Judicial Information System Committee Meeting September 6, 2013

DECISION POINT – Amendment to Data Dissemination Policy Limiting Dissemination of Juvenile Offender Court Records

MOTION:

I move to adopt the Data Dissemination Committee's proposed amendment to the Data Dissemination Policy limiting dissemination of juvenile offender court records.

I. BACKGROUND

The JISC Data Dissemination Policy (Policy) was promulgated by the Judicial Information System Committee (JISC) pursuant to JISCR 12 and 15(d). The Policy provides guidelines for the release of Judicial Information System (JIS) data. The last time the Policy was amended was June 26, 1998.

The Data Dissemination Committee (DDC) was established by Article 7 of the JISC Bylaws. The DDC acts on behalf of the JISC to address issues regarding JIS access and dissemination of JIS data. The DDC also recommends to the JISC changes to the JIS policy and to statutes or court rules governing access to court records.

In 2009, various stakeholders appeared before the JISC and presented issues regarding the display of juvenile records in the JIS. The JISC formed a workgroup to review the Policy and the issues raised by the stakeholders. The workgroup recommended not changing the Policy because statutes allowed public access to those records.

In 2011, the Legislature formed the Joint Legislative Task Force on Sealing Juvenile Records. The Task Force presented statutory changes that made certain juvenile records confidential. The changes were not adopted in 2012 or 2013. The DDC then drafted this amendment to remove juvenile offender court records from the bulk public indexes and from the AOC publicly-accessible website. However, the juvenile records will still be available at the County Clerks' Offices and through a JIS-Link subscription.

During the DDC May 31, 2013, meeting, the draft amendment was approved and staff was asked to send the proposed amendment to interested parties for comment.

At the July 29, 2013, meeting, the DDC voted six to one to amend the Policy to include the proposed provision and to forward it to the JISC for approval. The County Clerks representative objected to and voted against the Policy amendment.

II. DISCUSSION

The amendment does not prohibit access to the juvenile offender data at the County Clerk's Office; therefore, counter time at these offices may increase. Also, the AOC will have to devote time and manpower to recode the bulk public index extracts and the publicly-accessible website. Though it may increase JIS-Link usage, AOC does not believe it will result in database performance challenges or failures.

Furthermore, current subscribers to the Public SCOMIS Criminal Index and Public SCOMIS Civil and Criminal Index will no longer receive juvenile offender records. Current subscribers were notified of these changes and asked to provide comments, which were then forwarded to the DDC and the JISC.

III. DATA DISSEMINATION COMMITTEE RECOMMENDATION

The Data Dissemination Committee recommends to the Judicial Information System Committee that the Data Dissemination Policy be amended to include the new amendment limiting dissemination of juvenile offender court records.

IV. OUTCOME IF NOT PASSED

Provide direction to the Data Dissemination Committee for amending the Data Dissemination Policy or provide language to be added to the Policy.