

Superior Court of the State of Washington
for the County of King

JAMES E. ROGERS
Presiding Judge

King County Courthouse
Seattle, Washington 98104-2381
Jim.Rogers@kingcounty.gov
(206) 477-1597

June 3, 2021

Anita Khandelwal
Department of Public Defense

Re: Your letter of May 11, 2021

Dear Ms. Khandelwal,

We would be happy to meet with you and other stakeholders to discuss the important issues raised in your letter.

For the meeting, I wanted to clarify a couple matters in your letter and give you a sense of some of our Court's considerations.

First, King County juvenile offender records are not "broadly and easily accessible online to the public" nor does King County's portal ("Script") allow "broad, online public access to King County juvenile offender records," as you state in your letter. King County has only an *index* of cases available online through the Script system. The index of records is not the same as records. In King County, just as in every other court in the State, in order to access the records that are not sealed, a person must go in person to the Clerk's Office. This is not "easy" access to records.

Second, our Court is not aware of any actual documented harm or any instance of anyone actually searching the Script index, let alone coming to the courthouse to review records, and then causing any harm to "youth, their families [or] our community," as again you state in your letter. We would be interested to hear about any examples of this if and when we meet.

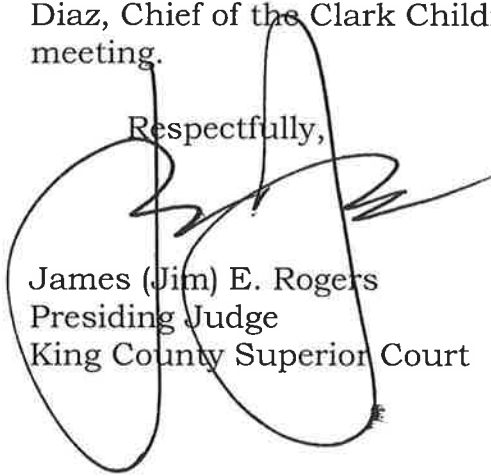
Third, our greatest consideration is that Washington State has a very strong presumption of open justice, in its constitution, statutes and case law. As you know, the legislature has sealed categories of records such as dependency and those related to civil commitments, and protected the indices of these records yet chosen not to do so, despite several attempts to change the law along the lines that you request, for juvenile offender records. We view the AOC's JIS *policy* as just that—a policy decision that was done in good faith but may go further than the law envisions. Without debating the legislative or policy reasons, I hope we can agree that it is important for the Court to hear from those stakeholders invested in free and open courts, such as the news media, the Washington Coalition for Open Government and other open government advocates, just as we are hearing from you and your letter's other signators.

As to the AOC's JIS policy, one might ask, why does it apply to just juvenile records? In our court, we have other areas where one might reasonably question having open court records—cases of child sexual abuse and sexual assault generally, cases involving highly personal medical issues, criminal cases involving competency evaluations and associated medical reports, contested divorce cases involving domestic violence, child abuse. I have wondered about the fairness of all of these kind of cases being open. This issue is being raised again with some courts now livestreaming court cases. But we are constitutionally required to have these courtrooms open, and case indexes and case files accessible. As you know, if a courtroom is closed or files are sealed contrary to law, the verdict is automatically reversed, even if there was no other error in the case.

Finally, I believe that substantively, we are largely on the same page: we do not wish to unnecessarily negatively impact the housing, employment, educational or other opportunities of the youth who enter the legal system. On the contrary, it has been the mission of the Court, for over two decades, to collaborate with our justice system partners and diverse, non-governmental stakeholders to improve outcomes for youth and families, while striving to eliminate racial and ethnic disparities and to address gaps in services meant to achieve rehabilitation and accountability in equal measure as the law demands.

In closing, we would be happy to meet. It would be best to contact Judge Diaz, Chief of the Clark Children and Family Justice Center, to set up a meeting.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jim E. Rogers', is written over the typed name and title. The signature is fluid and cursive, with a large loop at the end.

James (Jim) E. Rogers
Presiding Judge
King County Superior Court

cc: Judge Michael Diaz
Linda Ridge