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WHATCOM COUNTY PROSECUTOR ERIC RICHEY BELIEVES FORGIVENESS HAS A PLACE IN THE CRIMINAL JUSTICE SYSTEM

Bellingham, Washington, August 21, 2020 – Forgiveness has a place in the criminal justice system, especially when it comes to juveniles who are now adults and productive, contributing members of society. On August 20, 2020, a man (G.M.) asked that his 1993-96 juvenile convictions be expunged from a criminal justice agency data base. When G.M. pled guilty, the court promised him that if he did well and stayed out of trouble for a period of time, he would be able to have his criminal records vacated and sealed. G.M. did very well and is now gainfully employed mentoring youth. He paid his debt to society and after time passed, he asked the court to vacate and seal his juvenile records. The court granted his wishes and he believed he had a clean slate going forward.

G.M. continued to do well in his life but, sometime after 2015, he learned that his juvenile records had resurfaced. In 2015, the legislature passed a new law, RCW 13.50.260(8)(d), that required the Washington State Patrol to share juvenile records with law local enforcement agencies, 17 state agencies, such as the Department of Social and Health Services, Department of Health, Department of Fish and Wildlife, the Liquor Control Board, and 22 federal agencies, including the U.S. Department of Defense, U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and the Central Intelligence Agency. G.M. found his juvenile history resurfacing to not only be an embarrassment, but also an obstacle and bar to the rights that most citizens enjoy.

G.M.'s story made its way to Whatcom County Prosecuting Attorney Eric Richey and he responded quickly. Prosecutor Richey contacted Whatcom County Clerk Dave Reynolds and together they collaborated to develop a process utilizing an existing statute to expunge G.M.'s juvenile history from the data base, consistent with its status prior to the change in law. Richey and Reynolds considered the retroactive application of RCW 13.50.260(8)(d) to be a violation of due process. Whatcom County Chief Civil Deputy Prosecutor Karen Frakes agreed and developed forms and a process for G.M. and anybody in the same position to ask the court to expunge their juvenile records from the criminal justice agency databases.

Today G.M. presented his case to Judge Lee Grochmal. With the concurrence of the Whatcom County Prosecutor, the Court granted relief and expunged his records from the Washington State Identification System. Judge Grochmal praised G.M. for turning his life around and said, "these are the outcomes we want to see from Juvenile court." After the judge made her ruling, an emotional G.M. said, "It is hard to hold back tears."

“Finding a way to help G.M. achieve a deserved clean slate was very satisfying,” said Prosecutor Richey. “This was the right course to take. G.M. was told that his juvenile convictions would be treated as if they never existed and it simply wasn’t fair to go back on that promise,” said Chief Civil Deputy Frakes. G.M. is the first to have his juvenile record expunged from this database under this plan, but others have shown interest. “We are hopeful this process will address this issue and provide some relief until we have a legislative fix,” said County Clerk Reynolds. Anybody who had vacated their juvenile history prior to 2015 and would like resurfaced data expunged should contact the Whatcom County Superior Court Clerk at 360-778-5490 or email JuvenileCourt@co.whatcom.wa.us

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