

PCJJ Juvenile Record Sealing Workgroup

Opt-In Meeting: Recommendations for Access to Sealed Juvenile Court Records

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This meeting will be recorded.

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Washington State Department of
CHILDREN, YOUTH & FAMILIES

What is a sealed juvenile court record?

Eligibility for sealing takes into consideration:

- Seriousness of the offense
- Completion of obligations (incarceration, probation, parole, other conditions of disposition)
- Time since release with no new offenses
- Restitution paid
- Juvenile court cases (*not* cases declined to adult court)

Records may be unsealed with new juvenile adjudications, adult convictions, or adult felony charges.



Sealing Meaning & Purpose

A young person with a sealed record has been held accountable, fulfilled their obligations, and demonstrated that they are safe and reliable in community.

The purpose of the sealing process is to find that a person is deserving of moving on into adulthood **as if their juvenile offense never occurred.**



Current Decline Law

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

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

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

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

Current Access to Sealed Records

- Approx. 160 users in JABS* can see the *existence* of a sealed record (name, case number, offense, “sealed”)
 - Mostly prosecutors & their contractors, WSP, court staff
- Approx. 1,200 in-state criminal justice agencies and 500 in-state law enforcement agencies
 - Via query to WSP** and only for a criminal justice or firearm purpose
- Out-of-state criminal justice agencies via WSP, only for a firearm-related purpose

*Judicial Access Browser System

**Washington State Patrol



Proposals for Group Consideration



In-state law enforcement agencies (narrowed from criminal justice agencies) may access a sealed juvenile court record via WSP only for the purpose of a firearm-related background check.

- Aligned with out-of-state criminal justice agency access and maintains strong compliance with Bipartisan Safer Communities Act.
- Brings us *closer* to alignment with other states that seal records. Other states that protect records well have no exceptions to accessing sealed records.
- Brings us closer to principles of record sealing.

With respect to sealed records, JABS should be a tool exclusively for unsealing/sealing nullification.

- Maintain visibility only for staff who are involved in sealing nullification.
- Access should only show the *existence* of the sealed record, not its contents. This is already in place.
- JABS should not be used as a background check tool.



Individuals should have access to their own sealed records.

- Responsive to lived expert input.
- Access directly from the court.