WASHINGTON
COURTS

April 21, 2022

TO: Data Dissemination Committee

FROM: Kevin Cottingham, AOC Data Dissemination Administrator

RE: Request from Alison Osborne for JABS Access

Ms. Alison Osborne is a social worker contracted with the Snohomish County Public Defender Association to provide mitigation and release planning services for court-involved individuals. She contacted AOC to obtain elevated access to JIS-Link, but her request was denied because she does not fit into one of the already-established categories entitling a requestor to elevated access.

AOC recommends that the DDC deny the request from Ms. Osborne, as she would be well-served by JIS-Link's public access or by using any of the other publicly-available applications run by AOC. JABS access allows users to view information generally marked confidential, including juvenile dates of birth and driver's license numbers, and should only be granted where there is specific need. AOC makes this recommendation for two reasons.

First, Ms. Osborne's present request does not currently fit into any established user class of JABS/JIS-Link. Broadly speaking, such access is given to prosecutors, public defenders, private investigators working with conflict attorneys, law enforcement, state agencies, and contracted civil legal aid societies, and these restrictions reflect the real risk that accompanies any application that makes non-public information accessible—each individual with access to the information increases the chance that some pieces of nonpublic information make it out into the world. The DDC has struck a balance that serves justice partners well, meeting statutory obligations to people entitled to receive data while preserving the security of the data in the system.

Second, there is no need for elevated access to court systems in the present request. Ms. Osborne's searches can be performed using Odyssey, JIS-Link or AOC's public case search. All data points specifically mentioned by Ms. Osborne in her appeal letter to the DDC—court dates, no contact orders, and criminal history—are all easily available in a public level search of JIS-Link. AOC concedes that JABS is largely more user-friendly than JIS-Link, but the public application is actively being developed and

convenience should not justify the risk of exposing confidential data. Other people in similar positions are using the public level of JIS-Link access with little to no issue; a brief check of public JIS-Link accounts revealed several accounts with social work specifically called out in their site names, and many more might have less obvious names.

Ms. Osborne mentions that she already received this access while working at the Snohomish County Public Defender Association. Unfortunately, Ms. Osborne likely should not have been granted such access in that role without specific DDC approval. The JIS-Link Service Agreement for public defender accounts states that the "Access and use of the JIS-Link service by [Subscriber's] employees are only for the purpose of conducting official public defense business." AOC and the DDC have historically taken a limited view of such definitions—research into recidivism did not fall into permissible prosecutorial purposes when such access was requested in the March 2016 meeting of this committee. While the work that Ms. Osborne performs is undoubtedly beneficial to the Snohomish County Public Defender Association's clients, it was not "public defense business." The role of a public defender is laid out in statute at Chapter 36.25 RCW, and the listed duties are limited—the statute includes duties to represent indigent defendants,[1] and to counsel, defend and prosecute appeals.[2]

It is, however, well within the authority of this committee to expand the categories of allowed user classes, and the work that Ms. Osborne performs likely benefits her clients as they navigate the judicial system. While the specific statutory role of the public defender does not currently cover the work that Ms. Osborne performs in conjunction with the Snohomish County Public Defender Association, provision of such services outside the traditional role of the defender is certainly part of a broader trend among this state's judiciary to further assist individuals involved in court actions.[3] If the DDC were to ultimately grant access, AOC would recommend establishing a level 20 account as this would minimize the risk of exposure of data. AOC would also recommend that language in the public defender agreement be clarified if the DDC believes the use of JABS accounts for such purposes is proper.

---

[1] RCW 36.26.070
[2] RCW 36.26.080
[3] See, e.g. https://kingcounty.gov/courts/clerk/drug-court.aspx ("KCDDC provides eligible defendants charged with felony drug and property crimes, the opportunity for substance use disorder and mental health treatment and access to other ancillary services such as housing, transportation and job skills training.")