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| WASHINGTON COURTS | **JISC DATA DISSEMINATION COMMITTEE**<br>**Friday, April 22, 2022, 8:00 a.m. – 10:00 a.m.**<br>**Zoom Teleconference**<br>**URL: provided via invite** |

**MEETING MINUTES**

**Members Present:**
Judge John Hart, Chair
Judge Scott Ahlf
Judge Kathryn Loring
Ms. Barbara Miner
Judge Robert Olson
Ms. Paulette Revoir
David Reynolds
Judge Lisa Worswick

**AOC Staff Present:**
Phil Brady, Contracts Manager
Spencer Cearns, Vendor Relations Coordinator
Kevin Cottingham, Data Dissemination Administrator
Michael Keeling, ISD Operations Manager
Jan Nutting, Public Records Officer
Maureen Roberts, MSD Administrative Secretary

**Guests Present:**
Alison Osborne
George Yeannakis, TeamChild

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## 0) Call to Order

Judge Hart called the meeting to order at 8:05 a.m. and welcomed all participants.

## 1) Approval of Minutes

Judge Worswick asked that the minutes be revised to show that she inquired about whether Hackathon participants will work under confidentiality agreements, and it was confirmed by Ms. Gordon that all participants do sign agreements. DDA Cottingham pointed out the he was referred to as “DDC Cottingham” in a few places and would fix this as necessary.

Ms. Miner moved to adopt the minutes as amended. The motion was seconded by Judge Worswick and passed unanimously.

## 2) Request from Allison Osborne for JABS Access

Judge Hart introduced Allison Osborne, a social worker who formerly worked in the Snohomish County public defenders’ office. Now working independently, she asks that the DDC approve access to JABS so she has access along the lines she used to have. When working for Snohomish County, Ms. Osborne used her access to JABS as a research tool to locate clients’ no-contact orders, court dates, and to identify patterns that could lead to trouble in the future. She hopes to regain the ability to use JABS rather than JIS-Link, as JABS is more user-friendly and efficient.

DDA Cottingham recommended that Ms. Osborne's request be denied for two reasons. First, there is no existing JABS user group that includes social workers. In addition, the new JIS-Link does offer the information Ms. Osborne needs and this newer program is more user-friendly than legacy JIS-Link. Mr. Cottingham also expressed concern that JABS access had been granted to her as a social worker previously, as the social workers' role is not officially considered public defense. However, he pointed out that use of JABS by social workers in public defenders' offices could be allowed with DDC approval.

Judge Ahlf discussed the major role played by social workers as changes are made in the criminal justice system. The need to provide information to case managers (who are often social workers) should be addressed, especially now with development of new therapeutic courts.

Ms. Miner noted that social workers do have access through JIS-Link at this time, and stated that the conversation about access for therapeutic courts is worthy of a bigger conversation. She stated that it will be important to provide fair access to all social workers, not giving an edge to certain social workers.

Ms. Osborne has experience with the legacy JIS-Link and found it difficult to use. She was not aware of the new JIS-Link and hopes it may be the solution to her problem.

DDC Cottingham was asked about privacy issues, and confirmed that driver license numbers, juvenile dates of birth, dependency cases, and the existence of sealed juvenile cases will not be available for her access level in JIS-Link. In addition, he clarified that JIS-Link use is billed, but the DDC has the ability to waive fees.

Ms. Revoir echoed the thoughts of Judge Ahlf that social workers are more and more involved in court processes and will need the appropriate tools, and also agreed with Ms. Miner that it will be important to provide fair access to all social workers.
Mr. Keeling noted that although JABS provides information in real time, there is a delay of an hour or more before the same information is available on JIS-Link.

Ms Osborne asked if the new JIS-Link provides information about no-contact orders, court dates, and criminal history. DDC Cottingham confirmed that it does, but juvenile records are not available.

Judge Worswick inquired about the cost for JIS-Link access. DDC Cottingham responded that there is an initial fee of $200, and after that there will be a charge of 14.5 cents for each transaction. Mr. Brady explained that there is a transitional billing process in place now, but the JISC will soon be asked to end that billing method and return to charging per click.

Judge Loring asked if fees can be waived for those using the application on behalf of the courts and how private client work would be differentiated. DDC Cottingham said that would necessitate separate accounts for the different purposes. Judge Hart suggested that applicants be able to ask that fees be waived.

Judge Loring then moved that Ms. Osborne's request for JABS access be denied, but that an effort be made to provide fee-waived JIS-Link accounts for social workers carrying out work on behalf of the court. Ms. Revoir seconded the motion.

Judge Hart stressed the importance of providing data in an equitable fashion. Judge Olson believes a policy must be developed now to prepare for the many social workers who will need

access in the future. Judge Hart said more information is needed about the needs of case workers and social workers, and that the courts are changing, and it would be premature to make a decision today. He stated that the DDC needs to go forward carefully—a new access level may be needed and changes cannot be made overnight. He then suggested that the new JIS-Link as it is will satisfy the need temporarily, and social workers carrying out work for the courts can bill the courts for any fees incurred.

Judge Loring withdrew her motion as originally presented.

DDC Cottingham asked how the Committee would like to proceed. Would it be best to establish a workgroup to gather input from court users and members of the DDC?

Judge Hart restated Judge Loring's motion to deny JABS access to Ms. Osborne, and to direct AOC to conduct an investigation into satisfying the data needs of social workers and researching solutions for providing information to social workers and others so they can carry out court processes in an efficient manner.

Judge Olson seconded the motion as amended, and Judge Hart called for the vote. The motion passed unanimously.

**3) Update Regarding JABS and Juvenile Number**

DDA Cottingham provided an informational update regarding the conversation that began around the Washington National Guard's previous access to JUVIS numbers.

When AOC programmers were consulted on the feasibility of changes, it was determined that the time required to remove access to JUVIS numbers for certain users would be approximately 300 hours. A change that removed access to the JUVIS number for all users would take mere minutes. However, there are not many programmers available and 300 hours of programming time are not available. Practically speaking, that leaves the options of 1) Removing JUVIS numbers from all access levels and 2) Remove JUVIS numbers from no one's access.

When the DDA reached out to various groups for input, he found that prosecutors generally wanted the information to remain available, while public defenders do not want JUVIS numbers to be available to anyone. Judges and court users would be impacted by the change, and DDA Cottingham discussed contacting the Associations and Clerks to gather their thoughts, as well.

Judge Loring said that the number is just a flag, and DDA Cottingham agreed. To get additional information on the actual cases, the person would need to get help from someone at a court.

Judge Worswick added that prosecutors do use that information for charging, reopening sealed cases and other lawful purposes. She believes that judges will not want to have less available information. Judge Hart believes the Committee would benefit from feedback provided by the SCJA.

Mr. Reynolds added that most JUVIS numbers are associated with confidential case types. He also noted that prosecutors can get information they need from the juvenile departments, so they have another avenue available to them.

DDA Cottingham volunteered to reach out to the judges and county clerks. Judge Loring asked that JCAs be included, and asked that he consider carefully how to frame the question. Judge

Hart asked that the entity who misused the information in the past not be identified, and that the discussion be presented as a benign inquiry regarding their use of the information.

4) **GR 31 Changes & Their Effects**

Judge Hart introduced the amendment to GR 31 as the next topic for discussion and noted that the amendment would be discussed in the JISC meeting also. DDA Cottingham described the emergency order, which changes the way juvenile information will be displayed in a number of applications, on websites, and in the new JIS-Link.

Mr. Cottingham pointed out that the rule as drafted does not cover all situations for juvenile records—legacy JIS-Link is accessed through a terminal emulator, not a website, and the rule remains silent on such applications.

Mr. Cottingham suggested two votes:

1. Amend the Data Dissemination Policy to remove the existing exception for JIS-Link and any applications that are not accessed via websites.
2. Instruct AOC to remove juvenile case information from legacy JIS-Link, new JIS-Link and Odyssey Portal.

Specifically, he suggested changes to Section V of the Data Dissemination Policy:

***V. LIMITATION ON DISSEMINATION OF JUVENILE OFFENDER COURT RECORDS***

*The dissemination of juvenile offender court records maintained in the Judicial Information System shall be limited as follows:*

*A. Juvenile offender court records shall be excluded from any bulk distribution of JIS records by the AOC otherwise authorized by GR 31(g), except for research purposes as permitted by statute or court rule.*

*B. Information from an official juvenile offender court record shall not be displayed on a publicly accessible website or application. The only exception to this rule is if the website or application is accessed from a physical county clerk's office location.* ~~*The AOC shall not display any information from an official juvenile offender court record on a publicly-accessible website that is a statewide index of court cases.*~~

~~** Juvenile offender court records shall remain publicly accessible on the JIS Link notwithstanding any provision of this section. (Section added September 6, 2013.)*~~

Ms. Miner expressed concern about the wording of the policy revsision, suggesting that it mention implementing changes in GR 31 or "per GR 31," since the rule governs. The policy does not stand alone. Judge Hart suggested, "In conformance with GR 31." Judge Worswick agreed that the wording of the policy needs to parrot the wording from the rule.

DDA Cottingham drafted the policy revision as discussed and posted it in the Zoom chat for the Committee's review. Ms. Miner moved to adopt the language in the chat window, and Judge Worswick seconded the motion. The motion passed unanimously, making Section V as follows:

***V. LIMITATION ON DISSEMINATION OF JUVENILE OFFENDER COURT RECORDS***

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*A. Juvenile offender court records shall be excluded from any bulk distribution of JIS records by the AOC otherwise authorized by GR 31(g), except for research purposes as permitted by statute or court rule.*

*B. In compliance with GR 31, information from an official juvenile offender court record shall not be displayed on a publicly accessible website or application. The only exception to this rule is if the website or application is accessed from a physical county clerk's office location.*

DDA Cottingham then asked if the Committee wished to direct AOC to remove juvenile names from the three applications affected by the change.

Judge Worswick moved to direct AOC to modify the applications as described. Judge Olson seconded the motion, and Judge Hart called the vote. The motion passed unanimously, with Ms. Miner abstaining.

DDA Cottingham and Mr. Keeling then described the time and processes involved in making the necessary changes and noted that changes to GR 31 will be discussed in the JISC meeting immediately following the DDC meeting. DDA Cottingham outlined the procedure for amending the Data Dissemination policy. The revision will go to the JISC and then to the Supreme Court for approval.

**5) Other Business**

Judge Hart inquired about other business. Hearing none, he expressed sincere appreciation for the work of the Committee and adjourned the meeting at 9:26 a.m.

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