The Supreme Court

State of Washington

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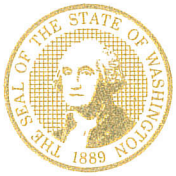

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April 3, 2017

Stephanie Happold
Data Dissemination Administrator
Administrative Office of the Courts
P.O. Box 41174
Olympia, WA 98504-1174

Re: Amended Judicial Information System Committee Dada Dissemination Policy

Dear Stephanie:

I am writing on behalf of the Supreme Court to respond to the submittal of the amended Judicial Information System Committee Data Dissemination (DD) Policy that you transmitted with a letter dated March 8, 2017 to Justice Charles W. Johnson, Chair of the Supreme Court Rules Committee at my direction. I learned that the Rules Committee historically has not reviewed these amendments, however, the Rules Committee did review these and requested further information. The Rules Committee transmitted the amendments and the subsequent information it received, without a recommendation, to the full court for consideration at its March 29, 2017 administrative en banc conference.

First, the court is grateful for the evident significant effort the DD committee expended in amending and updating the DD policy. The court agrees with most of the changes. Some justices expressed specific concern with two areas and had additional questions. One area of concern is the addition of the Attorney General's Office (AGO) to Section VIII. It does not appear that opposing counsel in the cases where the AGO represents the State are being provided additional access to JIS records. A similar concern was expressed about Section IX where "public purpose agencies" does not include others who are not governmental or non-profit organizations. Drawing these distinctions could be viewed as some having access as a matter of right and others having access only as a matter of discretion.

A number of questions were asked. One set dealt with contracts. Do criminal justice agencies or public purpose agencies have contracts with the Administrative Office of the Courts? If they do, would the AGO have a contract too? Could other groups get access if they entered a contract? The other set dealt with the new case management systems and the future. Will the new case management systems have any impact on data dissemination generally and on the amended

policy specifically? Is it anticipated that other changes will be necessary when the new case management systems are fully implemented?

The court would like the DD committee to review these concerns and questions, and we thank you in advance for your consideration. When ready, we invite the DD committee to resubmit the amended DD policy for the court's consideration. Given past history, it can be transmitted to me to put on the court's next scheduled administrative en banc conference agenda for consideration.

Thank you again for all of your and the DD committee's efforts.

Very truly yours,

MARY E. FAIRHURST
Chief Justice

cc: Justices
Honorable Thomas Wynne, Chair, DD Committee