WASHINGTON
COURTS

ADMINISTRATIVE OFFICE OF THE COURTS

Dawn Marie Rubio, J.D.
State Court Administrator

June 25, 2019

TO: Judge Jay Leach, Chair, Data Dissemination Committee

FROM: John Bell, Administrative Office of the Courts JEB

RE: Data request from Crosscut reporter, Melissa Santos

On June 20, 2019, AOC received a request from Seattle Crosscut political reporter, Melissa Santos, for data on juveniles charged with crimes related to sending/possessing/dealing and viewing depictions of a minor engaged in sexually explicit conduct since January 1, 2019. Ms. Santos is requesting case numbers and dates of birth. AOC explained that we could provide her with generic numbers like number of cases filed, counties where filed, etc., but we could not provide her with DOBs and case numbers as that would identify the juveniles. We based our denial on section 5 of the DD policy which states:

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.

Additionally, RCW 13.50.050 (2) states the "official" record of juvenile offenses shall remain public. "The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to RCW 13.50.260." The DDC, I believe, has interpreted "official" to mean records maintained by the clerk, and not JIS records. The underlying purpose of the DD policy is to allow the public to access juvenile criminal cases on a case-by-case basis, but not to allow bulk distribution of juvenile identities as these juvenile criminal cases may be sealed or destroyed in the future if the juvenile has not committed any further crimes and the court believes the juvenile has been rehabilitated. To allow such bulk distribution could affect the respondents' job and educational prospects.

Ms. Santos has requested a review of AOC's denial and I have attached her letter. AOC is opposed to release of these juvenile records for the reason set forth in this memo.

June 24, 2019

To members of the Data Dissemination Committee:

I am a journalist who covers juvenile cases with some regularity. When I talk to families or young people accused of crimes, I have been consistent in protecting their identity and privacy. This is because I understand how including the name of a minor accused or convicted of a crime in a news story can follow them for life, running counter to the juvenile justice system's purpose of rehabilitation.

You can see for yourself how, in writing about some these issues this year, I withheld the names of a young woman and her mother to protect the family's privacy. I did this even though I had access to their names and dates of birth in the court file. I withheld the true name of both the mother and her daughter in these stories, which deal with a teen charged with the same offenses I am looking to write about now:

Example 1: 'Teens caught sexting in WA will no longer be treated as criminals': https://crosscut.com/2019/04/teens-caught-sexting-wa-will-no-longer-be-treated-criminals

Example 2: 'In Washington, teen sexting is a felony — but that could change': https://crosscut.com/2019/03/washington-teen-sexting-felony-could-change

This is consistent with my view, shared by most journalists, that it is important not to harm juvenile subjects of our stories.

That said, in order to view specific details of a case that might help illustrate inconsistencies in application of the law or other systemic patterns, case numbers can still matter. In some cases, families don't remember all the details of the case accurately, requiring reporters to access case files to confirm key dates and events; other times, there is nuance to the path that cases take through the criminal justice system, requiring the viewing of case files to ensure that the reporter isn't making an assumption about the issues that were before the prosecutor. This can influence whether a case is included in a larger data analysis, even if the case itself isn't going to be specifically referenced in a story.

With this in mind, I am asking for data on juveniles charged with crimes related to sending/possessing/dealing and viewing depictions of a minor engaged in sexually explicit conduct since Jan. 1, 2019. My intention is to gauge how many young people are being charged under an old version of the law, versus the new one lawmakers just approved. I already am in contact with a family that is in this situation and have promised them that I am not going to put their child's name in the story. The same promise would apply to any juveniles I encounter in my research using the case numbers associated with similar cases.

I am not requesting the case numbers to share juvenile's names or other identifying information with the public. Instead, I want that information to ensure I am telling the story accurately. That is my only goal.

My request also extends to all instances of those charges filed against minors are still proceeding through the court system today. If possible, I would also like cases resolved and concluded between the dates of April 24 and the present to be included in this data extraction, even if the cases were filed against minors prior to Jan. 1 of this year. (April 24 is the date the new law was signed by Gov. Jay Inslee.)

My request extends to 1) the charge that was filed 2) and the status of those cases 3) dates they were filed 4) the jurisdictions and 5) the case numbers if possible I would also like the dates of birth to determine the children's ages – not to print or disseminate, but without accurate data on the precise date of their birth it is not possible to indicate their age to the level of precision required for my reporting purposes. This would only be to calculate the ages of those facing charges.

In reviewing only a small sample of these types of cases, I have found that sometimes additional research is necessary to avoid presenting a skewed view of the circumstances surrounding a charging decision. That research can only be accomplished with case numbers that allow a more detailed review of a case's history and progression.

Thank you for considering my request, and for allowing me to explain the caution with which I would wield this information.

Sincerely,

Melissa Santos

Political Reporter, Crosscut

Melissa.santos@crosscut.com

253-970-9463

ADMINISTRATIVE OFFICE OF THE COURTS
REQUEST FOR INFORMATION

The following information is necessary for us to process your request for data from the Judicial Information System (JIS). Please complete this form and return it to:

Data Dissemination Administrator
Office of the Administrator for the Courts
PO Box 41170
Olympia, WA 98504-1170
fax: 360-956-5700
e-mail: dda@courts.wa.gov

**** Do not send payment with this form. You will be invoiced at a later date****

Your request is subject to approval under the provisions of JISCR 15, the JIS Data Dissemination Policy, and the local Data Dissemination Policy and Procedures. Upon receipt of a completed form, AOC staff will review the request, contact you with questions or clarifications, and provide you cost/time estimates.

Name: Melissa Santos

Agency or Company: Crosscut

E-Mail Address: Melissa.santos@crosscut.com

Address: 401 Mercer Street

City: Seattle State: WA Postal Code: 98109

Day or Work Phone (with area code): 253-970-9463 Fax No. (with area code):

Information Requested (Please describe in detail. Continue on page three if necessary.):

I would like to get an accounting of how many of the following charges have been filed since Jan. 1, 2019, and the status of those cases/dates they were filed/case numbers if possible. I am only interested in charges filed against minors or people under the age of 18 (they may be older now). In other words, juveniles charged with these crimes since Jan. 1, 2019, date of filing, and those cases'

What will the information be used for?

News reporting.

To whom will the data be disseminated?

To help create a data analysis for a news report.

If this information concerns a named individual, please give necessary identifying information (i.e. date of birth, driver's license number, most current address etc.):

Date information is needed: ASAP

The following fees are applied to information requests that require generation of a report from JIS. Fees do not include printed copies of electronic documents such as dockets or screen prints.

Administrative Fee	$50.00 / report
Data Warehouse Evaluation/Research Programming	$55.00 / hour
Data Reporting Evaluation/Research	$54.00 / hour
JIS System Run Time (two minute minimum)	$12.00 / minute or portion thereof
Materials	$1.00 / page $12.00 / compact disc

Medium Requested: Paper ($1.00/page, computer generated)
CD ($12.00/each)
E-mail - electronic file sent as an attachment

I, the undersigned:

- **Agree to use and distribute the information only as provided in the above referenced statement of intended use;**
- **Agree not to use the data received under this request for the commercial solicitation of individuals named in the records (Data Dissemination Policy III.C; GR 31(g)(3));**
- **Agree to pay, unless payment is waived, the cost quoted or invoiced by the Administrative Office of the Courts;**
- **Understand that the Administrative Office of the Courts, the Washington Courts, and the Washington State County Clerks make no representation as to the accuracy or completeness of the data;**
- **Agree to indemnify and hold harmless the Administrative Office of the Courts from any claims or damages arising from the use and distribution of the information responsive to this request; and**
- **Certify, under penalty of law, that all the information supplied above is true and a complete description.**

Melissa Santos
Signature of Requestor

06/19/2019
Date

Typed name will be accepted as signature when document is submitted electronically.

Please use this page for more detailed responses or comments.

I can be slightly flexible with this request and the parameters -- I go back to January because it would be more convenient to have

From Page One:

I would like to get an accounting of how many of the following charges have been filed since Jan. 1, 2019, and the status of those cases/dates they were filed/case numbers if possible. I am only interested in charges filed against minors or people under the age of 18 (they may be older now). In other words, juveniles charged with these crimes since Jan. 1, 2019, date of filing, and those cases' status:

1) Dealing in depictions of minor engaged in sexually explicit conduct. (RCW 9.68A.050)

2) Possession of depictions of minors engaged in sexually explicit conduct (RCW 9.68A.070)

3) Sending, bringing into state depictions of minor engaged in sexually explicit conduct. (RCW 9.68A.060)

4) Viewing depictions of a minor engaged in sexually explicit conduct. (RCW 9.68A.075)

I would also like to know how many instances of the above charges filed against minors are still proceeding through the court system, even if they predate Jan. 1, 2019. [NEW: If possible I would also like cases resolved and concluded between the dates of April 24 and the present to be included in this data extraction, even if they were filed against minors prior to Jan. 1 of this year. Would it be possible to include Dates of Birth in the request as well?] Please include the court or jurisdiction in which the charges were filed.

From Page Three:

I would like to limit this request to people who are minors or at least were under the age of 18 when charges were filed against them.

To help create a data analysis for a news report.

I can be slightly flexible with this request and the parameters -- I go back to January because it would be more convenient to have more months of charges if that is possible.

I basically want to know how many cases are proceeding under the old version of the aforementioned statutes, rather than the new version the Legislature approved in April.