

**Judicial Information Systems Council
Online Access Subcommittee
Final Meeting Minutes
James Noel, Chair**

Judicial Information Division
2905 Rodeo Park Drive East, Building 5
Santa Fe, New Mexico 87505

Monday, August 31, 2020 at 1:30pm – remote conference

1. Welcome and Introductions

In accordance with the Supreme Court orders regarding the pandemic and the imperative to make court access the top priority while operating under scaled back operations, for the foreseeable future the focus of the Online Access Subcommittee meetings will be on the following three items until further Order of the Court.

- SOPA Access Requests
- re:SearchNM completion
- Expanded e-Filing

In attendance: Judge Noel, Judge Mitchell, Weldon Neff, Barry Massey, Dick Wilkinson, Ian Bezpalko, Celia Jones, Logan Fernandez, Suzanne Winsor, Patricia Galindo, Tobie Fouratt, Genevieve Grant, Darla Goar, Laura Orchard, Margarita Terrell, and Judge Levy

Guests: Phillip Vaden and Will Richardson of Tyler Technologies

2. Approval of Agenda

Judge Mitchell made a motion to accept the agenda, and Barry Massey seconded.

3. Approval of August 3, 2020 draft minutes

Barry Massey made a recommended to change the wording on the second bullet of page 4 to say “due to the SOPA policy definition of Press.” There was no opposition to this recommendation.

Ian Bezpalko made a motion to accept the August 3 minutes as amended, which was seconded by Barry Massey. There was no opposition to the motion.

4. Follow up on action items from August 3 meeting

All action items from the August 3 meeting have been completed, with the exception of completing the posting of the 2020 agendas and minutes on the website.

5. Request by Dick Wilkinson to have Logan Fernandez to be a voting member of OAS

Clarified that Dick Wilkinson is a voting member of OAS, so his request was rescinded and going forward will pull Logan Fernandez in when there are issues that may impact security.

6. Re:SearchNM Presentation – Phillip Vaden of Tyler Technologies
 - a. Development for the display of criminal data (see “PDD NM” in drive)

Phillip Vaden presented the contents of the Project Definition Document that outlined the criminal development (requested by public defenders and attorneys) being worked on by Tyler Technologies for re:SearchNM and answered questions from the committee.

- b. Questions:
 - i. Determine which personally identifying information to display and to whom

Phillip explained that the personally identifying information will either display for the registered user, or not, depending on their profile.

Name; Aliases; Warrants; Date of Birth; Race; Height; Gender; Weight; SID; DL; SSN; Party Flag; and/or Person ID.

Barry Massey made a motion to display all of the personally identifying information with the exception of Party Flag, which was seconded by Judge Mitchell. There was no opposition to the motion.

The question about which non-public profiles should see this was deferred to the October meeting. Phillip clarified that whatever set of data is displayed

- ii. When a party record in Odyssey includes an SID (the State ID Number generated by Department of Public Safety), it displays in SOPA. Are there any DPS issues with this data being displayed in either SOPA or re:SearchNM?

As the SID, generated by the Department of Public Safety, is the single number that will follow the party through all cases, is recommended as the standard, and is being shared with the courts through NMdataXchange, it was determined that the SID would be good to display.

Judge Mitchell asked if she had a profile in re:SearchNM that did not display these data elements, would she be able to search on them, like in Case Lookup. Phillip said it is not the way the development is written so far, but it would be good to include it in the Public Profile development piece.

An expanded discussion ensued around the SID number. As part of the NMdataXchange, the SID is not supposed to be shared with non-justice partners, but it is already being displayed in SOPA. Genevieve Grant will request that Regina Chacon of DPS amend the agreement to include the ability to share the SID on our online applications.

Including the SID number is incorporated into Barry Massey’s motion for 6.b.i.

- iii. Party History Development (development request from DAs and PDs) is this also a development request from OAS or to be moved to future development?

Party History would basically pull in all of the party's criminal history based on the Party ID from criminal cases. This would be built by Tyler without any charge to NM without impacting the current development roadmap.

Judge Mitchell made a motion to accept the Party History development by Tyler that will not impact the current roll out of re:SearchNM as future development, without cost to New Mexico. There was no second offered and no opposition.

Phillip indicated that basically the Party History report would be replicated.

- c. OAS/JIFFY approval to have PDD document signed by Dick Wilkinson/Artie Pepin

Judge Noel recommended after the meeting that Artie Pepin would be the appropriate signatory upon JIFFY's approval, and that the updated PDD needs to be distributed to the OAS members for a vote.

- d. Public Profile with no documents attached (register of action) as substitute for Case Lookup
 - i. Level of effort/cost
 - ii. Decision tree going forward

Phillip confirmed that the request is to have non-registered users be able to utilize re:SearchNM with multiple ways to search for cases. Judge Noel brought up the ability for users of Case Lookup to search using data that doesn't display (like SSN, DOB).

Phillip said the development would involve building two pieces: the anonymous user access, and the searchable elements that are not viewable by the anonymous user. Ballpark would be 200-300 development hours, plus increased hosting costs for the additional users hitting the site (not very expensive). He could not provide a dollar amount, but this would be provided with a formal request for sizing the development effort.

Additionally, as Case Lookup currently does, DWI data from the municipal courts would need to be pushed into re:SearchNM.

A formal request from JID to scope the project will be needed based on the functionality of Case Lookup, including consuming DWI case information from the non-Odyssey municipal courts via a flat file (as is currently used), and leaving open the possibility of accessing (and/or purchasing) documents in the future.

- 7. Policy Discussions
 - a. Approve Tribal Court Policy (see "Tribal Court Policy Recommendation" in drive)

Judge Mitchell made a motion to approve the Tribal Court Policy for recommendation to JIFFY, which Weldon Neff seconded. There was no opposition.

- b. Approve Domestic Violence Policy (see "Domestic Violence Policy Recommendation" in drive)

Judge Noel recommended the following edit: "(including criminal misdemeanor, criminal felony, and DV civil orders of protection)". Ian Bezpalko made a motion to approve the

Domestic Violence Policy as edited for recommendation to JIFFY, which Barry Massey seconded. There was no opposition.

- c. Develop Parentage Policy – Patricia Galindo, Celina Jones, Judge Levy (see “Parentage Policy Recommendation” in drive)
 - i. Consider changing to Tier 1
 - ii. As of 8/13/2020
 - 1. 48,083 Parentage cases in Odyssey
 - 2. 506 are sealed cases
 - 3. 2,314 cases have sealed documents in them

Both Patricia Galindo (on behalf of Celina Jones) and Judge Levy support the policy to make Parentage cases Tier 1. When there are CYFD matters in these cases, the case get sealed.

Judge Noel asked if anyone else should have input regarding this recommendation. Judge Levy said most stakeholders are represented in the Domestic Relations Rules Committee and no concerns have been brought up.

This recommendation will go the September JIFFY meeting for approval and then to the Supreme Court for their information, including a letter describing who was involved and why the decision needed to be made.

Judge Mitchell made a motion to approve the recommendation as written, which Ian Bezpalko seconded. There was no opposition to the motion.

- 8. E-Filing Project Updates – Margarita Terrell, Tobie Fourratt
 - a. Metro Court Civil e-Filing (lessons learned)

Margarita Terrell gave a brief update that, although it was not publicly announced, Metro Court went live with e-filing today. Even so, there were 5-6 filings by attorneys. In terms of lessons learned, making sure there is court engagement regarding how e-filing will change the court processes is very important. Also, the distinction between e-filing and the proposed order process – with the proposed order process really being an internal business process change that JID has little input on.

Judge Noel requested a formal lessons learned document developed with the help of Metro staff in order to avoid the kind of delay that was experienced with this project.

- b. Magistrate Court Civil e-Filing

Tobie Fourratt provided a brief update on how the Magistrate e-filing team having been involved in the Metro roll out gave them great insight into what will be needed for the Magistrate project. They will be using the Metro lessons learned in the Mag project. They have already reviewed 316 event codes and their configuration with OMUG. They are planning to involve a specific group of judges to serve as advisors and liaisons with the other Mag judges regarding court processes.

- 9. NMdataXchange – Genevieve Grant, Darla Goar

- a. Restriction and protection of data is managed only by approving agency applications?
- b. Once the data has been shared with an agency, how is it protected?
- c. MOU

Genevieve Grant provided a recap on the project and reiterated that the data provided to the justice partner:

- *Is not restricted*
- *Are data points, not the complete docket*
- *Does not include documents*
- *Is provided through an application process that mimics the SOPA application process (except for “tiered” access), including the violation process*
- *Requires the agency head or chief technical officer to sign the MOU*
- *Will comprise six data sets will include party’s name, personally protected identifiers, STN or SID number(s)*
- *Will not include the party’s address if it is marked confidential in Odyssey*
- *Includes cases whether they are sealed or not in Odyssey*

Data Sets in Pilot:

1. *Notice of Hearing*
2. *Open Active Warrants*
3. *Release Orders and Conditions of Release*
4. *Domestic Violence Restraining Orders*
5. *Dispositions*
6. *Sentencing*

Data is limited to 10 days, but they are working on a proof of concept to cover a longer period of time.

Judge Mitchell asked if documents are on the road map for NMdataXchange. Genevieve responded that it was a stated desire by the justice partners at the beginning of the project, that the current software application doesn’t support it, but there is a way get around that if it is decided to go that way. In the current four phases of the NMdataXchange project, documents are not included. Judge Mitchell voiced her concern about NMdataXchange moving to a document delivery program when the re:SearchNM project will be delivering that for the users.

- d. Law Enforcement Officer certification number for hearing app

Darla Goar explained that along with the money awarded for NMdataXchange, some individual districts got money as well. The 12th District used their money to hire a developer to create a hearing app for law enforcement officers to track upcoming hearings. Ultimately this would be rolled out statewide, but the pilot is the 12th.

- *The app will use the hearing data coming from the NMdataXchange*
- *The officer using the app needs to be accurately identified and linked to the hearing using a unique ID number*
- *Currently officers move from agency to agency without carrying a unique identifier with them, but perhaps the Law Enforcement Academy number, which is unique to each officer, could be used*
- *LEA is okay with us using their academy certification number*
- *Would be entered as an “other agency number” in the officer party record, entered by JID staff*
- *Hearing procedure for court staff would be the same*
- *The app will provide future hearings into the months ahead*
- *The scope of the work for entering numbers in Odyssey*
 - *Each law enforcement agency would be required to send a list of active officers and their certification numbers*
 - *As the officers move to and from an agency, the agency would be required to send updated information to JID*
 - *There is an unknown amount of cleanup in Odyssey for this work correctly*
 - *Suzanne offered to find out what the total number of officer records is in Prod*
- *There is no money in the grant for JID to update the officer records*

10. Case Security - discussion on Sealing the Public Health Emergency Order cases and the need to allow public to see the existence of such a case – Celina Jones (currently available to Tier 2.5 and AOR)

Celina Jones noted that every one of these cases will have HIPPA information in it. Judge Noel asked whether we are required to make the existence of these cases known (not the filings). Should the public know that one or ten exist, either by displaying in some way in Case Lookup or re:SearchNM going forward. Currently they are displaying as “In the Matter of [name]” as a PH case (currently 4 in the system). Celina was not able to confirm whether there is a requirement of the court, and would like to investigate further.

Judge Mitchell brought up that the case type is not included in the automatic sealing rule, so she had concerns about it being automatically sealed. Perhaps the rules committee needs to amend the sealing rule to include the PHEO case type. Celina recommended she contact the Department of Health to propose such a rule amendment, as they would be the most appropriate entity to drive that action.

Judge Mitchell recommended OAS allow Celina to coordinate with the Department of Health, and OAS table any discussion or decision until the Department of Health requests something of us. Celina agreed to speak to counsel at the Department of Health and see if someone can join the October OAS meeting.

Barry Massey raise the issue that just displaying the case style to the public would reveal the name of the person who contracted the virus, and this could be problematic.

11. SOPA Requests (see “SOPA Request” folder)

- a. Tyler Kautencrews, Navy Recruiter in TX seeking Tier 2.3 access (children’s court and criminal domestic violence) for background checks (690734)

The committee discussed and denied the request. They recommended the requester be directed to Case Lookup.

12. Discuss setting aside a day to review criteria and profiles – between August 31 and October 5 meetings

This item is being moved to the October agenda and it was suggested we wait for JIFFY and Supreme Court feedback on the policies. Also, when the date is chosen, (after October 19 to come after the Supreme Court conference) request Celina Jones, Rachelle Klump, and Joey Moya be available to provide statutory guidance.

13. Meeting Adjourned

Next Meeting

Monday, October 5, 2020 at 1:30pm