JISC DATA DISSEMINATION COMMITTEE
Friday, April 23, 2021, 8:00 a.m. – 9:55 a.m.
Zoom Teleconference
URL: provided via invite

DRAFT MEETING MINUTES

Members Present
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Judge John Hart, Chair
Judge Scott Ahlf
Ms. Barbara Miner
Ms. Paulette Revoir
Judge Lisa Worswick

Members Absent
Judge Kathryn Loring
Judge Robert Olson
Dave Reynolds

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

Guests Present
Stephanie Lee, Washington State Institute for Public Policy
Heidi Percy, Snohomish County Clerk
Will Sanders, Washington State Department of Licensing
George Yeannakis, TeamChild

0. Call to Order

Judge John E. Hart made his first call to order as chairperson for the Data Dissemination Committee at 8:03 a.m. on April 23, 2021. All present were welcomed, and Judge Hart specifically welcomed new DDC member Judge Lisa Worswick, from the Court of Appeals, Division II, and new AOC MSD administrative secretary, Brandy Walker.

1. December 4, 2020 Meeting Minutes

A motion was made, and seconded, to approve the December 04, 2020 meeting minutes. The motion passed unanimously.

2. Request for Modification to WSIPP Data Sharing Agreement

Data Dissemination Administrator Cottingham presented a request from the Washington State Institute for Public Policy (WSIPP) to modify the data sharing agreement between WSIPP and AOC to allow for WSIPP to bill cost recovery fees to third-party requestors. Director of WSIPP, Ms. Stephanie Lee, reported that WSIPP's Criminal History Database links data from three sources, among them, AOC court records. The database allows researchers to track individuals (given a unique ID) through the criminal justice system. Third parties, like DSHS, request extractions of data for studies and legislative direction, and WSIPP updates the data and processes the data requests, only extracting the data allowed by the data owners. Currently, there are no specific funds for WSIPP to provide this service. WSIPP proposed a fee schedule to help recover costs, as the service is time consuming. When asked if there was a downside for approving the request, Mr. Cottingham stated he did not foresee a downside. DSHS RDA has already agreed to pay a cost recovery fee for the extracts WSIPP provides.

Ms. Barbara Miner motioned for approval with Ms. Paulette Revoir seconding the motion. None opposed and no abstentions. The motion passed unanimously.

3. Update Regarding Data Dissemination Request Fees

DDA Cottingham notified the Committee of an increase in fees for data dissemination requests through the AOC. Periodic increases were approved by the DDC in 2018, and AOC has prepared updated fees based on the fiscal growth index to be effective at the start of the next fiscal year.

Administrative fee increased from $50 to $62
Data Warehouse Evaluation/Research/Programming fee increased from $55 to $68
Data Reporting Evaluation/Research fee increased from $54 to $67
JIS System Run Time fee increased from $12 to $15.

Minimum fee for DD requests increased from $129 to $160. Fee amounts will be increased on a yearly basis going forward.

4. Juvenile Judgments in Public Case Search

Judge Hart introduced the topic, noting that this is an important issue with differing perspectives, and remarked that there was robust conversation during the August 28 DDC meeting and in subsequent meetings involving stakeholders outside of DDC meetings. Before turning it over to AOC's Courts Records Access Coordinator, Hayley Keithahn-Tresenriter, Judge Hart clarified that the request emerged from AOC's work developing a public case search website. Ms. Tresenriter explained the question: how do we interpret the statutes involved—RCW 4.64.060, RCW 13.40.192 and RCW 13.50.260—with regard to the display of judgments on juvenile offender cases on AOC's public case search? The current Data Dissemination Policy and RCW 13.50.260 seem to imply that the judgments should not be shown, but RCW 4.64.060, RCW 13.40.192 and previous DDC decisions point in the opposite direction. If a decision is made to display the judgments, an update to the DDC policy is recommended to reflect that decision.

When Judge Worswick asked if the DDC policy is more important than the statute, Mr. Cottingham explained that there is a separation of powers issue, but that it does take precedence from the judicial branch view. Ms. Miner expressed that the restrictions in the current DDC policy aren't in keeping with the law, and that if individuals wish for the judgments to not be shown, there should be a change in the law. Mr. Cottingham shared the legal analysis carried out by AOC's Legal Services office in 2017 which reconciled the seemingly-conflicting statutes and concluded that the judgment should be public, even when RCW 13.50.260 states that sealed cases are treated as though they never occurred. The legal recommendation was to continue to display the judgment information. Mr. George Yeannakis brought attention to the revision and reauthorization of RCW 13.50.260. This revision was made after the Legal Services analysis was written. Judge Worswick suggested that a new analysis should be conducted and asked if there had been analysis by the Attorney General's office. Mr. Cottingham asked if courts collected non-restitution LFOs on sealed juvenile cases, and Ms. Miner confirmed that King County Superior did. Mr. Yeannakis pointed out that visibility of judgments pertaining to juvenile offender cases could have a disproportionate effect on juveniles of color. Ms. Miner pointed out that the current proposal had been developed taking into consideration input from advocates—the underlying crime is disassociated, and only the

judgment is shown. The information would not be shown in a name search, as only those with the judgment number would be able to access the case information, and that this is the best way to balance out visibility with protections for juvenile offenders in place.

Judge Hart stated that AOC has made tremendous efforts and gone to great lengths to satisfy the ambiguity while attempting to balance conflicting interests. He reiterated that this is an important issue, and added that it deserves the time if needed. Judge Hart remained open to suggestions and asked if they should move forward or table the discussion once again. Judge Ahlf expressed enough analysis and proposed two options: Provide the judgment information as proposed, or exclude it from the public case search, completely. Ms. Miner moved to adopt the workgroup's proposal, and Judge Ahlf seconded the motion. The motion passed 3-2. Ms. Miner, Judge Ahlf, and Judge Hart voted in favor of the proposal, and Ms. Revoir and Judge Worswick voted against. Juvenile judgments will be available as proposed.

5. Other Business

Hearing no other business for discussion, the April 23, 2021 DDC meeting was adjourned at 9:35 a.m. The next DDC meeting will take place via Zoom Video Conference on June 25, 2021.

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