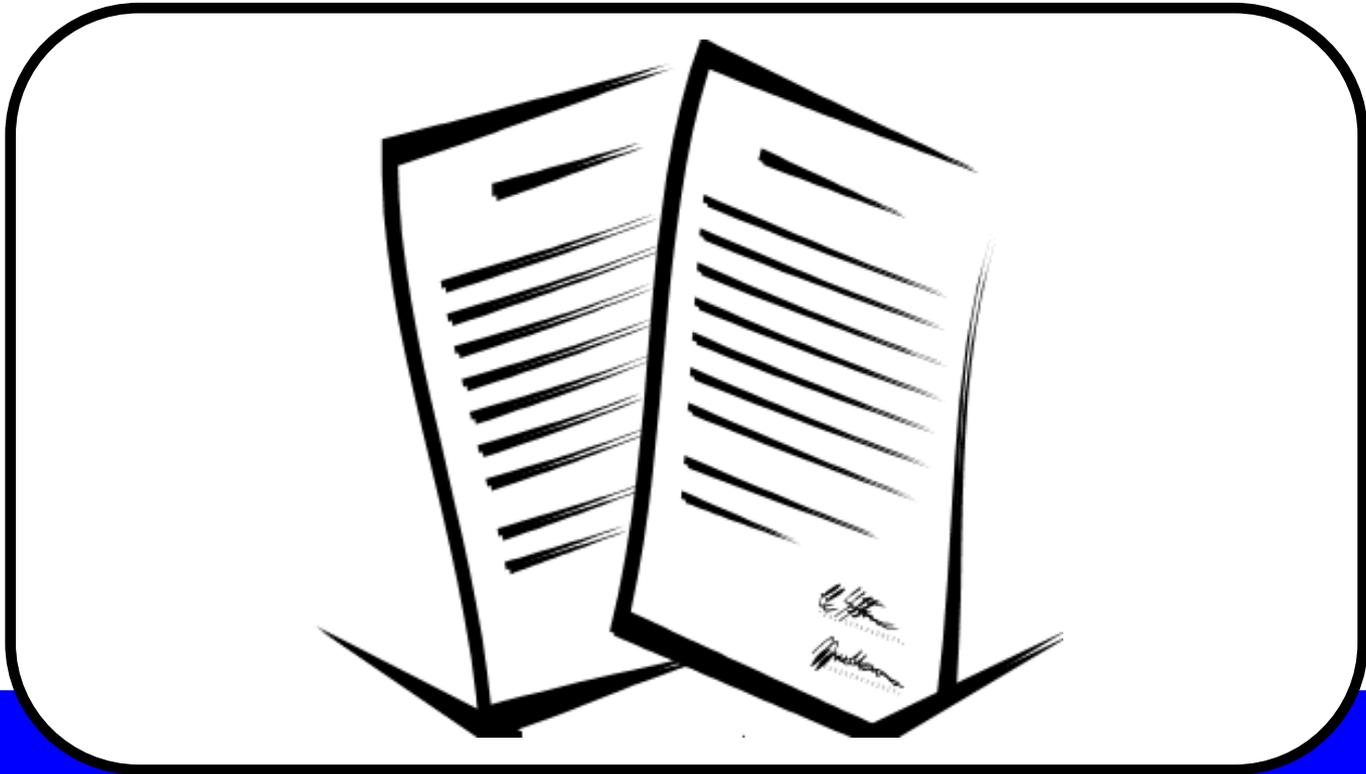


# Court Orders



*Washington State Patrol  
Identification and Criminal History Section  
March 2012*

# **What is a Court Order?**

A court order is a legal document from the court changing the final disposition or updating a criminal history record (CHR) with pertinent information.

# What is a Disposition?

- RCW 10.98.040 (4) "Disposition" means the conclusion of a criminal proceeding at any stage it occurs in the criminal justice system. Disposition includes but is not limited to temporary or permanent outcomes such as charges dropped by police, charges not filed by the prosecuting attorney, deferred prosecution, defendant absconded, charges filed by the prosecuting attorney pending court findings such as not guilty, dismissed, or guilty -- case appealed to higher court.

# What is a Criminal History Record?

- A criminal history record (CHR) contains the identifiable descriptors, notations of arrests, detentions, or other criminal charges and the associated disposition and court order information submitted by criminal justice agencies and courts to the Washington State Patrol (WSP).

# How is Criminal History Created?

- RCW 43.43.735 and .740

The law enforcement agency (LEA) is responsible for submitting the fingerprint arrest card information to WSP within 72 hours of an arrest for a felony or gross misdemeanor.

- RCW 10.98.090(2)

“It is the responsibility of the court, prosecuting attorney, or the LEA to submit the disposition to the WSP.”

## How is Criminal History Created?

- The creation of a CHR begins when the first set of retainable fingerprints is received by the WSP. All CHRs are based on fingerprints.
- Poor quality fingerprints are rejected back to the contributing agency for a new set of fingerprints. When a fingerprint card is rejected, criminal history is not added to the subject's record.

Note: The WSP does not retain civil applicant or “material witness” fingerprints.

# How is Criminal History Created?

- Each set of fingerprints is assigned a unique state identification (SID) number and all subsequent fingerprints are assigned the same SID number.
- Once the SID number is assigned the identifiable descriptors, arrest and court information is entered into the Washington State Identification System (WASIS).
- Criminal history is compiled into the Record of Arrests and Prosecutions (RAP) sheet.

# Transcript of Record Example

ARREST 3

DATE OF ARREST: 08/01/1990

NAME USED: FIESTY,FIGHTER  
CONTRIBUTING AGENCY: WA0340000 THURSTON COUNTY SHERIFF'S OFFICE  
LOCAL ID: 204777 PCN: 004503821

## ARREST OFFENSES

02000 ARSON  
RCW: 9A.48.00  
FELONY  
ORIGINATING AGENCY: WA0340000  
THURSTON COUNTY SHERIFF'S OFFICE  
OIN: 215477  
DISPO RESPONSIBILITY: WA034025J  
DATE OF OFFENSE: 08/01/1986

02614 THEFT-WELFARE 2  
RCW: 9A356.040 (1)(A)  
CLASS C FELONY  
ORIGINATING AGENCY: WA0340000  
THURSTON COUNTY SHERIFF'S OFFICE  
DISPO RESPONSIBILITY: WA034025J  
COURT CASE NO: 911001155  
DATE OF OFFENSE: 09/01/1988

## DISPOSITION

CONTRIBUTOR OR RESPONSIBLE AGENCY  
WA034025J THURSTON COUNTY  
SUPERIOR COURT  
COURT CASE NO: 911031950

STATUS: DISMISSED

CONTRIBUTOR OR RESPONSIBLE AGENCY  
WA034025J THURSTON COUNTY  
SUPERIOR COURT

STATUS: VACATED  
02614 THEFT-WELFARE 2  
RCW: 9A356.040(1)(A)  
STATUS DATE: 07/18/2001

# Example of an Arrest Offense

ARREST 3

DATE OF ARREST: 08/01/1990

NAME USED: FIESTY,FIGHTER  
CONTRIBUTING AGENCY: WA0340000 THURSTON COUNTY SHERIFF'S OFFICE  
LOCAL ID: 204777 PCN: 004503821

**Arrest header information**

## ARREST OFFENSES

02000 ARSON

**First arrest offense information**

RCW: 9A.48.00  
FELONY  
ORIGINATING AGENCY: WA0340000  
THURSTON COUNTY SHERIFF'S OFFICE  
OIN: 215477  
DISPO RESPONSIBILITY: WA034025J  
DATE OF OFFENSE: 08/01/1986

**Second arrest offense information**

02614 THEFT-WELFARE 2

RCW: 9A.56.040(1)(A)  
CLASS C FELONY  
ORIGINATING AGENCY: WA0340000  
THURSTON COUNTY SHERIFF'S OFFICE  
DISPO RESPONSIBILITY: WA034025J  
COURT CASE NO: 91101155  
DATE OF OFFENSE: 09/01/1988

# Example of a Disposition

	DISPOSITION
Agency reporting the disposition	CONTRIBUTOR OR RESPONSIBLE AGENCY:
Court case number assigned by the court	WA034025J THURSTON COUNTY SUPERIOR COURT
Status is the disposition of the case, "Guilty"	COURT CASE NO: 971001234
Offense information	STATUS: GUILTY 02502 THEFT-1
Status Date is the date of disposition	RCW: 9A.56.030 (1) CLASS C FELONY
Sentencing information, includes but is not limited to jail, fine, prison, suspended sentencing, supervision, updates, etc.	STATUS DATE: 01/30/1998
	SENTENCE: SENT. DESC. : CHG 01: PRISON-14 MOS, SUPV-1 YR, 04/01/2000 JAIL-10 DS, 01/15/2001 CERTIFICATE OF DISCHARGE, 01/14/2002 RESTORATION OF RIGHTS TO POSSESS A FIREARM 9.41.047

# What Does a Court Order Do?

- A court order changes the status of or updates the CHR.
  - Examples
    - Changes the status from “Guilty” to “Vacated”
    - Updating or adding information to a record:
      - Certificate of Discharge
      - Dismissed, etc.

# Court Order-Vacates

- Felonies may be vacated pursuant to RCW 9.94A.640.
- Gross misdemeanors and misdemeanors may be vacated pursuant to RCW 9.96.060.
- These RCWs provide...”relief from all penalties and disabilities associated with an offenders conviction.” “...For all purposes, including responding to questions on employment applications, an offender whose conviction has been vacated may state that the offender has never been convicted of that crime.”
- The status of the criminal history record is changed from “Guilty” to “Vacated”. When a record is vacated it no longer is available on a background check conducted by the public.

Note: Vacates are now accepted electronically from the court.

# Example of a Vacated Record

The "Guilty" was removed and replaced with "Vacated".

The status date has changed to reflect the date the court order was signed by the judge.

DISPOSITION  
CONTRIBUTOR OR RESPONSIBLE AGENCY:  
WA034025J THURSTON COUNTY  
SUPERIOR COURT  
COURT CASE NO: 971001234  
STATUS: VACATED  
02502 THEFT-1  
RCW: 9A.56.030(1)  
CLASS C FELONY  
STATUS DATE: 07/15/2007  
SENTENCE: SENT. DESC.:  
CHG 01: PRISON-14 MOS,  
SUPV-1 YR

# Court Order – Juvenile Seal/Destroy

- A Juvenile Seal or Destroy allows a person who meets the requirements set in RCW 13.50.050 to apply for a court order to seal or destroy their juvenile record.
  - ❑ The arrest and disposition information is deleted from the subject's CHR.
  - ❑ Per the statute, the record is treated as if it never occurred.
  - ❑ The RCW allows for specific information to be left in the record: the demographic information and the fingerprints.

# **Juvenile Deferred Disposition**

- When a juvenile receives a deferred disposition as outlined in RCW 13.40.127 their record is eligible for automatic sealing. Full compliance with the conditions must be met. The court will vacate the record and dismiss the case.
- The record is sealed within 30 days after their 18<sup>th</sup> birthday by the court and the WSP.
- The record is sealed at the state and at the FBI.
- If the juvenile has already reached the age of 18 they may petition the court for a seal or destroy under RCW 13.50.050.

## **Updates to the Record** (Certificate of Discharge)

- When a person is convicted of a felony, they lose the following civil rights: right to vote, sit on a jury, hold public office, and the right to own a firearm.
- An offender may be considered for a certificate of discharge if the offender has met certain requirements. The certificate of discharge restores the following civil rights: right to vote, sit on a jury, and hold public office, but not firearm restoration rights.
- The right to possess a firearm must be restored specifically under RCW 9.41.040(4).
- The updates are located in the sentence description or comment field on the RAP sheet with the date the court order was signed by the judge and type of update.

# Example-Court Order Update

## DISPOSITION

CONTRIBUTOR OR RESPONSIBLE AGENCY:  
WA034025J THURSTON COUNTY  
SUPERIOR COURT  
COURT CASE NO: 971001234

STATUS: GUILTY  
02502 THEFT-1  
RCW: 9A.56.030 (1)  
CLASS C FELONY  
STATUS DATE: 01/30/1998

SENTENCE: SENT. DESC.:  
CHG 01: PRISON-14 MOS,  
SUPV-1 YR, 04/01/2000  
JAIL-10 DS,

01/15/2001 CERTIFICATE  
OF DISCHARGE,  
01/14/2002 RESTORATION OF  
RIGHTS TO POSSESS A FIREARM  
9.41.040 (4)

Examples of  
updates to the  
record.

# Example-Lower Court Order Update

Example of a gross misdemeanor/misdemeanor update of dismissed: district or municipal court is satisfied the sanctions are completed, dismissed the sanctions and closed the court case. The person is still guilty of the charge. The record will continue to be disseminated to the public.

DISPOSITION  
CONTRIBUTOR OR RESPONSIBLE AGENCY:  
WA034013J THURSTON COUNTY  
DISTRICT COURT  
COURT CASE NO: CR222333

STATUS: **GUILTY**  
07644 DRIVING UNDER THE INFLUENCE  
RCW: 46.61.502  
GROSS MISDEMEANOR  
STATUS DATE: 06/30/2001

SENTENCE: SENT. DESC.:  
CHR 01: FINE-500.00,  
JAIL/SUSPENDED 90 DS,  
**09/13/2002 DISMISSED**

## **For More Assistance Contact:**

- Court website

- Online: [www.courts.wa.gov](http://www.courts.wa.gov)

- News and Info
    - Informational Brochures
      - Criminal History and Criminal Records
        - A Guide on When and How to Challenge, Seal, Vacate or Expunge

Note: Other states may also have court websites.

- Court where the court case was adjudicated.
- Contact a legal advisor.

## **WSP Contact Information**

- Mail or request the court order be sent to:  
Washington State Patrol  
Attn: Support Unit  
PO Box 42633  
Olympia WA 98504-2633
- For more information, contact the  
Criminal History Support Unit at (360)  
534-2000.