JISC DATA DISSEMINATION COMMITTEE
Friday August 28, 2020 8:30 a.m. – 9:50 a.m.
Zoom Video Conference

DRAFT – MEETING MINUTES

Members Present
Judge J. Robert Leach, Chair
Judge Scott Ahlf
Judge John Hart
Judge Robert E. Olson
Ms. Barbara Miner
Ms. Paulette Revoir
Mr. Dave Reynolds

Members Absent
Judge Kathryn Loring

Guests Present
Mary Yu, Supreme Court Justice
Kimberly Ambrose, UW School of Law
Kendrick Washington, ACLU of Washington
George Yeannakis, TeamChild
Jennifer Ortega, Access to Justice - Technology Committee
Katie Hurley, King Co. Department of Public Defense

Staff Present
Kevin Cottingham, Data Dissemination Administrator
Phil Brady, MSD Contracts Manager
Kathy Bowman, MSD Administrative Secretary
Michael Keeling, ISD Operations Manager
Hayley Keithahn-Tresenriter, Courts Records Access Coordinator
Jan Nutting, Public Records Officer

Judge J. Robert Leach called the August 28, 2020 Data Dissemination Committee meeting to order at 8:33 a.m. All present via Zoom Video Conference were welcomed.

1. **June 26, 2020, Meeting Minutes**

Judge Leach asked for a motion to approve the June 26, 2020 meeting minutes. Mr. Reynolds requested a correction at Section 4 of the minutes to reflect that he brought up the issue on behalf of his organization, and is satisfied the DDC has considered and addressed the issue. A motion was made and seconded to approve the June 26, 2020 meeting minutes as corrected. The motion passed.

2. JIS-Link/JABS access request for DSHS Office of Forensic Mental Health Services

DDA Cottingham presented a request from the Department of Social and Health Services Forensic Navigator Program. The DSHS Office of Forensic Mental Health Services Forensic Navigator Program seeks to divert forensically-involved criminal defendants out of jails and inpatient treatment settings, and into community-based treatment settings and requests professional level JABS access. DDA Cottingham recommended providing Level 20 Public Defender access, which would include DCH and JABS. Ms. Miner asked if Level 20 access would provide any Case Type 7 or confidential information and the answer was it would not. A motion was made and seconded to provide the requested Level 20 access. There were none

opposed and no abstentions. The motion passed unanimously.

3. Court-level JIS account for Joelle Kelly of Snohomish County Executive's Office
Judge Leach presented Snohomish County CASA Program's request for staff access to a Superior Court S31A user account for the purpose of completing statistical reports for the AOC, a requirement of maintaining grant funding for the program. The Snohomish County CASA Program has transitioned out of the court structure and moved under the Executive Office. CASA. Program employees have signed updated confidentiality agreements and subscription agreements. DDA Cottingham reported a 2003 DDC decision that would allow JIS-Link Level 30 access, and AOC's recommendation is to provide JIS-Link Level 30, and deny the request for an S31A user account. George Yeannakis voiced concerns regarding oversight, and Mr. Cottingham replied that JIS-Link access logs are open to audit at any time. A motion was made and seconded to support the request by creating a JIS-Link Level 30 site. The motion passed unanimously.

4. Statements of Compliance update
DDA Cottingham provided an update to the DDC regarding the collection of Statements of Compliance from courts. The statements were due in March, but with courts shutting down or going into limited operations at the time, Mr. Cottingham and former AOC Contracts Manager John Bell had suspended collection. Currently, 189 of 285 courts and clerks offices have supplied AOC with a Statement of Compliance. DDA Cottingham asked the DDC for direction, and whether the Committee would rather suspend the requirement or have him resume collection. Judge Leach responded that the collection of Statements of Compliance should not be suspended and directed DDA Cottingham to pursue those organizations who have not yet complied and bring those to the DDC for review. Ms. Miner agreed that a signature can be collected easily from an employee, and that digital signatures or even a photo of a signed document would be deemed acceptable.

5. Suggested amendment to Data Dissemination Policy and update regarding judgments
AOC Courts Records Access Coordinator Hayley Keithahn-Tresenriter, presented a proposed amendment to the DDC policy regarding the dissemination of juvenile offender court records. This will affect the business requirements for Public Case Search in JIS-Link and eventually in Odyssey Portal. In drafting requirements for the new JIS-Link application, she encountered an ambiguity regarding judgments stemming from juvenile cases, and her proposed amendment was intended to clarify the language. New JIS-Link application mock ups were shared on screen and each screen was described. As work on the EDR progresses, the accounting piece will be completed. Once completed, Level 1 access will allow a public user to view the dollar amount of a judgment still owed.

On review of document 3, Juvenile Judgments with an Open Originating Case, a question was raised whether Events should be listed for a juvenile case. If a non-identified member of the public goes to their website and searches by an individual name, no juvenile information is available. AOC clarified that the mockup currently being used was an adult case that had been modified, and that events would not be shown for a juvenile case.

On review of document 4, Juvenile Judgments with a Sealed Originating Case, it was noted that a Cause Type is not provided and no associated case will show.

Judge Leach asked if the proposed amendment is brought before the DDC for a decision today or is the subject for discussion only at this time. Ms. Keithahn-Tresenriter responded that for Public Case Search requirements to be finalized, approval of the proposed amendment to DDC policy would be required. A question was raised if the Court Clerks' Association would need to complete their input first.

Judge Leach asked Justice Yu for her comments; and she deferred first to Kimberly Ambrose for her remarks. Ms. Ambrose thanked the DDC for her invitation to comment. She said, in her opinion, the sole issue is whether judgments relating to juvenile offender records should be treated differently – not whether or not they are public records – but how easily and readily available they are. A user should get debtor information but not underlying juvenile case information. Ms. Ambrose supported maintaining the policy the DDC decided in 2013, and that all records that flow from a juvenile case should be kept sealed. Ms. Ambrose also questioned where the judgment information would be needed. Judge Leach answered access to a judgment provides constructive notice of a lien against real property. A title company needs the ability to determine if there is an outstanding judgment through auditor's or county's records. Ms. Ambrose asked why more public access is needed if the data is available in JIS-Link. Ms. Keithahn-Tresenriter answered RCWs obligate Court Clerks to make judgments available. Another question was raised why a Cause Type 9 has been assigned to a judgment, and is seen as something "mysterious". Judge Leach explained that using Cause Type 9 was a way to display judgments without creating a new case number, and affects all judgments, not just juvenile judgments. Ms. Ambrose noted the original problem was the inconsistency of how records are kept between jurisdictions. She stated that DDC policy has been reinforced and is more protective of juvenile records, so juvenile judgments cannot be treated the same as adult judgments; the DDC's proposal to make these judgments public would affect individuals in their jobs, or while purchasing a home. Judge Leach made clear that this is not a DDC proposal, but an AOC one. Barb Miner clarified that AOC is trying to implement the new JIS-Link and how it shows information in the Public Case Search, and that the amendment is intended to match the existing DDC policy. She stated that if this suggested amendment is adopted, juvenile cases would still be unavailable using the Public Case Search, and that only the judgment would be shown. Judge Leach asked if it is possible that a certain JIS-Link access level would be required to gain access to the judgments flowing from juvenile cases. If JIS-Link is required for view of a juvenile judgment, is it possible for technology to do so? The purchase of a JIS-Link access account would be considered a cost of a title company in business. Is there a statutory bar to keep the information only in JIS-Link and not available to the public?

Judge Leach stated there would be no decision made today. He then suggested that Court Clerks work with AOC to determine if there is any statutory requirement for making the proposed change. Ms. Miner will also work with Civil Prosecutors and bring this information to the DDC at the October 2020 meeting. Justice Yu, Ms. Ambrose, Mr. Yeannakis and Mr. Washington will be provided notice and the opportunity to weigh in. Ms. Miner will investigate whether or not the public can access a sealed case at a County Clerk's lobby terminal. This information is separated in JIS-Link, but in Odyssey, a judgment is part of the case. As a result, once the case has been sealed, all related information is sealed. Access to a sealed case would be limited to only those provided that access. Mr. Reynolds requested more clarification. DDA Cottingham was directed to copy the statute addressing judgments as liens or similar statutes for the next meeting. Justice Yu commented she will have a conversation with AOC. Ms. Miner reiterated that there is a public interest in knowing of a judgment against individuals. Clerks

have spoken to the need for information about judgments to be available for victims, title companies, etc. Judge Leach requested that any other comments be forwarded to him and DDA Cottingham.

6. Other Business

Hearing no other business for discussion, the August 28, 2020 DDC meeting was adjourned at 9:38 a.m. The next DDC meeting will take place via Zoom Video Conference on October 23, 2020 beginning at 8:30 a.m.

DRAFT