

WISCONSIN CIRCUIT COURT ACCESS
OVERSIGHT COMMITTEE

MINUTES

June 10, 2005

9:30 a.m.

Garden Level Conference Room

Tenney Building

110 E. Main St.

Madison, WI

PRESENT: A. John Voelker, Director of State Courts, Chair; Attorney Larry Bensky; Jean Bousquet, CCAP; Mary Burke, Department of Justice; Rep. Donald Friske, Wisconsin State Assembly; Sheryl Gervasi, Office of Court Operations; Judge Charles Kahn, Jr., Milwaukee County; Bill Lueders, Wisconsin Freedom of Information Council; Gregg Moore, District 10 Court Administrator; Attorney Gerald Mowris; Kathleen Murphy, District 8 Court Administrator; Police Chief Rick Myers, Appleton Police Department; Sheriff Randy Roderick, Green County Sheriff's Department; Jeffrey Schmidt, Ozaukee County Clerk of Court; Rep. Marlin Schneider, Wisconsin State Assembly; Kelli Thompson, Deputy State Public Defender; and Lori Irmen, Director of State Courts Office.

1. **Introductions**

Mr. Voelker welcomed the members to the meeting and introductions were made. He said the purpose of this committee is to review the current WCCA policy and discuss issues that have surfaced since the policy's inception in 2002.

2. **Development of Initial Policy**

Mr. Voelker said the original committee was convened in 1999 and it took over 2 years for the committee to complete its work. He said the committee spent a great deal of time debating the issues and acknowledged that compromises were made to get a useable policy.

Ms. Bousquet said the original 1999 committee was split into two working subgroups, data/content and accuracy/retention. She said Mr. Moore chaired the data/content subcommittee and Ms. Murphy chaired the accuracy/retention subcommittee.

Mr. Moore said his workgroup dealt with issues such as what data should be displayed while considering many concerns such as privacy, identity theft and mistaken identity. He said the workgroup also developed guidelines for clerks of court to assist them in managing information in the court text records as well as posting a notice to employers regarding employee discrimination and providing links to the applicable laws.

Ms. Murphy said her workgroup dealt with issues relating to the accuracy of the data and how long the data should be kept on WCCA. She said they investigated efforts made in other states and developed a process for correcting inaccurate data.

Judge Kahn mentioned that after the committee was finished, it was necessary to convene a “redesign” committee to look at ways to make viewing the WCCA data more user friendly. He said placing the disposition in a more noticeable location is one example.

3. **Committee Logistics**

Mr. Voelker said he is proposing using the same approach used by the initial committee, using two small workgroups. He said the issues will be grouped into the appropriate subcommittee charge. He said members will be asked for their preference on what subcommittee they would like to serve. He added that since it is necessary to have diversity on each subcommittee, it might not be possible to honor everyone’s preference.

4. **Issues To Be Addressed**

The committee identified these issues:

- Mistaken identity – different persons with the same name - users not verifying identity
- Wrong person arrested (using another’s ID etc.) – some way to identify on WCCA
- Identification theft
- Who is accessing the information and misuse of the information
- Employment discrimination
- Open records law – access and dissemination of information – current obstacles and what should the law be
- Dismissals – new category of exonerated? or a better way to indicate on WCCA
- “Read in” charges normally used in plea agreements for consideration on sentencing – charges are not sentenced but there is an indication of guilt
- Minutes in the court record events – consistency among counties
- Expungement issues –
Allowed in some misdemeanor cases but not in non-criminal offenses
Inaccuracy of data mined before expungement
Records kept by justice partners (DOT, DOJ) after expungement
- Impact of E-filing, digitized court records and electronic files
- Anticipation of audio/video recordings
- Guidelines for sealing records or parts of records – consistency among judges
- Personal safety issues and privacy concerns
- Public v. published records - defaulting to bad sources for information
- Retention is different than SCR minimums
- Original charges remain on the record
- Aliases cause confusion
- Should there be a charge for data?

- Should capabilities be expanded to justice partners for a “watch list” or e-mail with particular data?
- Should additional data fields be added to slow counter traffic in the counties and help with collections?
- Impact of prosecutorial charging decisions – should the retention schedule for disposition charge be used instead of the retention for the original charge?
- Pardoned convictions
- Consistency with appellate court decisions

In the next week Mr. Voelker will distribute a list of the issues categorized into the two subgroups.

5. **Project Plan/Future Meetings**

Mr. Voelker said a list of the potential meeting dates were included in the meeting packet. He suggested that the subcommittees meet in the morning with the full committee meeting in the afternoon. He asked the members to let him know of their availability at the same time they give their subcommittee preferences. The dates are:

July 15

August 26

October 7

November 11

December 8

Four members said they have a conflict with July 15. Mr. Voelker will send out a new July meeting date with his e-mail next week. Ms. Murphy suggested the committee member contact list also be sent out to the committee. Mr. Voelker agreed and hearing no objections from the members, he plans to communicate with the committee primarily by e-mail.

With all matters being discussed, the meeting was adjourned.