WASHINGTON COURTS	**JISC DATA DISSEMINATION COMMITTEE** **Friday June 22, 2018 (8:30 a.m. – 9:30 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 J. Robert Leach, Chair
Judge John H. Hart (telephonically)
Ms. Barb Miner (telephonically)
Ms. Brooke Powell (telephonically)
Ms. Paulette Revoir (telephonically)
Judge David A. Svaren (telephonically)

Members Absent
Judge Jeannette Dalton
Judge G. Scott Marinella

Guests Present (telephonically)
Mark Cooke, ACLU
Jacob Kuykendall, King County Bar Association-VLS

Staff Present
Stephanie Happold, Data Dissemination Administrator
Kathy Bowman, MSD Administrative Secretary
Mike Keeling, AOC IT Operations Manager

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0. Call to Order

Judge Leach called the June 22, 2018, Data Dissemination Committee meeting to order at 8:30 a.m.

1. April 27, 2018 Meeting Minutes

Ms. Miner moved to approve the April 27 meeting minutes as written. Ms. Revoir seconded the motion. All were in favor; no abstentions. The minutes were approved unanimously.

2. ACLU Data Request to Include Confidential Data Elements

Mark Cooke, the Policy Director for the ACLU of Washington Campaign for Smart Justice, presented the ACLU's recent request for updated court records. DDA Happold provided the following background:

The first time the ACLU requested this court data was in 2014, with subsequent requests in 2015 and 2016. For the 2016 request, the AOC provided information from sealed cases because the data was de-identified and the ACLU was conducting legitimate research for educational, scientific, and public purposes as described in GR 31(f)(1) and RCW 13.50.280. AOC based its decision on:

- the language in the court rule and statute;
- the provided data contained case and actor keys instead of case numbers and names;
- the work the ACLU was conducting with this information; and
- the ACLU's track record/reputation for protecting individual information.

In between the 2016 request and the current one, the DDC amended the JISC Data Dissemination Policy which now makes minors' dates of birth confidential. Even though

actor and case keys are used, AOC is bringing this request to the DDC for approval because it includes juvenile bulk case information, sealed juvenile and adult cases, gender and race identifiers, and confidential dates of birth.

Mr. Cooke stated that all reports generated by ACLU will be presented to AOC prior to publication as required by the agreement, and that the confidentiality of AOC data will be protected.

Judge Leach asked if the month and year of the minors' birthdates would be sufficient for the ACLU's needs. Committee members Ms. Miner, Ms. Revoir, and Ms. Powell voiced their support of this suggestion. Mr. Cooke stated that month and year would work for their needs. Judge Leach then asked for a motion on this request. Ms. Miner made a motion to approve the ACLU request with the modification that the date of birth for juveniles would be limited to month and year. Ms. Powell seconded. No one opposed and there were no abstentions. The motion passed. DDA Happold will be in touch with Mr. Cooke to continue the process.

3. **King Co. Bar Association – Volunteer Legal Services request for a JIS-LINK level that provides JABS**
   Jacob Kuykendall from the King County Bar Association (KCBA) presented the request for an elevated JIS-LINK level that includes JABS for the new KCBA-Volunteer Legal Services Records Project. The project provides pro bono assistance with vacating criminal convictions for individuals in King County that are at or below the federal poverty level. The project needs JABS to view complete statewide court data. Mr. Kuykendall commented the only way to expand this program is to streamline the process of the investigation by allowing access to JABS information. It was asked what JIS-LINK access the KCBA currently has, and the response was level 1 public access. DDA Happold stated that this level does not include DCH or financial information, and they would need at least a level 20 JIS-LINK account, similar to the access granted to the Clark County Volunteer Lawyers Program in 2010. Mr. Kuykendall asked if it would be appropriate to have an account separate from the main KCBA account for this access. DDA Happold and the Committee members agreed that it should be a separate account from the main KCBA account. Judge Leach asked who would have access to the information. Mr. Kuykendall replied that it would only be three individuals on the team. Committee members recommended that a signed confidentiality agreement to maintain privacy of information would be required and monitored by a supervisor of the project. Mr. Kuykendall also agreed that either he or his supervisor would take responsibility for these individuals. Judge Leach asked if there was a motion on this request, and Ms. Revoir made a motion to grant KCBA's request for a level 20 JIS-LINK account for the project, under the same conditions as imposed on Clark County. Ms. Miner seconded. All were in favor, no one opposed, and there were no abstentions. The motion passed unanimously. DDA Happold contact Mr. Kuykendall with the JIS-LINK service paperwork.

4. **New JIS-LINK Agreements**
   After the April 27 meeting, DDA Happold emailed the Committee members the proposed edits for review in preparation for this meeting. Using the JIS-LINK level 25 prosecutor agreement as a template, DDA Happold presented the new agreement language. New changes include requiring subscribers to create policies about employees' usage and

requiring annual signing of confidentiality agreements and statements of compliance. An additional edit was also proposed in Section 10, changing "…shall result in termination" to "…may result in termination". DDA Happold stated that any changes to the current prosecutor agreements will be made to all elevated JIS-LINK level agreements, both in new agreements and in amendments to existing agreements. This will include JIS-LINK service agreements with public defenders (both contracted, non-contracted, and those contracted with OPD), OCLA and any attorneys contracted with it, OPD, private investigators that are contracted with public defenders and conflict attorneys, tribal prosecutors, tribal public defenders, tribal courts, federal enforcement agencies, law enforcement, certified criminal justice agencies, and any state agency given elevated JIS-LINK access. Only the public level 1 JIS-LINK agreements are exempt from the new language. Judge Svaren made a motion to approve the revised JIS-LINK agreements. Ms. Miner seconded. All were in favor with none opposed or abstaining. The motion passed unanimously.

5. **Public Index Contract Amendment**
After the April 27 meeting, DDA Happold emailed the Committee members the proposed edits for review in preparation for this meeting. Using the Public SCOMIS Criminal index agreement as a template, DDA Happold presented the edits that were requested by the Committee. The Ongoing Data Scrubbing and Update Requirements section was amended to add the following:

> If the Licensee does not include the existence of sealed adult cases in the reports it provides its Subscribers, the Licensee must accompany all Washington state court data with the disclaimer that not all information provided by AOC is being made available in the report.

This new language supported the Committee's position that licensees' reports were required to comport with Washington State Court Rule GR 15(c)(4) and (d) regarding the display of sealed cases. If the licensees did not follow the court rule, they had to add the disclaimer to the report. DDA Happold asked if the edits requiring the licensee to provide a disclaimer satisfied the concerns of the Committee. Members responded that it did.

The Case Amendments subsection was also amended to:

> The Licensee agrees to update in its files cases where the charge is amended in Data files provided to the Licensee. The Data provided to the Licensee will contain transactions identifying the cases that are to be amended. The Licensee agrees that its files will contain only the most current case information.

Ms. Miner made a motion to adopt the contract as revised. Ms. Revoir seconded. All were in favor, with none opposed or abstaining. The motion passed unanimously. The edits will be applied to the Public Probate Index agreement (whatever section contains the original language), Public SCOMIS Criminal Contract Index agreement, the Public SCOMIS Index agreement (whatever section contains the original language), the Public Courts of Limited Jurisdiction Civil Index agreement (whatever section contains the original language), and the Public Courts of Limited Jurisdiction Criminal Index agreement (whatever section contains the original language). Current index agreements will also be amended.

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6. Other Business

- **Seminar on Expunging and Sealing Cases**
  Judge Leach and Ms. Miner are working on the seminar materials and they should be ready in July. Ms. Revoir will be included in their upcoming meetings.

- **AOC Update on Various Projects**
  DDA Happold reported on the Odyssey expunge website. There is a resource issue with web services and this will be revisited in July. The Judgment Search webpage is in development and is expected to require approximately 80 hours to complete. The AOC maintenance legacy group is continuing to work on the JIS-LINK printing and QA availability is being sought. Once the IT schedule is confirmed, staff will begin to draft eservice answers and release notes about the upcoming changes.

- **Statement of Compliance Form Update**
  A few compliance forms remain outstanding, but once courts are contacted, they are quick to submit.

- **Spokane County Request**
  DDA Happold advised that a teleconference will need to be scheduled in July for a request from Spokane County, particularly the Office of Spokane Regional Justice and the courts, for access to all criminal history for a risk assessment tool that includes a daily auto-populate tool. Washington State University and a vendor are also working with Spokane County on this project. The request is similar to a prior one from Spokane County that the Committee heard in October 2016; however, this new one includes providing a vendor access. Judge Moreno submitted the request and will attend the teleconference to present it and answer any questions. Judge Leach asked DDA Happold to forward the request by email and a conference call will be scheduled.
  [UPDATE: the teleconference was cancelled by Spokane County.]

7. Adjournment

The June 22, 2018 Data Dissemination Committee Meeting was adjourned at 9:12 a.m. The next posted DDC meeting will be on August 24, 2018, held at the Sea-Tac Office.
[UPDATE: the August meeting was canceled.]

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