



King County
Department of
PUBLIC DEFENSE

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May 11, 2021

Dear Judge Rogers and Judge Diaz,

We request that King County Superior Court immediately stop making King County juvenile offender records broadly and easily accessible online to the public, due to the predictable and serious harm such access causes to youth, their families, and our community. By taking this step, King County Superior Court can further the commitment it has made “to review and reform its practices to reduce racial disproportionality in the criminal legal system and to mitigate long-term, negative outcomes for many youth engaged in a punitive criminal justice system.” (See King County Superior Court’s [2019 Annual Report](#), pg. 11.)

In January 2021, King County Superior Court and the Superior Court Clerk’s Office, also known as the King County Department of Judicial Administration, launched a new portal (KC-SCRIPT) that provides online public access to court records. Unlike the previous portal (ECR), which made access to electronic records available only at the courthouse, SCRIPT allows broad, online public access to King County juvenile offender records.

This broad access runs counter to how the statewide Administrative Office of the Courts (AOC) handles such information. AOC tracks case information and records through its statewide Judicial Information System (JIS), which is overseen by a Data Dissemination Committee and that has imposed limits on the dissemination of juvenile offender records through JIS: “[t]he AOC shall not display any information from an official juvenile offender court record on a publicly-accessible website that is a statewide index of court cases.” (See Section V in the Washington Courts’ [Data Dissemination Policy](#).)

Because of those limits, AOC does not distribute juvenile data to companies that subscribe to its various public indices; such records are not included in its indices due to the above policy and thus are not made available to outside entities. (See Washington Courts’ [Data Dissemination Administration site](#).) Rather than following AOC’s limits, King County – through SCRIPT – has decided to provide online public access to juvenile offender records. (While RCW 13.50.050 provides that juvenile court records are “open,” no law requires that juvenile court records be accessible online.) King County’s online portal can be very easily searched with either the juvenile cause number or the youth’s name. (See King County

Superior Court’s [public access search site.](#)) The records that are provided are very broad and even include situations where a youth was not charged.

This decision to provide online access to juvenile offender records will hinder the success of King County’s youth and impede their ability to reach their full potential. Our Washington State Supreme Court has noted that “[a] publicly available juvenile court record has very real and objectively observable negative consequences, including denial of ‘housing, employment, and education opportunities.’” (*State v. S.J.C.*, 183 Wash. 2d 408, 432, 352 P.3d 749, 761, 2015). In public housing, a single juvenile offense might result in the entire family’s eviction. (See Ashley Nellis, “Addressing the Collateral Consequences of Convictions for Young Offenders,” 35 THE CHAMPION 20, 23, 2011.) In addition, a juvenile court record can foreclose employment possibilities and make it harder it to obtain even a high school diploma, much less post-secondary education. (See Ashley Nellis.) Juvenile courts are intended to prevent adult recidivism, but lack of housing, employment, and education all increase the likelihood of recidivism. (See Ashley Nellis.)

Broad and readily available online public access to juvenile offender records is particularly damaging to Black youth, Indigenous youth and Youth of Color, since they are disproportionately prosecuted in King County Juvenile Court. (In 2019 and 2020, about 72% of the youth prosecuted in King County juvenile court were BIPOC.) By providing online public access to juvenile records, King County Superior Court and the King County Superior Court Clerk’s office reinforce and perpetuate those inequities by intensifying the collateral consequence of juvenile offender involvement.

Given the court’s commitment to “mitigate long-term, negative outcomes for many youth engaged in a punitive criminal justice system,” public online access to juvenile offender records should not continue. We look forward to meeting to chart this path forward.

Sincerely,

King County Department of Public Defense
ACLU of Washington
Asian Counseling and Referral Service
Cammie Carl, MSW, Seattle Goodwill Industries
Center for Children & Youth Justice
CHOOSE 180
Collective Justice
Columbia Legal Services
Community Passageways
Creative Justice
Decriminalize Seattle
Derrick Wheeler-Smith, Director, King County Zero Youth Detention

Dr. Ben Danielson
Dr. Brian Johnston, Professor of Pediatrics, University of Washington
Dr. Eric W. Trupin, Professor, University of Washington School of Medicine
Emily Gause, Gause Law Offices, PLLC
Formerly Incarcerated Group Healing Together (FIGHT)
Freedom Project
Free Them All
George Jackson Freedom Coalition
Judge J. Wesley Saint Clair (ret.)
Judge Theresa Doyle (ret.)
Kimberly Ambrose, University of Washington School of Law
King County Alternative Dispute Resolution Program
King County Councilmember Girmay Zahilay
Legal Counsel for Youth and Children
Look2Justice
Nicole McGrath, Attorney
Northwest Community Bail Fund
Partners for Our Children
Paul Holland, Professor, Seattle University School of Law
Public Defender Association
Robert Boruchowitz, Director, The Defender Initiative, Seattle University School of Law
SafeFutures Youth Center
Seattle Children's Odessa Brown Children's Clinic
Stephan Thomas, Attorney
TeamChild
Washington Association of Criminal Defense Lawyers
Washington Defender Association
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