

SUPREME COURT

DIVISION OF
STATE COURT ADMINISTRATION

LORETTA H. RUSH, CHIEF JUSTICE

LILIA G. JUDSON, INTERIM CHIEF ADMINISTRATIVE OFFICER
DAVID J. REMONDINI, INTERIM EXECUTIVE DIRECTOR



OF INDIANA

30 SOUTH MERIDIAN STREET, SUITE 500
INDIANAPOLIS, IN 46204-3568
317.232.2542
317.233.6586 FAX
COURTS.IN.GOV

SENT BY ELECTRONIC MAIL TO

akarozos@pdc.in.gov

July 29, 2016

Ms. Amy Karozos
Indiana Public Defender Council
309 West Washington Street, Suite 401
Indianapolis, IN 46204

Re: Bulk Data Request

Dear Ms. Karozos

Your request, on behalf of the Indiana Public Defender Council, to obtain bulk distribution of confidential court records from all Indiana trial courts using the Odyssey and Quest case management systems has been approved by the Division of State Court Administration and the Indiana Supreme Court pursuant to Indiana Administrative Rule 9(F), subject to the terms of this letter and the executed Combined User Agreement for Bulk Distribution of Data or Compiled Information, Form TCM-AR9(F)-1.

Indiana Administrative Rule 9(F)(2) places authority in the Indiana Supreme Court with respect to confidential records from multiple courts such as those maintained in the Odyssey data repository. By Order dated September 13, 2011.

You are approved to receive bulk distribution of Odyssey records and the Division will provide bulk distribution of such records to you without charge, subject to the following additional conditions: (1) You must make arrangements for payment for the records in accordance with Administrative Rule 9 and the Supreme Court's Order of September 13, 2011; (2) Your approval is subject to the executed User Agreement for the Use of Bulk Data, and (3) You are prohibited from providing bulk distribution of records to any third party.

As explained in the User Agreement, the execution of the agreement and approval by the Division do not create any mandatory obligation on the part of any court or clerk to provide bulk distribution of court records or compiled information. You will need to contact the clerk from all counties not using the Odyssey system to seek distribution of this data. Except as explained in the following

two paragraphs, it is up to each court to determine whether or not to provide bulk distribution of its records as well as the fair market value of the records.

A distribution receipt form that must be completed and returned to this office within thirty (30) days of receiving bulk distribution or compiled information from court records from courts that do not use Odyssey.

An executed copy of your user agreement is enclosed. The agreement will expire on January 31, 2017. Please contact the Court Technology Staff at 317.232.2542 in order to proceed with receipt of your data. A copy of their Odyssey Order Form and the Distribution Receipt are attached for your use.

If you have any questions, please contact me at richard.payne@courts.IN.gov or (317) 234-5398.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Richard T. Payne
Staff Attorney
Office of Judicial & Court Services

Enclosures: User Agreement
 Odyssey & Tax Warrant Bulk Data Order Form
 Distribution Receipt for Bulk Data or Compiled Information



Indiana Supreme Court Division of State Court Administration

USER AGREEMENT FOR BULK DISTRIBUTION OF CONFIDENTIAL DATA OR COMPILED INFORMATION EXCLUDED FROM PUBLIC ACCESS UNDER ADMINISTRATIVE RULE 9

The parties to this agreement are the Indiana Supreme Court through its Division of State Court Administration (“Division”) and the Indiana Public Defender Council (“Requesting Party”).

Recitals

Under Administrative Rule 9(F)(2), the Division is responsible for processing all requests for Bulk Distribution of Data or Compiled Information by Indiana Courts. The Division reviews each request for Bulk Distribution or Compiled Information to insure the request is consistent with the purposes of Administrative Rule 9 (“Rule 9”), resources are available to prepare the information and each request is an appropriate use of public resources.

The Indiana Supreme Court holds the software license and the rights and ownership to the Odyssey case management system for Indiana courts and clerks.

The Requesting Party has sought a Bulk Distribution of Data or Compiled Information that includes information excluded from public access under Rule 9, Sections G and/or H. The Requesting Party is willing to comply with restrictions on usage of the Data and Compiled Information. The Indiana Supreme Court has reviewed, considered and authorized the requested Bulk Distribution of Data or Compiled Information and entered an Order under Rule 9 (F)(4)(c) authorizing the Division to proceed toward delivery of the Bulk Distribution.

Requested data contained in the Odyssey case management system will be provided by the Division. If all or some of the requested data sought is not contained in the Odyssey case management system and the Requesting Party is not automatically entitled to the distribution of such Data or Compiled Information of a court simply by the approval of this user agreement by the Division Provision of Data or Compiled Information that is not contained in the Odyssey case management system must be determined by each court or clerk based upon a determination that the information sought is consistent with the purposes of Administrative Rule 9, that resources are available to prepare the information and that fulfilling the request is an appropriate use of public resources.

The Requesting Party may be required to the fair market value of the information requested as determined by the Division or a Court providing the information.

The Bulk Distribution is limited to court records even if the Requesting Party is seeking other information that is governed by other agencies’ policies.

In order to establish the respective functions and responsibilities of the Parties pertaining to the dissemination and use of Indiana court information under the provisions of Rule 9 of the Indiana Rules of Court, the parties now, therefore, agree as follows:

1. Definitions. For the purpose of this Agreement, the following terms shall have the meanings as set forth in Rule 9, section C: Administrative Record, Bulk Distribution, Case Record, Clerk of Court, Compiled Information, Court, Court Record and Public Access. The following terms shall be defined as stated:

- A. "Agreement" means this User Agreement for Bulk Distribution of Data or Compiled Information, as well as any attachments or exhibits that may be affixed to this document or referenced within the agreement.
- B. "Data" means any computer or machine-readable copy of Court Records provided by a Court to the Requesting Party.
- C. "Subscriber" means a client or customer of Requesting Party to whom bulk Data or compiled information is provided or to whom access to bulk Data or Compiled Information is given.
- D. "Requesting Party" includes the above-identified party and all entities and known names under which the business operates, all subsidiaries that will utilize the Data or Compiled Information provided and all names under which subsequent individual requests to courts shall be made.

2. Records Approved for Distribution as Bulk Data or Compiled Information.

A. Court Records Sought and Approved.

- 1. List of Courts:
 - a. Odyssey Courts: All
 - b. Non-Odyssey Courts: QUEST case management only
- 2. List of Records: A compiled extract of the following listed data from Juvenile Delinquency and Juvenile Status offense cases filed during 2014 and 2015:

Jurisdiction	Respondent Indigent?
Case Types – JD & JS	Respondent Represented by Private Counsel?
Case Start Date	Respondent Detained Post Initial Hearing?
Date Petition Filed	Case Outcome
Date Counsel Appointed	Case Open or Closed?
Disposition Date	Race
Case Closure Date	Age on Start Date
Public Defender Appointed?	Gender
Stage of Case When Counsel Appointed	Most Serious Offense Level

B. Court Records Maintained in the Odyssey data repository.

1. The Division will provide the Requesting Party the initial data extract of the approved records pursuant to the authorization order of the Indiana Supreme Court of September 13, 2011, Case Number 94S00-1109-MS-552. When the approved request requires more than a single extract of data, the Division will provide a monthly data extract thereafter on or before the tenth day of each month of the term of the approval.
2. The Division will provide the Requesting Party with an invoice for each extract if the Court or Division has determined that the Requesting Party shall pay reasonable costs of responding to the request for extracted data. All payments shall be made by check and payable to Division of State Court Administration bearing a notation of the invoice number and that payment is for Odyssey Bulk Records or Compiled Information.
3. The extracted data will be made available to the Requesting Party through an SFTP account accessing client specific folders at SFTP.IN.Gov.

C. Court Records Not Maintained in the Odyssey data repository.

Subject to specific permission from the Courts identified above that are not on the Odyssey Case Management System, the Division hereby grants to the Requesting Party restricted authorization to receive from such Courts the Court Records specifically identified above for the Requesting Party's use in accordance with the terms and conditions of this Agreement.

Execution of this Agreement and approval of the Requesting Party's request by the Indiana Supreme Court and the Division does not create any mandatory obligation on the part of any Clerk of Court or Court to provide Court Records to the Requesting Party. Under Rule 9(F), the individual non-Odyssey Courts must determine on an individual basis whether resources are available to transfer the Court Records to the Requesting Party and whether fulfilling the request is an appropriate use of public resources and is consistent with the purposes of Rule 9. The Courts must determine on an individual basis whether to assess a charge for providing the Court Records and may make the granting of the request contingent upon the Requesting Party paying an amount which the Court determines is the reasonable cost of responding to the request.

3. Rights and Interests.

All rights, title and interests, including all intellectual property rights, in and to the Court Records, data, code, application or any other information provided to the Requesting Party shall remain with the Courts. The Requesting Party shall not acquire any proprietary right to or interest in any Court Records, data, code, application or any other information provided to the Requesting Party under this Agreement, whether or not the Court's records, data, code, application or other information is incorporated in or integrated with in any way whatsoever with the Requesting Party's property, data, code, reports, application, program, system or any other

sort of product. Such rights may not be transferred, assigned, or sold for any purpose to any person, corporation, partnership, association, or organization of any kind.

The Requesting Party shall provide the Division with the names of all entities that receive access to the data provided by the Division that are related in any way to the Requesting Party, including subsidiaries and affiliates, the names under which the Requesting Party is doing business and any other related entity names. The Requesting Party shall supplement this agreement within thirty (30) days of a change in the list of names provided to the Division as requested by this section.

All subcontractors or other entities receiving access to the data provided by the Division shall be constrained by the restrictions on use of data as provided in Section 5 of this agreement or any other applicable sections of this agreement.

4. Ongoing Data Scrubbing and Update Requirements.

The status of a Court Record may change over time and the Requesting Party shall refresh all records with each new extract received so that cases sealed or restricted since the last extract will be accurately reflected in the database.

The Requesting Party shall comply fully with Rule 9 and shall delete any Social Security Number, bank account number and any other confidential information that is inadvertently included in the Court Records and take other appropriate action to ensure that such confidential information is not disclosed to others. Upon notice, the Requesting Party shall comply with future orders to scrub data if they should arise.

5. Restrictions on Use of Data.

A. Compliance with Authorities.

The Requesting Party shall comply with all current and, as subsequently amended, federal and state laws, court rules, administrative rules and policies governing, regulating, and/or relating to Court Records.

B. Social Security Numbers, Dates of Birth and Addresses

If the request includes release of social security numbers, dates of birth, or addresses, the information provided may include only the last four digits of social security numbers, only the year of birth, and only the zip code of addresses. The restrictions on release of social security numbers, dates of birth, and addresses may be waived only upon a petition to the Executive Director of the Division of State Court Administration and a finding of exceptional circumstances by the Indiana Supreme Court.

C. Resale of Data.

The request that has been approved by the Indiana Supreme Court has been granted because the Requesting Party has a substantial interest or a bona fide research activity for scholarly, journalistic, political, governmental, research, evaluation or statistical purposes.

The Requesting Party shall not:

- i. reproduce, resell or otherwise distribute, directly or indirectly,

ii. use, directly or indirectly, for the purpose of sale of a product or service to an individual or the general public, or

iii. copy or duplicate, other than as stated for scholarly, journalistic, political, governmental, research, evaluation or statistical purposes

the Court Records or Data provided under this Agreement. The Requesting Party shall not make Bulk Distribution of the Court Records or reconfigure the Court Records for subsequent Bulk Distributions.

D. Policies for Dissemination of Data.

The Requesting Party shall not disseminate Court Records to the public through remote electronic access such as the Internet or other electronic method.

6. Reporting Requirement.

With respect to Court Records not maintained in the Odyssey data repository, within thirty (30) days after the Requesting Party receives the first or only distribution of Court Records, the Requesting Party shall file with the Division of State Court Administration the Distribution Receipt Form, Form TCM-AR9(F)-3. However, the Requesting Party is not required to file with the Division a Form TCM-AR9(F)-3 for Court Records the Requesting Party receives from the Odyssey data repository.

7. Audits.

The Division may, at its discretion, perform audits to verify compliance with the terms and conditions of this Agreement and the appropriate use of the Court Records. The Requesting Party shall cooperate with the Division in such audit.

A. The Requesting Party agrees that the Division may include “control” or “salted” data as a portion of the Court Records as a means to ensure that any personally identifiable information is not used for commercial solicitation purposes or in an indiscriminate and reckless manner.

B. The Requesting Party agrees to provide the Division with access, at no charge, to any database created using the Court Records for the purpose of monitoring and auditing contract compliance.

C. The Requesting Party agrees to provide the Division with copies of the materials and information the Requesting Party provides its subscribers, customers, clients, or other third parties.

8. Disclaimer of Warranties.

The Division, Courts, and Clerks of Court provide no warranties, express or implied and specifically disclaim without limitation any implied warranties of merchantability and fitness for a particular purpose, with respect to the Court Records or Data provided under this Agreement. All Court Records and Data provided under this Agreement are provided “As Is”. The Division, Courts, and Clerks of Court further provide no warranties, express or implied, that the Court Records or Data is accurate, current, correct, or complete. It is expressly understood that it is the

responsibility of the Requesting Party to verify the Court Records and Data with the official information maintained by the Court having jurisdiction over the Court Records.

Reproductions of the Court Records or Data provided to the Requesting Party shall not be represented as a certified copy of the Court Record.

9. Limitation of Liability.

The Requesting Party acknowledges and accepts that the Court Records or Data are provided “as is” and may include errors or omissions and, therefore the Requesting Party agrees, that the Division, Courts, and Clerks of Court shall not be responsible or liable in any way whatsoever for the validity of the Court Records or Data. Specifically:

A. The Division, Courts, and Clerks of Court shall not be liable for any demand or claim, regardless of the form of action, for any damages resulting from the use of the Court Records or Data by the Requesting Party.

B. The Division, Courts, and Clerks of Court shall not be liable for any demand or claim, regardless of form of action, for any damages arising from incorrect or incomplete information provided under this Agreement.

C. The Division, Courts, and Clerks of Court shall not be liable to the Requesting Party or any other party for any loss, including revenue, profits, time, goodwill, computer time, destruction of data, damages or any other indirect, special or consequential damage which may rise from the use, operation, distribution, transfer or modification of the Court Records or Data.

10. Indemnification.

The Requesting Party shall defend, indemnify, and hold harmless the Division, Courts, and Clerks of Court, their respective employees and agents, and the State of Indiana from and against all claims, demands, suits, actions, judgments, damages, loss or risk of loss (including expenses, costs, and reasonable attorney fees) of any and every kind and by whomever and whenever alleged or asserted arising out of or related to any use, distribution or transfer made of the Court Records or Data by the Requesting Party or any other parties.

11. Assignment.

The Requesting Party may not, without the express written permission of the Division, transfer or assign: (i) this Agreement or any portion thereof; (ii) any right or benefit accruing to the Requesting Party under this Agreement; nor (iii) any claim arising under this Agreement.

12. Termination and Renewal.

A. General. Either the Division or the Requesting Party upon thirty (30) days written notice may terminate this Agreement without cause.

B. Renewal. This agreement expires on **January 31, 2017**, subject to renewal upon request by the Requesting Party. Renewal Requests may be sent to the Division after **January 1, 2017**. The renewal shall be for one calendar year. The Division will post the Renewal Form on the Supreme Court website at <http://www.courts.in.gov/admin/2460.htm>.

C. Termination for Cause.

The Requesting Party is responsible and liable for any violations of this Agreement by the Requesting Party or any officer, employee, agent, subscriber, customer, or client of the Requesting Party. The Division may, at its discretion, immediately terminate this Agreement upon a violation of the Agreement. Upon termination of the Agreement, the Requesting Party shall promptly return all court records and data to the Division. The Requesting Party is liable for damages for violations of this Agreement as authorized by law.

D. Termination for Nonpayment.

The Division may immediately, without notice, terminate this Agreement if the Requesting Party fails to pay an invoice for costs associated with the preparation or transfer of the Court Records and Data outstanding longer than 30 days after Requesting Party's receipt of written notice of the outstanding balance.

E. Termination in Event of Assignment.

The Division in its sole discretion may terminate this Agreement without notice if the Requesting Party transfers or assigns, without the express written permission of the Division: (i) this Agreement or any portion thereof; (ii) any right or benefit accruing to the Requesting Party under this Agreement; or (iii) any claim arising under this agreement.

13. Attachments. This Agreement incorporates by way of attachment the following:

- A.** A copy of the Order of the Indiana Supreme Court approving the Requesting Party's Request for Bulk Distribution of Confidential Data or Compiled Information as **Exhibit A**;
- B.** The original Request provided to the Division from the Requesting Party as **Exhibit B**; and
- C.** The approval letter provided to the Requesting Party from the Division as **Exhibit C**.

These Exhibits may be amended or modified and are required to be updated by the Requesting Party in accordance with the terms of this Agreement. The amendments and or modifications shall be incorporated into this Agreement by reference on the attachments.

14. Applicable Law.

This Agreement shall be interpreted and enforced in accordance with the law of the State of Indiana in an Indiana court of competent jurisdiction.

15. Effective Date.

This Agreement shall become effective and the terms herein shall become enforceable upon the date of execution of the last party.

16. Authority to Execute Agreement.

The undersigned individuals represent that they have the authority to execute this Agreement on behalf of their respective parties.

Indiana Supreme Court
Division of State Court Administration

By: Lilia Judson

Lilia G. Judson
Interim Chief Administrative Officer

Date: 6/30/16

Indiana Public Defender Council

By: Larry A. Landis
Larry A. Landis
(Name)

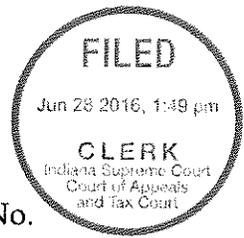
Exec. Dir.
(Title)

Date: 7/22/16

EXHIBIT A

INDIANA SUPREME COURT APPROVAL ORDER

In the
Indiana Supreme Court



IN THE MATTER OF THE REQUEST
BY THE INDIANA PUBLIC
DEFENDER COUNCIL FOR RELEASE
OF BULK DATA OR COMPILED
INFORMATION EXCLUDED FROM
PUBLIC ACCESS

Supreme Court Case No.
94S00-1604-MS-168

ORDER GRANTING THE INDIANA PUBLIC DEFENDER COUNCIL'S REQUEST
UNDER ADMINISTRATIVE RULE 9(F)(4) FOR RELEASE OF BULK DATA
OR COMPILED INFORMATION THAT INCLUDES INFORMATION EXCLUDED FROM
PUBLIC ACCESS UNDER ADMINISTRATIVE RULE 9

The Indiana Public Defender Council (IPDC) has filed a Verified Request for Bulk Data/Compiled Information under Administrative Rule 9(F)(4). This request seeks to obtain specific data that is excluded from public access under Administrative Rule 9 contained in the Odyssey and QUEST Case Management Systems of Indiana courts exercising juvenile jurisdiction. IPDC seeks data from 2014 and 2015 Juvenile Delinquency and Juvenile Status cases as detailed in Attachment 1 of its application. IPDC's request does not include the name, social security number, date of birth, or address of affected individuals. All of the data sought will be de-identified by Court Technology for cases in the Odyssey Case Management System and by individual courts that use QUEST. In each instance, IPDC receives a compilation created in response to its requested data points.

All data contained in Juvenile Delinquency and Status Case Records is excluded from public access. The purpose of IPDC's request is for governmental research and evaluation to study and analyze the involvement of juveniles with the juvenile justice system.

IPDC's request is made in support of a project, funded by a grant from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), to develop and implement a statewide comprehensive plan to improve the quality of indigent juvenile defense.

Indiana has a substantial interest in promotion of improvements to the juvenile justice system in Indiana. As a result, the Court desires to cooperate to the fullest extent possible with successful completion of the IPDC's project while balancing and protecting the privacy rights and interests of individuals whose data will be examined.

Access to bulk or compiled case records excluded from public access may be granted by this Court only under specific circumstances under Administrative Rule 9(F)(4)(c). Under Administrative Rule 9(F)(4)(a)(v), a request for bulk distribution or compiled information that includes information excluded from public access must provide for individual notice to all persons affected by the release of the information unless, upon prior notice to the Indiana Attorney General and a reasonable opportunity to respond, such individual notice requirement is waived by this Court.

IPDC requested the Court to waive the requirement for provision of individual notice to all persons affected by the release of the information. The Indiana Attorney General has filed a Response as provided for under Administrative Rule 9(F)(4)(a)(v) and does not oppose the requested waiver.

The Court finds that the request involves a significant number of individual case files and notice, if required, would result in notifying a large number of individuals. Although IPDC will receive only de-identified case record data, it has advised the Court that it will only use the received data in its Secure Data Room in a network zone protected by an additional firewall with a tightly controlled access list. Analytical work on the data will only occur in this facility by credentialed employees or agents who may not bring or remove materials to or from the room.

All security for the data will comply with or exceed standards of the National Institute for Standards and Technology (NIST) 800-53 R4. Upon completion of the study, but no later than May 1, 2017, unless an extension of time is granted due to federal requirements concerning data retention or other reasonable basis, IPDC will securely wipe any sections of computer hard drives on which the requested data is stored.

Accordingly, the Court finds that IPDC has shown by clear and convincing evidence that it has satisfied the requirements of Admin. R. 9(F)(4)(a)(i), (ii), (iii), and (iv), and the public interest will be served by allowing access.

The Court further finds the information sought by IPDC is consistent with the purposes of this rule, resources are available to prepare the information, and fulfilling the request is an appropriate use of public resources.

After consideration of the request for waiver of individual notice to individuals affected by release of the information excluded from public access, the Court finds by clear and convincing evidence that the purposes for which the information is sought substantially outweighs the privacy interests protected by this rule. Accordingly, due to the highly secure manner for the protection of the data, the Court waives the requirement of individual notice to all parties affected by release of the sought information to which public access is prohibited or restricted.

An order granting a request under this subsection may specify particular conditions or requirements for use of the information, including without limitation:

1. The confidential information will not be sold or otherwise distributed, directly or indirectly, to third parties; provided, however, that the results of IPDC's analysis and conclusions from its research may be utilized in the publication of scholarly article(s) or reports;
2. The confidential information will not be used directly or indirectly to sell a product or service to an individual or the general public;
3. The confidential information will not be copied or duplicated other than for the stated research;
4. Access to the storage media containing the confidential data will be limited and, as appropriate, kept and stored in the secure data facility when not being used; and
5. The requesting party must pay the reasonable costs of responding the request as determined by the Court.

The Court finds that these conditions shall apply to the data sought by IPDC.

The Court hereby grants the IPDC request for Bulk Data/Compiled Information under Administrative Rule 9(F)(4) and the Division shall provide data to IPDC, to the extent discussed herein, from the case records contained in the Odyssey Case Management System and records concerning cases on INCite from IYAS.

IPDC may contact courts with juvenile jurisdiction using the QUEST Case Management System and ask for the confidential data for its study as approved herein. Courts contacted for such data shall determine whether to provide the data as provided under Admin. R. 9(F)(2)(c) but must ensure that any data is transmitted, received, and used in complete accordance with the same security protocols and standards as specified in this order for data from the Odyssey Case Management System. Transfers of non-Odyssey data to IPDC shall only occur after the sufficiency of the security methods has been demonstrated through testing. If access is granted to QUEST case record data, then IPDC may also receive data related to those cases from IYAS on INCite.

IT IS, THEREFORE, ORDERED that the Division of State Court Administration provide IPDC the data described in this order following the execution of a Confidential Bulk Data/Compiled Information User Agreement.

Done at Indianapolis, Indiana, on 6/28/2016.



Loretta H. Rush
Chief Justice of Indiana

All Justices concur.

EXHIBIT B

**VERIFIED REQUEST FOR RELEASE OF BULK DATA/COMPILED INFORMATION
CONTAINING INFORMATION EXCLUDED FROM PUBLIC ACCESS**

RECEIVED

FEB 22 2016

DIVISION OF
STATE COURT ADMINISTRATION

In the Indiana Supreme Court

In The Matter of the Request by)	Supreme Court Case Number
<u>Indiana Public Defender Council</u>)	94S00-_____ -MS-_____
for Release of Bulk Data or Compiled)	
Information Containing Information)	
Excluded from Public Access.)	

VERIFIED REQUEST FOR RELEASE OF BULK DATA/COMPILED INFORMATION CONTAINING INFORMATION EXCLUDED FROM PUBLIC ACCESS

To the Executive Director of State Court Administration:

Requestor submits this request under Administrative Rule 9(F)(4) for the release of bulk data/compiled information that contains information excluded from public access under Administrative Rule 9(G).

Note: Requestor must provide sufficient, detailed factual information about their request so the Court can make an informed decision under Administrative Rule 9.

I. Identity of Requestor:	Indiana Public Defender Council
Address:	309 W. Washington St., Suite 401, Indianapolis, IN 46204
Contact:	Amy Karozos
Contact's Title:	Project Manager
Telephone:	(317) 417-8704
Fax:	(317) 232-5524
E-Mail:	<input type="checkbox"/> None <u>akarozos@pdc.in.gov</u> Enter Email Address
Website: (if any)	<input type="checkbox"/> None _____ Enter Website Address

II. What substantial interest or bona fide research activity does Requestor have for scholarly, journalistic, political, governmental, research, evaluation or statistical purposes wherein the identification of specific individuals is ancillary to the purpose of the inquiry?

Indiana is one of four states awarded a "Smart on Juvenile Justice" one-year planning grant by the Office of Juvenile Justice and Delinquency Prevention to develop a statewide comprehensive plan to improve the quality of indigent juvenile defense. The grantee is the Indiana Public Defender Council. Upon completion of the planning phase, OJJDP will invite the awarded states to submit applications for funding to implement their plans. Indiana's strategic planning is informed by comprehensive statewide data.

**III. Identification of Bulk Data/Compiled Information sought:
(Specify and describe the records sought and the compiler or location)**

Quest and Odyssey extracts are requested for 2014 and 2015 on juvenile delinquency case data points listed in "Attachment 1", which will include de-identified data from filed juvenile cases in each Quest and Odyssey county listed in "Attachment 2."

IV. Purpose for Request and Benefit to the Public

A. Describe your interest in the records sought and the purpose of the inquiry.

The data will provide information to allow the Indiana plan to address needs of public defenders practicing in juvenile court, including rural defenders, and to address needs of youth, including whether youth are receiving timely appointment of qualified and well trained counsel in delinquency proceedings, and whether youth are represented post-disposition.

B. Explain how the information will benefit the public interest or public education.

The information will help form a strategic plan to improve indigent juvenile defense. A strong juvenile defense system is critical to protect constitutional rights and to ensure youth receive proper outcomes and treatment, preventing the waste of resources and violation of due process.

V. Security Provisions: Explain provisions for the secure protection of any information requested to which public access is restricted or prohibited.

The requested information will be de-identified. Restricted or prohibited information will be maintained under the Indiana Public Defender Council's security provisions, including password protected computers, and secure, limited access offices. Access to the requested data will be strictly limited to the needs of the planning grant.

VI. Notice to Affected Persons:

Request Waiver of Notice: Set Forth Reason for Lack of Notice:

The data requested will be de-identified and will be collected from the Quest and Odyssey systems from data which is already collected from participating counties. Both the Quest developer and Court Technology supervisors have been consulted about the requested data, and the request will impose no time or burdens on the counties from which the data will be collected.

Notice and a Reasonable Opportunity to Respond Should be Given to:
Name Mailing Address

VII. The public interest will be served by allowing access, denying access will create a serious and imminent danger to the public interest, or denying access will cause a substantial harm to a person or third parties because: (Set forth factual basis)

The public interest will be served by allowing access. The information will provide data on indigent defense services that will be used in strategic planning to improve the indigent juvenile defense system in Indiana. The requested data is not captured in other available sources. The strategic planning process must be completed by May 2016 in order to apply for implementation funding from OJJDP.

(I)(We) affirm under the penalties for perjury that the foregoing representations are true.

Signature of Requestor:	
Printed Name:	Amy Karozos
Title:	Project Manager, IPDC
Date:	February 19, 2016

Action by Executive Director of State Court Administration	Application referred to the Indiana Supreme Court
Signature:	
Date:	Lilia G. Judson, Executive Director

Action by Indiana Supreme Court:
The Request is: <input type="checkbox"/> accepted for further review <input type="checkbox"/> returned to the Requestor to provide further information in support of the Request.

If the Request is accepted:	Notice to Affected Persons: <input type="checkbox"/> Shall be provided. <input type="checkbox"/> Request for waiver of notice referred to Indiana Attorney General for response.
Deadline for Response:	The Affected Persons/Attorney General shall have until _____ to file objections.

Date:	Indiana Supreme Court
Signature:	<hr/> Chief Justice of Indiana

ADMIN RULE 9 REQUEST

The Indiana Public Defender Council requests Quest and Odyssey extracts for calendar years 2014 and 2015 which will include de-identified data from filed cases in each Quest and Odyssey county on the following juvenile delinquency and juvenile status case data points:

- Jurisdiction
- Case type (JD and JS)
- Start date of case
- Date Petition was filed
- Date counsel was appointed
- Disposition date
- Case closure date
- Indication of if a public defender was appointed
- Stage in case at which counsel was appointed (before or after detention hearing)
- Indication if youth is determined to be indigent
- Indication if youth is represented by private counsel
- Indication if youth was detained on the case at any time after the initial delinquency proceeding
- Outcome of case (found true of any statutes if case is disposed)
- Indication of whether the case is still open or not
- Race
- Age at start of case
- Gender
- Level of most serious offense (Felony 1, Misdemeanor A, etc.)

Courts with juvenile jurisdiction from which de-identified juvenile data would be collected through Quest and Odyssey extracts:

Quest

1. Allen Superior Court - Family Relations Division
2. Elkhart Circuit Court*
3. Howard Circuit Court
4. Johnson Circuit Court, Juvenile & Family Division
5. Lake Superior Court, Juvenile Division
6. LaPorte Circuit Court
7. Madison Circuit Court #2
8. Marion Superior Court, Juvenile Division
9. Monroe Circuit Court #7*
10. Porter Circuit Court
11. St. Joseph Probate Court
12. Tippecanoe Superior Court #3

* Quest system is used in some county offices, but Quest case management system is not used by the juvenile court.

Odyssey

Benton Circuit Court
Blackford Circuit Court
Carroll Superior Court
Cass Circuit Court
Clark Circuit Court #4
DeKalb Circuit Court
Elkhart Circuit Court
Fayette Circuit Court

Fayette Superior Court

Floyd Circuit Court

Franklin Circuit Court #1

Gibson Circuit Court

Grant Superior Court 1

Grant Superior Court 2

Greene Circuit Court

Hamilton Circuit Court

Hamilton Superior Court 1

Hancock Circuit Court

Hancock Superior Court 1

Harrison Circuit Court

Hendricks Superior Court 3

Henry Circuit Court 1

Henry Circuit Court 2

Huntington Circuit Court

Jackson Superior Court 2

Jasper Circuit Court

Jennings Circuit Court

Knox Circuit Court

Knox Superior 1

Knox Superior 2

Monroe Circuit Court 7

Morgan Superior Court 2

Orange Circuit Court

Owen Circuit Court 1

Parke Circuit Court

Posey Circuit Court

Rush Circuit Court

Attachment 2

Rush Superior Court

Scott Circuit Court

Shelby Superior Court 1

Starke Circuit Court

Steuben Circuit Court

Tipton Circuit Court

Union Circuit Court

Vanderburgh Superior Court Division 7

Vigo Superior Court 3

Warren Circuit Court

Washington Circuit Court

EXHIBIT C

APPROVAL LETTER

SUPREME COURT

DIVISION OF
STATE COURT ADMINISTRATION

LORETTA H. RUSH, CHIEF JUSTICE

LILIA G. JUDSON, INTERIM CHIEF ADMINISTRATIVE OFFICER
DAVID J. REMONDINI, INTERIM EXECUTIVE DIRECTOR



OF INDIANA

30 SOUTH MERIDIAN STREET, SUITE 500
INDIANAPOLIS, IN 46204-3568
317.232.2542
317.233.6586 FAX
COURTS.IN.GOV

July 1, 2016

Ms. Amy Karozos
Indiana Public Defender Council
309 West Washington Street, Suite 401
Indianapolis, IN 46204

Re: Confidential Data Request

Dear Ms. Karozos

I write in response to your request for bulk and/or compiled data from Indiana courts. Specifically, you have requested compiled data for all Juvenile Delinquency (JD) and Juvenile Status (JS) cases filed between January 1, 2014 and December 31, 2015, in Indiana trial courts using the Odyssey and QUEST case management systems.

As you are aware, Administrative Rule 9(F) provides as a condition precedent to seeking bulk distribution or compiled information from any Indiana court, you must submit the request for such data to the Executive Director of the Indiana Supreme Court Division of State Court Administration (the "Division"). This rule and the comments that follow provide that a request for bulk distribution or compiled information may be granted upon determination that the information sought is consistent with the purposes of this rule, that resources are available to prepare the information and that fulfilling the request is an appropriate use of public resources. The grant of such request may be made contingent upon the requester paying an amount, which the court determines is the fair market value of the information.

The Interim Chief Administrative Officer, Lilia G. Judson, has approved your request and seeks your signature on the attached User Agreement. The agreement incorporates the Indiana Supreme Court's general policies regarding the use and resale of bulk and/or compiled court data. Ms. Judson has already signed the agreement in anticipation of your signature. Please sign and return the original of the agreement to us. In the event we have not received the signed original within forty-five days, we will assume you do not intend to proceed with the request and will close the application.

You have requested data from some Indiana Counties that use the QUEST case management system. Our office only has access to court records from counties using the statewide case management system (the "Odyssey" system). Since we do not have access to those counties using

other case management systems, Administrative Rule 9(F)(2) provides that we may forward the request to courts exercising jurisdictions over the records. We will be forwarding a copy of your request to the presiding judge with a copy to the clerk of court notifying them of the Division's approval of your request. The comments to Administrative Rule 9(F)(2) authorizes courts, in their discretion, to provide access to bulk and compiled data; it does not require that such information be made available. Permitting bulk distribution or compiled information should not be authorized if providing the date will interfere with the normal operations of the court.

Once you have executed the attached User Agreement and returned the agreement to us, copies of the Division's approval of your request and the User Agreement will be forwarded to all counties using the QUEST system. You will need to contact the clerks from these counties to seek approval of your request. Court Technology will provide records from the Odyssey system but you need to contact them to initiate the process. You can contact them by calling its Director, Mary DePrez, at 317-233-9926 or her assistant, Mary Kronoshek at 317-234-2710.

Feel free to contact me at richard.payne@courts.IN.gov or (317) 234-5398 if you have questions.

Sincerely,



Richard T. Payne
Staff Attorney, Trial Court Management
Division of State Court Administration

Enclosures: User Agreement for Bulk Distribution of Data/Compiled Information Excluded From Public Access

4/11/2011

ODYSSEY & TAX WARRANT BULK DATA ORDER FORM

DATE: _____

Requesting Person / Organization: _____

Contact Name & Phone Number: _____

ODYSSEY BULK DATA CASE CATEGORY SELECTIONS		Tax Warrant SELECTIONS
<input type="checkbox"/> All Case Types <i>[Refer to Attachment A]</i> <p style="text-align: center;"><i>Or:</i></p> <input type="checkbox"/> Civil <input type="checkbox"/> Criminal <input type="checkbox"/> Family <input type="checkbox"/> Probate <input type="checkbox"/> Traffic (Infractions)	<input type="checkbox"/> All Case Statuses <i>New Filings, History (open and closed cases)</i> <p style="text-align: center;"><i>Or:</i></p> <input type="checkbox"/> New Filings <input type="checkbox"/> History (open and closed cases) START DATE: _____	<input type="checkbox"/> All Tax Warrant Statuses <i>New Filings, History</i> <p style="text-align: center;"><i>Or:</i></p> <input type="checkbox"/> New Filings <input type="checkbox"/> History START DATE: _____

CHOOSE DELIVERY

- Monthly File Drop
- Messaging

PRICING per Case Filing: .10 cents - New Case
 .01 cent - History Case
 .15 cents - Messaging

<input type="checkbox"/> Odyssey - All Counties <input type="checkbox"/> Odyssey & Tax Warrant - All Counties								<input type="checkbox"/> All Tax Warrant Only	
<i>Or the selections below:</i>									
	ODYSSEY	TW		ODYSSEY	TW		ODYSSEY	TW	<i>Tax Warrant Only</i>
Allen	<input type="checkbox"/>	<input type="checkbox"/>	Hancock	<input type="checkbox"/>		Owen	<input type="checkbox"/>	<input type="checkbox"/>	Boone <input type="checkbox"/>
Benton	<input type="checkbox"/>	<input type="checkbox"/>	Harrison	<input type="checkbox"/>	<input type="checkbox"/>	Parke	<input type="checkbox"/>	<input type="checkbox"/>	Crawford <input type="checkbox"/>
Blackford	<input type="checkbox"/>	<input type="checkbox"/>	Hendricks	<input type="checkbox"/>	<input type="checkbox"/>	Porter	<input type="checkbox"/>	<input type="checkbox"/>	Fulton <input type="checkbox"/>
Boone *	<input type="checkbox"/>	<input type="checkbox"/>	Henry	<input type="checkbox"/>	<input type="checkbox"/>	Posey	<input type="checkbox"/>	<input type="checkbox"/>	Jay <input type="checkbox"/>
Carroll	<input type="checkbox"/>	<input type="checkbox"/>	Huntington	<input type="checkbox"/>	<input type="checkbox"/>	Randolph *	<input type="checkbox"/>	<input type="checkbox"/>	Lake <input type="checkbox"/>
Cass	<input type="checkbox"/>	<input type="checkbox"/>	Jackson	<input type="checkbox"/>	<input type="checkbox"/>	Rush	<input type="checkbox"/>	<input type="checkbox"/>	Lawrence <input type="checkbox"/>
Clark	<input type="checkbox"/>	<input type="checkbox"/>	Jasper	<input type="checkbox"/>	<input type="checkbox"/>	Scott	<input type="checkbox"/>	<input type="checkbox"/>	Newton <input type="checkbox"/>
Dearborn*	<input type="checkbox"/>	<input type="checkbox"/>	Jennings	<input type="checkbox"/>	<input type="checkbox"/>	Shelby	<input type="checkbox"/>	<input type="checkbox"/>	Noble <input type="checkbox"/>
DeKalb	<input type="checkbox"/>	<input type="checkbox"/>	Johnson *	<input type="checkbox"/>	<input type="checkbox"/>	St. Joseph	<input type="checkbox"/>	<input type="checkbox"/>	Pulaski <input type="checkbox"/>
Elkhart	<input type="checkbox"/>	<input type="checkbox"/>	Knox	<input type="checkbox"/>	<input type="checkbox"/>	Starke *	<input type="checkbox"/>	<input type="checkbox"/>	Tippecanoe <input type="checkbox"/>
Fayette	<input type="checkbox"/>	<input type="checkbox"/>	LaPorte	<input type="checkbox"/>	<input type="checkbox"/>	Steuben	<input type="checkbox"/>	<input type="checkbox"/>	Vermillion <input type="checkbox"/>
Floyd	<input type="checkbox"/>	<input type="checkbox"/>	Madison	<input type="checkbox"/>	<input type="checkbox"/>	Tipton	<input type="checkbox"/>	<input type="checkbox"/>	White <input type="checkbox"/>
Fountain *	<input type="checkbox"/>	<input type="checkbox"/>	Marion	<input type="checkbox"/>	<input type="checkbox"/>	Union	<input type="checkbox"/>	<input type="checkbox"/>	Whitley <input type="checkbox"/>
Franklin	<input type="checkbox"/>	<input type="checkbox"/>	Miami *	<input type="checkbox"/>	<input type="checkbox"/>	Vanderburgh	<input type="checkbox"/>	<input type="checkbox"/>	
Grant	<input type="checkbox"/>	<input type="checkbox"/>	Monroe	<input type="checkbox"/>	<input type="checkbox"/>	Vigo *	<input type="checkbox"/>	<input type="checkbox"/>	
Greene	<input type="checkbox"/>	<input type="checkbox"/>	Morgan	<input type="checkbox"/>	<input type="checkbox"/>	Warren	<input type="checkbox"/>	<input type="checkbox"/>	
Hamilton	<input type="checkbox"/>	<input type="checkbox"/>	Orange	<input type="checkbox"/>	<input type="checkbox"/>	Washington	<input type="checkbox"/>	<input type="checkbox"/>	

* City/Town Court/s Only

ATTACHMENT A

Case Types Listing

- Data may be selected by Case Category only. (e.g. civil, criminal, etc.)
- Subsets of data for individual case types are not available.
- Notwithstanding the list of case types below, some cases are marked confidential or sealed and are not available through this process.

Civil Case Types

CBFJ	CB - Foreign Judgment	MI	MI - Miscellaneous Civil
CBTW	CB - Tax Warrants	PC	PC - Post Conviction Relief Petition
CC	CC - Civil Collection	PL	PL - Civil Plenary
CP	CP - Civil Plenary	SC	SC - Small Claims
CT	CT - Civil Tort	TW	TW - Tax Warrant
MF	MF - Mortgage Foreclosure		

Criminal Case Types

CF	CF – Criminal Felony	F3	F3 – Felony Level 3
CM	CM - Criminal Misdemeanor	F4	F4 – Felony Level 4
DF	DF - CL D Felony or lesser charge	F5	F5 – Felony Level 5
FA	FA - Class A Felony	F6	F6 – Felony Level 6
FB	FB - Class B Felony	MC	MC – Miscellaneous Criminal **
FC	FC - Class C Felony	MR	MR – Murder
FD	FD - Class D Felony	OE	OE – Exempted Ordinance Violation***
F1	F1 – Felony Level 1	OV	OV – Local Ordinance Violation***
F2	F2 – Felony Level 2		

** MC case types are included in the criminal data only if they have a defendant-party. Similar to public access, many cases are excluded by assigning the defendant as a participant to the case.

*** At this time, OV and OE cases are included in the criminal case data only. In future extracts, OV and OE cases may become part of the Traffic Case Category.

Probate Case Types

CBWB	CB - Will Book
EM	EM - Estate, Miscellaneous
ES	ES - Estate, Supervised
EU	EU – Estate, Unsupervised
GU	GU – Guardianship
TR	TR – Trust

Family Case Types

DR	DR – Domestic Relations
RS	RS – Reciprocal Support
JP	JP – Juvenile Paternity *

* New or duplicate cases filed on or after July 1, 2014.

Traffic Case Types

IF	IF - Infraction
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**Indiana Supreme Court
Division of State Court Administration**

**DISTRIBUTION RECEIPT FORM FOR BULK DISTRIBUTION OF DATA OR
COMPILED INFORMATION**

This form is to be filed with the Division of State Court Administration within thirty (30) days of receipt of bulk distribution of court records.

Identity of Requestor:

Address:

Telephone:

E-Mail:

Bulk Data Requested (i.e. docket information, court records, record of judgments and orders):

Date Received (if the distribution shall be continuous, indicate the first date the data was distributed):

Format of distributed data (i.e. electronic feed, paper copies, et cetera):

Expenses related to receipt of data distribution (indicate the amount paid for distribution of data):

___ total ___ monthly ___ annual

Comments:
