WASHINGTON COURTS	**JISC DATA DISSEMINATION COMMITTEE** **Friday June 23, 2017 (8:00 am – 10:00 am)** **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 G. Scott Marinella
Ms. Brooke Powell
Ms. Aimee Vance
Members Present (telephonically)
Judge Jeannette Dalton
Judge David A. Svaren
Members Absent
Judge J. Robert Leach
Ms. Barbara Miner

Guests Present
Mr. Joe Svoboda, City of Lacey
Guests Present (telephonically)
Ms. Kathleen Kyle, Snohomish Co. Public Defender
Mr. Peter Lewis, Private Investigator
Ms. Jodie Marshall, Tacoma City Attorney's Office
Mr. Joel McAllister, Minority and Justice Commission Consultant
Ms. Jorey Stine, Lacey Victim Advocate

Staff Present
Stephanie Happold, Data Dissemination Administrator
Kathy Bowman, MSD Administrative Secretary
Cynthia Delostrinos, Manager, Washington State Supreme Court Commissions
Elaine McLaughlin, Court Records Access Coordinator

DRAFT

0. Call to Order

It was determined a quorum of Committee members was present and the June 23, 2017, Data Dissemination Committee meeting was called to order by Judge Thomas J. Wynne at 8:01 am. Guests were welcomed and introductions were made.

1. April 28, 2017 Meeting Minutes

Judge Marinella made a motion to approve the April 28, 2017, DDC meeting minutes as written. Ms. Powell seconded the motion. All present were in favor. The meeting minutes for the April 28, 2017, DDC meeting were approved as written.

2. Peter Lewis – Private Investigator Access to JABS

Private investigator Peter Lewis presented his request for access to JABS for those private investigators working with appointed conflict attorneys. Mr. Lewis noted that public defender offices and departments provide JABS access to their fulltime staff investigators. His request is to give the same JABS access to those private investigators who are hired by private attorneys that are contracted as conflict attorneys. Judge Wynne asked why private investigators working in this capacity need JABS access. Mr. Lewis responded it would be

used for work requested by the attorneys such as criminal history checks. A follow-up question was asked if the access would be used for researching witnesses. Mr. Lewis replied it would be used for any work the attorneys needed done, not just for witness research. When asked by Ms. Vance, Mr. Lewis stated he currently has public access to JIS, SCOMIS, and Odyssey. DDA Happold noted fulltime in-house investigators have level 20 access to JIS and JABS as they are part of the public defender's staff, but contracted private investigators working for contracted conflict attorneys and public defenders do not. Mr. Lewis commented that his request was just for private investigators working with conflict attorneys, not for those working with contracted public defenders. DDA Happold stated that she expanded Mr. Lewis' request as the issue is for any contracted public investigator working with a private attorney contracted for public defense work or as a conflict attorney. It also includes those public defender offices that contract out their investigative work instead of using in-house PIs. The request was also broadened as the current alternative is to give those investigators level 1 public access which does not include JABS access due to security issues. Judge Wynne stated he was concerned that this would be setting precedent, chipping away at how many can have access to this level of information. He offered that JIS LINK level 1 does not have a DCH screen, but it does have a case index screen. The Committee members discussed if instead of granting this request, the contracted private investigators could go to the attorney they work for to have any case information they need, or they can go to the court to obtain the information they wish to have. Judge Wynne said he respects the professionalism of the private investigators he has worked with, but still has reservations. Judge Svaren then presented his opinion that although he was also reluctant, he believed that it is only fair to provide equal access, as long as proper safeguards are put in place. He made the motion to provide private investigators with the requested access to Level 20, on the condition the conflict attorney takes responsibility for the private investigator and the investigator signs an agreement to use JABS only for public defense cases. Judge Marinella seconded the motion. DDA Happold requested clarification of the restrictions before the motion went to a final vote. She asked that the Committee define all the restrictions/requirements for this access and suggested that the JIS LINK Level 20 public defender subscription agreement will be used and amended with the following information:

- The JIS LINK subscription agreement be tailored to fit the specific user.
- The access is restricted to only those cases/persons the public investigator is working on in association with the public defender or conflict attorney the public investigator is contracted with for that work.
- The private investigator shall sign a JIS LINK subscription agreement for each contract they have with a conflict attorney or public defender.
- A Certificate of Eligibility between the private investigator and the conflict attorney/public defender shall be signed and renewed annually.
- The level 20 access will not include access to DOL information.
- The access cannot be used for private clients or used in advertising that allows the public investigator to benefit financially from it

Judge Svaren amended his motion to include the restrictions and Judge Marinella amended his second. Ms. Powell, Ms. Vance, Judge Dalton, Judge Svaren, and Judge Marinella voted in favor. Judge Wynne voted no. The motion passed. DDA Happold will follow up with Mr. Lewis.

DRAFT

3. Tacoma Municipal Prosecutor Request for Printing Access

DDA Happold introduced the agenda item and asked Ms. Jodie Marshall with the City of Tacoma Attorney's office to give a quick review. Ms. Marshall summarized the request for access to JIS printing that includes batch and label printing that was first brought to the DDC at the April 28 meeting. The request was tabled at that meeting in order for DDA Happold to gather additional information about what possible options there may to resolve this issue. DDA Happold reviewed her memo that listed all the options with estimated times and expenses. She pointed out that creating the capability of batch printing ICHs in JABS would be prohibitively lengthy and costly and that the necessary development time and resources are not available. Judge Wynne agreed the request had merit, but that it is not feasible at this time. He invited Ms. Marshall to come back to the Committee with this request once the data exchange with King County and other Odyssey roll-outs have been completed. The question remaining before the Committee, was in the interim, whether to (a) restrict printing to the calendar only, (b) allow printing ADRs and calendars (but not DCHs), or (c) continue the current practice or "status quo." Ms. Vance stated that batch DCHs should not be printed as the information is not complete. DDA Happold offered to find out if the print option can be turned off at the DCH screen.

Ms. Marshall currently batch orders calendars, DCHs, and ADRs, and creates labels for archiving via MRS. She said they use JABS but JABS is not yet available in the courtroom. Ms. Vance suggested they use BOXI, or the new BIT. However, JIS LINK users do not have access to BIT. DDA Happold will investigate whether BIT may be an option. Judge Wynne asked if the Committee had a motion. DDA Happold suggested tabling the request until more information could be gathered, including using BIT for printing information and labels. Judge Wynne said in order to accommodate this busy time he would agree to maintaining status quo through the end of August, but at that time, access will be limited to what is contracted for and nothing more. The Committee members agreed and once again admonished Ms. Marshall to not print JIS DCH screens. It was agreed that DDA Happold will keep Ms. Marshall informed as other options are explored, and report back to the Committee at the August 25 DDC meeting.

4. Public Defenders Access to JIS to Print Calendars

Ms. Kathleen Kyle, the Managing Director of the Snohomish County Public Defender Association, presented the request for public defenders to be given the same JIS access as prosecutors to print calendars. Judge Wynne believed this would give equal access and favored the request. DDA Happold provided that in 2008, DDC granted the exemption for prosecutors to have court RACFIDs and court user IDs to print JIS calendars. The exemption did not include other printing capabilities such as DCH or ADR screens. Ms. Powell stressed that going forward, authorizations must be specifically within contracted or exempted access. Ms. Vance asked if a calendar can be ordered through JABS by providing a print option. Similar to the previous request from the Tacoma Prosecutors, the answer is that that sort of printing is not feasible at this time. These enhancements should be tabled and discussed at a future date. Judge Marinella moved to allow the same JIS access for printing calendars to public defenders as is allowed to prosecutors. Judge Svaren seconded. All were in favor, none opposed. The motion passed and the request was approved.

5. **City of Lacey Victim Advocate Access to JABS**
Mr. Joe Svoboda with the City of Lacey presented a request for JABS access for Lacey victim advocate, Ms. Jorey Stine. Previously, City of Lacey used an advocate employed by the Thurston County Prosecutor's Office. The victim advocate now contracts directly with City of Lacey and has been cleared by the Lacey Police Department. Mr. Svoboda stated that supervision of this JABS access would be monitored by the City Attorney's Office. Judge Wynne commented that this seemed to be an appropriate request and DDA Happold stated that AOC did not have any concerns as Ms. Stine's access would be controlled by the City Attorney's Office. Ms. Powell moved to approve the request to provide JABS access to City of Lacey's victim advocate, Ms. Jorey Stine. Judge Marinella seconded. All were in favor, with none opposed. The motion was passed. DDA Happold will work with Mr. Svoboda to implement this access.

6. **Self-Represented Litigant Portal Access**
Ms. Elaine McLaughlin, Court Records Access Coordinator for AOC, presented details about the development and security requirements of the SRL Portal which will provide self-represented litigants with the same access as an attorney-of-record. Following the presentation, Ms. McLaughlin invited members of the Committee to comment. Ms. Powell raised a few questions regarding juvenile case data that Ms. McLaughlin answered. Judge Marinella questioned wording in the agreement regarding a notice of appearance, and Judge Wynne suggested dropping that language. Ms. McLaughlin agreed to take the suggested edits back to her group to ensure the language is appropriate.

7. **Microsoft Access to LFO Data for Work Related to Minority and Justice Commission Grant**
Ms. Cynthia Delostrinos, Manager of the Washington State Supreme Court Commissions, presented the request. The Minority and Justice Commission (MJC) received a Department of Justice grant to research legal financial obligations in the state of Washington. MJC has contracted with consultant Joel McAllister to help accomplish this work. Microsoft's civil engagement division indicated interest in the project and offered to provide data analytic tools to assist Mr. McAllister in this task. All work by Microsoft would be pro bono. The request before the Committee is for a one-time LFO data download to Microsoft. The data will include juvenile cases, but be de-identified and have name tokens. The data agreement with Microsoft would require that it agrees it cannot resell or use the data in any way other than for the work with the LFO grant, nor can it publish that they have done the work. Other concerns can be incorporated into the agreement, including destroying the data once finished with creating the analytic tools. Judge Wynne noted this request is comparable to a request for access by the University of Washington that was approved. Judge Marinella made a motion to allow access to the data with the restrictions discussed and for use as discussed. Ms. Vance seconded. All were in favor, with none opposed. The motion passed.

8. **Public Index Contracts**
DDA Happold presented this agenda item. Subscription fees for the five public index downloads that AOC provides have not changed since 2001. AOC would like to start providing the files weekly rather than quarterly. The rate change would be for this increased work and for the increased contact AOC staff has had with the subscribers regarding their

DRAFT

account and the data provided. Though the judicial branch does not adhere to the Fiscal Growth Factor (FGF), AOC still used it in assessing the proposed rates. The FGF is a quasi-inflation rate used by the Legislature to assess increases in fees. When applying the FGF to the amounts proposed, they all fall within the calculation.

Pursuant to court rule GR 31(g)(1), DDA Happold also asked the Committee to review the language in section 9 of the public index contracts. (Section 9 is the same for all indexes.) Each time a contract language change is made, it must be ratified by the Committee. Section 9 currently requires subscribers to remove sealed case information that is provided. Based on the DDC's recent decision that AOC include the existence of sealed adult cases in the JABS DCH public tab pursuant to GR 15, DDA Happold asked if the Committee would like to change Section 9 to be consistent with this decision and allow public index subscribers to show the existence of sealed cases and the data elements listed in GR 15.

Judge Wynne stated that there are two issues raised and he would like to address them one at a time. In regard to the increase of public index subscription fees, Judge Marinella moved to raise fees as proposed. Ms. Powell seconded. All were in favor, none opposed. The motion passed.

Judge Wynne then raised the proposed amendments to Section 9 of the public index subscription agreements. DDA Happold said if the section was changed to be consistent with GR 15 provisions, there may be more problems with background check companies not updating their databases and showing sealed cases incorrectly. She is hoping that with the implementation Electronic Data Repository, she may be able to impose auditing capabilities that should assist in keeping these companies compliant.

Judge Dalton made a motion to change the language in Section 9 and to make it more consistent with GR 15. Judge Svaren seconded. All were in favor, none opposed. The motion passed. Judge Wynne directed DDA Happold to provide the Committee the amended language at the next meeting.

9. Other Business

DDA Happold updated the Committee that she now has a complete VAWA workgroup and will try to schedule its first meeting.

Update about Kitsap County Prosecutors entering PCN data into JIS: Prosecutor's Office entered into MOUs with Superior and District Courts to do the PCN data entry. The municipalities decided not to continue the practice.

City of Spokane needs JIS financial data access for an executive branch employee similar to the City of Pasco's request. Will be coming to the Committee by email instead of on a meeting agenda which Judge Wynne is allowing.

Meeting adjourned 9:40 am. Next meeting August 25, 2017.

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