

**WISCONSIN CIRCUIT COURT ACCESS (WCCA)  
OVERSIGHT COMMITTEE**

**MINUTES**

August 26, 2005  
9:30 a.m.

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

MEMBERS PRESENT: A. John Voelker, Director of State Courts; John Barrett, Milwaukee County Clerk of Court; Attorney Larry Bensky; Jean Bousquet, CIO CCAP; Attorney Mary Burke, Department of Justice; Judge Gary Carlson, Taylor County; Carole Doeppers, Government Privacy Consultant; Carolyn Evenson, Waukesha County Clerk of Circuit Court; Peter Fox, Executive Director Wisconsin Newspaper Association; Representative Donald Friske; Sheryl Gervasi, Deputy Director for Court Operations; Judge Charles Kahn Jr., Milwaukee County; John Laabs, President Wisconsin Broadcasters Association; Bill Lueders, President Wisconsin Freedom of Information Council; Gregg Moore, District Court Administrator; Attorney Gerald Mowris; Kathleen Murphy, District Court Administrator; Chief Rick Myers, Appleton Police Department; Judge Dale Pasell, La Crosse County; Sheriff Randy Roderick, Green County; Representative Marlin Schneider; and Attorney Kelli Thompson, State Public Defenders Office.

OTHERS PRESENT: Juli Buehler, News Director WLUK – Fox 11 Green Bay; and Lori Irmen, Director of State Courts Office.

MEMBERS ABSENT: Attorney Susan Karaskiewicz, Kenosha County Assistant District Attorney; Judge Ralph Ramirez, Waukesha County; and Jeff Schmidt, Ozaukee County Clerk of Circuit Court.

Mr. Voelker welcomed the members to the meeting and introductions were made. Mr. Laabs said he will be unable to make a majority of the meetings so he asked Juli Buehler to be an alternate. Mr. Voelker explained at the first meeting that he would prefer that committee members not use alternates. (Note: Ms. Buehler will replace Mr. Laabs on the committee).

1. **Approval of Previous Meeting Minutes**

Representative Friske made a motion that the minutes be approved as submitted. Atty. Mowris seconded the motion. The motion carried unanimously.

## 2. **Subcommittee Structure/Objectives**

Mr. Voelker said he has asked the subcommittee chairs from the original 1999 committee to lead discussions in the subcommittees. Ms. Murphy will chair the Retention/Accuracy Subcommittee and Mr. Moore will chair the Content/Access Subcommittee.

Ms. Bousquet provided an explanation of the types of court records that are available. She said there are six types of court records:

- 1) Paper files located in the clerk of circuit courts' offices;
- 2) Electronic files that reside on the Consolidated Court Automation Programs (CCAP) database that is located in each county. CCAP is a case management system and differs from Wisconsin Circuit Court Access (WCCA). CCAP is available to judges, clerks of circuit court and court staff. Data on CCAP includes more case information than on WCCA, but less than the paper file;
- 3) Public access terminals that are located in the courthouses. These terminals contain a subset of case information from the CCAP database in the county. Public access terminals contain only non-confidential records for that county;
- 4) WCCA-Restricted Access is a website that contains a subset of information from the CCAP databases in the counties including some confidential information. It is for use by justice partners, such as the district attorneys and law enforcement. Information on this website is county specific. Log-ins are required and the clerk of circuit court authorizes who has access and to what case types;
- 5) WCCA website provides a subset of non-confidential case information. Examples of the types of data that are excluded on WCCA include financial, jury, witnesses, victims, electronic documents, confidential case types and sealed/expunged records.
- 6) Simple Object Access Protocol (SOAP) is used by companies that extract bulk data from the WCCA website on a regular basis. Subscriptions are necessary and currently about one dozen companies use SOAP. The information extracted is the same information that is available on the WCCA website. Mr. Barrett said before SOAP, data mining companies would come to the clerk of circuit courts' offices, to request the paper court records and remain at the courthouse entering the data in their computers. He said the ability to provide them with the information electronically saves an immeasurable amount of time for the clerk's office. In addition, the re-keying of information by data mining companies resulted in numerous inaccuracies. Representative Schneider asked how the information is controlled and expressed concern about companies outside of Wisconsin extracting data and using it where Wisconsin laws don't apply.

## 3. **Issues to Be Addressed**

Mr. Voelker said he has worked with the subcommittee chairs to draft a preliminary list of issues to be addressed for each subcommittee. He said the first step would be for the subcommittee to review the list and agree on the issues. He said the subcommittee should identify any information they might need to address the issues and then begin working through them. Mr. Voelker said the list will serve as the subcommittee agenda throughout the deliberations of the subcommittee.

The committee then separated into the subcommittee break-out sessions and reconvened at 1:00 p.m. for subcommittee reports.

#### 4. **Subcommittee Reports**

##### a. Content/Access

Mr. Moore went through the issues list and provided a brief overview of the subcommittee's discussion.

- 1) Overall, should electronic court records be accessible to the public or should they be restricted?

Mr. Moore explained the subcommittee split this question into two parts and amended it to read, "Overall, should electronic records be accessible to the public on the internet through WCCA?" and "Should improvements be made to WCCA to increase clarity and reduce the potential for misuse?"

The subcommittee voted 10 yes, 1 no, on the first portion of the question and unanimously on the second portion.

- 2) If electronic records are accessible, is there agreement on the general premises in the CCJ/COSCA guidelines policy development by state courts?

The subcommittee agreed with the five general premises developed by the CCJ/COSCA but noted some areas needed further discussion.

- 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?
    - What is the policy justification for removal
  - What information should be clarified?
    - How

Mr. Moore said the subcommittee spent some time discussing the positives and negatives in an attempt to identify a reasonable balance. He said they also discussed if non-criminal cases should be removed from WCCA. Mr. Moore said they discussed expunction and reviewed a proposal from Attorney Mowris to amend SCR 72 relating to expunction in dismissed cases. Due to time constraints, the subcommittee did not complete discussions and no decisions were made.

Mr. Lueders encouraged the full membership to submit comments to the subcommittee relating to what is now on WCCA that shouldn't be. Mr. Voelker said comments regarding

modifications should also be submitted. Representative Schneider said the notice to employers and the links to the discrimination employment laws should be displayed more prominently. Judge Carlson commented that CCAP Steering considered requiring that notices be clicked-through but opted not to pursue it because they felt frequent users tend to bookmark pages and the notices would likely be bypassed in most instances.

Mr. Laabs said the procedures for reporting factual errors also could be displayed more prominently. He said nothing is included on the introductory page but was told it is included in the FAQ section. He questioned whether the average person would look at the FAQ's for that type of information.

Attorney Mowris explained that he proposed changes to SCR 72 regarding expunction in dismissed cases. He said the proposal does not deal with expungements with convictions because that would require legislative action. He noted that a legislative bill (AB280) addressing expungements has been introduced but it is holding in a legislative committee and he does not expect any further action will be taken on it. Attorney Mowris asked the committee to review his proposal for approval at the next meeting. Mr. Laabs asked if expunging a case results in complete erasure of the record. Ms. Murphy said only the court files are destroyed, other records such as police reports, CIB records and DOT records remain. Judge Carlson added that expungement does not vacate the conviction and expungement is not an option in all case types. He said current law authorizes a judge to expunge cases only for juveniles under age 21 for non-criminal convictions. Judge Kahn said the expungement is only applicable in convicted cases and if a case is dismissed, it cannot be expunged. Attorney Bensky said the report, *Recommendations of the Minnesota Supreme Court Advisory Committee on Rules of Public Access to Records of the Judicial Branch*, includes a system for expungement and encouraged the committee to review the report.

Mr. Moore said Judge Carlson collected comments from the State Bar Family Law section via a listserv. The comments were condensed into a spreadsheet for easier reading. Ms. Murphy will distribute the comments to the Retention/Accuracy subcommittee. Attorney Bensky said he posed the question to the State Bar Litigation section and the comments indicate strong support for continuing WCCA. He will condense the results and forward them to Mr. Voelker for distribution to the committee.

- 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

The subcommittee did not discuss this point yet.

- 5) How should additional or future information be made available?

Mr. Moore explained the subcommittee reworded this question to “what additional future information should be made available? The subcommittee briefly discussed providing a summary of the case activity and adding a definition of dismissal when appropriate. Mr. Moore said the subcommittee discussed responses submitted by the family law section of the State Bar.

- 6) Risk/benefit analysis of bulk data subscriptions.

The subcommittee added this issue for future discussion.

b. Retention/Accuracy Subcommittee

Ms. Murphy said the subcommittee agreed on the issues list. They also identified specific areas to address at future meetings.

- 1) Review current court records retention schedules:
  - Supreme Court Rule Chapter 72
  - Information on WCCA.
- 2) Should there be any changes to the present schedule being used for the retention of information on WCCA?
  - How long should information be retained on WCCA?
  - Should the charge or conviction, case type or disposition, determine the retention schedule?

Ms. Murphy said the subcommittee intends to identify the differences between Supreme Court Rules and the retention on WCCA. She said they plan to discuss consistency of retention among case types and the impact of retention when cases are amended from an original charge. She said they talked about the possibility of dismissals being retained for a shorter period of time and discussed sealed and expunged records.

- 3) Are there changes that could be made to improve the accuracy of the information available on WCCA?

Ms. Murphy said the subcommittee defined inaccuracy as erroneous information provided to the court and entered into the record. She said for purposes of the subcommittee discussions, accuracy was defined as clear and understandable information that will not create the wrong impression for unsophisticated users.

Ms. Murphy said they will review the current procedures for correcting clerical errors. She said the subcommittee will further discuss developing criteria for clerks of circuit court to improve consistency from county to county and consider a follow-up mechanism to ensure the correction

has been made. Ms. Doeppers noted that some type of communication with the requestor should be made.

Ms. Murphy said Ms. Evenson will be conducting a survey to the clerks of circuit court to gain information about how often they are asked to make corrections, how easy it is to make the corrections and inquire if guidelines would be helpful to them. The survey will also inquire about retention periods for the paper records and how many of them retain paper past the retention period.

Ms. Murphy said the subcommittee will also discuss the display of disclaimers, FAQs and other information relating to the corrections procedure.

- 4) Are there changes that could be made that would improve the clarity/understandability of the information available on WCCA?
  - What are procedural changes?
  - What are website display changes?

Ms. Murphy said they will be discussing how the information is presented and ways to make it clearer. She said they will be discussing the format, language, as well as the possibility of including more information. She said they will be discussing aliases and noted that when a name spelling is corrected, an alias is created, resulting in multiple entries on the records for one case.

- 5) Are there issues of consistency among counties that affect the understandability of information on WCCA? If so, how should they be addressed?

Ms. Murphy said the subcommittee will address this at a future meeting.

## 5. **Next Meeting**

The next committee meeting is scheduled for October 14.

With all matters being discussed, the meeting was adjourned.