

Public Record Update

January 2017

Digital Driver's License Coming to Colorado

The Colorado Department of Revenue recently announced that the state's DMV will participate in a two-year pilot program to provide Colorado drivers with a digital version of their driver's license. The project is titled the Interoperable, Trusted Ecosystem for Digital Driver Licenses and ID Cards on Mobile Devices for U.S. Jurisdictions. Other jurisdictions that will participate in the pilot program are Iowa, Idaho, Maryland, and Washington DC. A digital security company - [Gemalto Inc.](#) - has been awarded \$2 million to develop a digital driver's license through a mobile application. There is no start date yet for the program.

These digital driver licenses will resemble the printed version and include the same information, such as the address, date of birth, a photo and a scannable barcode so machines can read the other information about a licensed driver. The project won't immediately do away with physical driver licenses in Colorado, but this pilot program is being conducted to see if that is an option. The digital age is certainly changing how we live and now it appears it will affect proof of identity too. Before long, perhaps all you will need is your phone.

Record Search Issues in West Virginia Magistrate Courts

In 2016, the West Virginia Administrative Office of the Courts implemented a new case management system in all 55 county Magistrate Courts which has affected record searching issues using the public access terminals onsite.

When a county was switched into the new system, unfortunately not all of the files were transferred from the old system to new. As a result some counties are still scanning records from the old to the new system; clerks have been scanning as they have the time. Another issue is that in some counties all dispositions were not imported into the new system. Plus there have been reports that terminals may display the wrong charge in the case after the data was transferred into the new system. One [PRRN Member](#) has stated this is especially a problem in Berkley County. The good news is that the Clerks have been responsive to helping the public and record researchers make sure they have the correct data. If you use the services of a record researcher make sure this researcher knows the nuances of the particular county.

County Clerk Record Searches in Schuyler County, NY

Effective January 1, 2017, the [Clerk's](#) search fee in Schuyler County NY increased from \$5.00 to \$10.00 for searching court civil and criminal records. The clerk's office also handles recorded documents, but the staff does not perform names searches for those instruments. The court advises to hire an abstractor for these searches.

Maine Courts Going Digital - But Not for Awhile

Per a December 2016 news release, the Maine Judicial Branch signed a contract with Tyler Technologies to implement Tyler's unified electronic case management system known as Odyssey. This is the same Odyssey system used in Idaho, Indiana, Maryland, Minnesota, New Hampshire, New Mexico, North Dakota, Oregon, Rhode Island, South Dakota, and in transitional release in Washington (see below). The plan is to roll out in a pilot program in the first region by 2019 and be statewide by 2021.

See the Maine Judicial Branch news release at www.courts.maine.gov/news_reference/news/PRTyler122016.pdf.

Update: Washington's (State) New Court Record Online System

The Washington Administrative Office of the Courts (AOC) is in the midst of replacing its case management system (SCOMIS) with Odyssey software supplied by Tyler Technologies. The Odyssey system is now providing a two-tiered access system to case dockets from nine counties. See the Odyssey section below for details.

For many years the AOC's Judicial Information System's subscription service called **JIS-Link** has provided access to **detailed case docket data** for all counties and court levels. One may search a single county or statewide for criminal searches. Searching for civil records is a single county only search.

JIS-Link will continue to provide data on all counties, even as counties migrate to the new Odyssey system. As counties move to the new Odyssey system, data will still continue to be live and searchable for any county even if the county is sending information to Odyssey.

About JIS-Link

The throughput date for JIS is from 1994 or 1995 forward. The dates vary from 1979 to 1993 for SCOMIS. The subscription fees include a one-time \$100.00 per site, a transaction fee of \$.065. There is a \$6.00 per month minimum charge. Visit www.courts.wa.gov/jislink or call 360-357-3365. The JIS subscription includes access to SCOMIS (the case management system) and ACORDS (appellate courts data). SCOMIS enables the superior court to record parties and legal instruments filed in superior court cases, to set cases on court calendars, and to enter case judgments and final dispositions. It is important to note that when a SCOMIS case number is found in the JIS application, detail level of the case may need to be viewed within the appropriate SCOMIS court display.

About Odyssey and its Record Access Portal

AOC implemented the Odyssey system with a SC-CMS Pilot site for Lewis County in June 2015. Since then eight more counties are now participating (Asotin, Columbia, Franklin, Garfield, Snohomish, Thurston, Whitman, and Yakima). Six more counties are scheduled to be added in May 2017. The statewide rollout is expected to be complete by 2018. At this time King and Pierce counties are not planning to connect to the Record Access Portal of Odyssey.

An **unregistered public user** may access the Odyssey Portal at <https://odysseyportal.courts.wa.gov/odyportal>. This access will not require any credentials and is meant to replace the free limited look-up of docket information at <http://dw.courts.wa.gov/>. Case documents are not available. Note that public users will have access to more case information, as well as public available documents, onsite at the Clerk's Office lobby terminal. **So this free system is not considered to be online/onsite equivalent.**

Registered users on the Portal may access public court case documents. All document access fees are paid directly to the County Clerk of the county, so fees vary by county. At present, if a user wishes to register in multiple counties, a unique email address is needed for each county. This is expected to change sometime later in 2017.

For questions regarding Odyssey you can email OdysseyPortal@courts.wa.gov or view the portal site above.

An Example of Compliance with Certain Discrimination Laws When Doing a Background Check for Hiring

Per compliance with Title VII of the Civil Rights Act and with ADA, employers want to avoid application questions and interview questions that directly identify a person as a member of a protected group. Even questions that appear neutral on their face can be illegal if the question results in a disproportionate screening of members of a protected group or is not a valid

predictor of job performance.

The excerpt below taken from Les Rosen's new book [The Safe Hiring Manual 3rd Edition](#) is a discussion of how employers and screening companies can avoid discrimination lawsuits when dealing with someone who has changed their name such as through marital status. We thank Mr. Rosen for allowing us to reproduce this text below.

How to Avoid Previous Names and Marital Status Discrimination

One of the areas where the discrimination laws have an effect on safe hiring is the use of previous names in a criminal search. The issue arises because past names are a necessary identifying piece of information. For example, when searching for criminal records, researchers base the search on the last name. However, if an applicant at one time was known by a different name, a complete criminal search must be conducted under BOTH names. The most typical situation is in the case of a woman who has married and changed her name.

The problem is that by referring to a name as a maiden name, an applicant potentially is being identified on the basis of their marital status or sex, which can be a violation of federal and state discrimination laws. In California, for example, asking for an applicant's maiden name has been specifically labeled as an unacceptable question by the California Department of Fair Employment and Housing, the California agency charged with enforcing the California civil rights laws. Consequently, a previous name search should not be referred to as a "maiden name" search, since that clearly indicates that an employer is obtaining information on marital status, which is a prohibited basis upon which to make an employment decision. That is why any application or consent for background screening should always include the phrase "previous name" instead of "maiden name."

Is this an example of a distinction without a difference or political correctness going too far? No. Marital status has been a traditional basis for a woman to be the subject of discrimination. The fact is that whether a man or woman is married is simply not a valid basis to predict job performance. However, the reality has been that a woman applicant who is married may be the subject of discrimination based on a belief that she may leave the job to have a family. By phrasing it as a "previous name," the same information is obtained for purposes of a background check, but the application information is facially neutral. In addition, a female applicant is not discouraged from applying based on an apprehension that by asking for a "maiden name" there is a likelihood of discrimination.

See www.brbpublications.com/books/detail/545.aspx?Id=545 for more information about this new 840-page release. All orders placed before February 28 receive a sample Request for Proposal (RFP) for choosing a background screening service. A Word document will be emailed.

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