JISC DATA DISSEMINATION COMMITTEE
Friday February 28, 2020 (9:00 a.m. – 9:55 a.m.)
Teleconference
Call-in Number: 1-877-820-7831, Passcode 797974

DRAFT MEETING MINUTES

Members Present
Judge J. Robert Leach, Chair
Judge Scott Ahlf
Judge Jeanette Dalton
Judge John Hart
Ms. Barbara Miner
Mr. David Reynolds
Judge David Svaren

Members Absent:

Ms. Paulette Revoir

Guests
Justice Barbara Madsen
Ms. Heidi Percy – Snohomish County Clerk

Staff
Mr. Kevin Cottingham, Data Dissemination Administrator
Ms. Vonnie Diseth – ISD Director/CIO
Ms. Vicky Cullinane – ISD Business Liaison
Mr. Mike Keeling – IT Operations Manager
Ms. Hayley Keithahn-Tresenriter – Court Records Access Coordinator
Ms. Kathy Bowman – Administrative Secretary

0. Call to Order

Judge J. Robert Leach called the February 28, 2020, Data Dissemination Committee meeting to order at 9:02 a.m.

1. Meeting Minutes

Hearing no requested changes or additions, the December 6, 2019, DDC meeting minutes were approved as written.

2. Display of sealed juvenile cases in Odyssey and JABS

Dave Reynolds presented an issue regarding sealed juvenile cases displayed in Odyssey and JABS. Mr. Reynolds explained the record sealing process for juveniles is different than for other sealed cases, and that a sealed juvenile record is to be treated as though it never occurred, not even to acknowledge its existence. In JABS, information about sealed juvenile cases can be seen by Name Search, but not Case Search. When the Superior Courts switched to Odyssey, it was discovered juvenile sealed records are displayed with actual charges. County Clerks can also see all charges on an Odyssey screen. Mr. Reynolds stated that per RCW 13.50.050(13), absent an order of a court, one should not be able to see the existence of a sealed juvenile record, much less the actual findings.

Another concern that was brought to the committee is that Washington State Patrol has access to sealed juvenile cases through BIT reports, as authorized by RCW 13.50.260(8)(c) and an AOC contract executed in 2015, which also allowed access to pre-2015 records. A question was raised whether records prior to 2015 should be accessible to WSP. Mike Keeling said access through BIT can be tailored to limit the available information to that directed by the DDC.

Mike Keeling stated that Odyssey can either allow access to sealed records, or not, via a "switch". In SCOMIS there were different types of sealing that would allow different levels of

access. With Odyssey there is no option to see only the existence of a sealed record. All information is available, or none. Displaying the existence of sealed cases has been discussed previously and Mr. Keeling said it is time for a decision to be made.

Barb Miner reminded the committee that historically there has been a lot of discussion around this subject regarding JABS, and restated her position that Clerks should control and have access to sealed records for their work. A public defendant criminal history screen was developed to solve this problem.

Judge Svaren inquired whether District Courts should have the ability to seal juvenile harassment protection orders. Protection orders cannot be sealed by the District Court at this time. Can the current system seal individual documents within a file without sealing the entire file in JIS? When protected party information is entered into JIS, is there a way to protect the information about a single individual in a case?

Mike Keeling answered we have control over code regarding data. However, actual documents would be using a document system outside of JIS. Mr. Keeling will research into the cost. Judge Svaren asked Mr. Keeling to contact Skagit County District Court Administrator Deannie Martin and Assistant Administrator Catherine Martin for more detail.

AOC Court Records Access Coordinator Hayley Keithahn-Tresenriter offered that she has compiled some information on current JABS security, and Judge Leach requested this information be forwarded to all DDC members, as well as to Justice Madsen, Mike Keeling and Vonnie Diseth.

Snohomish County Clerk Heidi Percy asked if GR15 issues would also be considered when making this fix. Judge Leach suggested Ms. Percy list all issues she is aware of and provide it to Mr. Keeling for consideration, although it was assumed that these issues would be similar to those brought forward by Ms. Miner. Ms. Percy noted a particular concern that attorneys of record are unable to see the Confidential Information Form.

Judge Leach said he feels the issues raised over sealed cases should be elevated to the Judicial Information Systems Committee, and directed Mike Keeling and DDA Kevin Cottingham to provide a complete and clear list of all roles and levels of access in Odyssey, and assuming that statute controls, detail what is needed to align with statute, and the cost.

The committee agreed with this method to clarify this matter for presentation to the JISC. Judge Leach requested this information be made available to the DDC prior to the next JISC meeting scheduled for April 24.

3. Other Business

As there was no other business for discussion, the February 28, 2020, Data Dissemination Committee meeting was concluded at 9:31 a.m.

Addendum to February 28, 2020, Minutes

Special Vote Called March 23, 2020, via email by Kathy Bowman on behalf of DDA Kevin Cottingham

1. Request for Juvenile Dates of Birth from Dr. Mary Kernic of the University of Washington

DRAFT

The following message was circulated to DDC members via email at 3:20 p.m.:

Good afternoon, DDC members, and I hope you're all well.

I was contacted by Dr. Mary Kernic from UW regarding a grant for which she might apply. Her research focuses on young adult intimate partner violence, and this project would entail linking civil and criminal court records, along with potentially other government records. In order to link all the records, she was hoping to receive names and dates of birth for juvenile offenders, and juvenile petitioners and respondents to protection orders. As juvenile dates of birth are confidential under the Data Dissemination Policy, I informed her that she would need to petition the DDC for an exception, so she provided the attached letter. John Bell, in turn, asked me to write a brief memo regarding AOC's position on the request, also attached. While we would like to discuss this at the next DDC meeting, this grant application is due 4/13, and Dr. Kernic has requested that we take an early vote.

Judge Leach has asked me to narrow the request to just months and years, instead of full birthdates, as was provided to the ACLU in 2018; see minutes from the 6/22/2018 meeting here: http://www.courts.wa.gov/content/publicUpload/Data%20Dissemination%20Meetings/2018%2006%2022%20DDC%20MTG%20MIN.pdf

In light of everything going on right now, and Dr. Kernic's timetable, Judge Leach has asked that you review the materials and vote by email. Please let me know if you have any questions.

Voting proceeded on the motion as follows:

David Reynolds – Yes
Paulette Revoir – Yes
Judge J. Robert Leach – Yes
Judge David Svaren – Yes
Judge Scott Ahlf – Yes
Judge John Hart – Yes
Judge Jeanette Dalton – Yes, adding that she would prefer that no names be sent

Ms. Barb Miner contacted DDA Cottingham, stating that dissemination of birthdates might be unnecessary if AOC staff can appropriately match civil and criminal records before sending the data to Dr. Kernic. DDA Cottingham replied that this was just a preliminary request at present, but specifics would be determined if the grant is awarded and data is needed.

With a majority of the Committee supporting the motion to send juvenile months and years of birth to Dr. Kernic, the motion passed. DDA Cottingham contacted Dr. Kernic and notified her of the committee decision.

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