WASHINGTON COURTS	**JISC DATA DISSEMINATION COMMITTEE** **Friday March 2, 2018 (8:15 am – 9:45 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 J. Robert Leach, Chair
Judge John H. Hart
Judge G. Scott Marinella
Ms. Barbara Miner
Ms. Brooke Powell
Ms. Paulette Revoir
Judge David A. Svaren

Members Absent
Judge Jeannette Dalton

Guest:
Mr. Kevin Kyzar, ITW Fugitive Recovery

Staff:
Ms. Stephanie Happold, Data Dissemination Administrator
Ms. Kathy Bowman, MSD Administrative Secretary
Mr. Mike Keeling, AOC IT Operations Manager
Ms. Pam Payne, AOC IT Specialist

0. Call to Order

The March 2, 2018, Data Dissemination Committee meeting was called to order by Judge J. Robert Leach at 8:20 a.m.

1. December 1, 2017 Meeting Minutes

Judge Leach asked for additions or corrections to the December 1, 2017 meeting minutes. Hearing none, the minutes were approved unanimously.

2. Displaying Birthdate Years and Financial Information in Odyssey Portal

Pam Payne presented this agenda item. JIS-LINK Level 1 users currently have access to dates of birth for adults that are displayed on certain JIS screens such as SNCI. During the early stages of Odyssey Portal implementation, it was discovered that confidential addresses and dates of birth were accessible, and therefore, access to all dates of birth were removed for all Portal roles. During the Committee's October 6, 2016, and October 28, 2016, meetings, the Committee approved access to dates of birth for only prosecutor and law enforcement roles in Odyssey Portal.

Dates of birth being inaccessible in Odyssey Portal is making it very difficult for public users to match cases to the correct person. AOC staff is requesting that registered Portal roles be allowed to see birth year for both adult and juvenile persons, and to also allow them to search by any birthdate that is already in their possession. Mr. Kyzer from ITW Fugitive Recovery asked if users would have to be registered Odyssey Portal users in order to have access to birth years. The answer was yes, the request is to allow registered Portal users access to the birth year, the request did not extend to Anonymous Portal users. Judge Leach asked if there is any

known federal legislation that would prohibit the access to birth year because of how a birthdate is defined. DDA Happold stated that to date, she could not find any such prohibition in providing just the birth year in case law and statute. Mr. Keeling commented that it had been the Committee that amended the data dissemination policy to mask birthdate information in order to protect juveniles. DDA Happold asked the Committee whether birth year information will also be made available to Lobby Portal users. The DDC stated that it did not extend to Lobby Portal users; these users will continue to request this information from the court. Ms. Miner mentioned that in SCOMIS, birthdate is not provided. It was also discussed that juvenile offender case type 8 screens only include birthdate on the name screens for juveniles, but this data element is screened from JIS-LINK public users.

Judge Marinella made a motion to have the birth year unmasked for registered Portal users, but not for Court Lobby Portal users. Registered users who already have the full date of birth will be able to use that criteria as a search filter. Judge Svarin seconded the motion. All were in favor and the motion passed unanimously.

Ms. Payne then presented the request regarding financial information displaying in Odyssey Portal Lobby kiosks. Lobby kiosks currently do not display information about legal financial obligations, even with name and case number, because financials are not accessible using a JIS-LINK Level 1 public access. The difference now is that the JIS financial screens include personal identifiers which need to be masked from public users, whereas the financial screens in Odyssey Portal do not display those personal identifiers. The AOC staff request is to have legal financial obligation information available on Odyssey Portal Court Lobby kiosks. With Court Lobby access, a name search will display all cases state-wide. The user will need to click on a specific case to display the legal financial obligations. It is understood that future updates to Portal will make changes to the financial information that will be displayed.

Judge Svarin moved to open up the legal financial obligation information for searches by name or case number for Odyssey Portal Court Lobby kiosks only. Judge Marinella seconded. All in favor. The motion passed.

3. JIS-LINK Access to Addresses

At the October 27, 2017 Data Dissemination Committee meeting, Mr. Kevin Kyzer with ITW Fugitive Recovery submitted a request for access to address information through JIS-LINK. The Data Dissemination Committee directed DDA Happold to research options and sizing for providing addresses to a select group of JIS-LINK level 1 public users. DDA Happold reported back with two options: a new JIS-LINK profile or a web search application. The time estimate for either option was prohibitive. Mr. Keeling reminded the Committee that the AOC's priority right now is the EDE/EDR project and other integrations, and it would be November 2018 at the earliest before this project could be considered. The Committee agreed that this project is not feasible at this time, denied Mr. Kyzer's request, and there was no further discussion.

4. Judgment Search Webpage

DDA Happold presented this topic. In SCOMIS, judgments from a juvenile offender case exist outside of the initiating case and can be accessed by all levels of users, even if the initiating case is sealed. In Odyssey, the judgment is within the juvenile offender case, and when the case is sealed, so is the judgment. A legal analysis was conducted and it was determined that the eligible juvenile offender record must be sealed, but the judgment information must be recorded and made public like other judgments.

Initially, AOC staff wanted to create a web page that contained Odyssey judgment information related to sealed cases. However, it may be useful for an AOC judgment web search to be created that provides judgment information from all applications.

To continue to provide the public with basic judgment information, there is a need to create a separate tab, search, or application to look up judgement information. There was discussion about creating a judgment web search accessible to title companies and other non-court users. Judge Leach stated that judgments should be made visible for all public users.

The request from AOC staff is if the agency should explore designing a web search that allows access to judgment information. Judge Leach asked if the Committee felt it had the authority to authorize such a web search. Judge Marinella asked for more information regarding the associated costs of creating a web-based search. The DDC recommended that AOC look into finding a way for parties to access basic judgment information, including providing a web search. DDA Happold and Pam Payne will take the Committee's recommendation back to AOC staff to discuss options that will go beyond/outside Odyssey, and also include counties such as King and Pierce who will not be served by Odyssey.

5. New JIS-LINK Agreements

During the last meeting, the Committee directed DDA Happold to amend the JIS-LINK agreements for level 20, 22, 25 and 30 users and add the requirement of staff signing confidentiality agreements on a yearly basis. DDA Happold provided a sample of each security level contract and a draft confidentiality agreement. She mentioned that she received pushback in the past from prosecutors and public defenders regarding the requirements contained in the confidentiality agreement, as their belief was it created a conflict with the Public Records Act and with attorney-client relationships. However, as DDA Happold pointed out, and the Committee agreed, Section 3 of the confidentiality agreement allows for divulging of information as authorized by statute. Judge Leach suggested all agreements be amended to include the new confidentiality requirement, and if a response is negative, the current JIS-LINK agreement can be terminated. Judge Marinella would also like to require justice partners to have a policy stating that any work being done is for the purposes stated in the agreement, and any breach of confidentiality would be penalized. Committee members agreed that there needs to be a requirement of putting the responsibility of discipline on the employer. It was also suggested that users be required to provide an assurance of how they will manage compliance of their employees. Users will self-audit and self-report as to how they have enforced the JIS-LINK contract. Random audits could be done, and AOC currently has the ability to review any suspected misuse with JIS and SCOMIS. The Committee also asked how often the agreements are renewed. DDA Happold responded that many of these agreements are perpetual. Various members advised that the agreement should have a term. Judge Leach asked the Committee to review the materials and provide comments and edits to DDA Happold directly. The Committee will hold making a decision about the proposed changes to JIS-LINK agreements until the next DDC Meeting.

6. Researcher Obligations under AOC Data Agreements

DDA Happold reported that the Washington State Center for Court Research (WSCCR) recently contacted her as they were not receiving draft publications from researchers who used AOC-given JIS data for their studies. This is a requirement under most, if not all, data agreements between AOC and various research institutions. DDA Happold contacted a particular

researcher's contracts group and notified them of this issue. The contracts group was prompt in its response and notified all its researchers of this requirement and that failure to adhere to it would result in a full stop of data sharing. AOC staff also edited the data agreements with researchers to require that all syntax, data set files, algorithms, etc., must be forwarded to AOC upon request. The agreements also require them to present their findings at court/clerk association meetings if requested. Judge Leach wondered if there will be pushback about proprietary systems, as it is their method for integrating the data pieces that they are collecting from different providers, including AOC. DDA Happold stated that the algorithms they are using are not new, the research should be using established processes to compile their data. It was also discussed how entities that are violating contractual obligations are being dealt with by AOC. Judge Leach asked for a consistent policy dealing with non-compliance, such as warning(s) and follow-up. Ms. Barb Miner commented that WSCCR must also follow these rules as well, especially as WSCCR does not contact the county clerks when compiling its data. DDA Happold was directed to contact WSCCR to convey this concern.

7. Education on Expunging and Sealing Cases

The Board for Judicial Administration's Court Education Committee requested that the DDC present information about both expunging and sealing cases at the fall conference. The seminar is anticipated to be an hour and a half long. Proposed speakers are Judge Leach, Ms. Barb Miner, and DMCMA and DMCJA representatives. Ms. Paulette Revoir and Judge Marinella will contact their associations for a representative. Ms. Revoir was also tasked with determining who among court administrators could speak on the mechanics, rather than authority. Judge Leach asked that DDA Happold start to pull together some materials on sealing and also provide before/after screenshots of sealing cases in the various case management systems. The fall conference will be held in Yakima, Washington in September 2018.

8. Other Business

Judge Leach updated the Committee that he sent a letter in December to Legal Voice regarding VAWA issues.

DDA Happold notified the Committee that some licensees who receive various AOC public index subscriptions are removing sealed cases from their databases and are not reporting the existence of the cases to their subscribers. Licensees stated that their reasons for not reporting is that other states require full removal of sealed cases and they are trying to keep everything the same. This is not in violation of the public index subscription agreements as the contract language requires the display of sealed cases in a specific way if they are being displayed at all. Committee members took issue that the existence of sealed cases is not being shown and stated it was contrary to court rule GR15. The Committee would like to amend the public index subscription agreements to require a disclaimer in the licensee reports that not all information provided by AOC is being made available. DDC members will provide suggested amendment language to DDA Happold for the next meeting.

DDA Happold updated the Committee that she received questions about the JISC data dissemination policy requirements regarding statement of compliance and confidentiality agreements. One question was if the DDC could establish a retention schedule for local courts/clerks to use for the confidentiality agreements. The DDC will not recommend a retention schedule as this needs to be discussed at the local level. Also, several divisions of the Court of Appeals asked if the confidentiality agreements are for the calendar year or within 12 months of

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the January signing. The question was raised because legal interns start approximately in August, and it seems redundant to require the interns to sign another one in December/January. It was suggested that the requirement be a 12 month rolling agreement – meaning the agreement has to be signed sometime by the court/clerk user within the January to January deadlines. The DDC agreed with this approach.

Meeting adjourned at 9:45.

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