve the Minutes for December 2, 2016. A motion was made and seconded. The minutes were unanimously approved as written.

2. Umatilla County District Attorney's Office JIS LINK Level 25 Request

Ms. Brandi Reddington, an investigator for Umatilla County District Attorney's Office, presented her request for JIS LINK level 25 prosecutor access. She stated that she was unaware of all the available levels of access to JIS LINK when she made the initial request, and acknowledged a lower level of access, one that still had the DCH screen, would be sufficient. Ms. Reddington and DDA Happold discussed the different levels during the week leading up to the meeting. DDA Happold reported that AOC does not recommend providing the requested level 25 JIS LINK access. She recommended providing a JIS LINK Level 1 paid account, the same as both Multnomah and Douglas counties. Ms. Reddington responded that she needed more than level 1 as she needed the ability to check DCHs.

Judge Leach made a motion to approve a level 1 paid account for Umatilla County District Attorney's Office. Ms. Miner seconded the motion. The motion passed. Ms. Reddington requested that the fee be waived. Judge Wynne declined the request at this time. DDA Happold will contact Ms. Reddington to finalize the details of the agreement.

3. Public Defender Association JIS LINK Level 20 Access Request

Representatives of the Public Defender Association presented their request for JIS LINK level 20 access for four attorneys and a legal assistant associated with King County's Law Enforcement Assisted Diversion (LEAD) program. DDA Happold recommended the Committee approve the request and suggested that the JIS LINK subscription agreement be tailored to just allow those specific individuals associated with LEAD. Judge Wynne asked members of the Committee if they had any comments or questions. Judge Leach suggested the contract be amended to include a confidentiality agreement that would be renewed annually. Judge Marinella made a motion to approve the requested JIS LINK level 20 access, though restricting it to just those attorneys and staff in the LEAD program as described in the meeting materials, and to include requiring confidentiality agreements as suggested by Judge Leach. Judge Svaren seconded the motion. The motion was passed. DDA Happold will draft the agreement and contact the representatives of the Public Defender Association once it is finished.

4. Public Defender Access to the DOL/ADR Tab in JABS

DDA Happold presented this topic to the Committee and recommended public defenders with level 20 access in the Judicial Access Browser System (JABS) be given access to the Department of Licensing (DOL) Abstract Driving Record (ADR) tab. In the past, public defenders' requests for access to DOL information in JIS LINK were denied by the Committee because RCW 46.52.130 did not allow for it, and because users with the JIS LINK level 20 access could not be partitioned. This meant if the access was granted, it would be given to public defenders and all other level 20 users, such as various state agencies, who were not authorized to have that access. However, DDA Happold presented this topic again to the Committee because recent amendments to RCW 46.52.130 now allowed for an individual's attorney to have access to the ADR, and because the AOC's ability to create different profiles within JABS level 20. AOC can now partition level 20 users in JABS and give ADR access only to public defenders, while continuing to prohibit the access to those users not authorized under RCW 46.52.130. This access would only be in JABS as the JIS LINK level 20 cannot be partitioned in the same way. Ms. Vance voiced her support for allowing this access, as it will lessen court clerk workloads. Ms. Vance made a motion to provide public defender access to the ADR information in JABS only, as recommended by DDA Happold. Ms. Powell seconded. The motion passed unanimously.

5. Legal Voice VAWA Letter

Judge Wynne presented the letter he received from Legal Voice asserting that Washington state courts did not conform to the Violence Against Women Act (VAWA), 18 U.S.C. § 2265(d)(3). Tamso Johnson reviewed the issues described in the letter and explained why the organization was contacting the Committee again as it did in 2006/2007.

Also attached to the Legal Voice letter was a recent Department of Justice (DOJ) opinion about the section in question. The opinion stated that the section applied to both foreign and in-state protection orders. Judge Wynne mentioned that when the Committee asked for such an opinion in 2006, the DOJ denied the request. Judge Wynne also stated that the proposed amendments to the Data Dissemination Policy would make all addresses confidential, including addresses of victims of domestic violence. A concern was raised that it was not only addresses, but names that should not be made available online.

Committee members discussed how some protective orders were filed inside another case (i.e. dissolutions, civil suits, etc.), and that it was unclear how it could be segregated from the rest of the case. Judge Leach commented that the federal statute limits information "made available publicly on the internet" which is different than electronic access. He also stated that this information is available for viewing at the court locations. Several members questioned the constitutionality of the section and stated that it was not a simple legal question. Judge Wynne previously asked DDA Happold to contact Minnesota AOC to find out how they followed this section of the VAWA. DDA Happold went over key Minnesota Court Rules and reported that they have separate case types for domestic violence and protection orders. One issue Minnesota did grabble with was how to follow the section for criminal cases. Ms. Miner noted that criminal cases could be outside this Committee's control as protected information would be in documents, not data, therefore making it a County Clerk matter. Judge Wynne suggested assigning confidentiality to stand-alone cases, for example, protection orders. Both he and Judge Leach recommended forming a workgroup to discuss this further as it was a difficult issue that could go beyond this Committee's control.

Judge Wynne asked if there were any other questions. DDA Happold asked Mr. Johnson for clarification in the 2nd paragraph of the Legal Voice VAWA letter and what was meant by "free Judicial System Link." Mr. Johnson said that Sarah Ainsworth, the main author of the letter, could answer that question and that he would contact her. Judge Wynne suggested that the work group include members of the Access to Justice, WAPA, law enforcement, media, various court/clerk associations and Legal Voice. He also suggested that Judge Leach chair it as he would most likely be retired before the issue was resolved. DDA Happold, Judge Wynne and Judge Leach will discuss forming this work group. DDA Happold will follow up with Judge Wynne during the week of March 7 via email.

6. Other Business

WACDL comments and court questions regarding draft Data Dissemination Policy

DDA Happold reported that the only comments she received from the associations regarding the draft Data Dissemination Policy was a letter from the Washington Association of Criminal Defense Lawyers (WACDL). WACDL expressed concern that the new language in Section III.D seemed to limit the court clerks ability to disseminate DCH information to only their own courts' records, and that the outdated nature of JIS hindered the DCHs being available to private attorneys with JIS LINK level 1 access.

Members of the Committee stated that language in Section III.D did not conflict as the second sentence specifically allows a court or county clerk to disseminate a report or data summarizing an individual's case history; this includes available statewide data that could be disseminated to anyone who asks for it.

Court user questions regarding draft Data Dissemination Policy

The Committee went through the court user questions about the disclaimer language in Section VI.B. The first question was if there was a way to request a blanket exception for all routine summary reports from JIS/Odyssey. Judge Leach asked for more information about these reports as he had reservations about blanket approvals. Committee members agreed that a description should be required, not just a label. Once the report is described, then an exemption can be done for that specific "type" of report, for example: dockets.

The next question was if the disclaimer only applied to a person's name or to reports containing identifying information. The Committee responded that the disclaimer applies to any report coming out of JIS or Odyssey.

Last, it was asked if the disclaimer could be included in the policy at Section III.F, so the policy itself is the disclaimer. The Committee responded that the disclaimer could not be included in the policy as that would not put the data requestors on immediate notice. The disclaimer had to be with the report.

The question was raised whether BOXI could stamp the disclaimer on a report or provide an 'automatic footer.' DDA Happold will ask the Data Warehouse if this is possible.

Ms. Vance will share the Committee's responses at the next DMCJA Board meeting.

Update on ITG152 – public DCH tab in court user JABS

DDA Happold updated the Committee on ITG152. AOC is building a tab in the court-user JABS access to allow a court user to print a DCH that would only list publically accessible cases. Sealed juvenile information, for example, would not be displayed.

It was asked if a public DCH was going to be built for the JIS LINK level 1 access. DDA Happold stated that she previously asked for a sizing estimate from AOC ISD, and the time it would take to build this screen would be extensive. Mr. Keeling agreed it would be easier to accomplish the public case DCH tab in JABS rather than the public DCH screen in JIS LINK, and it would be the best use of available resources.

It was asked if the public view option would still work after EDR is finished and Mr. Keeling confirmed it would. He also stated that the ITG152 DCH tab is still not scheduled for release, but possibly could ready by the end of June. Judge Wynne asked Mr. Keeling to provide an update for the next DDC meeting.

7. Adjournment

Judge Wynne adjourned the meeting at 9:45 a.m.

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