

1. Meeting Minutes



JISC DATA DISSEMINATION COMMITTEE
Friday June 26, 2020 (8:30 a.m. – 9:55 a.m.)
Zoom Video Conference

DRAFT MEETING MINUTES

Members Present

Judge J. Robert Leach, Chair
Judge Scott Ahlf
Judge Jeanette Dalton
Judge John Hart
Ms. Barbara Miner
Mr. David Reynolds
Judge David Svaren

Members Absent:

Ms. Paulette Revoir

Guests

Judge Lisa Paglisotti, King County: West Division - Seattle
Ms. Heidi Percy, Snohomish County Clerk
Mr. George Yeannakis, TeamChild
Dr. Crystal Yang, Harvard Law School

Staff

Mr. Kevin Cottingham, Data Dissemination Administrator
Mr. Mike Keeling, IT Operations Manager
Ms. Hayley Keithahn-Tresenriter, Court Records Access Coordinator
Ms. Kathy Bowman, Administrative Secretary

0. Call to Order

Judge J. Robert Leach called the June 26, 2020, Data Dissemination Committee meeting to order at 8:34 a.m.

1. April 24, 2020, Meeting Minutes

Hearing no corrections or additions, the April 24, 2020, Data Dissemination Committee Meeting Minutes were deemed approved.

2. Request from Harvard Law School for Fee Waived JIS-Link Access

Dr. Crystal Yang presented this request on behalf of Harvard Law School, and in collaboration with King County District Court. In order to further their research designed to improve judicial decision-making and reduce racial disparities in bail decisions, this study requires public docket level data through JIS-Link. The request is to grant the research team a fee exemption to allow access to JIS-Link free of charge. Judge Paglisotti spoke to the study's benefit to King County and added there are nine King County judges willing to participate in the study. Dr. Yang has identified the data required and AOC has indicated it would be accessible. Ms. Miner voiced concern that the information sought may not be available via JIS-Link. Judge Leach suggested this request be considered, and if this request does not provide the information needed, another fee-waiver request can be made to the DDC. A motion was made and seconded to approve the JIS-Link fee waiver request. There were none opposed. Judge Leach and Ms. Miner abstained. The motion passed.

3. AOC-WSP Sealed Case Exchange

DDA Kevin Cottingham detailed the exchange and an analysis of RCW 13.50.260, after discussion was raised regarding AOC giving more records to WSP than either the legislature or DDC contemplated. The original version of the bill that added the language at issue was supposed to apply to cases filed after a set date, but that language was removed by an

amendment. When the DDC later considered the request from WSP, there was no mention of allowing access to cases filed after a certain date. The DDC also granted WSP access to a level 25 JIS-Link account, and no one on the committee would have believed this to only grant access to cases filed after a certain date. The current exchange is proper under the law, and following the intent of the DDC at the time of its decision. An argument has been made that cases are sealed imposing certain conditions and the legislature could not modify those conditions after the fact, but this is a due process argument that must be resolved by the Supreme Court. Judge Leach felt that DDA Cottingham's interpretation is likely correct, but that the DDC must step back at this time and the issue must go to litigation if any are dissatisfied with the current status. Judge Leach stated the issue would be considered closed at this time, but Mr. Yeannakis was advised he was welcome to submit any comments he may have in writing to the DDC.

4. Display of Sealed Juvenile Case Data to Prosecutors in JABS/JIS-Link

The concern discussed is that JABS displays sealed juvenile case charges to prosecutors. Language in RCW 13.50.260 dictates that the existence of sealed cases must be displayed to prosecutors, but is silent regarding the scope of the information. GR 15 defines the existence of a sealed case as including the charges, but legislative intent implies that the provision was a cost-effective way to unseal cases upon a subsequent charge. If so, it is unnecessary to display charges, as a prosecutor can make a request to unseal cases knowing only the court and case number. Mr. Reynolds mentioned juvenile records have stronger protection than GR15 provides for adult cases. Judge Leach asked for a motion. Mr. Reynolds moved to remove access of information from juvenile sealed cases. There was no second to the motion. The motion died. Judge Leach suggested that if the issue is of sufficient concern, Mr. Reynolds is invited to write a letter to the JISC, and Mr. Reynolds suggested he would pursue that.

5. Update regarding CLJ-CMS and Sealed Case Display in Odyssey

Contractual negotiations are in work with the vendor to include the display of sealed cases in CLJ-CMS, with implementation in the first pilot. Due to COVID-19 pandemic, there is no specific date set for that pilot. Ms. Miner asked the functionality would be available to Superior Courts when it is made available to Courts of Limited Jurisdiction in the first pilot. DDA Cottingham replied that the Superior Court upgrade would take place later. Once the functionality works in the CLJ-CMS, it will be ported to SC-CMS. Judge Hart commented that it seems encouraging, in anticipation that remote implementation may be needed.

6. New JIS-Link and Web Search Requirements Regarding Judgments

Ms. Keithahn-Tresenritter, Court Records Access Coordinator, presented a request for the DDC to approve requirements for judgments to provide a baseline moving forward. A summary of viewable elements based on whether a case has been sealed and numerous examples of what will show in JIS-Link were provided. Ms. Miner and Ms. Percy reiterated that judgment information should be shown for juvenile cases, but information about the underlying juvenile case should be masked. Once an originating case is sealed, only the originating case becomes masked and only the judgment will be available. Judge Leach asked if anything would indicate the presence of a juvenile case, or if users might just know it was a criminal case. There would be no identifying information. Judge Leach asked if the case type could be labeled "other" so it didn't refer to juvenile. Ms. Keithahn-Tresenritter will review a list of all case types. One overall

comment, is that no screen presented shows a judgment amount yet. Currently, the new JIS-Link is fed from the EDR, but financials have not yet been completed, and the elements are not available. Ms. Miner commented that date filed and current status of judgment should not be available on sealed cases, as it is not one of the elements described in GR15. Ms. Miner also wondered why a case search in JIS-Link would be any different from a public case search. Ms. Keithahn-Tresenriter responded that a public search has always been more limited than a Level 1 user would see. A public case search is equivalent to “anonymous”, much more limited than for registered users. Registered users are allowed more access and when creating the roles for Portal this was mirrored. Ms. Miner disagreed with the notion that a registered user should get more information than a public user. Mr. Keeling noted that rules for the public site were decided by the DDC. A registered Portal user is equal to a JIS-Link Level 1 user. Judge Leach noted that no one has lost any access—if they wish to remain anonymous and not registered, they can still go to any Odyssey court lobby for information.

In 2013, the DDC approved an amendment to DD policy, limiting availability of juvenile records on a public search. A later decision had also been made to remove Odyssey courts from the public case search once they were onboarded, resulting in a limited data set. It was suggested to redo the public case search to include all judgments (case type 9s) regardless of status, so judgments that are associated for both juvenile and adult cases are viewable. Permission was requested to bring Odyssey courts back in. Judge Leach asked if this would affect anyone’s ability to get judgment information in bulk form. It was assured the query would not remove the information, but merely have it display on the public case search.

Ms. Miner stated that categorizing judgments as case type 9 was a SCOMIS workaround, and a judgment is a subrecord of a case. King County does not include judgments in its case search. Ms. Miner said she would prefer to take away the word “case” moving forward, as it’s not a case and this is confusing to users. Ms. Keithahn-Tresenriter offered that the language can be updated on the public case search. Mr. Keeling clarified that all Superior Court judgments are available for view under the judgment search screen. This is replicated data. A proposal was made to update the public judgment search to include all case type 9s, and to only exclude judgments that were sealed specifically by a court. Ms. Miner agreed. Ms. Miner asked if making a public case search for a judgment would allow one to see a case number to get to the underlying case. It was proposed not to do that, to not reveal juvenile case numbers. Judge Leach asked if one could get the case number of an underlying case for unsealed underlying cases. Ms. Miner stated that it is very important that the cause number be included, except in juvenile cases. Ms. Keithahn-Tresenriter will generate another mock-up incorporating these suggestions for the public case search. Ms. Keithahn-Tresenriter asked if the DDC could clarify the Data Dissemination Policy’s rules regarding judgments tied to juvenile cases. She pointed out that there is already an exception in the policy for displaying juvenile case information in JIS-Link and asked if there should be an exception for judgments tied to juvenile cases. DDA Cottingham clarified that language in Section V of the policy prohibits juvenile case information on public-facing websites, but it is unclear if judgments resulting from those cases fall under this prohibition. Judge Leach stated he was not prepared to make any changes regarding the display of juvenile records without inviting juvenile advocates. Ms. Keithahn-Tresenriter was asked to present a draft of a proposed amendment to those advocates, giving them an opportunity to weigh in. A suggestion was also made to invite a representative from a title company. This subject will be revisited at the next DDC meeting to be held in August, if the information is available to advocates well in advance. Judge Leach asked to see mock-ups of all suggested changes before bringing this to a vote. Ms. Miner will distribute to county clerks. Judge Leach thanked Ms. Keithahn-Tresenriter for her presentation.

7. Update Regarding Odyssey Searches using Dates of Birth

Ms. Keithan-Tresenriter presented. The year of birth can currently be seen in for certain roles in Odyssey, but not the full date. The full date of birth was masked to protect juveniles, as Portal cannot tell whether a record is juvenile or adult. Currently, if a user has access to the full date of birth, they can filter by birth dates to identify an individual. This functionality is not available to users with access to year of birth only, and it was asked if the DDC's March 2018 vote was intended to require allowing these users the functionality to filter using full date of birth. It was agreed that registered users with approval to view full dates of birth should be able to see that data, but registered users who do not have approval to view full dates of birth should only see year of birth, allowing them enough distinction. Certain roles allow a search by specific date of birth, but the DDC's earlier vote was not intended to permit that users who cannot view full date of birth be able to filter search results by it.

8. Other Business

Hearing no other business for discussion, Judge Leach adjourned the June 26, 2020, Data Dissemination Committee meeting at 9:54 a.m.

DRAFT

**2. JIS-Link/JABS access
request for DSHS Office of
Forensic Mental Health
Services**



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Office of Forensic Mental Health Services
Behavioral Health Administration
PO Box 45330, Olympia, WA 98504-5330

August 12, 2020

Data Dissemination Committee
1112 Quince St. SE
PO Box 41170
Olympia, WA 98504

Dear Data Dissemination Committee,

The letter below is a request for the Forensic Navigator Program to have professional access to the Judicial Access Browser System (JABS). This letter will include a description of the Forensic Navigator Program, why the program was created, what the program will be accomplishing, and why the Forensic Navigators need access to the Judicial Access Browser System.

The Forensic Navigator Program is requesting access to the JABS to help Forensic Navigators better complete their duties laid out in the RCW 10.77.74 and the Trueblood Contempt Settlement Agreement.

The Department of Social and Health Services' Office of Forensic Mental Health Services Forensic Navigator Program seeks to divert forensically-involved criminal defendants out of jails and inpatient treatment settings, and into community-based treatment settings.

Program participants will have a Navigator assigned to them at the time a competency evaluation is ordered by a court.

For those participants deemed not competent to stand trial, and suitable for outpatient competency restoration, courts may elect to grant conditional release in order for those individuals to receive services in the community.

The Forensic Navigator Program comes directly from the Trueblood Contempt Settlement Agreement. Trueblood v DSHS is a case challenging unconstitutional delays in competency evaluation and restoration services. As a result of this case, the state has been ordered to provide court-ordered competency evaluations within 14 days and competency restoration services within seven days. Trueblood helps individuals who are detained in city and county jails awaiting a competency evaluation or restoration services, and individuals who have previously received competency evaluation and restoration services, who are released and at-risk for re-arrest or re-institutionalization.

Parties in the case reached a Settlement Agreement of the contempt order in August of 2018 which received final approval by the Court on December 11, 2018. The agreement improves the competency evaluation and restoration services system, but also emphasizes arrest diversion and community-based supports for people with mental illness. The agreement requires the State to make changes in five substantive areas: competency evaluations; competency restoration services; crisis triage and diversion support; education and training; and workforce development. (Office of Forensic Mental Health. Forensic Navigator Program. Retrieved from https://www.dshs.wa.gov/bha/office-forensic-mental-health-services/forensic-navigator-program?banner_hide=1)

Forensic Navigators are officers of the court. Forensic Navigators advise courts on whether defendants are suitable for Outpatient Competency Restoration (OCR), and what services are available to those the court may order into OCR. Forensic Navigators are mandated to provide information to the courts which will assist the court in understanding a client's treatment options, prior to that client's competency hearing. Forensic Navigators report to the court on client progress in OCR and connect them to community based services, such as outpatient behavioral health services, housing, food and medical benefits, and many more. In addition, Forensic Navigators are quasi-case managers. Forensic Navigators work with clients to ensure adherence to conditions of release, attending competency restoration classes, and obtaining and taking prescribed medications. Forensic Navigators are also liaisons with community

service providers. Forensic Navigators communicate regularly with tribal and community-based service providers (i.e. mental health counselors, substance use treatment providers, housing providers, etc.) working with clients to increase the likelihood of client success and reduce recidivism to the criminal court system.

The Forensic Navigator Program is requesting access to the Judicial Information System to help Forensic Navigators for the following reasons:

Having access to the information that the JABS is able to provide, such as:

- Washington State criminal history
- Warrant information
- No contact order information
- Court hearing docket note
- Other court participation
- Driving abstract
- Recent contact information

Having this information will help the Forensic Navigators gather the needed information to help determine whether an individual will be a good fit for outpatient competency restoration and to coordinate care with community partners and link them to the appropriate services.

Thank you for your time and consideration of granting access to the Forensic Navigator Program. For questions, please contact me via email, at Jason.karpen@dshs.wa.gov or via telephone at 360.529.6116.

Kindest Regards,

Jason R. Karpen, J.D.

Forensic Navigator Program Administrator
Office of Forensic Mental Health Services
Behavioral Health Administration
Washington State Department of Social and Health Services

**3. Court-level JIS account for
Joelle Kelly of Snohomish
County Executive's Office**



Data Dissemination Committee
c/o Kevin Cottingham, Data Dissemination Administrator
Administrative Office of the Courts
Management Services Division

2801 10th Street
Everett, WA 98201-4046
(425) 388-7854
CASA@snoco.org

RE: Request for S31A User Account

Greetings:

This letter comes as a request to the DDC to review an exemption for an S31A User Account.

I hope I can provide enough background information to substantiate this request to warrant a favorable vote permitting this exemption by the DDC.

In April 2020, the Snohomish County CASA Program transitioned out of court structure and moved under the Executive's Office. Up until that time, the CASA Program operated under court structure for 40 years. CASA employees were all issued J31A accounts to perform essential job functions while under court structure. Our transition out of court structure was administrative in that our essential job functions did not change.

As a result of our transition to the Executive's Office, Snohomish County Administrative Order 14-20 was updated on 5/13/20 to include language that CASA Program volunteers and employees of the County Executive's Office CASA Program are authorized to have access to court records. Included with this letter is a copy of the Administrative Order. Subsequently, CASA program employees signed updated confidentiality agreements and subscription agreements.

As part of my job function as Manager for the CASA Program, I am required to complete statistical reports for the Administrative Office of the Courts (AOC). The reports, which are accessed through AOC by way of a J31A or S31A user account, are a requirement of maintaining our grant funding for the program. At this time, my J31A account has not been disabled in order to allow me to complete and submit the most recent report to AOC; which is why I have requested to have an S31A user account. I have completed a confidentiality agreement to support this request which is currently maintained by our clerk's office.

Please let me know if additional information is needed to support this request. Thank you for your time and consideration.

Joelle Kelly | *CASA Program Manager*

[Office of the Court Appointed Special Advocate](#)

2801 10th Street | Everett, WA 98201

O: 425-388-7850 | C: 425-359-3176 | Joelle.Kelly@snoco.org



Superior Court
Of Snohomish County

ADMINISTRATIVE ORDER 14 - 20

ACCESS TO COURT RECORDS BY SUPERIOR COURT
EMPLOYEES, GMP VOLUNTEERS, GUARDIANS AD LITEM,
AND COURT APPOINTED SPECIAL ADVOCATES

Adopted: August 3, 2003
Updated: May 13, 2020

Snohomish County Superior Court hereby adopts the following for the authorization to access court records defined by law, court rules, or individual court order sealed, confidential, or otherwise restricted from public access.

Access, reading, or handling of all court records is authorized only to the extent required in, and for the purpose of, performing assigned duties on behalf of Superior Court. This authorization applies to the Superior Court courthouse and Charles R. Denney Juvenile Justice Center:

1. Only Superior Court employees, court-appointed Guardians ad Litem (GAL) on the official registry and assigned to the case, volunteers on the official registry and working within the Guardianship Monitoring Program (GMP); Court Appointed Special Advocates (CASA) on the official registry and assigned to the case, and employees of the County Executive's Office CASA Program;
2. Court Administration and the County Executive's CASA Program will submit to the Clerk annually a registry of authorized GALs, GMP volunteers and CASA Program volunteers and employees respectively;

Superior Court of Snohomish County

3. All authorized persons on the registries shall sign a confidentiality agreement, as determined by the Clerk, on an annual basis;
4. The Court Administrator or County Executive CASA Program will notify the Clerk within one business day of employee changes to the registries;
5. This order does not preclude any Superior Court employee from viewing any file, record or exhibit within the procedures established by the Clerk.

Dated this 13th day of May 2020

BRUCE I. WEISS

Bruce I. Weiss, Presiding Judge

Supersedes: Updated May 13, 2020; July 20, 2015; Updated and Reformatted February 20, 2013;
Updated 2/13/08, 12/19/07; Adopted August 3, 2003

**5. Proposed amendment to
Data Dissemination Policy &
update regarding judgments**

Data Dissemination Policy – Proposed Amendment

V. LIMITATION ON DISSEMINATION OF JUVENILE OFFENDER COURT RECORDS*

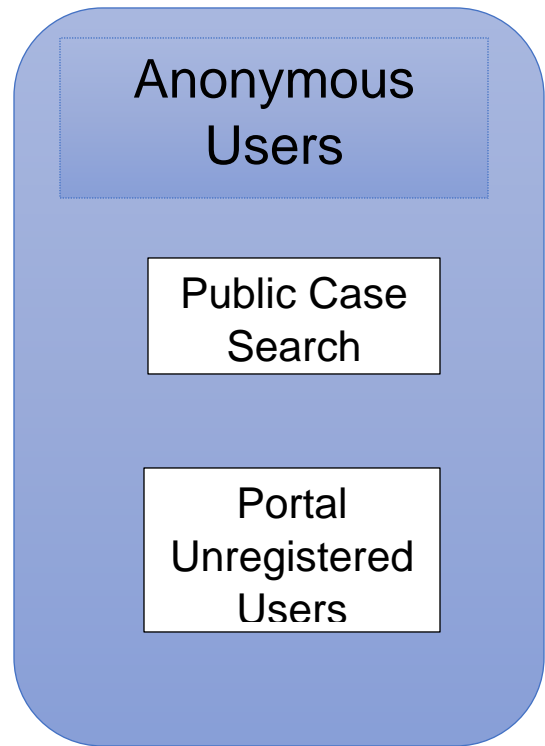
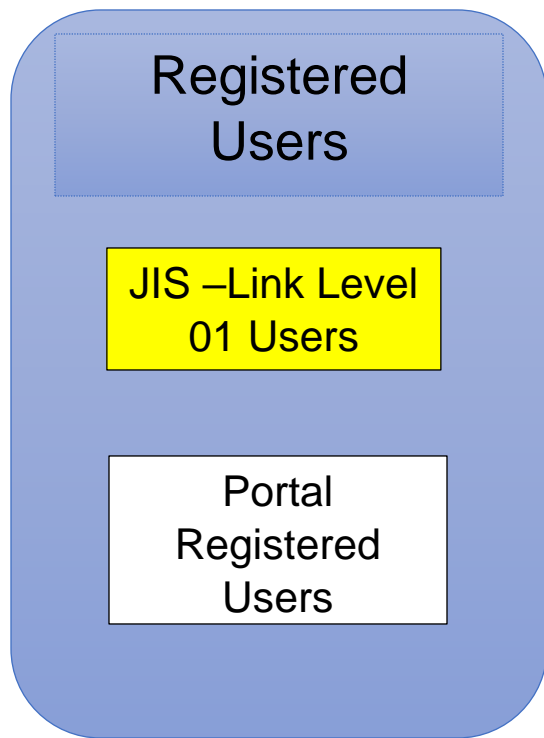
The dissemination of juvenile offender court records maintained in the Judicial Information System shall be limited as follows:

- A. Juvenile offender court records shall be excluded from any bulk distribution of JIS records by the AOC otherwise authorized by GR 31(g), except for research purposes as permitted by statute or court rule.
- B. The 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.

* Juvenile offender court records shall remain publicly accessible on the JIS Link notwithstanding any provision of this section. (Section added September 6, 2013.)

* Judgment Dockets originating from Juvenile offender court records shall remain publicly accessible notwithstanding any provision of this section.

AOC Public Access – Judgments



1. Judgments with an open originating case

RCW 4.64.030(2)(a) legal financial judgments in the execution docket are required to summarize:

- The judgment creditor
- The name of the creditor's attorney.
- The judgment debtor.
- The amount of the judgment.
- The interest owed to the date of the judgement.
- The total taxable costs and attorney fees, if known at the time of the entry of the judgment.

Systems will associate the judgment with the originating case.

2. Judgments with a sealed originating cases

The Judgment will summarize the following:

- The judgment creditor
- The name of the creditor's attorney.
- The judgment debtor.
- The amount of the judgment.
- The interest owed to the date of the judgement.
- The total taxable costs and attorney fees, if known at the time of the entry of the judgment.

Systems will associate the judgment with the originating case, only the existence of the originating case will be viewable. (GR 15)

3. Juvenile Judgments with an open originating case

RCW 13.40.192 – Mandates the county clerks to docket a juvenile offender’s outstanding legal financial obligations “in the same manner as other judgments for the payment of money.” (See Legal financial judgments RCW 4.64.030)

The Juvenile Judgment will summarize the following;

- The judgment creditor
- The name of the creditor’s attorney.
- The judgment debtor.
- The amount of the judgment.
- The interest owed to the date of the judgment.
- The total taxable costs and attorney fees, if known at the time of the entry of the judgment.

(Business Rule – Does not affect Technical Requirements) – The Clerks do not create the Execution Docket (Judgment Case Type – 9) until the Juvenile is 18 years of age or is no longer under Juvenile Court Supervision (In some cases this is up to 25 years of age).

Systems will associate the judgment with the originating case, if the individual is under the age of 18, identifying information will not be viewable on the originating case.

4. Juvenile Judgments with a sealed originating case

RCW 13.50.260. These statutory conditions make it possible that an offender might have outstanding financial judgment obligations at the time the record is sealed.

The Juvenile Judgment will summarize the following;

- The judgment creditor
- The name of the creditor’s attorney.
- The judgment debtor.
- The amount of the judgment.
- The interest owed to the date of the judgment.
- The total taxable costs and attorney fees, if known at the time of the entry of the judgment.

Under GR 15 a Juvenile Sealed Record is not viewable to the public, not even the existence of the case will be known.

Systems will not associate the judgment with the originating case.

*** If the individual is under the age of 18 on a Judgment case, do not display the Judgment until the individual is 18 years old.*

A system that keeps open the legal financial judgment in a portion of the juvenile offender's sealed file would fail to fully effectuate the requirements of RCW 13.50.260 by making it possible to track back through the file to uncover that there was an underlying adjudicated juvenile offense. Such an outcome runs afoul of RCW 13.50.260 (6)(a), which requires that once the proceedings in the case are sealed, "they are treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the event, records of which are sealed." Further, no agency may provide information "about the existence or nonexistence of records concerning an individual" once that individual's records have been sealed. Id.

5. Sealed Judgment with a sealed originating case

The Judgment will summarize the following:

- Judgment Number
- The judgment creditor
- The name of the creditor's attorney.
- The judgment debtor.
- The notation "Judgment sealed,"
- Case Type
- Cause Type

Systems will associate the judgment with the originating case, only the existence of the Judgment and the originating case will be viewable. (GR 15)

Replacement JIS-Link

1. Judgment with an open Originating Case.

049017019 Judgment

STATE OF WASHINGTON VS COOPER, ELSON LEE

Court WHATCOM COUNTY SUPERIOR COURT	Filed	Jul 1, 2004
Cause Type Criminal	Active - Active	Jul 1, 2004

Events Loaded 4 of 4



ORDER	Feb 7, 2013
ORDER SETTING RESTITUTION	Aug 12, 2004
ACCOUNT(S) RECEIVABLE CREATED	Jul 6, 2004
JUDGMENT AND SENTENCE	Jul 1, 2004

Participants Loaded 3 of 3



BUCKINGHAM, ROYCE S	Attorney	Active
STATE OF WASHINGTON	Judgment Creditor	Active
COOPER, ELSON LEE	Judgment Debtor	Active

Associated Cases Loaded 1 of 1



031016694	Criminal	Filed Dec 22, 2003
STATE OF WASHINGTON VS COOPER, ELSON LEE		
WHATCOM COUNTY SUPERIOR COURT		
Filed Criminal		

8 Participants

2. Judgments with a Sealed Originating Case

049017019 Judgment

STATE OF WASHINGTON VS COOPER, ELSON LEE

Court WHATCOM COUNTY SUPERIOR COURT	Filed	Jul 1, 2004
Cause Type Criminal	Active - Active	Jul 1, 2004

Events Loaded 4 of 4



ORDER	Feb 7, 2013
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ACCOUNT(S) RECEIVABLE CREATED	Jul 6, 2004
JUDGMENT AND SENTENCE	Jul 1, 2004

Participants Loaded 3 of 3



BUCKINGHAM, ROYCE S	Attorney	Active
STATE OF WASHINGTON	Judgment Creditor	Active
COOPER, ELSON LEE	Judgment Debtor	Active

Associated Cases Loaded 1 of 1



031016694	Criminal	
Case Sealed		
WHATCOM COUNTY SUPERIOR COURT	8 Participants	
Filed Criminal		

3. Juvenile Judgment an open Originating Case.

049017019 Judgment

STATE OF WASHINGTON VS COOPER, ELSON LEE JR.

Court WHATCOM COUNTY SUPERIOR COURT	Filed	Jul 1, 2004
Cause Type Criminal	Active - Active	Jul 1, 2004

Events Loaded 4 of 4



ORDER	Feb 7, 2013
ORDER SETTING RESTITUTION	Aug 12, 2004
ACCOUNT(S) RECEIVABLE CREATED	Jul 6, 2004
JUDGMENT AND SENTENCE	Jul 1, 2004

Participants Loaded 3 of 3



BUCKINGHAM, ROYCE S	Attorney	Active
STATE OF WASHINGTON	Judgment Creditor	Active
COOPER, ELSON LEE JR	Judgment Debtor	Active

Associated Cases Loaded 1 of 1



031016694	Criminal	Filed Dec 22, 2003
STATE OF WASHINGTON VS COOPER, ELSON LEE JR		
WHATCOM COUNTY SUPERIOR COURT		8 Participants
Filed Criminal		

4. Juvenile Judgment with a Sealed Originating Case

049017019 Judgment

STATE OF WASHINGTON VS COOPER, ELSON LEE JR.

Court WHATCOM COUNTY SUPERIOR COURT	Filed	Jul 1, 2004
Cause Type Criminal	Active - Active	Jul 1, 2004

Events Loaded 4 of 4 ▼

ORDER	Feb 7, 2013
ORDER SETTING RESTITUTION	Aug 12, 2004
ACCOUNT(S) RECEIVABLE CREATED	Jul 6, 2004
JUDGMENT AND SENTENCE	Jul 1, 2004

Participants Loaded 3 of 3 ▼

BUCKINGHAM, ROYCE S	Attorney	Active
STATE OF WASHINGTON	Judgment Creditor	Active
COOPER, ELSON LEE JR	Judgment Debtor	Active

Associated Cases None ▼

No Case will show.

5. Sealed Judgment with a Sealed Originating Case

049017019 **Judgment** **Sealed**

STATE OF WASHINGTON VS **SEALED PER COURT ORDER**

Court WHATCOM COUNTY SUPERIOR COURT	Filed	Jul 1, 2004
Cause Type Criminal	Active - Active	Jul 1, 2004

Events Loaded 

Case Sealed – No Events

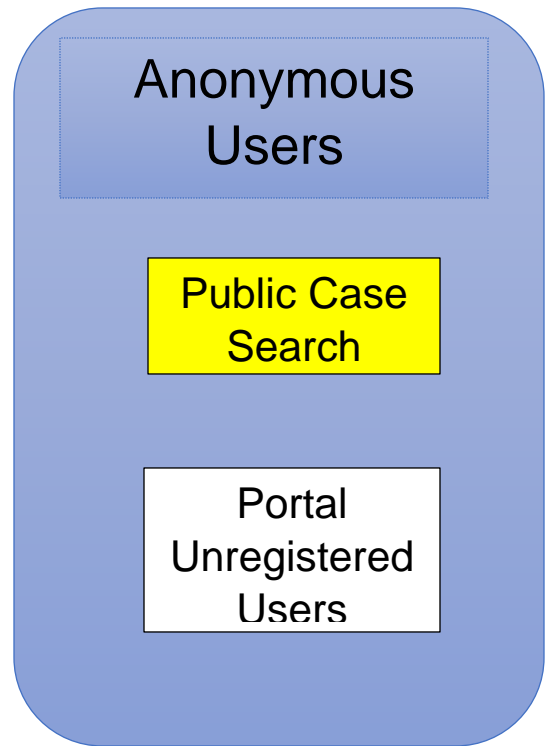
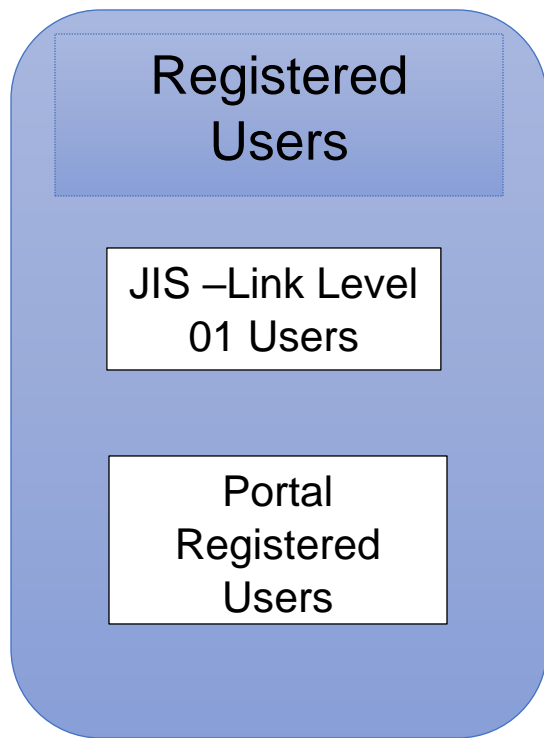
Participants Loaded 3 of 3 

BUCKINGHAM, ROYCE S	Attorney	Active
STATE OF WASHINGTON	Judgment Creditor	Active
COOPER, ELSON LEE	Judgment Debtor	Active

Associated Cases Loaded 1 of 1 

031016694	Criminal	<input type="text"/>
<input type="text" value="Case Sealed"/>		
WHATCOM COUNTY SUPERIOR COURT		<input type="button" value="8 Participants"/>
Filed Criminal		

AOC Public Access – Judgments



AOC's Public Case Search Requirements

1. Open Judgments

- All open judgments will be available.
- The search will query open case type 9's regardless of the status of the originating case.
- The Judgment Record List will display the following elements;
 - Judgment Record Number
 - Participant Name
 - File Date
 - Participant Type
 - Cause Code
- The Judgment Record List will not reference the originating case.

Superior Court Judgment Records List

Directions: Below are cases associated with your search criteria. If the case was filed in Superior or Appellate Court, there may be docket information available. Docket information is not available for Municipal & District Court Cases.

To get directions or information about a Court in this list, view the [Washington Court Directory](#).

There are 4 public non-sealed records that match your search criteria.

Judgment Records	Name	File Date	Participant	Cause
1 18-9-18818-6	Cg Pebble Cove Llc	08-23-18	CREDITOR	General Recovery
2 18-9-18818-6	Orlob, Brett	08-23-18	DEBTOR	General Recovery
3 18-9-18818-6	Smith, Adam C	08-23-18	DEBTOR	General Recovery
4 18-9-18818-6	Tc Pebble Cove Llc	08-23-18	CREDITOR	General Recovery

- The Superior Court Case Summary Page will display the following case elements
 - Court
 - Case number
 - Sub Number
 - Docket Date
 - Docket Code
 - Docket Description

Superior Court Case Summary

Court: King Co Superior Ct
Case Number: 18-9-18818-6

Sub	Docket Date	Docket Code	Docket Description	Misc Info
	08-23-2018	JUDGMT& ORD FOR WRIT OF RESTITUTION	Judgmt& Ord For Writ Of Restitution Atty Fees Against Defts, Adam C Smith & Brett Orlob & In Favor Of Pltfs, Tc Pebble Cove Llc & Cg Pebble Cove Llc Plus \$58.60 Per Day After 08-31-18 Costs Int @ 12% Per A	

2. Sealed Judgment

- If the Judgment (Case Type 9) is sealed no records will return.

Superior Court Judgment Records List

No records found. [Try searching again.](#)

Sealed cases and RCW 11.12.265 Will Repository cases are not available on this websearch.

For more information, please contact the local court clerk or county clerk affiliated with the court in which the case was filed. The courts and county clerks' offices directory can be found at: http://www.courts.wa.gov/court_dir/

Background

July 2013: The DDC approved an amendment to the Data Dissemination Policy on Juvenile Court records, Section V. LIMITATION ON DISSEMINATION OF JUVENILE OFFENDER COURT RECORDS. Once this section was adopted, Juvenile records were removed from AOC's Public Case Search website and this included Judgments that had accrued from Juvenile cases.

2015-2016: The DDC approved removing Superior Courts from the Public Case Search website as they on boarded with Odyssey. At the time the push was to have customers use Portal (Odysseys Case Management Viewer) to access case records for the superior courts. As Superior Courts completed their Go-Lives their case records were removed from AOC's Public Case Search website.

Issue

Portal (Odysseys Case Management Viewer) does not currently have the ability to provide a Judgment Search on case records in Odyssey, this is a deliverable from the SC-CMS project. However, this option is not yet available in Odyssey Portal as Tyler continues to work on its production. AOC recognizes the need to display Superior Court Judgments is significant and needs to be addressed. The Public Case Search that previously displayed Superior Court case information is a viable option to meet this need. There are two items the DDC needs to consider before AOC can utilize the Public Judgment Case Search website:

1. As the DDC Policy is written, AOC's publicly-accessible websites do not display Juvenile Records. This has caused an issue with displaying Judgments associated with Juvenile Cases. AOC needs clarification regarding how the DDC wants to move forward on Judgments derived from Juvenile Cases.
2. The case records for the Odyssey Superior Courts are not available via AOC's Public Case Search website. Currently, the users who are seeking case information from an Odyssey court are simply directed to the Odyssey Portal.

AOC is asking the DDC to approve the display of judgments on the Public Case Search website from those courts that use the Odyssey case management system.

Recommendation

For AOC to assist the Superior Courts to comply with RCW 4.64.060 and RCW 13.40.192 (1), AOC recommends utilizing the Public Judgment Case Search website. to remedy these issues.¹ In order for this to be accomplished the DDC needs to:

1. Clarify language in the Data Dissemination Policy related to juvenile offender cases. Specifically, clarifying whether Judgments from Juvenile originating cases are an exception to Section V. of the Data Dissemination Policy?
2. Allow Public Judgment Case search to display judgments from the Odyssey Case Management System.
3. Approve proposed requirements for the Public Judgment Search.

Data Dissemination Policy

¹ Judgments that are specifically sealed by a court would not be publicly accessible on this website.

V. LIMITATION ON DISSEMINATION OF JUVENILE OFFENDER COURT RECORDS*

The dissemination of juvenile offender court records maintained in the Judicial Information System shall be limited as follows:

- A. *Juvenile offender court records shall be excluded from any bulk distribution of JIS records by the AOC otherwise authorized by GR 31(g), except for research purposes as permitted by statute or court rule.*
- B. *The 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.*

** Juvenile offender court records shall remain publicly accessible on the JIS Link notwithstanding any provision of this section. (Section added September 6, 2013.)*

RCW 13.40.192

Legal financial obligations—Enforceability—Treatment of obligations upon age of eighteen or conclusion of juvenile court jurisdiction—Extension of judgment—Petition for modification or relief.

(1) If a juvenile is ordered to pay legal financial obligations, including fines, penalty assessments, attorneys' fees, court costs, and restitution, the money judgment remains enforceable for a period of ten years. When the juvenile reaches the age of eighteen years or at the conclusion of juvenile court jurisdiction, whichever occurs later, the superior court clerk must docket the remaining balance of the juvenile's legal financial obligations in the same manner as other judgments for the payment of money. The judgment remains valid and enforceable until ten years from the date of its imposition. The clerk of the superior court may seek extension of the judgment for legal financial obligations, including crime victims' assessments, in the same manner as RCW 6.17.020 for purposes of collection as allowed under RCW 36.18.190.

RCW 4.64.060

Execution docket—Index of record.

Every county clerk shall keep in the clerk's office a record, to be called the execution docket, which shall be a public record and open during the usual business hours to all persons desirous of inspecting it. The record must be indexed both directly and inversely, and include all judgments, abstracts, and transcripts of judgments in the clerk's office. The index must refer to each party against whom the judgment is rendered or whose property is affected by the judgment.



LEGAL SERVICES OPINION

May 8, 2017

To: Robin Charvet, Business Process Engineer, SC-CMS Project
From: Mark DeForrest, Sr. Legal Analyst, AOC
Re: Sealing Juvenile Records and Financial Judgments.

QUESTION PRESENTED

When a juvenile offender's record is sealed, must any outstanding legal financial judgment against the offender be recorded in a separate judgment case file distinct from the remainder of the sealed juvenile record?

BRIEF ANSWER

Yes. Under Washington law the superior court must seal the record of a juvenile offender once certain statutory conditions are met. RCW 13.50.260. These statutory conditions make it possible that an offender might have outstanding financial judgment obligations at the time the record is sealed. RCW 13.40.192 mandates the county clerks to docket a juvenile offender's outstanding legal financial obligations "in the same manner as other judgments for the payment of money." Reading these two legal requirements harmoniously, the juvenile record must be sealed while the outstanding financial judgment must be separated out and remain recorded like other legal financial judgments.

LEGAL AUTHORITY

Statutory Codes

1. RCW 4.64.030 – Entry of judgment – Form of judgment summary.
2. RCW 13.40.192 – Legal financial obligations – Enforceability – Treatment of obligations upon age of eighteen or conclusion of juvenile court jurisdiction – Extension of judgment – Petition for modification or relief.
3. RCW 13.50.260 – Sealing hearings – Sealing of records.

Case Law

1. *State v. S.J.C.*, 183 Wn.2d 408, 352 P.3d 749 (2015).
2. *State v. J.C.*, 192 Wn.App. 122, 366 P.3d 455 (2016).
3. *State v. Hamedian*, 188 Wn.App. 560, 354 P.3d 937 (2015).

FACTS

County clerks in Washington must maintain an index of all judgments as a public record. This record is commonly known as the “execution docket.” This execution docket includes financial judgments entered against juvenile offenders. There are multiple approaches to how financial judgments are docketed after a juvenile offender’s record is sealed. The Legacy system (SCOMIS) maintains a separate case file for the execution docket. There is a cross-reference to both cases, the juvenile offender case and the subsequent judgment case. The Odyssey system does not maintain a separate judgment case file. The judgment for the balance of unpaid legal financial obligations is created within the juvenile offender’s case file.

Adding to this diversity of approach, there is no consistent best practice used by the county clerks with reference to sealing the record. The three identified approaches include:

- Counties that overwrite the juvenile’s name on the separate judgment case filing when the judgment is satisfied so that it will not appear in any search at a local court.
- Counties that do not make any changes on the judgment arising from a juvenile offender case.
- One county that creates a single judgment case number and references the juvenile name and the juvenile offender case; search results on the juvenile’s name do not yield results since the docket entry is an event, not a name.

This diversity of approaches has led to the following question: when a juvenile record is sealed, does that sealing include the legal financial judgment?

DISCUSSION

Applicable Statutes

Both the current RCW 13.40.192 and the current RCW 13.50.260 are the products of the same statutory revision scheme regarding juvenile justice. *See* Laws of Washington 2015 c. 265 § 3 (codified at RCW 13.50.260) and § 7 (codified at RCW 13.40.192). RCW 13.50.260 provides for the sealing of juvenile offender records. **RCW 4.64.30(1) requires that the county clerk “enter all judgments in the execution docket, subject to the direction of the court.”** Under

RCW 4.64.030(2)(a) legal financial judgments in the execution docket are required to summarize:

- The judgment creditor and the name of his or her attorney.
- The judgment debtor.
- The amount of the judgment.
- The interest owed to the date of the judgement.
- The total taxable costs and attorney fees, if known at the time of the entry of the judgment.

RCW 13.40.192(1) specifies that a legal financial judgment against a juvenile offender, “including fines, penalty assessments, attorney’s fees, court costs, and restitution” remain enforceable “for a period of ten years.” When the offender turns eighteen “or at the conclusion of juvenile court jurisdiction, whichever occurs later,” the clerk “must docket the remaining balance of the juvenile’s legal financial obligations in the same manner as other judgments for the payment of money.” *Id.*

Under RCW 13.50.260 it is possible for a juvenile offender’s record to be sealed while requirements of the legal financial judgment in the case remains outstanding. The requirements for sealing require that “the full amount of restitution owing to the individual victim named in the restitution order, excluding retribute owed to any insurance provider authorized under Title 48 RCW.” RCW 13.50.260(1)(c)(ii), (4)(a)(vi), (4)(b)(v). Other forms of legal financial judgment beyond restitution to the victim may remain outstanding. If a court orders a juvenile offender’s record sealed, that order covers “the official juvenile court record, the social file, and other records related to the case as are named in the order.” RCW 13.50.260(6)(a). The effect of a court’s order to seal a juvenile offender’s record is wide ranging under RCW 13.50.26096(a):

Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that the records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

Statutory Interpretation Principles

In the area of juvenile court records, the Washington Supreme Court “has always given effect to the legislature’s judgment[.]” *State v. S.J.C.*, 183 Wn.2d 408, 417, 352 P.3d 749 (2015). In discerning the legislature’s judgment through legislation, Washington courts have a developed methodology regarding the application and interpretation of statutory language.

The goal of statutory interpretation and application is “to discern and implement the legislature’s intent.” *State v. J.C.*, 192 Wn.App. 122, 129, 366 P.3d 455 (2016). Courts first look at the statute’s plain meaning when seeking to make sense of its terms. *Id.* The plain meaning of a statute’s language is discerned “from the ordinary meaning of the language at issue, the context of the statute in which the provision is found, related provisions, and the statutory scheme as a whole.” *Id.* at 129-130, 366 P.3d 455; *see also State v. Hamedian*, 188 Wn.App. 560, 563, 354 P.3d 937 (2015). “[E]ach word of a statute is to be accorded meaning.” *J.C.*, 192 Wn.App. at 130, 366 P.3d 455.

Since the current RCW 13.40.192 and RCW 13.50.260 are products of the same statutory revision involving juvenile justice, enacted at 2015 c. 265, the terms of the codes must be harmonized to give effect to the overall statutory scheme while conserving “the integrity of the respective statutes.” *Hamedian*, 188 Wn.App. at 563-64, 354 P.3d 937 (citing *State v. Jones*, 172 Wn.2d 236, 243, 257 P.3d 616 (2011)). The terms are not to read against each other, and terms are to be interpreted “so that *all* the language used is given effect[.]” *J.C.*, 192 Wn.App. at 130, 366 P.3d 455 (emphasis in original, citations omitted).

Separating Financial Judgment from the Remainder of the Sealed Juvenile Record

Effectuating the plain meaning of RCW 13.40.192 and RCW 13.50.260 as read together, once a juvenile offender’s record is sealed prior to the discharge of an outstanding legal financial

judgment, the superior court clerk is required to create a docket file to track the amount outstanding on the legal financial judgment. RCW 13.40.192(1). This file is required to be like “other judgments for the payment of money.” *Id.* As a result, the financial judgment is effectively split off from the rest of the juvenile offender’s file, which is subject to seal under the terms of RCW 13.50.260.

If the two code provisions are not harmonized, a catch-22 could come into play. First, a system that does not docket the outstanding legal financial obligation would violate the terms of RCW 13.40.192, including RCW 12.40.192(1) mandates that a money judgment against a juvenile offender remains “enforceable for a period of ten years.” If a juvenile offender’s record and any outstanding financial judgment is sealed, the county clerks cannot carry out the legislature’s express mandate under RCW 13.40.192. Second, a system that keeps open the legal financial judgment in a portion of the juvenile offender’s sealed file would fail to fully effectuate the requirements of RCW 13.50.260 by making it possible to track back through the file to uncover that there was an underlying adjudicated juvenile offense. Such an outcome runs afoul of RCW 13.50.260 (6)(a), which requires that once the proceedings in the case are sealed, “they are treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the event, records of which are sealed.” Further, no agency may provide information “about the existence or nonexistence of records concerning an individual” once that individual’s records have been sealed. *Id.*

In order to harmonize the requirements of the plain meaning of the language used by the statutory language, the outstanding legal financial judgment must be docketed as a separate file. RCW 13.40.192. This can be done using the mechanism set out in RCW 13.40.192 (1) for dealing with outstanding legal financial judgments when a juvenile offender turns eighteen or juvenile court’s jurisdiction concludes. “[T]he superior court clerk must docket the remaining

balance of the juvenile's legal financial obligations in the same manner as other judgments for the payment of money." *Id.* This allows for the offender's juvenile record to be sealed under RCW 13.50.260 while permitting continued enforcement of an outstanding legal financial judgment under the terms of RCW 13.40.192(1), satisfying the requirements of both code provisions. Tracking the outstanding legal financial judgment is required by the law, as is ensuring that it will not be possible to track that legal financial judgment back to a juvenile offense once a juvenile offender's record has been sealed.

CONCLUSION

Reading the requirements of Washington law harmoniously in accord with the plain meaning of the language found in the statutes, when a juvenile record is sealed any outstanding legal financial judgment against the offender must be recorded in a separate financial judgment file distinct from the remainder of the sealed juvenile record.

DISCLAIMER

Please note this legal analysis is intended to assist the Administrative Office of the Courts (AOC) in making policy decisions. The legal analysis is not intended to be relied upon by those outside of the AOC. Further, it is not intended as, nor should it be construed as, a legal opinion in the nature of an Attorney General's Opinion. The official legal advisor for individual courts is the county prosecutor or city attorney, not the Administrative Office of the Courts



May 28, 2020

TO: JISC Data Dissemination Committee

FROM: Kevin Cottingham, AOC Data Dissemination Administrator

RE: When a Washington non-juvenile Superior Court case is sealed, should the corresponding judgment case be sealed in the absence of a specific order instructing so?

In SCOMIS, Superior Court cases and their corresponding judgments were treated as separate cases and assigned different case numbers. Case type 9 was reserved for judgment cases specifically. Because the cases were separate, sealing the underlying case did not affect the judgment case.

Currently, most Superior Courts in the state use Odyssey, which by default groups judgments as part of the case. In order to maintain compatibility with existing business processes, AOC implemented a system wherein the Odyssey database is copied into SCOMIS on a daily basis. Although judgments in Odyssey are generally¹ part of the underlying case, judgments are assigned a unique document number, and SCOMIS separates the judgment out and assigns a new case number as part of this replication process. Just as before, judgments for sealed cases are public by default.

As AOC drafts requirements for applications that support Washington's various court level, a question arose regarding how a judgment case should be treated if the underlying criminal case is sealed and this legal opinion was requested. While the DDC has decided that courts *can* specifically seal a judgment record and that juvenile judgments should be open by default, no general rule pertaining to non-juvenile Superior Court cases has been decided.

AOC concludes that judgment cases for non-juvenile Superior Court cases should not be sealed automatically, due to interests laid out earlier regarding juvenile cases and in GR 15.

Authorities Governing Sealing & Judgments

Legal authority for sealing cases comes from GR 15. Courts are empowered to seal cases based on receipt of a request from a list of petitioners if a court finds that sealing is "justified by identified compelling privacy or safety concerns that outweigh the public interest in access to the court record", and lists a few reasons:

(A) The sealing or redaction is permitted by statute; or

¹ Some courts specifically enter judgments in Odyssey as separate cases

- (B) The sealing or redaction furthers an order entered under CR 12(f) or a protective order entered under CR 26(c); or
- (C) A conviction has been vacated; or
- (D) The sealing or redaction furthers an order entered pursuant to RCW 4.24.611; or
- (E) The redaction includes only restricted personal identifiers contained in the court record; or
- (F) Another identified compelling circumstance exists that requires the sealing or redaction.²

The legislature has over the years passed statutes pertaining to record sealing, but ultimate authority regarding sealing lies with the courts, as sealing is wholly a procedural matter.³

Unlike sealing procedures, judgments were laid out pretty thoroughly in legislation, and statutes governing judgments can be found in numerous locations throughout the Revised Code of Washington. Civil judgments can be found in Title 4 RCW, which states that “The clerk shall enter all judgments in the execution docket, subject to the direction of the court and shall specify clearly the amount to be recovered, the relief granted, or other determination of the action.”⁴ Criminal judgments are governed by Title 10 RCW, which states that “the clerk of the court shall make a final record of all the proceedings in a criminal prosecution within six months after the same shall have been decided, which shall contain a copy of the . . . judgment.”⁵ Finally, Title 36 RCW dictates how Superior Courts are to store the judgments, requiring county clerks to maintain:

- (4) A record in which he or she shall record the daily proceedings of the court, and enter all verdicts, orders, judgments, and decisions thereof, which may, as provided by local court rule, be signed by the judge; but the court shall have full control of all entries in the record at any time during the session in which they were made;
- (5) An execution docket and also one for a final record in which he or she shall make a full and perfect record of all criminal cases in which a final judgment is rendered, and all civil cases in which by any order or final judgment the title to real estate, or any interest therein, is in any way affected, and such other final judgments, orders, or decisions as the court may require;
- (6) A record in which shall be entered all orders, decrees, and judgments made by the court and the minutes of the court in probate proceedings;⁶

Legal Analysis

² Gen. R. 15

³ *State v. Noel*, 101 Wash. App. 623, 628 (2000)

⁴ RCW 4.64.030

⁵ RCW 10.64.100

⁶ RCW 36.23.030

The sealing of a judgment, specifically, is a wholly procedural matter under the rationale used by the Washington State Supreme Court in *State v. Noel*. Under *Noel*, sealing a case is a wholly procedural matter:

No substantive rights of either the State, as prosecutor, or the defendant are affected. The ability of the State to use sealed convictions in future criminal proceedings is not impinged, as it is when records are destroyed. The sole effect of sealing is on the public's right of access to the files.”⁷

Although *Noel* was a criminal case, the same logic holds true for both civil cases and judgments: a sealed judgment is still enforceable and no rights of the prevailing party have been abridged, only the right of the public to have access to the information. The DDC has come to the same conclusion when it decided in April 2007 that courts have the authority to seal judgments when specifically ordered.⁸

While it is not under dispute that courts *can* seal judgments when they specifically order, the question presented is whether the judgment *should* be sealed in the absence of a specific order. Washington’s court rules force the conclusion that judgments should remain open if the underlying case is sealed, unless a specific order to seal the judgment is entered by the court.

First, non-juvenile judgments should be public because juvenile judgments are public, as the DDC decided in 2018. As the Washington State Supreme Court laid out in *State v. S.J.C.*:

The legislature has always treated juvenile court records as distinctive and as deserving of more confidentiality than other types of records. This court has always given effect to the legislature's judgment in the unique setting of juvenile court records. Our approach has been consistent with the approaches of other states and Supreme Court jurisprudence historically, and remains so today.

If juvenile judgments are kept open by default, sealing non-juvenile judgments by default would be contrary to the interests laid out in the Data Dissemination Policy, which specifically grants juvenile records extra protection over non-juvenile records. Juvenile birthdates are treated as confidential information, and may not be disclosed without a specific exemption granted by the Data Dissemination Committee. Section V. of the Data Dissemination Policy removes juvenile cases from bulk distributions disseminated by AOC, absent other factors, and bars AOC from displaying juvenile case information on publicly-accessible websites.

Second, overall goals spelled out by state laws dictate keeping judgments open. The Washington State Constitution mandates that “Justice in all cases shall be administered openly, and without unnecessary delay,” and the Supreme Court passed GR 31, which states that access to court records shall be facilitated in line with this

⁷ *Noel*, at 628 (2000).

⁸ Data Dissemination Committee, April 27, 2007, Minutes, *available at* http://www.courts.wa.gov/committee/?fa=committee.display&item_id=792&committee_id=75.

mandate. While records can be sealed, the wording of GR 15 makes the court's goal of openness clear: "Agreement of the parties alone does not constitute a sufficient basis for the sealing or redaction of court records" and that "*sufficient* privacy or safety concerns" (emphasis added) must be weighed against the public interest.

Here specifically, the public interest is served by keeping judgments open. Judgments can be attached to real property as liens, and any potential purchaser of that property should know if a lien is attached. Here, the distinction between the judgment and the underlying case is clear—the purchaser has no interest in the proceedings of a sealed case, but the judgment has real-world implications on the transaction relating to that property. Balancing the sufficient privacy concerns of a court case against public interest might lead a court to seal a case, but the increased public interest in the presence of a judgment should tip the scales in favor of open judgments. This is not to say that all judgments should be public, however—courts may find specific "sufficient privacy or safety concerns" in an individual judgment that mandate sealing that judgment specifically.