

EXECUTIVE ORDER

Pursuant to the authority granted to the Chief Justice pursuant to Section 8-15-2 of the General Laws of the State of Rhode Island it is hereby ordered as follows:

The Judiciary's electronic case management system is the central electronic computer database which stores information on all cases filed in the courts of the Rhode Island unified judicial system. Court clerks enter all actions taken on court cases including the travel of the case into the hard copy paper case file as well as the internal electronic case management system. CourtConnect, the Judiciary's voluntary online adult criminal information service is a snapshot of the adult criminal records database maintained by the court clerks in the electronic case management system. A software program hides the display of certain fields on CourtConnect that may contain sensitive information. An initiative to make the courts more user-friendly, many members of the bar, the public, law enforcement and court staff find that CourtConnect, while not the official court record, is a valuable website service that displays the history and travel of a criminal case. Moreover, CourtConnect saves time and court resources by eliminating the need to inquire of the clerk's office.

Since the information on CourtConnect is derived from the Judiciary's electronic case management system, the information that is reflected on CourtConnect is the same information that is entered into the case management system by court clerks, and court clerks alone. Judicial Technology Center (JTC) staff members do not enter case

information and have no authority to change or alter information that has been officially entered into the case management system by a court clerk. Notwithstanding, JTC staff members have recently received numerous requests to “delete,” “remove,” “seal,” and “expunge” the information that is displayed on the electronic case management system or on CourtConnect. The most common request is to remove a criminal case, or specific counts in a multiple count criminal case.

First it is important to distinguish between “deletion” or “removal” of court records and “sealing and expunging” of case information. The expungement of court records “means the sealing and retention of all records of a conviction and/or probation and the removal from active files of all records and information relating to conviction and/or probation.” R.I.G.L. § 12-1.3-1(2). Expunged court records are retained to ensure their availability for those lawful purposes for which it can, and must, be disclosed pursuant to § 12-1.3-4(c), and expungement statistics are included in the reports compiled by the Judiciary on case activity, case volume, and other reports that it must complete each year. When a case file is sealed or expunged, both the hard copy case file and the case information in the electronic case management system are flagged and segregated from the case files that are otherwise available for public viewing. Expunged and sealed criminal records are not transmitted to CourtConnect and, therefore, do not appear online.

Because § 12-1-12.1 requires that a defendant be exonerated “of all counts in a criminal case” in order to have his/her court records sealed and kept from the public, the electronic case management system is properly configured to expunge and/or seal entire cases only but not individual counts. Accordingly, only entire cases when a defendant

has been acquitted or otherwise exonerated on all counts in a multiple count criminal case can be expunged or sealed.

Comparatively, deleting or removing cases and/or specific count information eliminates all record of that information from the internal electronic case management system. The information is not flagged, but is permanently erased from the case management system as if it never existed. As a result, by deleting information, the electronic case management system becomes irrevocably skewed and inconsistent with the court's paper files; court clerks would be unable to locate and produce the corresponding hard copy paper file because it would not appear in the case management system. In addition, deleting criminal record information runs afoul of the disclosure mandates in Rhode Island General Laws § 12-1.3-4(c), it comprises the Judiciary's record retention obligations, and severely impairs the Judiciary's responsibilities to compile and maintain accurate statistics on its court cases each year.

Therefore, to ensure that the Judiciary maintains accurate, consistent and complete case information in its computer systems and through its online website service, criminal record information on the electronic case management system and on CourtConnect shall not be deleted or removed, and a case shall only be expunged or sealed in its entirety by a court clerk pursuant to a valid court order in accordance with § 12-1-12.1 and the decisions of the Supreme Court. Should JTC staff members receive any request to alter or change case information, they are directed to refer the request to the clerk of the appropriate court.

Entered as an Executive Order this 21st day of November, 2007.

BY ORDER:

s/s
Frank J. Williams
Chief Justice