



Skagit County Prosecuting Attorney

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Skagit County Prosecuting Attorney response to Clerk's Office proposed new rule regarding access to case files upon sealing of said file.

The prosecutor's office frequently requests sealing of certain no contact orders. The prosecutor's office has the following questions/concerns:

The 48 hour limitation on accessing a copy of the NCO will likely make it difficult to get a copy of the NCO especially where an order is entered on a Friday afternoon calendar and impossible to get where Monday is a holiday. The 48 hours will run before we have opportunity to obtain the order. We need access to these orders to provide to victims and also to later prove NCO violations.

We have the ability now to see and print sealed documents in our own cases but it is unclear whether this ability will be removed by this language in the proposed rule:

- **Electronic access limitation: Once a matter is sealed, electronic access may no longer be available due to system limitations.**

Also, the statutes requires that victims receive certified copies of their NCOs but does not specify which entity is responsible. So, the PA's office does it. The Clerk will send over a certified copy of the NCO and we provide it to the victim. They often need it ASAP to provide to schools and the like to prevent the defendant from retrieving a child, or to provide to the victim's place of employment or education to protect her there. It is unclear if this new rule will change the way we have been doing things.

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