

SEALING JUVENILE RECORDS



UNLOCKING THE FUTURE

Joint Legislative Task Force on Sealing Juvenile Records
October 13, 2011

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What is a Juvenile?

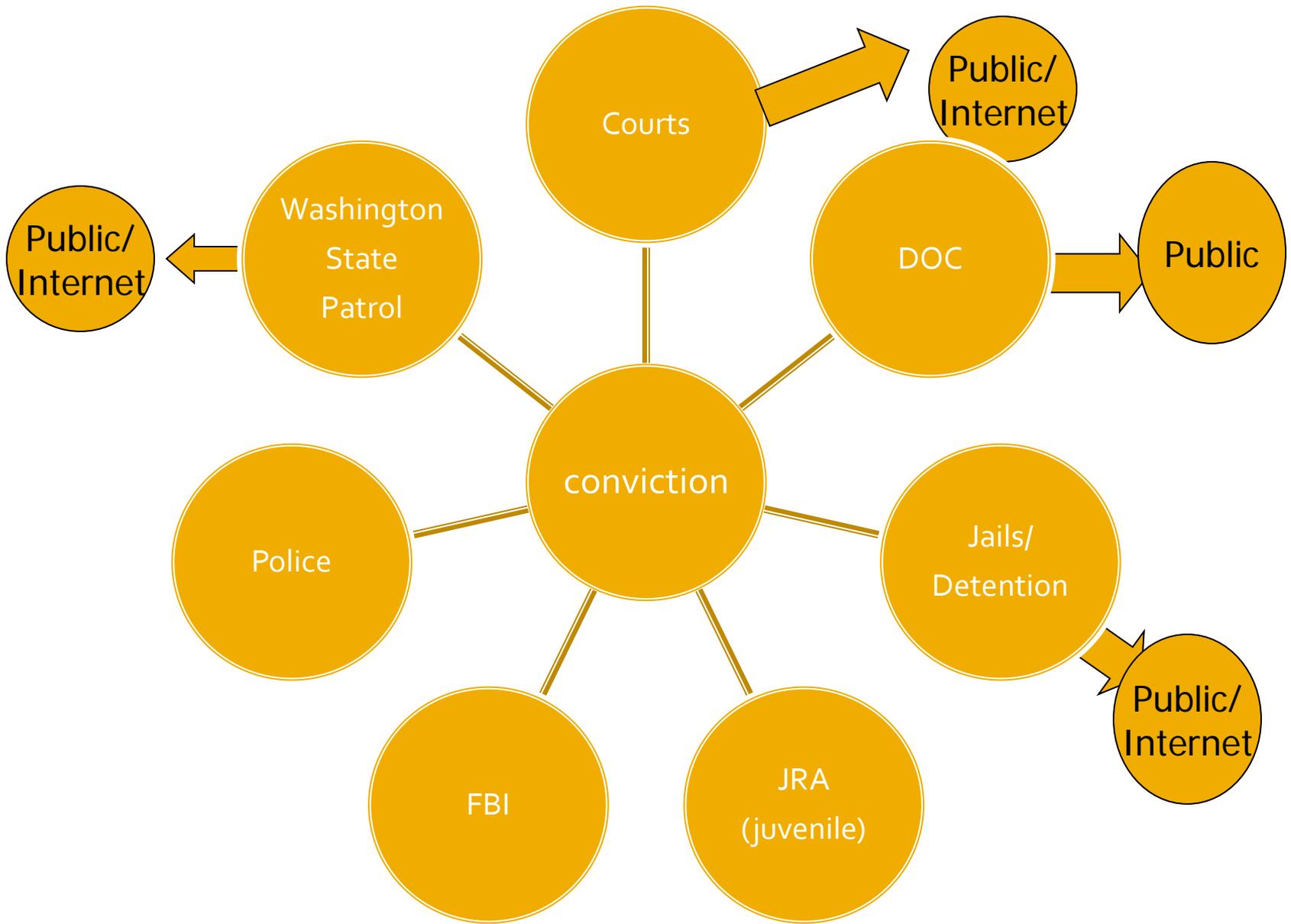
- 8-17 years old for most crimes
- Less than 16 years old for most serious crimes (automatic decline/transfer)

Juvenile Criminal History in Washington- Dispelling the Myths

- It is never “expunged”
- Doesn’t go away when you turn 18
- Is accessible to the public just like adult criminal history
- Must be disclosed on employment and other applications
- **Public defenders won’t help you seal your juvenile records**

Where is Juvenile Criminal History Found?

- Electronic and/or paper files at the courthouse
- [JIS – online court records](#)
- Washington State Patrol website
- Police
- Private companies like “SafeRent” and “CriminalSearch.com”



Adjudication vs. Conviction

- Different but the same.
- [RCW 13.04.011](#) - Definitions – not the same.
- Shows up on criminal history – looks the same.

Non-conviction Data

- Diversions
- Vacated Deferred Dispositions (SHB 1954!)
- Dismissals
- Findings of Not Guilty
- Arrests that do not lead to conviction

What Juvenile Criminal History Can be Destroyed?

- Diversions : RCW 13.50.050 (17)
 - Automatic Destruction for diversions entered after 6/12/08: Only one diversion, 18 years or older, 2 years have elapsed from the date of completion of the diversion agreement
 - Pre-6/12/08 – must request destruction
 - Only multiple diversions, age 23 years or older if diversion agreements are completed and there are no pending offenses.

What Juvenile Criminal History Can be Destroyed?

- Pardons: New in SHB 1793
 - “All records maintained by any court or law enforcement agency, including the juvenile court, local law enforcement, the WSP, and the prosecutor’s office, shall be automatically destroyed within thirty days of being notified by the governor’s office that the subject of those records received a full and unconditional pardon by the governor.”

Offense Type	Pre-1977	1977-1997	1998-2004	2004-2010	2010-present
Sex offenses	Not public	2 years	Never	Never	2011 After relief from registration and waiting period
Class A felony	Not public	2 years	Never	Never	5 years
Class B felony	Not public	2 years	10 years	5 years	2 years
Class C felony	Not public	2 years	5 years	2 years	2 years
Gross Misd.	Not public	2 years	3 years	2 years	2 years
Misd.	Not public	2 years	2 years	2 years	2 years

When Can Records Be Sealed?

Process

- Notice of Hearing
- Motion
- Declaration
- Juvenile Court Hearing

Process

- **Notice:**
 - Reasonable Notice to WSP, prosecutor, juvenile court and the arresting police agency
- **Hearing** held in the county where the charge was filed

Costs to Individuals

- Private Attorneys charge from \$300-\$1500 to seal a juvenile record
- SYLAW Juvenile Records Sealing Clinic
 - Monthly free clinic run by law students in King County
 - Snohomish County clinic --closed/lack of funding
- Limited help from legal services providers.
- Process varies from county to county.
- Labeling

Labeling

- *The Labeling of Convicted Felons and Its Consequences for Recidivism*, Chiricos, Barrick and Bales, 45:3 *Criminology* 547 (2007).
- Fagan, Kupchick, and Liberman (2003).
(Juveniles prosecuted as adults vs. juveniles more likely to recidivate more violently.)

Questions

- How can the sealing process be fairly made available to all eligible individuals?
- How can the process ensure that “sealed” information is not further disseminated?
- **SHB 1793: “The task force shall determine how to cost-effectively restrict public access to juvenile records when an individual has met the statutory requirements of RCW 13.50.050(12) and without requiring individuals who are the subject of the records to file a motion to seal the records in juvenile court . . .**