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SUPREME COURT
STATE OF WASHINGTON
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No. 96707-5

SUPREME COURT
OF THE STATE OF WASHINGTON

DONNA ZINK,

Appellant,

v.

JOHN DOE; et al.,

Respondents.

ANSWER TO PETITION FOR REVIEW

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I. IDENTITY OF RESPONDENTS

Respondents John Does P, Q, R, and S—Plaintiffs below—ask the Court to deny Donna Zink’s Petition for Review.

II. COURT OF APPEALS OPINION

On June 20, 2017, the Court of Appeals held in *John Doe P v. Thurston County*, No. 48000-0-11, 199 Wn. App. 280, 399 P.3d 1195 (2017), that unredacted Special Sex Offender Disposition Alternative (SSODA) evaluations are exempt from disclosure. This holding remained unchanged after the case was remanded to the Court of Appeals for reconsideration in light of *John Doe G v. Department of Corrections*, 190 Wn.2d 185, 410 P.3d 1156 (2018).¹

III. STATEMENT OF THE ISSUE

SSODA evaluations are exempt from public disclosure as confidential juvenile records under RCW 13.50 and Supreme Court case law, *State v. A.G.S.*, 182 Wn.2d 273, 340 P.3d 830 (2014). Because this is settled law, has Donna Zink failed to raise an issue of substantial public interest under RAP 13.4(b)?

¹ The *John Doe G v. Department of Corrections* case did not involve SSODA evaluations and thus had no impact on the Court of Appeals’ ruling on this issue.

IV. STATEMENT OF THE CASE

For purposes of this answer, Plaintiffs rely on the facts as presented in the Court of Appeals opinion, *John Doe P v. Thurston County*, No. 48000-0-11, 199 Wn. App. 280, 399 P.3d 1195 (2017), and in the Court of Appeals' unpublished opinion, No. 48000-0-11, after remand from the Washington State Supreme Court.

V. ARGUMENT

A Petition for Review will be accepted by this Court only if (1) the Court of Appeals' decision conflicts with a decision of the Supreme Court; (2) the Court of Appeals' decision conflicts with another published decision of the Court of Appeals; (3) a significant question of law under the Washington State Constitution or the United States Constitution is involved; or (4) the petition involves an issue of substantial public interest that should be determined by the Supreme Court. RAP 13.4(b).

A. The question of whether unredacted SSODA evaluations may be disclosed to the public has already been decided by the Supreme Court.

Juveniles facing a first-time conviction for certain sex offenses in Washington may seek an alternative to traditional sentencing pursuant to a SSODA. RCW 13.40.162. Unredacted SSODA evaluations are exempt from disclosure under RCW 13.50. Washington classifies records pertaining to a juvenile's criminal offense into three categories: (a) the

official juvenile court file, which includes court filings, orders, and the like; (b) the “social file,” which contains reports of the probation counselor; and (c) other miscellaneous records. RCW 13.50.010(1). While the official court file is open to the public unless sealed, RCW 13.50.050(2), the other juvenile offense records are generally confidential. RCW 13.50.050(3).

RCW 13.50 is an “other statute” that exempts confidential juvenile records from the Public Records Act (PRA). *Deer v. Dep’t of Soc. & Health Servs.*, 122 Wn. App. 84, 91, 93 P.3d 195 (2004). SSODA evaluations are not part of the court file and are therefore confidential juvenile records. *State v. A.G.S.*, 182 Wn.2d 273, 278-80, 340 P.3d 830 (2014). Because the Washington State Supreme Court has definitively decided that unredacted SSODA evaluations are exempt from disclosure under RCW 13.50, Donna Zink does not raise an issue of substantial public interest under RAP 13.4(b).

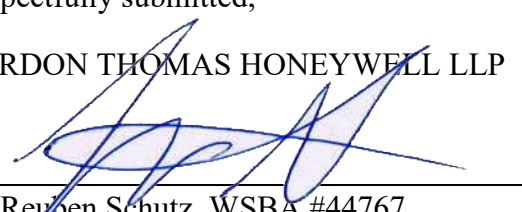
VI. CONCLUSION

The Court should deny Donna Zink’s Petition for Review pursuant to RAP 13.4(b).

Dated this 1st day of February, 2019.

Respectfully submitted,

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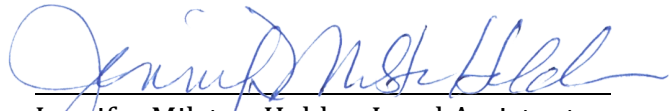
CERTIFICATE OF SERVICE

I declare under penalty of perjury of the laws of the State of

Washington as follows:

On February 1, 2019, I sent a true and correct copy of the Answer to
Petition for Review to the following parties of record, via email to the
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