King County
Department of
PUBLIC DEFENSE
Upholding the Constitution,
one client at a time.

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Stephanie Happold
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Ms. Happold and the Data Dissemination Committee,

I am writing to request access to SCOMIS for Department of Public Defense attorneys, paralegals, and administrative staff who work in Involuntary Treatment Act (ITA) units. Specifically, I'm asking that they be given access to case type 6s, those associated with ITA proceedings. They do not currently have this access, and its absence is creating inefficiencies and making it harder for attorneys to effectively advise their clients. I understand SCOMIS to be the only way to access prior ITA information without a cause number.

Access to ITA cases through SCOMIS is the only reliable way that ITA attorneys can determine if a client has had a previous ITA adjudication. Currently, the only available sources of this information are our clients and hospitals. Our clients are not a particularly reliable source, as you might imagine, and hospital records are difficult to obtain, limited to one site, and incomplete with respect to court proceedings.

ITA attorneys and staff need access to this information to be able to properly represent clients in several ways. First, trial courts are directed by chapter 71.05 of the RCW to consider a history of prior commitments when considering release or an LRO ("[C]onsideration of prior mental history is particularly relevant in determining whether the person would receive, if released, such care as is essential for his or her health and safety." RCW 71.05.212, see also *In the Matter of the Detention of M.K.*, 168 Wash.App. 621 (Ct of Appeals, Div. 2, 2012). As such, attorneys must be aware of prior commitments to be able to make the requisite objections (authentication, relevance, etc.) to their introduction in a hearing, and to be able to appropriately advise clients about the likelihood of success in a proceeding. The State's attorneys have access to this information (though it is unclear if through SCOMIS or another database), and the defense lack hinders parity and due process.

Second, a primary concern for many of our clients is the loss of their license to bear arms (when a 14-day involuntary commitment is ordered, e.g.). Other licenses (nursing, for example) can also be affected. It would result in a more efficient and just process if our attorneys knew that licensing rights had previously been forfeited. Client communications and court proceedings could be simplified.

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Finally, our clients often come to us on revocations of LROs. Without access to SCOMIS, we lack full records of out-of-county LROs, including their terms and length. This impedes our ability to effectively advise clients.

Department of Public Defense attorneys and staff are professionals and can be relied upon not to misuse access to this information. I hope that you will grant it. If granted, I would anticipate access being requested for about twenty attorneys and five to ten support staff. Thank you for considering the petition, and please feel free to call upon me for clarification.

Best wishes,

Josh Saunders
Managing Attorney
Associated Counsel for the Accused
King County Department of Public Defense

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