



WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

Memo No. 2

TO: MEMBERS OF THE SPECIAL COMMITTEE ON EXPUNCTION OF CRIMINAL RECORDS

FROM: Don Dyke, Chief of Legal Services, and William Ford, Senior Staff Attorney

RE: Selected Initial Background Information

DATE: September 19, 2006

The materials included with this Memo provide background information that may be of assistance to committee members during committee deliberations. While the materials are not necessarily directly related to the specific subject matter of the committee's charge--expunction of records of criminal and civil forfeiture proceedings--they touch on related issues and are likely to be discussed to some degree as the committee considers expunction issues.

Included with this Memo are the following materials:

1. *Final Report*, Wisconsin Circuit Court Access Oversight Committee, March 2006 (<http://www.wicourts.gov/about/committees/wcca.htm>). The original Wisconsin Circuit Court Access (WCCA) Oversight Committee was convened in 2000 and assisted in the development of a policy addressing electronic access to circuit court records. The committee was later reconvened to review and make recommendations to modify the policy, based on feedback received in intervening years concerning information available on the WCCA website. The recommendations in the *Final Report* were submitted to the Director of State Courts, who has concurred in the recommendations, with two modifications. Regarding Recommendation 5, the Director determined that the procedure for removing home addresses should be limited to non-criminal cases. Regarding Recommendation 31, the Director determined that, instead of removing the domestic violence checkbox, the checkbox should be changed and, following an investigation of the reasons for the checkbox's existence, the Circuit Court Automation Programs (CCAP) should work with the Office of Court Operations to ensure that use of the checkbox is directly related to cases that involve the charge and conviction of a domestic violence offense.

Note that one of the recommendations in this report, Recommendation 13, requested the Director of State Courts to request a Legislative Council study on expunction issues. This recommendation was the genesis of the Special Committee on Expunction of Criminal Records. (Note also that the bulk of the report consists of appendices, most notably Appendix 2, which contains examples of recommended layout and content of executive case summaries that appear on the WCCA.)

2. Information on the Consolidated Court Automation Programs (CCAP), from the Wisconsin Court System website (<http://www.wicourts.gov/about/organization/offices/ccap.htm>).
3. Wisconsin Circuit Court Access (WCCA) Frequently Asked Questions, from the Wisconsin Court System website (<http://wcca.wi.courts.gov/faqnonav.xsl>).
4. Chapter SCR 72, Retention and Maintenance of Court Records (www.wicourts.gov/supreme/sc_rules.jsp). See recommendation 28 of the *Final Report*, above, recommending that the Supreme Court comprehensively review ch. SCR 72.
5. Information concerning the Crime Information Bureau's criminal history database from the State Department of Justice's website (<http://www.doj.state.wi.us/dles/cib/crimhist.asp>).

DD:WF:jal