From: Linda Callahan [mailto:callahan@dui-defender.net]
Sent: Thursday, June 13, 2013 8:07 AM
To: Christie Hedman
Subject: Re: [WDA Misdemeanor] Updated JIS Data Dissemination Policy Amendment

Hi Christie,

I find this very disturbing. If they are going to keep "guilty" findings forever, why in the world would they purge a "not guilty" finding after 10 years?

Do I really even need to explain WHY this is disturbing? I cannot even conceive how a court administrator would even suggest this data be destroyed. What of the person who was acquitted but questions arise, perhaps from a faulty background check a decade later? If the courts do not maintain this data, this person has no way of proving they were vindicated. They could lose a job, be denied a loan, housing, or worse. Better to destroy conviction data than data that shows a person's innocence!

I suppose these administrators who making these rules are quite sure that THEY would never be wrongly accused of a crime so they have no empathy for such persons. Have they no clue that this happens to people routinely in our state? I almost wish it upon them, so great is my ire at this plan they have to destroy data that protects the individual.

Whatever happened to unbiased, neutral courts who do not take sides? Was that just a dream I had in law school? Because this is blatantly siding with the State and leaves the innocent citizen with no recourse and no way to prove they were found not guilty.

This may not be the place/time, but I have another issue with the JIS people--they will allow prosecutors and PD agencies to have access to DCH records. They will not allow me to have that access. Why not? I have to rely on client's sketchy recollections of what priors they might have, even though this one factor is HUGE in determining how I will defend the person, particularly in DUI cases.

Why am I not as trustworthy as a prosecutor or PD organization to have access to this data? The prosecutors will sometimes give it to me, but their cooperation varies count by county. JIS does not treat both sides fairly. Because my practice is on the defense side am I less trustworthy of a human being? Am I a second-class lawyer because I defend people? This is how JIS makes me feel. Just because I defend people, I cannot be trusted. Whereas, if I represented the State, I can get whatever I need. Sounds like a police state to me. This irks me when I sign over that check to AOC every month.

I have very strong feelings about this, obviously. Please feel free to forward these comments directly to the people who would be so negligent toward their public duty as to EVEN SUGGEST we remove acquittal data from our court's database, EVER. I welcome their response as well, and if I have misunderstood what I read, I do apologize. I actually hope that is the case.

Linda Callahan

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DRIVEN... IN DEFENSE OF THOSE WHO DRIVE

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