

**WISCONSIN CIRCUIT COURT ACCESS
OVERSIGHT COMMITTEE
RETENTION AND ACCURACY SUBCOMMITTEE**

MINUTES

Friday, November 11, 2005
Room 415 N.W. – State Capitol
9:30 a.m. – 12:00 p.m.

PRESENT: Kathleen Murphy, District 8 Court Administrator, Chair; Robbie Brooks, CCAP; Attorney Richard Dufour; Carolyn Evenson, Waukesha County Clerk of Circuit Court; Peter Fox, Wisconsin Newspaper Association; Sheryl Gervasi, Deputy Director of State Courts; Stacy James, CCAP; John Laabs, Wisconsin Broadcasters Association; Judge Dale Pasell, La Crosse County; Judge Ralph Ramirez, Waukesha County; Attorney Kelli Thompson, SPD; A. John Voelker, Director of State Courts

1. **Introductions**

Ms. Murphy welcomed the members of the Subcommittee. She stated that, based on a review of the minutes from the last meeting and the homework e-mails regarding court records retention sent by subcommittee members, she felt the subcommittee was digressing into long term strategic planning which, although of great interest and value, is not the primary mission of the subcommittee. She asked the members to agree to direct their immediate attention to near term objectives meaning recommending to the Director of State Courts 1) necessary revisions to the current WCCA retention schedule and 2) the improvement of error correction procedures and accuracy of information on the WCCA website. The members discussed the pros and cons of this approach and many expressed the desire to return to the larger issues involving technology and retention of court records before the subcommittee finishes it's work. Ms. Murphy stated that the subcommittee would be free to make recommendations regarding the larger strategic issues after the primary goals are reached. Ms. Murphy and the members agreed to this approach. Mr. Laabs stated that he would not sign off on any subcommittee recommendations unless the group returns to this subject and makes recommendations.

Ms. Murphy stated that today's meeting would consist of coming to some conclusions about retention and moving on to accuracy. The subcommittee approved minutes of the October meeting.

2. **History of Court Records Retention**

Ms. Murphy directed the members' attention to the handout on the history of records retention in the Wisconsin Court System. This information was requested by subcommittee members at the last meeting. Ms. Murphy reviewed the documents showing history of and the reasoning behind SCR 72. She stated that, if members wish to spend additional time on this topic, she would arrange a 30-minute session for this purpose before the start of the December meeting. Mr. Fox referred to a comment made in a dissent by the Chief Justice regarding public records, inviting the legislature to review the issue. He feels that the issue should be revisited.

3. **WCCA Retention Schedule Review**

Ms. Murphy directed the members' attention to a table listing court record types and comparing the SCR 72 retention to the WCCA retention schedule. The subcommittee reviewed the different case types. Areas of agreement were identified first and non-consensus issues set aside for further discussion. Members reached agreement on a number of case types. (See attached chart.) Mr. Laabs suggested that a recommendation be made that the SCR be changed on Ch. 980 Case Records (sexually violent person commitment) to the same retention schedule as a Class A Felony. The members concurred.

During discussions of changes to be made to the retention schedules for family cases, Mr. Fox asked how the oversight committee could judge what information the public has available to them. Judge Passel asked whether it was really necessary for the public to know every single bit of information and further, at some point the committee needed to balance the needs of the public with the harm that might be caused to individuals.

Some members identified non-criminal cases that are withdrawn or dismissed at an early stage as cases that may permit a shorter retention on WCCA than required by SCR 72. The subcommittee agreed to put the issue aside for further discussion. It was a consensus of the members that an issue to be discussed for misdemeanor traffic cases is retention of OWI records, which may need a longer retention time. Discussion is also needed on conservation ordinances, traffic ordinances, other ordinance violations and dismissed small claims. The current WCCA retention is 10 years, which is longer than the underlying records are kept and SCR 72 requires. Unless and until SCR 72 is changed, Mr. Fox and Mr. Laabs recommend WCCA continue the current 10-year retention periods.

Mr. Fox inquired as to whether Ms. Murphy foresees the CCAP system becoming the official document archive for all of Wisconsin court records. Ms. Murphy responded that she did not know. She raised the fact that WIJIS is working toward long-term retention of criminal records. Atty. Thompson added that there are retention schedules not only for court records, but also for records of the DAs, law enforcement and Public Defender's offices. She stated that this was an issue discussed at WIJIS meetings.

After a short break, the subcommittee reconvened and reviewed the retention agreements so far. Ms. Murphy stated that the members should be prepared to vote on the remaining retention issues at the next meeting. She asked for everyone to think about what they could *live* with in the near term as an effort to finish up this discussion and move on to the accuracy issues. Mr. Fox stated that while he is trying to represent the opinions of the press he is at the same time trying to express the interest of the public as he sees it.

Ms. Evenson brought up the issue of making an exception for cases where money is due and owing to the court. There was a consensus that in cases where money is due and the file is kept in the clerk's office, it should be maintained on WCCA until the financial obligation is taken care of.

4. **Accuracy Issues**

Mr. Brooks demonstrated the WCCA web site for the subcommittee and answered member's questions. It was the consensus of the group that users often ignore the disclaimer. Ms. Murphy asked the members to review the WCCA website thoroughly in order to make recommendations to improve accuracy and facilitate error correction. Mr. Fox inquired whether or not there was a landlord disclaimer on the site, to which the answer was no. Judge Ramirez stated that legally the records on WCCA cannot be held against

the person, but many people are using it this way. Ms. Murphy agreed that misuse of this information is a major dilemma arising from WCCA.

During a review of the *Frequently Asked Questions* section, it was recommended that directions for fixing incorrect information should be improved since currently the user only receives a listing of the phone number and addresses for the clerk of circuit court in each county. The group felt that there should be more in depth directions.

Ms. Evenson stated that viewing the website from the clerks' perspective, there are no real standards regarding the level of detail that should or should not show on WCCA. Ms. Murphy stated she felt that might be a content subcommittee issue however she agreed that it varies among counties and believes it is based upon local policy and practice. Ms. Evenson asked if there was a way for CCAP to provide a more detailed description that shows on CCAP but not on WCCA. Ms. Murphy agreed that consistency is an important issue but that this raises questions of local practice and CCAP policy rather than accuracy and retention. The subcommittee could refer this to the content subcommittee or possibly to CCAP Steering.

There was discussion about some common user misunderstandings based on how case information is displayed on WCCA. It was discussed that maybe the list of charges should show the final disposition and then go through the list of charges and events of the case. Mr. Fox stated that he feels people would still be curious about the original charge and look at that information even though it isn't displayed first. The members again discussed the suggestion to have prominent disclaimers and disposition information with the case summary.

The meeting was adjourned at 12:00 p.m.