

# PCJJ Juvenile Record Sealing Workgroup

Co-Leads: Jimmy Hung and Heidi Sadri  
May 21, 2024 | 3-5 PM | Microsoft Teams

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## Agenda

**3:00 – Welcome & Opening**

**3:15 – Youth Input**

**3:25 – Discussion & Recommendation Development**

- **Department of Licensing**
- **Federal Background Checks & Recognized Language**
- **Notice**
- **Accountability & Sanctions**

**4:50 – Next Steps**

**5:00 – Close**



# Workgroup Timeline

<b>5/21 Workgroup Meeting</b>	<b>Discuss &amp; develop remaining recommendations</b>
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 full draft
<b>6/21</b>	<b>Deadline for feedback on full draft</b>
7/16 Workgroup Meeting	Workgroup approve final draft
Late July through October	Reviews by PCJJ and DCYF



## Input from Justice for Girls GAIN Program at Echo Glen

### **Who should be able to see juvenile records? When/why?**

There should be some level of confidentiality even before sealing. Certain people like employers or school admin should have access if it's in the context of keeping people safe (sex offenses, guns). Minimize media access, even high-profile juvenile cases should have privacy. It shouldn't be possible to unseal a juvenile record or use it again (juvenile points).

### **Do you think young people know how record sealing works?**

Not really. Attorney or JR counselor told me when I would be eligible to seal. The lack of a solid answer on timeline to seal is a problem. Didn't know that I would lose eligibility for sealing because of a new offense.



# Input from Justice for Girls GAIN Program at Echo Glen

## **How would you want to be notified when your record is eligible to be sealed?**

A website where you can check online or sign up to receive an email notification (acknowledgement of barriers to tech access), by mail, parole officer, court should reach out directly when you become eligible.

## **Other discussion:**

These laws are left over from the Superpredator era, tough-on-crime, trying to create fear of youth rather than help them move on.

Issues with requiring restitution to be paid before eligible for sealing: unable to seal because of restitution, unable to pay restitution without a job, unable to get a job because of the record.



# Discussion & Recommendations

Note: The recommendations adopted by the group differ from the proposed recommendations offered here. Please refer to the meeting notes for discussion and adopted recommendations.



# Department of Licensing: Responsibilities

- Administer court-ordered requirements like license suspensions, ignition interlock devices, reinstatement fees, and safe driving requirements
  - These requirements accompany traffic infractions and convictions/adjudications involving motor vehicles
  - Requirements can be open-ended until criteria are met
  - Requirements are tracked on abstract of driving record (ADR)
- Make ADRs available to law enforcement, courts, and other entities including insurance companies and employers where driving is a condition of employment
  - When DOL is notified that a juvenile record is sealed, they hide the offense from the ADR, but any associated administrative requirements remain as long as they are active.

# Department of Licensing & Juvenile Records

- Communication of sealing orders:
  - Not consistently receiving sealing orders from courts
  - Now gets weekly updates from the Administrative Office of the Courts (AOC) with all sealed records
- Relationship between sealing and DOL administrative requirements:
  - Unrelated eligibility/timelines means someone may have a DOL requirement that lasts beyond when their juvenile record is sealed. The DOL requirement remains on the ADR even though the underlying offense is hidden.



# Department of Licensing: Possible Recommendations for Discussion

**Proposed DOL Recommendation 1:** DOL should continue to administer requirements ordered by juvenile courts and include those requirements on ADRs as long as they are active, but should always treat the underlying juvenile offense as confidential, hiding it from the ADR.

- Supports confidentiality of juvenile records/offenses and is responsive to traffic safety priorities

**Proposed DOL Recommendation 2:** DOL should complete its review of past-sealed record data to ensure that all sealed juvenile offenses are flagged appropriately in its system.

**Proposed DOL Recommendation 3:** Legislation should (1) compel courts to promptly forward sealing orders to DOL, and (2) clarify that the sealing of a juvenile record does not relieve an individual from fulfilling associated administrative requirements imposed by DOL.

Note: The recommendations adopted by the group differ from the proposed recommendations offered here. Please refer to the meeting notes for discussion and adopted recommendations.



# Federal Background Checks & Recognized Language

Our other recommendations would significantly narrow federal entities' access to sealed juvenile records.

For any sealed records that remain available to federal entities, clarifying language would direct federal entities to recognize the significance of record sealing.

**Proposed Recommendation: The definition of a sealed record should be amended to say that a sealed record “should be considered vacated and expunged.”**



# Notice

Misunderstanding and lack of clarity about sealing eligibility, process, and purpose is a significant issue for impacted people.

**Proposed Recommendation: At a juvenile disposition hearing, the court should notify the juvenile of their eligibility for record sealing.**

The notice should explain:

- Who has access to the record prior to sealing,
- Why sealing matters,
- When the individual will be eligible for sealing,
- What requirements they must meet to be eligible for sealing,
- What action (if any) they will need to take when they become eligible, and
- How to check their eligibility in the future.



# Notice

**Proposed Recommendation: Courts should provide notice and information to individuals at the time their juvenile record is sealed.**

The notice should explain:

- Who has access to a sealed record and what they can use it for,
- How to talk about a sealed juvenile record,
- What to do if the record shows up on a background check, and
- The circumstances under which a juvenile record may be unsealed.

For discussion: Notification of sealing eligibility

**Note: The recommendations adopted by the group differ from the proposed recommendations offered here. Please refer to the meeting notes for discussion and adopted recommendations.**



# Accountability & Sanctions

Young people and impacted community consistently express a desire for accountability for entities that knowingly improperly share a juvenile record. The ability to enforce compliance is important for effective implementation.

**Proposed Recommendation: A mechanism should be established to hold accountable entities that knowingly unlawfully share confidential or sealed juvenile court records.**

Approaches for consideration:

- **California:** Misdemeanor punishable by up to \$500 fine for violation of confidentiality
- **Oregon:** Private right of action, punitive damages up to \$1,000 plus actual damages
- **Wyoming:** Contempt and possible fine up to \$500 and/or imprisonment up to 90 days
- **Colorado:** Contempt and possible fine
- **Proposed in WA 2023 SB 5644:** Private right of action, \$100/day penalty or actual damages; no personal liability of government employees

# Next Steps

- **May 29-June 7:** Workgroup review & feedback on recommendations outline
- **June 6 at noon:** Presentation to PCJJ (workgroup attendance optional but welcome!)
- **June 14-21:** Workgroup review & feedback on full draft
- **July 16:** Last workgroup meeting, approve final draft



Next Meeting:  
Tuesday, July 16, 2024 | 3 PM

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