No. 49039-1-II

IN THE COURT OF APPEALS FOR THE STATE OF WASHINGTON
DIVISION II

STATE OF WASHINGTON,

Respondent,

v.

ELIJAH ISAIAH COFIELD AND DEREK MATTHEW JETER,

Appellants.

AMICI CURIAE BRIEF OF COLUMBIA LEGAL SERVICES AND TEAMCHILD

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I. INTRODUCTION

The juvenile court system has a unique role to rehabilitate, protect, and guide children and youth through successful transitions to adulthood.[1] A key component of rehabilitation is confidentiality. The public dissemination of juvenile records creates barriers to some of the most critical components of any successful transition to adulthood: housing, education, and employment. Worse, these barriers disproportionately impact children and youth of color. To meet its express objective of removing barriers, our state legislature created a new, administrative path for juvenile record sealing. This pathway is thwarted when cut short by juvenile courts affirming Pierce County Prosecutor's Office objections to juvenile record sealing while denying children and youth access to notice and contested hearings. The future of thousands of children and youth are at stake in evaluating how to treat an objection to administrative record sealing under RCW 13.50.260 because the choice between confidentiality or the continued public availability of juvenile records has lifelong consequences.

[1] *See* Amicus Curiae Brief of American Psychological Association at 22-29, *Roper v. Simmons,* 543 U.S. 551, 125 S.Ct. 1183, 161 L.Ed.2d 1 (2005) (describing adolescent brain development research); *Miller v. Alabama,* 132 S.Ct. 2455, 183 L.Ed.2d 407 (2012); *Roper v. Simmons,* 543 U.S. 551; *In re Gault,* 387 U.S. 1, 87 S. Ct. 1428, 18 L. Ed. 2d 527 (1967); *Kent v. United States,* 383 U.S. 541, 554, 86 S.Ct. 1045, 16 L.Ed.2d 84 (1966); *State v. Hous.-Sconiers,* No. 92605-1, 2017 Wash. LEXIS 228 (Mar. 2, 2017); *State v. S.J.C.,* 183 Wn.2d 408, 352 P.3d 749 (2015); *State v. A.G.S.,* 182 Wn.2d 273, 340 P.3d 830 (2014) (describing differences between children and adults).

II. INTEREST OF AMICUS

The identities and interests of *amici curiae* are described in the Motion for Leave to File *Amici Curiae* Brief submitted with this brief.

III. STATEMENT OF THE CASE

Amici rely on the facts set forth in the briefs of appellants.

IV. ARGUMENT

A. The Public Availability of Juvenile Records Harms Youth

John struggled with mental health needs beginning in childhood. He was convicted of felony harassment against his parents, in addition to other misdemeanor charges. As a young adult, John continued to struggle with his mental health and also experienced homelessness. John qualified for a community-based, wraparound mental health treatment program for adults. Despite significant efforts, the wraparound team could not find housing in the community for John due to the juvenile felony on his criminal record. Without housing, John's mental health continued to deteriorate, and he was hospitalized.

Jane, who has a developmental disability, was convicted of Assault 4 against a parent just before a dependency was filed and she was removed from the home. After exiting foster care at 18 years old, Jane went on to live independently, with the help of disability benefits and services. She graduated from high school with an Individualized Education Program and enrolled in a certified nursing assistant program. Jane was denied practicum opportunities because her juvenile Assault 4 remained on her record. Like so many youth, Jane incorrectly believed that her juvenile offender matter was sealed after she turned 18 years old.[2]

Thousands of youth come into contact with the juvenile justice

[2] To help create context for the thousands of children and youth impacted by administrative record sealing, TeamChild has pulled client stories from its case files with names and other identifying information removed.

system each year. Each contact, no matter how brief, results in the creation of juvenile records. These official juvenile records are public unless sealed. Sealing is important because the continued public availability of juvenile records harms youth. Unlike the adult criminal system, our juvenile justice system expressly operates on principles of rehabilitation and reintegration.[3] Intervention must occur quickly and punishment be predictable, fair, and then *over* so youth do not suffer the stigma of permanently wearing the label of "delinquent".[4]

The collateral consequences associated with public availability of juvenile records, especially barriers to employment, education and housing, work against the rehabilitative purpose of the juvenile justice system.[5] Individuals with a history of contact with the juvenile justice system are often categorically excluded from jobs based on their record.[6] "Over 80% of employers ordinarily solicit criminal

[3] RCW 13.40.010(f).
[4] *State v. S.J.C.*, 183 Wn.2d at 433 ("The stigma of an open juvenile record and the negative consequences that follow are particularly unjustifiable in light of the fact that the mind of a juvenile or adolescent is measurably and materially different from the mind of an adult, and juvenile offenders are usually capable of rehabilitation if given the opportunity.") (citations omitted).
[5] "Collateral consequences" are a form of punishment located outside the criminal code, implemented by institutions outside the judicial and penal systems, and not defined as criminal penalties. TONY CALERO, OPEN JUVENILE RECORDS IN WASHINGTON STATE: PROCESS, EFFECTS, AND COSTS OF PROTECTIVE MECHANISMS, at 10, (2013), http://www.juvjustice.org/sites/default/files/ckfinder/files/Examining%20Open%20Juvenile%20Records%20in%20Washington%20State.pdf .
[6] *Id.*

background information as part of the hiring process."[7] Employers then frequently discriminate against applicants with criminal records without distinguishing juvenile records from adult ones.[8] A juvenile record can also result in loss of eligibility for occupational licenses.[9]

Juvenile records also affect educational opportunities. Schools may rely on juvenile records as justification for exclusion from school or transfer from mainstream classes to alternative programs.[10] Even if youth are not pushed out, their relationships with teachers and classmates may be hurt when they are labeled "delinquents", reducing their sense of attachment to school and with that loss, the potential for academic achievement.[11] Colleges and scholarship organizations may also disqualify youth with records.[12]

Juvenile records can negatively affect housing opportunities, both in the private rental market and public housing. For example, some organizations that provide shelter to homeless youth deny assistance to

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[7] *Id.*
[8] *Id.*
[9] Am. Bar Ass'n Crim. Justice Section, *Think Before You Plead: Juvenile Consequences in the United States,"* (last accessed Mar. 8, 2017), http://www.beforeyouplea.com/wa (outlines practices for Washington State).
[10] Kristin Henning, *Eroding Confidentiality in Delinquency Proceedings: Should Schools and Public Housing Authorities Be Notified*?, 79 N.Y.U. L. REV. 520, 526-27 (2004).
[11] Kathleen M. Laubenstein, *Media Access to Juvenile Justice: Should Freedom of the Press Be Limited to Promote Rehabilitation of Youthful Offenders?*, 68 Temp. L. Rev. 1897, 1904.
[12] Eric Scigliano, *To seal or not to seal: WA's battle over juvenile records,* CROSSCUT.COM (January 27, 2014), http://crosscut.com/2014/01/washingtons-never-ending-punishment-of-juveniles/.

youth with juvenile records.[13]

B. The Public Availability of Juvenile Records Can Intensify Racial Disproportionality

Any decision of this Court relating to juvenile justice and its reverberating impacts on transition to adulthood should take into consideration the very real racial disparities that exist in our system and the disproportionate harm that comes from the public dissemination of juvenile records. As our Supreme Court has opined, "[c]ombined with the indisputable detrimental effects of open juvenile records, the racial imbalances in the juvenile justice system create and perpetuate barriers to economic and social advancement that vary, in the aggregate, on the basis of race."[14]

Youth of color are disproportionately represented at every level of the juvenile justice system.[15] Although youth of color make up about 33% of our state population,[16] 41% of youth held in detention facilities and 56% of youth held in the Juvenile Rehabilitation Administration

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[13] *Id*.
[14] *State v. S.J.C.*, 183 Wn.2d at 433-434.
[15] WA. ST. DEP'T OF SOCIAL AND HEALTH SERVICES, THE OFFICE OF JUVENILE JUSTICE AND THE WASHINGTON STATE PARTNERSHIP COUNCIL ON JUVENILE JUSTICE, *Washington State Juvenile Justice Annual Report: 2014*, at 31, https://www.dshs.wa.gov/ra/office-juvenile-justice/2014-juvenile-justice-annual-report; THE TASK FORCE ON RACE AND THE CRIMINAL JUSTICE SYSTEM, *Juvenile Justice and Racial Disproportionality: A Presentation to the Washington State Supreme Court*, at 11, (March 2012), http://www.law.seattleu.edu/Documents/korematsu/JuvenileJustice/FINALReportJuvenileJusticePresentation.pdf.
[16] Calero, *supra* note 3, at 20 (quotation marks omitted).

are youth of color.[17]

Youth of color also have a disproportionate share of the unsealed juvenile records. In Washington, in 2013, it was estimated that 28,922 individuals were eligible to seal their juvenile records.[18] While white individuals represent 70.3% of the population of eligible records in Washington, they represent 78.8% of sealed records.[19] By contrast, black individuals hold 12.6% of eligible records, yet only possess 8.6% of sealed records.[20] An even larger gap appears for American Native individuals: they hold 4.6% of eligible records, yet only 1.6% of sealed records.[21] Continued public availability of juvenile records will result in reduced opportunities for a successful transition to adulthood among youth of color.

C. The Legislature Has Explicitly Recognized These Dangers and Charted a New, Administrative Path for Sealing

Four years ago, Washington was one of just eight states that provided open public access to juvenile records and one of only three that sold data contained in juvenile court files.[22] Led by our state legislature, a dramatic change in public policy is underway in

[17] Calero, *supra* note 3, at 20
[18] *Id.* at 30.
[19] *Id.*
[20] *Id.*
[21] *Id.*
[22] Calero, *supra* note 3, at 3.

Washington. We are transitioning from a state that makes a profit on juvenile records to one that protects these records from disclosure. The legislature has recognized the threat to juvenile rehabilitation posed by the harm stemming from publicly available records and the disparate impacts on youth of color. As a result, our legislature has turned away from the traditional, prohibitively complex process for sealing records and is now charting a new, administrative path for sealing.

1. The Origin and Process for Sealing Records

In Washington State's first juvenile code, enacted over 100 years ago, in 1913, juvenile records and holding proceedings were confidential.[23] In 1977, the Washington State Legislature revised the juvenile code entirely.[24] The Juvenile Justice Act of 1977, modeled after the federal Juvenile Justice and Delinquency Prevention Act of 1974, went into effect on July 1, 1978. For the first time, juvenile records became publicly available in Washington. The only way for individuals to protect against public dissemination of their juvenile records was to petition the courts to seal them through a costly and complex process.

[23] *State v. S.J.C.*, 183 Wn.2d at 415.
[24] *Id.* at 416 ("The [1977] legislature described its intent in enacting the JJA as twofold: to establish a system capable of having primary responsibility for, being accountable for, and responding to the needs of youthful offenders while ensuring that juveniles will be held accountable for their offenses.") (internal quotes omitted).

Since the traditional, complex process for sealing records has not been affected by the new, administrative path for sealing records, it is worth explaining what happens (and will happen) to young people like E.C. and D.J. if the court denies them administrative record sealing. Even if young people are actually aware they must seal their records to prevent public dissemination, with limited to no resources available, young people are often ignorant of the process or unable to satisfy every step in the process.

The traditional, complex process for sealing records is made even more cumbersome for young people who have criminal history in more than one county, an issue that sometimes arises for young people who come into contact with the juvenile justice system while being moved around in foster care. Depending on where they live, young people may not have access to public defenders, legal services attorneys, or local record sealing clinics for legal advice or support. Private attorneys are available, but expensive.[25] As discussed above, the burden often falls disproportionately on young people of color.

Assuming the new, administrative path is denied or unavailable, there are roughly eight steps for a young person to petition the court to seal his or her juvenile record under the traditional, complex process

[25] Private attorneys can charge up to $1,500 to seal a record, which is a barrier for youth with few resources. *See* Calero, *supra* note 3, at 6.

for sealing. Each step in the traditional, complex process requires personal wealth or access to money, transportation and advance planning. To wit, the young person must:

> (1) Gather his or her juvenile criminal history, which requires identifying the courthouse where the adjudication was entered and paying for copies of the records;
>
> (2) Analyze the laws on record sealing and evaluate whether the records qualify for sealing;
>
> (3) Obtain the correct forms for notice, motion, proposed order and certificate of service for record sealing and fill these forms out accurately;
>
> (4) Contact the court to schedule a record sealing hearing;
>
> (5) Make copies of all the forms and correctly file them with the court, including a working copy for the judge;
>
> (6) Make and deliver copies of the forms to the prosecutor, probation office, the Washington State Patrol, and all public and private agencies that might have the records;
>
> (7) Appear and present the case to the court; and
>
> (8) Obtain and pay for certified copies of the court's sealing order and serve the order on everyone.[26]

If any of these steps are missed, the record may not be sealed.

2. Changes to the Process for Sealing Records

Legislative changes to limit the public availability of records began in earnest in 2004.[27] One of the biggest reforms to juvenile record

[26] See flowchart, Appendix A.
[27] For example, in 2004 the legislature revised the timelines for sealing records. In 2008,

sealing in state history occurred during the 2013-2014 biennium with the passage of Second Substitute House Bill 1651, the Youth Opportunities Act.[28] Rather than continue to make changes to the tradition, complex process for sealing records, the legislature charted a brand new, administrative path for sealing juvenile records. This process eliminated the need for the young person *to do anything*: the administrative hearing was set automatically and the youth was expressly excused from attending.[29] However, there were exceptions to the new law. Administrative sealing was not available for juvenile records involving a "most serious offense," a "sex offense," or felony drug offense.[30] Administrative sealing was also not available unless the young person completed the terms of his or her disposition, including paying off legal financial obligations and restitution, and the

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a new law allowed for the automatic destruction of juvenile records related to diversion agreements. In 2010, sealing for Class A offenses was permitted. Then a series of laws prohibited consumer reporting agencies from releasing juvenile records after age 21, allowed for the automatic destruction of records after a full and unconditional pardon, and allowed sealing for sex offenses. *See* Laws of 2004, ch. 42, http://lawfilesext.leg.wa.gov/biennium/2003-04/Pdf/Bills/Session%20Laws/House/3078-S.SL.pdf; Laws of 2008, ch. 221, http://lawfilesext.leg.wa.gov/biennium/2007-08/Pdf/Bills/Session%20Laws/House/1141-S.SL.pdf; Laws of 2010, ch. 150, http://lawfilesext.leg.wa.gov/biennium/2009-10/Pdf/Bills/Session%20Laws/Senate/6561-S2.SL.pdf; Laws of 2011, ch. 333, http://lawfilesext.leg.wa.gov/biennium/2011-12/Pdf/Bills/Session%20Laws/House/1793-S.SL.pdf; and Laws of 2011, ch. 338, http://lawfilesext.leg.wa.gov/biennium/2011-12/Pdf/Bills/Session%20Laws/Senate/5204-S.SL.pdf

[28] Laws of 2014, ch. 175, http://lawfilesext.leg.wa.gov/biennium/2013-14/Pdf/Bills/Session%20Laws/House/1651-S2.SL.pdf.

[29] *Id.*at § 4.

[30] *Id.*

court could find no compelling reason not to seal.[31]

It was a dramatic change, but not everyone was satisfied with the new, administrative path charted by the legislature. The very next year, the legislature again considered juvenile record sealing, this time looking even more closely at the financial barriers to sealing. Passage of Engrossed Second Substitute Senate Bill 5564, the Youth Equality and Reintegration Act, resulted in the almost wholescale abolition of legal financial obligations for juveniles and the deletion of two small but powerful words – "financial obligations" – from the new, administrative path for sealing juvenile records:

> ii) The respondent has completed the terms and conditions of disposition, including affirmative conditions and ((~~financial obligations~~)) has paid the full amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any insurance provider authorized under Title 48 RCW.[32]

Deleting these words, the legislature removed payment of non-restitution LFOs as a condition of sealing. But the legislature went further by eliminating or reducing three more financial barriers to sealing. First, the legislature clarified that young people would not have to pay restitution owed to insurance companies as a condition of sealing. Second, the legislature narrowed the category of restitution

[31] Laws of 2014, ch. 175.
[32] Laws of 2015, ch. 265, § 3, http://lawfilesext.leg.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5564-S2.SL.pdf.

owed as a condition of sealing to only "the individual victim named in the restitution order." Third, and perhaps most importantly, the legislature made it easier for young people to modify or even receive full forgiveness from any restitution owed to individual victims by amending RCW 13.40.190 to allow young people to (1) perform community service instead of paying restitution, (2) pay restitution individually rather than through joint and several liability, and (3) petition for modification of the restitution order "for good cause shown, including inability to pay."[33]

These amendments, combined with the legislative findings in 2014 and 2015, and all of the hearing materials and testimony by witnesses, make clear the legislature was taking direct aim at the continued public availability of juvenile records in Washington.[34] The legislature understood the problems associated with the traditional, complex process for sealing records, especially for young people experiencing poverty and racism, and it was not satisfied with the status quo. By tackling issues of juvenile record sealing over the course of two

[33] *Id.* at § 6. *See also, O'Connor v. Matzdorff,* 76 Wn. 2d 589, 606, 458 P.2d 154 (1969) (holding the courts have the inherent power to waive the payment of filing fees even when imposed by statute if justice so demands).

[34] *See* Washington House of Representatives. Human Services Committee. Hearings, March 18th 2015, Judge Stephen Warning, Co-Chair of Superior Court Judges Association ("Not every sentence that I impose on a juvenile should be a life sentence. I guess is the basic premise in our age of access to data there needs to be a way to give children a fresh start."), https://www.tvw.org/watch/?eventID=2015031161

biennia, the legislature made its point that issues of access should not determine which young people get a second chance.

3. Legislature Created a Presumption of Sealing

Juvenile record sealing is the presumption, the new normal, in Washington. The only true eligibility barrier to record sealing is the nature of the offense because administrative record sealing remains unavailable for juvenile records involving a "most serious offense," a "sex offense," or a felony drug offense.[35] For these youth alone, no administrative record sealing hearing will automatically be scheduled at their disposition hearing.

The presumption that juvenile records will be sealed[36] in Washington can only be overcome if the court finds a "compelling reason" not to seal.[37] Anyone – prosecutor, court personnel or otherwise – can ask the court not to seal a juvenile record or the court *sua sponte* can determine that an alleged failure to fully repay restitution owed to the individual victim named in the restitution order, an alleged failure to complete community service hours, an alleged failure to write an apology letter, or some other allegation could be a

[35] RCW 13.50.260(1)(b).
[36] *State v. Blazina*, 182 Wn.2d 827, 838, 344 P.3d 680 (2015) (citing *State v. Bartholomew*, 104 Wn.2d 844, 848, 710 P.2d 196 (1985)) ("As a general rule, we treat the word "shall" as presumptively imperative—we presume it creates a duty rather than confers discretion.")
[37] RCW 13.50.260(1)(a).

"compelling reason" not to seal.[38] But such an objection noted by the court does not mechanically render the petition denied by itself; the legislature created a safety valve, instructing that following the objection, "the court shall set a contested hearing."[39]

This means no matter how persuasive, an objection or concern cannot strip a young person of access to notice and an opportunity to be heard on the public record with legal counsel. A court may make an erroneous decision based on faulty evidence so the opportunity for youth to challenge the information through the contested hearing is critical to the presumption that juvenile records will be sealed. Boilerplate "eligibility concerns," whether printed on forms or spoken out loud, are objections to sealing that defeat the purpose of the new, administrative path to record sealing if affirmed without contest.[40]

This case presents an example of the harms that can occur by failing to seal a juvenile record while simultaneously failing to set the matter for a contested hearing. The Pierce County Prosecutor chiefly argues E.C. should not have his record sealed because allegedly he has not paid the restitution he owed to several businesses.[41] Yet the record

[38] *Id*.
[39] *Id*.
[40] *See also, State v. Blazina,* 182 Wn.2d at 830 (a court "must do more than sign a judgment and sentence with boilerplate language" in deciding legal financial obligations).
[41] Response at 19.

here is devoid of any evidence the court:

(1) Reviewed an accurate copy of the restitution order;

(2) Determined the actual individuals named in the restitution order;

(3) Determined who among these individuals was owed the restitution debt (the businesses or their insurers);[42]

(4) Determined whether the restitution debt was still unpaid;

(5) Conducted an individualized inquiry into whether it would be appropriate to waive or modify the restitution debt given the young man's inability to pay;[43] or

(6) Heard arguments from E.C. regarding any of the above because E.C. was not present. He was told his presence was not necessary for sealing. The public defender in the courtroom that day had no need, or opportunity, to consult with E.C. prior to the hearing since it was supposed to be an administrative hearing. A decision not to seal meant scheduling a contested hearing for which the public defender would contact E.C. and prepare arguments.

Similarly, the Pierce County Prosecutor argues D.J. should not have his record sealed because allegedly he has not written an apology letter or performed community service.[44] Again, there is no evidence the court made any effort to verify the prosecutor's version of the facts, which were left unchallenged because the proceeding was not set as a contested hearing on the public record.

Mistakes can be made, even if the prosecutor or court personnel

[42] It seems more than likely these businesses would have been reimbursed by their insurance companies so the restitution was owed to insurance companies.
[43] The two-thousand dollar restitution order is likely beyond most adults', much less teenagers', ability to pay, yet there is no discussion in the record of any individualized inquiry into the youth's ability to pay.
[44] Response at 19.

are diligent. Contested hearings are critical to test factual allegations and reduce the likelihood of error. In addition, contested hearings present a last-minute opportunity to quickly cure any concerns of the court. It is unfair to assume that a young person who has completed probation understands that he or she may still be required to complete a condition of their disposition.[45] Knowing what we know about the barriers to housing, employment, and education that result from the public availability of juvenile records, it would be tragic if a young person like E.C. or D.J. was thrust into adulthood with a publicly available juvenile record because of a missing apology letter. Ignoring the rule of lenity,[46] the Pierce County Prosecuting Attorney complains about an "offender-centric reading" of the statute,[47] without considering that a last-minute opportunity to cure engendered by a contested hearing may result in payment to victims as the young person is made to understand the potentially lifelong consequences for not making payment.[48] Finally, even if the court ultimately denies

[45] Youth may not know whether they were deemed to have completed the terms of their disposition or not. They may logically believe that if they completed probation, then they completed their disposition. *See, e.g., State v. Y.I.*, 94 Wn. App. 919 (1999) (holding "juvenile court had no jurisdiction to enforce the disposition order once the community supervision period had ended.").
[46] *See, e.g., State v. Roberts*, 117 Wn. 2d 576, 586, 817 P.2d 855 (1991) ("The rule of lenity requires the court to adopt an interpretation most favorable to the criminal defendant.").
[47] Response at 17.
[48] See Spokane County docket, Appendix B ("Administrative Seals set for 4/17/17 –

administrative sealing, contested hearings serve the purpose of informing young people their record is not sealed so they can attempt the traditional, complex process for sealing records on their own.

D. Pierce County Can and Should Follow the Law

While the Pierce County Prosecutor argues about "brimming dockets," "duplicative hearings," a "waste of public resources," and the "selfish impulses," of young people seeking a second chance as they start their transition to adulthood, and "[a]ll of the resources sacrificed to this absurdity" of contested hearings,[49] the fact is, at least one other large county in Washington follows both the letter and spirit of the law by scheduling contested hearings when anyone—prosecutor, court personnel or anyone else—asks the court *not* to seal a juvenile record.

Spokane County regularly sets contested hearings[50] when administrative sealing is denied for *any* reason, including the prosecutor's objection based on a belief that the youth is ineligible to seal. Spokane County's system gives youth both notice and an opportunity to be heard when there is an objection of any kind to administrative sealing. The Pierce County Prosecutor's reference to

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Need to be Continued") (continuance ordered to calculate restitution owed and provide opportunity for respondent to make good faith effort to pay).

[49] Response at 7, 8, 11-12, 17 and 21.

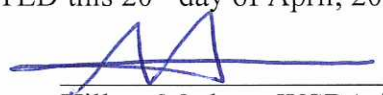
[50] See Spokane County docket, Appendix B.

"brimming dockets,"[51] is also unpersuasive in light of evidence that juvenile charging has declined both in Pierce County[52] and statewide[53].

V. CONCLUSION

The legislature created a new, administrative path to juvenile record sealing complete with notice and an opportunity to be heard through a contested hearing to afford our young people a second chance. Anything less is openly at variance with the presumption that juvenile records will be sealed and threatens to intensify existing racial disparities. Following the letter and spirit of the law is not difficult and claims of inconvenience cannot justify eroding our collective mission as participants in the juvenile justice system to rehabilitate, protect, and guide children through successful transitions to adulthood.

RESPECTFULLY SUBMITTED this 20th day of April, 2017.



Hillary Madsen, WSBA #41038

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[51] Response at 7.

[52] Juvenile prosecution in Pierce County has steadily declined since 2010. *See* Pierce County Juvenile Court, *Pierce County Juvenile Court Community Report 2015*, at 7, http://www.co.pierce.wa.us/DocumentCenter/View/41747.

[53] According to the most recent data published by the Washington State Department of Social and Health Services, juvenile prosecution steadily and significantly declined, by 48.3%, between 2008 and 2013. *DSHS Office of Juvenile Justice,* 2014 Juvenile Justice Annual Report, at 5, https://www.dshs.wa.gov/sites/default/files/JJRA/pcjj/documents/annual-report2014/Sect-2-Exec.Summary.pdf.

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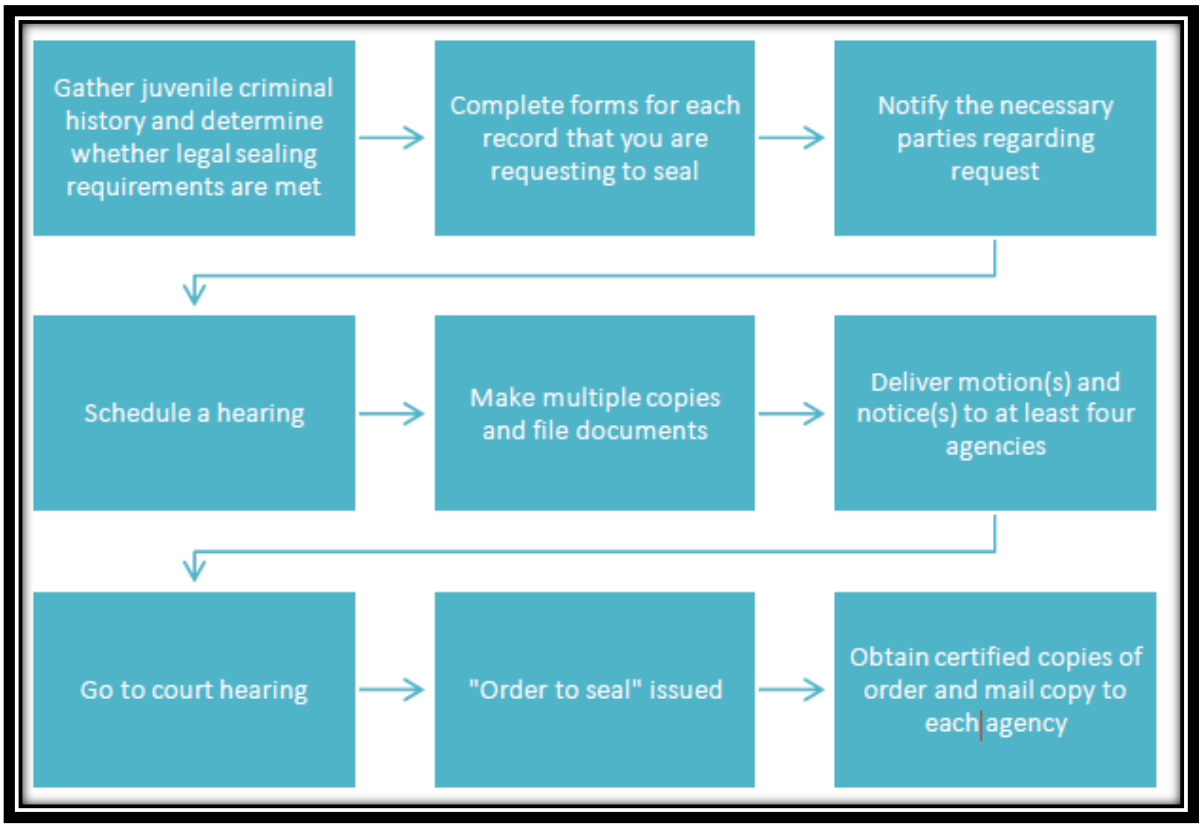
APPENDIX A
FLOWCHART OF JUVENILE RECORD SEALING,
TRADITIONAL PROCESS FOR SEALING



<u>APPENDIX B</u>

CONFIDENTIAL NOTICE TO SPOKANE COUNTY PUBLIC DEFENDERS REGARDING ADMINISTRATIVE SEALING CALENDAR FOR MONTH OF APRIL 2017 (NAMES, DATES OF BIRTH, AND CAUSE NUMBERS REDACTED)

Administrative Seals for 4/19/17 – No Objection			
[redacted]	[redacted]	[redacted]	First Hearing – No Objection
[redacted]	[redacted]	[redacted]	First Hearing – No Objection
[redacted]	[redacted]	[redacted]	First Hearing – No Objection
[redacted]	[redacted]	[redacted]	First Hearing – No Objection
[redacted]	[redacted]	[redacted]	First Hearing – No Objection
Administrative Seals set for 4/19/17 – Objection/Contested			
[redacted]	[redacted]	[redacted]	Contested – Has **adult** felony charge of Possession of Stolen Vehicle filed on 3/8/17 in Superior Court – [redacted].
[redacted]	[redacted]	[redacted]	Contested – Has **juvenile** felony charges of Assault 2, Assault 3, Unlawful Imprisonment filed on 2/22/17 in Superior Court – [redacted].
[redacted]	[redacted]	[redacted]	Contested – Has **juvenile** felony charges of Assault 2, Assault 3, Unlawful Imprisonment filed on 2/22/17 in Superior Court – [redacted].
[redacted]	[redacted]	[redacted]	Contested – Has **juvenile** felony charges of Assault 2, Assault 3, Unlawful Imprisonment filed on 2/22/17 in Superior Court – [redacted].
[redacted]	[redacted]	[redacted]	Contested – Has **juvenile** felony charges of Assault 2, Assault 3, Unlawful Imprisonment filed on 2/22/17 in Superior Court – [redacted].
[redacted]	[redacted]	[redacted]	Contested – Has **juvenile** felony charges of Assault 2, Assault 3, Unlawful Imprisonment filed on 2/22/17 in Superior Court – [redacted].
[redacted]	[redacted]	[redacted]	Contested – still on JRA parole. Defendant owes $283.66 of $283.66 to individual victim.
[redacted]	[redacted]	[redacted]	Contested – supervision unsuccessfully completed. **Due to this youth still being on probation for 2 concurrent cause numbers, the probation summary is not available.** He has an active warrant on Spokane County cause# [redacted]
[redacted]	[redacted]	[redacted]	Contested – defendant owes $179.95 of $179.95 to individual victim. He has an active warrant on Spokane County cause# [redacted]
[redacted]	[redacted]	[redacted]	Contested – defendant owes $290.00 of $295.00 to individual victim, and supervision unsuccessfully completed. **Due to this youth still being on probation for 2 concurrent cause numbers, the probation summary is not available.**

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[redacted]	[redacted]	[redacted]	Contested - continued from March 15th administrative seal date – has adult felony charges of Residential Burglary and Assault 2 w/ deadly weapon filed on 3/8/17 in Superior Court – [redacted]
[redacted]	[redacted]	[redacted]	Contested – Continued from November 2016 - supervision unsuccessfully completed. He has adult felony charges of Robbery 1/w weapon, Burglary 1 and Assault 1 w/weapon felony charges filed on 6/24/16 in Superior Court – [redacted]. Also has another adult felony charge filed of Assault 3 – Courthouse on 10/25/16 in Superior Court – [redacted].
[redacted]	[redacted]	[redacted]	Contested – Defendant has a felony filed on 2/23/17 in adult court for Assault 2 – [redacted].
Administrative Seals set for 4/17/17 – Need to be continued			
[redacted]	[redacted]	[redacted]	Needs to be continued to December 20th administrative seal date – restitution in this case still being determined. This will give also give him time to make a good faith effort to pay any ordered restitution.
[redacted]	[redacted]	[redacted]	Needs to be continued to June 21st administrative seal date – set too early.

Certificate of Service

I, Adriana Hernandez, declare under penalty of perjury that the foregoing is true and correct under the laws of the State of Washington. I served a copy of this document to the parties listed below via email on this 20th day of April, 2017.

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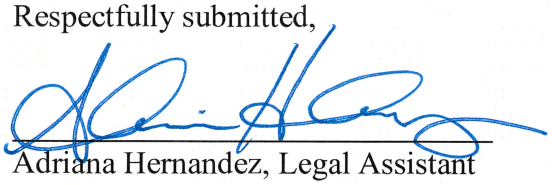
DATED this 20th day of April, 2017

Respectfully submitted,



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