

# JCMS.Basic and TechShare.Juvenile

Ethics and Confidentially for Sharing of Data

# Agenda

- Review of the Statute, Inter-local and Resource Sharing Agreements which govern Data Sharing in JCMS.Basic and TechShare.Juvenile
- JCMS Advisory Committee on Data Access
- Ethics Scenarios
- Question & Answer Session

# Texas Family Code Chapter 58

- Texas Family Code, permits the cross-jurisdictional sharing of information related to juvenile offenders between authorized criminal and juvenile justice agencies and partner agencies (Section 58.403).
- Data Contained within JCMS and TechShare.Juvenil is considered confidential information.
  - Information that is part of a local juvenile justice information system is not public information and may not be released to the public, except as authorized by law (58.307).
  - Information that is part of a local juvenile justice information system is for the professional use of the partner agencies that are members of the system and may be used only by authorized employees of those agencies to discharge duties of those agencies.

# Sharing Data

- All counties are required to complete an Inter-local Agreement to utilize or participate in JCMS or TechShare.Juvenile. In addition, Dallas, Denton, Tarrant and TJJJ complete a Resource Sharing Agreement every two years related to the overall project. Within these agreements:
  - All Parties acknowledge and agree that data within TechShare.Juvenile and JCMS.Basic will be accessible by other Parties and entities in accordance with access levels set forth in chapter 58, Texas Family Code.
  - Information from the JCMS system may not be disclosed to persons, agencies, or organizations that are not members of the system except to the extent disclosure is authorized or mandated by law.

# Sharing Data Continued

- Each Participant is responsible for ensuring its employees and other persons accessing data within TechShare.Juvenile and JCMS.Basic are authorized to do so, and will use such data only as is legally permitted.
- Participant Local Governments and their representatives shall acknowledge and agree that the purpose of access to the juvenile information and data is to perform juvenile justice system related functions.

# Sharing Data Continued

- Participants shall not access or distribute any information that is deemed confidential pursuant to Chapter 58, Texas Family Code or other applicable federal or state statutes or rules, unless disclosure is specifically authorized by law
- Participants shall safeguard access to JCMS and shall not provide access capabilities to anyone for any reason, unless authorized by law



# Log-in Acknowledgement

- All users will be required, at the time of log-in, to acknowledge
  - the legal restrictions placed on access to and use of information maintained in JCMS;
  - that use of JCMS may be monitored and audited without the knowledge of users; and (c) that unauthorized access to or use of information may result in immediate revocation of a user's access, as well as reporting to appropriate authorities.

# Audit Trail

- Participants agree that use of TechShare.Juvenile and JCMS.Basic may be monitored or audited by various means, including monitoring or auditing that may occur without a Participants knowledge or prior notice.
- JCMS currently maintains an audit log of all activities for all users of the system including
  - the Viewing or Editing of a Record
  - the Inquiry or Search for Records
- Reports are available that reflect which specific user accessed which data, for the user's county and for all participants shared data.
- Audits can be run for a specific juvenile record or user within the system

# Requests for Data

- Each county or Department agrees that in the event it receives a request for information or other data belonging to another entity (county), the Department must:
  - promptly notify the requestor that the county receiving the request is not the custodian of the requested information or data;
  - promptly notify the Texas Conference of Urban Counties of the request by sending notice to [techshare@cuc.org](mailto:techshare@cuc.org)

# Revocation of Access

- Participant Local Governments understand and acknowledge that violation of the conditions of the terms of the use agreements may cause the immediate revocation of all access to TechShare.Juvenile and JCMS.Basic granted to a Participant Local Government and/or its representatives.



“Doing the right thing doesn’t  
automatically bring success.  
But compromising ethics  
almost always leads to failure”

VIVEK WADHWA

# JCMS Advisory Committee

- The JCMS Advisory Committee on Data Access was formed to address concerns of counties regarding protections in place to ensure statewide confidentiality of juvenile records in TechShare.Juvenile and JCMS.Basic. Committee members include representatives from Juvenile Probation Departments, Prosecutors, District Courts, TJJD and the Urban Counties. Primary concerns managed by this committee include:
  - Assurances that JCMS has adequate protocols and protections in place to ensure a county that other counties/department's use of their data is according to and authorized by law, user agreements and business need and;
  - Confidentiality of juvenile data is adequately protected statewide in JCMS.
  - Protection of records for youth that have not committed a criminal offense (i.e., prevention program participants, crisis intervention youth) which require special protections of their data and strict controls on the use of this data

# JCMS Advisory Committee

- Recommendations
- System Enhancements
- Audits
- Enhancement of the JCMS Use Agreement

# System Enhancements

- Routine reports showing data access to their system from their own county employees and from employees in other counties statewide.
- Reports that tells who, if anyone, outside their county, has printed hard copies of the information in JCMS for the purposes of sealing and expungment notifications.

# Audits

- County-level Audits which include
  - a review of who is accessing the data and;
  - a review of the roles assigned and if those need modification
- Potential Statewide Audits
  - Periodic statewide audit of the JCMS system access by TJJD. (e.g., every 3-5 years or some acceptable timeframe)

# Enhance the JCMS Use Agreement

- The JCMS User Agreement will be enhanced to include appropriate sanctions for violations of the agreement and/or appropriate notification procedures including:
  - Requiring the county to enforce their code of ethics against their employees through personnel actions for violations.
  - Requiring the county to notify TJJJ for ethical violations for all certified officers.
  - Requiring the county to notify the CJPO of another JCMS county if there is reasonable belief of a violation.
  - Include sanctions that could suspend use of the system for employees with egregious violations.
  - Include the detail, the procedural steps and consequences for violations of the agreement.

# Scenarios

# Scenario 1

You are a juvenile probation officer (JPO) in County A. You have been at your job for nearly 15 years and pride yourself in being a juvenile justice professional. Your passion is to help all kids and you understand the benefit of all the information in the JCMS system.



Your daughter is 16 and has recently begun dating a young man from an adjoining town in County B. You know that the boy has previously lived in another urban area of the state. Your gut instinct from being in the juvenile justice system for these 15 years is that this kid has a past and may be trouble and you obviously want to protect your child.

You want to run his name through JCMS and check other Texas counties for any criminal activity/history.

*Is this permissible? Is this Ethical?*

# Scenario 2

A JPO in County A operates a detention facility and is detaining a juvenile who resides in County B.

Can County A view the record in County B to better understand the juvenile's history?



*Is this permissible? Is this Ethical?*

# Scenario 3

You are a JPO in County A. Your nephew who is 16 lives in County Y and he has recently gotten in trouble and has been placed on probation in County Y with their juvenile probation department.



Your sister (the nephew's mother) has called you to talk about the services being provided to your nephew and she has concerns about these services not being what the boy needs. She asks you to help insure your nephew gets the services he really needs from County Y.

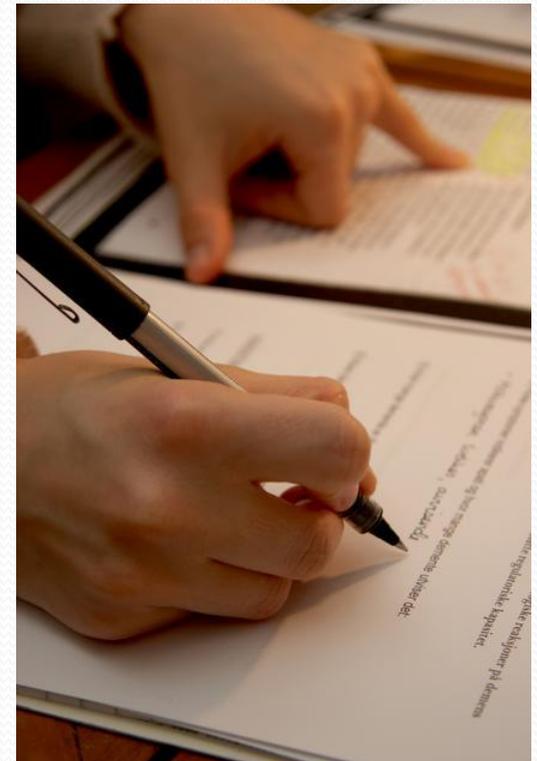
You pull up the boy's records in JCMS to see what programs and services are being ordered for your nephew in an effort to help and give County Y the benefit of your experience.

*Is this permissible? Is this Ethical?*

# Scenario 4

You are a JPO in County A. Your chief has requested that you provide training to all probation officers in your department on how to write good chronological notes in JCMS. You want to do a good job on this project and you begin your research on the best practices for chrono notes.

You have a good friend in County D, an adjoining county, who has received many accolades for his great work as a JPO and you believe he probably writes very good chronos. You happen to know a kid who was on your friend's case load, so you search JCMS for this kid's records so you can read the chronos and see the format that your friend uses.



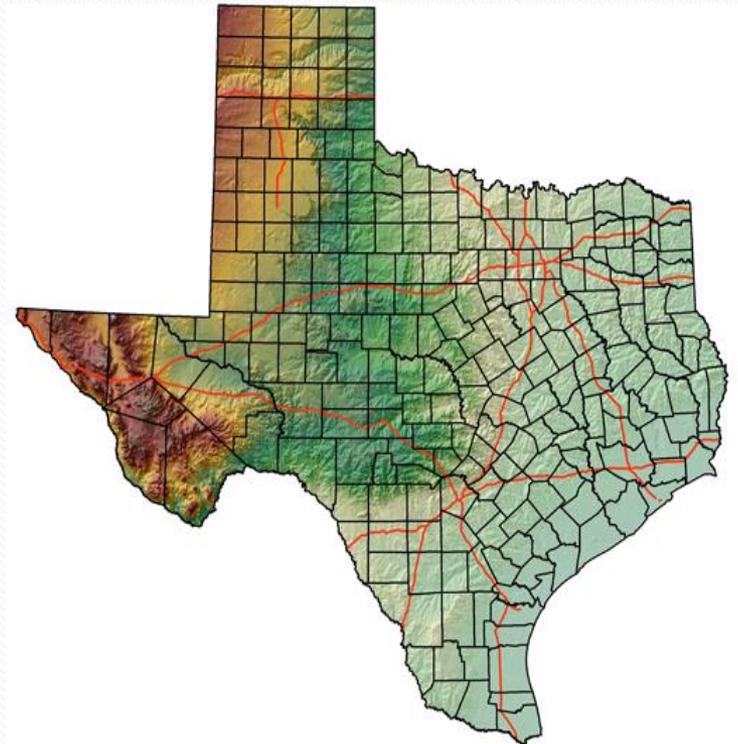
*Is this permissible? Is this Ethical?*

# Scenario 5

A JPO in County A receives a referral for a juvenile who recently moved to the county.

County A's JPO searches JCMS statewide to see if the juvenile has previously been referred in another Texas county.

*Is this permissible?*  
*Is this Ethical?*



# Scenario 6

You are a JPO from County J. You are at a TPA conference with other peers. A close friend of yours who is a JPO in County B is sitting beside you. You have brought your laptop to the conference to take good notes.



Your friend asks you if you could look up a kid on his caseload in JCMS and find some data he needs as he just got a phone call about the kid and he forgot his laptop. You log into your JCMS account and search for the kid.

*Is this permissible? Is this Ethical?*

# Scenario 7

JPO in County A has kid on caseload and the kid completes probation. JPO keeps in touch with the kid and a year later the kid gets in trouble in County X where he now lives.

JPO is very invested in this kid so she pulls up the kid's record in County X to see what is happening and what disposition and services are being offered.

*Is this permissible? Is this Ethical?*

THE TRUTH OF THE

MATTER IS THAT YOU

ALWAYS KNOW THE

RIGHT THING TO DO. THE

HARD PART IS DOING IT.

NORMAN SCHWARZKOPF



# Question & Answer Session