

Exemptions Applicable to Juvenile Information in Law Enforcement Records

1(k)	Identifying Information of Juveniles - RCW 13.50.050, RCW 13.50.100(3). RCW 13.50.100(4)(a) & (b)	(RCW 13.50.050) (records relating to commission of juvenile offenses) and RCW 13.50.100(3) and/or RCW 13.50.100(4)(a) and(b) (records not relating to commission of juvenile offenses)). Explanation: Agencies are prohibited from disclosing information related to juveniles without a court order or written consent because disclosure is statutorily prohibited and would violate the subject's right to privacy.
1(l)	Juvenile Crime Victims and Witnesses - RCW 7.69A.030(4)	Explanation: Must have permission of child victim or the child's parents or legal guardian before releasing the names, addresses, or photographs of the living child victim or witness to the public. Can be released without permission to another law enforcement agency, prosecutor, defense counsel, or private or governmental agency that provides services to the child victim or witness. Disclosure is statutorily prohibited and would violate the subject's right to privacy.
1(m)	Child Victim Sex Crime - RCW 10.97.130, RCW 42.56.240(5)	Records contain information revealing the identity of child victims of sexual assault who are under age eighteen. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. (RCW 10.97.130 and RCW 42.56.240(5)) Explanation: Disclosure would violate the child victim's right to privacy.

Records relating to commission of juvenile offenses

Number	Record	Requestor	Notes	Response
1	Juvenile Offender Records	Offender or Offender's Attorney	RCW 13.50.050(6) states:	Consult your legal counsel for advice whether to withhold or redact.

		Offender's Parent or Offender's Parent's Attorney	Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions. Washington Courts have determined that Chapter 13.50 RCW is an other statute that prohibits the disclosure of specific records within the meaning of RCW 42.56.070(1). <i>See Anderson v. Dep't of Soc. & Health Servs., Div. of Child Support</i>, 196 Wn. App. 674, 684, 384 P.3d 651 (2016) citing <i>Wright v. Dep't of Soc. & Health Servs.</i>, 176 Wash.App. 585, 596-97, 309 P.3d 662 (2013); <i>Deer v. Dep't of Soc. & Health Servs.</i>, 122 Wash.App. 84, 91-92, P.3d 195 (2004).	Exemption code: 1(k) Note: SPD redacts juvenile's identity and identity of juvenile's family if that would disclose juvenile's identity. (RCW 13.50.050(6)) If requestor objects to redacting juvenile's identity, SPD cites RCW 13.50.050(6) and informs requestor that unredacted record may not be disclosed without a court order.
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			Per MRSC: Some agencies withhold the entire investigative file related to a juvenile's commission of a crime, while others release the investigative file if they are able to redact information that would identify the juvenile or the juvenile's family.	
2	Juvenile Offender Records	Requested by name of offender by non-involved requestor (e.g., media, member of public with no relation to case, etc.).	Withhold because you cannot redact non-identifying information about juvenile offender or juvenile offender's family to point it could not reasonably be expected to identify the juvenile or the juvenile's family.	Exemption code: 1(k) Additional explanation: Records cannot be redacted to point that non-identifying information about juvenile offender or juvenile offender's family could not reasonably be expected to identify the juvenile or the juvenile's family.
3	Juvenile Offender Records	Requested by type of incident or other generic factor by non-involved requestor (e.g., media, member of public with no relation to case, etc.).	Redact identifying information of juvenile offender and offender's family. Redact to point that non-identifying information about juvenile offender or juvenile offender's family may be released to the public where information could not reasonably be expected to identify the juvenile or the juvenile's family.	Exemption code: 1(k)

4	Juvenile Offender Records	School that juvenile attend—this reasonably includes officials of school district where student attends	<i>Check with detective investigating matter</i> <u>Incident reports</u> may be released once actual arrest or decision to arrest is made unless release would jeopardize investigation, prosecution, or endanger witness. Detective may release <u>information</u> to school to maximum extent possible to assist in protecting students, staff, and school property Not within PRA, RCW 13.50.050(7) applies.	Exemption code: 1(k): Except for incident report that may be disclosed if detective agrees
5	Juvenile Offender Records	Other Participants in the Juvenile Justice or Care System	Withhold records. Not within PRA; RCW 13.50.050(4) applies. Refer to Detective Remind detective of SPD Manual 6.290: Employees may Share Juvenile Records with Outside Juvenile Justice Agencies that are Actively Investigating the Juvenile.	Exemption code: 1(k)
6	Juvenile Offender Records	Victim or victim's immediate family may get information not unredacted records	Redact juvenile's identity and identity of juvenile's family if that would disclose juvenile's identity. Unredacted record may not be disclosed without a court order.	Exemption code: 1(k) If requestor objects to redacting juvenile's identity, you may provide the following <u>information</u>: Identity of alleged or proven juvenile offender

			Identity of the alleged or proven juvenile offender's parent, guardian, or custodian, and Circumstance of the alleged or proven crime.	See, RCW 42.56.050 (9), which states: Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.
7	Juvenile Offender Records of juvenile offense records regarding adult criminal defendant or witness in adult criminal proceeding	Prosecution or Defense Counsel	Withhold record and do not disclose without a court order or written consent Not within PRA, RCW 13.50.050(10) applies. Shall be released to prosecution or defense counsel "subject to rules of discovery" after charge has actually been filed.	Exemption code: 1(k)
8	Sealed Juvenile Offender Records	Any Requestor	Pursuant to RCW 13.50.260(6)(b), any such records are confidential and no information can be given about the existence or nonexistence of records concerning an individual.	Use this language in response: Pursuant to RCW 13.50.260(6)(b), any such records are confidential and no information can be given about the existence or nonexistence of records concerning an individual.

			Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) (clinic, hospital, agency which has subject under care or treatment; legitimate research) and RCW 13.50.050(13) (identifying information held by WSP). May communicate about sealed information with the subject, but may not disseminate or be compelled to release the information to any person or agency not specifically granted access to sealed juvenile records.	
9	Records Relating to a Pardoned Juvenile Offense	Any Requestor	Where the subject of juvenile records has received a full and unconditional pardon, the pardoned proceedings shall be treated as if they never occurred. RCW13.50.260(6)	Use this language in response: Pursuant to RCW 13.50.260(11), any such records are confidential and no information can be given about the existence or nonexistence of records concerning an individual.

Records not relating to commission of juvenile offenses

Number	Record	Requestor	Notes	Response
10	Dependency Foster Care Child Protective Services (CPS) Truancy Related Counseling Records	Juvenile, their attorneys, juvenile's parents, and their attorneys	Provide records, but indicate in response to the requestor they are being provided pursuant to RCW 13.50.100(7). CAVEAT: Do not disclose records if you believe disclosure would cause harm or contains information/records of counseling, psychological, psychiatric, or medical services sought voluntarily by a juvenile who has a legal right to receive those services without the consent of any person or agency. CONTACT LEGAL COUNSEL IF YOU SUSPECT ANY OF THESE CONDITIONS APPLY.	The records are not subject to disclosure under the PRA. Exemption 1(k) Under RCW 13.50.100(7): (7) A juvenile, his or her parents, the juvenile's attorney, and the juvenile's parent's attorney, shall, upon request, be given access to all records and information collected or retained by a juvenile justice or care agency which pertain to the juvenile except May disclose records unless agency determines that release is likely to cause severe psychological or physical harm to juvenile or parents, or Information or record of counseling, psychological, psychiatric, or medical services sought voluntarily by a juvenile who has a legal right to receive those services without the consent of any person or agency. May release if juvenile gives informed consent or if otherwise authorized by law. If one of these conditions apply requestor may file a motion in juvenile court requesting access to the records. (RCW 13.50.100(8))
11	Dependency Foster Care Child Protective Services (CPS) Truancy	Any other requestor	Withhold PRA does not apply. May obtain records subject to the rules of discovery in civil cases. RCW 13.50.100(10)	Exemption 1(k)

	Related Counseling Records		Court interprets “[s]ubject to the rules of discovery in civil cases” language to mean that requesting party must go through discovery to obtain records. <i>In re Dependency of KB</i> , 150 Wn. App. 912, 922, 210 P.3d 330 (2009)	
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Juvenile Victims and Witnesses

Number	Record	Requestor	Notes	Response
12	Investigative records of cases with juvenile offender and juvenile victim or witness <u>not</u> involving sexual assault	Any requestor	Follow rules for juvenile offender records. If records will be disclosed (see Numbers 1,3,4,6,10), redact juvenile victim/witness identifying information if requestor is not entitled to it; i.e., it isn’t the victim/witness, his or her attorney, his or her parent or parent’s attorney.	<i>Exemption code: 1(l)</i> RCW 42.56.240(1) or RCW 42.56.240(2) may also apply.
13	Investigative records of sexual assault cases with juvenile offender and juvenile victim	Any requestor	Follow rules for juvenile offender records. If records will be disclosed (see Numbers 1,3,4,6,10), redact juvenile victim/witness identifying information if requestor is not entitled to it; i.e., it isn’t the victim/witness,	<i>Exemption code: 1(m)</i>

			his or her attorney, his or her parent or parent's attorney.	
14	Investigative records of cases with adult offender and juvenile victim or witness <u>not</u> involving sexual assault	Any requestor	Redact juvenile victim/witness identifying information if requestor is not entitled to it; i.e., it isn't the victim/witness, his or her attorney, his or her parent or parent's attorney.	<i>Exemption code: 1(l)</i> RCW 42.56.240(1) or RCW 42.56.240(2) may also apply.
15	Investigative records of sexual assault cases with adult offender and juvenile victim	Any requestor	Redact juvenile victim/witness identifying information if requestor is not entitled to it; i.e., it isn't the victim/witness, his or her attorney, his or her parent or parent's attorney.	<i>Exemption code: 1(m)</i> RCW 42.56.240(1) or RCW 42.56.240(2) may also apply.