

**CONTENT/ACCESS SUBCOMMITTEE
Wisconsin Circuit Court Access (WCCA)
Oversight Committee**

MINUTES

October 14, 2005
9:30 a.m.

G.A.R. Room
Wisconsin State Capitol
Madison, WI

MEMBERS PRESENT: MEMBERS PRESENT: John Barrett, Milwaukee County Clerk of Circuit Court; Jean Bousquet, CIO CCAP; Attorney Mary Burke, Department of Justice; Judge Gary Carlson, Taylor County; Judge Charles Kahn Jr., Milwaukee County; Bill Lueders, President Wisconsin Freedom of Information Council; Attorney Gerald Mowris; Sheriff Randy Roderick, Green County; Jeffrey Schmidt, Ozaukee County Clerk of Circuit Court; and Representative Marlin Schneider.

OTHERS PRESENT: Lori Irmen, Director of State Courts Office.

Judge Carlson chaired the subcommittee in the absence of Mr. Moore.

A. Approval of Minutes

The minutes of the August 26, 2005 subcommittee meeting were approved as submitted.

B. Discussion of Remaining Issues (Items #3-6)

3. If electronic records are accessible to the public, two questions regarding specific information currently contained within the website should be addressed.
 - What information should be removed? And what is the policy justification for removal?
 - What information should be clarified? And how?

Judge Carlson suggested the subcommittee begin with discussing what information should be removed from WCCA. He thought it might be helpful to separate the discussion into two types of categories – information from within the case file and types of cases.

Judge Carlson provided background information on the work that had already been done in this area by previous WCCA Oversight committees. For example, he said the birth date had been removed from non-criminal cases, leaving the month/year of birth only. Rep. Schneider asked if the driver's license number is included on the record because he was concerned that in some states the driver's license number is the same as the social security number. Judge Carlson said

the driver's license number had been removed. Arrangements had been made for the subcommittee to view WCCA on an overhead screen and Ms. Bousquet guided the subcommittee through the information that is included online.

The subcommittee started with brainstorming ideas for information from within the case file that should be removed in criminal/felony cases. They discussed these items:

- Charge history -

Sheriff Roderick thought it would be worthwhile to discuss removing the original charge and displaying only the convicted charge. Judge Carlson said while the case is pending the original charge would need to be displayed until the case is disposed. He suggested the charge at the time of disposition be displayed but the charging history would be available further into the record but not on the main page. Judge Kahn supported keeping on the charge history because it provides an accurate accounting of the court events. The subcommittee agreed the final disposition should be prominently displayed in a summary with more clarification on the page to better reflect the outcome. They also agreed the charge history should remain but it should be located further into the record, requiring a separate click to view it.

- Home addresses –

The subcommittee had received correspondence from the U.S. Attorney requesting that home addresses of employees be hidden. Mr. Barrett said he receives requests on a regular basis to remove home addresses, usually from law enforcement personnel. Ms. Bousquet said the last known address is displayed but prior addresses are also available in the Court Record Events.

Atty. Burke said there may be legitimate reasons to remove a home address from WCCA. She said even though victim information is not included on WCCA, if the victim receives a speeding ticket, the home address would be listed because of that ticket and a connection can be made. Mr. Barrett said there should be some kind of procedure and the decision whether or not to remove the address should be made by a judge. Mr. Lueders asked if there was any evidence of actual happenings because a home address was listed. No one in the group was aware of any. Mr. Lueders said some type of verification of a threat should be required. Judge Kahn said a home address should not be shielded by virtue of a position. For example, the addresses of law enforcement should not be hidden just because they are police personnel, some threat should be present. He said some risk comes with certain positions. Judge Kahn said criteria should be developed to guide judges. The subcommittee discussed legislative or Supreme Court Rule changes but agreed that approach was unnecessary. The subcommittee agreed that a statewide form, a petition to remove home address, should be developed and if appropriate, they would further develop the criteria. After discussion, the subcommittee agreed that:

- Available only in non-criminal cases. Addresses in criminal cases will remain on WCCA.
- Family members can be included in petitions from law enforcement and probation and parole officers.
- A demonstrated harm or threat to the person is required criteria.

- A judge will make the determination. If the petition is successful, a message will be displayed indicating that the address has been removed by order of a judge. The responsible judge's name will be included in the message.
- Both the street and city will be removed.
- The petition will apply to an individual case only. Separate petitions are necessary for each case. The petition will be filed in the originating county.
- Information about the process should be put in the FAQ section.

- Date of birth (DOB) –

Judge Carlson said the full DOB is included for criminal cases and the month/year is listed for other cases if it has been entered in the CCAP Case Management system . Atty. Burke said she polled Department of Justice staff and the responses were diverse. She said the DOB is a good identifier because it does not change however the DOB is routinely protected information. Ms. Bousquet pointed out this information is useful for identification purposes, especially if the home address has been removed. The subcommittee agreed the current approach should be maintained.

- GAL –

Judge Carlson said this information does not pertain to criminal cases. Mr. Barrett said the field is often used incorrectly if court appointed attorney information is placed there. The subcommittee agreed the field should be removed from criminal cases because it is not applicable.

- Race field –

Judge Carlson said CCAP Steering Committee discussed this at length and decided to leave the field on and with a disclaimer that race is subjective. The subcommittee deferred to the decision made by CCAP Steering.

- Aliases –

Ms. Bousquet said aliases cause some confusion because the same record displays twice. Judge Carlson said an alias is created anytime a name is changed for any reason, including when a typographical error is being corrected. He said just having an alias implies negative connotations. The subcommittee agreed alias should be changed to AKA (also known as) and some type of clarification should be made if it is a result of a typographical correction.

- Additional Text –

Ms. Bousquet explained the use of additional text varies from county to county but formatting standards are provided by CCAP. Mr. Barrett said no victim or juror names are used in the text. He said in Milwaukee the additional text is used as the events history so they use initials only and include a DOB for identifying purposes. Atty. Burke asked if any substance of testimony is included in the text. Mr. Barrett indicated direct testimony is not included but a summary may be in the text.

- Future Activity -

The subcommittee agreed that this information is useful and should remain.

The subcommittee discussed adding these items:

- Electronic documents -

Ms. Bousquet noted that in the near future it would be possible to have complaints and citations online. She said interfaces are underway with the district attorneys database (PROTECT) the State Patrol and Department of Transportation. Judge Carlson said he would be concerned how certain information contained within the documents would be protected. Mr. Barrett said there would need to be a way to segregate out certain information, such as social security number, from the documents. He said his office would not have the resources to redact the information and an efficient way to protect certain information would need to be found. Judge Carlson also expressed concern about the detail that is available in complaints and the potential for harm, such as children reading about their parents' divorce. Atty. Burke said further exploration into this possibility would be worthwhile but many issues would need to be addressed. She suggested the subcommittee support further investigation into these possibilities and recommend that another committee be formed to address the vast issues involved. The subcommittee agreed with this approach.

- Identifying demographic information –

Mr. Lueders said demographic information, such as height, weight, hair and eye color, could be helpful identifying information.

- Digital audio files –

Ms. Bousquet said in some courts, audio recording is being used to make the court record. She said in the future it might be possible to play court recordings. Rep. Schneider said the subcommittee should also anticipate future technology such as video downloading capabilities, for example, ipods and cell phones.

- Glossary of terms –

Rep. Schneider asked if there was a location where acronyms are defined. Mr. Barrett said they can be different from county to county. Mr. Schmidt said it would not be possible to standardize terms from county to county. Ms. Bousquet said it might be possible to include a list of CCAP standardized codes. She added that the help feature could be used to explain certain data fields or a definition could pop-up when the mouse hovers over the field.

The subcommittee discussed clarifying these items:

- Employer discrimination laws –

Rep. Schneider asked where this information is currently located. Ms. Bousquet said it is on the main screen where the user agreement is located. Mr. Barrett said this information could be included in the case summary.

- Case Summary -

Mr. Barrett said providing a stronger case summary, including more information about a disposition, would be useful. He said the summary could provide basic information but more details would be available by drilling more into the record. Mr. Lueders also suggested a boiler plate disclaimer be included in each summary noting that a person is innocent until proven guilty.

The subcommittee then discussed case types that might be removed from WCCA. They discussed:

- Dismissed Cases -

Judge Carlson said removing dismissed cases would be problematic when multiple charges exist and not all charges are dismissed. In addition, he noted some charges are dismissed but read-in and the judge can consider those charges when ordering penalties. He thought it might be possible to cross-reference those into the charge history. Atty. Mowris said when charges are dismissed because of the lack of evidence they should be removed from WCCA. Judge Carlson said under the proposal for a better summary, a message would be displayed that the charges were dismissed and a conviction did not occur. He said WCCA should accurately portray what occurs in court and removing cases would undermine that mission. Atty. Mowris understood that point of view but expressed concern that these cases are affecting innocent citizens in a negative way.

- Sealed Records –

Mr. Barrett said when a record is sealed, if a search for the name is made, the case will appear without the name being displayed. He thought that was detrimental to having the case sealed. Judge Carlson said CCAP Steering did address that issue and instead of the case appearing, a notice that the case was sealed and the name of the court official sealing it, will appear.

- Frivolous Multiple Cases -

Mr. Barrett said there should be a way to explain instances when someone is aggressively filing multiple frivolous complaints against another party, such as neighbor spats or ex-spouses. He said the complaints are dismissed but the cases remain on WCCA. Judge Carlson said an earlier WCCA Committee did consider allowing a party to add a rebuttal or explanation to the record but that was ultimately rejected.

- Dismissed Restraining Orders -

Mr. Barrett said some citizens feel that restraining orders that have been dismissed should be removed from WCCA. Judge Carlson said it could be helpful to define the terms satisfaction and vacated. He said the average person does not understand what those mean.

- Civil Cases – Family

Ms. Bousquet said Ms. Doeppers brought this up at the last meeting and thought it should be on the list for discussion.

- Case Identifiers –

Mr. Barrett said the case number reflects the case type, i.e. 2005CF0001 is a felony case. He said the case number remains constant regardless of the convicted charge. For example, a felony

case could be amended to a misdemeanor but the case number would remain as a felony number and a user could make an incorrect assumption from that. Judge Carlson said it would be very difficult to change case numbers as the case moves through the system. Mr. Barrett agreed and doubted it would be feasible but he wanted it pointed out. Mr. Lueders said that a disclaimer in the summary could be considered.

Sheriff Roderick said he thought the charges issued by the district attorney (D.A.) is statistically used to determine the level of D.A. staff needed and asked if this would have an impact on that. Judge Carlson said that is correct but the case identifier is not used to compile the statistics. He also noted that the CCAP program truncates multiple charges issued on the same day for staffing statistics.

- Expunction –

Due to time constraints this item was not discussed. It will be discussed at a future meeting.

4. What are the appropriate means for individuals to remove information? How should it be handled?
 - Current options
 - Additional recommended options (may require statute changes)
 - Criteria and process for removal

Due to time constraints, the subcommittee did not discuss this issue.

5. What additional future information should be made available?

Due to time constraints, the subcommittee did not discuss this issue.

6. Risk/benefit analysis of bulk subscriptions.

Due to time constraints, the subcommittee did not discuss this issue.

The subcommittee then adjourned and reconvened at 12:30 p.m. with the full WCCA Oversight Committee for the plenary session.