

**WASHINGTON STATE  
PARTNERSHIP COUNCIL ON  
JUVENILE JUSTICE**  

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**WA-PCJJ**

**Juvenile Record Sealing Workgroup**

**Meeting Summary**

**Tuesday, May 21, 2024**

**3-5 PM | Via Microsoft Teams**

**Welcome & Opening**

Attendees: Heidi Sadri, Jimmy Hung, Stephanie Hinshaw, Roxana Gomez, Arthur Longworth, Deborah Collinsworth, Kimberly Russel, Debra Tafoya, Chana Watson, Kimberly Ambrose, Jenny Young, Katie Hurley, Xaxira Velasco Ponce de León, Giannina Ferrara, Julissa Sanchez, Prachi Dave, Karen Pillar, Mikayla Grace

March & April Meeting Recap:

March Meeting:

- Input from members of CHOOSE 180 Youth & Young Adult Advocacy Program
- Presentation by Andrew Keats of Juvenile Law Center of a cross-state comparison with examples of how other states handle juvenile records
- Overview of current access to public vs. sealed juvenile records in Washington
- Discussion regarding limitations of confidentiality and a need to also narrow access to sealed records, which would not be impacted by confidentiality
- Scheduled a separate opt-in meeting to complete the discussion and recommendations for narrowing access to sealed records

April Opt-In Meeting:

- Overview of agencies with access to sealed records
- Discussion and recommendation regarding narrowing access to sealed records through both Washington State Patrol and JABS
- Discussion and recommendation to maintain access to one's own sealed record

Notes and materials from all past meetings are available on the [project website](#).

Timeline:

Heidi provided a reminder of the remaining project timeline and important dates:

5/21 Workgroup Meeting	Discuss & develop remaining recommendations
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
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**Youth Input: [Justice for Girls GAIN Program](#) at Echo Glen**

- Girls Advocacy & Impact Network (GAIN) is a program run by Justice for Girls that works with girls to build and use advocacy skills to identify priorities and influence policies that impact their lives and communities.
- Tristan Eddy, Hailey Gray, and Alexis Hale lead the Echo Glen GAIN group, and they invited Heidi to join in April to discuss the PCJJ Community Compensation Program policy project.
- We met in person with 11 girls and young women at Echo Glen between the ages of 15-24.
- Prior to the meeting, we sent informational materials about juvenile records, sealing, issues, and policy ideas. In the meeting, we provided an overview of the same and asked for feedback on both the current system and our policy ideas.
- Please refer to the slides for a summary of the discussion. Workgroup members expressed gratitude to the participants for their time and thoughtful input.

**Discussion & Recommendation Development**

- In previous meetings, we have developed recommendations for confidentiality of juvenile court records and narrowing access to sealed records. The following discussion focuses on other priorities.
- Heidi presented proposed recommendations for consideration and supported discussion to modify the presented recommendations.
- *Please note that several of the proposed recommendations listed in the slides were abandoned or significantly modified before being adopted. Refer to the notes below for a summary of the discussion and decisions.*

**Department of Licensing (DOL)**

- Overview DOL’s responsibilities and challenges related to juvenile court records
- Discussion on background:
  - o Why does DOL continue administrative requirements even after sealing? Do they not see the sealing superseding the underlying requirement that they administer? Correct. This is DOL’s interpretation and handling of the conflict between sealing laws and the laws that mandate DOL’s administrative requirements. DOL has been seeking clarification through legislation.
  - o Regarding traffic safety considerations: It would be useful to see data about this segment of young drivers who become eligible for juvenile record sealing while they still have a DOL administrative sanction active. For example, how many of these young people have an ignition interlock, what is their driving history, how many people does this impact? An example is a teenager who steals a car, gets a felony adjudication, and their driving privileges are suspended for a waiting period after the license is reinstated. This person’s record could be automatically sealed at 18, but the driving privileges are still affected and [SR-22](#) requirements continue to impact the person’s insurance.
  - o Discussion about whether to pursue any recommendation here at all. DOL has worked closely with Columbia Legal Services on fixes and has implemented fixes so that sealed

offenses are hidden, but there remains disagreement or differences in interpretation about whether a sealing order supersedes administrative requirements.

- Discussion on Proposed DOL Recommendation 1:
  - Concern because this would result in an ADR showing a license suspension but not why. A viewer may assume the worst, and this could do more harm than good.
  - *Agreement not to make this recommendation.*
  
- Discussion on Proposed DOL Recommendation 2:
  - DOL identified mismatches in the data they received from AOC because the case number that DOL receives is from superior court system, but AOC uses a different numbering system. The need is for DOL to finish comparing to superior court case numbers, but they are either working through it or already done. Older records are image-based and slower to review.
  - *Agreement not to make a recommendation here as long as DOL has completed its review.*
  
- Discussion on Proposed DOL Recommendation 3:
  - *Agreement that legislation should compel courts to promptly forward sealing orders to DOL.*
  - Could the recommendation be that sealing *does* supersede the administrative requirement? Otherwise, it's defeating the purpose of sealing. The likely opposition to this would be related to traffic safety. Would like to see data to understand potential traffic safety concerns and consider what types of cases fall into the category that would be impacted by this recommended change.
  - The guiding principle is that the purpose of sealing is to allow young people to move beyond their mistakes. Restoration of driving privileges is critical for young people trying to access jobs, especially in parts of the state where public transit is limited. People drive on suspended licenses because they need to drive to participate in daily life, risking criminal charges, being cited for DWLS.
  - *Agreement to recommend that a court order sealing a juvenile record relieves the individual of any administrative requirements imposed by DOL associated with the sealed juvenile record. A small group will get together to think through and develop comments on public safety considerations.*

#### Federal Background Checks & Recognized Language

- Discussion:
  - Should be vacated *or* expunged, as those mean different things.
  - Regarding military employment, it may not be possible to compel military employers through any language in state law to treat juvenile records a certain way. This recommendation could be helpful for people applying for military employment to get waivers for their juvenile records. Katie will send military recruitment manual info and Heidi will review and run by others.
  - How do federal entities interact with jurisdictions where records are confidential? They don't get the records, but they require the individual to disclose all adjudications or convictions regardless of whether they were sealed, expunged, vacated, etc., and have

them opened for inspection. If you lie, it could cause worse trouble later. Example of this coming up on a polygraph.

- This is some of what this recommendation is trying to get at – if we have to accept that federal entities will know about a juvenile record, how can we compel/guide them to treat it the way we want it to be treated?
- *Agreement to make this recommendation.*

### Notice

- Discussion:
  - After a young person has left the court or after their case has ended, notifying them about eligibility is very challenging because people move so much. Caution about inadvertently sharing details with the wrong mail recipient.
  - It's very unlikely that young people will remember on their own to come back to the court and ask to seal their record.
  - One solution is to create a right to counsel and have defense attorneys run updated address searches and then reach out and be responsible for sealing.
  - Better, have the court estimate and calendar the date when they expect the young person to be eligible for sealing and automate the process so that the young person isn't required to be there to seal the case. Treat it like an administrative process but where the young person still has to meet the existing eligibility criteria for sealing.
    - *Agreement to develop and include a recommendation about this.*
  - Notice should include some role for the judge, not just a written notice on a card. The role may be talking directly with the individual about their rights, future responsibilities, or another way for the judge to have a greater role to play in making sure that eligible cases are being sealed.
  - *Agreement to make these recommendations.*

### Accountability & Sanctions

- Discussion:
  - Are those other states allowing actions against governments, or just private agencies? Unsure, will confirm. This is an important consideration especially for clerks.
  - We want a way to hold systems accountable but don't want individual people to be subject to civil lawsuits because of an honest mistake. We want the larger entities to put in place safeguards to make sure that individuals are not put in the position to make mistakes.
  - *Agreement to make this general recommendation.*

### **Next Steps**

- May 29-June 7: Workgroup provide review & feedback on recommendations outline
- June 6 at noon: Presentation to PCJJ (workgroup attendance optional but welcome!)
- June 14-21: Workgroup provide review and feedback on full draft
- July 16 at 3:00: Last workgroup meeting, approve final draft

**Next Meeting: July 16 at 3 PM**