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Sent Via Email

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To: JISC Data Dissemination Committee Members
Data Dissemination Administrator
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170

My name is Jacob Kuykendall and I am a staff attorney for the Civil Survival Project (CSP) at the Public Defender Association (PDA). I was hired to help begin the Reentry Legal Aid Project, a new legal aid service that aims to continue CSP's work with the justice impacted community by helping individuals in Washington State with the legal issues faced by people with criminal convictions, including vacating criminal convictions that are preventing them from receiving stable employment or housing. CSP's mission is further driven by the foundational understanding that the criminal legal system impacts people of colour disproportionately.

CSP is part of a non-profit organization that organizes and supports people impacted by the criminal justice system. PDA does a variety of work, but also uses JABS access to help individuals impacted by the criminal justice system and with issues of police accountability. Until this year, CSP had not engaged in the direct representation of people with respect to their reentry issues. Now, with a new grant of funding, the team has expanded to two staff attorneys (with support staff to be hired soon) so that we can help our clients directly with some of their legal needs.

To help advise and provide legal support to individuals who would benefit from vacating a criminal conviction, JABS access is a necessity. And, given the racially disproportionate impact of the criminal legal system , access to JABS is an equity concern for CSP and the Reentry Legal Aid Project. When a client calls us asking for help to vacate a criminal conviction, we first need to determine whether their conviction or convictions are eligible to be vacated. If we determine that they are eligible to have the conviction vacated then we can advise them on the process for doing so, provide direct representation, or assign that case to a volunteer attorney to vacate the conviction.

Laws in the state of Washington provide only for a very narrow set of convictions that can be vacated. Individuals can only vacate convictions for certain types of crimes, they can only vacate a conviction if they have not had a conviction within a certain number of recent years, and they can only vacate a conviction after a certain number of years have passed *since the completion of all obligations related to the conviction.* That last issue is the biggest reason we need JABS access.

Without JABS access, when we get a client who wants to vacate a conviction, the process in order to determine whether a client has a conviction eligible to be vacated looks like this:

- First, one of the two staff attorneys goes to the Washington Case Search website and searches for all cases listed for that client.
- Then, they go through JIS and cross-references those cases as well as notes any new ones listed only in JIS.
- If the conviction is from courts in the state not listed on JIS, the attorney would then need to go to each of those individual court dockets, if available, and get the information from those systems.

- If those courts do not have their case information available online, a request is then made to get copies of the case documents by mail or fax.
- A copy of the client's Washington State Patrol background check must then be ordered, at a cost of $12 per person, in order to cross-reference what the State Patrol records look like in relation to the individual court records.
- If the client shares a name and birthdate with someone else in the state however, WSP cannot provide a record until fingerprints are made and mailed to their office.
- The attorney then compiles a cross-referenced list of all of these various records, sorts it by date, disposition, and court of record.
- Then, the attorney has to call each courthouse on the list individually to determine whether all of the client's obligations for each of their convictions have been completed.

This process can take days for a single client, requires us to put out the costs of requesting these records for each client, and also involves a lot of travel. We are a team of two attorneys on a non-profit budget, so this is a huge drain on our very limited resources and limits the degree to which our client population can access justice with respect to their cases..

The only way for us to be able to expand this project to help a greater number of people is to find ways to stretch the resources we have even further. We only need this account access for the members of CSP.

I am happy to answer any other questions you might have, and I look forward to speaking with all of you on October 23rd.

Thank you,

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