

1. Meeting Minutes



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

Members Present
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.

DRAFT

**2. Request for Fee-Waived
JIS-Link site by Data Driven
Safety**



Susanna F. Parker
DATA DRIVEN SAFETY, LLC
9525 Birkdale Crossing Dr., Suite 300
Huntersville, North Carolina 28078
susannaparker@datadrivensafety.com

703.216.8859 (Cell)
704.255.6075 (Fax)

June 8, 2021

Kevin Cottingham
Data Dissemination Administrator
Administrative Office of the Courts
1112 Quince St SE
Olympia, WA 98501

Sent via email to: Kevin.Cottingham@courts.wa.gov

Dear Data Dissemination Committee Members:

Thank you for the opportunity to provide context as to why our request for a short-term JIS fee reduction advances a worthwhile and legitimate public interest and is, therefore, entirely consistent with the standard required by your agency.

Data Driven Safety, LLC (“DDS”) has been dedicated to improving public safety for more than 12 years. We provide services ranging from criminal conviction monitoring to insurance underwriting support to health care subrogation involving motor vehicle accidents. Our clients include the Washington State Transit Insurance Pool, public corporations, various municipalities (including several in your state), educational institutions, emergency service providers, health care organizations and a number of non-profits seeking to protect vulnerable population groups (for whom we provide services at no cost). In addition, our data has been the basis for both internal and external research projects including traffic data safety studies, most recently used to evaluate whether or not there is an increase in crash severity/offenses post-COVID.

To support several of these services, DDS needs access to traffic infraction information (“TI Data”). For that reason, we worked with staff at the Administrative of the Courts (“AOC”) to obtain a monthly data file containing TI Data filed and/or closed in the preceding month. This data feed was authorized by the AOC after extensive legal analysis by your counsel and the relevant JIS record dissemination committee. The arrangement was documented by a MOU that has been extended without interruption for nearly a decade.

Unfortunately, the October 2020 record management system migration by the King County District Court (“KCDC”) has created an administrative burden such that the AOC no longer is able to provide TI Data pertaining to cases handled by the KCDC.

Since then, we have attempted to work with both your organization and the KCDC to expedite a solution to provide us visibility into these important judicial records. While both have indicated a willingness to provide the information, competing priorities are such that we have yet to be provided a timeline for resolution of this issue by either judicial body. If helpful, I would be pleased to detail those efforts (including our offer to pay the costs of any AOC-approved 3rd party programming efforts - so as not to burden your IT staff).



We believe a stop-gap solution exists. Specifically, we seek your approval to make a single search inquiry for each KCDC TI case created since October 2020 at no additional cost to us. In other words, we are willing to invest in the capability to pull down a single digital copy of each missing TI record until the situation is resolved. We just ask that we not be charged for accessing these records at the JIS rate since we pay for the exact same data via the MOU.

Again, I hope you agree that our continued access to the data to provide public safety service offerings is a valid (and worthwhile) public purpose that justifies the “use” of public resources. We look forward to your decision. In the meantime, I would be pleased to address any additional concerns or questions. I can be reached by phone: 703-216-8859 or by email: susannaparker@datadrivensafety.com Thank you.

Regards,

Sent electronically by SFP 06/08/2021

Susanna Parker
Data Driven Safety, LLC

**3. Regarding the Washington
National Guard's Elevated
JIS-Link Site**



**WASHINGTON NATIONAL GUARD
JOINT FORCE HEADQUARTERS
CAMP MURRAY, TACOMA, WA 98430-5000**

NGWA-RRB-Z

10 June 2021

MEMORANDUM FOR The Data Dissemination Committee, JISC

SUBJECT: Statement of Reason in regards to current JIS Link/JABS access level for the Washington Army National Guard

- 1. As of 10 June 2021, the Washington Army National Guard (WAARNG) Recruiting and Retention Battalion (RRB) has 30 JABS/JIS Link users. Each of these personnel maintain a Secret or Top Secret Security Clearance as well as a POSTA Screening (Position of Significant Trust).**
- 2. The Washington National Guard's current access level to JIS Link and JABS is crucial to our current operations and directly impacts our overall strength and readiness. Recruiters required a POSTA Screening and a detailed criminal history check. With over 100 active Recruiters in RRB, it is vital that each of these individuals are screened for prior law enforcement convictions. These employees work directly with High School age minors and have strict stipulations they must abide by. Yearly, each member voluntarily provides a DD369 (Police Record Check) to give us jurisdiction to review their current and past law violations. In order for these members to maintain their security clearance, our staff must submit a SF86 security clearance application in which they must list all prior and current law enforcement encounters. Our access to JABS and JIS Link is utilized to verify and assist these Soldiers with the correct dates and dispositions of past case history.**
- 3. Each year, the WAARNG assists over 800 applicants in joining our forces. Every applicant that wishes to join the Service voluntarily provides a signed DD369 and a court records release form. We do not access anyone's record without their signed consent. Without our current access to JIS Link and JABS, we would be forced to go through each police department or court throughout the State and this would directly impact one's ability to join the WAARNG. This could allow applicants and Recruiters to erroneously join the Washington National Guard by omitting jurisdictions that they have committed crimes in.**
- 4. The Washington National Guard serves the Governor of the State of Washington in support of various domestic response operations to include Law Enforcement. Being able to vet and process Service Members in a timely manner is critical to the support we are required to provide the State of Washington. Being denied access will negatively impact Recruiting and Retention efforts and ultimately hinder the ability of the Washington National Guard to respond to State emergencies in times of need.**

5. I strongly recommend our access to JIS Link/JABS is maintained as it has been for over a decade. We have reviewed the "Public" access level and deemed it inadequate for our purposes.

4. POC at this headquarters is SFC Santero, DSN 323-8910, commercial (253) 512-8910 or dolan.p.santero.mil@mail.mil.



SEBASTIAN N. ANDRES
LTC, IN, USA
Commanding