JISC DATA DISSEMINATION COMMITTEE
Friday June 26, 2020 (8:30 a.m. – 9:55 a.m.)
Zoom Video Conference

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
Judge Lisa Paglisotti, King County: West Division - Seattle
Ms. Heidi Percy, Snohomish County Clerk
Mr. George Yeannakis, TeamChild
Dr. Crystal Yang, Harvard Law School

Staff
Mr. Kevin Cottingham, Data Dissemination Administrator
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 June 26, 2020, Data Dissemination Committee meeting to order at 8:34 a.m.

1. April 24, 2020, Meeting Minutes

Hearing no corrections or additions, the April 24, 2020, Data Dissemination Committee Meeting Minutes were deemed approved.

2. Request from Harvard Law School for Fee Waived JIS-Link Access

Dr. Crystal Yang presented this request on behalf of Harvard Law School, and in collaboration with King County District Court. In order to further their research designed to improve judicial decision-making and reduce racial disparities in bail decisions, this study requires public docket level data through JIS-Link. The request is to grant the research team a fee exemption to allow access to JIS-Link free of charge. Judge Paglisotti spoke to the study's benefit to King County and added there are nine King County judges willing to participate in the study. Dr. Yang has identified the data required and AOC has indicated it would be accessible. Ms. Miner voiced concern that the information sought may not be available via JIS-Link. Judge Leach suggested this request be considered, and if this request does not provide the information needed, another fee-waiver request can be made to the DDC. A motion was made and seconded to approve the JIS-Link fee waiver request. There were none opposed. Judge Leach and Ms. Miner abstained. The motion passed.

3. AOC-WSP Sealed Case Exchange

DDA Kevin Cottingham detailed the exchange and an analysis of RCW 13.50.260, after discussion was raised regarding AOC giving more records to WSP than either the legislature or DDC contemplated. The original version of the bill that added the language at issue was supposed to apply to cases filed after a set date, but that language was removed by an

amendment. When the DDC later considered the request from WSP, there was no mention of allowing access to cases filed after a certain date. The DDC also granted WSP access to a level 25 JIS-Link account, and no one on the committee would have believed this to only grant access to cases filed after a certain date. The current exchange is proper under the law, and following the intent of the DDC at the time of its decision. An argument has been made that cases are sealed imposing certain conditions and the legislature could not modify those conditions after the fact, but this is a due process argument that must be resolved by the Supreme Court. Judge Leach felt that DDA Cottingham's interpretation is likely correct, but that the DDC must step back at this time and the issue must go to litigation if any are dissatisfied with the current status. Judge Leach stated the issue would be considered closed at this time, but Mr. Yeannakis was advised he was welcome to submit any comments he may have in writing to the DDC.

4. Display of Sealed Juvenile Case Data to Prosecutors in JABS/JIS-Link

The concern discussed is that JABS displays sealed juvenile case charges to prosecutors. Language in RCW 13.50.260 dictates that the existence of sealed cases must be displayed to prosecutors, but is silent regarding the scope of the information. GR 15 defines the existence of a sealed case as including the charges, but legislative intent implies that the provision was a cost-effective way to unseal cases upon a subsequent charge. If so, it is unnecessary to display charges, as a prosecutor can make a request to unseal cases knowing only the court and case number. Mr. Reynolds mentioned juvenile records have stronger protection than GR15 provides for adult cases. Judge Leach asked for a motion. Mr. Reynolds moved to remove access of information from juvenile sealed cases. There was no second to the motion. The motion died. Judge Leach suggested that if the issue is of sufficient concern, Mr. Reynolds is invited to write a letter to the JISC, and Mr. Reynolds suggested he would pursue that.

5. Update regarding CLJ-CMS and Sealed Case Display in Odyssey

Contractual negotiations are in work with the vendor to include the display of sealed cases in CLJ-CMS, with implementation in the first pilot. Due to COVID-19 pandemic, there is no specific date set for that pilot. Ms. Miner asked the functionality would be available to Superior Courts when it is made available to Courts of Limited Jurisdiction in the first pilot. DDA Cottingham replied that the Superior Court upgrade would take place later. Once the functionality works in the CLJ-CMS, it will be ported to SC-CMS. Judge Hart commented that it seems encouraging, in anticipation that remote implementation may be needed.

6. New JIS-Link and Web Search Requirements Regarding Judgments

Ms. Keithahn-Tresenriter, Court Records Access Coordinator, presented a request for the DDC to approve requirements for judgments to provide a baseline moving forward. A summary of viewable elements based on whether a case has been sealed and numerous examples of what will show in JIS-Link were provided. Ms. Miner and Ms. Percy reiterated that judgment information should be shown for juvenile cases, but information about the underlying juvenile case should be masked. Once an originating case is sealed, only the originating case becomes masked and only the judgment will be available. Judge Leach asked if anything would indicate the presence of a juvenile case, or if users might just know it was a criminal case. There would be no identifying information. Judge Leach asked if the case type could be labeled "other" so it didn't refer to juvenile. Ms. Keithahn-Tresenriter will review a list of all case types. One overall

comment, is that no screen presented shows a judgment amount yet. Currently, the new JIS-Link is fed from the EDR, but financials have not yet been completed, and the elements are not available. Ms. Miner commented that date filed and current status of judgment should not be available on sealed cases, as it is not one of the elements described in GR15. Ms. Miner also wondered why a case search in JIS-Link would be any different from a public case search. Ms. Keithahn-Tresenriter responded that a public search has always been more limited than a Level 1 user would see. A public case search is equivalent to “anonymous”, much more limited than for registered users. Registered users are allowed more access and when creating the roles for Portal this was mirrored. Ms. Miner disagreed with the notion that a registered user should get more information than a public user. Mr. Keeling noted that rules for the public site were decided by the DDC. A registered Portal user is equal to a JIS-Link Level 1 user. Judge Leach noted that no one has lost any access—if they wish to remain anonymous and not registered, they can still go to any Odyssey court lobby for information.

In 2013, the DDC approved an amendment to DD policy, limiting availability of juvenile records on a public search. A later decision had also been made to remove Odyssey courts from the public case search once they were onboarded, resulting in a limited data set. It was suggested to redo the public case search to include all judgments (case type 9s) regardless of status, so judgments that are associated for both juvenile and adult cases are viewable. Permission was requested to bring Odyssey courts back in. Judge Leach asked if this would affect anyone’s ability to get judgment information in bulk form. It was assured the query would not remove the information, but merely have it display on the public case search.

Ms. Miner stated that categorizing judgments as case type 9 was a SCOMIS workaround, and a judgment is a subrecord of a case. King County does not include judgments in its case search. Ms. Miner said she would prefer to take away the word “case” moving forward, as it’s not a case and this is confusing to users. Ms. Keithahn-Tresenriter offered that the language can be updated on the public case search. Mr. Keeling clarified that all Superior Court judgments are available for view under the judgment search screen. This is replicated data. A proposal was made to update the public judgment search to include all case type 9s, and to only exclude judgments that were sealed specifically by a court. Ms. Miner agreed. Ms. Miner asked if making a public case search for a judgment would allow one to see a case number to get to the underlying case. It was proposed not to do that, to not reveal juvenile case numbers. Judge Leach asked if one could get the case number of an underlying case for unsealed underlying cases. Ms. Miner stated that it is very important that the cause number be included, except in juvenile cases. Ms. Keithahn-Tresenriter will generate another mock-up incorporating these suggestions for the public case search. Ms. Keithahn-Tresenriter asked if the DDC could clarify the Data Dissemination Policy’s rules regarding judgments tied to juvenile cases. She pointed out that there is already an exception in the policy for displaying juvenile case information in JIS-Link and asked it there should be an exception for judgments tied to juvenile cases. DDA Cottingham clarified that language in Section V of the policy prohibits juvenile case information on public-facing websites, but it is unclear if judgments resulting from those cases fall under this prohibition. Judge Leach stated he was not prepared to make any changes regarding the display of juvenile records without inviting juvenile advocates. Ms. Keithahn-Tresenriter was asked to present a draft of a proposed amendment to those advocates, giving them an opportunity to weigh in. A suggestion was also made to invite a representative from a title company. This subject will be revisited at the next DDC meeting to be held in August, if the information is available to advocates well in advance. Judge Leach asked to see mock-ups of all suggested changes before bringing this to a vote. Ms. Miner will distribute to county clerks. Judge Leach thanked Ms. Keithahn-Tresenriter for her presentation.

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7. Update Regarding Odyssey Searches using Dates of Birth

Ms. Keithan-Tresenriter presented. The year of birth can currently be seen in for certain roles in Odyssey, but not the full date. The full date of birth was masked to protect juveniles, as Portal cannot tell whether a record is juvenile or adult. Currently, if a user has access to the full date of birth, they can filter by birth dates to identify an individual. This functionality is not available to users with access to year of birth only, and it was asked if the DDC's March 2018 vote was intended to require allowing these users the functionality to filter using full date of birth. It was agreed that registered users with approval to view full dates of birth should be able to see that data, but registered users who do not have approval to view full dates of birth should only see year of birth, allowing them enough distinction. Certain roles allow a search by specific date of birth, but the DDC's earlier vote was not intended to permit that users who cannot view full date of birth be able to filter search results by it.

8. Other Business

Hearing no other business for discussion, Judge Leach adjourned the June 26, 2020, Data Dissemination Committee meeting at 9:54 a.m.

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