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OFFICE OF PUBLIC DEFENSE

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November 28, 2016

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

Dear Ms. Happold:

Thank you for seeking comments from the public defense community regarding the JIS Data Dissemination Committee's proposed amendments to JIS data dissemination policy. The Washington State Office of Public Defense (OPD) strongly disagrees with the proposal to remove address history data from JIS LINK level 20 public defender access. Not only do OPD managing attorneys and contracted public defense attorneys have a critical business need for this information, but the proposal also would create an arbitrary and unjustifiable disparity in access granted to prosecutors and public defenders.

Since your announcement of the Committee's proposal, OPD has reached out to its contract public defense attorneys for information on whether they use JIS address history information. Multiple attorneys have let me know that they regularly use this information to locate clients for whom they do not otherwise have valid contact information. This is a common occurrence in public defense work because many indigent clients lack stable housing. Removing public defender level access to JIS address history would deprive public defense attorneys of a tool that is vital to providing effective representation to their clients.

Moreover, the concern that public defenders could be obligated to share confidential address information is misplaced. Public defense attorneys, just like prosecutors and court staff, can be expected and entrusted to respect legal prohibitions on the release of confidential information.

In sum, removing address history data from JIS LINK level 20 public defender access would deprive public defense attorneys of a necessary client contact tool, and would create an unjustifiable disparity between public defenders and prosecutors. For these reasons I request that the proposed amendment be rejected. My staff and I would be happy to work with the Committee to update the JIS data dissemination policy to ensure the protection of confidential information without limiting defense attorney access.

Sincerely,

Joanne Moore
Director
Washington State Office of Public Defense

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