

SNOHOMISH COUNTY DISTRICT COURT

GR31 COURT RECORD REQUESTS POLICY AND PROCEDURES

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Approved 01/24/18 Lauren Bjurstrom
Review period: Annually or as needed
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POLICY STATEMENT

Snohomish County District Court recognizes that court records are presumptively open to public access unless otherwise provided by law or rule, and shall assess costs and fees for all requests for court records in accordance with General Rule 31, General Rule 22, RCW 3.62.060 and SCC 2.51.050. In the spirit of GR 31, this policy shall be liberally construed and its exemptions narrow.

A. OVERVIEW

The purpose of this policy is to ensure compliance with the provisions of GR 31 and other applicable law relating to the disclosure of court records. This policy shall be liberally construed to provide public access to court records in the spirit of transparent and open government. This policy sets forth the process by which Snohomish County District Court (SCDC) will determine fees and costs associated with a request for court records.

B) Copy Fees

A fee not to exceed the amount that is authorized in RCW 3.62.060 will be charged for the photocopying or scanning of court records and for materials such as USB drives, CDs or other media. Requestors who choose to use their smart phone or electronic devices to copy court records will not be assessed fees or costs but must be assisted by the Public Records Officer (PRO), Public Disclosure Administrative Specialist (PDAS) or court staff.

C) Fees to View Records

No fee will be charged to view court records in the courthouse. A requestor will not be allowed to copy, scan or otherwise reproduce any portion of any court record without the assistance of the PRO, PDAS or court staff.

D) Reduced Fees

A Reduced Fee Program will be provided to eligible persons based on the requestor's ability to pay. Ability to pay is determined by the household size and monthly income relative to a discount schedule based on the most recently available federal poverty income guidelines.

- 1) Application for the reduced fee program must be completed and submitted to the PRO within 5 days of the initial request and before records are provided. If completed application is not provided within this time, the application for reduced fees will not be considered and requestor will be responsible for full payment of fees.
- 2) Requestors applying for the fee discount program must provide a true and correct affidavit of monthly income and family size.
- 3) Determination of eligibility will be made by the PRO or PDAS within 10 days of receipt and will be final. No records will be provided until after determination of eligibility is made and all applicable fees are paid in full.

E) Fee Schedule

The current fee schedule shall be posted on the SCDC website www.snoco.org and reviewed on an annual basis.

F) Payment of fees

- i) A deposit in an amount not to exceed the estimated cost of providing copies may be required.
- ii) Fees may be paid by cash, check or by credit or debit card. If fees are paid by check, there will be a two week holding on the release of documents, for clearance of monetary instrument.
- iii) No records will be provided until all fees are paid in full, unless waived per section (g).

G) Waiving fees

No fees will be charged to in-state criminal justice agencies, public defense organizations or private counsel assigned by the Office of Public Defense (OPD)

H) Bulk data requests

A court records request for bulk distribution may be referred to the Administrative Office of the Courts (AOC) by the PRO or PDAS if such a request will create an undue burden on court operations because of the amount of resources required to satisfy the request. GR 31(g)(2)

I) Requests and document delivery

SCDC divisions are open during regular business hours 8:15am-4:30pm Monday through Friday, closed from 12noon-1pm. Requests need to be made in writing in person, by mail or fax, or by emailing the Request for Court Records form to SDC-PubDisclosure@snoco.org. Court staff will process requests promptly and within five (5) business days upon court staff's date of receipt of request. If the date of the request is after the close of business or on a weekend or holiday, the next business day will be counted as the first date of receipt. In rare instances there may be a delay between when court staff receives the request of records from the PRO/ PDAS due to unforeseen circumstances.

J) Internal process

- Upon receiving a request for records in person, by fax or email from PRO/ PDAS staff will review and log the request (S drive/ Records Tracking).
- Staff will conduct a search of court records within JIS or current case management system.
- If the case records are still housed within the division, staff will process the request as indicated on the request.
- If the case is closed and off site at the Records Center, staff will request (and cc the PRO/ PDAS) specific documents within the case file or the entire case file be scanned to staff, or will request the physical file be returned to the division for processing.

- If at any time staff anticipates they will not be able to meet the 5 day deadline to process the records request, they will immediately alert the requestor and cc the PRO/ PDAS indicating a date which they anticipate the records will be made available. .
- If there are fees incurred for the records request, staff will advise the requestor of the fees and receive full payment before releasing the records.
- To process records request more efficiently, staff may be directed to send the records directly to the requestor, or directly to the PRO/ PDAS depending on the nature of the request.
- Division logs will be kept up to date and audited periodically by PRO/ PDAS.
- In the spirit of an open and transparent court, it is the expectation that all records within the court file will be provided to the requestor absent any specific document request/s.

K) Denial , Appeal, and Exemption Process

When a request is denied, the requestor will be provided with SCDC's appeal procedure by the PDAS/ PRO. When any portion of the record is redacted, the requestor will be provided with a letter of explanation and list of redaction codes by PDAS/ PRO.