

April 21, 2022

Sent via e-mail only

Chief Justice Steven Gonzalez and Supreme Court Justices  
Temple of Justice  
P.O. Box 40929  
Olympia, WA 98504-0929

Re: Amendments to GR 31 and CrR 2.1, Access to Juvenile Records

Dear Chief Justice Gonzalez and Justices of the Supreme Court:

We write to you as a coalition of many justice system partners negatively affected by recently adopted amendments to GR 31 and CrR 2.1. These amendments have many layers of impact within and far beyond the courts that may not have been known to the Court when it approved these changes. Our immediate request is that you delay implementation of any changes to GR 31 and CrR 2.1 until representatives can speak with you regarding questions and concerns. It is important that all justice system stakeholders and the public have confidence that the far-ranging effects of these amendments are intentional and can be implemented for their intended purpose. Signatories to this letter welcome the opportunity to discuss ways in which functional and desirable goals can be reached through informed decision-making.

## **SPECIFIC CONCERNS**

1. Removing the full name of a juvenile offender in the official court record throws into jeopardy the courts' and other agencies' ability to comply with constitutional, statutory, and practical requirements. Each entity across our justice system has unique software programs that do not function without entry of a name. Below is a partial list of complications resulting from GR 31 amendments.
  - Decades ago the Judicial Information System Committee (JISC) Person Business Rules (PBR) were established when courts began to create a statewide party record. Compliance with the PBR reduces the risk of civil and domestic matter parties being assigned someone else's criminal history. A unified person record is fundamental to public safety operations throughout the state, and full names are an essential component of the PBR. The PBR can be reviewed at: <https://help.courts.wa.gov/PBR/index.htm#t=intro.htm>; (also see: JISCR 18)
  - RCW 10.97.045 requires every court or criminal justice agency to furnish disposition data to the Washington State Patrol (WSP) and the law enforcement agency initiating the criminal history record for that charge. Courts are required to retain any record upon which disposition data is based. GR 31 amendments create confusion as to whether courts will have a record of any juvenile offender's full name to report to law enforcement or maintain for its disposition data.
  - Compliance with these procedures and others is mandatory for Washington to remain in compliance with federal Public Law 103-159 Sec. 103, which establishes standards for the National Instant Criminal Background Check System (NICS).

- The Department of Licensing (DOL), Washington State Identification System (WASIS), Juvenile and Corrections System (JCS), Juvenile Index System (JUVIS), and JIS all require entry of the individual's name at various points. Staff are required to perform data entry into these systems. As currently configured, Odyssey cannot display information in a public setting using only initials. Either the systems must be altered or an efficient and auditable procedure for communicating the names of individuals must be created, which by its nature would be public. WASIS must comply with federal requirements. Sex offender registration, revocation and restoration of firearm rights, driver's license revocation, warrants, restitution orders, and orders of protection all are implicated by a proscription on the use of an individual's full name in the case record.
  - RCW 13.40.100 outlines a process to serve a summons on a juvenile. A summons without a name, as well as a pick-up order without a name, is useless.
  - RCW 13.40.192(1) requires the Court Clerk to enter a judgment for unpaid legal financial obligations. A judgment requires a name. Without one it is unenforceable, which may impact a victim's ability to obtain restitution.
  - RCW 10.77.075 provides that to request a competency evaluation, the Child Study and Treatment Center must be provided an order, charging documents, and criminal history. Full and reliable identification is essential to this process.
  - A significant percentage of court documents are initially filed under an incorrect case number. Party names are a back-check that help prevent confusion in the court record. It is common for families to name their children so that everyone has the same initials. Twins often have the same initials and, of course, the same birth date. An entire record series bearing only initials is unimaginable. It is not possible to make such a major transformation without thoughtful planning, preparation, and coordination with system partners.
2. Art. 1, Sec. 10 of the Washington Constitution guarantees the public's right to openly administered justice. If the public, especially marginalized communities and family members of victims and offenders, are confused or prevented from understanding the judicial system process, they are denied this constitutional right. Supreme Court precedent requires that any limitation on this public right required by the court be imposed based on specific facts, only after identifying a compelling interest for the limitation, weighing it against the competing interest of open access, articulating findings, and tailoring limitations to the least restrictive ones needed to address the compelling interest that justifies a limitation on open access. It is not apparent how this analysis has been, or can be, applied to GR 31 amendments.
  3. Without names of alleged offenders identified in the charging documents, the records become a generic, unidentifiable pile of cases not associated with any person. This may work to the juvenile's detriment if, for example, fictitious Derek Thompson (DT), DOB 3/1/2006, is adjudicated for armed robbery. In 2023, fictitious David Tanner (DT), DOB 3/1/2006, is rejected by the military due to his conviction for armed robbery. David Tanner is without recourse to prove he is not that "DT". The intention is

laudable, but the means serve one single interest at the expense of the public, efficient functioning of the criminal justice system, multiple public safety requirements enacted by the Legislature, and the constitutional guarantee of public access to their justice system.

Time is of the essence, as agencies now are working to address demands imposed by GR 31 and CrR 2.1 amendments, but implementation in less than two weeks is not possible. Please immediately delay implementation of these amendments so interested stakeholders can meet with Supreme Court Justices to discuss these vital issues and collaborate on meaningful reform to address issues of concern to amendment proponents. To preserve and cultivate public trust in the courts, this Court must demonstrate it is willing to consider the actual effect of rule amendments such as these and make informed, balanced decisions. Public trust is the court system's most cherished asset.

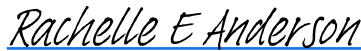
With questions or to respond, please contact Judge Judith Ramseyer, King County Superior Court and Fire Brigade Chief, or Kimberly Allen, Grant County Court Clerk and President of the Washington State Association of County Clerks.

Sincerely,



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Kimberly A. Allen, President  
WA State Assn of County Clerks



[Rachelle E Anderson \(Apr 21, 2022 08:22 PDT\)](#)

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Rachelle Anderson, President  
Superior Court Judges' Assn



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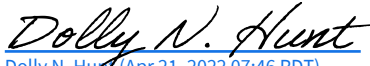
Charles Short, President  
District & Municipal Judges' Assn



[David Reynolds \(Apr 21, 2022 07:43 PDT\)](#)

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David Reynolds, President  
WA Assn Juvenile Court Administrators



[Dolly N. Hunt \(Apr 21, 2022 07:46 PDT\)](#)

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Dolly Hunt, President  
WA Assn of Prosecuting Attorneys

Sent without signature to expedite delivery

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Neil Weaver, Captain WA & Gov't Affairs  
Washington State Patrol



[Rowland Thompson \(Apr 20, 2022 17:15 PDT\)](#)

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Rowland Thompson, Executive Director  
Associated Newspapers



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James McMahan, Policy Director  
WA Assn of Sheriffs & Police Chiefs



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Keith Shipman, President & CEO  
WA State Assn of Broadcasters



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Fred Obee, Executive Director  
WA Newspaper Publishers Assn

cc: Dawn Marie Rubio, Administrative Office of the Courts  
Melena Thompson, Department of Corrections