



Criminal Justice Consortium

November 5, 2013 8:30am - Noon

Office of Financial Management

302 14th Avenue SW, Room 440

Olympia, WA 98501

Meeting Notes

Introductions were made

Provided the purpose of the consortium

I. Discussion

a. Issues

Public Disclosure Example: AOC doesn't fall under public disclosure law, supported by case law. It would not be disclose-able at AOC, but when shared with executive branch agencies that are under the public disclosure domain, it could become disclose-able.

Public Disclosure Example: WSP is responsible for maintaining arrest data and is confidential in that agency. It may become disclose-able when no longer under WSP.

b. Benefits

c. Suggestions

Each agency has its own set of priorities and restrictions which determines how they organize their own data. Let agencies have their own data system with own goals but also try to facilitate the exchange of data between agencies. Not so much interested in having a mega-system. Have good, quality systems now. Having a consistency in the process, knowing where the data is, is important.

Keep other stakeholders, i.e. Secretary of State, DOL and LNI, in mind.

Identifying individuals and offense consistently across systems is low-hanging fruit that most agencies deal with.

Interested in learning about other issues, i.e. Pain Points.

- 1) **Consistency between arrest and disposition** – a responsibility that all arrests have appropriate dispositions. WSP receiving funding data to try to clean up and change processes.

- 2) **Consistency between crime codes** –
- 3) **Access to the jail data** – not WASPC data, belongs to the jails and is statutorily protected.
Interest in changing statute for research/operational purposes? The Consortium could do?
- 4) **Confidentiality of data** to remove stigma from offender but puts up barrier to research applications. WSP removes non-criminal finger prints that could have given WSP ability to do searches on possible offenders. Need a balance between protecting people and allowing legitimate research.
- 5) **Public disclosure is opt-out only** –
 - a. Protections not consistent as data moves; biggest concern for most agencies.
 - b. Easier/faster for people to get information through public disclosure instead of data-sharing agreement.
 - c. Interested in statutory language that would indicate person getting data through data-sharing agreement doesn't 'own' data but has permission to use it; would be considered custodian of data, not owner.
 - d. If the information has been dispersed through a public disclosure agreement you should go to the source agency to get the data, not get from the secondary source under RCW 42.56.
 - e. If changing the law, how do we get people to follow? Proper implementation around changes. Associations that teach public disclosure: WAPRO and LEIRA, Jeff Meyers (Oly atty) and Ramsey Rammerman (Everett city atty).
 - f. Map showing applicable statutes and other confidentiality and sharing information per database. If not entered at the beginning (i.e. PCN) then it is not available at the end.
- 6) **Assembly of data by shared users can lead to different results** – data-sharing agreement includes language requesting copy of results prior to publication.
- 7) **Data-sharing agreement** – include best practices

John Steiger mentioned that "Cody" at a prosecutor's office created a common coding system years ago. Might this be something that the SAC would be interested in picking up to regain that consistency? Would the other agencies be interested in having that available?

- II. Goals
 - a. Short-term
 - b. Long-term

Pain points boiled down to consistency/process and policy issues. Group decided not to deal with consistency/process and thought time better spent focusing on policy issues.

Consistency between arrest and disposition – WSP and AOC already have a working relationship to deal with this issue.

Consistency between crime codes – AOC and WASPC already have matching categories. AOC and DOC do not seem to use the crime categories and it could be an issue for use of risk assessment.

Data assembly – not a statewide issue but is an opportunity to improve relationships. May be up to agency giving data to make sure that data is used properly.

Policy

Confidentiality

- Watching leg bills for language making more data confidential; need exception for research and operational needs.
- Map of databases against confidentiality and public disclosure requirements and RCW rules. May show where the gaps are.
- Can look at statutory language to close the gaps. Get AGO to confirm exemptions.

Operational definition of 'research'? There is under RCW 10.97 but applies only to RCW 10.97. News outlets requesting data for 'research'. Could specify research by state agencies or universities.

Model Data-Sharing Agreement

- Sharing of best practices
- Data needed often changes with project. Specific variables listed in the data-sharing agreement, because of constant need changes it would be easier if not specific variables included in agreement.
- Buy-in from contracts units
- Engage AGO in conversations about public disclosure/confidentiality and RCW issues. Need to understand legal constraints, what can be done and what cannot be done. Litigation is always shaping policy.
- AOC data-sharing agreement as template

Public Disclosure

- Pre-empt data shared for research (defined: private, university, commercial, newspaper, litigation, discovery?), program assessment/evaluation and operational needs
 - o What if I disagree with your evaluation? Shouldn't that be public?
 - o What have other states done to deal with this issue? (Dr. Stoddard could ask ID, OH colleagues) Any other solutions?
 - o List examples in which this is a problem to illustrate issue
 - o More of a solution to an unknown problem
- Notification to originating agency of public disclosure release of their data

Hybrid Datasets

- Is it a new record in terms of public disclosure?
- What parts are confidential?
- Do the merging of the data increase the potential 'harm'?

Data-sharing Across State Agencies

- Facilitating confidential data-sharing across state agencies, while at the same time shielding it from public disclosure as a result of that data sharing.
 - o Look to IRB rules for 'research' and 'researcher' and what data can be reported (small numbers).
- Distinction of data-sharing among state agencies vs. data-sharing outside state agencies
- In-government consumer certification process
 - o Consideration for criminal justice research purposes added into statutory language to authorize access to data.

- One big pot that all state and local data would go into that would be overseen by this group that is certified as a criminal justice entity, and then allowed to give data to university or wherever.
- Records used for research are not eligible for public disclosure

III. Next steps

Which to move forward with?

- 1) In-government consumer certification process
- 2) Model Data-sharing Agreement and map of data/confidentiality rules