WASHINGTON COURTS

February 24, 2017

TO: JISC Data Dissemination Committee

FROM: Stephanie Happold, AOC Data Dissemination Administrator

RE: Public Defender access to Abstract Driving Records in JABS

The Administrative Office of the Courts (AOC) receives numerous requests from public defender JIS LINK level 20 users for access to the Department of Licensing (DOL) screen in the Judicial Information System (JIS). The requests were denied in the past by the Data Dissemination Committee (DDC) because RCW 46.52.130 limited access to DOL information and because the access could not be divided amongst the JIS LINK level 20 users that included public defenders and state agencies. However, because of recent amendments to RCW 46.52.130 and the AOC's ability to create different profiles within level 20 in the Judicial Access Browser System (JABS), AOC is requesting that the DDC review this access again.

The AOC recommendation is to provide public defenders access to DOL information in JABS

This recommendation is before the DDC as it is authorized by the Judicial Information System Committee (JISC) to act on its behalf in reviewing and acting on requests for JIS access by non-court users.[1]

The DOL screen in JIS provides information directly from an individual's abstract driving record (ADR) held by the Washington State Department of Licensing. The DDC previously denied requests from public defenders seeking access to the DOL screen because RCW 46.52.130 did not extend such access to an individual's attorney and because the JIS LINK application could not differentiate between level 20 users that included entities other than public defenders. If access was granted, all level 20 users would be able to access the DOL information, not just public defenders.

[1] JISC Bylaws, Article 7, Secs. 1 - 2.

However, two recent events may possibly change the DDC's position on this issue. In 2015, RCW 46.52.130 (2)(a)(ii) [2] and (2)(g) [3] were amended to allow the individual's attorneys access to their client's ADR information. Also, the AOC is beginning to transition JABS access for prosecutors and public defenders from court-maintained accounts to those maintained by AOC. In doing this, the agency established profiles and security levels that mirror JIS LINK levels for those judicial partners. AOC can also create profiles within those levels to provide a group of users access to case data that is not available to all the users in that level. This means that AOC can create a profile in JABS allowing public defenders access to the ADR tab, but shielding that access from the other level 20 users.[4] This would only occur within the JABS application; JIS LINK access would remain as it is presently.

The ADR access in JABS would also include any well identified party's information that is contained in the JIS system, not just their clients' information. However, this access is similar to what the prosecutors currently have in their level 25 security group.

Therefore, the AOC respectfully recommends that the DDC review its past position on public defender access to the ADR information based on the recent changes to RCW 46.52.130 and because AOC can create additional JABS profiles within the level 20 security group to allow such access.

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[2] RCW 46.52.130(2) Release of abstract of driving record. An abstract of a person's driving record may be furnished to the following persons or entities:
(a) Named individuals. (i) An abstract of the full driving record maintained by the department may be furnished to the individual named in the abstract. (ii) Nothing in this section prevents a court from providing a copy of the driver's abstract to the individual named in the abstract or that named individual's attorney, provided that the named individual has a pending or open infraction or criminal case in that court. A pending case includes criminal cases that have not reached a disposition by plea, stipulation, trial, or amended charge. An open infraction or criminal case includes cases on probation, payment agreement or subject to, or in collections. Courts may charge a reasonable fee for the production and copying of the abstract for the individual.

[3] RCW 46.52.130(2)(g) Attorneys—City attorneys, county prosecuting attorneys, and named individual's attorney of record. An abstract of the full driving record maintained by the department, including whether a recorded violation is an alcohol-related offense, as defined in RCW 46.01.260(2), that was originally charged as a violation of either RCW 46.61.502 or 46.61.504, may be furnished to city attorneys, county prosecuting attorneys, or the named individual's attorney of record. City attorneys, county prosecuting attorneys, or the named individual's attorney of record may provide the driving record to alcohol/drug assessment or treatment agencies approved by the department of social and health services to which the named individual has applied or been assigned for evaluation or treatment.

[4] JABS has an ADR tab instead of a DOL screen as seen in JIS LINK. Both contain the same information.