

WASHINGTON
ASSOCIATION OF
PROSECUTING ATTORNEYS



OFFICERS - 2013

President
Deborah Kelly
Clallam County

Vice President
Benjamin Nichols
Asotin County

Secretary
Daniel Satterberg
King County

Treasurer
Denis Tracy
Whitman County

Past President
Steven Tucker
Spokane County

TRUSTEES

Mark Roe
Snohomish County

Jon Tunheim
Thurston County

David Burke
Pacific County

Daniel Bigelow
Wahkiakum County

Senior Prosecutor
Andrew Miller
Benton County

NDAA Representative
James Nagle
Walla Walla County

STAFF

Executive Secretary
Thomas A. McBride

Staff Attorney
Pamela B. Loginsky

Training Coordinator
Amber Haslett-Kern

**CHILD SUPPORT
ENFORCEMENT
PROJECT**

Director
Linda M. Langston

Senior Attorney
June Tomioka

Training Coordinator
Bernadette Workman

Systems Specialist
Sandy Brulotte
Debra Rottinghaus
Cristina Peterson
Ed Serreze
Ronald Brooks

July 3, 2013

The Honorable Barbara Madsen
Chief Justice, Washington State Supreme Court
PO Box 40929
Olympia, WA 98504-0929

✓ The Honorable Charles Johnson
Justice, Washington State Supreme Court
PO Box 40929
Olympia, WA 98504-0929

Re: Proposed new GR 31(1) regarding access to records

Dear Chief Justice Madsen and Justice Johnson,

The requirement of Article I, Section 10 of the Washington State Constitution, that justice be administered openly, guides us in our determination that the proposed court rule should presume public access for evaluations, presentence reports, probation and compliance reports.

Particularly in criminal cases, where public interest is undeniable, sealing of records or denial of access should be done pursuant to some burden of proof by the advocate of the sealing or denial of access.

There is need for some amendment to current rules that should ensure access by Prosecuting Attorneys to these reports, but that clarity should be accomplished in language that starts with a presumption of public access as well.

Thank you for considering our comments.

Sincerely,

Thomas A. McBride
Washington Association of Prosecuting Attorneys