

MULTNOMAH COUNTY CIRCUIT COURT DEPARTMENT 35

M E M O R A N D U M

TO: All Judicial Users of Sentencing Support Tools [DSS-Justice]

CC: Doug Bray, Gail McKeel, John Hoover

From: Michael Marcus

Re: Use of offender-level criminal history data

Date: February 28, 2002

Response due: n/a

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Although I expect that all of you well understand these points, I am reiterating them because of concerns that recently arose at the DSS-Justice Security Committee. The concerns arose because several applicants for fobs have checked boxes that ask for access to criminal history data in addition to sentencing support tools themselves (which display aggregate data), and the Committee wants to be sure that users know that offender-level data (such as that displayed in criminal histories) have not been validated by the courts or the police.

Regardless of validation, criminal history data from DSS-Justice cannot be relied upon as presumptively accurate because DSS-Justice does not yet include state-wide data. In common with any criminal history used for sentencing purposes, the defense and the state must have knowledge of what the court is considering so that either or both may challenge it.

The appropriate use of criminal history data from DSS-Justice is to use it to begin the inquiry as to the accuracy of the sentencing support tools assumption about the offender s criminal history so that the prosecutor or the defense can correct the history.

Please don t hesitate to contact me if you have any questions about this.