Washington Defender Association
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Stephanie Happold
Data Dissemination Administrator
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170

Re: Proposal to Limit Public Defender Access through the JIS LINK and Odyssey Portal

Dear Ms. Happold,

Thank you for inviting input from the Washington Defender Association (WDA) on the JIS Data Dissemination proposal that would limit access for public defenders through the JIS LINK and Odyssey Portal. We strongly oppose these proposed changes as unnecessary and counterproductive to the fair and efficient working of the justice system.

Public defenders take their responsibilities for handling confidential information extremely seriously. The attorneys and support staff that provide public defense services have fought hard for recognition of the vital role we play in the adversarial justice system after years of systematic exclusion from justice system workgroups and decision-making processes. It is especially disturbing to see a recommendation that appears to reinforce stereotypes that public defense attorneys are not equal partners in the justice system and cannot be trusted to follow the Rules of Professional Conduct and the confidentiality agreements they have signed.

Equal access to JIS data is crucial to public defenders' ability to provide effective representation and to identify when conflicts in representation may arise. The *Standards for Public Defense Services* adopted by the Washington State Supreme Court require public defenders to meet requirements for representation relating to investigation and client communication. Timely access to JIS information helps make it possible for public defenders to certify that they meet these standards. Removal of address accessibility would be nothing short of devastating to defense investigations. It also will seriously interfere with the timely identification of conflicts and lead to unnecessary costs and case delays.

Finally, we are concerned that the proposed changes would expand prosecutorial access to JIS while restricting defenders'. This change would exacerbate an already large imbalance in power in the justice system and provide a huge advantage to prosecutors and AGs in locating witnesses to crimes, public defense clients, and in blocking defenders from directly contacting witnesses or alleged victims.

Thank you for your consideration. Please let us know if we can provide you with further information or if it would be helpful for us to meet with the committee to discuss our concerns.

Sincerely,

Daryl Rodrigues
President

Christie Hedman
Executive Director