

# PCJJ Juvenile Record Sealing Workgroup

Co-Leads: Jimmy Hung and Heidi Sadri  
March 19, 2024 | 3-5 PM | Microsoft Teams

This meeting will be recorded.

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## Agenda

**3:00 – Welcome & Opening**

**3:15 – Youth Input**

**3:25 – Juvenile Law Center : Cross State Comparison**

**4:00 – Public vs. Sealed Juvenile Court Records;  
Discussions & Recommendation Development**

**4:45 – Next Steps**

**5:00 – Close**



# Workgroup Timeline

3/19 Workgroup Meeting	Decide recommendations: confidentiality & access to sealed records
Week of 4/22	Optional meeting to decide recommendations for access to sealed records
5/21 Workgroup Meeting	Decide recommendations: DOL, federal background checks, audits, accountability
5/29-6/7	Workgroup review of recommendations outline
6/6	Workgroup members invited to join presentation for Partnership Council on Juvenile Justice (PCJJ)
<b>6/7</b>	<b>Deadline for feedback on recommendations outline</b>
6/14-6/21	Workgroup review of first full draft
<b>6/21</b>	<b>Deadline for feedback on first full draft</b>
7/16 Workgroup Meeting	Workgroup approve final draft
Late July through October	Reviews by PCJJ and DCYF



## Input from CHOOSE 180 Youth & Young Adult Advocacy Program

**What do you think about juvenile records being public before they get sealed? What would be fair? Who should know about juvenile records? What are the risks or problems with juvenile records being publicly available?**

- Privacy: Juvenile court records should not be public; people deserve to be able to move on from their youthful past without judgement, especially considering brain development
- Access to sealed records: Depends on the circumstance, how long ago, how severe; employers should know if it protects vulnerable people; Sealing: The sealing process is too complicated; we need automatic sealing for all juvenile records; everyone should have access to an attorney to help seal records
- Race equity: This is an issue of systemic racism, POC are most affected' "Some people will be judged more harshly and because of that, it creates a cycle of less opportunity and inability to do better."

**If you had a juvenile record, is there anyone you would want to know about it? Would it help you to have certain people have access?**

- People should have access to their own records; may be useful for service providers who are helping young people to see records



## Cont.

**What should happen if a sealed record showed up on a background check and caused someone to get rejected from a job? How should the employer or background check company be held accountable for using that record?**

- It should be illegal to reject someone based on a sealed records; employers should be required to disclose that rejection reason
- There are laws and penalties for sharing protected information, this should be handled the same; the background check company and employer should be held accountable, should be able to be sued for leaking/using a sealed record, should be fined; “Other jobs that protect private info have consequences like losing your job if you leak info”

**Those with a juvenile record: Is your record sealed? Did anyone help you understand what it means to have it sealed? Have you had issues with it showing up after it was sealed? If you're not sure that it's sealed, who would you go to to help find out? Has it interfered with your life?**

- Not sure what happened; “No one helped me understand”; would go to family, King County website for help; “I’m not sure how to get help finding out.”
- Was told it was sealed at 18, haven’t had a background check since
- Sealed record came up on a background check for a nanny job
- Sealed at 18 but it came up once right turning 18 and applying for a job, now resolved



# Presentation: Cross State Comparison

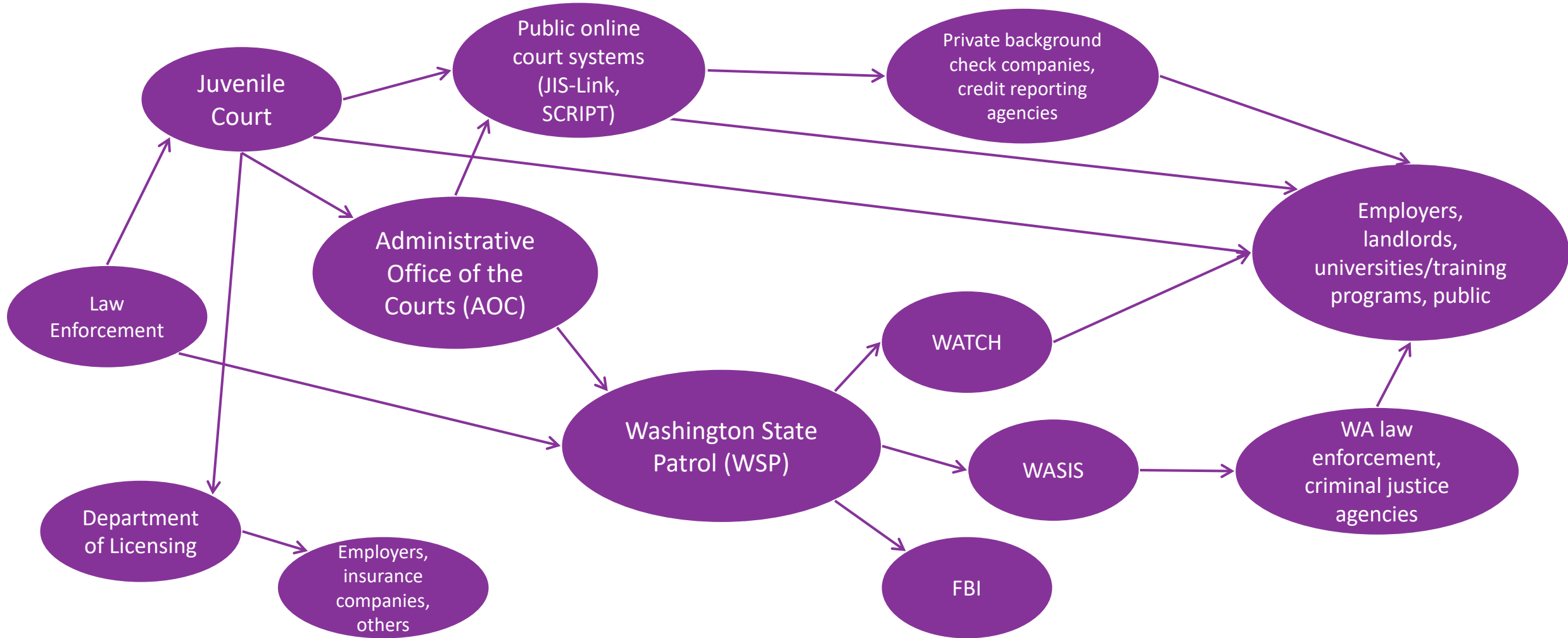
Andrew Keats, Juvenile Law Center



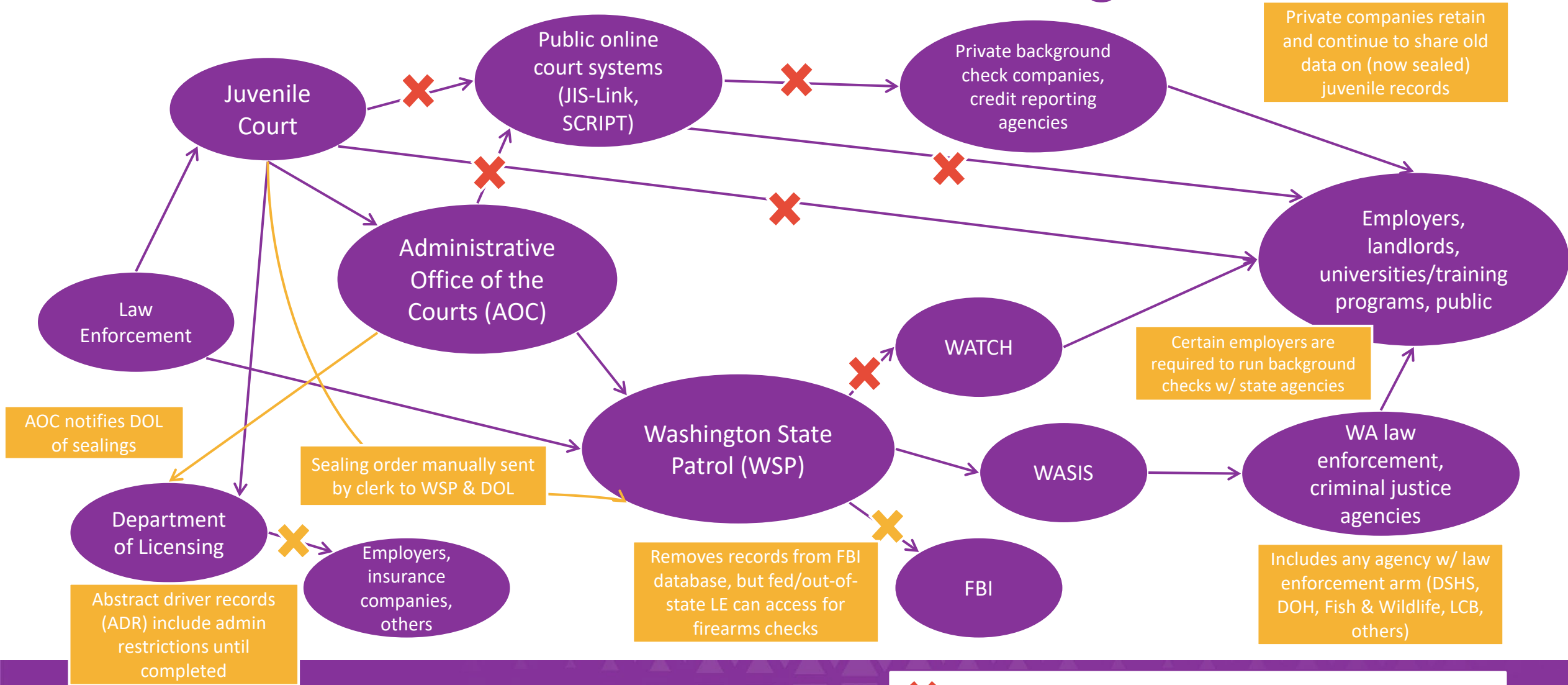
# Current Access to Public vs. Sealed Juvenile Court Records



# Current Access to Public Juvenile Court Records



# Current Effect of Sealing





# Current Access to Sealed Records

- Through Washington State Patrol (WSP):
  - In-state criminal justice agencies have access to sealed records
    - Police, sheriffs, jails, prisons, juvenile detention, courts
    - Law-enforcement arm of state agencies
  - Out-of-state criminal justice agencies have access to sealed records for firearms-related background checks
    - HB 1600 in response to the Bipartisan Safer Communities Act
- Through FBI:
  - WSP removes/expunges juvenile records from FBI at sealing
  - FBI receives sealed records from WSP for firearms-related background checks only
- Through private companies:
  - Juvenile records are available to the public through public online court systems like JIS-Link
  - Private background check companies, credit reporting agencies, etc. access, save, and distribute juvenile records even after they are sealed
  - The Administrative Office of the Courts (AOC) can audit companies with which it has contracts and require that they remove sealed juvenile records, but this does not address companies outside of the network of AOC contractors
- Through Department of Licensing (DOL):
  - Certain employers, insurance companies, colleges/universities, and others request abstract driver records (ADR)
  - ADR contains status of driving privileges, which may include restrictions even after the record for the associated offense is sealed



# Current Decline Law

<b>Auto-Decline Exclusive Adult Criminal Court Jurisdiction</b>	<b>Discretionary Decline Juvenile Court may Decline Jurisdiction</b>
<p>Juveniles aged 16 or 17 at the time of the offense where the offense is:</p> <ul style="list-style-type: none"> <li>- Serious violent offense,</li> <li>- Violent offense and certain priors, or</li> <li>- Rape of a child 1</li> </ul>	<ul style="list-style-type: none"> <li>- Juvenile is 15 and charged with a serious violent offense</li> <li>- Juvenile is 14 or under and charged with murder 1 or 2</li> <li>- Juvenile is any age and charged with custodial assault while serving a minimum juvenile sentence to 21</li> </ul>
<p style="text-align: center;"><b>Required Decline Hearing</b></p> <ul style="list-style-type: none"> <li>- For alleged escape while juvenile is serving a minimum juvenile sentence to age 21</li> </ul>	

RCW 13.40.110 Hearing on question of declining jurisdiction



# Current Sealing Eligibility

	Automatic Administrative Sealing	Upon Successful Motion	Not Eligible for Sealing
Eligible Offenses	<p>Everything EXCEPT:</p> <ul style="list-style-type: none"> <li>- <u>Most serious offenses</u> (all class A offenses plus 20+ other offenses)</li> <li>- <u>Sex offenses</u></li> <li>- <u>Drug offenses</u></li> </ul>	All else except for those offenses not eligible for sealing	<ul style="list-style-type: none"> <li>- Rape 1 &amp; 2</li> <li>- Indecent liberties with forcible compulsion</li> <li>- Sex offenses for which individual is not relieved from obligation to register</li> </ul>
Requirements	<p>After the latest of the following:</p> <ul style="list-style-type: none"> <li>- 18th birthday</li> <li>- Release from JR and completion of parole</li> <li>- Completion of probation</li> <li>- Completion of terms/conditions of disposition (incl. restitution to individual person)</li> </ul>	<p>All of the following:</p> <ul style="list-style-type: none"> <li>- After release/disposition/diversion: 5 years (class A offenses) or 2 years (class B &amp; below) in community w/o any offense resulting in adjudication or conviction</li> <li>- No pending proceedings</li> <li>- Not required to register as a sex offender</li> <li>- Restitution paid to individuals</li> </ul>	

Sealed records are unsealed with any new juvenile adjudications, adult convictions, or adult felony charges.

RCW [13.50.260](#) Sealing hearings—Sealing of records.

# Discussion & Recommendations: Confidential Records & Access to Sealed Records



# Effect of Confidentiality

- Public access through private background check companies removed
- Public access through online court systems removed
- Public access directly from clerk removed
- Public access through Washington State Patrol/WATCH removed

## Does not address:

- **Access to sealed records** via Washington State Patrol, Department of Licensing
- Retroactive confidentiality for juvenile records maintained online by private companies



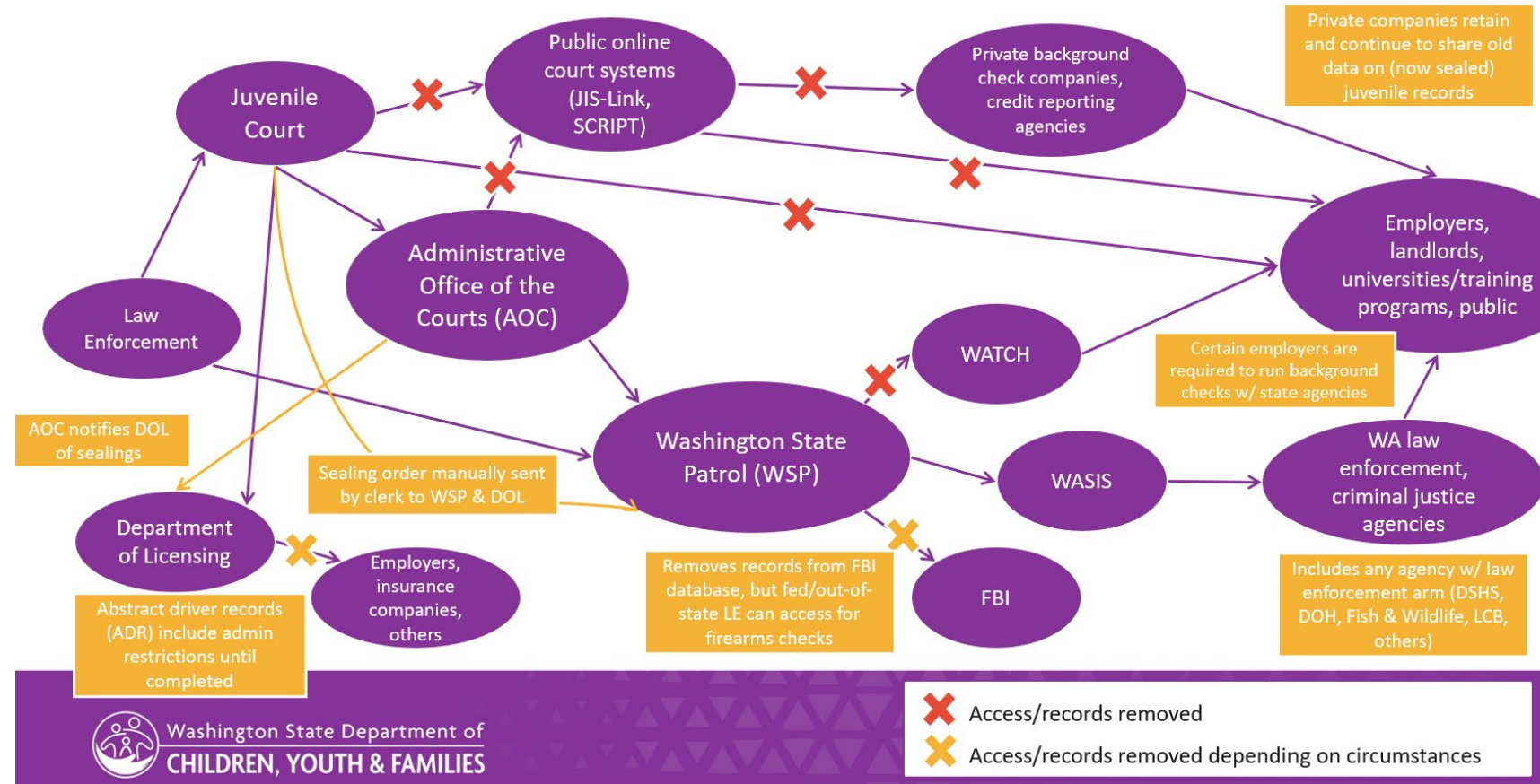
# Discussion & Recommendations for Access to Sealed Records

## Automated communication of sealing orders to WSP

- Include sealings in data pushes from AOC to WSP
- WSP seal without order from clerk

## Access to sealed records through WASIS

- Policy options
- Firearms, HB 1600 and Bipartisan Safer Communities Act



# Next Steps

- Optional April meeting to continue discussion of sealed records access
  - Will distribute When2Meet poll to identify time
- May meeting
  - Additional youth input
  - Decide outstanding recommendations:
    - Department of Licensing
    - Federal/out-of-state background checks
    - Auditing
    - Accountability/sanctions for sharing/use of sealed records
    - Sealing notification
    - Any other outstanding priorities?
- Extend remaining meetings to 2 hours



Next Meeting:  
Tuesday, May 21, 2024 | 3 PM

Policy Studies website | Contact: [heidi.sadri@dcyf.wa.gov](mailto:heidi.sadri@dcyf.wa.gov)  
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